

INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS  
IN ARMS CONTROL AND DISARMAMENT  
POTENTIAL AND VIABILITY

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INTERNATIONAL  
NON-GOVERNMENTAL ORGANIZATIONS  
IN ARMS CONTROL AND DISARMAMENT  
*Potential and Viability*

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New Delhi  
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Geetanjali Chopra Sharma



## *Preface*

The adoption of the Mine Ban Treaty in 1997 set a new precedent for the involvement of International Non-Governmental Organizations (INGOs) in arms control and disarmament. These organizations were referred to as 'new superpowers' and the international community began to show increasing interest in them. In fact, a parallel was even drawn between the anti-landmine cause and the cause for nuclear disarmament with relation to the potential of INGOs in the field of disarmament. Do INGOs actually possess the potential to emerge as significant players in arms control and disarmament? This study aims at addressing this central question by analysing the past involvement of INGOs in arms control and disarmament activities, and, on that basis, assessing their future potential in similar initiatives.

The focus is on constructing a model of engagement of INGOs in arms control and disarmament, based primarily on their role in the campaign against landmines and the resulting Ottawa Process and Convention. Internal and external factors responsible for the initiation, involvement and success of INGOs in the campaign, including the objectives, approach and strategies of INGOs along with the role of the international environment and state actors have been analysed to develop the model. The model has then been applied to the case of small arms in order to test its applicability and thus assess the overall potential and viability of INGOs in arms control and disarmament initiatives for conventional weapons.

The study evolves around the hypothetical framework that INGOs have the potential to effectively initiate and address arms control and disarmament issues and are more effective and successful as partners of states and international organizations rather than as autonomous players in arms control and disarmament affairs.

INGOs are fast emerging as active players in influencing attitudes, negotiating norms, and making a difference in the operational realm

on the global plane. The activities of these organizations traditionally restricted to civic-oriented issues are widely acknowledged and documented, while their activities in core areas of arms control and disarmament are not so widely noticed. In fact, the foray of INGOs into security issues is a recent phenomenon, for historically, these organizations had been excluded from security issues partly due to the lack of expert information and analyses, and also because security had been considered an area reserved exclusively under state sovereignty. It is only since the end of the Second World War that INGOs, assuming a role in several security-related issues, have expanded their agenda to include arms control and disarmament issues. Examples include the role INGOs played in the permanent extension of the Non-Proliferation Treaty in 1995, the campaign of the World Court Project for and advisory opinion in the legality of nuclear weapons by the International Court of Justice in 1996, and the role of the Nuclear Threat Initiative in reducing the proliferation of WMD.

However, it was only with the involvement of INGOs in the movement against landmines and the subsequent Ottawa Process and Convention that these non-state actors were drawn into the thick of disarmament negotiations. In fact, the credit of initiating the anti-landmine movement goes to INGOs. During 1991, several INGOs, National NGOs (NNGOs) and individuals simultaneously began to discuss the necessity of coordinating initiatives and calls for a ban on landmines. The movement to ban landmines gained impetus after the formation in 1992 of the International Campaign to Ban Landmines (ICBL), a coalition of six INGOs comprising Handicap International, Human Rights Watch, Medico International, Mines Advisory Group, Physicians for Human Rights, and the Vietnam Veterans of America Foundation (VVAFA). With the support of UN agencies, governments, and the ICRC, ICBL spearheaded and succeeded in its effort to mobilize international public support for a global ban on landmines and was instrumental in bringing about the Ottawa Convention to Ban Anti-Personnel Landmines. This treaty, which presently has 151 signatories, prohibits the use, stockpiling, production and transfer of anti-personnel mines. Since its adoption,

several positive developments with regard to landmines have taken place. These include reduced use of the weapon, fewer new mine victims, dramatic drop in production, and increased destruction of stockpiled landmines.

Interestingly, INGOs—and especially the ICBL—have been considered as some of the main players in the Ottawa Process and Convention. For the Ottawa Convention is the first multilateral disarmament treaty banning a weapon already in widespread use, and was negotiated, adopted, and brought into force in a record period of 29 months, with the active involvement of INGOs but without the support of major powers. It thus speaks volumes of the capability and credibility of the manner in which the treaty proceedings were conducted with the active role of INGOs. Such has been the contribution of INGOs in this treaty that many believe the treaty would not have been possible without the active participation of INGOs.

Such assertions regarding the paramount role of INGOs in the Ottawa Convention, along with the fact that three disarmament-related INGOs have received Nobel Prizes in recent years, testifying to their influence in the field, makes the subject of INGO involvement in the campaign against landmines and disarmament a very interesting and relevant one to analyse. It also raises questions about how and why INGOs contributed to and succeeded in the Ottawa Process, and, more importantly, whether the success story of INGOs in the landmines campaign can be replicated in campaigns for banning or eliminating other weapons. In other words, did the success of INGOs in the campaign against landmines herald a new era of INGO participation in disarmament affairs?

While research on the involvement of INGOs in the anti-landmines campaign has been conducted, one major lacuna is the absence of analysis of the potential of these organizations in future arms control and disarmament initiatives, based on their experience of the Ottawa Process. Also given the fact that INGOs have the potential to contribute to this field and have in the past done so, theorists have failed to provide a framework for successful INGO participation in the field. It is this gap that the proposed research aims to fill.

In the aforementioned context, the proposed study will essentially seek to analyse the involvement of INGOs in the Ottawa Process by examining and assessing their participation in the various stages of the Process. The ultimate aim would be to ascertain the applicability of the strategies and methods adopted by INGOs in the Ottawa Process, to other weapon types, more specifically, small arms, and thus comment upon the potential and viability of INGOs in arms control and disarmament.

It should be noted that this research tends to focus on the role of the International Campaign to Ban Landmines (ICBL), an issue-specific INGO coalition, rather than the roles of individual national and INGOs. The study, however, has no intention of undervaluing the importance of the useful contributions made by major INGOs like, for instance, the International Committee of the Red Cross (ICRC).

Divided into five chapters, this research aims to provide a holistic view of the INGO involvement in arms control and disarmament. Chapter 1 attempts to provide an overview of INGOs. It examines and analyses the origin, growth, characteristics, roles, and scope of INGOs in detail. An introductory chapter, its basic aim is to gauge the significance and potential of INGOs in contemporary world politics.

The concepts of arms control and disarmament are explored in Chapter 2. Tracing the history of arms control and disarmament to the modern day, this chapter examines the key developments in this field and seeks to provide a basic background to arms control and disarmament. The second part of the chapter analyses the involvement of INGOs in this field. How and why did INGOs become involved in arms control and disarmament? What have been their roles, functions, and achievements in this field? These are some of the main questions that have been addressed in this chapter.

Having examined the concepts of INGOs, and arms control and disarmament along with the involvement of INGOs in this security-related field, Chapter 3 elucidates the role of INGOs in a specific arms control and disarmament case: the campaign against

anti-personnel landmines. Divided into two parts, the first part of the chapter surveys the extent and impact of the use of anti-personnel landmines. The response of the international community to the menace posed by these weapons, along with the legal constraints on their use are also scrutinized. The involvement and contribution of the ICBL in the various stages of the anti-landmine movement and the resultant Convention are analysed in the second part of this chapter.

The model for INGO participation in arms control and disarmament is constructed in Chapter 4 on the basis of the experience of the ICBL in the Ottawa Process and Convention. Based on the findings of the preceding chapter, the INGO-AC/D model outlines the steps which the ICBL followed to emerge as a significant participant in the Ottawa Process.

Chapter 5 concludes, testing the applicability of the INGO-AC/D model in order to ascertain the potential and viability of INGOs in the field of arms control and disarmament. By means of applying the model developed in the preceding chapter to the issue of small arms, an attempt is made to verify the applicability and authenticity of the research undertaken.

The research methods employed in the study are analytical and descriptive. Deductive methods have been used to analyse the various issues and dimensions of INGO origin and growth and their involvement in arms control and disarmament. The historical approach has been utilized to construct the model of INGO involvement in disarmament activities.

This study is based on both primary and secondary sources. The primary sources used include INGO publications, including those of the ICBL, ICRC, Human Rights Watch, and IANSA; United Nations publications; and United States State Department reports. Secondary sources comprise books, articles, newspaper clippings, and reports. The Internet has also been extensively used, primarily for the purpose of gathering statistics and data on the landmine problem.

For a further first-hand insight and account of INGO—and more specifically ICBL—involvement in the different stages of

the Ottawa Process, interviews with the members of the ICBL and government officials of the states involved in the Ottawa Process and Convention have been used to learn about the actual functioning of this body and how it succeeded in achieving the Ottawa Convention.

## CHAPTER 1

# *Dimensions of International Non-Governmental Organizations*

*NGOs<sup>1</sup> are no longer mute observers of international process or mere vehicles for providing information to policy makers but material political players in their own right.*

—P. Mucke<sup>2</sup>

*In the years since World War II, there have been more than seven times as many INGOs as IGOs.*

—H. K. Jacobson<sup>3</sup>

*NGOs play a vital role in the shaping and implementation of participatory democracy. Their credibility lies in the responsible and constructive role they play in society.*

—Agenda 21<sup>4</sup>

*INGOs nationally and internationally indeed have a crucial role in helping and encouraging—and if need be, prodding and shaming—governments into taking actions to which they have given endorsement in international fora. NGOs are now essentially important actors before, during and increasingly after governmental decision-making sessions.*

—Andrew E. Rice and Cyril Ritchie<sup>5</sup>

*I see a United Nations which recognizes that the non-governmental organizations revolution—the new global people-power, or whatever else you wish to call this explosion of citizens' concern at the global level—is the best thing that has happened to our Organization in a long time.*

—Kofi Annan<sup>6</sup>

As is evident from the quotes above, the significance and potential of international non-governmental organizations (INGOs) in contemporary world politics cannot be undermined. From a mere 5 issue-oriented organizations in 1850,<sup>7</sup> the number of INGOs has grown phenomenally to 37,281 in 2001.<sup>8</sup> Traditionally confined to civic-oriented activities, INGOs in the contemporary world have made considerable achievements in all spheres of national and international life. With significant diversity in what and whom they represent, these relatively flexible organizations have advocated and brought a multitude of ideas in defining global agendas. They have not only injected unexpected voices into the national and international discourse about numerous issues of global scope, but have also exercised considerable influence in the policy-making arena, where previously only states had played a significant role. In fact, the growth of INGOs, both in number and scope, is one of the most striking phenomena of the twentieth century, and as a result, INGOs as a category of organizations have achieved the status of a significant third force in the international system.

