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**THE LANDMINE BAN:  
A CASE STUDY IN HUMANITARIAN ADVOCACY**

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With a Preface by S. Neil MacFarlane

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## FOREWORD

*The Campaign to Ban Landmines: A Case Study in Humanitarian Advocacy* is an analysis of the successful effort to establish an international treaty to ban landmines. Don Hubert provides a detailed examination of the dynamics of the process and elaborates on its wider meaning. Fascinating in its own right, the narrative also illuminates a broader trend among humanitarian interests to engage political actors on matters of urgent human concern.

This study follows a companion volume, *Politics and Humanitarian Action*,<sup>1</sup> by S. Neil MacFarlane, which examines the interplay between humanitarian activities and politics at the levels of the belligerents in armed conflicts, regional states, and the international community. Our original plan was to include several case studies in advocacy within MacFarlane's volume. However, we found that the richness and implications of the landmines experience required a volume of its own.

To make the links with the broader issues, MacFarlane provides us with a preface that places Hubert's landmines case study in its political context. In fact, the landmines study illustrates MacFarlane's proposition that "the humanitarian imperative is best served not by avoiding the political process but by consciously engaging it." The fact that many humanitarian organizations have traditionally sought to distance themselves from the political process lends particular significance to the case.

Those of us who have spent years in advocacy work often puzzle over why some efforts at influencing public policy are successful while others remain stillborn. In my own case, issues highlighted by the efforts in the 1970s and 1980s by nongovernmental (NGO) coalitions seeking to preserve family farm agriculture in the United States and to humanize the lending policies of the Bretton Woods institutions have only lately caught the attention of policymakers and the public.

Hubert provides historical background and careful analysis of how the campaign to ban landmines succeeded in overcoming formidable political obstacles. His case study picks up on a number of leitmotifs of the Humanitarianism and War

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Project's research and publications during its first decade. Hubert's analysis, like MacFarlane's own context-providing monograph, observes that humanitarian advocacy is not a post-Cold War invention, as some would have us believe. Instead, advocacy has illuminating precedents in such international efforts as the nineteenth century campaign to ban the dum dum bullet. Other Project research likewise has found more continuity than discontinuity between post-Cold War and earlier experiences.<sup>2</sup>

Hubert provides helpful perspective on the relative importance in humanitarian affairs of leadership by concerned individuals. His study recalls the conclusions of *The Dynamics of Coordination* by Marc Sommers, which found that inspired and assertive leadership, however indispensable, needs firm undergirding by key institutions in order to succeed. While individuals can spark and mobilize humanitarian concern, their importance should not be exaggerated. Hubert's conclusion that NGOs would not have succeeded in their objectives without strategic collaboration with well-inclined governments provides a useful corrective to the view that NGOs can tackle any problem and achieve any result.

*Humanitarian Action: Case Studies in Advocacy* is of a piece with earlier Project work in another sense. Like *UN Coordination in Complex Emergencies* by Antonio Donini, who produced the monograph while on leave from the United Nations (UN) secretariat, this new study taps the perspectives and the insights of a person involved in the events analyzed, providing something of an inside view of the dynamics of humanitarian action. Hubert began his research during the early international negotiations on landmines in the spring of 1996 and attended many of the key meetings that followed. In the summer of 1997 he joined the Canadian Department of Foreign Affairs and International Trade first as a research fellow, and later as a policy advisor in Global and Human Issues Bureau where he covered a range of human security issues, including landmines. He chronicles events in which he himself was often involved.

From a methodological viewpoint, the participant/observer perspective runs the risk of jeopardizing the objectivity that top-flight social science research requires. In this instance,

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however, Hubert has found the best of both worlds, drawing on his own experience while taking a critical view of events. If anything, he understates the importance of the roles played by his own government in the international effort to ban antipersonnel mines.

This case study provides a helpful way out of an oft-framed conceptual conundrum: how can agencies committed to the neutrality of humanitarian action position themselves at the same time as active players in the political process? Conference-goers often encounter panelists who talk past each other on this fundamental matter. Advocacy is politicization by another name, say those who emphasize the contradiction between neutrality and efforts to influence government policy. No, the answer comes back, advocacy is an investment specifically in protection and other key humanitarian principles.

The humanitarian advocacy demonstrated by the landmines ban, contextualized within the broader framework provided by *Humanitarian Action and Politics*, suggests that agencies can be scrupulously neutral in dealing with the belligerents in today's civil wars while at the same time actively engaged in shaping the context for effective humanitarian action. Operational agencies that eschew direct engagement may find ways through coalition activities to influence the process in which political decisions with major humanitarian impacts are reached. Humanitarian agencies can be neutral vis-à-vis warring parties in the daily conduct of the conflict and at the same time active as advocates on the political front at the regional and international levels. There is indeed much in this latest study for all who care about and reflect upon the complex nexus between humanitarian and political action to ponder, whether practitioners or policymakers, academics or the concerned international public.

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We wish to thank the many institutions and individuals

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who have made this research possible. Appendix IV contains a list of organizational contributors to the work of the Humanitarianism and War Project. We also acknowledge with thanks the contribution of our colleagues, Laura Sadovnikoff, and Margareta Levitsky. We are once again indebted to our editor, Mary Lhowe.

The text of this Occasional Paper may be downloaded directly from our web site at [www.brown.edu/Departments/Watson\\_Institute/H\\_W](http://www.brown.edu/Departments/Watson_Institute/H_W). In September 2000, the Humanitarianism and War Project moved to the Feinstein International Famine Center at Tufts University's School of Nutrition Science and Policy, 11 Curtis Avenue, Somerville, Mass. 02144. This and other publications are also available at [www.hwproject.tufts.edu](http://www.hwproject.tufts.edu). We welcome comments.

Larry Minear, Director  
Humanitarianism and War Project  
November 2000

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## PREFACE

This case study of humanitarian advocacy to ban landmines illustrates the interface between politics and humanitarian action that was presented in a companion monograph.<sup>1</sup> That study highlighted the multiple challenges to humanitarian action posed by politics and politicization at the levels of belligerents, regional powers, and donor states and great powers.

Politics intrudes into humanitarian action in conflict zones, where the assistance and protection activities of aid agencies and human rights organizations often undermine the political objectives of belligerents. The resources that agencies bring can assist those at war in the pursuit of their political/military objectives. The presence of humanitarian players has important potential implications for the legitimacy of parties in conflict. Consequently, belligerents often seek to manipulate humanitarian work, eroding its neutrality and impartiality and constricting access to victims of war.

Likewise at the regional level, large movements of people affect the perceived interests of nearby asylum states. The presence of large numbers of refugees and the burden this places on host state resources may foster tensions between displaced and host communities, upsetting ethnic and social balances. This threatens host states with instability. Military actions across borders by combatants enjoying sanctuary amongst refugees outside their home country may foster retaliation and a widening of conflict. For their part, host governments may seek to use displaced populations to pursue political interests at stake in nearby conflicts. These factors favor politically motivated efforts by regional states to manipulate access to displaced people and to control and direct the resources of humanitarian agencies.

Great powers and donor state interests also play a critical role in defining the scope and character of international engagement in conflict-related humanitarian crises. In zones of conflict, access and the security of aid personnel depend directly on the level of diplomatic and military engagement by major powers, regional organizations, and the United Nations. Whether or not such engagement occurs depends on the

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political will of major states. Where political will is insufficient for decisive intervention, aid agencies are left largely at the mercy of belligerents in the effort to offer help and protection.

Political will is related first and foremost to whether perceived vital or strategic interests of one or more of the great powers are at stake in the conflict. Where such priority interests are not present, policy on engagement is a product of an unstable decision-making process at the international and domestic levels in which perceived humanitarian and political benefits are weighed against the perceived costs and risks of involvement.

At each of these levels, the fundamental challenge is to reshape the interest calculations of political actors in a direction that opens space and releases resources for impartial and effective humanitarian action. At the local and regional levels, the companion monograph examined efforts to sustain and expand humanitarian access. Various coercive and persuasive options were examined and the promise of humanitarian advocacy as a means of addressing this problem was explored. At the level of the great powers and donor states, the analysis addressed strategies designed to secure a level of political/military engagement and resource commitment from the major states sufficient to address the emergency. Here, too, the analysis indicated the fundamental importance of effective advocacy.

### **The Landmines Case**

The landmines case study examines the dynamics at each of these levels. The indiscriminate use of antipersonnel landmines in late Cold War conflicts (e.g., Afghanistan, Angola, and Cambodia) and the proliferation of these weapons into conflict zones throughout the world produced an explosion in the numbers of civilian fatalities and amputees. The widespread presence of mines also greatly complicated postconflict transitions, since much arable land was affected. Many states and belligerents viewed the weapon as an essential component of their military strategy and tactics. Security issues are generally deemed particularly resistant to pressures exerted by nongovernmental actors.<sup>2</sup> Multilateral discussions of the

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mines issue confirmed significant state opposition to banning the weapon.

By the 1990s, the mines issue had become a leading component of the global humanitarian agenda. Growing awareness of the humanitarian implications of the increasing use of antipersonnel landmines led to the development of a broadly based transnational NGO coalition, the International Campaign to Ban Landmines (ICBL), which advocated a comprehensive ban on the production, export, and use of these weapons. The campaign's efforts, combined with those of the International Committee of the Red Cross (ICRC) and interested UN agencies such as the UN Department of Humanitarian Affairs (UNDHA) and the UN Children's Fund (UNICEF) and joined eventually by a growing coalition of sympathetic states, produced the landmines treaty in 1997. The treaty was a striking achievement, not least because it was resisted by the most powerful state in the international system. The case is a rare instance where the United States was opposed on a matter of security policy by a number of its weaker allies and lost the battle.

The case study begins with an historical discussion of early campaigns to ban particular weapons such as the dum dum bullet. It then provides a detailed account of the development of the campaign against landmines and analysis of the key reasons for its success. An assessment of three similar campaigns—the International Criminal Court (ICC), child soldiers, and small arms—follows. The study concludes with an assessment of the broader significance and replicability of the campaign.

### *Key Lessons*

The campaign was striking for its multidimensional quality. Many actors were involved, including individual experts, NGOs, the ICRC, states, and multilateral organizations. Multiple mechanisms were employed, such as the preparation of expert studies, mass promotional material, lobbying of governments from below, and representation at or around inter-governmental conferences. Multiple strategies included a combination of knowledge-based efforts at persuasion and lobby-

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ing. Several propositions are highlighted in the analysis of the landmines campaign and its comparison with similar efforts in other areas:

*Credibility.* Advocacy rooted in practical experience in the field is more credible and stands a greater chance of success. In this instance, the effort coalesced around a small group of organizations that had accumulated considerable expertise in working with mines issues in the field. The experts, including surgeons, deminers, and specialists in prosthetics, could and did speak with authority. Among the advocates, a number of prominent military officers co-opted into support of the ban lent further credibility to the campaign.

*Coordination.* Unity of action if not of perspective was essential. Although comprising a very diverse set of organizations, members subordinated their differences to the pursuit of the central objective. This highlights the importance of speaking with one voice in campaigns of this type.

*Pressure and Persuasion.* Advocacy generally involves efforts to alter politicians' views of cost and benefit. It also involves efforts to alter their understandings of issues. In part, changing the perceptions of politicians and policymakers was a matter of providing better and more complete information. Success was achieved in part through enhancing decisionmakers' awareness of the gravity of the issue. Equally important, it involved changing how they perceived the problem. Success in advocacy rested in part on transforming mines into a humanitarian issue. Traditionally, discourse focused on their military utility and the issue of control has been viewed through an arms control lens. Once the issue was cast in humanitarian terms, it became difficult for states to resist the logic of the ban. Innovative use of visual media was significant; the print media also played a central role.

*The Division of Labor.* To achieve the desired effect, the anti-mines campaign had to be global in scope. This required exploiting the comparative advantages of the various organizations involved. Reliance on NGO-based advocacy networks worked well in areas with well-developed civil societies. In areas such as East Asia, the Middle East, and parts of Africa,

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where these networks were less developed, campaign partners such as the ICRC and the UN agencies took the lead.

*Building from Below.* Although the objective was a global ban, considerable effort was made to disaggregate the process through regional meetings to build support in smaller groups. Smaller regional groups provided greater access for non-state actors and were a more promising venue for consensus building.

*The State as Partner.* Although humanitarian advocacy often sees the state as the target, the landmines case underlines the importance of building partnerships between humanitarian advocates and sympathetic states. Solving the landmines problem required changes in state policy. The quest for a treaty that banned them required the consent of states that held, sold, and deployed them. Moreover, states are themselves formidable advocates and may well be taken more seriously than non-state actors by other states. The involvement of states such as Canada and Norway in prominent advocacy roles resulted in a situation where those not on board were being lobbied not only from below by civil society organizations but from outside by their peers.

These characteristics help explain the different outcomes in the three instances to which Hubert compares the landmines initiative. In all three, broad NGO coalitions with narrower steering groups were formed. NGO roles were supplemented by significant input from UN organizations and the ICRC in both the child soldier and small arms cases. Global approaches have been combined with regional initiatives in the same two cases. In all three cases, efforts were made to structure NGO-state cooperation around groups of "like-minded states." NGO provision of expertise was an important complement to lobbying in the child soldier and ICC campaigns.

Yet the three campaigns produced quite different results. The most impressive success was agreement on the ICC. The child soldier campaign has produced an optional protocol that falls short of initial objectives regarding the straight-18 standard and indirect participation in combat. In the case of small arms, there is little evidence of progress in securing recognition of the issue as a humanitarian rather than a security one or of moving states beyond their concern about illicit trade to a

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broader consideration of the impact of small arms on human security.

Such differential outcomes reflect differences in the degree to which the factors discussed above were present. For example, the NGO campaign around small arms lacks the intimate connection to the field that characterized the landmines campaign and has correspondingly less credibility. "Like-minded groups of states" in the areas of child soldiers and small arms have coalesced to a far smaller degree than those around landmines and the ICC. The coalitional structures of NGO activity on small arms are far weaker than those on landmines or the ICC.

Variation in outcomes also reflects the structure of negotiation. The landmines and ICC cases are striking for the flexible parameters of negotiation, the liberality of voting rules, and the strong role of the chairperson. Negotiations on both child soldiers and small arms have been far more constrained by restrictive procedures.

Beyond this, however, the variety of outcomes reflects the different characteristics of the issues themselves and the manner in which they engage state interest or the concerns of significant lobbies within states. The problem of controlling small arms is much more complex and multifaceted than that of banning landmines. Far more types of weapons involved, many of them with legitimate uses (as in defense or policing). Landmine producers tend to have less political influence over governments than do the producers of conventional weapons. Nongovernmental opposition to gun control is well organized and politically effective in the U.S. in particular. Although landmines are a peripheral element of state arsenals, small arms are central to them, and trade in conventional weapons is a prominent aspect of foreign policy. The issue of child soldiers has considerable perceived significance for often-powerful defense and military bureaucracies, not least in the area of recruitment.

In short, although intelligent, inclusive, and effective advocacy can make a difference in shifting state calculations of interest, some issues are harder to move than others. The analysis of this study and the companion monograph suggests that the political obstacles to successful humanitarian action

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are often formidable. Not surprisingly, there is much hand wringing among humanitarians over the strength of political obstacles to effective response to emergencies.

Yet the landmines case offers hope. It highlights the considerable results possible when well-organized advocacy is brought to bear. At the outset of the advocacy campaign, as Hubert notes, most analysts held the view that such a landmines treaty was not feasible. The treaty is now a reality. In this instance and in numerous others, states and non-state belligerents have proven receptive to informed, well-organized, professional and coordinated advocacy. The challenge is to achieve this standard and outcome when in the future politics obstructs humanitarian action.

Throughout the paper, humanitarian advocacy is understood to include a broad range of lobbying and campaigning activities designed to reduce the human costs of war. Within the field of humanitarian advocacy, this paper focuses exclusively on the creation of new international standards rather than the promotion and implementation of those standards. It is widely accepted that given the advanced state of human rights, refugee, and international humanitarian law, the humanitarian community should focus the bulk of its efforts on implementation.<sup>3</sup> Nevertheless, there are specific areas where the development of new norms holds the potential for enhancing the safety of civilians in zones of conflict. The overarching objective of this paper is to better understand the circumstances under which humanitarian advocacy to promote the creation of these new norms is most effective.<sup>4</sup>

S. Neil McFarlane  
Oxford, November 2000



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## EXECUTIVE SUMMARY

The campaign to ban landmines has been widely celebrated as one of the most successful examples of humanitarian advocacy. At the outset of the campaign in the early 1990s, estimates suggested that more than one hundred million mines had been scattered through over sixty countries and each month some two thousand civilians were either killed or severely injured. In addition to the direct human cost, the presence of landmines impeded the distribution of humanitarian aid, obstructed access to infrastructure and agricultural land, deterred the repatriation of refugees, and diverted vital resources from reconstruction efforts. In the most mine-affected countries, clearance programs were expected to take decades, and in spite of growing resources dedicated to the task, the number of mines sown worldwide far outpaced demining efforts.

Seemingly from nowhere, the International Campaign to Ban Landmines emerged. It mobilized grassroots activists, galvanized public opinion, lobbied governments, and by the fall of 1997 had secured a treaty comprehensively banning the production, transfer, stockpiling, and use of antipersonnel landmines. In recognition of their efforts, the campaign and its coordinator, Jody Williams, were awarded the 1997 Nobel Peace Prize.

Lessons from the landmine campaign are already being applied by governments and activists to a range of other humanitarian concerns. Yet confidence in the conventional wisdom is often misplaced. Learning the appropriate lessons depends both on an accurate account of the campaign itself and on a rigorous assessment of the reasons for its success.

This study begins by discussing a historical case similar in many ways to the landmines campaign—the banning of the dum dum bullet in the nineteenth century. It then provides a detailed account of the emergence and development of the campaign from initial attempts to restrict landmines in the 1970s, through the birth of the international nongovernmental organization campaign in the early 1990s, to the signing of the Landmines Convention in December 1997. It also provides a thorough assessment of the key factors accounting for their

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success and a discussion of the broader significance of the campaign.

Two broad conclusions are drawn. First, while much of the credit for the successful banning of landmines has deservedly gone to the ICBL and to NGO advocates, the success of the campaign can be explained only through an examination of three other sets of actors: the International Committee of the Red Cross, the United Nations, and key governments. Each of the four sets of actors played a distinct and indispensable role. At the same time, important circumstances completely outside the control of the campaign were also decisive, particularly the end of the Cold War and decisions by the U.S. government.

A second conclusion questions the widely perceived novelty of this initiative in humanitarian advocacy and stresses instead its similarity to earlier initiatives. Indeed, observers differ on the broader significance of the campaign. For some, it was an aberration, impossible to replicate. For others, it was a harbinger of a new diplomacy, revitalizing if not revolutionizing humanitarian politics. Stark parallels exist with the style of negotiations before World War II on humanitarian law and disarmament, particularly the 1899 Hague Convention's ban on dum dum bullets. Civil society organizations played a major role in the negotiations, and stringent provisions were pursued even though they posed a threat to universal agreement.

The study concludes with a discussion of an emerging model for humanitarian politics. The examination of the campaign to ban landmines is complemented by a brief analysis of three comparable campaigns from the 1990s: the creation of an International Criminal Court, the Optional Protocol on child soldiers, and attempts to limit the proliferation of small arms. Taken together, these experiences suggest that a model for effective humanitarian advocacy is emerging with three broad dimensions. They are the pursuit of stringent standards with widespread but not necessarily universal support; political coalition building among NGOs, states, and international organizations; and negotiating environments that allow for voting rather than consensus decisionmaking, access for NGOs, and the selection of a supportive chairperson.

