

## **CHAPTER 3**

### **DISARMAMENT AS HUMANITARIAN ACTION? COMPARING NEGOTIATIONS ON ANTI-PERSONNEL MINES AND EXPLOSIVE REMNANTS OF WAR**

Rosy Cave

#### **SUMMARY**

The phrase "a new model of diplomacy" is often used to describe the dynamics between civil society and governments during the Anti-Personnel Mine Ban Convention negotiation process. This article compares the "Ottawa Process" with the negotiations on the Convention on Certain Conventional Weapons (CCW) Protocol on Explosive Remnants of War. Was the "new" diplomacy successfully replicated, or was it just a "one-off"? Even though many of the governments and non-governmental organizations (NGOs) involved in the two processes were the same, there were many differences, including the nature of the relations between NGOs and states, and the stage of development of the two NGO campaigns. The article concludes by looking at what can be learnt from these processes, particularly in light of continuing work on cluster munitions.

#### **INTRODUCTION<sup>1</sup>**

The negotiation of the Anti-Personnel Mine Ban Convention, the "Ottawa Process", arguably created a "new model of diplomacy" entailing greater cooperation between governments and non-governmental organizations (NGOs).<sup>2</sup> NGOs concerned about the humanitarian effects of cluster munitions and other explosive remnants of war (ERW) have sought to carry this style of interaction into the work of the Convention on Certain Conventional Weapons (CCW).<sup>3</sup> And, at first glance, the dynamics between civil society<sup>4</sup> and governments in the two treaty processes appear to be similar. In particular, many of the same NGOs and "like-minded"

governments are involved in both processes. However, comparison in this paper reveals that their dynamics are quite different.

The 1997 Anti-Personnel Mine Ban Convention (hereafter Mine Ban Convention) bans the use, stockpiling, production and transfer of anti-personnel mines. It also establishes a framework for action, including the obligation to destroy stockpiles of anti-personnel mines within four years, and to be mine-free within 10 years of joining the Convention. The CCW Protocol V on Explosive Remnants of War,<sup>5</sup> adopted in November 2003, is the first multilateral treaty instrument designed to deal specifically with ERW. Unlike the Mine Ban Convention, CCW Protocol V does not prohibit or restrict the use of any particular weapon. Instead, it requires parties to a conflict to take specific measures to reduce the dangers that ERW pose to civilians.

According to CCW Protocol V, ERW refer to unexploded ordnance and abandoned explosive ordnance, which include munitions such as artillery shells, grenades, mortars, rockets, air-dropped bombs and cluster submunitions.<sup>6</sup> Anti-personnel and anti-vehicle mines are not included in this definition, as states felt they were already dealt with under existing international humanitarian law, and by current discussions within the CCW on mines other than anti-personnel mines (MOTAPM).<sup>7</sup> The term "unexploded ordnance" (UXO) is still used frequently in the field to refer to munitions that have failed to function as intended, abandoned explosive ordnance and sometimes even to mines. Gradually, however, the phrase "explosive remnants of war" is becoming accepted more widely in place of UXO, along with more specific references to different types of mines.

Both the Mine Ban Convention and the ERW Protocol have their origins in the 1970s, when efforts were made to strengthen international humanitarian law with respect to certain categories of conventional weapons. Specifically, the International Committee of the Red Cross (ICRC), United Nations (UN) and some governments were prompted by the Indochina Wars and controversy generated over the use of certain weapon systems, such as napalm and cluster bombs. The ICRC organized two meetings in 1974 and 1976 and, as a result, 13 states proposed a ban on anti-personnel munitions, including landmines and cluster bombs.<sup>8</sup> This effort eventually resulted in the negotiation and adoption of the CCW in 1980, although it failed to address cluster munitions specifically.

Over the next 15 years the CCW developed restrictions on various weapons systems. But the CCW failed to secure a ban on anti-personnel mines during the negotiations to amend the CCW Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (the amended instrument became known as Amended Protocol II) during 1995 and 1996.<sup>9</sup> Following this failure, a separate process to develop an international ban on anti-personnel mines that intertwined civil society campaigning and international negotiations (sometimes referred to as the Ottawa Process) emerged.<sup>10</sup> This resulted in the Mine Ban Convention in 1997, which was negotiated outside of the normal UN multilateral disarmament framework. Despite the CCW's perceived failure to ban anti-personnel mines, the CCW process nevertheless later negotiated the ERW Protocol and adopted it in 2003.

This paper examines the dynamics between civil society and governments involved in achieving the Mine Ban Convention and the CCW ERW Protocol. International organizations, including the ICRC and UN agencies, have also played significant roles in both processes. The article begins by outlining their relationships in each process, and then compares and contrasts them. Finally, it looks at the lessons that can be learned from them in terms of the contributions of humanitarian perspectives to disarmament work.

## **CIVIL SOCIETY AND GOVERNMENT DYNAMICS DURING THE MINE BAN CONVENTION PROCESS**

The International Campaign to Ban Landmines (ICBL) arose from an increasing awareness among a number of NGOs and individuals about the need to ban anti-personnel mines. Although there had been calls for a ban on anti-personnel mines in the 1970s, it was not until the late 1980s and early 1990s that NGOs and civil society started to mobilize politically around a global ban. During this period, the anti-personnel mine problem worsened, despite the existence of the original CCW Protocol II, adopted in 1980. Anti-personnel mines were being laid faster than they were being cleared. Moreover, the end of the Cold War revealed uncontrolled use of anti-personnel mines in internal conflicts, which Protocol II did not cover.<sup>11</sup> It was becoming clear that anti-personnel mines were killing many civilians both during and after conflict. Stemming from these concerns, the ICBL was formally launched in October 1992 by its founding organizations:

Handicap International, Human Rights Watch, Medico International, Mines Advisory Group, Physicians for Human Rights, and Vietnam Veterans of America Foundation.

The ICBL worked on early ratification of Protocol II and an export moratorium on anti-personnel mines. It focused on domestic campaigning and awareness-raising with NGOs, and on encouraging national campaigns to share information on their strategies and activities. International organizations, such as the UN High Commissioner for Refugees and the ICRC were, by then, also calling for a ban. The latter organized the first comprehensive meeting on the landmine issue, which brought together military experts, humanitarian organizations and war surgeons, in 1993.<sup>12</sup>

The United States was the first country to announce a moratorium on the export of anti-personnel mines in 1992 as a result of the initiative of Senator Patrick Leahy and Congressman Lane Evans, working closely with American NGOs.<sup>13</sup> More than a dozen other countries soon followed. Leahy wrote to Handicap International France encouraging them to continue pressing the French government to call for a CCW review conference in order to amend Protocol II.<sup>14</sup> Handicap International France's work, along with other civil society efforts, contributed to the announcement on 11 February 1993 by France that it would request a CCW review conference. The forty-eighth session of the UN General Assembly in December 1993 consequently adopted a resolution calling for a review conference of the CCW.<sup>15</sup>

In March 1995, Belgium became the first government to unilaterally ban the use, production, trade and stockpiling of anti-personnel mines stemming from an initiative by two parliamentarians.<sup>16</sup> Views differ about the extent to which NGOs played a role in this policy change. However, it is clear that Handicap International Belgium was instrumental in making parliamentarians aware of, and act on, the issue. Norway imposed a similar ban in June of the same year.