But what are INGOs? How and when did they originate? What roles and functions do they perform? What is the real significance of increased INGO presence and influence on the international scene? Do INGOs have the potential to influence governments, or are they merely government mouthpieces? These are some of the questions this chapter will address while analysing the concept and phenomenon of INGOs.

#### DEFINITION OF INGOS

Interestingly, while there is consensus that INGOs play a dominant role in transnational relations, there is no universally agreed definition of INGOs. This is primarily because INGOs as a category of organization are very diverse in nature, form, and structure, hence generalizations on INGOs are very difficult. For example, in addition to the internationally-known organizations dealing with human rights, environmental protection, and humanitarian assistance, there are INGOs representing industry associations like

soap and chemicals, narrowly zealous religious organizations, and advocates of obscure causes like Esperanto and space colonization.<sup>9</sup> With such diversity, a universally accepted definition is not easy.

Further, the term 'non-governmental organization' itself is challenged by a host of alternative usages such as independent sector, volunteer sector, grass-root organizations, transnational social movement organizations, non-state actors, etc., which makes the task of defining INGOs difficult (Table 1.1). There are two main problems that have to be contended with while defining and using the term INGO. These are the difficulties of dilution, and of overlap.<sup>10</sup> While dilution concerns the 'over-loose use of the term and the subsequent inclusion within it of a broad set of organizations',<sup>11</sup> overlap relates to the fact that there exist a wide variety of terms which, though broadly similar, differ either in an explicit criterion, or implicit nuance of usage.<sup>12</sup>

TABLE 1.1 ACRONYMS FOR NGO TYPES

<i>Acronym</i>	<i>Name</i>
BINGO	Big International Non-Governmental Organization
CBNGO	Community-Based Non-Governmental Organization
DONGO	Donor Non-Governmental Organization
GRO	Grass-Roots Organization
INGO	International Non-Governmental Organization
NGDO	Non-Governmental Development Organization
NNGO	National Non-Governmental Organization
SCO	Social Change Organization
SNGO	Support Non-Governmental Organization
WCO	World Church Organization

Bearing in mind these twin difficulties, several scholars and theorists have tried to define INGOs in a precise manner. Further, while there are well-developed theories about the functioning of the private (profit) and public sectors, no such equivalent exists for the non-profit sector. The fact that this gap has to be filled if the potential of the non-governmental sector is to be realized is the guiding factor which makes the need for a precise definition imperative, as precise concepts and terms which are in turn comparable and used in the

same way by researchers and policy analysts would aid in better understanding of the sector.

Ironically, given this need for a precise definition of INGOs, the classical definition of this term potentially encompasses all entities that go beyond the individual but which do not have the direct authority of the state, whereas most contemporary commentators define INGOs along the lines of 'private organizations that are neither established by government nor by international agreement, and which are capable of playing a role in international affairs by virtue of their activities'.<sup>13</sup>

Within the broad range of these two definitions, theorists have provided a range of definitions. Smith defines INGOs as organizations having 'legal independence from government, a non-profit status, a voluntary decision-making structure'.<sup>14</sup> Willetts describes INGOs as any group of people relating to each other regularly in some formal manner and engaging in collective action, where the activities are non-commercial, non-violent, and are not on behalf of the government.<sup>15</sup> Boli and Thomas regard INGOs as 'transnational bodies exercising a special type of authority called rational voluntarism and employing limited resources to make rules, set standards, propagate principles and broadly represent humanity vis-à-vis states and other actors'.<sup>16</sup>

However, a definition which is now largely accepted is provided by the UN.<sup>17</sup> It states an INGO to be 'Öa non-profit entity whose members are citizens or associations of citizens of one or more countries and whose activities are determined by the collective will of it's citizens; in response to the needs of the members of one or more communities, with which the organisation co-operates'.<sup>18</sup> It is on the basis of this definition, along with the principles<sup>19</sup> listed in Art. 71 of the UN Charter,<sup>20</sup> that NGOs are identified and permitted to maintain a working relationship with the UN.<sup>21</sup>

Interestingly, the terms INGOs and NGOs were not used in common parlance before the formation of the UN. When 132 INGOs decided to cooperate with each other in 1910, they did so under the label of the Union of International Associations (UIA). Further, the League of Nations (LoN) of cially referred to

its ‘liaison with private organizations’, while many of these bodies at that time called themselves international institutes, international unions, or simply international organizations.<sup>22</sup> It was only with the adoption of the UN Charter<sup>23</sup> that NGOs were formally associated with the UN and subsequently the term ‘NGO’ became part of UN jargon.<sup>24</sup>

Having attained recognition by the UN, the linguistic usage of the term NGO over the years has undergone a change (Table 1.2). In 1945, any involvement of private individuals or groups in the work of the UN constituted deviation from the norm, with diplomacy being the exclusive preserve of ‘states’. Thus, a national organization, as mentioned in Art. 71 of the UN Charter, was any NGO based in a single country. No distinction was made between an organization that covered a large constituency over the whole country, and an organization based solely in a local community or a small section of the population. The lack of any distinction did not matter, as participation by either countrywide or more limited national NGOs was rare in the major UN organs. Participation began on a small scale in the 1970s at UN conferences on an ad hoc basis, and when the Economic and Social Council (ECOSOC) rules were changed in 1996 to admit ‘national NGOs’ to consultative status as a matter of routine, the presumption was that a national organization was a countrywide membership organization, or a federation of local groups, or an umbrella group, i.e. a coalition of NGOs operating in different fields.

TABLE 1.2 CHANGES IN TERMINOLOGY COVERING NGOS

<i>Level of Organization</i>	<i>From 1945 to Early 1990s</i>	<i>Early 1990s Onwards</i>
Local	National NGO	Grass-roots, community-based/civil society organization or local NGO
Provincial (USA—state)	National NGO	Civil society organization or local NGO
National	National NGO	National NGO or civil society organization
Regional	International NGO	NGO or civil society organization
Global	International NGO	NGO or major group or civil society organization

In concluding this definitional section, it should be noted that the term 'non-governmental organization' is now on the decline. It is criticized as being too negative, that is, as describing NGOs for what they are not.<sup>25</sup> Interestingly, almost 20 years ago, Cyril Ritchie suggested a new appellation, 'Extragovernmental organizations' (EGOs), which was not accepted.<sup>26</sup> However, the emerging nomenclature for these organizations seems to be 'civil society'.

Having defined INGOs, let us now examine the characteristics, roles, and functions of these organizations.

#### CHARACTERISTICS, ROLES AND FUNCTIONS OF INGOs

As is evident from the definition of INGOs, their most significant characteristics can be said to be their non-governmental position and deliberate non-profit making and welfare-promoting nature. Another often-stated characteristic is their independent decision-making structures and processes.<sup>27</sup> Green and Matthias<sup>28</sup> state that organizations can be termed as INGOs if they fulfil a threefold criterion of formal organization, non-profit objectives, and free decision-making processes.<sup>29</sup> Further, they also identify several secondary features which are occasionally associated with NGOs. These include the involvement of volunteers, and a wide and voluntary funding base.

In addition to these features, the organization and operation techniques of INGOs also set them apart from NNGOs and other organizations. INGOs are primarily organized on the basis of one of the following models.<sup>30</sup>

- 1) All begin and some remain with one headquarters based entirely in one country, even though they work internationally in others, for example, the International Rescue Committee, and the International Medical Corps.
- 2) Some have many autonomous national chapters with independent field organizations, each reporting back to the home office. This means several offices may work independently of each other in the same country, for

example Save the Children, and Oxfam.

- 3) Some have chosen to create many national fund-raising offices that pool their collective funds and spend them through a single worldwide field organization, which is indigenously staffed and managed, such as World Vision International, and ICRC.
- 4) Others only work through indigenous local NGOs that are not a part of their organizational structure; they have no independent operational capacity in the field outside such indigenous partner agencies as the Church World Service.

On the basis of these definitions and characteristics of INGOs, four ideal types of INGOs can be identified.<sup>31</sup>

- 1) Campaign organizations, whose primary orientation is normative, and whose most important activity is to mobilize the masses.
- 2) Expert organizations, whose primary orientation is scientific, and whose most important activity is to provide consultation services and information.
- 3) Humanitarian organizations, which have an ethical-practical orientation, and which try to directly support people in need.
- 4) Grass-roots organizations, which have active citizens, organizing themselves, and working in their spheres of activity in local circles. Their work is aimed at developing and undertaking concrete plans and projects.

While the above-mentioned classification indicates that the four types of INGOs perform different roles, one role common to all INGOs is the role they play in the 'life cycle' of national and international law development and implementation.<sup>32</sup> Though NNGOs and INGOs may seek to use various kinds of influence at the different stages of the process and might concentrate their activities, choosing not to address all or even most of the stages of the process, all NNGOs and INGOs are involved in some stage or the other in policy making and implementation.

It is this role of INGOs that is responsible for these organizations

attaining popularity and the status of the third force in international relations. More specifically, INGOs perform four main functions.

- 1) Setting agendas.
- 2) Negotiating outcomes.
- 3) Conferring legitimacy.
- 4) Implementing solutions.<sup>33</sup>

INGOs not only introduce new topics into the international debate or help to change the existing priorities, but also participate in processes, which, within the framework of an agenda, lead to the establishment of new norms. Further, they persuade key states to become active in favour of a new norm, bring in proposals for negotiations, put reluctant governments under public pressure, at times participate in negotiations—as organizations or individual delegation members—or facilitate them by providing diplomats with informal places for discussion in Track II exchanges.<sup>34</sup> Once the norm is established, INGOs see that the new norm is strengthened. At times, these non-state actors try to make a government or other non-state actors change their behaviour in the absence of a norm, by acting directly.<sup>35</sup>

Further, INGOs also play an important role in bridging governmental and societal understanding of what is to be seen as a problem, and how a problem is to be dealt with. INGOs have the potential to facilitate discourse between governmental and societal rationalities and help avoid situations in which governments must decide between satisfying their domestic constituency or their international partners. They do this by directing the attention of governmental decision makers to issues that are high on the public agenda but have not yet been adequately fed into the political machinery.<sup>36</sup> Further, NGOs improve the content of international regulations by bringing their expertise to intergovernmental politics. They lobby the international media, provide data on pressing problems and options to deal with, and act as critics if the results of intergovernmental bargaining fall short of significantly reducing real-world problems.