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## CHAPTER 1

### THE HISTORICAL CONTEXT

The Declaration of St. Petersburg in 1868 represented the first attempt to restrict the range of weapons used on the battlefield. It established the principle that the laws of humanity prohibit the “employment of arms which uselessly aggravate the suffering of disabled men or render their deaths inevitable.” Although broad in principle, the declaration was narrow in scope. By banning only explosive projectiles below 400 grams, it left a window open for the development of other munitions that achieved similar effects through different designs. Foremost among these was a soft-nosed bullet that expanded on impact and resulted in extremely severe wounds. Although several different designs were under development, the British version—named after the Indian town of Dum Dum, where the production facilities were located—was the most widely known.

The widespread development of these and other new weapons led a confidant of the Russian czar to conclude that industrial production would lead to a fundamental transformation in the nature of battle, an evolution described further in the companion volume, *Politics and Humanitarian Action*. Future wars, he argued, would be characterized by both the mass slaughter of combatants and inconclusive trench warfare.<sup>1</sup> Persuaded by these arguments, and wanting to avoid the need for expensive new additions to the Russian arsenal, the czar sent invitations in 1898 for a peace conference to address the problem of increasing armaments.

From the outset, the prospects for the Hague Peace Conference seemed bleak. Although welcomed in public statements, the invitations were accepted with profound skepticism about Russian motives and outright hostility to the notion that the amassing of arms might be subject to control or restriction. Expectations were so low that on the eve of the conference the chief U.S. representative wrote, “never has so large a body come together in a spirit of more hopeless skepticism as to any good result.”<sup>2</sup>

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The first weeks of the conference confirmed these pessimistic prognoses. Yet by the end of the conference all but three of the 23 nations represented had agreed to a complete prohibition of dum dum bullets. As with landmines nearly a century later, much of the credit for this remarkable transformation in government policy can be attributed to the lobbying of NGOs during the conference.

### **Banning Dum Dum Bullets**

As in the debate on landmines, concern over the effects of the dum dum bullet was first raised well in advance of the conference by doctors reporting on wounds they encountered during fighting in India. The subsequent debate within the medical community drew attention to the issue, with the French *La Semaine Médicale* condemning the bullets and the *British Medical Journal* offering a spirited defense. While accepting that these bullets should not be used in European wars, the British argued that “civilized man is much more susceptible to injury than savages...the savage, like the tiger, is not so impressionable, and will go on fighting even when desperately wounded.”<sup>3</sup> The Americans, planning to use a similar munition in the Philippines, also strongly opposed the proposed prohibition.

Although peace activists were not official participants and not allowed inside the conference hall, dozens gathered outside the buildings and commanded a great deal of the delegates’ time.<sup>4</sup> Many of the activists were better known than the government representatives. William Stead, editor of the *Review of Reviews* and correspondent for the *Manchester Guardian*, for example, had toured major cities in advance of the Hague Conference, urging statesmen to attend in good faith.

Delegates and other correspondents relied on Stead’s daily chronicle of conference proceedings; the accuracy of the coverage led to the abandonment of conference secrecy and the holding of daily press briefings. There was also evidence of widespread popular support for restrictions on armaments in the form of petitions—one from women in 18 countries, another from Belgium with 100,000 signatures, and a third from Holland with 200,000 signatures.<sup>5</sup>

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Through the combination of closer media scrutiny and intense lobbying, the British position on the dum dum bullet was becoming increasingly difficult to defend. When the time came for the votes to be counted, the prohibition against the munition was accepted by 20 countries, with Britain and the United States voting against and Portugal abstaining.<sup>6</sup> According to one analyst, “Here was the first major instance where concerned citizens—recognizing that technology might run amok, that warfare could destroy civilization and that social priorities were suffering from military expenditures—organized a movement to push their governments to act preventatively.”<sup>7</sup>

### **Early Efforts to Restrict the Use of Mines**

Although landmines were first used in the American Civil War, their widespread deployment began during World War I. These anti-tank mines were used predominantly to secure defensive positions. But since they were easily found, removed, and redeployed by the enemy, the antipersonnel mine, a smaller device designed to maim rather than kill, was developed. Not only does a wounded soldier sap greater resources from military logistical systems than a dead one does, but designers also believed that large numbers of wounded soldiers would undermine morale.

Mine warfare played a greater role in World War II, where the antipersonnel mine was deployed not only to protect anti-tank munitions but also to defend military bases and installations, deny strategic positions, and channel enemy forces. Because the objective was to alter the pattern of enemy movements, the devices in most cases were laid within clearly identified minefields. Given the longevity of the explosive charge and the difficulties in maintaining adequate markings, however, even properly laid minefields became serious hazards to civilians, as the contemporary casualties of World War II mines in Libya and Poland attest.<sup>8</sup>

Technological advances in the production and deployment of mines through the 1960s, however, radically transformed the scale of the problem. The Vietnam War witnessed the initial widespread use of remotely delivered mine systems,

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first from aircraft and later from ground vehicles and artillery. In contrast to the laborious process of hand emplacement, the capacity for remote delivery allowed for rapid deployment and spurred production in the tens of millions. With these technological innovations, the objectives of mine warfare also changed. Predominantly defensive purposes began to give way to offensive tactics. In Vietnam, the U.S. used mines in an attempt to stop the flow of men and material to South Vietnam from the North and also through Laos and Cambodia. But mines were also used as area denial weapons, rendering villages, fields, and grazing lands unsuitable for civilian use. Remote delivery precluded marking minefields or keeping accurate records of mined areas.

As recognition of the effects on civilians of a range of emerging antipersonnel weapons increased, efforts were made to restrict their use further through the development of international humanitarian law. Two basic principles relevant to the use of antipersonnel weapons already existed: a prohibition on weapons causing “superfluous injury” and “unnecessary suffering” and a prohibition on the use of indiscriminate weapons.<sup>9</sup> Recognizing that these general principles lacked enough specificity to restrict the use of antipersonnel weapons in wartime, the International Committee of the Red Cross, at the prompting of the Swedish government, convened in 1974 in Luzerne a Conference of Governmental Experts on Weapons that May Cause Unnecessary Suffering or Have Indiscriminate Effects. Participants included 49 countries, six liberation movements and two observers (the Stockholm International Peace Research Institute and the Religious Society of Friends). Discussion focused on five types of weapons: cluster bombs, *flechettes*, tumbling bullets, aircraft-delivered mines, and incendiary weapons. Although the participating experts stressed the military utility and even “necessity” of these weapons, a further conference was scheduled to develop specific basic restrictions.

The second Conference of Government Experts, held in Lugano in 1976, reached consensus on three proposals: a ban on undetectable fragments, restrictions on remotely delivered mines, and a prohibition on incendiary attacks against civilian areas. Priority was placed on universal acceptance of mini-

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imum standards rather than pursuit of stringent prohibitions unlikely to attract broad support.<sup>10</sup> Although the nature of such restrictions was discussed in the process leading up to the adoption of the 1977 Additional Geneva Protocols, specific weapons were not covered in those documents. Additional Protocol I Relating to the Protection of Victims of International Armed Conflict simply reaffirmed the general principle “prohibiting the use of weapons and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.”<sup>11</sup> The Diplomatic Conference of the Additional Protocols recommended that a conference of governments be convened not later than 1979 to pursue “agreements on prohibitions or restrictions on the use of specific conventional weapons.” The United Nations General Assembly (UNGA) acted later that year to set into motion preparatory conferences in 1978 and 1979 leading to the UN Conference on Prohibitions or Restrictions of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (shortened to Certain Conventional Weapons Convention or CCW).<sup>12</sup>

The 1980 CCW Convention and its three protocols on nondetectable fragments, landmines and booby traps, and incendiary weapons represented the first formal ban on conventional weapons since the 1899 Hague Declaration banning dum dum bullets. The third protocol prohibiting the use of incendiary weapons against civilians was the most stringent, reflecting broad awareness of the effects of napalm on civilians during the Vietnam War. The first protocol, although invoking an absolute ban on nondetectable fragments, was of less significance since such weapons were not part of the arsenals of the participating states, nor were they likely to be developed. The second protocol on landmines and booby traps prohibited their indiscriminate use, and included modest restrictions on the use of remotely deliverable mines. Calls for more stringent restrictions on landmines came from the ICRC and the two NGO observers. The ICRC stressed that military utility alone was insufficient grounds on which to base the legality of a weapon and argued that the principle of proportionality required that utility be balanced against humanitarian costs.<sup>13</sup> The delegate for the Religious Society of Friends called for the

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“dictates of public conscience” to be taken into account in formulating international humanitarian law.<sup>14</sup> But these were isolated voices among the mass of military experts and diplomats working in relative obscurity with minimal lobbying by peace and disarmament groups. The convention entered into force following the ratification by the twentieth state on December 2, 1983.

The modest advances made through the 1980 convention, however, were to be rendered totally inadequate in the face of the continued use of readily available antipersonnel mines in a series of conflicts through the 1980s in countries such as Cambodia, Afghanistan, Angola, and Mozambique. The CCW failed to achieve broad ratification, with only 31 states committed by 1990. But the emerging landmines crisis was not merely the result of insufficient ratification or respect for existing provisions. The scope of the treaty failed to cover noninternational or civil wars. At the same time, technological advances such as nondetectable mines and antihandling devices were transforming the character of the landmines problem.

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## CHAPTER 2

### THE PATH TO THE LANDMINES TREATY

Although largely neglected internationally after 1980, a growing landmines crisis was apparent to ICRC field surgeons and NGOs working in medical assistance programs and demining operations. The origins of the NGO campaign can be traced back to three organizations working in Cambodia: the Coalition for Peace and Reconciliation, Handicap International (HI), and Mines Advisory Group (MAG).

The head of the first group, a Jesuit priest, had worked in the area since 1979 and by the early 1990s was including reports on landmines in the council's widely circulated newsletter.<sup>1</sup> The second group was founded in 1979 by young doctors working in Cambodian refugee camps to help handicapped people in poverty situations, in particular some 5,000 victims of antipersonnel landmines. In its first decade of operations, HI fitted more than 15,000 amputees with prostheses. However, by the early 1990s the number of amputees had grown to over 30,000 and was getting steadily worse not only in Cambodia but also in over half of the 26 countries in which the agency worked. Sensing that it was losing ground, HI began to take a proactive approach to the landmines crisis in 1992. The third group, a British demining organization, was founded only in 1992, although its director, Rae McGrath, had been working on demining for several years in Afghanistan and Cambodia.

From this context of growing alarm came the first two influential accounts of the scale of the landmines crisis, testimony by the Women's Commission for Refugee Women and Children to a U.S. congressional committee<sup>2</sup> and *Landmines in Cambodia, The Coward's War*.<sup>3</sup> Information, particularly from ICRC surgeons, also began to appear in Western medical journals.<sup>4</sup>

### The Advocates

These activities in the early 1990s laid the foundation for

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the campaign that emerged in 1992 to ban antipersonnel landmines. Advocacy for a ban came from four different sets of actors: NGOs, the ICRC, the United Nations (UN), and individual governments. Each is reviewed in turn.

### NGOs

The International Campaign to Ban Landmines emerged out of nascent campaigns among NGOs from several different countries. In November 1991, the Vietnam Veterans of America Foundation (VVAFA) and Medico International (MI), a German-based medical assistance organization, agreed to mount a campaign of advocacy and bring together NGOs to call for a global ban on mines. At the launch of the French translation of *Landmines in Cambodia: The Coward's War* the following spring, HI, MAG, and Physicians for Human Rights (PHR) began a signature campaign to stop the "Coward's War." These two efforts were merged in October 1992 when the five organizations, together with Human Rights Watch (HRW), agreed to coordinate their campaigning and cosponsor an NGO Conference on Landmines in London the following year. In May 1993 the London Conference brought together 50 representatives from 40 NGOs to strategize. A steering committee of the original six organizations was formed, with VVAFA taking the role of coordinator. The conference also set out three central objectives:

- an international ban on the use, production, stockpiling and sale, transfer or export of antipersonnel mines;
- the establishment of an international fund, administered by the UN, to promote and finance mine victim aid programs and landmine awareness, clearance, and eradication programs worldwide; and
- the effort to ensure that countries producing and disseminating antipersonnel mines contribute to the fund.

The ICBL invited other NGOs that supported these objectives to become part of the campaign. Within two years the number of supporting organizations exceeded 350. A further NGO conference was held in Geneva in May 1994 with logis-

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tical support from the United Nations Children's Fund. If the first conference represented the launch of the NGO campaign, the second meeting, with 110 representatives from 75 organizations, represented its consolidation, with both greater cohesion and more focused demands.

Lobbying for a total ban on landmines and for more intensive mine clearance was a central component of the NGO contribution to addressing the global landmines crisis. Equally important, however, was the production of authoritative reports on the scale and character of the crisis in countries such as Cambodia, Iraqi Kurdistan, Somalia, Mozambique, and Angola,<sup>5</sup> and the compilation volume, *Landmines: A Deadly Legacy*.<sup>6</sup>

NGOs also advanced the cause of a global ban on landmines through national campaigns launched in 1993 in Cambodia, Sweden, Germany, Britain, the United States, New Zealand, Australia, and Italy, with Belgium, Ireland, Canada, South Africa, and Afghanistan following later. In addition to lobbying political leaders and meeting with government officials, national efforts also included public awareness programs and signature campaigns. The Cambodian Campaign to Ban Landmines also played a critical role by organizing an international conference on landmines in Phnom Penh in June 1995, attracting over 400 participants representing NGOs, governments, the UN, demining organizations, and landmine victims.

### *The ICRC*

The ICRC played a significant and underappreciated role from the earliest stages of the campaign. Although individual ICRC medical personnel had publicized the human costs of landmines through the late 1980s, the ICRC's first explicit response to the crisis came in the form of a 1992 publication entitled *Mines: A Perverse Use of Technology*. It stressed the importance of upholding international humanitarian law and called for responsible use of landmines, including the development of self-destruct and self-neutralizing mechanisms, and halting the use of nondetectable mines. The ICRC also urged forces that employed mines to be responsible for their removal.

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As it did in the early 1970s, the ICRC initiated expert conferences to examine the possibilities of additional legal restrictions on the use of mines. In April 1993, the Montreux Symposium on Antipersonnel Mines brought together representatives of governments, manufacturers, militaries, NGOs, and mine clearance personnel. The objectives were to collect facts and ideas regarding the actual use and humanitarian consequences of mines, to analyze the mechanisms and methods to limit use and alleviate suffering, and to establish a strategy and write a report that would provide the basis for future action.<sup>7</sup> The final report reflected the broad range of opinion among participants, ranging from calls for an immediate and total ban to cautions that a ban would reduce military capability.

A further symposium on the military utility of antipersonnel mines followed in January 1994. The participants, mostly military combat engineers, produced five main conclusions: landmines are an indispensable part of conventional battlefield; the current landmine crisis stems from irresponsible use; properly employed antipersonnel mines represent no greater risk to civilians than other conventional weapons; technology can help to minimize the risk to civilians; and that a comprehensive ban would be unworkable and easily circumvented.<sup>8</sup> Although the prognosis of the military experts was bleak, the ICRC the following month declared its advocacy of a global ban on antipersonnel mines as the only effective solution to the humanitarian disaster. Shortly thereafter it abandoned its tradition of quiet diplomacy and published *Landmines: A Time for Action*, including a call for a total ban on use, trade, and production of landmines.

### *UN Agencies*

Within the United Nations system, the early campaign to ban antipersonnel mines received support from the Secretary-General and three important agencies. Boutros Boutros-Ghali first expressed concern regarding their effects in *An Agenda for Peace*, submitted to the General Assembly in 1992.<sup>9</sup> Two years later in an article in *Foreign Affairs*, he suggested that if their effects were “better known, land mines would undoubtedly

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shock the conscience of mankind—the same public reaction that led to the banning of chemical and biological weapons.”<sup>10</sup> In the foreword to the proceedings of a Council on Foreign Relations symposium on landmines in 1995, he went further, arguing that the UN should aim “to build widespread support for an international agreement on a total ban on the production, stockpiling, transfer, and export of mines and their components.”<sup>11</sup>

Within the UN, the Department of Humanitarian Affairs was designated the focal point for mine-related activities. As early as 1992, UNDHA and the Department of Peacekeeping Operations (DPKO) hosted the first of a series of meetings with UN departments and NGOs to share information on mine clearance and legal controls on the use of mines. By 1994, UNDHA was calling for a complete ban as the only effective response to the crisis. Two other UN agencies also got involved. In September 1993, UNICEF declared landmines to be a priority issue and instructed its national committees to begin advocacy work. It also held a consultative meeting on mines in Geneva in early 1994, with UNICEF Executive Director James Grant soon advocating a complete ban. The UN High Commissioner for Refugees (UNHCR) joined UNICEF in May of that year to call for a complete ban, a position it restated at the International Meeting on Mine Clearance in Geneva in July 1995. UNICEF also produced a major report documenting the deleterious effects of mines on children and reviewing the prospects for restrictions on their use.<sup>12</sup> Thus by late 1994 the significant UN humanitarian agencies had become vocal members of the international campaign.

### *States*

State-initiated measures to attack the global landmines crisis began in the U.S. in October 1992 with the successful effort of U.S. Sen. Patrick Leahy and Congressman Lane Evans to impose a one-year moratorium on the sale, transfer, and export of landmines.<sup>13</sup> While relatively uncontroversial at the time, this was an extremely bold step because the moratorium prohibited export even to North Atlantic Treaty Organization (NATO) allies. In August 1993, the U.S. drew further attention

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to the problem with the publication of the State Department's influential report *Hidden Killers: The Global Problem with Uncleared Mines*. The U.S. also first raised the subject within the UN General Assembly, where Sen. Leahy introduced a resolution in November 1993 urging states to agree to and implement a moratorium on export. Within two years, 15 countries were observing such moratoria. The 1994 General Assembly resolution, again introduced by Leahy, reiterated the appeal for a moratorium on export and called for the "eventual elimination" of landmines.<sup>14</sup>

The European Union also undertook early action to address the proliferation of landmines by passing a resolution in December 1992 requesting a five-year moratorium on the export of antipersonnel mines. In further high-profile steps, the Swedish Parliament called for a complete ban in June 1994 and, in November of that year, the Netherlands undertook to destroy its entire stockpile of mines. Belgium passed legislation in May 1995 banning the use, production, procurement, sale, and transfer of antipersonnel mines.

Multilateral focus for the anti-mine campaign, however, came with a request of the French Minister of Foreign Affairs for a review of the 1980 CCW Convention. The French initiative had its origins in a lobbying campaign by Handicap International and particularly its director, Philippe Chabasse. In the summer of 1992, he met with French foreign ministry officials sympathetic to greater legal restrictions on mines. A ministry review of existing humanitarian law concluded that the 1980 CCW Convention offered the most promising avenue for such restrictions. While opposition from the French Defense Ministry limited progress, passage of the Leahy amendment provided an important impetus for the French. In February 1993 at a symposium on landmines cosponsored by HI, the French government indicated that it would formally request a review of the 1980 Convention. Out of the dynamic interaction among these four sets of actors—NGOs, the ICRC, UN agencies, and states—a broad-based campaign to ban landmines was forged.

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## Milestones to the Landmines Treaty

### *The CCW Review Conference*

Responding to a call from the UN General Assembly, the states parties to the convention scheduled four expert groups meetings beginning in February 1994 to prepare for the review conference. Conducted on the basis of consensus, the first of these meetings focused almost entirely on the question of participation. While the General Assembly (GA) Resolution had already indicated that interested NGOs could be invited, the Chinese delegation was willing to offer observer status only to the ICRC and UN agencies.<sup>15</sup> Identical rules were adopted for the conference itself. In contrast to the preparatory meetings for the 1980 convention, therefore, organizations with the greatest expertise on the landmines crisis were not allowed to participate as observers.<sup>16</sup> Nevertheless, more than 100 representatives from 70 NGOs attended the conference to monitor negotiations and lobby in the corridors.