The CCW Review Conference took place in Vienna during September 1995. However, it adjourned without an agreement on amending Protocol II. Instead, a meeting on technical matters was scheduled for January 1996, and the Review Conference reconvened in May 1996 to continue work. During the sessions of the Review Conference, ICBL members demonstrated increasing confidence and expertise in lobbying government

delegates, especially outside the meeting room. While this—in the short-run—sometimes created friction, it generally served to strengthen the relationship between NGOs and governments, besides further establishing the ICBL's credibility on the anti-personnel mine problem. The ICBL became a focal point for interaction between governments and many NGOs that continues to this day, as Mary Wareham discusses in more detail in her paper in this volume.

As it became clearer that the CCW negotiation on the amended Protocol II would fail to achieve a comprehensive ban on anti-personnel mines, outside momentum to ban these weapons continued to gather pace. Growing government–civil society interaction developed in this context paved the way for open cooperation between the ICBL and pro-ban governments during the Ottawa Process.<sup>17</sup> This collaboration was a two-way street, with governments holding meetings to which the ICBL was invited and vice versa.<sup>18</sup>

Following the first NGO–government meeting, organized by the Dutch campaign and held in Geneva on 17 January 1996, Robert Lawson, a senior policy adviser in the Canadian government's Mine Action Unit, proposed to his new foreign minister, Lloyd Axworthy, that Canada seize the initiative on this issue. Axworthy agreed. Consequently, Canada hosted a government meeting on how to advance a ban agenda in Ottawa in October 1996. Fifty governments, 24 observer states, the ICBL, UN agencies and the ICRC attended. On the last day of the Ottawa meeting, Axworthy invited participants to return in December 1997 in order to sign a treaty. He also said that Canada would work in open partnership with the ICBL because the ICBL was “largely responsible for our being here today. The same effective arguments [the ICBL] use to get us here must now be put to work to get foreign ministers here [in Ottawa] to sign the treaty”.<sup>19</sup>

During 1997, more countries joined the pro-ban movement, including heavyweights France and the United Kingdom, both permanent members of the UN Security Council. However, negotiations came down to the wire at the meeting in Oslo in September 1997: should there be a total ban on anti-personnel mines, or should the new treaty accommodate states not ready for a total ban? A small but influential number of countries, including Australia, Japan and the United States, wanted changes made to the text that would have introduced significant loopholes to a global prohibition.<sup>20</sup> But the core group of states in favour of a total ban remained committed,

ensuring the United States could not get enough support for its proposed changes. It withdrew its proposals at the last minute, and the text was adopted on 18 September 1997.

In December 1997, the Mine Ban Convention was signed by 122 states at a ceremony in Ottawa. Earlier that year, the ICBL and Jody Williams, its coordinator, were awarded the Nobel Peace Prize. The award recognized a “new model of diplomacy” to which the ICBL had contributed. The Nobel Committee said the work of Williams and the ICBL had “started a process which in the space of a few years changed a ban on anti-personnel mines from a vision to a feasible reality”.<sup>21</sup>

The treaty entered into force on 1 March 1999 after 40 ratifications had been deposited. States, NGOs and international organizations continue to work together to address the problems of anti-personnel mines (although, of course, they are not always in agreement). At the First Review Conference in Nairobi, from 29 November to 3 December 2004, the President of the Nairobi Summit, Ambassador Wolfgang Petritsch of Austria, declared that “the role of the public conscience remains as important as ever in that civil society around the world must hold States true to the commitments that they have made through the Nairobi Declaration”.<sup>22</sup>

### **CIVIL SOCIETY AND GOVERNMENT DYNAMICS DURING THE CCW ERW PROCESS**

There is far less documentation available about the relationship between NGOs and governments during the CCW ERW process, as compared to the body of literature on the Mine Ban Convention and the Ottawa Process. This is due to a combination of factors. First, it has only been a few years since the ERW Protocol was agreed to (although, arguably, articles on the Ottawa Process had begun to emerge within a similar time period). Secondly, Protocol V is not generally regarded as the great global achievement that the Mine Ban Convention was (even by the Protocol’s drafters), so there appears to be less interest in analysing and commenting on it, especially as it has not entered into force internationally. It has also been suggested that the relationship between NGOs and “like-minded” governments is one that is now taken for granted since the Ottawa Process. Consequently, it is not as remarkable in its dynamics or as interesting to document.<sup>23</sup>

Although diplomatic discussions in the international humanitarian law context about explosive remnants of war appeared to emerge in the late 1990s, the debate on cluster munitions—one element of ERW—actually began in the 1970s, as noted earlier. Attention then had focused on the wide area effects of cluster munitions when used. In 1983, the UN General Assembly endorsed the recommendations of a report by the UN Environment Programme (UNEP) on explosive remnants of conventional war.<sup>24</sup> The recommendations of this report were notable for proposing that “high explosives should be designed to have built-in mechanisms that render the munitions harmless in due course” and that responsibility for damage and compensation were important issues.<sup>25</sup> However, it did not lead to new international humanitarian law on ERW.

In 1994, the ICRC organized an expert meeting on certain weapon systems and on implementation mechanisms in international law, which also addressed the issue of cluster munitions. An informal Australian paper, presented at the meeting, highlighted the post-conflict problems caused by UXO and cluster munitions in particular.<sup>26</sup> But it was not until greater collaboration between the ICRC and a number of NGOs had developed that governments became more proactive in addressing the humanitarian consequences of cluster munitions and other ERW.

Catalysts for this mobilization were the use of cluster munitions in Kosovo and a growing awareness of the humanitarian impact of ERW. In Kosovo, cluster munitions and other explosive remnants of war had a greater impact on civilians than expected. And, although the mines were cleared quickly, a large amount of unexploded ordnance (including cluster submunitions) remained, which could continue to inflict death or injury.<sup>27</sup> More generally, explosive remnants of war became an increasingly important issue for those working in conflict and post-conflict situations, as it became apparent that the ERW problem was greater than previously thought in places such as Sudan, Iraq and Afghanistan.<sup>28</sup> Indeed, in some contexts it has become apparent that ERW is a greater humanitarian problem than landmines.