Analysing the impact of NGOs on public policy, Paul states that INGO action can be examined at three different levels.<sup>37</sup>

- 1) Micro-policy.
- 2) Macro-policy.
- 3) Norm-setting.

An example of INGO campaigns comprising these three tiers of NGO actions is the World Court Project, a large network of INGOs that strived to ban the use of nuclear weapons, succeeding to bring its case in 1996 to the World Court. The Court admitted the case for consideration, which is a micro-policy success. However, a more strategic objective of the NGOs was to make governments discontinue their dependence on nuclear weapons (macro-policy), and to convince the general public of the immorality of using nuclear weapons (norm-setting).<sup>38</sup>

Over the years, NGOs have been successful in bringing about several changes in the international arena. They have promoted new environmental agreements, strengthened women's rights, and improved the rights and well-being of children, the disabled, poor and indigenous peoples. Examples of NGO activism include adoption of the Montreal Protocol on substances depleting the ozone layer in 1987, and the 1998 Treaty of Rome. Another NGO mobilization forced governments to abandon secret negotiations for the Multilateral Agreement on Investments in 1998. In the late 1990s, the NGO Working Group on the Security Council emerged as an important interlocutor of the UN's most powerful body, while the Jubilee 2000 Campaign changed thinking and policy on poor countries' debt. It is due to these efforts and successes of these non-state organizations that they have attained the present status they hold in international affairs and politics.

#### ORIGIN AND GROWTH OF INGOS

Contrary to popular belief, INGO involvement in world politics is not a late twentieth-century phenomenon. INGOS have been participants in international affairs since the eighteenth century, when numerous INGOS and NGOs contributed to the development of international law concerning significant economic, political, and social issues. These organizations were instrumental in

sensitizing states to the need for international regulation concerning, for example, the abolition of slavery, recognition of labour rights, reduction in tariffs and barriers to trade, and promotion of the rights of women.<sup>39</sup> Significantly, many of the organizations that promoted these campaigns had an international dimension and operated in many ways not dissimilar from INGOS active today.<sup>40</sup>

There is some difference in opinion among theorists as regards the origin of INGOs. While Charnovitz<sup>41</sup> holds the Roman Catholic Church to be the earliest INGO, as the fourth Lateran Council, called by Pope Innocent III for 1215, included not only 400 bishops, but also envoys of many European kings and the personal representative of Emperor Frederick II; Jacobson<sup>42</sup> and Skjelsbaek<sup>43</sup> are of the opinion that the Rosicrucian Order,<sup>44</sup> an educational fraternal order dating back to 1694, is the first modern INGO. Feld, Jordan and Hurwitz<sup>45</sup> consider the World Alliance of the YMCAs founded in 1855 to be the first INGO. However, in keeping with the UIA standards for defining INGOs,<sup>46</sup> the Rosicrucian Order is considered to be the first modern INGO.

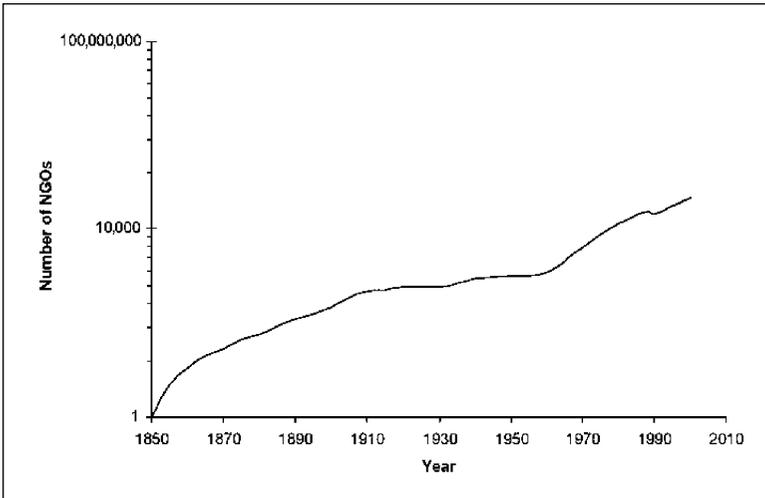


FIG. 1.1 GROWTH OF INTERNATIONAL NGOS FROM 1850 TO 2000\*

Source: Brijesh Nalinakumari and Richard MacLean, 'NGOs: A Primer on the Evolution of the Organizations that are Setting the Next Generation of Regulations', *Environmental Quality Management*, 2005, p. 16.

\* Data for 1850 to 1920 are adapted from F. S. L. Lyons, *Internationalism in Europe, 1815-1914*, Leiden: A. W. Sijthoff, 1963. Data for 1920 to 2000 are from the *Union of International Associations*, adapted from 'The 21<sup>st</sup> Century NGO: In the Market for Change', *Sustainability*, 2003.

While the first INGO was formed in the seventeenth century, the actual growth and involvement of INGOs in international governance occurred only after 1815.<sup>47</sup> The pattern of growth and involvement of INGOs in international affairs since the seventeenth century can be analysed by means of the periodization in Table 1.3.<sup>48</sup>

**Table 1.3 Phases of Growth of INGOs and Development**

<i>Phase</i>	<i>Period</i>
Origin and Development	1694–1918
Engagement	1919–34
Disengagement	1935–44
Formalization	1945–46
Stagnation	1947–49
Re-emergence	1950–60
Underachievement	1961–71
Intensification	1972–91
Empowerment	1992–97
Recognition	1997 onwards

Characterized by certain key developments, these 10 phases trace the growth of INGOs as significant international actors. Starting with the establishment of the first INGO, the Rosicrucian Order in 1694, the phase of origin and development saw the emergence of INGOs in international affairs. Essentially a period of discovery, INGOs in this phase discovered their capacity to influence governments, and as a result, there were INGO fingerprints on new international conventions regarding rules of war, intellectual property, admiralty,

prostitution, narcotics, labour, and nature protection.<sup>49</sup> This period also saw the beginning of INGO self-awareness, as demonstrated by the creation of the UIA. The establishment of the Red Cross<sup>50</sup> was one of the most important developments of this period, as it was this organization that provided a pattern for INGO contribution in the formulation of international law.

By the early part of the twentieth century, i.e. the phase of engagement (1919–34), INGO activities grew under the auspices of the LoN, which provided for a relatively extensive degree of NGO participation in a range of activities. This access included participation in bodies dealing with economic and trade issues. In fact, INGO activities helped in the establishment of intergovernmental organizations (IGOs) such as the International Labour Organization.<sup>51</sup> During this 16-year period, governments supported and provided for INGO participation in intergovernmental meetings and international agencies.<sup>52</sup>

The third phase of INGO involvement in international affairs, as the name suggests, was that of disengagement (1935–44). During this period, there was a contraction in INGO participation within the League. Several reasons have been suggested for this phenomenon, including heightened world tensions, a growing bureaucratization of the League Secretariat,<sup>53</sup> and the growing insecurities of the League. Further, INGO activities outside the League were also limited, as the conditions prevalent in the 1930s were not conducive for international cooperation.

The establishment of the UN in 1945 marked the beginning of the phase of formalization for INGOs. The formal processes for INGO involvement in the development of international law and policy, which were notably ad hoc until then, were formalized by the UN Charter.<sup>54</sup> Art. 71 of the Charter stated that ECOSOC may make 'suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the UN concerned.' INGOs were now formally associated with the UN, hence attained credibility

in world politics.<sup>55</sup>

In spite of formalization of the association of INGOs with the UN, the contribution of INGOs declined or seemed stagnant in the post-war years as compared to the earlier periods. Factors accounting for this include the fact that the extended mandates of governments and IGOs (particularly the UN and its newly-established agencies) increased the need to have 'in-house' expertise that had hitherto been provided by NGOs. An exception to this trend of declining INGO contribution was in the field of environment.<sup>56</sup> The creation of the International Union for the Protection of Nature in 1948, with membership from both governments and INGOs, proved to be a turning point for INGO influence in world politics, for this provided a focal point for environmental INGOs active at the intergovernmental level, and ever since, INGO participation in the UN and other intergovernmental bodies has been gaining significance.

The 1950s and 1960s witnessed an active presence and participation of INGOs in international affairs both within and outside the UN, marking the re-emergence of these organizations on the world stage. Human rights,<sup>57</sup> environment,<sup>58</sup> and scientific issues<sup>59</sup> dominated the agenda of most INGOs. One of the more significant developments in this phase was the initiation of the Pugwash Conferences in 1957.

This period was followed by a phase of underachievement. This is because INGOs were capable of contributing much more than what they actually did, but their efforts were limited by Cold War politics and the institutional weaknesses of the UN.<sup>60</sup>

The 1970s saw the intensification of INGO involvement in international governance. In this phase (1971–91), INGOs grew in number, size, and diversity. Through expertise and tenacity, INGOs were able to increase their impact, specially in the fields of environment and human rights. Other areas of NGO involvement included disarmament and economic issues. INGOs were now being asked for assistance by ECOSOC and the General Assembly for the planning and preparation of international conferences. The Stockholm environmental conference in 1972 is often viewed as

a watershed of INGO involvement: 225 accredited INGOs along with 113 governments were present at the conference, and INGOs were permitted to make a formal statement to the conference. INGOs also distributed a daily newsletter, a practice regularized at subsequent global conferences. Opportunities for INGOs and NNGOs generally grew during this period, and they emerged as significant actors on the world stage.<sup>61</sup>

A new period in NGO-IGO relations was inaugurated by the extensive participation of NNGOs and INGOs in the preparatory committee for the UN Conference on Environment and Development (UNCED) and at the UNCED Conference itself. Marking the beginning of the phase of empowerment, i.e. 1992, UNCED brought to light the growing power of NGOs.<sup>62</sup> Realizing the potential of NGOs, UN Agenda 21 adopted at UNCED spelled out the potential contribution that NGOs could make towards realizing sustainable development. It noted that NGOs 'Öpossess well-established and diverse experience, expertise, and capacity in fieldsÖof particular importance to the implementation and review of environmentally sound and socially responsible sustainable developmentÖ[and that the resources of NGOs] should be tapped, enabled and strengthenedÖ.'<sup>63</sup>

Significantly, the same could be said of INGOs active in almost every field, not just those concerned with the environment or sustainable development. In numerous ways, NGO involvement has increased dramatically since 1992, although the trend was initiated at differing times in earlier decades depending on the fora.<sup>64</sup>

The adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction in 1997, also known as the Ottawa Convention, marked a new phase in the history of INGOs. INGOs were now accorded the status of new superpowers and were looked upon with new respect as a result of the role they played in initiating the movement for banning landmines and participating in the process leading to the convention banning landmines.