Lacking official status, they nonetheless attempted to set the broad context by highlighting the humanitarian costs of landmines and their disproportionate effects on civilians. The ICRC-sponsored Montreux Symposium had called for the production of a report designed to quantify the social and economic consequences of landmines. Commissioned by VVAF, *After the Guns Fall Silent: The Enduring Legacy of Landmines* was released on the eve of the review conference.

The conference was scheduled to last for three weeks beginning in September 1995. Discussions of the draft protocols had focused almost entirely on the military utility of mines. Although Sweden suggested a prohibition on the use, development, production, stockpiling, or transfer of antipersonnel mines, only modest control measures were seriously discussed. Detailed negotiations soon revealed a deadlock between some governments wanting credible new restrictions in the face of an emerging public backlash and others opposed to almost any strengthening of the protocol. As a result, the decision was made to suspend the conference and resume work through a technical session in January and a concluding session in April.

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Largely discounted during the official negotiations, the humanitarian consequences of landmines were given serious consideration only in the context of a joint U.S.-British proposal to establish a landmines control regime banning all antipersonnel mines that did not self-destruct or self-deactivate. Prior to the opening of the review conference, the two governments had hosted a meeting in Budapest, attended by 31 countries, at which they set out a detailed program that would bind signatories to cut stocks of conventional antipersonnel mines, bar their export, and replace stocks with self-destruct mines. The ensuing debate between “smart” and “dumb” mines was to be a major turning point for the campaign. The essential logic behind the CCW measures—that the mines problem was simply the result of improper use—was losing credibility in the face of the effective NGO campaign. A fallback argument for those advocating continued use was that the crisis was the result of mines that remained active indefinitely, and the solution was self-neutralizing mines.

In spite of powerful proponents, the control regime faced serious criticism. Opposition came from less-industrialized countries that argued that the technologically advanced North was already using these devices, while countries from the South were less able to replace their stockpiles with expensive new mines. Proponents of a total ban also challenged this technological solution to the crisis, arguing that self-neutralization mechanisms were unreliable, that even these mines are indiscriminate while active, that civilian exposure during the active period was highly likely, and that a false sense of safety might encourage their use in greater numbers. The claim that self-neutralizing mines are a sufficient response to the crisis continues to be raised. However, an effective ICBL advocacy campaign undermined strong initial support for the technological approach among Western governments and ensured that the U.S./UK control regime was rejected.

The ICBL continued its campaign for a total ban between sessions of the review conference, its efforts complemented by a renewed push from the ICRC. In November 1995, the ICRC launched an international campaign calling for a total, immediate, and definitive ban on landmines. Not since the campaign against chemical weapons following World War I had

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the organization publicly lobbied for such a cause. The objective was to “to rally public opinion and muster political support so as to stigmatize the use of antipersonnel landmines and strengthen the international community’s resolve to clear mines and care for victims.”<sup>17</sup> With this initiative, the ICRC not only contributed legitimacy to the larger campaign but also raised international awareness of the issue through its access to the international media and through distribution of materials by the extensive network of national Red Cross Societies.<sup>18</sup>

The ICRC also commissioned a report to assess the military utility of landmines. Highlighting the humanitarian costs of landmines attracted 450 organizations to the ICBL and brought over 30 countries to call for a complete ban on landmines, but it had little direct effect on the negotiations at the review conference. Recognizing the insulated nature of the official debate, the ICRC report attempted to challenge the military logic on its own grounds. Written by Patrick Blagden, a former British Army combat engineer and later UN demining specialist, *Antipersonnel Landmines: Friend or Foe?* challenged the two central military arguments regarding landmines use: first, that the present problem could be attributed to the irresponsible use of mines by irregular armies; and second, that landmines remained essential components of land warfare. Noting that the use and effectiveness had not been the subject of systematic study, Blagden concluded from a review of the open literature that responsible mine use was the exception rather than the rule even for so-called “developed armies,” and that even when used on a massive scale, the devices had little effect on outcomes.<sup>19</sup> He also argued that the costs and dangers to the forces employing mines have been systematically underestimated and may in fact mean that the use of mines is counterproductive.<sup>20</sup>

Challenges to the presumed military utility of landmines also emerged within the U.S. An open letter to President Clinton, sponsored by the VVAF, was signed by 15 senior retired military personnel, including the U.S. commander in the Gulf War, Gen. Norman Schwartzkopf, and published in the *New York Times*.<sup>21</sup> According to these prominent individuals, landmines were not a necessary component of the American military arsenal. Around the same time, another Leahy-

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sponsored bill calling for a one-year moratorium on the use of landmines by U.S. troops starting from 1999 was passed unanimously in Congress.

By the time the review conference reconvened in late April, events had clearly overtaken the modest measures being negotiated. Within the consensus-bound negotiations, the lowest common denominator had prevailed. Minor advances were made with respect to broader coverage of non-international conflicts, regular convention reviews, and restrictions on non-detectable mines. But most provisions would not come into effect for at least a decade, no restrictions were made on anti-handling devices, and implicit encouragement was given to self-neutralizing and self-destructing mines. Furthermore, the convention had actually been weakened with a reworked definition of an antipersonnel mine to include only those devices “*primarily* designed to be exploded by the presence, proximity or contact of a person.” While some diplomats hailed the conference as a success, many concluded that the new protocol would have no noticeable effect on the landmine crisis and it was denounced by the ICBL as a humanitarian failure.

In terms of raising the profile of the issue, however, the review conference had been an enormous success. More than 40 countries were on the ICBL “good list,” having endorsed a comprehensive ban; an equal number were observing some kind of export moratorium, and still others had renounced the use of mines and were beginning to destroy their stockpiles. Pro-ban activists had also managed to draw attention to the humanitarian consequences of landmines through innovative campaigning techniques and effective use of the media. A front-page article summarizing the conference in the *International Herald Tribune* is a clear example of successful ICBL campaigning. Three of the first six paragraphs clearly convey the ICBL’s message “that the agreement would not go far enough to ban these indiscriminate weapons... [and that] the new agreement will be little better than a fig leaf behind which governments will continue to produce ever more sophisticated weapons.”<sup>22</sup>

Yet the direction forward for the campaign was unclear. In the absence of an alternative to the CCW Convention, the ICBL

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agreed to pursue the two-fold strategy of continuing to press governments for unilateral measures and working in regional contexts to secure mine-free zones. The seeds of an alternative process, however, had already been planted. During the January session of the conference, eight pro-ban states—Austria, Belgium, Canada, Denmark, Ireland, Mexico, Norway, and Switzerland—met with the ICBL to discuss future strategy. Two further meetings were held during the negotiations in April and May, resulting in an offer by the government of Canada to hold a small strategy meeting for NGOs, pro-ban governments, and international organizations. Appropriately, public confirmation of the meeting came during a press conference held jointly by the ICBL, UNHCR, UNICEF, and Canada.

Although not apparent at the time, a profound change in the nature of the campaign was underway. To this point, the principal pro-ban actors—the ICBL, the ICRC and the UN agencies—had engaged in a relatively typical, if extremely successful, advocacy campaign. While some governments were more sympathetic than others were, there is no doubt that the campaigners were lobbying from the outside. Within a matter of months, however, the principal dynamic of the campaign to ban landmines would be transformed into a strategic partnership between non-state actors and core pro-ban states.

### **The Ottawa Process**

When the Ottawa meeting was first proposed, organizers hoped that as many as 20 states might ultimately gather to strategize with the ICBL and the ICRC. Yet over the summer months, there were indications that many more were interested. This raised the problem of the criteria on which states would be invited. The ICBL vigorously advocated a very high threshold, fearing that borderline states would attempt to undermine the overall objectives. The Canadian government, on the other hand, supported a lower threshold, hoping to bring marginal countries on board. The approach ultimately adopted was to circulate a draft final declaration that committed participants to “the earliest possible conclusion of a legally binding international agreement to ban antipersonnel mines.” Those states that supported such an outcome were welcome to

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participate, and others could come as observers. NGO participation was another matter to be decided. Consultations during the summer had alleviated some initial suspicions from ICBL members of Canada's sincerity in seeking a ban, concerns further allayed when the ICBL was offered a seat at the table as a full participant.

The conference, *Towards a Global Ban on Antipersonnel Mines*, was held in Ottawa on October 3-5, 1996. Fifty states attended as full participants, including the U.S., France, and the UK, and another 24 attended as observers, along with representatives from the ICRC, the UN and dozens of NGOs. During the course of the gathering, the full range of issues relating to the global landmines crisis was addressed both in formal sessions and in a series of thematic workshops. Yet by the second day concerns were being raised by pro-ban activists that the discussions were not leading to clear conclusions and that political momentum was being lost. Support for the UN Conference on Disarmament (CD), proposed by several delegations as the appropriate venue for further multilateral negotiations, appeared to be growing.

Behind the scenes, however, government statements were being carefully monitored by Canadian officials in order to gauge the depth of support for rapid negotiations leading to a comprehensive ban. As originally designed, the Ottawa conference was to yield two products: a revised final declaration and a plan of action setting out a series of events and objectives. By early morning of the third day, both documents had been finalized by Canadian officials and leading ICBL members. In his closing remarks, however, Canadian Foreign Minister Lloyd Axworthy shocked the conference by calling for stand-alone negotiations leading to a comprehensive treaty banning landmines and inviting participants to return to Ottawa in December 1997 for a treaty-signing conference. The challenge was greeted with applause from the campaigners and chagrin from many diplomats. Almost everyone was caught completely off guard. Only the ICBL leadership and the ICRC were informed in advance.

This was the launch of the so-called Ottawa Process, a "fast-track" diplomatic initiative to negotiate in less than 14 months an international convention to ban the use, stockpil-

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ing, production, and transfer of antipersonnel mines. Although considerable support clearly existed for greater restrictions on the use of mines, at the outset the success of the Ottawa Process was far from certain. At a steering group meeting immediately following the conference, the ICBL decided to support the initiative fully, but the enthusiasm of states was much harder to read. Most pro-ban states were initially hostile due to the lack of consultation before Axworthy's announcement. More problematic, however, was the insistence by a number of prominent states that the Conference on Disarmament remained the appropriate venue for addressing the mines crisis. Even modest success within the CD was sure to draw vital support away from the Ottawa Process.

### *The Conference on Disarmament*

Throughout the autumn of 1996, the debate over the suitability of the CD as a venue for landmine negotiations remained entirely theoretical.<sup>23</sup> Supporters of the CD approach, including Australia, France, Britain, Germany, Spain, Finland, and the U.S., argued that a ban on production, transfer, stockpiles, and use of antipersonnel mines was self-evidently a disarmament treaty and should therefore be taken up by the "single multilateral disarmament negotiating body." Additional advantages included the presence in the CD of the major producers and users of landmines, the legitimacy conferred by working through established UN channels, and the CD's recent successes on chemical weapons and nuclear testing.

Most supporters of the Ottawa Process, however, lacked confidence that the CD would be an effective negotiating venue. First, since the Conference on Disarmament operates on the basis of consensus, it was widely believed that resistant states would revert to their CCW negotiating tactics and simply block any serious effort to ban the weapon. Second, while supporters claimed that the 64-member CD engaged the major producers and users, opponents countered that the CD was not universal and excluded most severely mine-affected states. Furthermore, while acknowledging recent CD successes, campaigners were quick to point out the glacial pace of the process; both recent conventions had been under negotia-

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tion for decades. Finally, ban advocates argued that landmines should be addressed as a humanitarian crisis rather than a security issue. As such, an arms control venue with its emphasis on intrusive verification measures was inappropriate.

Interesting though the debate was, it became moot when the Conference on Disarmament was unable to agree to include the subject on its 1997 agenda.<sup>24</sup> On January 17 the U.S., backed by France and Britain, proposed that the CD take up the issue of antipersonnel mines. Supporters of the fast-track were in the difficult position of opposing its inclusion while not wishing to undermine the CD itself. The compromise for most was to accept complementary action by the CD as long as it did not undermine the Ottawa Process. Mexico, supported by countries such as India and Indonesia, took a much more aggressive stance, arguing that the Conference on Disarmament should not be diverted from its core responsibilities for nuclear disarmament. A strong pro-ban state, Mexico also argued that the landmines crisis demanded urgent action, noting that “swiftness is not this Conference’s main virtue.” By June 1997, the CD had appointed a special coordinator for landmines to canvas the views of the 60 delegations. Characterized as “talks about talks,” the appointment was a clear signal that consensus was unachievable. For the foreseeable future, the Ottawa Process was the only game in town.

### *From Ottawa to Oslo*

In essence, the Ottawa process was defined by three characteristics: a close partnership between states and NGOs, a like-minded coalition comprising a core group of small and medium-sized states, and a set of negotiations undertaken outside normal multilateral channels.<sup>25</sup> The “core group” was a particularly important element. Of the 11 members, eight had attended the original meeting between the ICBL and pro-ban states in January 1996—Austria, Belgium, Canada, Denmark, Ireland, Mexico, Norway, and Switzerland. In the interests of strengthening the group and ensuring better regional representation, South Africa, Germany, Philippines, and the Netherlands also were included. Although they worked together informally in the period leading up to the Ottawa

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Conference, the first official meeting of the group occurred only in February 1997.

From that point on, these countries routinely shared information, worked on strategy together, and carefully coordinated activities. The division of labor among the core group broke down along functional lines: South Africa, Mexico, and the Philippines were regional champions; the Netherlands and Ireland played significant roles while holding the European Union (EU) presidency; Austria was responsible for drafting the treaty; Belgium was to host a major conference in June; and Norway was to host the Convention negotiations in September.<sup>26</sup>

In practice, the Ottawa Process involved two tracks: a series of meetings and conferences to prepare and consult on the text of the treaty and an intense schedule of conferences, consultations, lobbying, and campaigning to build political support for a comprehensive ban.

An early outline of a treaty had already been prepared by Austria and circulated during the Ottawa Conference.<sup>27</sup> In the wake of the conference and with a treaty signing ceremony just over a year away, the ICBL also produced a draft text. On the basis of consultations with governments and NGOs, Austria developed its outline into a concise text of only 13 articles and held a meeting in Vienna February 12-14 to solicit views. The Experts Meeting on the Text for a Total Ban Convention was designed to appeal to states supporting both the Ottawa Process and the CD. While opponents of the fast-track process involved themselves only grudgingly, it was an indication of the powerful momentum behind the Ottawa Process that 111 states participated.

Following the first round of consultations, the core group met in March and again in April to consolidate a second draft. A second major meeting of 120 countries was held in Bonn in April to address the thorny questions of verification and compliance. Competing perspectives were clearly visible in those discussions, with pro-ban states arguing that humanitarian law did not require the intrusive verification measures commonly associated with arms control agreements. By late spring, the Austrian text had been carefully revised and widely disseminated and the conditions for its acceptance as the

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principal text for the Oslo negotiations appeared favorable.

The first step in marshalling political support for the fast-track treaty was the annual UN General Assembly resolution, An International Agreement to Ban Antipersonnel Landmines. Although the U.S. had been its principal sponsor since the early 1990s, Canada had been circulating a strongly worded alternative during the final stages of the CCW review conference. Under pressure, Canada allowed the U.S. to continue to lead on the resolution on the condition that there was no reference to the Conference on Disarmament. The final text of Resolution 51/45/S, put before the GA on December 10, 1996, welcomed the conclusions of the recent Ottawa Conference and called on states to "pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of antipersonnel mines with a view to completing negotiations as soon as possible." The resolution was passed 156-0 with ten abstentions.

Having secured this crucial global endorsement for fast-track negotiations, the effort to build political will shifted to regional initiatives. Through a series of closely coordinated meetings and conferences sponsored by the ICBL, the ICRC, governments, and regional organizations, clear commitments in favor of the ban treaty were secured. Of the conferences held over that six-month period, the 4th International NGO Conference to Ban Landmines in Maputo, Mozambique on February 25-28 was perhaps the most significant.<sup>28</sup> In preparation, the ICBL followed its normal approach of capacity building for local campaigns. Building on strong ban organizations in South Africa and Mozambique, additional national campaigns were launched in Zambia, Zimbabwe, Angola, and Somalia. The conference itself attracted more than 450 NGO participants from 60 countries and the final declaration expressed unconditional support for Ottawa Process. The profile accompanying the conference also resulted in a series of commitments from important regional states. South Africa and Mozambique announced unilateral landmine bans, while Malawi and Swaziland indicated support for a comprehensive ban treaty.

Three other high-profile meetings followed in quick succession. In March, Japan hosted an international meeting on

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mine clearance and victim assistance. Coupled with a smaller NGO conference held on the margins, the meeting was used effectively by the ICBL to encourage Japan to pursue a policy independent of the U.S. The following month, the ICRC and the Organization for African Unity (OAU) hosted a meeting in Harare for military and foreign ministry officials. In a concluding statement, 12 states called for a mine-free zone in southern Africa and urged others to sign the landmines convention in December. Another important event in building African momentum for the Ottawa Process was the Kempton Park conference organized by the OAU shortly before its summit in Harare in June.<sup>29</sup> Forty-one member states attended and 10 new pledges were made in support of the December treaty-signing conference. Meetings were also held in Stockholm for the Baltic Region, Turkmenistan for the Caucasus and Central Asia, Australia for government and defense officials, Manila for regional military and strategic specialists, and New Delhi. They were complemented by a saturation strategy adopted by core group states: every conceivable meeting or event, including the G-8 in Denver, the Commonwealth Heads of Government in Edinburgh, and la Francophonie in Vietnam, was targeted to build further support.

In the weeks leading up to the Brussels Conference on Antipersonnel Mines in late June, it was clear that the flurry of diplomatic consultations and NGO campaigning had been remarkably successful. In early January, only 30 countries had committed to the Ottawa Process, but by late May the number had risen to more than 70. The regional conferences had been particularly successful, especially in Africa, since a majority of African states had agreed to support a comprehensive ban. In addition, shifts in policy accompanied new governments in the United Kingdom and France, resulting in support for a comprehensive ban from two of the Permanent 5. The prospects for a signing ceremony in December appeared excellent, yet a negotiated text did not yet exist and prominent governments, including the U.S., continued to hold out.

The international conference in Brussels from June 24-27, the last major stop on the road to Oslo, was designed to lock in support for the treaty among the 155 participating states. In many respects the meeting was a watershed. The NGO com-

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munity was out in force, with more than 130 representatives from 40 countries. In her closing statement, ICBL Coordinator Jody Williams coined the phrase that was to be the NGO rallying cry to the end of the Oslo negotiations: “no exceptions, no reservations, and no loopholes.” While the U.S. did not participate in the meeting, officials summoned other delegations to their hotel in Brussels for bilateral consultations.

In a sign of things to come, these heavy-handed U.S. tactics did not yield the desired results. The ICBL briefed delegations going in and debriefed them coming out. Judging from official statements, few seemed swayed by U.S. pressure. Due to complete lack of progress in the Conference on Disarmament, states previously supporting the U.S. stance began to switch sides. France, the U.K., Italy, Spain, the Czech Republic, Hungary, and Bosnia all supported the Ottawa Process for the first time. The Brussels Declaration, signed by 97 countries, welcomed the convening of a Diplomatic Conference in September by the Government of Norway to negotiate a ban treaty and identified the Austrian draft treaty as the text to be discussed.