Gradually, momentum for action among NGOs began to build. Some of the more influential NGOs active in the Mine Ban Convention called for a moratorium on the use of cluster munitions.<sup>29</sup> NGOs also published reports on their impact—along with other explosive remnants of war—as did the ICRC.<sup>30</sup> In 2000, the ICRC hosted a meeting on explosive remnants

of war in Nyon, Switzerland, attended by governmental and other experts. The goal was to include a comprehensive discussion of explosive remnants of war at the Second Review Conference of the CCW, to be held in Geneva in late 2001.<sup>31</sup> This combination of field-based evidence and political campaigning and lobbying successfully fed into the CCW framework. At the December 2000 Preparatory Committee meeting for the 2001 Review Conference, the Netherlands, supported by 24 other co-sponsoring states, proposed that the CCW Second Review Conference address the issue of explosive remnants of war.<sup>32</sup>

At the CCW Second Review Conference in December 2001, a mandate was adopted to discuss “ways and means to address” ERW, along with a separate mandate to look at MOTAPM (a euphemism inherited from the Amended Protocol II negotiations).<sup>33</sup> A year later, after further talks with government experts, CCW delegates agreed to negotiate an instrument on “post-conflict remedial measures of a generic nature which would reduce the risks of ERW”. Moreover, they agreed to “explore and determine whether these negotiations could successfully address preventive generic measures for improving the reliability of munitions”, such as voluntary best practices concerning the management of manufacturing, quality control, handling and storage of munitions.<sup>34</sup>

Meanwhile, from 2001 to 2003, two NGOs (Landmine Action and Mines Action Canada) worked together, with input from the ICRC, to raise awareness about ERW among other campaigners on the margins of landmine meetings. National campaigns were also launched, such as the “Clear Up!” campaign in the United Kingdom—a joint campaign by Landmine Action and the Diana, Princess of Wales Memorial Fund—as well as a global petition calling for action on cluster munitions and other explosive remnants of war.

As more NGOs became involved in the issue, they agreed to form a loose coalition in April 2003. The Cluster Munition Coalition (CMC) was formally launched in November that year at a meeting in The Hague hosted by Pax Christi Netherlands and funded by the Dutch government. This meeting, as well as a conference in Dublin organized earlier in 2003 on explosive remnants of war and development by Pax Christi Ireland (and financed by the Irish government) were the first explicit signs of government and NGO interaction on the issue.<sup>35</sup>

However, behind the scenes work between states and NGOs had been emerging for some time. In addition to the ongoing contacts between diplomats and NGOs at, and on the margins of, the CCW meetings and Mine Ban Convention intersessional meetings in Geneva, the Dutch government began quietly organizing annual meetings in Garderen, in the Netherlands, for a selected group of NGO and state representatives. States were also invited to informal meetings organized by NGOs, including Human Rights Watch, Landmine Action and Mines Action Canada. Some of the states attending these meetings could not really be described as “like-minded”—it is truer to say that they were states keen to find out more about NGO positions, what they were calling for, and what action they proposed to take.<sup>36</sup>

In November 2003, after two years of official work, Protocol V was adopted. The input of field-based research by NGOs, the ICRC and the UN had been of definite value in educating states on ERW. But individuals played important roles that were at least as significant. Effective, but low-key, chairing by Australia in the 2001 Review Conference emphasized the need for success within the CCW to maintain that treaty’s credibility—much needed after the Amended Protocol II negotiations. Ambassador Les Luck of Australia and, later, Ambassador Rakesh Sood of India played vital roles in ensuring goodwill among states in order to achieve a plausible outcome on explosive remnants of war.<sup>37</sup> Ambassador Chris Sanders of the Netherlands, the CCW ERW coordinator, also successfully brought together diverging state positions in order to secure a protocol that would be relevant. The Protocol was seen as an important addition to international humanitarian law and its efforts to reduce the death, injury and suffering caused by unexploded and abandoned ordnance.

Nevertheless, many NGOs (and more than a few states) felt the new instrument contained a number of weaknesses. For instance, CCW Protocol V does not oblige states to deal with areas that are currently affected by ERW, and applies solely to future conflicts. Only the post-conflict measures of the Protocol are legally binding, and many of the obligations have qualifying language that could serve to weaken compliance. Because the preventive measures are voluntary, there is no obligation to adhere to these minimum standards. Not least among its problems, the Protocol has yet to enter into force.

Moreover, the Protocol is not a comprehensive response to the problems caused by cluster munitions—despite the fact that their high failure rate and certain environmental conditions can produce large quantities of ERW—and their use in areas of civilian concentration can cause high casualties at the time of deployment.<sup>38</sup> At present, there is no agreement within the CCW Group of Governmental Experts on ERW on the need for specific regulations on cluster munitions, and reaching this seems distant. Instead, the main focus of CCW work is on MOTAPM, and political will to address the problems caused by cluster munitions is lacking. For many states, the military utility of cluster munitions apparently continues to outweigh their humanitarian impact to the point that they seem unwilling even to engage.

## **SIMILARITIES AND DIFFERENCES**

Although similar at first glance, interaction between governments and NGOs is, in fact, rather different in the Mine Ban Convention and CCW contexts. This section explores these similarities and differences, and discusses why this is so.

### **NATIONAL INTERESTS VERSUS A COMMON GOAL**

First, the processes by which these two instruments came about were very different. Although both emerged from humanitarian concerns expressed at the multilateral level, the Mine Ban Convention was secured outside the usual UN multilateral disarmament framework while Protocol V was achieved within the CCW. The Ottawa Process was initiated by a few pro-ban states and supported by the ICBL. The negotiations were self-contained and free-standing, and the main participants self-selecting. The nature of the Ottawa Process has been likened to a business model that was applied to a humanitarian problem.<sup>39</sup> For example, a date was set by which a treaty had to be agreed, something that traditional multilateral negotiation processes do not do, at least until their final phases are about to commence.

Protocol V was negotiated within a clearly defined multilateral UN process in which states—particularly major military powers, such as the United States, China, India, Pakistan and the Russian Federation—played dominant roles, even though the ERW issue was mainly couched in terms of humanitarian concerns by governments and NGOs alike. This

humanitarian emphasis followed the example set by the Ottawa Process, which had focused principally on the detrimental humanitarian impact of anti-personnel mines. However, the humanitarian discourse helped to cloak the reality that the CCW work on ERW was only dealing with post-conflict problems that were relatively uncontroversial. The CCW self-selects the issues it deals with and, therefore, decides when (if ever) the time is right for negotiations and new instruments of international humanitarian law. In theory, the CCW is based on the principle of finding consensus on a balance between military utility and humanitarian concerns. In practice, military concerns tend to trump humanitarian ones—and ERW negotiations were no different.

Operating on the basis of consensus often also means that broader national interests are often brought into play during negotiations: governments may not take a certain position based solely on the issue at hand, but see linkages with other concerns. Consequently, “lowest common denominator” outcomes were likely on ERW simply because of the way the negotiations played out in such an environment. Without the incredible public pressure harnessed by the ICBL on the anti-personnel mine issue, there were always serious constraints in the CCW on the capacity of NGOs and predominantly small- and medium-sized governments concerned about ERW to affect its outcomes.