INGO involvement in the anti-landmines movement represented a breakthrough in the conventional standards of international law

making and implementation and marked the successful entry of INGOs into diplomatic and law-making processes that hitherto had been reserved largely by states and international organizations, represented by officially recognized diplomats.<sup>65</sup> The international community as a whole started showing increasing interest in them. In the words of Canadian Foreign Minister Axworthy, 'One can no longer relegate NGOs to simple advisory or advocacy roles in this process. They are now part of the way decisions have to be made.'<sup>66</sup>

Recognizing this growing importance and changing relation of INGOs with the UN, UN Secretary General Kofi Annan noted:<sup>67</sup>

Over the past 50 years, the relationship between the organization and NGOs has changed beyond all recognition. Back then, the governments of UN Member States were virtually the sole actors in the international process; nongovernmental organizations were seen as supporters, allies, and mobilizers of public opinion in favour of the goals and values of the UN Charter. Today, NGOs are often on the ground before the international community gives the UN a mandate to act. They are indispensable operators in areas ranging from demining to human rights, from health care to refugees. And they are seen not only as disseminators of public information or providers of services, but as shapers of public policy.

The above analysis shows that INGO influence on national governments and international multilateral institutions exhibits certain cyclical characteristics from the late nineteenth to the mid-twentieth century.<sup>68</sup> In historical perspective, INGOs played significant roles in the nineteenth century, when governments were relatively inexperienced in concluding non-political treaties (the British anti-slavery movement, for instance).<sup>69</sup> Later, with the formation of the LoN, INGOs were still seen as potential allies in building new international organizations, though INGO participation gradually diminished as the League proved ineffective and governments became more comfortable in dealing with 'NGO-oriented issues'.<sup>70</sup> INGOs again rose to prominence after the end of World War II, particularly during the establishment and early years of the UN. This trend waned again during the 1950s, but was reinforced somewhat later as 'issues such as the environment, development, population, and food aid became part of the international agenda'. In the early

1990s, INGO influence reached another peak, though the level of impact varies greatly from the conservative IMF structures to the increasingly open attitude of the World Bank.<sup>71</sup>

INGO participation during the 1990s has risen to new heights. INGOs in the current period are gaining access to more international organizations and exerting greater influence in multilateral negotiations. As is evident from the facts above, INGOs existed and participated in international affairs prior to the eighteenth century, but it was only in the late twentieth century that they became significant actors on the world stage.<sup>72</sup> Theorists and scholars analysing the origin and growth of INGOs regard the INGO formation as a societal response to socio-economic factors, the new information revolution, and/or the decline of the state. In the early studies of transnational actors, for example, political scientists argued that democracy, economic development, and integration in the global economy were the key factors behind increasing numbers of INGOs.<sup>73</sup>

More recently, sociologists have also used a similar set of socio-economic variables—per capita GNP, levels of trade, and enrolment in secondary education—to predict the emergence and growth of INGOs.<sup>74</sup> Other writers have pointed to the decline of the state and the increasingly borderless nature of activism due to the revolution in information and telecommunication technology as the main reasons for the growth of INGOs.<sup>75</sup> Interdependence, globalization, and decline of the state combined with the improved technological means to cross borders have inspired new societal actors to organize and act internationally.

Given this basic explanation for the growth of INGOs, the fact that it is only in the decade of the 1990s that NGO involvement increased substantially in the international realm is accounted for by several factors. The principal reason for this phenomenon is the new world order that emerged with the end of the Cold War. Unlike the usual redistribution of power among victor states that accompanies the end of most wars, the end of the Cold War witnessed a novel redistribution of power among states, markets, and civil society. National governments, as a result, began losing autonomy in a globalizing economy and began sharing their powers,

including political, social, and security roles that lie at the core of national sovereignty—with businesses, international organizations, and a multitude of citizen's groups. Consequently, NGOs which had for long been a feature of organized life, assuming new powers and roles, emerged as powerful players in the national as well as international realm.<sup>76</sup>

In addition to the fact that the end of the Cold War was a principal factor governing the growth in number as well as significance of INGOs, other reasons have also been cited by analysts for their growing influence. These are the growth of citizen organizations at all levels of society, the imperative need for global action on global problems, the remarkable ease of instant communication,<sup>77</sup> and the spread of democratic norms.<sup>78</sup>

Of the four reasons listed above, the remarkable ease of instant communication has, according to Rice and Ritchie, contributed the most in expanding the number of INGOs at the global level as well as their role in multilateral diplomacy. The transformation of INGOs as increasingly important international actors is fuelled by the rapid development of communications technologies as breakthroughs in telecommunications and transportation have undermined state authority by ending the state's monopoly on information. As a result, there is an increasing reliance on non-state entities such as INGOs for focus and direction, drafting, and implementation of declarations, platforms, and treaties on crucial international issues, including human rights, the environment, and development. Gordonker and Weiss attribute the growing influence of INGOs to an additional factor, the growing resources and professionalism of INGOs.<sup>79</sup>

The growth in number and importance of INGOs has also resulted in the expanding realm of INGO activity. The next section examines the scope of INGO activities.

#### CHANGING REALM OF INGO ACTIVITIES

INGOs have a constantly-growing role in all aspects of national and international life and address every conceivable issue.<sup>80</sup> From concentrating on conventional civic-oriented activities till the early

twentieth century, INGOs are now involved in activities as diverse as promoting democracy, advancing the boundaries of science and research, ensuring the survival of victims of man-made and natural disasters, and grass-roots development.

An interesting analysis of the changing scope of NGO activity has been provided by David Korten, who identifies three generations of INGOs.<sup>81</sup> These are also reflected in Elliot's taxonomy, which is concerned primarily with Northern NGOs (Table 1.4).<sup>82</sup>

TABLE 1.4 THREE GENERATIONS OF INGOs

<i>Type</i>	<i>Korten</i>	<i>Elliot</i>	<i>Example</i>
First generation	Relief Welfare	Charity	Oxfam ICRC
Second generation	Small-scale, local development projects	Development	CARE
Third generation	Community  Mobilization Coalition-building	Empowerment organization	ICBL

The first generation of INGOs from the 1950s was represented by large organizations such as Oxfam. These INGOs began as charity relief organizations delivering welfare services to the poor and dispossessed throughout the world in the event of natural disasters. The focus was on meeting immediate needs through direct action.

The second generation of INGOs from the 1960s worked primarily in the field of development and geared themselves towards promoting local self-reliance by increasing the involvement of intermediate NGOs, which were rapidly proliferating so that benefits would be sustained beyond the period of assistance.

The third generation of INGOs, active from the late 1980s, have ventured into new areas of activity and have become synonymous with a particular style of political action, which relies on making political statements on behalf of local communities outside the established channels of the nation state. They operate by mobilizing opinion on a global basis on issues that nation states have treated as

marginal to their own agendas. The strategy of these third-generation NGOs is directed towards facilitating sustainable changes through international advocacy.

A significant fallout of the expanding realm of INGO activity along with their ever-increasing number and prominence has been continuous exposure of INGOs to closer scrutiny and sharper demands for accountability. As a result, these organizations have been at the receiving end of constant criticism. Lack of credibility, democracy, transparency, and thus accountability are some of the accusations made against these organizations. The next section examines this issue critically.

#### INGOs: A CRITICAL APPRAISAL

According to Edwards et al.:

NGOs intend to be innovative, flexible and participatory but a closer look at the reality of their works shows that many of their supposedly unique selling points are often over-rated and feeble. NGOs do not hesitate to question the legitimacy or conduct of everyone else in the world, but have no adequate answer if their own accountability is questioned. In short, NGOs promise much but have too little to show.<sup>83</sup>

This best describes the essence of the criticism of NGOs. While most states and multinational corporations have always been sceptical of NGOs, of late even staunch supporters including

Kofi Annan have begun to question the accountability and credibility of these organizations.<sup>84</sup> INGOs have been criticized from across the social and political spectrums. While the accusations and their intensity against NGOs have differed over time, the central theme of all criticism has been their lack of democracy and transparency, and thus their lack of accountability.

INGOs have been criticized by both opponents and supporters for being undemocratic on two accounts, viz., not following internal democratic processes; and not being truly representative of the individual, societies, and local grass-root organizations they claim to represent. The lack of internal democratic processes in INGOs

is often reflected in their membership base, elections for board members, and selection of projects. While few INGOs follow a democratically created constitution, most INGOs are not accountable to their members or allow members to vote on initiatives, issues, and leaders. (However, some INGOs such as Amnesty International are representative and responsive to their members.) Further, many, if not most NGOs, do not vote on their leaders and the policies, and platforms often do not represent the interests of the members, and few members know what NGO leaders are doing.<sup>85</sup>

In addition to not exercising internal democratic procedures, many INGOs are not representatively democratic. Many INGOs lacking any base in the local population simply try to impose their ideas without debate. For example, INGOs often work to promote women's or children's interests as defined by Western societies, winning funds easily but causing disruption on the ground.<sup>86</sup> As a result, it is often the stronger Western NGOs whose interests are reflected in the policies and programmes of INGOs.