### *The Oslo Negotiations and the Ban Treaty*

The dynamics of the upcoming negotiations were fundamentally altered by the U.S. decision on August 18 to sign the Brussels Declaration and participate in the Oslo Conference. While the decision was hailed by some as a major concession, ICBL members were unconvinced that the Americans were genuinely “like-minded.” The shift in U.S. policy was the result of a compromise between Secretary of State Madeline Albright, encouraging participation for political and diplomatic reasons, and the Joint Chiefs of Staff, who fundamentally opposed significant provisions of the Austrian text. Consequently, the U.S. strategy was to press for a series of “non-negotiable” amendments, including a geographical exemption for the use of landmines in Korea, a definitional change allowing the use of U.S. mixed-system anti-tank mines, a nine-year deferral period for compliance with important provisions, a substantial delay in the entry-into-force provisions, strengthened verification measures, and the right to withdraw

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when "supreme national interests are threatened."<sup>30</sup>

Full participation at the Oslo Conference was limited to countries supporting the Brussels Declaration. When it opened on September 2, 90 states were registered. Also in attendance were 32 observer states, representatives of the ICRC and UN agencies, and scores of NGO campaigners. Electing the president and setting out conference rules of procedures was the first order of business.<sup>31</sup> Behind the scenes, core group members had been preparing Jacob Selebi, South Africa's ambassador to the UN in Geneva, for the job of president. In addition to solid African National Congress credentials that would find support among African delegates, Selebi was also known for his direct approach to managing negotiations. Draft rules of procedure, based on the UN principle that decisions could be taken by two-thirds majority vote, had also been circulated in advance. Pro-ban states and campaigners were greatly relieved when both were adopted without debate. In addition, the ICBL was granted observer status, giving it access to all meetings and the right to intervene.

Selebi began immediately to set out a bold work plan. The first week was designed to proceed quickly through the Austrian text to identify problem areas and demonstrate broad consensus for the existing language. The second week was scheduled for detailed negotiations to resolve contentious issues, leaving the third week for finalizing the text and translation. No time was allocated to lengthy opening statements. Instead, the president requested that all proposed text be tabled in the first three days.

Had the U.S. not been present, a range of potentially divisive issues might have occupied the delegates. Indeed, substantive disagreement over crucial articles of the Austrian text led to the creation of five working groups, each chaired by a member of the core group. But it was the "non-negotiable" U.S. demands that dominated the early discussions. While some support existed for specific American amendments, particularly from Australia, Japan, Poland, and Ecuador, strong objections from core group members inevitably followed. By adopting the position that "nothing was agreed until everything was agreed," Selebi was able to simply note the scale of the opposition to particular proposals and proceed. At the end

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of the second week, the U.S. had still not gained agreement on any of its proposals with the exception of strengthening the verification and compliance provisions.

Over the three-day weekend the Americans attempted to revise their proposals while lobbying hard in significant foreign capitals. When the conference reconvened on Tuesday, September 16, the U.S. requested a further 24-hour extension to finalize its alternative text and, much to the surprise of the ICBL, Canada supported the request. Fearing a compromise that would undermine the treaty, activists turned on Canada, publicly denouncing it as the fifty-first state in the American union. It was the first public break in the relationship between NGOs and the Canadian government since they had joined forces in the summer of 1996. In spite of intense negotiations, however, including two late-night calls between President Clinton and Prime Minister Chrétien, the distance between the two governments proved unbridgeable. The Americans were simply unwilling to move on three fundamental issues: the right of withdrawal, the nine-year deferral, and an exemption for their anti-tank systems. On September 17, the U.S. withdrew its amendments, the revised Austrian text was approved by delegates without a vote, and the conference was over.

Contrary to expectations, the convention became stronger over the course of the negotiations. In addition to improvement on compliance and verification, the important word "primarily," inserted into the definition of a mine during the 1996 CCW negotiations, was removed. Five years after the formation of the ICBL and less than 12 months after Axworthy's call for the stand-alone negotiations, a simple, unambiguous, and comprehensive ban on antipersonnel mines had been agreed.

With the treaty negotiated, the only remaining question was how many states would return to Ottawa to sign. The drive to ensure that existing commitments were converted into signatures received a welcome boost on November 10, 1997, with the awarding of the Nobel Prize to the ICBL and its coordinator, Jody Williams. Over the course of the next three months, several important states, including Japan, Greece, and Australia, declared their intention to sign. Ultimately, 122 states signed the Convention in Ottawa at a conference at-

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tended by 2,400 representatives from the signatory governments, 35 observer governments, international organizations, and NGOs. Three countries ratified the convention during the signing ceremony and the 40th ratification, the key to triggering entry-into-force, was deposited with the Secretary-General in New York by Burkina Faso on September 17, 1998.



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## CHAPTER 3

### THE INGREDIENTS OF SUCCESS

The negotiation of a treaty banning landmines less than five years after the ICBL's founding represents a remarkably successful example of humanitarian advocacy. The essence of the campaign, from start to finish, was that the human costs exacted by antipersonnel mines far outweighed their military utility. Their banning means that for the first time a weapon widely employed by militaries has been prohibited. Securing the 40 ratifications necessary for entry into force in just over nine months was also unprecedented. As of September 2000, 138 countries had signed and 101 had ratified. Even those prominent states unwilling to sign have modified their behavior as a result of the campaign. The U.S. intended to comply with the majority of the convention's provisions while both Russia and China have ceased exporting antipersonnel mines. This chapter identifies crucial factors in the success of the advocacy campaign; the following chapter assesses the broader significance of banning landmines.

The International Campaign to Ban Landmines has deservedly received much of the credit for the rapid response to the problem posed by mines. However, the account above clearly demonstrates that the campaign involved a range of actors, including the ICRC, the UN, and important states. Accounting for its success therefore requires an assessment of the role and effectiveness of each of these actors. But factors outside the control of the advocates also contributed to the campaign's success. The significance of the geopolitical environment within which the campaign developed must be addressed first.

#### **The Post-Cold War Context**

While efforts to restrict the use of mines began in the 1970s, only after the fall of the Berlin Wall and the end of the Cold War did a prohibition become a possibility.<sup>1</sup> Two aspects of the post-Cold War environment are important in understanding the success of the campaign to ban mines.

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First, the end of the Cold War resulted in the breakup or weakening of rigid superpower blocs. As noted earlier, unilateral actions by states helped transform the campaign from raising public awareness to adopting concrete measures. Significant decisions that in retrospect were turning points for the campaign—the U.S. export moratorium and the Belgian legislation banning mines—were undertaken by NATO members outside of NATO decision-making structures. The U.S. moratorium was comprehensive, including a ban on the export of mine components to core allies dependent on American suppliers. Similarly, the Belgian decision prohibited allied stockpiles on Belgian soil and raised difficult questions about the interoperability of forces required to follow different fighting doctrines. Neither decision would have been conceivable during the Cold War.

Second, with the end of the Cold War, conflict in the developing world was no longer viewed simply through the lens of global competition. Attention to these conflicts in their own right resulted in increased recognition of the human toll exacted by light weapons, including landmines. Furthermore, the resolution of long-standing conflicts and the reconstruction of war-torn societies became a prominent objective of the international community. Landmines were discussed in this context in Boutros-Ghali's *An Agenda for Peace*. A series of UN-mandated peacekeeping missions in Cambodia, Angola, Mozambique, and Bosnia drew further attention to the scale of the landmine crisis. The vulnerability of UN peacekeepers added urgency to finding a solution.

### **The International Campaign to Ban Landmines**

The first important step taken by the ICBL was to define antipersonnel landmines as a discrete problem within the general context of the human costs of violent conflict. The landmine crisis exploded during the 1970s and 1980s, and mines were commonly cited simply as one of a number of challenges facing war-ravaged societies. The campaign effectively isolated landmines as a discrete problem amenable to the identifiable solution of a comprehensive ban. From the outset, clear distinctions were drawn between those mines

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targeted by the campaign (all antipersonnel mines including self-neutralizing devices) and those that were not (anti-tank mines). In the case of the 1980 CCW, the catalyst for the negotiations was the widespread use of napalm, but the scope of the convention was broadened to include a wide range of antipersonnel weapons. In the case of the landmines, the initial focus on a single weapon was maintained throughout the negotiating process. The banning of blinding laser weapons during the 1995-1996 review of the 1980 convention was accomplished on the coattails of the landmine campaign, but it was led by the ICRC and did not dissipate ICBL energies.

The enduring focus on landmines can be attributed in large measure to the field-based origins of the campaign. Support from the nongovernmental sector for previous attempts to restrict antipersonnel weapons had been led by peace and disarmament groups one step removed from the battlefields. In contrast, the core of the ICBL was composed of organizations focusing on assisting victims and clearing mines, and most of the prominent individuals had years of experience working in mine-laden countries. The field-based orientation was maintained even as the coalition expanded, with most of the organizations representing humanitarian, development, and human rights perspectives.

Campaigners note that mines are the first weapons widely employed by militaries to be prohibited, yet it was precisely their widespread use that provided the evidence on which to build the campaign. For the activists that sought to prohibit mines, these weapons were no abstract threat. Rather, they were a daily menace in the drive to assist victims and rebuild war-torn societies. Campaigners directly affected by mines included mine victims, deminers, and medical staff tasked with assisting victims. Collectively they had unparalleled expertise and made compelling spokespersons who could not be easily dismissed by politicians, diplomats, or military personnel. Anti-mine campaigners could consistently trump military experts by pointing to the clear disjuncture between mine warfare theory and practice. The formidable expertise that laid the foundations for the campaign was also manifest in the systematic production and dissemination of compelling evidence backing ICBL claims. Effective use was also made of the

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visual media including traveling photograph exhibits, videos highlighting the impact of landmines, and televised documentaries.

To assess the ICBL as an organization, it is important to draw a distinction between the steering committee that gave global strategic direction and the broad-based coalition that provided the foundation for national level campaigns and links to grass-roots activism. The committee was responsible for establishing broad policy directions, including defining the core objectives, setting out strategy for the various negotiating sessions, and targeting important regions and countries for capacity-building efforts. Composed initially of the six early partners in the campaign, the committee was loosely organized with no formal structure, budget, or secretariat. It is difficult to assess whether this informality, while offering great flexibility, was an important factor in the success of the campaign. It was certainly a major point of contention for European members who consistently advocated a more structured approach. Formal committee membership included the six founding members and was expanded in 1996 and 1997 to include the Afghan, Cambodian, Kenyan, and South African Campaigns and the NGO Rädä Barnen. In practice, however, significant individuals (e.g., David Atwood from the Quaker United Nations Office, Geneva, and Tim Carstairs from the UK Working Group on Landmines) and organizations (e.g., Mines Action Canada) were regularly included. In essence, the core of the ICBL was constructed around no more than two dozen full-time activists and total expenditures of \$1 million to \$2 million per year in later stages.<sup>2</sup>

Among the hundreds of organizations that made up the broader coalition, several dozen were sufficiently engaged in the campaign to send representatives to significant international meetings. As a result, more than 100 NGO activists participated in the major conferences and negotiations. The strength and cohesiveness of this diverse set of NGOs was a crucial factor in the success of the campaign. Significant differences of opinion were evident behind the scenes, particularly between those lobbying government officials intensively and those with closer links to victim assistance and mine clearance efforts. Yet, in spite of these disagreements, all NGOs attend-

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ing worked within the coalition framework. Major statements were agreed by consensus and circulated on ICBL letterhead. This public posture of consensus was maintained throughout the campaign, even when severe tensions existed within the U.S. campaign over how to address U.S. military opposition to the proposed ban.

The greatest strength of the campaign, however, lay in the dozens of well-coordinated country campaigns. The model for the national campaigns was remarkably consistent. In most cases, they were coordinated by umbrella groups linking existing organizations and networks. By mobilizing already existing capacity, campaigns were managed with minimal formal infrastructure. In this way, hundreds of organizations became integral parts of the campaign without devoting substantial human or financial resources. Close links between country campaigns and the ICBL were critical in ensuring consistent and coordinated lobbying. The importance of e-mail to the success of the campaign, however, has been consistently overstated. While there is no doubt that it facilitated the inexpensive dissemination of information, e-mail was not widely used until 1995, when the campaign was already well underway.

In all cases, national campaigns began with the twin objectives of raising public awareness of the mines crisis and lobbying government officials to commit to a comprehensive ban. In some countries (the U.S., Australia, and Japan), these objectives remained unchanged throughout the campaign. In others (Canada, Norway, Belgium, Netherlands), shifts in government policy led to close working relationships between NGOs and government officials.

The success of ICBL advocacy efforts can be examined in the context of the four major arenas where landmines were discussed: the CCW review conference, the proposed U.S./UK control regime, the Conference on Disarmament, and the Ottawa Process. In the first of these, ICBL efforts were devoted to consciousness-raising at the expense of focused lobbying on the text of the protocols. Recognizing that the prospects for swift action were slim, the ICBL effectively used the CCW conference to draw attention to the human costs of mines. The campaign was also extremely successful in encouraging coun-

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tries to offer rhetorical support for the eventual banning of mines. Far less attention was paid, however, to negotiations of the revised protocols, including the important change in the definition of an antipersonnel mine. While the word “primarily” was ultimately removed from the Ottawa Convention definition, aggressive campaigning might have avoided this setback entirely.

The debates surrounding the proposed U.S./UK control regime have been underanalyzed in discussions of the successes of the ICBL. In the early stages, with strong leadership from the U.S. and U.K., prospects appeared promising. Although the proposed regime to prohibit regular mines while allowing self-neutralizing mines was challenged by less-industrialized countries as establishing a double standard, it was supported by most highly industrialized countries, including many states that were to become important supporters of the Ottawa Process. The failure of the so-called smart mine regime to become the principal international response to the landmine crisis can be attributed largely to effective ICBL campaigning. By challenging the reliability of the technology and highlighting the indiscriminate nature of these high tech mines, the campaign made support for this approach untenable for important European governments.

In the case of the Conference on Disarmament, both the ICBL and the core group opposed adding landmines to the agenda. However, neither was forced into the awkward position of campaigning against having the CD taking up the issue since, several members of the conference were adamant that nuclear weapons be the focus of CD attention. It is unlikely, however, that the NGO coalition would have been effective advocates at the Conference in Geneva. Rules of procedure including decision-making by consensus and limited access for NGOs would have been similar to the CCW negotiations, and the composition of most government delegations would have been comparatively conservative. There is no doubt that the prevailing structure and mind set at the Conference on Disarmament in Geneva favored those opposed to an early ban.

The nature of ICBL advocacy changed fundamentally between the end of the CCW review conference and the start

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of the Ottawa Process in the autumn of 1996. For the remainder of the campaign, advocacy was undertaken through close collaboration between the ICBL and the core group of states. As a result, it becomes more difficult to assess the distinct contributions of the NGO campaign. It is clear, however, that the NGO coalition continued to be the key player in countries and geographic regions with hesitant or intransigent governments. The greatest successes for the ICBL during this period were in southern Africa. Beginning with the Mozambique Conference, the ICBL with the support of the full range of pro-ban partners turned sub-Saharan Africa into a formidable bloc in favor of the Ottawa Process. Members of the coalition were instrumental in laying the groundwork for shifts in policy in significant countries such as the UK and France, and later Japan and Australia. The campaign was also extraordinarily effective in locking in wavering support from countries committed to the Ottawa Process. Concessions may well have been made during the Oslo negotiations without the aggressive campaigning of the NGOs.

### **The ICRC and UN Agencies**

Fundamental to the success of the landmines campaign was the effective working relationship between the ICBL and other crucial non-state actors. In the analyses to date, the importance of the ICRC and UN agencies as important partners in the campaign has received insufficient attention. Information from Red Cross doctors provided critical empirical evidence of the scale of the humanitarian crisis and the excessively injurious nature of the weapon. From a policy perspective, early activity by the ICRC was consistent with its activities in the lead-up to the 1980 Conventional Weapons Convention. Although the first meetings of military experts concluded that the utility of the weapon was high and that only modest restrictions were achievable, the meetings did raise the profile of landmines. The ICRC also began an engagement with dissenting military personnel that was ultimately to prove extremely effective in challenging the accepted wisdom on the utility of mines. Though not “unprecedented,” as the ICRC’s early publications claimed, the launch of a media campaign

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added credibility to the campaign, bridging the early demands of the ICBL and the development of the core group of states. The UN Secretary-General and significant humanitarian agencies, most prominently UNDHA and UNICEF, were also critical partners adding credibility in the early going. In the latter stages of the campaign, the UN and the ICRC filled important gaps in ICBL capability. Both were particularly active in geographical regions such as Asia where the NGO campaign was weak, and the ICRC worked closely with military personnel who would have been unwilling to be closely associated with the ICBL.

### **The Core Group**

Once the emphasis of the campaign had shifted from raising public awareness to negotiating a comprehensive treaty banning mines, the core group of states became a central player. Two factors are critical in their success: the composition of the group itself and the structuring of the Ottawa Convention negotiations. By design, core group members included regional champions tasked with bringing other states into the Ottawa Process. The cross-regional representation in the group also undercut traditional UN negotiating blocs by including members of the European Union (EU) and the G77.

Equally important was the way in which the core group managed the series of meetings leading up to the negotiating session in Oslo. Pursuing the negotiations in a stand-alone format rather than as part of an existing process such as the CCW or the CD was crucial to the success of the Ottawa Process. By taking the negotiations outside traditional disarmament forums, the core group managed to avoid the entrenched logic of arms control measures such as the need for agreement from all major military powers and the emphasis on intrusive verification. The core group also took great care to ensure that the issue of landmines was not raised in inhospitable multilateral environments such as NATO and, at times, even the EU.

By pursuing a freestanding negotiating forum, the core group was able to determine the appropriate timing and procedures for meetings and negotiations. Throughout the

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Ottawa Process, participation in formal meetings was based on the process of self-selection. Those countries agreeing with the stated objectives of the conference were accepted as official participants; others were welcome as observers. Even more important was the ability of the core group to create favorable negotiating conditions in Oslo, including the two-thirds majority vote for decisions, the selection of Selebi as president, and the full participation of the ICBL.

### **Fortuitous Circumstances**

The success of the campaign was not simply a matter of what the pro-ban forces did right; they benefited from favorable developments beyond their control. Five factors were of particular importance. First, landmines were not a highly profitable industry. As the producers of landmines were small munitions companies unconnected with the major defense contractors, a major potential advocate for the continued use of mines did not materialize.

Second, military leaders did not have evidence to support their claims for the military utility of mines. Although the campaign was extremely effective in undercutting the case for the utility of landmines, there is little doubt that mines can be effective in certain circumstances. Yet the lack of readily available field-based evidence demonstrating that utility meant that foreign ministries were more easily persuaded by the pro-ban agenda. Had comprehensive studies on the military utility of mines existed, the split between ministries of defense and foreign affairs that was critical to the success of the campaign would have been less easily achieved.

Third, without important members of the Conference on Disarmament demanding that the agenda focus exclusively on nuclear weapons, landmines would have been addressed within the Conference. If this had happened, considerable political momentum for the Ottawa Process would have been lost. Fourth, changes in government in both France and Britain in the late spring of 1997 resulted in critical policy shifts that brought two powerful states into the pro-ban camp and for the first time split the strident opposition of the Permanent 5 to the early elimination of landmines.

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Finally, the hesitancy of the U.S. to engage in the Ottawa Process was a crucial factor in the success of the campaign. Throughout early 1997 it continued to promote the CD as venue for addressing the landmines crisis even though it was clear that no significant progress could be made there. In retrospect these were crucial months. Solid opposition among the Permanent 5 members of the UN Security Council to the Ottawa Process remained intact, and the Austrian text had not yet been formally accepted as the starting point for the Oslo negotiations. Underestimating the momentum behind the Ottawa Process and the cohesiveness of pro-ban states, the U.S. pursued heavy-handed tactics both in Brussels and in Oslo. Close allies were left in an untenable position. Two of the non-negotiable exemptions sought by the Americans (Korea and anti-tank systems) were inapplicable to countries such as Australia and Japan. With the momentum behind the treaty growing following the Oslo negotiations, these countries were in a difficult position to do anything but sign in Ottawa.