By contrast, the clear need for action to ban anti-personnel mines, and the public profile of the issue leading up to 1997 led to this “business as usual” being circumvented by “a process of the willing and the almost-willing which put everybody (almost) on the same side... all the positive actors were able to support each other”.<sup>40</sup> States, NGOs and international organizations worked toward one common goal during the Ottawa Process rather than being adversaries (although not all states present during the negotiations had this aim in mind).

Another startling difference is the legal status of the two instruments compared in this paper. The Mine Ban Convention entered into force in 1999, with 122 states parties. Today, it is viewed as a highly successful treaty with over three-quarters of the world’s nations party to it. The ERW Protocol, in comparison, has not yet entered into force and, so far, only 16 states have ratified it more than two years after it was adopted.<sup>41</sup> Part of the Mine Ban Convention’s appeal to governments and NGOs was the prospect of its visible and unambiguous partnership between donor and mine-

affected states. By contrast, with its historical bias in membership toward developed countries and unambitious provisions for assistance to states affected by ERW, it is difficult not to conclude that Protocol V is of less interest to many countries.

### **MILITARY CAPABILITY**

In neither process, arguably, did prohibitions or restrictions impinge significantly on national military capability, although many militaries objected to the prospect of a ban on anti-personnel mines when it was raised in the 1990s. Anti-personnel mines, “even from the perspective of those who most ardently defend their continued possession, are not weapons of central importance from a military security perspective.”<sup>42</sup> The ICBL expertly and successfully advocated the perspective that the detrimental humanitarian impact of anti-personnel mines far outweighed their military utility. This was accepted by many because of the use of informed voices from the field—such as medical staff, mine victims, and former military personnel who had become deminers—that added moral authority to the ICBL’s position and credibility to its arguments.<sup>43</sup>

National militaries were not threatened with the prospect of losing any military capability during the ERW process. Nor were prohibitions, or even explicit restrictions, put on the table for specific weapon systems. This helped in terms of acceptance: Protocol V was drafted and agreed in a relatively short space of time within the CCW. The main concerns of many governments seemed to be the financial costs of adhering to the Protocol—particularly in providing assistance—and with ensuring there was enough legal “wiggle room” for its national interpretation. Indeed, Protocol V is peppered with phrases such as “where feasible” and “where possible”.

While agreement on the post-conflict generic measures on ERW was the easiest part of the CCW’s work programme, cluster munitions and MOTAPM have proved to be tougher issues on which to reach consensus among states. Some governments, especially those deploying these types of weapons, perceive the risks of regulation or prohibition more acutely from military perspectives. In other words, unlike anti-personnel mines, the military utility of these weapons is more readily and widely recognized, and the debate within the inter-agency processes of national governments more nuanced. In the absence of a lot of public pressure on these authorities at home, NGOs in the CCW context have been far less successful in translating

their humanitarian concerns into leverage at the diplomatic level—even with those states with whom they have become accustomed to cooperating with closely in other contexts, such as the Mine Ban Convention.

### **A NEW MODEL OF DIPLOMACY**

The “new model of diplomacy” developed during the Ottawa Process has become more acceptable to governments, many of whom recognize the benefits of such partnership on a humanitarian issue since the entry into force of the Mine Ban Convention.<sup>44</sup> Others have also sought to imitate it, for example on small arms and light weapons. This apparent real life application of a “new diplomacy” in the post-Cold War era seemed to be proof of the validity of framing security in terms of the security of individuals and communities—“human security” as opposed to national security.<sup>45</sup> However, the rise in prominence of global terrorism has changed the context and relative priorities of multilateral decision-making. Since the attacks of 11 September 2001, there has been a discernible swing back toward national security and defence positions by many governments. In such conditions, it is often unclear where human security approaches fit with geopolitical realities, although a growing number of (mainly northern) governments claim to have incorporated human security into their national foreign policy strategies, as shown by initiatives such as the Human Security Network.<sup>46</sup>

Moreover, there are signs among some national policy makers that, despite its success so far, they view the Mine Ban Convention and its innovative civil society–government partnership as a one-off success. There are doubts that development of a disarmament norm can be carried out in so open and inclusive a manner again because difficult issues of sovereignty arise: NGOs are not accountable in the way governments are, nor are they necessarily competent where certain national security-related issues are concerned.<sup>47</sup> Indeed, some states are unimpressed by the roles NGOs have played in the mine ban and ERW processes, regarding their positions as absolutist and unhelpful in reaching agreement, and even creating hostility that may make longer-term cooperation harder.

Many states were also surprised by the impact of the ICBL and by the extent of the growth of global public awareness of the problem. The success of the anti-personnel mine campaign and the willingness of some governments to work so closely with them was, for some, perhaps also

unwelcome. Others noted carefully the criticism Canada received for its role at the vanguard of the mine ban process, as well as the large amount of work that was involved. This may well have deterred other countries from taking the lead on the cluster munition issue, at least until there is political will at the national level to sustain such resource-intensive engagement, and a clearer sense of the way forward in curbing civilian deaths from these weapons.

Nevertheless, many governments now pay greater attention to the work of NGOs—and civil society more generally—in the sphere of disarmament than they did prior to the Ottawa Process. Although this may be interpreted as a good thing, with states listening to NGOs more attentively, it also means they are less likely to be taken by surprise again on an issue, choosing to lead rather than be pressured into leading. However, governments' desire to retain the lead on weapons-related issues has not led to more ambition. In the CCW context, there has been a determined effort by governments to keep explosive remnants of war, particularly cluster munitions, within the procedural constraints of the CCW process, even if this is at the cost of substantive progress beyond post-conflict generic measures on ERW.

Ultimately, the responsibility for implementing these instruments of international humanitarian law lies with states. State sovereignty has not been diffused in any way through this civil society–government partnership. In fact, the Mine Ban Convention reinforces the role of the state by calling attention to the obligation of states to destroy their stockpiles of anti-personnel mines, clear all mine-affected areas and provide victim assistance, among other responsibilities. It remains true that, regardless of any new model of diplomacy, states will only agree to the new treaties that they are willing to implement.<sup>48</sup>

#### **NGO PARTNERSHIPS WITH SMALL AND MEDIUM-SIZED STATES**

Partnership between NGOs and small- and medium-sized states initially appears to be an obvious similarity between the Mine Ban Convention and CCW ERW processes, especially because many of the key actors (both individuals and entities) have been the same. Logically enough, NGOs such as Human Rights Watch and Handicap International have sought to carry over the techniques and lessons that have worked so successfully for them in the Mine Ban Convention context. On the part of

governments, many of those that appear most concerned about cluster munitions were among the core group of governments involved in the Ottawa Process, such as Belgium, Canada and Norway.

However, the reality is rather different. As discussed above, the Ottawa Process was groundbreaking in its new (or “reformed”) method of collaboration between governments and NGOs—and, along with it, new pressures and risks for states. While the Ottawa Process contributed to acceptance by CCW states parties that NGOs should have access as observers to many of their meetings because of the field-based humanitarian perspectives NGOs could add, some major military powers are highly sensitive to any hint that there might be another “Ottawa Process” emerging, this time on cluster munitions. Progressive states on cluster munition-related issues perceive (probably rightly) that there would be political costs to be borne by coming out of the closet. These costs are only likely to be acceptable to them if the case for dealing with cluster munitions, and the supporting campaign among governments and civil society, is ripe and robust enough to alleviate these and so prevent isolation and humiliating failure. This requisite confidence does not yet appear to exist.