The result of undemocratic internal processes and lack of representative democracy further accentuates the problem of the North-South divide among NGOs. For within an INGO, it is often that almost all of the well-funded and powerful NGOs are from the North and fund projects in the South. Further, Northern INGOs often garner greater international influence because of their large budgets, and greater and easier access to resources, media and technology. These Northern INGOs then try to set the agenda for the South without understanding the society, culture, politics and other ground realities. This phenomenon is often viewed with scepticism, and in the words of Riva Krut, this process simply perpetuates structural Southern underdevelopment and dependency.<sup>87</sup>

Northern INGOs are thus criticized for this practice not only by governments and organizations but also by smaller NGOs. For example, in a survey of NGOs conducted in 1995, 76 per cent of the NGOs were of the opinion that large NGOs dominated issues; 75 per cent felt that English-language-run NGOs dominated; and 71 per cent felt that Northern NGOs dominated.<sup>88</sup> Southern NGOs often accuse Northern INGOs as being prejudiced, racist,

sexist, and agents of colonialism. Southern NGOs also complain that INGOs almost exclusively funded by donors in the North are active in parts of the world that are little consulted about their own priorities, and towards which INGOs have no accountability.

In addition to being criticized for the lack of democratic procedures, NGOs are also criticized for lacking transparency in their mandate and funding. The issue of funding is one of the most debated and controversial issues with regard to NGOs. This is because traditionally, NGOs were financed by their membership dues and grants by impartial corporations, but now, NGOs depend on grants and/or contracts by governments, international institutions, transnational corporations, big business houses, and private foundations. This is a problematic development as it can ultimately compromise the very attributes that make NGOs desirable— independence and freedom of action.<sup>89</sup> In other words, when INGOs take money from governments, businesses, or international institutions, it can create relations of influence and potentially lead NGOs away from their mandate to serve the broader public. Some analysts fear that formerly-independent NGOs may become more beholden to national governments as they come to rely more on public-sector funding, which now accounts for around 40 per cent of NGO budgets versus only 1.5 per cent in 1970.<sup>90</sup>

Owing to the huge funding grants, NGOs can also sometimes align themselves with special economic or political interests. Further, the likelihood of NGOs engaging in independent thought and action is drastically reduced as governments and private donors choose to distribute funds to those NGOs that reflect the donor's ideology.<sup>91</sup> Thus, 'as NGOs get closer to donors, they become more like donors.'<sup>92</sup> For example, People for the USA (previously People for the West, an organization mainly funded by mining companies) advocates broader access to land for mining. The Greening Earth Society argues that global warming is good because it enhances vegetation growth; significantly, this NGO is funded heavily by the coal industry in the US.<sup>93</sup> As a result of such developments, the credibility of NGOs is affected.

The lack of democracy and transparency directly affect the

accountability of NGOs, and the lack of NGO accountability is one of the main criticisms these organizations face. NGO accountability covers issues such as answerability, responsibility, liability, dependability, conscientiousness, reliability, trustworthiness, legitimacy, and transparency.<sup>94</sup>

One aspect of accountability deals with the responsible representation of issues and problems in the global community. In this context, NGOs have been criticized for willingly ignoring the 'big picture', as they are more interested in their narrow objectives that are tied to donor funding.<sup>95</sup> NGOs have ignored requests for specific help and instead given the perspective beneficiaries what the *NGOs think they need*. For example, an Asian NGO ignored inputs from women that their traditional role included agriculture, and taught them sewing instead.<sup>96</sup>

However, accountability or unaccountability as a whole is a difficult issue to promote and develop among NGOs because it is unclear to whom NGOs should be accountable, and how that accountability should occur.<sup>97</sup>

The severe criticism which INGOs have been receiving raises questions about their legitimacy and existence. In other words, do the benefits of INGOs outweigh their costs? Would the world be a better place without INGOs? Does the world need INGOs? In order to objectively answer this question, it is necessary to compare the benefits and costs of INGOs.

The benefits of INGOs can best be analysed in the context of the roles and functions they perform. As seen above, INGOs perform a variety of roles and can give social, economic, and political benefits. They have been significant players in diverse fields, including human rights, development, environment, distributing aid and services, etc. Some of their achievements include advancing human rights, the environment, and population issues. NGOs have 'emerged as prime movers on a broad range of global issues, framing agendas, mobilizing constituencies toward targeted results, and monitoring compliance as a sort of new world police force.'<sup>98</sup>

Given these facts, a useful framework for evaluating the benefits of these organizations is by using the seven decision functions identified by McDougal, Lasswell, and Reisman.<sup>99</sup> They are: intelligence, promotion, prescription, invocation, application, termination, and appraising. This

framework portrays the wide range of NGO activities and gives an overview of the advantages of NGOs.

While the *intelligence* function essentially involves the gathering, analysis, and dissemination of information relevant to decision making, the *promotion* function involves the advocacy of policy alternatives to authoritative decision makers. Through the *prescription* function, NGOs participate in the designation of policies and the communication of authority and control intention. The *invocation* function involves the characterization of behaviour as deviating from prescribed policy and the assertion of control to abate the deviation. The *application* function involves giving effect to prescriptions in concrete disputes. NGOs can also be active in promoting application by persuading governments or international agencies to seek authoritative judgements. The *termination* function involves putting an end to prescriptions that do not contribute to the common interest.<sup>100</sup> The *appraising* function involves evaluating the degree to which the policies of an international system are achieved.

Based on these seven functions of NGOs, it can be said that these organizations have several advantages in comparison to governments and IGOs. INGOs can also complement the work of governments. Some of the benefits of NGOs include their ability to set the international agenda, draw the attention of governmental decision makers to issues that are high on the public agenda, and vocalize the interests of persons not well-represented in policy making. Further, these organizations also have the ability to deliver technical expertise on particular topics needed by government officials. They can also facilitate negotiations by giving politicians access to competing ideas from outside normal bureaucratic channels. INGOs can complement the work of governments by helping them to test controversial proposals by providing rapid feedback. In the field of international policy making, NGOs can secure ratification or implementation of new treaties and enhance the accountability of governments by monitoring negotiating efforts. In fact, NGOs can also press for compromises upon reluctant negotiators, and may strengthen international agreements by monitoring governmental compliance.

NGOs are able to perform all these functions because of their

characteristic nature, and it is seen that the major advantages of NGOs include their flexibility, ability to innovate, grass-roots orientation, humanitarian versus commercial goal orientation, non-profit status, dedication and commitment, and their ability to complement the efforts of governments. Interestingly, the costs or drawbacks in partnering or working with local, national, and international NGOs, to some extent, are the mirror image of the advantages cited above.<sup>101</sup>

Other disadvantages of NGOs include: restricted local participation, inadequate feasibility studies, conflicts or misunderstanding with the host partner (usually resulting from a poorly-negotiated contract and lack of safeguards), inflexibility in recruitment and procedures, lack of adequate funding to complete or sustain projects, inadequately trained personnel, turf issues, lack of transparency, inadequate or non-existent evaluation component and research expertise, inability to replicate results, and cultural insensitivity.

None of the shortcomings or drawbacks of the NGOs discussed above are such that cannot be adequately addressed. In spite of these drawbacks, there has been a rapid increase in the number and influence of NGOs over the past decade, which is probably the clearest indicator of their inherent benefits and advantages. It is evident that NGOs are here to stay. While there is widespread agreement that NGOs can make constructive contributions, the debate continues on how to structure NGO involvement to provide the greatest benefit.

In the face of the above facts, the real challenge is to incorporate INGOs into the international system in a manner that best takes into account their diversity and scope, their strengths and weaknesses, and their capacity to disrupt as well as create. There is, thus, a need to devise a mechanism for INGO participation that draws on their expertise and resources, including their grass-root connections, sense of purpose and commitment, and freedom from bureaucratic constraints.

If such a model is devised and implemented, one field that can gain immensely is that of arms control and disarmament. INGOS have emerged as important actors in this field and possess the potential to make a substantial difference. The next chapter examines the involvement of INGOs in arms control and disarmament.

NOTES AND REFERENCES

<sup>1</sup> One of the ambiguities about the term 'NGO' is whether it refers to a local, provincial, national, regional, or international body. For the purpose of this research, the term 'NGO' implies an international NGO, and the terms NGO and INGO have been used interchangeably.

<sup>2</sup> P. Mucke, 'Non-Governmental Organisations' in *The Way Forward: Beyond Agenda 21*, ed. Felix Dodds, London: Earthscan, 1997, p. 100.

<sup>3</sup> Harold K. Jacobson, 'Introduction', *Networks of Interdependence: International Organisations and the Global Political System*, New York: Alfred A. Knopf, 1979, p. 5.

<sup>4</sup> [www.un.org](http://www.un.org)

<sup>5</sup> Andrew E. Rice and Cyril Ritchie, 'Relationships between International Non-Governmental Organisations and the UN', *Transnational Associations*, Brussels: Union of International Associations, vol. 47, no. 5, 1995, p. 265.

<sup>6</sup> Statement at the World Civil Society Conference in Montreal, Canada, 8 December 1999, UN Press Release SG/SM/7249.

<sup>7</sup> Jacobson, op. cit., n. 3 above, p. 11.

<sup>8</sup> United Nations Development Programme, *Human Development Report 2002*, New York: United Nations, 2002.

<sup>9</sup> James A. Paul, 'NGOs and Global Policy-Making', *Global Policy Forum*: [www.globalpolicy.org/ngos/analysis/anal00.htm](http://www.globalpolicy.org/ngos/analysis/anal00.htm)

<sup>10</sup> Andrew Green and Ann Matthias, 'What are NGOs?', *Non-Governmental Organisations and Health in Developing Countries*, London: Palgrave Macmillan, 1997, p. 23.

<sup>11</sup> For example, the OECD, in a report published in 1988, remarked that 'the term NGO may include profit making organizations, foundations, educational institutions, churches and other religious groups and missions, medical organizations and hospitals, unions and professional organizations, business and commercial associations, cooperatives and cultural groups as well as voluntary associations.' Such a wide usage of the term diminishes its usefulness.

<sup>12</sup> Terms such as voluntary associations, non-profit organizations, non-governmental organizations, philanthropic bodies, foundations, local or community initiatives, third or independent sector agencies, etc., are used to describe what are largely similar types of organizations. However, significant differences amongst them do exist.

<sup>13</sup> Steve Charnovitz, 'Two Centuries of Participation: NGOs and International Governance', *Michigan Journal of International Law* (Michigan), vol. 18, no.2, 1997, p. 185.