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## CHAPTER 4

### THE WIDER MEANING

Assessments of the significance of the campaign to ban mines tend to be divided over whether the campaign is replicable. Some argue that its success can be attributed to the characteristics of the weapon. From this perspective, the landmines campaign was an “easy” case with little transferable significance. Others suggest that the campaign represented an unprecedented break with traditional diplomacy and established a model for aggressive campaigns on a host of other pressing international issues. With an element of truth in both interpretations, assessing the significance of the campaign requires nuanced interpretation.

To the degree that it was easy at all, the campaign to ban landmines was easy only in retrospect. When the idea of an initiative to ban mines was first proposed in the early 1990s, seasoned NGO campaigners were convinced that there was simply no chance for success. Three years into the campaign, one expert on humanitarian law and a champion of citizen-based movements wrote that weapons would be banned only if they are perceived to have limited utility and to be at odds with dignity of military profession. Concluding that neither of conditions applied to landmines, he argued that the prospects for a comprehensive ban were bleak and that more-limited restrictions should be pursued.<sup>1</sup>

During the campaign, the nature of the landmine problem was characterized in stark terms and a comprehensive ban was commonly identified as the only effective response. But this strategy was not due simply to the characteristics of the weapon. Rather, it was the product of painstaking research, broadly disseminated documentation and a carefully orchestrated grass roots campaigning undertaken by the ICBL, the ICRC, and key UN agencies. Similarly, numerous pitfalls lay in the path of the core group attempting to construct support for a comprehensive ban treaty. Again, irrespective of the characteristics of the weapon, there was nothing predetermined about the final outcome.

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The claim that the campaign has represented an unprecedented break with diplomatic and civil society practice also needs to be tempered. The stark parallels in the roles and effectiveness of non-state actors in the 1899 Hague Peace Conference and the landmines campaign suggest that the novelty of the latter is commonly overstated. Intense lobbying of government delegations to international disarmament conferences was occurring nearly a century ago. As with the recent campaign against landmines, the opposition to the dum dum bullet came first from doctors with direct experience in the field and was subsequently picked up by a range of peace organizations. Furthermore, the dissemination of authoritative studies, the media and publicity work, and the lobbying of delegates during the negotiations are all common features of the roles of non-state actors. Likewise, the publicity campaign launched by the ICRC as “unprecedented” has more similarities than differences with its crusade against chemical weapons in the 1920s. The approaches of states to the respective disarmament negotiations also have strong similarities. In both cases, progress was made on the basis of unilateral actions of states as part of stand-alone negotiations that did not depend on consensus among the participants. In addition, in both cases, major powers refused to sign.

This is not to suggest that there was nothing innovative about the campaign. There is no doubt that NGOs played a far more significant role in raising the international profile of landmines than was the case with the dum dum bullet. Furthermore, the strategic cooperation among the core group far exceeded the cooperation among like-minded states in the 1890s. The close working partnership between the ICBL and the core group is also an important difference. Finally, although both cases demonstrate strong international links among NGOs, the landmines case seems to suggest a strengthening of national and grassroots support. In large measure, however, the campaign can be seen as revitalizing a pre-World War II style of disarmament negotiations rather than establishing an entirely new approach to international diplomacy. From this perspective, it is the Cold War years rather than the 1990s that diverge from longer-term patterns in humanitarian advocacy.

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## **Learning from Landmines: Comparable Campaigns in the 1990s**

When considered in this broad historical context, the prospects for replicating key elements of the landmines campaign in response to other pressing international issues appear promising. If this style of campaign has succeeded before, then odds are that it can be done again. Already the success of the landmines campaign has influenced humanitarian advocacy on three prominent issues: the creation of an International Criminal Court (ICC), the banning of child soldiers, and restrictions on the proliferation of small arms. Obviously, no two campaigns will be exactly alike. But elements of the landmines campaign—including the prioritization of stringent provisions over the requirement of universal acceptance, the political coalition building among states and key nongovernmental actors and key negotiating conditions—are evident in these other campaigns.

### *The International Criminal Court*

The purpose of an international criminal court, first considered by the United Nations General Assembly in 1948, is to prosecute and convict those who commit large-scale atrocities against civilians. From the late 1940s, the International Law Commission had been tasked with studying the possibility of establishing an “international judicial organ for the trial of persons charged with genocide,” but decades of stagnant Cold War politics effectively blocked any real progress. In the wake of the Cold War the creation of an international criminal court was again championed, this time by Trinidad and Tobago to address the trafficking of narcotics. As a result of these efforts, in late 1989 the International Law Commission was requested to resume its work on a draft statute. Prospects for an international criminal court gained additional momentum with the establishment of ad hoc war crimes tribunals for the former Yugoslavia and Rwanda. The scale of the atrocities demonstrated the need for international criminal justice; the shortcomings of the tribunals demonstrated the desirability of creating a permanent institution.

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By the middle of the 1990s, government and NGOs had both formed coalitions to lobby for the creation of a permanent international court. The government coalition, known as the “like-minded group,” was formed with a modest procedural objective—to ensure that a diplomatic conference on the creation of an ICC was held in 1998. With broad regional representation from the outset, the group rapidly increased to include dozens of countries. In the late fall of 1997, with agreement secured to hold a diplomatic conference in Rome the following July, NGO campaigners pressed the coalition to adopt substantive objectives. Some members were hesitant, however, concerned that the valuable illusion of solidarity could be easily lost. In spite of this initial reluctance, six principles or “cornerstones” were eventually agreed upon that made clear the commitment to inherent jurisdiction over genocide, war crimes and crimes against humanity, and to an independent and effective court not subordinate to the Security Council. In addition to establishing the principles for bottom-line negotiating positions, these cornerstones became the criteria for membership. When the Rome Conference convened, the 60-country like-minded group represented a formidable voting bloc united around the “prompt creation of an independent and effective International Criminal Court.”<sup>2</sup>

Nongovernmental organizations, actively working through the early 1990s, came together in early 1995 under the banner of the NGO Coalition for an International Criminal Court. The goal of the coalition, ultimately attracting more than 700 members, was to coordinate efforts to promote the creation of an effective and just court. Early activities focused on facilitating the exchange of information among legal experts and NGOs and raising awareness among a broader NGO constituency. By the summer of 1998, the Steering Committee of the coalition had developed sufficient coherence to release a statement of common objectives for the ICC negotiations.<sup>3</sup> During the Rome conference, NGOs activists were out in force, providing highly credible legal analysis in addition to monitoring the state of the negotiations. The volume and quality of the documentation they produced was remarkable. In addition to substantive legal critiques of the proposed statute, the NGO coalition produced two newsletters a day. Their influence was

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further enhanced by their representation on numerous official delegations. Even though the inclusion of activists in delegations of more progressive governments is now routine, in this case many smaller delegations accepted full-time legal advisers directly from the ranks of the NGOs.<sup>4</sup>

The structure of the Rome Conference was also important to the successful outcome of the negotiations. Even though a draft text had been prepared by the International Law Commission, there was no general agreement leading into the conference on the principal substantive issues. As a result, selection of the chairperson and the rules of procedure, both areas where the like-minded group was able to exercise considerable influence, were again decisive. The chairperson of the Committee of the Whole, Canadian legal adviser Philippe Kirsch, was given considerable latitude in managing the treaty drafting process. In the absence of either a consensus text or direct negotiations on fundamental issues, the coordinating committee was left to propose a statute that it believed could garner broad support.

In contrast to the landmines treaty, the ICC statute was negotiated under the auspices of the United Nations. Yet key rules of procedure were similar: provision for substantive decision to be decided by a two-thirds majority vote and observer status for NGOs. Again, both proved to be significant. More than 260 activists representing 130 NGOs attended the conference. Their impact was clearly evident, particularly in the strong provisions relating to rape, gender, and the rights of victims. And, in spite of strong opposition from members of the Permanent 5, a statute reflecting each of the six cornerstones was adopted by a vote of 120 in favor and 7 opposed with 21 abstentions.

As with the landmine treaty, much remains to be done. Ratification frequently requires complex changes in domestic legislation, and by September 2000 fewer than 20 countries had completed the process. Negotiations are also continuing on two key documents—the Elements of Crimes and the Rules of Procedure and Evidence—that will determine the inner workings of the court. Opponents, particularly the U.S., are attempting in these follow-up negotiations to undermine the results achieved in Rome more than two years ago. In spite of

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these difficulties, the creation of a permanent international criminal court, all but inconceivable only 10 years ago, now seems to be only a matter of time.

### *Child Soldiers*

Attempts to minimize the impact of war on children, and in particular to end the use of child soldiers, are humanitarian concerns with clear parallels to the campaign to ban landmines. Legal restrictions on the use of children as soldiers were included in the 1977 Additional Protocols to the Geneva Conventions, and in the 1989 United Nations Convention on the Rights of the Child (CNC). In both cases, however, restrictions on recruitment into the armed forces and participation in hostilities applied only to children below the age of 15. And even these limits were widely flouted. Estimates in the 1996 Machel report suggest that by the mid-1990s there were as many as 300,00 children used as soldiers in war zones around the world.<sup>5</sup>

In response to growing concern about the use of child soldiers, the UN Commission on Human Rights established a working group in 1994 tasked with drafting an Optional Protocol to the CRC raising the standard from 15 to 18 years. Due to disagreements on the appropriate age for voluntary recruitment and the distinction between direct and indirect participation in hostilities, the working group made little progress during the first four years.

By 1998, the battle lines were clearly drawn over prohibiting both the recruitment and deployment of personnel under the age of 18—the so-called “straight-18” position. Countries with conscription at the age of 18 had no difficulty supporting these new restrictions, since they were already in compliance. Countries with professional armies often encouraged voluntary recruitment at 16 or 17, usually near the age of leaving school, to attract high-quality personnel. Major opposition to the straight-18 position came from the U.S., the UK, and Australia. Participation in hostilities was the most contentious issue. For several years the U.S., one of only two countries not party to the CRC, held up the negotiations demanding the right to deploy 17-year-old soldiers in combat.<sup>6</sup>

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In June 1998, an NGO coalition was launched to revitalize this negotiating process and press for inclusion of the straight-18 provision. The overarching objectives of the Coalition to Stop the Use of Child Soldiers were to promote the “adoption and adherence to an Optional Protocol to the Convention on the Rights of the Child prohibiting the military recruitment and participation in hostilities of any person younger than 18 years of age, and the recognition and enforcement of this standard by all armed forces and groups, both governmental and nongovernmental.”<sup>7</sup>

The parallels with the landmine campaign in both structure and strategy are striking. The Steering Committee was comprised of six international NGOs—Amnesty International, Human Rights Watch, International Federation Terre des Hommes, the International Save the Children Alliance, the Jesuit Refugee Service, and the Quaker UN Office in Geneva—and was only slightly more structured, with a dedicated secretariat.<sup>8</sup> Some of the key personnel had also been directly involved in the landmines campaign. The secretariat coordinator had been a central figure, first with UNICEF and later with the ICRC. The coalition’s four-pronged strategy of “regional mobilization, the work of national coalitions, supporting the creation of a core group of governments, and influencing public opinion through the international media,” could have been taken directly from ICBL strategy documents.

Through three regional meetings and the creation of new national campaigns, the coalition played a central role in shifting momentum towards the straight-18 position.<sup>9</sup> As with the landmine campaign, key international organizations were also vocal supporters. The UN Secretary-General, UN agencies including UNICEF and UNHCR, the Secretary-General’s Special Representative for Children and Armed Conflict, the UN High Commissioner for Human Rights, the Committee on the Rights of the Child, and the International Labour Organization all strongly endorsed 18 as the age for both recruitment and deployment.<sup>10</sup> After some initial hesitation, the ICRC also strongly supported the NGO position. Recognizing the ICRC reluctance to again play a highly visible role in a contentious campaign, the NGO Coalition based its campaign objectives directly on the Red Cross “Plan of Action Concerning Children

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in Armed Conflict," thus ensuring support from the worldwide Red Cross movement.<sup>11</sup>

During 1999 the position of governments became increasingly polarized and, with the hardening of positions, there was a sense that the entire Optional Protocol process might collapse. By all accounts, momentum was with those seeking a straight-18 position. The strongest supporters included Belgium, the Czech Republic, Ethiopia, Guatemala, Portugal, Sweden, Switzerland, and Uruguay. A number of other states were already making changes to national legislation to conform to a straight-18 position.<sup>12</sup> In anticipation of the possible failure of the negotiations, the coalition and some like-minded governments were already planning for a fast-track negotiating process outside the Commission on Human Rights.

In contrast to both the landmines and the international criminal court initiatives, however, a cohesive like-minded group of states never emerged in support of the straight-18 position. While a loose Friends of the Optional Protocol was created in the fall of 1999, its objective was simply the successful conclusion of the optional protocol negotiations rather than a straight 18 position. Thus in spite of the strong shift in momentum towards a straight-18 position over the course of 1999, by the time the negotiations opened in Geneva in January 2000, the objective of many key states was a protocol by consensus.

A successful conclusion, rather than straight-18, was also the overriding objective of the chairperson of the Working Group, Swedish Ambassador Catherine von Heidenstam. Throughout the process, she continued to report a broad range of country positions with a view to facilitating a consensus outcome. For, although provision exists for decision by vote within the Commission on Human Rights, it is rarely used for fear of follow-on consequences in other negotiating processes within the commission. Prior to the opening of the negotiations, the chairperson recognized that a straight-18 outcome was extremely unlikely. She did, however, suggest that it might be possible to get agreement on 18 as the minimum age for direct or indirect deployment into combat, and an opt-out clause allowing for voluntary recruitment at 17.<sup>13</sup>

When the negotiations opened, some still held out hope for

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a straight-18 outcome. In her opening statement, the High Commissioner for Human Rights called for those governments unable to comply with a straight-18 position to desist from a substantial weakening of a protocol that was ultimately optional. The negotiations, however, were to take a very different turn on both the age of deployment and voluntary recruitment. The scale of the concessions is immediately apparent in Article 1 calling on states to take “all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.” Not only is indirect participation omitted, the text clearly implies that soldiers under the age of 18 can be members of the armed forces. And rather than allowing an opt-out clause for the voluntary recruitment of 17-year-olds, the Protocol abandons any effort to explicitly raise the age of voluntary recruitment and focuses instead on a series of safeguards to limit abuse. Other areas where the text was weakened included the removal of the article prohibiting reservations and a clear exemption for military schools.

The protocol as agreed represents an important step in addressing the widespread use of children as soldiers. By adopting 18 as the age for deployment in hostilities, it provides a sound legal basis for field-level advocacy work and reaffirms the basic distinction between adults and children in the Convention on the Rights of the Child. The willingness of the U.S. to change its policy on the deployment of 17-year-old soldiers in order to comply with its provisions was also a breakthrough. Yet, as humanitarian advocacy, it can hardly be called a success. Not only was a straight-18 position rejected. During the final two weeks of negotiations in January 2000, the protocol was further weakened, negating the efforts of the NGO Coalition and calling into question the value-added of several years of negotiations.

### *Small Arms*

It is not surprising that the banning of one category of small arms, landmines, has encouraged a movement to restrict the availability of this entire class of weapons. Throughout the 1990s there has been a growing recognition that most casual-

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ties of war are victims not of heavy weapons such as tanks, aircraft or warships, but of small arms, including rifles and machine guns, grenade launchers, mortars, munitions and explosives.<sup>14</sup> Reliable figures are unavailable, but commentators estimate that there are as many as 500 million small arms in circulation, including 100 million modern rifles.<sup>15</sup> These rifles alone are responsible for 90 percent of casualties in contemporary armed conflicts.<sup>16</sup>

Nongovernmental actors led early efforts to draw attention to the small arms crisis.<sup>17</sup> As early as 1993, studies were undertaken by disarmament and human rights NGOs, and within three years several comprehensive reports had been produced.<sup>18</sup> Field researchers also produced a series of case studies on countries such as India and Pakistan, Rwanda, and Somalia.<sup>19</sup> There are obvious parallels here to the emergence of the campaign to ban landmines, but there are also stark differences: the early research on small arms was not linked to an overarching advocacy campaign; the principal discourse was arms control and disarmament rather than humanitarian affairs, human rights, and development; and connections with field-level organizations were relatively weak.

From the mid-1990s, there has been a growing movement of NGOs, international organizations and progressive governments seeking to restrict the availability of small arms. While drawing momentum from the banning of landmines, there was widespread agreement that the proliferation of small arms represented a complex challenge not amenable to a landmines-style campaign. Banning the entire class of weapons is obviously impossible given their legitimate role in national defense and policing. Broad agreement exists that the range of weapons involved, the diversity of both producers and consumers, and regional differences necessitate a multidimensional approach, but divergent priorities are increasingly evident.<sup>20</sup> Government action has focused largely on the crime control—stopping the illicit trade—and is now moving only slowly to a security and disarmament perspective. Meanwhile the NGO community is becoming increasingly engaged but is lacking strategic direction and clear priorities. A broad range of organizations is involved, including those focused on conflict and disarmament, humanitarian affairs and human rights,

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development and gun control; the range of objectives they are pursuing is equally broad.

An important turning point in engaging governments came in Secretary-General Boutros-Boutros Ghali's call for "micro-disarmament" in his Supplement to the Agenda for Peace in 1995. Difficulties in postconflict peacebuilding led the Secretary-General to highlight the urgent need for "practical disarmament in the context of the conflicts the United Nations is actually dealing with, and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands."<sup>21</sup> In response to the Secretary-General's recommendation, the General Assembly called for the creation of a panel of experts to examine the "nature and causes of the excessive and destabilizing accumulation of small arms and light weapons, including their illicit production and trade."<sup>22</sup>

Progress to date has been greatest where consensus among states is easiest, that is, restricting the illicit trade. The first step was a regional initiative designed to address the link between drug trafficking and organized crime—the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. Negotiations, under the auspices of the Organization of American States (OAS), were completed in November 1997 after less than a year, and entry-into-force followed shortly thereafter.<sup>23</sup> Through the efforts of the Group of 7, the OAS Convention became the prototype for a global convention on illicit trafficking, and during the spring 1998 session of United Nations Economic and Social Council (ECOSOC) in 1998, governments decided to pursue a legally binding "international instrument to combat illicit manufacturing and trafficking in firearms, their parts and components, and ammunition." Negotiations of a Firearms Protocol linked to the UN Convention Against Transnational Organized Crime are now in their final stages with an agreement expected in late 2000.

Governments have also been moving forward on the international security dimensions of the proliferation in small arms, particularly at the regional level. Europe has been at the forefront. In addition to the Council of Europe's 1997 Programme for Preventing and Combating Illicit Trafficking in Conventional Arms, persistent lobbying by NGOs and

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politicians resulted in the adoption of a European Union Code of Conduct on Arms Exports in June 1998. Later in 1998 the EU adopted a legally binding Joint Action to combat the destabilizing spread of weapons, contribute to reductions of existing accumulations and provide assistance to severely affected regions. Further work is underway within the Forum for Security Cooperation of the Organization for Security and Cooperation in Europe (OSCE) and the Euro-Atlantic Partnership Council of NATO. Regional progress has also been made on the demand side. The first multilateral restraint measure undertaken by recipient states is the three-year West African Moratorium on the Importation, Exportation and Manufacture of Light Weapons, adopted by the Economic Community of West African States (ECOWAS) in October 1998. The moratorium involves a regional freeze on the import and transshipment of light weapons.