The balance of power between NGOs and governments was also quite different during the two processes. The ICBL appears to have had greater moral authority on the anti-personnel mine issue than NGOs have managed to secure to date on cluster munitions and other explosive remnants of war. This perceived authority enabled it to play a far more open and active role during the Ottawa Process compared to that of NGOs during the ERW Protocol negotiations. States allowed the ICBL to actively contribute to drafting the Mine Ban Convention text. NGO input into drafting Protocol V, as far as it went, was usually offered unofficially to governments on the margins (in particular, to the Netherlands, as coordinator on ERW negotiations) and to the ICRC, which had a special status because of its role as guardian of international humanitarian law. Although NGOs have provided useful information from the field in the ERW context that governments have used to support their own positions, this has not matched the Ottawa Process. In part, this is because of the nature of the problem. For instance, ERW data from the field—even where it exists—is often not disaggregated from mine incident data, and so the precise nature of its humanitarian effects can be more difficult to discern.

### **SIMILAR NGO NETWORKS CREATED**

The ICBL's network of member organizations around the world mobilized to campaign and advocate at the national, regional and global levels. They targeted government representatives, parliamentarians and military officials to explain the ICBL's proposals and positions. This gave the campaign an effective global outreach. There was significant coordination between the ICBL, ICRC and UN agencies in their advocacy work. Each actor pursued its dialogue separately with governments, while the exchange of information between them made the work of these organizations mutually reinforcing.

Nevertheless, it was not all plain sailing. To begin with, the ICBL was made up of Western-based organizations with similar values, interests and political cultures. But as the campaign grew to include over 1,000 NGOs, differences began to emerge. There were personal disagreements, as well as divergences, over campaign strategies.<sup>49</sup> Similar problems have emerged within collective NGO work on cluster munitions and other explosive remnants of war, including whether the CMC should focus exclusively on cluster munitions or also include post-conflict ERW concerns.

The CMC imitates the ICBL's basic structure with a campaign coordinator and a steering committee of selected member organizations to oversee progress, but no central office or permanent secretariat.<sup>50</sup> As with the ICBL, the CMC consists of organizations from a variety of sectors, limited not just to the disarmament community, but including also mine clearance, victim assistance, human rights, development, as well as groups of physicians and religious organizations. NGOs working on explosive remnants of war have tended to emulate the ICBL's methods of campaigning, advocacy and raising awareness. For example, NGOs engaged in both issues, such as Landmine Action, recognized early on during formal CCW work on ERW that reliable independent research would be an important aid to advocacy, as were the reports produced during the Ottawa Process.<sup>51</sup> Member organizations of both the ICBL and CMC have worked within disarmament negotiations, and have also created awareness and support outside this specific community, recognizing as well the value and importance of engaging with the general public.

However, when ERW was first put on the CCW agenda, NGOs were not even formed into a loose coalition—they were just a group of interested

organizations and individuals who met when they could around other meetings. This was in stark contrast to the ICBL, which was well established when the Mine Ban Convention was negotiated.<sup>52</sup> The ICBL was a network of organizations that had been developing and consolidating over a number of years—a point that is often forgotten when comparing the two campaigns. This crucial difference in the development stage of these transnational civil society networks makes it unsurprising that NGO work on explosive remnants of war is much less mature.

### **LIMITED NGO ENGAGEMENT ON ERW**

Another reason why civil society-government dynamics differed between these two processes was the limited degree of NGO engagement on ERW. The ICBL represented and harnessed the energies of hundreds of member organizations when the treaty was being negotiated, compared to only a handful of NGOs that actively participated in the ERW negotiations.

During the Ottawa Process, face-to-face contact between representatives of the ICBL and states cemented the trust being built between governments and NGOs. The ICBL also had direct links to capitals and to civil society support in many countries, which enabled it to lobby national government officials as effectively, and sometimes more quickly, than the embassies of core group countries.<sup>53</sup> Although NGOs have been allowed to participate in CCW sessions rather than wait in the corridors, as the ICBL and other NGOs did during the Amended Protocol II negotiations in 1995 and 1996, NGOs engaged with the ERW process have not, as yet, coordinated to the same extent.

Although significant efforts to raise awareness about explosive remnants of war were undertaken by some NGOs in a few countries during the ERW negotiations, ERW was not a “sexy” issue picked up internationally by NGOs and the general public. There was no Jody Williams or Diana, Princess of Wales, to raise the issue’s profile. Interest was generated by media coverage and the work of some NGOs (even though this was not sustained) around the use of cluster munitions by Allied Forces in Kosovo in 1999, Afghanistan in 2001 and Iraq in 2003. Although activities at the national level, such as Landmine Action’s “Clear Up!” campaign, demonstrated the feasibility of communicating ERW issues to domestic publics, NGOs have not yet launched a global media campaign of the same magnitude and effectiveness as the one by ICBL on anti-personnel mines.

The nuanced and somewhat complicated call on dealing with cluster munitions and other ERW that some NGOs were using, and that the CMC has since adopted, has not captured the general public's interest sufficiently.<sup>54</sup> Conversely, the ICBL's message was clear and simple from the beginning—ban anti-personnel mines now! The relative absence of public pressure hardly forced national political leaders to take much notice of the ERW process, especially because of the comparatively uncontroversial nature of the post-conflict measures (such as better information exchange) being negotiated in Geneva. Nevertheless, as in the mine ban campaign, there were government representatives sympathetically inclined toward achieving Protocol V, and the contribution of NGOs in convincing their capitals to lend enough momentum to the completion of the legal instrument was important.<sup>55</sup>

The lesser degree of NGO participation in the ERW negotiations stemmed partly from a disinterest in a protocol that dealt only with post-conflict measures—a protocol that appeared to fill a “gap” in existing international humanitarian law to cover what was already happening to a degree in practice—and arguably, from an apparent lack of donor interest in funding ERW-related work. NGOs had originally pushed for a broader mandate that would tackle issues pertinent to the CCW's ERW mandate, such as cluster munitions. But the mandate for work agreed on at the CCW Meeting of States Parties in December 2002 separated the issue into two: post-conflict measures, which would be negotiated immediately; and weapon-specific preventive measures, which would only be discussed—possibly deterring NGOs that would have been interested in working on cluster munitions from becoming involved in a less ambitious exercise.