<sup>14</sup> B. H. Smith, 'NGOs in the Health Field: Collaboration, Integration and Contrasting aims', *Social Science & Medicine*, vol. 29, no. 3, 1989, pp. 395–402.

<sup>15</sup> Peter Willets, 'Transnational Actors and International Organisations in Global Politics' in *The Globalisation of World Politics*, ed. John Baylis and Steve Smith, New York: Oxford University Press, 2001, p. 370.

<sup>16</sup> John Boli and George M. Thomas, 'INGOs and the Organisation of World Culture' in *The Politics of Global Governance*, ed. Paul F. Diehl, London: Lynne Rienner Publishers, 2001, p. 63.

<sup>17</sup> www.un.org

<sup>18</sup> This formulation embraces almost all kinds of groups except private businesses, political parties, and terrorist/revolutionary organizations.

<sup>19</sup> The six principles which are embodied in the ECOSOC statute for defining an NGO are: (1) it should support the aims and work of the UN; (2) it should be a representative body with identifiable headquarters and offices, responsible to a democratic policy-making conference; (3) it cannot be a profit-making body; (4) it cannot use or advocate violence; (5) it must respect the norm of non-interference in the internal affairs of states; and (6) an INGO is not one that has been established by intergovernmental agreement. See Willets, n. 15, p. 370.

<sup>20</sup> Art. 71 of the UN Charter empowers ECOSOC to make suitable arrangements for consultation with NGOs which are concerned with matters within its competence.

<sup>21</sup> However, not every organization that claims to be an NGO/INGO fits exactly into the given definition of 'a private citizen's organization, separate from government but active on social issues, not profit-making and with transnational scope'. Three significant deviations from these specifications can be identified: Government-Organized Non-Governmental Organization (GONGO); Quasi-Non-Governmental Organization (QUANGO); and Donor-Organized Non-Governmental Organization (DONGO). Of these, QUANGOs and DONGOs fit well into the general definition of NGOs, as they aim at internationally-endorsed purposes and have a private status, even if their funding is public.

<sup>22</sup> Peter Willets, 'What is a Non-Governmental Organisation?', *Research Project on Civil Society Networks in Global Governance*, London: City University, 2001.

<sup>23</sup> The first draft of the UN Charter did not make any mention of maintaining cooperation with private bodies. A variety of groups, mainly, but not solely from the US, lobbied to rectify this at the San Francisco conference and succeeded in introducing a provision for strengthening and formalizing the relations with private organizations previously maintained by the League, i.e. Art. 71.

<sup>24</sup> Willets, op. cit., n. 22 above.

<sup>25</sup> Charnovitz, op. cit., n. 13 above, p. 6.

<sup>26</sup> Cyril Ritchie, 'The Extragovernmental Organisations', *The Future of Transnational Associations from the Standpoint of a New World Order*, Brussels: Union of International Associations, 1977, Doc. no. 22.

<sup>27</sup> Smith, op. cit., n. 14 above, p. 398.

<sup>28</sup> Green and Matthias, op. cit., n. 10 above, p. 25.

<sup>29</sup> The critical issue, according to the authors, is not whether an organization is independent of influence of the government or any other body, but whether it has the constitutional freedom to make decisions, which may or may not take account of the government views.

<sup>30</sup> Natsios has identified these models on which humanitarian INGOs are organized. Andrew S. Natsios, 'NGOs and the UN in Complex Humanitarian

Emergencies' in *The Politics of Global Governance*, ed. Paul F. Diehl, London: Lynne Rienner Publishers, 2001,

<sup>31</sup> However, in actual practice, it is not always possible to make such clear distinctions and to assign all NGOs to one of these ideal types.

<sup>32</sup> The four stages in the 'lifecycle' of national and international law development and implementation are: (1) agenda-setting; (2) negotiation-bargaining; (3) implementation; and (4) compliance enforcement. *Agenda-setting* is the stage where the nature and scope of a problem are being identified and the need for international regulation is being determined. The *negotiation-bargaining* stage is when the actual process of negotiating and bargaining occurs. Once the deals are done and new policies or rules are agreed upon, there ensues a two-phase process: an 'implementation' phase, which typically consists of mainly national process to execute the agreements reached at international level; and a 'compliance-enforcement' phase, which concerns processes to ensure that states comply with the newly-created international obligations.

<sup>33</sup> P. J. Simmons, 'Learning to Live with NGOs', *Foreign Policy*, no. 112, Fall 1998, pp. 82–96.

<sup>34</sup> Track II exchanges provide participants with avenues for exchanging or discussing ideas in an informal forum that lacks the baggage of government-to-government negotiations. These efforts can be used to develop informal agreements, which can be formalized once the political climate between the parties involved is appropriate. In the interim, Track II exchanges provide channels of communication that might not otherwise exist between governments and can help to foster discussions aimed at identifying mutual areas of concern. Track II efforts will likely play an important role in developing a wide variety of confidence building measures and other efforts that improve interstate relations.

<sup>35</sup> For example, the campaign initiated by Greenpeace and many South Pacific organizations against French nuclear tests in the 1980s, or the Greenpeace campaign against Royal Dutch Shell.

<sup>36</sup> Classical cases are the concern for a sound environment in the 1970s, for human rights in the late 1970s and the 1980s, and for social and ecological standards for international trade in the 1990s. All these issues had no strong international lobbies and were by and large neglected in international institutions until NGOs took them up and forced governments to take them seriously.

<sup>37</sup> Paul, *op. cit.*, n. 9 above.

<sup>38</sup> *Ibid.*

<sup>39</sup> Charnovitz, *op. cit.*, n. 13 above, pp. 183–286.

<sup>40</sup> Charnovitz cites examples of NGOs organizing parallel workshops, preparing briefing documents, lobbying government delegates through pamphlets and NGO 'newspapers', and providing technical expertise, including through membership of governmental delegations; these methods are now regarded as routine techniques for NGO involvement in international affairs. See Charnovitz, *op. cit.*, n. 13 above, pp. 183–286.

<sup>41</sup> *Ibid.*

<sup>42</sup> Jacobson, *op. cit.*, n. 3 above, p. 11.

<sup>43</sup> Kjell Skjelsbaek, 'The Growth of International Non-Governmental Organisations in the Twentieth Century' in *Transnational Relations and World Politics*, ed. Robert O. Keohane and Joseph S. Nye Jr, Harvard: Harvard University Press, 1976, p. 74.

<sup>44</sup> 'The traditional history of the Rosicrucian Order began in Egypt about 1500 b.c. It is an educational and fraternal order whose teachings present a metaphysical and physical philosophy to help the individual utilize his natural talents to better advantage. There are about 53,000 members in 53 countries.' See Skjelsbaek, *ibid.*

<sup>45</sup> Werner J. Feld and Robert S. Jordan with Leon Hurwitz, 'Changing Conceptualisations', *International Organisations: A Comparative Approach*, Westport, CT: Praeger Press, 1994, p. 25.

<sup>46</sup> The UIA has set up a number of criteria for defining INGOS. These include: aims, membership, governance, and financing. For details, see the UIA website: [www.uia.org](http://www.uia.org)

<sup>47</sup> Jacobson, *op. cit.*, n. 3 above, p. 11.

<sup>48</sup> This periodization is based on Charnovitz's classification of INGO growth and involvement in international governance since 1775. Charnovitz has identified seven distinct periods: (1) Emergence: 1775–1918; (2) Engagement: 1919–34; (3) Disengagement: 1935–44; (4) Formalization: 1945–49; (5) Underachievement 1950–71; (6) Intensification: 1972–91; and (7) Empowerment: 1992 onwards. See Charnovitz, *op. cit.*, n. 13 above, pp. 183–286.

<sup>49</sup> *Ibid.*

<sup>50</sup> In 1863, Henri Dunant persuaded the Geneva Public Welfare Society to set up a committee to address the problem of relief for wounded soldiers. The committee called for an international conference of government delegates and private participants. This conference recommended that voluntary societies be created in all countries for relief of the wounded. It also recommended holding an official conference to effectuate a treaty. At the ensuing official conference in 1864, the attendees were mainly medical and military experts, rather than diplomats. The conference approved the first Geneva Convention. The Geneva organizing committee became the International Committee for the Relief of Wounded Soldiers, later renamed the International Committee of the Red Cross (ICRC). The voluntary national societies around the world organized themselves in 1919 as the League of Red Cross Societies. For more information on the Red Cross, refer: [www.icrc.org](http://www.icrc.org)

<sup>51</sup> Carroll Simon, 'NGO Access to Multilateral Fora: Does Disarmament Lag Behind?', *Disarmament Forum*, no. 1, 2000, p. 16.

<sup>52</sup> There were often two stages of NGO involvement. In the first stage, NGOs were outsiders working to ripen issues for intergovernmental consideration. In the second stage, NGOs were insiders working directly with government officials and international civil servants to address an international problem.

<sup>53</sup> Lyman Cromwell White, who was secretary of the UN committee on NGOs, suggested that as League operations became more established, officials were less willing to accept proposals that would upset routines or require additional work. See Charnovitz, *op. cit.*, n. 13 above, pp. 183–286.

<sup>54</sup> By incorporating a provision on NGOs in the Charter of the UN, viz., Art. 71, the drafters formalized the arrangements that had been used by the LoN.

<sup>55</sup> Although Art. 71 of the UN Charter is sometimes portrayed as inventing a new concept of NGO participation in international policy making, not everyone viewed Art. 71 as a step forward for NGOs. This is primarily because the Article limited NGO involvement to ECOSOC, while NGO participation in the LoN occurred beyond economic or social issues and included involvement in mandates and disarmament issues.

<sup>56</sup> The lack of a dedicated UN agency in the post-war period meant that NGOs still had a very significant and important role to play in the development of environmental treaties.

<sup>57</sup> For example, in the early 1950s, there were 30 NGOs that took part in the conference that drafted the Convention on Refugees. In 1955, ECOSOC convened a conference for NGOs interested in the eradication of prejudice and discrimination. In 1956, NGOs participated in the UN conference drafting the Supplementary Convention on the Abolition of Slavery. In 1960, the European Convention for the Protection of Human Rights permitted individuals, groups of individuals, and NGOs to file petitions claiming a violation of a right set forth in the convention.