Global efforts to address the international security dimensions have developed in response to the two major reports prepared by governmental officials at the request of the UN General Assembly. As mentioned above, a Panel of Government Experts was tasked in 1995 with documenting the causes and effects of excessive and destabilizing accumulation of small arms, describing the key modes of transfer to conflict prone areas, and suggesting approaches to prevent and reduce these accumulations. Government officials from 16 countries were appointed to the panel based on equitable geographic representation, and their report, concluded by unanimous agreement, was released in the summer of 1997. To avoid duplication with the work of the Commission on Crime Prevention they focused exclusively on military-style weapons, and at the insistence of more conservative members of the panel attention was devoted principally to the illicit trade. The Report of the Panel of Experts has in many respects set the terms for the debate on addressing small arms proliferation. It offered definitions for both small arms and light weapons that have become widely accepted, situated small arms firmly within a security as opposed to a humanitarian discourse by focusing only on "excessive and destabilizing accumulations," and drew a stark distinction between the licit and illicit trade. In late 1997 UN General Assembly endorsed the recommenda-

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tions of the panel and a Group of Governmental Experts, including representatives of each of the Permanent 5, was requested to review implementation and to suggest further options.

It is within this context that a campaign to limit the availability of small arms has begun to emerge. By the end of 1998, the key elements of an advocacy campaign were under development including: a meeting of “like-minded” governments, a nascent NGO network, an expert meeting sponsored by the ICRC, and the designation of a focal point within the UN system.

Efforts to develop a coalition of like-minded governments began with a meeting of 21 countries in Oslo in July 1998. The meeting was co-sponsored by the leading members of the landmine core group, Canada and Norway, and included strong representation from the developing world. However, the three leading arms exporting countries—the United States, Britain and France—were also in attendance. The outcome of the meeting, “An International Agenda on Small Arms and Light Weapons: Elements of a Common Understanding” was less an action plan than an endorsement of existing initiatives, including tightening border controls, coordinating law enforcement, and considering weapons marking. It also promoted codes of conduct for legal arms transfers and the strengthening of international humanitarian law.

It was clearly less substantive than the organizers had hoped. Reports indicate that the original Norwegian text was significantly watered down over the course of the meeting, particularly regarding NGOs as “important partners,” and a Canadian proposal for a convention banning the transfer of weapons to non-state actors was rejected as “premature.” A follow-up meeting, held in Oslo in December 1999, included only 18 countries and significantly weaker participation from the developing world. The updated “Elements of a Common Understanding” devoted greater attention to arms brokering, but defined its objectives with reference to “excessive and destabilizing accumulations,” gave less emphasis to human rights and international humanitarian law, and gave still less attention to the role of NGOs. Although initially conceived as the foundation of a like-minded group, the Oslo meetings have

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clearly not resulted in a cohesive government coalition.

The origins of a coherent NGO campaign around the issue of small arms lie in a series of three NGO meetings—Washington, London and Johannesburg—beginning in late 1997.<sup>24</sup> The meeting in Washington, D.C., called by the U.S. working group on small arms, included representatives of 23 NGOs representing disarmament, humanitarian, human rights, gun control and development constituencies. A major outcome of the Washington meeting was the creation of a website clearinghouse for information on small arms, and the inclusion of a membership list marked the beginnings of a rudimentary NGO network. The Washington meeting was followed in quick succession by a similar meeting in February in London involving predominantly disarmament and human rights organizations, and a meeting in May in South Africa involving local gun control groups and development and faith-based organizations.

The emergence of a formal NGO network began with a meeting in Canada in August 1998.<sup>25</sup> The meeting was designed to prepare a draft campaign document to “develop ideas for complementary, cooperative and coordinated international action to respond more effectively to the political, social and humanitarian catastrophe wrought by the unrestrained diffusion of small arms around the globe.”<sup>26</sup> At the meeting, “45 individuals representing 33 NGOs from 18 countries (eight Northern and ten Southern)” agreed by consensus to establish a network of NGOs—the International Action Network on Small Arms (IANSA)—to prevent the proliferation and unlawful use of light weapons.<sup>27</sup> In October 1998, at a one-day NGO meeting in Brussels, the campaign document was further reviewed in order to generate greater buy-in from the 180 participants representing more than 100 NGOs. IANSA was formally launched in May 1999 at the Hague Appeal for Peace.

Although lessons from the landmines campaign have been explicitly incorporated, the principal organizers were clear from the outset that their approach to small arms would be very different. There is little overlap between organizations and people at the center of the two campaigns. Important NGOs involved the formation of the Network included Saferworld,

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the British-American Security Information Council (BASIC), International Alert, Federation of American Scientists, Amnesty International, Human Rights Watch, World Council of Churches, Oxfam, and Project Ploughshares, in addition to several university-based researchers. Other significant differences include the breadth of the policy objectives, the organizational structure, and the nature of membership. Within the twin objectives of controlling availability and reducing demand, measures promoted range from controls on legal transfers and the destruction of surplus weapons to reversing cultures of violence and alleviating poverty.

The organizational structure is elaborate, with a large Reference Group responsible for strategic direction, a Facilitating Committee responsible for the routine functioning of the network, and a decentralized secretariat. Membership in the network is extremely "loose," since organizers have sought breadth of support over depth. Not only is a broad range of NGOs involved, the network also includes university departments, UN agencies, the ICRC, and groups of eminent persons.<sup>28</sup> Breadth however comes at the cost of coherence. Those associated with the network are referred to as participants rather than members, and public documents include the disclaimer that "views expressed in the name of IANSA do not necessarily represent the views of all IANSA participants."

The ICRC and the United Nations are again playing complementary roles within the emerging campaign. The ICRC is one of the few organizations actively engaged in the small arms issue that adopts an explicitly humanitarian approach. At the 26<sup>th</sup> International Conference of the Red Cross and Red Crescent Movement in December 1995, the ICRC was asked to examine whether availability of weapons is contributing to violations of international humanitarian law. In May of 1998 the ICRC held a three-day meeting of experts from 14 countries, including government officials, military and academic experts, and representatives from humanitarian agencies and organizations. On the basis of the conclusions of this meeting and new field research, the ICRC published a study in June 1999 calling for restraint in both the transfer and use of small arms based on respect for humanitarian law.<sup>29</sup>

The United Nations system has been at the center of the

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effort to control small arms since the Secretary-General's call for micro-disarmament. In 1998 the Department for Disarmament Affairs (DDA) was designated the UN focal point for small arms and a mechanism—Coordinating Action on Small Arms (CASA)—was created to enable the organization to speak with one voice. By giving attention to the humanitarian, developmental, and security aspects, a diverse array of UN offices are engaged. On the humanitarian front, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) is responsible for the overall humanitarian dimension, with UNICEF, the Special Representative for Children in Armed Conflict and UNHCR continuing to lead in their areas of specialization.

Other important issues highlighted within CASA include the importance of disarmament to effective peacekeeping operations, the linkage between disarmament and development, and the connections between the criminal and political dimensions of small arms control. While these efforts at coordination are promising, both DDA and CASA seem more concerned about the role of UN than about addressing the proliferation of arms. In fact, the first objective in UN policy on small arms is to “*retain the lead* taken by the United Nations in putting the issue on the global agenda by projecting itself as a leader, a catalyst, and a clearinghouse for different activities.”<sup>30</sup> While this attitude may be softening with a change in leadership at DDA, there remains a strong belief that the United Nations should remain at the center of any global negotiating process and that the UN's efforts should be oriented more towards facilitating state negotiations than principled advocacy.

The UN will likely remain the focal point for efforts on small arms for the foreseeable future, since it will host a major international conference in 2001. At the request of the General Assembly, the Group of Governmental Experts prepared a report setting out the parameters for the 2001 Conference. The objective of the conference is not a legal binding convention but rather an international plan of action with a timetable for implementation. With the inclusion of representatives from all members of the Permanent 5, disagreements nearly resulted in recommendations from the previous report being rescinded,

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and several members were adamant that the scope of the conference be restricted to the illicit trade.<sup>31</sup> While progressive representatives managed to broaden the focus to include “the illicit trade in all its aspects,” this phrase is interpreted to mean that state transfers to other states and to non-state actors should be examined only “insofar as they are directly related to illicit trafficking.”

Given the stated positions of several recalcitrant states, far-reaching outcomes appear unlikely. Although the conference is still nearly a year away, the lack of progress at the first of the preparatory committee meetings in the spring of 2000 surprised most observers. Procedural matters dominated as governments were unable to agree on simple matters such as dates and venues, and intense debate surrounded the potential participation of NGOs and the prospect of decision-making not based on consensus. Although there were no negotiations on substantive matters, a number of states indicated that they strongly oppose allowing the conference to address any aspect of the legal arms trade.



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## CHAPTER 5

### TOWARDS A MODEL FOR HUMANITARIAN ADVOCACY

Recent campaigns on the International Criminal Court, child soldiers, and small arms indicate that the experience of the landmine campaign has already resulted in more effective humanitarian advocacy. The successful negotiation of an International Criminal Court was as unthinkable in the early 1990s as a comprehensive ban on landmines. The negotiation of an Optional Protocol raising the age for recruitment and deployment, while a more modest accomplishment, raised legal standards in spite of considerable opposition from powerful opponents. And while it is too early to predict whether the efforts to restrict the availability of small arms will also exceed expectations, the level of international attention is already a testament to the effectiveness of advocacy from governments, NGOs, and international organizations.

On the basis of this review of these four campaigns, certain elements in effective humanitarian advocacy recur. Three dimensions seem particularly important :

- Favorable negotiating conditions (a strong chairperson, NGO access, and provision for voting);
- Effective coalition building (among and between NGOs, governments and international organizations);
- Clear campaign messaging (advocating stringent provisions within an explicitly humanitarian discourse).

Examined here, they suggest the ingredients for a model for humanitarian advocacy.

#### **Negotiating Conditions**

The successful conclusion of the campaign to ban landmines was due in part to three characteristics of the Oslo negotiations: strong leadership from the chairperson during the negotiations, rules of procedure allowing access by NGOs, and

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decisions by vote rather than consensus. These three elements are equally important in accounting for the differential successes of the other campaigns. In the case of the ICC, all three conditions were present. The chairperson was a leading advocate of a strong and independent court, while decisionmaking by two-thirds majority was obviously critical given the seven opposing votes. NGO access in Rome was somewhat more limited than in Oslo—campaigning organizations were excluded from key negotiating sessions—but did not significantly lessen the effectiveness of their lobbying.

In the case of child soldiers, the limited success of the campaign is partly explained by the rules, procedures, and customs at the Commission on Human Rights. While NGOs were allowed access to all but the informal negotiations between governments, both the chairperson and the decision-making process worked against those campaigning for a straight-18 outcome. Because individual countries were responsible for working groups within the commission, the chairperson for the final sessions was selected by citizenship as much as by credentials. This was significant because the chairperson's focus was on concluding the negotiations whatever the result and also because her Swedish nationality inhibited Sweden, a strong advocate of the straight-18 position, from helping consolidate a government coalition committed to that position. Finally, in spite of the provision for two-thirds majority voting, the commission's tradition of consensus decisionmaking is well established. The predisposition towards consensus delayed the conclusion of an Optional Protocol by several years and gave opponents of the straight-18 position the upper hand throughout the negotiations.

In the case of small arms, the principal multilateral negotiations to date have focused on limiting the illicit trade in firearms (the OAS Convention and the Firearms Protocol of the Transnational Organized Crime Convention). They have employed very traditional diplomacy: objectives have been defined exclusively by states, negotiations have taken place in closed-door sessions in Geneva, and NGO involvement has been minimal. Broader efforts to restrict the availability of small arms have not yet involved negotiating a legally binding international instrument. Preparations for the 2001 Confer-

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ence, however, are reminiscent of the tedious CCW negotiations. Opposition to NGO access has dominated the early preparatory meetings and alternatives to consensus-based decisionmaking are being strongly resisted. While the chairperson for the 2001 Conference has not yet been selected, the lack of progress in the first preparatory committee meeting was partly the responsibility of the chairperson's weak management of the preparatory process.

The stand-alone nature of the Ottawa Process negotiations has often been identified as a critical component of the success of the campaign. There is no doubt that working outside existing negotiating forums offered the core-group maximum flexibility in designing a process to favor the outcome they sought. However, the example of the ICC indicates that operating outside traditional venues is not essential for successful, fast-track negotiations. Whether within or outside formal institutions, the key to successful outcomes is strong leadership by the chairperson, recourse to voting where disagreements remain, and NGO access. Formal negotiating venues where these conditions cannot be met—the Conference on Disarmament or the Commission on Human Rights—should be avoided.

### **Coalition Building**

Even more fundamental to effective humanitarian advocacy than negotiating conditions is coalition building. At best, cohesive coalitions are developed among and between NGOs, governments, and international organizations. The success of the landmine campaign can be attributed in broad measure to the strength and cohesiveness of the ICBL, the ICRC, the core group of states, the UN, and to the strategic coordination of their respective efforts.

These broad coalitions were again evident in the campaign for an ICC, though government and NGO coalitions were less cohesive and the efforts of the four main sets of actors were less well coordinated. The like-minded group managed the key transition from procedural to substantive objectives, but, in comparison to the landmine core group, played a more modest role in guiding the diplomatic process and drafting of the statute. Similarly, the NGO coalition adopted common prin-

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ciples but was less of a forum for strategic decisionmaking and did not provide a focal point for NGO efforts comparable to the ICBL. Furthermore, strategic coordination, particularly between government and NGO coalitions, remained limited. Though there was regular contact between the two groups in the lead-up to the conference, and representatives from the like-minded group provided regular debriefings for activists, the joint strategizing that characterized the landmine campaign never materialized. A closer partnership would have required a much greater convergence of government and NGO objectives. Yet in the words of the chairperson of the Rome conference, states came to Rome to negotiate statute while NGOs viewed "any concessions as high treason."<sup>1</sup>

In the campaign for a straight-18 Optional Protocol three of the four necessary elements were present—an effective NGO coalition and strong support from both the ICRC and the UN. The fourth, a government coalition, proved to be the essential ingredient that was missing. Of the NGO coalitions examined above, the Campaign to Stop the Use of Child Soldiers was most directly modeled on the ICBL, and during its relatively short existence it was quite successful in building momentum behind a straight-18 position. The clever approach to draw in the ICRC paid significant dividends and the coalition collaborated effectively with the UN, particularly UNICEF and the UNHCHR. The failure of the campaign to achieve its overarching objectives can be attributed directly to the absence of strategic coordination among governments supporting the NGO campaign. Had an effective government coalition emerged, it is likely that a straight-18 protocol could have been agreed either within or outside the Commission on Human Rights.

Although the small arms campaign is less far along than the other three, the relative weaknesses from the perspective of coalition building are striking. Of the main sets of actors, only the ICRC is playing its traditional advocacy role. While NGO activists hope to see the eventual emergence of several targeted campaigns, the IANSA network is oriented towards constituency building and information sharing, not strategic campaigning. Norwegian efforts to facilitate the emergence of a core group of states have clearly been unsuccessful. And

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within the United Nations, the Department for Disarmament Affairs has until recently done more to inhibit than to promote coalition building. It may be that the 2001 Conference will facilitate the coming of age of the small arms campaign, much as the CCW process did for the landmine campaign in 1996. However, these nascent coalitions are unlikely to have a significant impact on the 2001 Conference itself.

While attention in assessing effectiveness in humanitarian advocacy tends to be devoted to the nongovernmental sector, the successes and the failures discussed above suggest that strategic coordination among like-minded governments is ultimately the decisive factor to reach new agreements. In the landmines case, the profile of the ICBL tended to obscure the importance of the core group of states, but the evidence demonstrates that from the late spring of 1996 the core group had far greater influence on the ultimate outcome than the ICBL. The like-minded group played an even more fundamental role in securing the ICC statute. Not only was it the main advocate for holding a diplomatic conference, its cornerstone positions in many ways predetermined the outcome of some of the most contentious aspects of the negotiations. If the presence of a core group is a decisive factor in successful campaigns, the absence of such a group is equally significant. In the case of the campaign on child soldiers, although negotiating conditions were far from favorable, these barriers could have been largely overcome had there been an effective like-minded group committed to a straight-18 position. And the absence of a like-minded group will certainly limit the impact of the 2001 Small Arms Conference.

Since the landmines treaty, governments—both progressive and conservative—have increasingly recognized the significance of these coalitions. In the spring of 1997, under the rubric of a bilateral partnership agreement, Canada and Norway began to promote more systematic advocacy by like-minded states on so-called “human security” issues.<sup>2</sup> The group has since been expanded to more than a dozen countries and has met for ministerial meetings in Norway and Switzerland, as well as during the General Assembly in New York. Those who oppose the creation of new humanitarian norms are also aware of the effectiveness of like-minded coalitions. In

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some cases, this awareness leads to outright opposition (e.g., the Group of 77 opposition to the formation of a Friends of the Chair for the 2001 Small Arms Conference), while in other cases such coalitions are co-opted (e.g., U.S. participation the final meeting of the Friends of the Optional Protocol and in the Norwegian meetings on small arms).

If governmental coalitions are the key to the successful conclusion of humanitarian campaigns, NGO coalitions are the key to their emergence and development. NGOs are most effective at identifying the overarching objectives and at securing government support. In this context, one potentially counterproductive lesson that seems to have been drawn from the landmines campaign is the emphasis given to “partnership” between governments and NGOs even in the absence of agreement on substance. In fact, although often called a partnership, the phrase “strategic collaboration” is a much more accurate description.<sup>3</sup> In the case of the landmine campaign, collaboration began only when the core group of states wholeheartedly adopted the agenda of the ICBL—a comprehensive ban. As long as their objectives converged, the relationship appeared to be a genuine partnership. When objectives diverged, as in the final hours of the Oslo Conference when Canada supported the U.S. request for an extension, the fragility of the relationship was clearly apparent.

As a result, the nongovernmental sector should be wary of close links with governments prior to the identification of clear campaign objectives, because in most cases officials and activists will have widely diverging views from those of government officials on the art of the possible. Consider, for example, the implications for the landmine campaign had the so-called partnership with states begun earlier. Prior to 1996, close collaboration between the ICBL and progressive states would have been extremely unlikely to achieve anything beyond restrictions on mines without self-neutralizing technology. The danger of premature cooperation is also apparent in the case of the campaign on child soldiers where the NGO coalition worked closely with some governments whose commitment to a straight-18 position was not yet firm. This conclusion seems particularly relevant to the small arms campaign given that governments rather than NGOs have set the agenda to date.

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## Campaign Messaging

The final dimensions of this emerging model of humanitarian advocacy relate to campaign messaging, including the nature of the objective sought and the way in which issues are framed. In spite of strong inclinations towards consensus decisionmaking within multilateral negotiations, the emerging model of humanitarian advocacy clearly privileges stringent prohibitions supported by strong majorities over lowest common denominator outcomes supported by all. In addition, while many of the lessons outlined above would apply to campaigning more generally, this case study concludes that there are important gains to be made from adopting an explicitly humanitarian discourse.

The strength of international norms is dependent on both the stringency of the provisions and the breadth of support those provisions command. In multilateral negotiations there is a strong preference for universal norms, and therefore a built-in bias towards consensus decisionmaking. Yet the cases reviewed in this paper suggest a willingness among a solid majority of countries to develop bold standards now, leaving the achievement of universal support as a longer-term objective. As noted above, the landmine ban represented the revitalization of a pre-World War II style of disarmament negotiations, where prohibitions were established with strong support but not unanimous agreement. During the negotiations on the ICC statute a similar strategy was adopted even though the objective was not simply the development of a new legal norm but the creation of a new institution. In the case of the campaign on child soldiers, the objectives of the campaign and the support they managed to garner from a range of governments illustrates growing support for the pursuit of stringent standards even in the absence of universal support.