For NGOs to have a notable impact on the continued work of the CCW, for instance to address the humanitarian effects of cluster munitions and MOTAPM, it is not enough for more NGOs to be involved. NGOs must work harder to commit themselves to collaboration, for instance, in lobbying in national capitals. Even then, it should not be just the usual suspects among NGOs, some of whom have become over-exposed in the CCW. As one person interviewed put it: NGOs need to become “a player” in this game in a broader sense than the limited range of “northern” NGOs currently attending.<sup>56</sup> Fundamentally, however, the NGO community needs to define clearly which aspects of the issue they wish to deal with in order to develop strategies and collaborative relationships with

governments for dealing with them, rather than being channelled by the CCW process.

## **CONCLUSION**

It is obvious that civil society and government dynamics in the negotiation of the Mine Ban Convention and CCW Protocol on ERW were not the same. Governments ultimately decide what and how new international humanitarian law is created. NGOs can play important roles in influencing them: the ICBL illustrated how this can be effective.

Yet there are pertinent lessons for both governments and NGOs from the contrasting processes discussed in this paper. One lesson is that simply replicating or following a model that has been successful in the past does not guarantee success the next time around. The ERW issue and its political and diplomatic context (the CCW) were, and are, quite different to that of anti-personnel mines, despite some common faces and shared vocabulary. Therefore, tried tactics are not necessarily true tactics. By the time the Second Review Conference of the CCW agreed to its final document in December 2001, the global political and diplomatic climate looked quite different to the optimistic sense shared by many, even in 1997, about the relevance of humanitarian action to addressing problems of armed conflict. NGOs cannot expect simply to recreate a structure that served them well in one campaign and expect it to succeed without new ideas and approaches being incorporated.

If addressing or preventing the humanitarian consequences of cluster munitions on civilians is to receive the attention it deserves, NGOs (and interested governments) need to move away from what worked in the banning of anti-personnel mines and consider, instead, how they should adapt their approaches to succeed in meeting this different challenge. Gradually, the CMC is gaining in strength and credibility. But transnational civil society networks, such as the ICBL and the CMC, can only succeed if their constituent parts are thoughtful and committed and can communicate humanitarian concerns convincingly to ordinary people. This is perhaps less straightforward for ERW and cluster munitions than it was for anti-personnel mines, though the inroads that the modest efforts of NGOs have already made suggest that it is not impossible.

By basing their actions on their experiences of the Ottawa Process, governments also risk missing new opportunities or configurations for meaningful cooperation to enhance their security and reduce the vulnerability of civilians to hazards of war that should be avoidable. To grasp these opportunities, it is becoming increasingly apparent that in an interconnected world a broader view of security than the traditional international security paradigm is needed. If there is one feature of the Ottawa Process that is universal, it is that the security of the individual human being is relevant and important as a goal, alongside traditional and more limited concepts of national security that governments are perhaps more comfortable with.

NGOs have a useful and important role to play in arms control and disarmament negotiations, even if it is governments who have the final say and are responsible for implementation and compliance. The civil society–government partnerships examined here demonstrate that there is value in these strategic relationships, and that progress can be achieved. However, civil society still needs to provoke and challenge states—as well as raise awareness among electorates—on issues that governments may otherwise not mention, using all of the appropriate tools available, such as the media.

Individuals played a significant role in achieving both the Mine Ban Convention and the CCW Protocol on ERW. Politicians, diplomats, former military personnel and NGO campaigners were instrumental in promoting action on the anti-personnel mine issue outside of the normal disarmament framework, once it was clear that the framework was ineffective. Individuals were also key in achieving Protocol V, particularly within a short timeframe. The part played by these individuals in both processes was needed, along with the NGO-government dynamics, to secure the treaty instruments.

It is literally true that the next war will not be the same as the last one. One reason why the campaign against anti-personnel mines was so compelling in the 1990s was because a global humanitarian crisis of epidemic proportions had unfolded. That explosive remnants of war, among them cluster munitions, do not yet appear to be of such calamitous proportions should not make us complacent. While Western military forces deploy some elaborate (and expensive) models of cluster weapons, they are not, in principle, exclusively high-tech. If unchecked, cluster weapons—especially ground-launched systems—will only spread, eventually even to non-state actors. The signs are there that this proliferation is already

underway. A window of opportunity exists for the international community to prevent yet another self-inflicted humanitarian crisis 10 or 20 years down the line. But the window is closing. Meanwhile, beyond the generic post-conflict measures of Protocol V, cluster munition issues continue to go unresolved in the CCW, with little progress in sight.

The Third CCW Review Conference in November 2006 is one strategic opportunity on which civil society actors and governments should focus attention and energy. NGOs need to seize the opportunity this meeting provides to work on influencing the positions of states parties in the lead-up to the meeting at the national, regional and international levels. At present, for example, it is by no means assured that cluster munitions will be even discussed after the review meeting. Although some NGOs think this omission from the CCW's work would encourage a parallel international process on cluster munitions, there is a real danger that the topic will disappear altogether, as it did during the 1980s. Correspondingly, it is imperative that—if cluster munitions are to be included—work be substantive, and not simply a holding pattern for another five years.

## Notes

- <sup>1</sup> My thanks go to all those who shared their thoughts with me on the dynamics of the two processes, including David Atwood, Martin Barber, Annette Bjørseth, John Borrie, Paul Hannon, Mark Hiznay, Richard Kidd, Alexander Kmentt, Steffen Kongstad, Lou Maresca, Christian Ruge, Shannon Smith, Susan B. Walker and Virgil Wiebe.
- <sup>2</sup> The full title is the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997). It is also known as the Ottawa Treaty or Ottawa Convention. According to the Mine Ban Convention, an anti-personnel mine is “a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped” (Article 2, paragraph 1).

- <sup>3</sup> The full title is the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects (1980).
- <sup>4</sup> Civil society refers both to the NGOs actively engaged in issues such as landmines and ERW, and the general public, who can apply separate pressure on governments, often in support of NGO activities. However, in this instance, civil society is mostly used to refer to NGOs. Where it applies to the general public as well, this is indicated.
- <sup>5</sup> Also known as Protocol V.
- <sup>6</sup> Unexploded ordnance is “explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so”. Abandoned explosive ordnance is “explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use”. Explosive ordnance consists of “conventional munitions containing explosives, with the exception of mines, booby-traps and other devices” as defined in Protocol II of the CCW as amended on 3 May 1996. See Article 2, Protocol on Explosive Remnants of War, Convention on Certain Conventional Weapons. There is no agreed definition of cluster munitions. The United Nations describes cluster munitions as “containers designed to disperse or release multiple sub-munitions. Notes: (i) This definition includes containers or parents that are carried on or delivered by an aerial platform (e.g. an airplane or helicopter), or fired from ground or sea-based systems (e.g. a rocket launcher, artillery gun, naval gun, missile or mortar). (ii) This definition includes containers variously referred to as cluster bombs, cluster weapon systems, cluster dispensers, cluster munitions shells, etc. (iii) This definition only refers to conventional weapons”. See document prepared by the United Nations Mine Action Service (UNMAS), the United Nations Development Programme (UNDP) and the United Nations Children’s Fund (UNICEF), *Proposed Definitions for Cluster Munitions and Sub-Munitions*, Group of Governmental Experts of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or To Have Indiscriminate Effects, Geneva, 8 March 2005, UN document CCW/GGE/X/WG.1/WP.3.