<sup>58</sup> For example, in 1954, the British government, at the insistence of a coalition of British NGOs, hosted an international conference and drafted a treaty on marine pollution.

<sup>59</sup> In 1957, the International Atomic Energy Agency (IAEA) provided consultative status to INGOs like the International Confederation of Free Trade Unions.

<sup>60</sup> Charnovitz, *op. cit.*, n. 13 above, p. 183.

<sup>60</sup> For example, in 1980, NGOs were given only 15 minutes to speak at the UN Conference on Women (in Copenhagen). But within a few years, attitudes had changed. For example, in 1987, NGOs were allowed to speak at a plenary session of the conference drafting the Montreal Protocol on protection of the ozone layer.

<sup>61</sup> UNCED was important to NGOs in many ways. There were far more NGOs involved (over 650) than governments. These NGOs were able to push governments towards achieving agreements. Moreover, the conference also approved important policy statements about the role of NGOs.

<sup>62</sup> Agenda 21: [www.un.org](http://www.un.org)

<sup>63</sup> Simon, *op. cit.*, n. 51 above, p. 18.

<sup>64</sup> Kenneth Anderson, 'The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations and the Idea of International Civil Society', *European Journal of International Law* (Italy), vol. 11, no. 1, 2000, p. 92.

<sup>65</sup> *Ibid.*

<sup>66</sup> In a guest editorial in *Go Between*, December–January 1998: [www.un-ngls.org](http://www.un-ngls.org)

<sup>67</sup> According to Charnovitz, two variables that largely determine NGO influence-generating potential are: (1) government's needs, and (2) NGO capacities. See Charnovitz, *op. cit.*, n. 13 above, pp. 183–286.

<sup>68</sup> Chaim D. Kaufmann and Robert A. Pape, 'Explaining Costly International Moral Action', *International Organization*, vol. 53, issue 4, Autumn 1999, p. 631.

<sup>69</sup> Simmons, *op. cit.*, n. 33 above, p. 82.

<sup>70</sup> Tajudeen Abdul-Raheem, 'Citizens' Groups: The Non-Governmental Order', *Economist*, vol. 353, issue 8149, 1999, p. 20.

<sup>71</sup> This is evident by the fact that both the number and scope of INGOs have increased multifold after the twentieth century. For example, while only 5 INGOs existed in 1850, by 1914 their number had increased to 330; to 730 in 1939; and to 2,300 in 1970. Likewise, while the INGOs of the eighteenth century dealt primarily with conventional social and economic issues, INGOs in the nineteenth and twentieth centuries diversified in unconventional fields such as security.

<sup>72</sup> Skjelsbaek, *op. cit.*, n. 43 above, pp. 70–74.

<sup>73</sup> See John Boli, Loya A. Thomas and Teresa Loftin, 'National Participation in World-Polity Organizations' in *Constructing World Culture: International Nongovernmental Organizations since 1865*, ed. J. Boli and G. M. Thomas, Stanford, CA: Stanford University Press, 1999.

<sup>74</sup> For example, see Peter J. Spiro, 'New Global Communities: Nongovernmental Organizations in International Decision-Making Institutions', *Washington Quarterly*, vol. 18, no. 1, 1999, pp. 45–56; and Ronnie Lipschutz, 'Reconstructing World Politics: The Emergence of Global Civil Society', *Millennium: Journal of International Studies*, vol. 21, no. 2, 1992, pp. 389–420.

<sup>75</sup> An opposite view is provided by David Cortright in *Peace Works: The Citizens Role in Ending the Cold War*, Boulder, CO: Westview Press, 1993. Cortright is of the opinion that citizen groups and NGOs played a decisive role in ending the Cold War.

<sup>76</sup> Rice and Ritchie, *op. cit.*, n. 5 above, pp. 254–65.

<sup>77</sup> This has resulted in raising expectations about the transparency of international organizations and the opportunities they provide for public participation, which, in turn, has promoted the growth of NGOs and INGOs.

<sup>78</sup> Gordenker Leon and Weiss G. Thomas, 'Pluralising Global Governance: Analytical Approaches and Dimensions', *Third World Quarterly*, vol. 16, no. 3, 1995, p. 365.

<sup>79</sup> Paul, *op. cit.*, n. 9 above.

<sup>80</sup> John Clark, 'The Relationship Between the State and the Voluntary Sector': [www.gdrc.org/ngo/state-ngo.html](http://www.gdrc.org/ngo/state-ngo.html)

<sup>81</sup> *Ibid.*

<sup>82</sup> Michael Edwards, David Hulme and Tina Wallace, 'NGOs in a Global Future: Marrying Local Delivery to Worldwide Leverage', Conference Background Paper, Birmingham, 1999: [www.gdrc.org/ngo](http://www.gdrc.org/ngo)

<sup>83</sup> This is in context of the NGOs' participation at the World Conference Against Racism in Durban, South Africa. See Fernando Henrique Cardoso, 'High-Level Panel on UN–Civil Society', paper presented at the UN High-Level Panel,

UN, New York, 2–3 June 2004: [www.un.org/reform/pdfs/cardosopaper13june.htm](http://www.un.org/reform/pdfs/cardosopaper13june.htm); Panel of Eminent Persons on United Nations–Civil Society Relations, A/58/817, 21 June 2004; Report of the Secretary-General in response to the report of the Panel of Eminent Persons on United Nations–Civil Society Relations, A/59/354, 13 September 2004.

<sup>84</sup> Rana Lehr-Lehnardt, 'NGO Legitimacy: Reassessing Democracy, Accountability and Transparency', *Cornell Law School LL.M Paper Series*, paper 5, 2005, p. 15.

<sup>85</sup> *Ibid.*

<sup>86</sup> Riva Krut, 'Globalization and Civil Society: NGO Influence in International Decision-Making', 1 April 1997: [www.unrisd.org](http://www.unrisd.org)

<sup>87</sup> Stanley Foundation, 'The United Nations and Civil Society: The Role of NGOs—Report of the Thirtieth UN Issues Conference', 19–21 February 1999: [www.globalpolicy.org/ngos/ngo-un](http://www.globalpolicy.org/ngos/ngo-un)

<sup>88</sup> Roberta Cohen and Francis M. Deng, 'The Role of Non-Governmental Organisations', *Masses in Flight: The Global Crisis of Internal Displacement*, New York: Brookings Institution Press, 1998, p. 189.

<sup>89</sup> Simmons, *op. cit.*, n. 33 above, p. 94.

<sup>90</sup> David Hulme and Michael Edwards, 'Introduction' in *NGOs, States and Donors: Too Close for Comfort*, ed. David Hulme and Michael Edwards, New York: St Martin's Press, 1997, p. 8.

<sup>91</sup> Peter Uvin, 'Political Conditionality', *Human Rights and Development*, Bloomfield: Kumarian Press, 2004, p. 103.

<sup>92</sup> Brijesh Nalinakumari and Richard MacLean, 'NGOs: A Primer on the Evolution of the Organizations that are Setting the Next Generation of Regulations', *Environmental Quality Management*, vol. 14, no. 4, 2005, p. 16.

<sup>93</sup> Hari Srinivas, 'Quick Introduction: NGO Accountability': [www.gdrc.org/ngo/](http://www.gdrc.org/ngo/)

<sup>94</sup> Lehr-Lehnardt, *op. cit.*, n. 85 above, p. 26.

<sup>95</sup> Emma Crew, 'Indoor Air Pollution, Household Health, and Appropriate Technology: Women and the Indoor Environment in Sri Lanka' in *Democratizing Development: The Role of Voluntary Organizations*, ed. John Clark, London: Kumarian Press, 1991, p. 55.

<sup>96</sup> Lehr-Lehnardt, *op. cit.*, n. 85 above, p. 28.

<sup>97</sup> Peter J. Spiro, 'New Global Communities: Nongovernmental Organizations in International Decision-Making Institutions', *Washington Quarterly*, vol. 18, no. 1, 1999, p. 45.

<sup>98</sup> Myres S. McDougal, Harold D. Lasswell and W. Michael Reisman, 'The World Constitutive Process of Authoritative Decision' in *International Law Essays: A Supplement to International Law in Contemporary Practice*, ed. Myres S. McDougal and W. Michael Reisman, Mineola, NY: Foundation Press, 1981, pp. 191, 231.

<sup>99</sup> While NGOs do not themselves terminate legislation, they are often catalysts in pressing for termination.

<sup>100</sup> Yvonne Asamoah, 'NGOs, Social Development and Sustainability', *Foreign Aid Ratings*: [www.foreignaid.com](http://www.foreignaid.com)

## CHAPTER 2

# *Dimensions of Arms Control and Disarmament*

Arms control or disarmament was not an end in itself but a means to an end and that end was first and foremost the enhancement of security, especially security against nuclear war.<sup>1</sup>

Arms control and disarmament have been the two principle means used to preserve international peace and security in the twentieth century. Often considered synonymous, arms control and disarmament are, in reality, not so.<sup>2</sup> Arms control implies restraint internationally exercised upon armaments policy in respect to the level of armaments, their character, development or use; disarmament essentially is the reduction or abolition of armaments.<sup>3</sup>

What do arms control and disarmament entail? Who are the main actors in this process? What have been the achievements in the field of arms control and disarmament? How and why did INGOs become involved in arms control and disarmament, a field traditionally restricted to state actors? What have been the roles and achievements of INGOs in the field? These are some of the issues which will be explored in this chapter.

### DEFINING ARMS CONTROL AND DISARMAMENT

Arms control is a broad term alluding to a range of political concepts and aims. It generally refers to limitations on the development, production, stockpiling, proliferation, and usage of weaponry.

Arms control is often defined very broadly to refer to all forms of cooperation between potential adversaries geared towards reducing the likelihood of war, the economic costs of preparing for

war, and limiting the scope of violence should war occur.<sup>4</sup> However, arms control is also used more narrowly to refer to specific steps aimed at managing escalating arms competition between two actors. It can also be defined as an attempt at preventing or reducing the likelihood of armed conflict between states through concerted management of the armament dynamic.