The precise balance between the stringency of provisions and the scale of support will obviously vary depending upon the case. There are good reasons, however, to assume that such a judgment will be a routine part of humanitarian standard-setting exercises in the future. Although it is beyond the scope of this analysis to develop the arguments fully, the premise

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that effective humanitarian norms, at least during this period in history, are more dependent on stringency than universality rests on three related claims. First, the creation of new international humanitarian norms and universal acceptance are at the moment mutually exclusive objectives.<sup>4</sup> In fact, existing universal standards are already more stringent than current lowest common-denominator positions. There is little doubt that if existing humanitarian law was renegotiated on the basis of consensus, key provisions would be weakened or rescinded.

Second, there is no necessary correlation between universal acceptance of humanitarian norms and reducing the human costs of war. Obviously universality facilitates field-level advocacy. But the acceptance of norms where they are most likely to be violated is ultimately more valuable than acceptance by all. Third, and perhaps counter-intuitively, stringent provisions in many cases are more likely to be implemented. Prohibitions that take respect for humanitarian norms out of the hands of decisionmakers on the battlefield—a complete ban on landmines or a prohibition on the recruitment of child soldiers—actually have a better chance of being respected.

A final dimension of the emerging model for humanitarian advocacy relates to the choices made by campaigners about the manner in which issues are framed. While each of the campaigns examined in this paper has focused on a humanitarian objective—reducing the human costs of war—a humanitarian discourse has not always dominated or even been widely accepted. A significant turning point for the campaign to ban landmines was shifting the discourse from arms control and disarmament to humanitarian law. In contrast to the landmine case, the efforts of the campaign on small arms have largely been to shift the discourse from crime control to arms control and disarmament with relatively little reference to a humanitarian viewpoint. In part this reflects the promising rejuvenation of the disarmament movement in the wake of the landmine treaty. But it also reflects a limited understanding of the reasons for the landmine campaign's success. Framing the issue in humanitarian terms plays to the strengths of NGO campaigners and to the weaknesses of their opponents.

Although the landmines treaty is undoubtedly a “disarmament” treaty, the campaigners rightly recognized that the

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field of arms control and disarmament was inhospitable terrain on which to advance their cause. Obviously a humanitarian orientation lent greater weight to the scale of human suffering. Two other benefits followed, however, which were equally important. First, an overtly humanitarian approach strengthened the argument for avoiding politically charged disarmament venues and their relatively conservative government negotiators. Second, a humanitarian discourse privileges concrete knowledge about the practice rather than the theory of contemporary warfare, a subject in which field-based NGOs can consistently trump governmental experts. An overarching conclusion of this study, therefore, is that even where multiple discourses are available to campaigners, advocacy is often best couched within explicitly humanitarian terms.

### **Future Humanitarian Campaigns**

There is currently widespread agreement that the principal orientation for humanitarian advocacy in the coming years should be to secure more consistent compliance with existing humanitarian, human rights, and refugee law.<sup>5</sup> There are, however, a number of areas where the development of additional legal norms and standards may help to reduce the human costs of war, and where the lessons of the campaigns discussed above could be directly applicable. The main objectives for future humanitarian campaigns can be broken down into two categories: enhancing restrictions on the production and use of weapons, and strengthening the legal protection afforded to civilians in situations of armed conflict.

#### *Restricting Weapons*

While advocacy to restrict the production and use of weapons will continue to focus on the proliferation of small arms, there are a number of other more narrowly focused campaigns emerging. Since the Gulf War in the early 1990s, the use of armor-piercing shells manufactured from depleted uranium has raised health and environmental concerns. These fears were exacerbated by the use of depleted uranium shells

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by NATO in the Kosovo conflict; lobbying to halt their use is intensifying.

In the wake of NATO's action in Kosovo, there is also an emerging campaign against cluster bombs. First used by the U.S. in Vietnam, these weapons are dropped from aircraft and contain up to 2000 submunitions or bomblets that are scattered over a wide area on impact. According to the ICRC, 10 percent of the submunitions fail to detonate. These remaining explosive can be more dangerous to civilians than landmines: children in Kosovo were five times more likely to be killed or maimed by the submunitions of a cluster bomb than by landmines. In early September 2000 the ICRC called for a ban against the use of cluster bombs in populated areas, and for a general suspension of their use until there is clear agreement on the nature of their deployment and clearance.

A further area of concern is in the expansion of so-called non-lethal weapons. Blinding laser weapons, banned during the review of the Certain Conventional Weapons Convention in 1995, are perhaps the most widely known example of a broad new class of weapons that result not in death but in permanent disability. In addition to certain chemical and biological weapons that inflict diseases or cause abnormal psychological states, there are also new technologies designed to disrupt the central nervous system, leading to convulsions and depression. While these weapons would appear to cause "superfluous injury and unnecessary suffering" and therefore are illegal under existing humanitarian law, research and development on them continues. Building on medical research relating to landmine victims, the ICRC has launched the Superfluous injury and unnecessary suffering (SIrUS ) Project. The project is designed to develop an objective definition for "superfluous injury and unnecessary suffering" to determine the potential legality of a weapon while still in the development stage, and to hold weapons producers accountable to humanitarian standards.

### *Protecting Civilians*

The protection of civilians in situations of armed conflict has been the subject of increasing attention throughout the late

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1990s. Within the humanitarian community, significant progress has been made in integrating assistance and protection agendas. Meanwhile, states have begun to take the protection issues more seriously, particularly within the Security Council. Much of the attention is focused on enhancing compliance with existing norms, but there are at least three specific areas where advocacy efforts are currently underway: internally displaced persons, fundamental standards of humanity, and the protection of humanitarian workers.

In 1992, at the request of the Commission on Human Rights, the Secretary-General appointed a representative on internally displaced persons, who was tasked with examining existing laws and mechanisms and proposing alternative measures where necessary. The outcome of this process was the formulation of Guiding Principles on Internal Displacement, which set out the rights and guarantees under international law relevant to the protection of internally displaced persons in all phases of displacement. These principles have been debated in numerous multilateral bodies, including the Commission on Human Rights and the General Assembly, but there appears to be little support from states for converting these principles into a binding legal instrument. The response by advocates of the principles, including UN agencies, the ICRC, NGOs, and a number of supportive states, has been to act on the basis of the principles irrespective of their official legal status. As a result, the principles have now been widely disseminated and are being promoted and applied by the broader humanitarian community. Thus far, the approach appears to be effective, and there is now growing support for a formal mechanism to monitor compliance.

Efforts to define “fundamental standards of humanity” are in some respects analogous to the Guiding Principles. Since the late 1980s the convergence of humanitarian and human rights law has been accompanied by the growing awareness of potential gaps between the two. International humanitarian law is far less well developed for internal as opposed to interstate conflicts, and may not even be applicable to lower-level violence within states. At the same time, human rights law may lack sufficient specificity to be effective in times of violent conflict, some provisions may be subject to derogation in

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times of national emergency, and the applicability to nonstate armed groups is debatable. These uncertainties have resulted in an effort to define clear standards that would be applicable under all circumstances. A group of nongovernmental experts began the process by developing the Turku Declaration on Minimum Humanitarian Standards. While this specific text was not widely accepted, support for developing fundamental standards remains. Regular expert meetings continue to be held, and governments address the issue each year at the Commission on Human Rights. Whether the outcome, if any, will be the formulation of higher standards or simply the distillation of existing norms remains to be seen, since much will depend on the outcome of a major ICRC study on the current state of customary international humanitarian law, due to be released in late 2000.

A third potential area for the development of new norms relating to the protection of civilians is the safety of humanitarian workers. The Convention on the Safety of United Nations and Associated Personnel of 1994, which entered into force on January 15, 1999, covers only United Nations and associated personnel engaged in operations specifically authorized by the Security Council or the General Assembly. Within the humanitarian community, the debate continues about the benefits of extending the provisions of this convention to cover a broader range of humanitarian personnel, particularly given the increased security risks that may result from closer links with the UN in cases where robust military action is undertaken. At the same time, however, there is also an emerging consensus that the scope should be broadened to cover other categories of associated personnel, including locally recruited staff.

In addition to these three specific examples of ongoing humanitarian advocacy to enhance the protection of civilians in war zones, there are several other cases where lessons of recent humanitarian campaigns could have application. First, the campaign to reduce the human costs of broad-based economic sanctions has had considerable impact in shaping overarching Security Council policy on sanctions, though it has been less successful in ameliorating the effects of sanctions against Iraq. While the objective here will not be an interna-

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tional legal instrument, the task outstanding is to convert government statements of support for more carefully targeted sanctions into Security Council practice. Second, an NGO campaign entitled Fatal Transactions was launched in early 2000 to address the impact of so-called "conflict diamonds." The campaign has been effective in drawing international attention to the role of multinational corporations in providing resources that fuel ongoing civil wars. Governments currently appear to be considering some kind of international convention to regulate this aspect of the international diamond trade.

Finally, there is the question of humanitarian intervention. NATO's action in Kosovo and the Secretary-General's challenge to the General Assembly in the fall of 1999 have sparked a highly controversial debate on the circumstances under which military intervention to protect civilians is justified. While it is too early to predict even the range of possible outcomes, this is surely one of the most pressing contemporary issues for the advocates of humanitarian causes.

### **Advocacy in a Changing Environment**

Lessons drawn from the campaign to ban landmines and from the campaigns on the International Criminal Court, child soldiers, and small arms are clearly applicable to these ongoing campaigns. Yet at the same time it is important to note that the environment within which advocacy takes place is also changing, not least because of recent successes. In part, the changed environment is the result of the growing awareness of the opponents of stronger humanitarian norms. But it is also the product of the benefits politicians derive from being associated with humanitarian causes. Finally, there is a broader question about the longevity of the post-Cold War geopolitical environment that is undoubtedly conducive to successful humanitarian advocacy.

The successes, in quick succession, of the campaigns to ban landmines and to create an International Criminal Court has for the time being undoubtedly changed the broader environment. Opponents are now keenly aware of the consequences of ignoring these seemingly unimportant campaigns. This awareness can be seen most immediately in the high-level engage-

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ment by the U.S. in response to the campaigns on child soldiers and small arms. But it is also evident in the persistent opposition to decision-making formulas not based on consensus, to broad access to NGOs, and to the formation of like-minded groups. This is not to suggest that these conditions are any less relevant to the successful conclusion of humanitarian campaigns, but simply to note that these conditions have already become more difficult to secure.

A second important change in the broader advocacy environment is the remarkable enthusiasm from several Western governments to be at the forefront of future humanitarian campaigns. As polling data indicates strong public support for initiatives like the banning of mines and the creation of an International Criminal Court, direct involvement becomes a political asset. Humanitarian advocacy is increasingly seen, at least in many Western countries, as smart politics.

While humanitarian campaigns obviously benefit from the growing number of sympathetic governments, there are also costs associated with government-dominated campaigns. In addition to the possibility that governments alone would set the terms of the debate and that campaigns would be launched prematurely, there is also the risk that humanitarian advocates would seek second-best solutions that are palatable to progressive governments, particularly where NGO coalitions are largely the product of government funding. Furthermore, the political support is often personality-driven and therefore subject to change at short notice. For example, two foreign ministers central to the four campaigns examined in this paper—Knut Vollebaek of Norway and Lloyd Axworthy of Canada—have now moved on to other jobs. While it is unlikely that either country will back away from existing commitments, it is also unlikely that new ministers will devote the same energy to humanitarian causes.

A final question about the environment in which humanitarian advocacy takes place relates to the broader geopolitical context. It has been argued that the 1990s can be characterized as a neo-idealist period with strong parallels to the decades preceding each of the two world wars. Although the lone superpower remains one of the persistent opponents of recent humanitarian campaigns, there is no doubt that the overall

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post-Cold War environment has been highly conducive to effective humanitarian advocacy. Whether this will be the case in the years to come remains to be seen. But the prospects of a less hospitable world order, combined with the vagaries of political power discussed above, suggest that campaigners ought to work aggressively over the next few years to take the utmost advantage of the opportunities that the current environment affords.



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## NOTES

### Foreword

1. S. Neil MacFarlane, *Politics and Humanitarian Action*, Occasional Paper # 41 (Providence, R.I.: Watson Institute, 2000).

2. See, for example, Mark Frohardt, Diane Paul, and Larry Minear, *Protecting Human Rights: The Challenge to Humanitarian Organizations*, Occasional Paper #35 (Providence, R.I.: Watson Institute, 1999).

### Preface

1. S. Neil MacFarlane, *Politics and Humanitarian Action*, Occasional Paper # 41 (Providence, R.I.: Watson Institute, 2000).

2. Richard Price, "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines," *International Organization* 52, no. 3 (Summer 1998). Yet landmines were not central to the defense postures of the major states and there was (and is) considerable lack of clarity on the military utility of antipersonnel landmines in particular.

3. In a thorough review of the challenges facing civilians in war zones, the Secretary-General argued that "the protection of civilians in armed conflict would be largely assured if combatants respected the provisions of international humanitarian and human rights law." He nevertheless went on to identify several important gaps in existing international law. Kofi Annan, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, S/1999/957, paragraph 35, September 8, 1999.

4. For those interested in a more theoretical treatment of the campaign to ban landmines see Price, "Reversing the Gunsights," 613-44.

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## Chapter 1

1. Ivan Bloch, *The Future of War in its Technical, Economic and Political Relations 1899* (Aldershot: Gregg Revivals, 1991).

2. Andrew Dickson White's diary entry cited in Calvin Davis, *The United States and the Second Hague Peace Conference* (Durham, N.C.: Duke University Press, 1975): 25.

3. Edward Spiers, "The Use of the Dum Dum Bullet in Colonial Warfare," *The Journal of Imperial and Commonwealth History* 4, no. 1 (1975): 7.

4. Davis, *The United States and the Second Hague Peace Conference*, 23.

5. Barbara Tuchman, *The Proud Tower: A Portrait of the World Before the War* (New York: Macmillan, 1962): 257.

6. Both Portugal and Britain became signatories at the 1907 Hague Peace Conference.

7. Sandi Cooper, *Arbitration or War: Contemporary Reactions to the Hague Peace Conference of 1899* (New York: Garland, 1972): 37.

8. Between 1945 and 1975 landmines and other unexploded ordinance were responsible for 4,000 civilian deaths and 9,000 injuries in Poland. International Committee of the Red Cross, *Landmines must be stopped* (Geneva: ICRC, 1995): 12. The ICRC estimates that 27 percent of the arable land in Libya remains infested with World War II mines. International Committee of the Red Cross, *Landmines in Africa: Factsheet* (January 1, 1995).

9. The principle of proportionality emerged through the 1868 St. Petersburg Declaration on Explosive Projectiles and the 1899 and 1907 Hague Conventions on Expanding Bullets and War on Land, respectively. The principle of discrimination originated with the 1907 Hague Convention on War on Land and was reflected in the 1949 Geneva Convention on the Protection of Civilian Persons in Time of War.

10. Maurice Aubert, "The ICRC and the problem of excessively injurious weapons," *International Review of the Red Cross*, no. 279 (1990): 477-97.

11. Article 35. Not only were negotiations too slow, there was also a belief that the protocols should focus on broad principles rather than specific weapons systems.

12. Resolution 32/152 of December 19, 1977; Resolution

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33/70 of September 28, 1978; and Resolution 34 of December 11, 1979. The conference was held in two sessions, September 10-28, 1979, and September 15 to October 10, 1980. Approximately 80 states were represented at the preparatory sessions and the conference.

13. Aubert, "The ICRC and the problem of excessively injurious weapons."

14. Eric Prokosch, *The Technology of Killing: A Military and Political History of Antipersonnel Weapons* (London: Zed Books, 1995): 156-7. This claim was based on the Martens Clause first included in the preamble to the 1899 Hague Convention and later reaffirmed in the 1949 Geneva Convention. The clause recognized that humanitarian law exists in part through custom on the basis of the "usages established among civilized peoples, from the laws of humanity and the dictates of public conscience." Convention I, Article 63. Similar language is also used in the 1977 Additional Protocols and the 1980 Convention.

## Chapter 2

1. The newsletter had a circulation of about 10,000 copies.

2. The first report became influential following testimony by the Women's Commission for Refugee Women and Children in congressional hearings in January 1991.

3. Eric Stover and Rae McGrath, *Landmines in Cambodia: The Coward's War* (Human Rights Watch and Physicians for Human Rights, 1991).

4. See for example, Robin Coupland, "Amputations from antipersonnel mine injuries of the leg," *Annals Royal College of Surgeons of England*, no. 71 (1989): 405-8; Robin Coupland and A. Korver, "Injuries from antipersonnel mines: the experience of the ICRC," *British Medical Journal*, no. 303 (1991): 1509-12; and Rae McGrath and Eric Stover, "Injuries from land mines," *British Medical Journal*, no. 303 (1991): 1492.

5. Stover and McGrath, *Landmines in Cambodia*; Middle East Watch, *Hidden Death: Land Mines and Civilian Casualties in Iraqi Kurdistan* (1992); Physicians for Human Rights, *Hidden Enemies: Land Mines in Northern Somalia* (1992); Human Rights/Africa Watch, *Landmines in Mozambique* (1993); Africa Watch,

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*Land Mines in Angola* (1993).

6. Human Rights Watch and Physicians for Human Rights, *Landmines: A Deadly Legacy* (1993).

7. International Committee of the Red Cross, *Report of the Montreaux Symposium on Anti-Personnel Mines* (Geneva: ICRC, 1993): 1.

8. W. Hays Park, "The Humanitarian Law Outlook," in Kevin Cahill, ed., *Clearing the Fields: Solutions to the Global Landmines Crisis* (New York: Basic Books, 1995): 54.

9. "Increasingly it is evident that peace building after civil or international strife must address the serious problem of landmines, many tens of millions of which remain scattered in present or former combat zones." *An Agenda for Peace*, A/47/277 (1992).

10. Boutros Boutros-Ghali, "The Global Landmines Crisis," *Foreign Affairs* 73, no. 5, (July/August, 1994):13.

11. Boutros Boutros-Ghali, "Foreword," in Cahill, *Clearing the Fields*, xiv.

12. United Nations Children's Fund, *Landmines: A Scourge on Children* (1994).

13. In 1993 this moratorium was extended for a further three years by unanimous vote.

14. GA/48/75/K, and GA/49/75/D respectively.

15. *Final Report of the Governmental Experts*, Article 49, CCW/CONF.I/GE/23

16. Participation in the Expert Group Conferences included 33 states parties, 33 observer states, the ICRC at the invitation of the UN Secretary General, UNHHA, UNHCR, and UNICEF. NGOs from the ICBL were present at the first two meetings but they boycotted the final two in protest over their lack of access.

17. *ICRC Campaign Against Antipersonnel Landmines* (Geneva: ICRC, 1995).

18. Given the structure of the Red Cross, each national society is responsible for decisions on advocacy. The U.S. Red Cross joined the campaign with a screening of "Silent Sentinels: Coward's War" in New York City in January 1996.

19. Patrick Blagden, *Antipersonnel Mines: Friend or Foe* (ICRC, 1996). At the time only two other unclassified reports existed, one Swedish and the other from the U.S. Institute for

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Defense Analysis Institute, *The Military Utility of Landmines: Implications for Arms Control* (Washington, D.C., 1994). A further report, Chris Smith, *The Military Utility of Landmines...?* (London: Centre for Defence Studies, 1996), was released shortly after the Review Conferences were concluded.