- 
- <sup>7</sup> Existing international humanitarian law in this sense refers to CCW Amended Protocol II and the Mine Ban Convention.
- <sup>8</sup> The conferences were held in Lucerne and Lugano, Switzerland, in 1974 and 1976 respectively. Algeria, Austria, Egypt, Lebanon, Mali, Mauritania, Mexico, Norway, Sudan, Sweden, Switzerland, Venezuela and Yugoslavia proposed that “anti-personnel cluster warheads or other devices with many bomblets should be prohibited from use”. They also proposed that aircraft should not deploy anti-personnel landmines. ICRC, “Working paper on Incendiary Weapons, Anti-Personnel Fragmentation Weapons, Fléchettes, especially Injurious Small-Calibre Projectiles, Anti-Personnel Land Mines”, in ICRC, *Conference of Government Experts on the Use of Certain Conventional Weapons Report*, Geneva: ICRC, 1976.
- <sup>9</sup> The Protocol was amended on 3 May 1996.
- <sup>10</sup> The First Review Conference of the CCW was held during three sessions that spanned 1995 and 1996: September–October 1995, January 1996 and April–May 1996.
- <sup>11</sup> Motoko Mekata, “Building Partnerships Toward a Common Goal: Experiences of the International Campaign to Ban Landmines”, in Ann M. Florini (ed.), *The Third Force: The Rise of Transnational Civil Society*, Washington and Tokyo: Carnegie Endowment for International Peace and Japan Centre for International Exchange, 2000, p. 145.
- <sup>12</sup> *Ibid.*, p. 154.
- <sup>13</sup> Jody Williams and Stephen Goose, “Stopping the ‘Coward’s War’: The Roots of the International Campaign to Ban Landmines”, in Maxwell A. Cameron, Robert J. Lawson, Brian W. Tomlin (eds), *To Walk Without Fear: The Global Movement to Ban Landmines*, Toronto: Oxford University Press, December 1998.
- <sup>14</sup> Letter from Senator Patrick Leahy to Handicap International, 28 January 1993, referenced in M. Mekata, 2000, *op. cit.*, p. 149.
- <sup>15</sup> UN General Assembly resolution A/RES/48/79 of 16 December 1993.
- <sup>16</sup> Senator Martine Dardenne and Senator Roger Lallemand.
- <sup>17</sup> The core pro-ban states were Austria, Belgium, Canada, Germany, Mexico, Norway, Philippines and South Africa.
- <sup>18</sup> Several international NGO–government meetings were organized by the ICBL and member organizations in 1996 and 1997. Government-organized conferences were held in Vienna, Bonn and Brussels in February, May and June 1997 respectively. Treaty negotiations were held in Oslo in September 1997. Although NGOs were not allowed to attend all working sessions at some meetings, this constraint was

alleviated by the presence of ICBL representatives in some government delegations.

- <sup>19</sup> Lloyd Axworthy, Canadian Minister of Foreign Affairs, 5 October 1997, quoted in M. Mekata, 2000, *op. cit.*, p. 159.
- <sup>20</sup> The United States wanted to make a geographical exception for the Korean Peninsula, to have a different definition of anti-personnel mines, and to extend the transitional period “by requiring at least sixty countries, including all five permanent members of the Security Council and at least 75 per cent of mine producers and users, to approve the treaty, or requiring an optional nine-year deferral period”, M. Mekata, 2000, *op. cit.*, p. 164.
- <sup>21</sup> The Norwegian Nobel Committee, “The Nobel Peace Prize 1997”, press release, at <[www.nobelprize.org/peace/laureates/1997/press.html](http://www.nobelprize.org/peace/laureates/1997/press.html)>.
- <sup>22</sup> The text of this statement is included in GICHD, *From Ottawa to Nairobi and Beyond: Key Documents in the Global Effort to End the Suffering Caused by Anti-personnel Mines*, Geneva: GICHD, 2005, p. 3.
- <sup>23</sup> E-mail from Shannon Smith, formerly with the Ministry of Foreign Affairs, Government of Canada, 21 November 2005.
- <sup>24</sup> See General Assembly resolution A/RES/38/162 of 19 December 1983.
- <sup>25</sup> The report forms part of UN General Assembly document A/38/383 of 19 October 1983, pp. 6–28, and can also be found in Arthur H. Westing (ed.), *Explosive Remnants of War: Mitigating the Environmental Effects*, London: Stockholm International Peace Research Institute and UNEP, Taylor & Francis Group, 1985.
- <sup>26</sup> Peter Herby and Anna R. Nuiten, “Explosive Remnants of War: Protecting Civilians Through an Additional Protocol to the 1980 Convention on Certain Conventional Weapons”, *International Review of the Red Cross*, no. 841, pp. 195–205, 2001.
- <sup>27</sup> Stuart Maslen, *Cluster Bombs and Landmines in Kosovo: Explosive Remnants of War*, Geneva: ICRC, 2000, revised June 2001.
- <sup>28</sup> For instance, see Human Rights Watch, *Fatally Flawed: Cluster Bombs and Their Use by the United States in Afghanistan*, New York: Human Rights Watch, December 2002, vol. 14, no. 7 (G); and Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq*, New York: Human Rights Watch, December 2003.
- <sup>29</sup> The Mennonite Central Committee had been calling for a ban on cluster munitions for a long time, based on its experience of working in areas affected by cluster munitions in South-East Asia during the

---

1960s and 1970s. In 1999, Human Rights Watch called for a moratorium on the use of cluster munitions. Similar calls were issued by Mines Action Canada and Landmine Action in 2000. In 2005, all sections of Handicap International called for an outright ban on their use.

- <sup>30</sup> For example, Colin King, *Explosive Remnants of War: Submunitions and Other Unexploded Ordnance*, Geneva: ICRC, August 2000; Rae McGrath, *Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions*, London: The UK Working Group on Landmines (now Landmine Action), August 2000; Human Rights Watch, 2002, *op. cit.*
- <sup>31</sup> ICRC, *Expert Meeting on Explosive Remnants of War: Summary Report*, Nyon, Switzerland, 18–19 September 2000.
- <sup>32</sup> Paper on *Explosive Remnants of War* presented by the Netherlands, and co-sponsored by Argentina, Austria, Belgium, Bulgaria, Cambodia, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, New Zealand, Norway, Peru, Portugal, Spain, Sweden, Switzerland, United Kingdom and United States; Virgil O. Wiebe, “Cluster Bombs and Explosive Remnants of War: Cooperation and Conflict between Nongovernmental Organizations and Middle-Power States”, in Kenneth R. Rutherford, Stefan Brem, and Richard A. Matthew (eds), *Reframing the Agenda: The Impact of NGO and Middle Power Cooperation in International Security Policy*, Westport: Praeger, 2003.
- <sup>33</sup> Final Document, Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, UN document CCW/CONF.II/2, 11–21 December 2001.
- <sup>34</sup> Final report of the Meeting of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, UN document CCW/MSP/2002/2 of 20 December 2002.
- <sup>35</sup> See Pax Christi Ireland, *Conference Report—Explosive Remnants of War and Development: Voices from the Field*, Dublin: Pax Christi Ireland, 2003; and Pax Christi Netherlands, *Conference Report—Cluster Munition Coalition: International Coalition on Cluster Munitions & Explosive Remnants of War*, The Hague, November 2003, available

- at [www.stopclustermunitions.org/files/CMC%20Launch%20-%20Conference%20Report.pdf](http://www.stopclustermunitions.org/files/CMC%20Launch%20-%20Conference%20Report.pdf).
- <sup>36</sup> These states included Austria, Canada, Netherlands, New Zealand, Norway, Sweden and Switzerland. Belgium and Ireland also appeared to be interested, but to a lesser degree.
- <sup>37</sup> Vanessa Martin Randin and John Borrie, "A Comparison Between Arms Control and Other Multilateral Negotiation Processes", in John Borrie and Vanessa Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, Geneva: United Nations, 2005, pp. 67–129.
- <sup>38</sup> See Human Rights Watch, 2002, op. cit.; Human Rights Watch, 2003, op. cit.; S. Maslen, 2001, op. cit.; R. McGrath, 2000, op. cit.; Richard Moyes with Richard Lloyd and Rae McGrath, *Explosive Remnants of War: Unexploded Ordnance and Post-Conflict Communities*, London: Landmine Action, March 2002.
- <sup>39</sup> Kerry Brinkert, "The Convention Banning Anti-Personnel Mines: Applying the Lessons of Ottawa's Past in Order to Meet the Challenges of Ottawa's Future", *Third World Quarterly*, vol. 24, no. 5, p. 783.
- <sup>40</sup> E-mail from David Atwood, Quaker United Nations Office, 18 November 2005.
- <sup>41</sup> Twenty ratifications are needed before the Protocol enters into force. The CCW itself has only just over 90 states parties, far fewer than the 148 states parties to the Mine Ban Convention.
- <sup>42</sup> For one opinion, see David Atwood, "NGOs and Disarmament: Views from the Coal Face", *Disarmament Forum*, 2002, no. 1, p. 11.
- <sup>43</sup> Don Hubert, *The Landmine Ban: A Case Study in Humanitarian Advocacy*, Providence: Thomas J. Watson Jr. Institute for International Studies, Occasional Paper no. 42, 2000, p. 31.
- <sup>44</sup> A degree of caution is needed about the "newness" of this model. Rather than being a new method or a "transformation" in civil society and government relations, this partnership was, arguably, "reformed" by the Ottawa Process: instead of being each other's adversaries, governments and civil society decided to work together toward achieving a common goal. K. Brinkert, 2003, op. cit., p. 784.
- <sup>45</sup> Contrasting national security and human security viewpoints are discussed in more detail in John Borrie, "Rethinking Multilateral Negotiations: Disarmament as Humanitarian Action", in J. Borrie and V. Martin Randin (eds), 2005, op. cit., pp. 7–37.
- <sup>46</sup> See [www.humansecuritynetwork.org](http://www.humansecuritynetwork.org).

- 
- 47 See Gerald Steinberg's presentation at UNIDIR's twenty-fifth anniversary debate, "Human security should be the fundamental basis for multilateral disarmament and arms control negotiations", Palais des Nations, Geneva, 23 November 2005. Report available at <[www.unidir.org/pdf/25th\\_anniversary\\_debate\\_report.pdf](http://www.unidir.org/pdf/25th_anniversary_debate_report.pdf)>.
- 48 K. Brinkert, 2003, op. cit., pp. 781–93.
- 49 M. Mekata, 2000, op. cit., p. 173.
- 50 Members of the steering committee at the time of the CMC launch were Austrian Aid for Mine Victims, Handicap International (Belgium and France), Human Rights Watch, International Physicians for the Prevention of Nuclear War (IPPNW) Russia, Landmine Action, Mennonite Central Committee, Mines Action Canada, Nepal Campaign to Ban Landmines, Pax Christi (Ireland and Netherlands) and Protection (Egypt). The current members are Austrian Aid for Mine Victims, DanChurchAid, Handicap International (France and Switzerland), Human Rights Watch, IPPNW Russia, Landmine Action, Mines Action Canada, Nepal Campaign to Ban Landmines, Pax Christi (Ireland and Netherlands) and Protection (Egypt).
- 51 Examples include Asia Watch (now Human Rights Watch/Asia) and Physicians for Human Rights, *Landmines in Cambodia: The Coward's War*, Washington, DC: Asia Watch and Physicians for Human Rights, 1991; ICRC, *Anti-personnel Landmines—Friend or Foe? A Study of the Military Use and Effectiveness of Anti-Personnel Mines*, Geneva: ICRC, March 1996; Shawn Robert and Jody Williams, *After the Guns Fall Silent: The Enduring Legacy of Landmines*, Washington, DC: Vietnam Veterans of America Foundation, 1995.
- 52 The ICBL can be traced back to at least April 1991 when representatives of two NGOs—the Vietnam Veterans of America Foundation in Washington, DC, and Medico International in Frankfurt—began faxing one another about cooperating to organize support for specific mine victim assistance projects. M. Mekata, 2000, op. cit., p. 145.
- 53 Jody Williams, *Politics Unusual: A Different Model of International Cooperation*, at <[www.icbl.org/campaign/ambassadors/jody\\_williams/politics\\_unusual\\_a\\_different\\_model\\_of\\_international\\_cooperation](http://www.icbl.org/campaign/ambassadors/jody_williams/politics_unusual_a_different_model_of_international_cooperation)>.
- 54 The CMC's founding call is:
1. No use, production or trade of cluster munitions until their humanitarian problems have been resolved.

2. Increased resources for assistance to communities and individuals affected by unexploded cluster munitions and all other explosive remnants of war.

3. Users of cluster munitions and other munitions that become ERW to accept special responsibility for clearance, warnings, risk education, provision of information and victim assistance.

Pax Christi Netherlands, *Cluster Munition Coalition Launch Conference Report*, 12–13 November 2003, <[www.stopclustermunitions.org/files/CMC%20Launch%20-%20Conference%20Report.pdf](http://www.stopclustermunitions.org/files/CMC%20Launch%20-%20Conference%20Report.pdf)>.

<sup>55</sup> E-mail from Shannon Smith, formerly with the Ministry of Foreign Affairs, Government of Canada, 21 November 2005; e-mail from David Atwood, Quaker United Nations Office, 18 November 2005; and e-mail from Christian Ruge, Fafo, 14 October 2005.

<sup>56</sup> Interview with Annette Bjrseth, Norwegian Ministry of Defence, 25 November 2005.