20. The threat posed to soldiers from industrialized countries and peacekeepers remained a significant theme of the campaign. See Tim Carstairs, "Diplomacy, International Law and the Campaign against Landmines," *International Peacekeeping* 4, no. 3 (Autumn 1997): 104-11; and Human Rights Watch and Vietnam Veterans of America Foundation, *In Its Own Words: The U.S. Army and Antipersonnel Mines in the Korean and Vietnam Wars* (July 1997).

21. "An Open Letter to President Clinton," *New York Times*, April 3, 1996.

22. Barry James, "50 Nations Agree to Make Landmines Easier to Find," *International Herald Tribune*, May 3, 1996, 1.

23. For a discussion of the competing positions on the Conference on Disarmament see Michael Dolan and Chris Hunt, "Negotiating in the Ottawa Process," in Brian Tomlin, Max Cameron and Bob Lawson, eds., *To Walk without Fear* (Toronto: Oxford University Press, 1998): 408-10; and David Atwood, "Tackling the Problem of Antipersonnel Landmines: Issues and Developments," *Study on Contemporary Issues in Arms Control and Disarmament*, Zurich Security Forum, October 1998.

24. For a detailed review of the politics of the Conference on Disarmament relating to landmines see, Rebecca Johnson, "Geneva Update," *Disarmament Diplomacy* (January-July/August 1997).

25. Brian Tomlin, Max Cameron, and Bob Lawson, "The Campaign to Ban Landmines," in Tomlin, Cameron, and Lawson, *To Walk without Fear*, 5.

26. The group was expanded prior to the Brussels meeting to include Brazil, Slovenia, France, the UK, Zimbabwe, and Malaysia.

27. For a detailed discussion of the treaty drafting process and the treaty itself, see Thomas Hajnoczi, Thomas Desch, and Deborah Chatsis, "The Ban Treaty," in Tomlin, Cameron, and Lawson, *To Walk without Fear*, 292-313.

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28. See Jody Williams and Steve Goose, "The International Campaign to Ban Landmines," in Tomlin, Cameron, and Lawson, *To Walk without Fear*, 37-8.

29. *Towards a Landmine free Africa*, Proceedings of the First Continental Conference of African Experts on Landmines, Institute for Security Studies and the Organization for African Unity, Halfway House, South Africa, 1997.

30. See Mary Wareham, "Rhetoric and Policy Realities in the U.S.," in Tomlin, Cameron, Lawson, *To Walk without Fear*, 230-33.

31. For a discussion, see Michael Dolan and Chris Hunt, "Negotiating in the Ottawa Process," in Tomlin, Cameron, and Lawson, *To Walk without Fear*, 408-10.

### Chapter 3

1. For a review of the impacts of the changing geopolitical contexts on other humanitarian challenges, see Mark Frohardt, Diane Paul, and Larry Minear, *Protecting Human Rights: The Challenge to Humanitarian Organizations Occasional Paper # 35* (Providence, R.I.: Watson Institute, 1999): Chapter 1.

2. Steve Goose, "Strategizing about International Citizens Campaigns," *The Progressive Response* 2, no.8 (March 20, 1998).

### Chapter 4

1. Richard Falk, "Walking the Tightrope of International Humanitarian Law: Meeting the Challenge of Land Mines," in Kevin Cahill, ed., *Clearing the Fields: Solutions to the Global Landmines Crisis* (New York: Basic Books, 1995): 69-86.

2. Members included Andorra, Argentina, Australia, Austria, Belgium, Benin, Bosnia-Herzegovina, Brazil, Brunei, Burundi, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, Gabon, Georgia, Germany, Ghana, Greece, Hungary, Ireland, Italy, Jordan, Latvia, Lesotho, Liechtenstein, Lithuania, Malawi, Malta, Namibia, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Samoa, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa,

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Spain, Swaziland, Sweden, Switzerland, Trinidad and Tobago, UK, Uruguay, Venezuela, Zambia.

3. The Steering Committee was comprised of Amnesty International, Human Rights Watch, International Commission of Jurists, No Peace without Justice, Women's Caucus for Gender Justice in the International Criminal Court, and the World Federalist Movement.

4. The European Union, for example, funded an NGO specialist to participate as part of the official delegation from Senegal. Similar support was provided to Sierra Leone and Trinidad and Tobago. William A. Schabas, *Round Table on the Establishment of a Permanent International Criminal Court*, Annual Conference of the Canadian Council on International Law, Ottawa, October 15, 1998.

5. Graça Machel, *Impact Of Armed Conflict On Children*, A/51/306, August 26, 1996.

6. The UK, also deploying soldiers under the age of 18, had nevertheless indicated that it would allow the standard to be set at 18, even though this would preclude it from signing.

7. The Coalition to Stop the Use of Child Soldiers, *Stop Using Child Soldiers!* (London: Rädde Barnen, 1998): 23.

8. Defence for Children International joined the Steering Committee in September 1998.

9. For African states in Maputo, Mozambique, April 12-22; for Latin American and Caribbean States in Montevideo, Uruguay, July 5-8; and for European states in Berlin, Germany, October 19-20.

10. See for example the joint press statement entitled "UN bodies call for a prohibition on the recruitment and participation of children under 18 in armed conflict" released on January 12, 2000.

11. International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Swedish Red Cross, *Plan of Action Concerning Children in Armed Conflict*, Sweden 1997.

12. Three meetings were held in New York in September 1999, Ottawa in December 1999, and Geneva in January 2000.

13. *18 years for participation in hostilities and for all forms of recruitment, with an opt out provision regarding voluntary recruitment allowing for a minimum age of 17 years with reference to*

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*national legislation.* E/CN.4/2000/74 (para 18.)

14. The terms small arms and light weapons are commonly used interchangeably to refer to military-style conventional arms that can be carried by an individual or a light vehicle.

15. Jasjit Singh, ed., *Light Weapons and International Security*, (Indian Pugwash Society and British American Security Information Council, 1995).

16. Aaron Karp, "Small Arms: The New Major Weapons" in J. Boutwell, M. Klare and L. Reed, eds., *Lethal Commerce: The Global Trade in Small Arms and Light Weapons* (Cambridge, Mass.: American Academy of Sciences, 1995): 17-30.

17. Key organizations included the American Academy of Arts and Sciences, the British-American Security Information Council (BASIC), Human Rights Watch, Pugwash, and the UN Institute for Disarmament Research.

18. See for example, Boutwell, *Lethal Commerce*; Singh, *Light Weapons and International Security*; Christopher Louise, *The Social Impacts of Light Weapons Availability and Proliferation*, Discussion Paper 59, United Nations Research Institute for Social Development, March 1995; and the United Nations Institute for Disarmament Research series "Managing Arms in Peace Processes."

19. See for example, Christopher Smith, "The Diffusion of Small Arms and Light Weapons in Pakistan and Northern India," *London Defense Studies*, no. 20 (London: Centre for Defense Studies, September 1993); Stephen Goose and Frank Smyth, "Arming Genocide in Rwanda," *Foreign Affairs* 73, no. 5 (September/October 1994): 86-96; and Clement Adibe and Jakkie Potgieter, *Managing Arms in Peace Processes: Somalia* (New York and Geneva: Disarmament and Conflict Resolution Project, United Nations Institute for Disarmament Research, 1995).

20. There are currently more than 300 arms producing companies in 50 countries. Abdel-Fatau Musah and Niobe Thompson, eds., *Over a Barrel: Light Weapons & Human Rights in the Commonwealth* (London and Delhi: The Commonwealth Human Rights Initiative, 1999): 9.

21. A/50/60

22. A/50/70B

23. For an in-depth discussion of the OAS Convention see,

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Susannah Dyer and Geraldine O'Callaghan, *One Size Fits All?: Prospects for a Global Convention on Illicit Trafficking by 2000*, BASIC Research Report, February 1999.

24. The following section draws on Keith Krause, *Norm-Building Security Spaces: The Emergence of the Light Weapons Problematic*, Graduate Institute of International Studies, Geneva, February 12, 1999.

25. The meeting, held in Orillia, Ontario, was hosted by Project Ploughshares with funding from the Canadian government and the Ford Foundation.

26. Krause, *Norm-Building*, 13.

27. International Action Network on Small Arms, *Founding Document* (London: IANSA, May 1999).

28. Since 1996, Oscar Arias has led a group of Nobel laureates calling for a global code of conduct in arms transfers similar though broader and more stringent than the one adopted by the EU. An Eminent Persons Group has also been formed to work specifically on the 2001 Conference

29. International Committee of the Red Cross, *Arms Availability and the Situation of Civilians in Armed Conflict*, Geneva, June 1999.

30. Italics added. *Coordinating Action on Small Arms (CASA): The United Nations Policy*, Department of Disarmament Affairs, June 19, 1998.

31. Kate Joseph and Sally Chin, *UN Small Arms Report Paves Path for 2001 Conference*, BASIC Reports, October 1, 1999.

## Chapter 5

1. Philippe Kirsch, *Round Table on the Establishment of a Permanent International Criminal Court*, Annual Conference of the Canadian Council on International Law, Ottawa, October 15, 1998.

2. See *The Lysøen Declaration, Norway-Canada Partnership for Action*, Lysøen, Norway, May 11, 1998; *A Perspective on Human Security: Chairman's Summary*, Lysøen, Norway, May 20, 1999; and *The Human Security Network-Second Ministerial Meeting: Chairman's Summary*, Lucerne, Switzerland, May 12, 2000.

3. For the use of the term "strategic collaboration" see

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David Atwood, "Tackling the Problem of Anti-Personnel Landmines: Issues and Developments," *Study on Contemporary Issues in Arms Control and Disarmament*, Zurich Security Forum, October 1998.

4. The Optional Protocol might be cited as evidence to the contrary, but this case was highly unusual in that most states skeptical of raising humanitarian standards were already in compliance with the more stringent norm due either to compulsory recruitment at 18 or to keen competition for military positions combined with massive surplus labor.

5. In a thorough overview of the plight of civilians in war zones, the Secretary-General recently argued that "the protection of civilians in armed conflict would be largely assured if combatants respected the provisions of international humanitarian and human rights law." He nevertheless went on to identify several existing gaps in existing international law. Kofi Annan, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, September 8, 1999 (S/1999/957), para. 35.

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## APPENDIX I

### ACRONYMS

AP	Antipersonnel (mines)
BASIC	British-American Security Information Council
CASA	Coordinating Action on Small Arms (UN)
CD	Conference on Disarmament (UN)
CCW	Certain Conventional Weapons (Convention)
CRC	Convention on Rights of the Child
DDA	Department for Disarmament Affairs (UN)
ECOSOC	Economic and Social Council (UN)
ECOWAS	Economic Community of West African States
EU	European Union
G-7	Group of 7
G-8	Group of 8
G77	Group of 77
GA	General Assembly (UN)
HI	Handicap International
HRW	Human Rights Watch
IANSA	International Action Network on Small Arms
IASC	InterAgency Standing Committee (UN)
ICBL	International Campaign to Ban Landmines
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
MAG	Mines Advisory Group
MI	Medico International
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
OSCE	Organization for Security and Co-operation in Europe
P-5	Permanent 5 (UN)
PHR	Physicians for Human Rights
SG	Secretary-General (UN)

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SrUS	Superfluous Injury and Unnecessary Suffering (ICRC)
UK	United Kingdom
UN	United Nations
UNDHA	UN Department of Humanitarian Affairs
UNDPKO	UN Department of Peace-keeping Operations
UNGA	UN General Assembly
UNHCHR	UN High Commissioner for Human Rights
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNIDIR	United Nations Institute for Disarmament Research
U.S.	United States
VVAF	Vietnam Veterans of America Foundation

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## APPENDIX II

### THE LANDMINE BAN: A CHRONOLOGY

September 1991	“The Coward’s War: Landmines in Cambodia” jointly issued by Asia Watch of HRW and PHR.
November 1991	VVAF in Washington and MI in Frankfurt agree to jointly launch an advocacy campaign to ban landmines.
May 1992	HI launches a campaign against mines along with MAG and PHR.
October 1992	HI, HRW, MI, MAG, PHR, and VVAF meet in New York and agree to coordinate campaigning efforts and to co-sponsor an NGO conference.
February 1993	The French Foreign Ministry sends a letter to the Secretary-General officially requesting a review conference of the 1980 CCW Convention.
May 1993	The First NGO International Conference on Landmines is held in London bringing together NGOs to strategize on building the ICBL.
September 1993	UNICEF/Geneva decides to give priority attention to the issue of landmines.
December 1993	UN General Assembly adopts a resolution calling for a

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	<p>moratorium on the export of antipersonnel mines.</p>
February 1994	<p>ICRC president declares that from a humanitarian point of view a “worldwide ban on antipersonnel mines is the only truly effective solution.”</p>
May 1994	<p>ICBL holds its Second International NGO Conference in Geneva.</p>
September 1994	<p>The UN Secretary-General submits his first report on mine clearance, noting that the “best and most effective way” to solve the global landmine problem is a complete ban.</p>
September 1994	<p>At the United Nations U.S. President Bill Clinton calls for the “eventual elimination” of landmines.</p>
March 1995	<p>Belgium becomes the first country to pass domestic laws to ban landmine use, production, procurement, sale, and transfer.</p>
June 1995	<p>The Cambodia Campaign to Ban Landmines and the NGO Forum on Cambodia host a three-day international conference on landmines.</p>
October 1995	<p>The Review Conference on the CCW does not reach consensus, proceedings are suspended, and two additional sessions are</p>

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	planned for 1996.
January 1996	While the CCW review conference reconvenes in Geneva, the ICBL hosts a meeting of pro-ban states that agree to work toward an immediate ban.
May 1996	The review conference of the CCW ends and ICBL declares that “the amended protocol will not make a significant difference in stemming the global landmine crisis.”
October 1996	The first Ottawa Conference brings together 75 governments. A final declaration is agreed to by the 50 participating governments, and Canada announces that it is prepared to hold a treaty-signing conference for a total ban in December 1997.
November 1996	A U.S. resolution calling on states to “pursue vigorously” an international agreement to ban antipersonnel mines “with a view to completing the negotiations as soon as possible” passes the UN General Assembly by a vote of 156-0, with ten abstentions.
February 1997	Austria hosts the first preparatory session to discuss elements of a comprehensive ban treaty. One hundred eleven countries attend.
February 1997	“Toward a Mine-Free Southern Africa - the Fourth International

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	NGO Conference on Landmines” is held in Maputo, Mozambique, with more than 450 participants from 60 countries.
May 1997	OAU meets in Kempton Park, South Africa and 25 African governments commit to signing the Mine Ban Treaty.
June 1997	Belgium hosts the second preparatory session for the “Ottawa Process.” One hundred six countries sign the Brussels Declaration affirming their commitment to negotiate and sign a ban treaty by December 1997.
September 1997	One hundred twenty-one nations negotiate the ban treaty from 1-19 September in Oslo, culminating in adoption of a comprehensive treaty.
October 1997	1997 Nobel Peace Prize is awarded to ICBL and Jody Williams, ICBL coordinator.
December 1997	One hundred twenty-two nations sign the Mine Ban Treaty in Ottawa, Canada.
September 1998	Burkina Faso becomes the 40th country to ratify the Mine Ban Treaty, resulting in entry-into-force on March 1, 1999.

(Adapted from *Ban Movement Chronology*, [www.icbl.org](http://www.icbl.org))

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### APPENDIX III

#### FOR FURTHER REFERENCE

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## APPENDIX IV

### ABOUT THE AUTHOR AND THE HUMANITARIANISM AND WAR PROJECT

Don Hubert is a senior policy adviser in the Peacebuilding and Human Security Division of the Canadian Department of Foreign Affairs, currently on leave and living in Dhaka, Bangladesh. He is also a research fellow at the Centre for Foreign Policy Studies at Dalhousie University. He has a Ph.D. in social and political science from the University of Cambridge, and has held postdoctoral positions at the Centre for Foreign Policy Studies at Dalhousie University and briefly with the Humanitarianism and War Project at Brown University. He was a research officer in the Canadian Immigration and Refugee Board in the early 1990s. Since joining the Department of Foreign Affairs he has been a member of the Policy Planning Staff and Coordinator for Humanitarian Affairs. He is a co-editor of *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, McGill-Queens University Press (forthcoming).

Neil MacFarlane is Lester B. Pearson Professor of International Relations at the University of Oxford and director of Oxford's Centre for International Studies. He is also adjunct professor of political science at Dalhousie University and a fellow of the Centre for Foreign Policy Studies. He has worked with the Humanitarianism and War project for five years and is coauthor or author of three of the project's studies.

The Humanitarianism and War Project is an independent policy research initiative underwritten since its inception in 1991 by some 50 UN agencies, governments, NGOs, and foundations. To date it has conducted thousands of interviews on complex emergencies around the world, producing an array of case studies, training materials, books, articles, and opinion pieces for a diverse audience.

This Occasional Paper is the product of research carried out during Phase 3 of the Project (1997-2000). Phase 3 exam-

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ined the process of institutional learning and change among humanitarian organizations in the post-Cold War period, with particular attention to innovative practices devised by individual agencies to address specific challenges. With the launching of Phase 4 in September 2000, the Project is working to disseminate its findings and recommendations more actively. Its effort to do so builds on case studies, both geographical (the Persian Gulf, Central America and the Caribbean, Cambodia, the former Yugoslavia, the Great Lakes Region, and the Caucasus) and thematic (the interface between humanitarian action and peacekeeping, and the roles of the media and the military in the humanitarian sphere). Its work is tailored to the expressed needs of humanitarian organizations, the primary constituency of the project, but is also used by policymakers and academics.

Intergovernmental organizations that have contributed to the Project to date are the European Community Humanitarian Office (ECHO), International Organization for Migration (IOM), Organization for Economic Cooperation and Development (OECD) Development Centre, United Nations Disaster Relief Organization (UNDRO), United Nations Development Program (UNDP), United Nations Institute for Training and Research (UNITAR), United Nations Department of Humanitarian Affairs (DHA), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), the United Nations Special Emergency Program for the Horn of Africa, United Nations Staff College, United Nations University, United Nations Volunteers, the World Food Program, and the World Health Organization.

NGO contributors include the American Red Cross, CARE-US, Catholic Relief Services, Danish Refugee Council, International Center for Human Rights and Democratic Development (Canada), International Federation of Red Cross and Red Crescent Societies, International Orthodox Christian Charities, International Rescue Committee, Lutheran World Federation, Lutheran World Relief, Mennonite Central Committee (Canada), Mennonite Central Committee (U.S.), Mercy Corps International, the Nordic Red Cross Societies, Norwe-

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gian Refugee Council, Oxfam-UK, Save the Children-UK, Save the Children-U.S., Trócaire, and World Vision-U.S.

Project donors also include the governments of Australia, Canada, France, the Netherlands, Sweden, the United Kingdom, and the United States. Generous support has come as well from the Arias Foundation, Ford Foundation, Fourth Freedom Forum, Howard Gilman Foundation, MacArthur Foundation, McKnight Foundation, Andrew W. Mellon Foundation, Pew Charitable Trusts, John D. and Catherine T. Rockefeller Foundation, and the U.S. Institute of Peace.

At its inception, the Project was an activity of Brown University's Watson Institute for International Studies, which was established in 1986 to facilitate analysis of global problems and to develop initiatives to address them. Additional information about the Institute and the Project may be found at [http://www.brown.edu/Departments/Watson\\_Institute](http://www.brown.edu/Departments/Watson_Institute). Since September 2000, the Project has been located at the Feinstein International Famine Center at Tufts University's School of Nutrition Science and Policy. The Project's archival website, containing information on its first three phases, is available at [www.brown.edu/Departments/Watson\\_Institute/H\\_W](http://www.brown.edu/Departments/Watson_Institute/H_W). Information on current activities is available from <http://www.hwproject.tufts.edu>.