Arms control typically takes the form of multilateral efforts to agree to such limitations upon consenting participants in treaties and agreements, although it may include efforts by a nation or group of nations to enforce limitations upon a non-consenting country. It is essentially a process of jointly managing the weapons acquisition processes of the participating states in the hope of reducing the risk of war.<sup>5</sup>

Arms control measures strive to stabilize the procurement, development, and use of a certain type of weapon or components of a weapons system. Measures are sometimes taken unilaterally, but more often they involve cooperative agreements or treaties between two or more states. Arms control can be: implicit or explicit; formal or informal; and unilateral, bilateral, or multilateral. Arms control measures can be quantitative or qualitative in nature, or be comprised of a combination of both elements.

Disarmament, on the other hand, means the reduction or elimination by a nation of its weapons systems. It envisions the drastic reduction or elimination of all weapons, looking towards the eradication of war itself, and is based on the notion that if there were no more weapons there would be no more war. The concept of disarmament is an ideal based on the view that weapons cause wars, and that the elimination of weapons will in itself remove the main causes of conflict. Thus, the act of disarmament is seen as creating a new situation in which the potential for international conflict is eliminated.

The proponents of disarmament see the goal as simply reducing the size of military forces, budgets, explosive power, and other aggregate measures. Their rationale is that armaments have been the major cause of international instability and conflict, and only through reductions in the weaponry of all nations can the world achieve peace.<sup>6</sup>

Within this broad definition there are four distinct conceptions of disarmament which are: the penal destruction or reduction of the armament of a country defeated in war; bilateral disarmament agreements applying to specific geographic areas; the complete abolition of all armaments; and the reduction and limitation of national armaments by general international agreement through international forums such as the UN. Further, there are three different ways of viewing disarmament: unilateral or voluntary; through bilateral or multilateral agreements; and forced disarmament.

Given these definitions of arms control and disarmament, there is often a tendency to use the terms synonymously. However, as we have seen above, both the concepts are related but not identical. The relationship between arms control and disarmament was explained by Hedley Bull. He wrote: 'Disarmament and arms control intersect with one another. They are not the same, for there can be disarmament which is not controlled, and control which does not involve a reduction of armaments. On the other hand they are not exclusive of each other'.<sup>7</sup>

Thus, disarmament is a subset of arms control which refers to the elimination of weapons systems, a far more comprehensive goal than 'arms control', which seeks to reduce the risk of war, its destructiveness (should it occur), and the cost of military defence through agreements between states to regulate the development, production, and deployment of weapons systems and military forces.<sup>8</sup>

#### BRIEF HISTORY OF ARMS CONTROL AND DISARMAMENT

Contrary to popular belief, arms control and disarmament are not recent phenomena. One of the earliest formal attempts to limit the scope of war was organized by the Amphictyonic League, a quasi-religious alliance of the Greek tribes formed before the seventh century B.C. League members were pledged to restraining their actions in war against other members; for example, they were barred from cutting a besieged city's water supply, and the league was empowered to impose sanctions on violating members,

including fines and punitive expeditions, and could ask its members to provide troops and funds for this purpose.<sup>9</sup> An early example of an imposed disarmament treaty was the Rome–Carthage Treaty of Peace (202 b.c.) which ended the Second Punic War; it required the destruction of all but 10 Carthaginian warships, and limited the possession of armaments in general. It also banned training and possession of war-fighting elephants by Carthage.

There were, however, few recorded attempts to control arms during the period between 202 b.c. and the rise of the Roman Catholic Church. The Church used its position as a transnational organization to limit the means of warfare. The 989 Peace of God (extended in 1033) ruling protected non-combatants, agrarian and economic facilities, and the property of the Church from war. The 1027 Truce of God also tried to prevent violence between Christians.<sup>10</sup> The Second Lateran Council in 1139 prohibited the use of crossbows against other Christians, although it did not prevent its use against non-Christians.

Firearms widened the scope of war and increased the potential for violence, culminating in the devastation of central Europe in the Thirty Years' War (1618–48). Widespread revulsion against the horrors of that conflict led to attempts in many countries to lessen the brutality of warfare by limiting combat to recognized armed forces, by formulating conventions for the humane treatment of prisoners and the wounded, and by organizing logistics to end supply by pillage.<sup>11</sup> These rules prevailed throughout the eighteenth century, making war a relatively limited and civilized 'game of kings'.<sup>12</sup> Many Utopian plans for the total abolition of war were also formulated during this period by several scholars, including French philosopher Jean-Jacques Rousseau, Charles Castel, and AbbÈ de St Pierre. Frederick the Great, King of Prussia, cynically but realistically commented that all these plans needed to succeed was the cooperation of all the kings of Europe.<sup>13</sup>

The rise of mass armies during the American War of Independence (1775–83) and Napoleonic Wars (1799–1815) again enlarged the size and devastation of war; however, no attempts were made to reduce or limit national arsenals other than those imposed

by the victors upon the defeated. The one exception was the Rush-Bagot Treaty (1817), under which the UK and the US reduced, equalized, and eventually eliminated their naval and other forces on the Great Lakes and the US–Canadian border. This reflected the discovery by the two nations during the War of 1812 that the vulnerability of the American coast to the Royal Navy was balanced by the openness of Canada to American invasion.

Given this basic background and history of arms control and disarmament, the practice of negotiating arms control among sovereign nations in an international forum and in time of peace with a view to making the measures agreed upon applicable to several or all nations is relatively recent and can be traced to the turn of the past century.<sup>14</sup>

The Hague Peace conferences of 1898 and 1907 marked a new phase of arms control and disarmament. Convened at the initiative of Czar Nicholas II of Russia, the first Hague Conference aimed at ensuring universal peace and reducing excessive armaments. While the disarmament goals of the conference were not achieved, the 26 nations which attended the conference succeeded in codifying the laws and customs of land warfare, defining the status of belligerents, and drafting regulations on the treatment of prisoners, the wounded, and neutrals. It also banned aerial bombardment (by balloons), dum-dum (expansion) bullets, and the use of poison gas. The

Permanent Court of Arbitration was also established during the course of this conference. While the Second Hague Disarmament Conference of 1907 was not as successful as the first conference, it nonetheless contributed to the cause of mediation and arbitration of disputes by establishing additional courts to arbitrate cases involving ships' cargoes seized during war and resolution of international debts.<sup>15</sup>

However, it was only after World War I that the international climate became more receptive to the idea of arms control. For, out of the ashes of the carnage came the first sustained attempt at collective security and arms limitations.<sup>16</sup> President Woodrow Wilson's Fourteen Points for a proper settlement of World War I issued in 1918 included 'adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.' Furthermore, the essence of Wilson's

brainchild, the League of Nations, was 'that States should renounce their right to be the sole judges of their own armaments'.<sup>17</sup> The Covenant of the League of Nations established the criteria for reducing world armaments. Accordingly, the league's council was to establish reasonable limits on the military forces of each country and submit them for consideration to the member governments. Members of the league were also called upon to limit the private manufacture of arms and munitions and to exchange information on the size and status of their military establishments and arms industries. The league's lack of enforcement capability, however, made compliance strictly voluntary.

One of the only successful armaments agreements in the inter-war era emerged from the Washington Naval Conference and the subsequent London Naval Conference of 1930. The Washington Conference convened from 1921 to 1922 resulted in the conclusion of three major treaties: the Four-Power Treaty; Five-Power Treaty; and Nine-Power Treaty along with several smaller agreements.<sup>18</sup> The Five-Power Treaty focused on arms limitation and limited the tonnage of aircraft carriers and capital ships. A ratio of 5 : 5 : 3 : 1.75 : 1.75 was established between the US, British, Japanese, French, and Italian battleships. That is, for every 5 US and 5 British battleships, Japan was allowed 3 and France and Italy were allowed 1.75 each. A 10-year moratorium on battleship-building and a limit on size and armament were also included.<sup>19</sup> The Washington Conference treaties were to remain in force until 31 December 1936. However as a naval race ensued in classes of vessels not covered under the provisions, the major naval powers attempted to rectify the situation at the London Conference of 1930, where Japanese parity in the other classes of ships was recognized. Tensions in the Pacific preceding World War II caused a second conference held in London in 1935–36, but it failed when Japan abrogated the earlier pacts.

Meanwhile, in 1925, a Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War was convened in Geneva by the League of Nations. The US took the initiative of seeking to prohibit the use of poisonous gas and bacteriological weapons in war and the 'Protocol for the

Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare' (otherwise known as the Geneva Protocol) was signed in June 1925. The treaty, which prohibits the use of asphyxiating, poisonous or other gases and of all analogous liquids, materials, or devices in war, came into force in February 1928. The Geneva Protocol, which is the first important multilateral agreement regarding chemical and biological weapons, is considered as a part of customary international law, and, therefore, binds even states that are not parties to it.

The Geneva Convention was followed by the 1928 Kellogg–Briand Pact, which was the most remarkable agreement reached in the inter-war period to abolish the use of violence in relations among nations. Formally known as the Pact for the Renunciation of War as an instrument of national policy, this treaty was initiated by France and the US and signed by 63 nations. The pact renounced war as an instrument of foreign policy. Without renouncing the right to self-defence, the members to this treaty agreed that the settlement of all disputes and conflicts which might arise among them would always be sought by peaceful means.<sup>20</sup> However, as there were no provisions for enforcing compliance and many nations only signed it with sweeping qualifications, the pact did not have much effect on international affairs.

However, by depriving war of legitimacy, the Kellogg–Briand Pact provided an impetus for the 1932 Disarmament Conference, the only conference held prior to World War II to discuss a universal reduction and limitation of all types of armament.<sup>21</sup> After nearly 10 years of preliminary discussions, the World Disarmament Conference was held in Geneva under the auspices of the League of Nations and was attended by representatives from 60 states. The US presented the 'Hoover Plan' to the World Disarmament Conference in Geneva. The plan included sweeping rollbacks of all offensive weaponry, including 'the abolition of all tanks, all chemical warfare, and all large mobile guns', and suggested a 'total prohibition of bombardment from the air' and major reductions of armed forces, battleships, submarines, aircraft carriers, and cruisers.<sup>22</sup> The participating governments were asked to refrain from

any measure involving an increase in their armaments for a period of one year, which was later extended for a few months. After several years of work, several agreements were achieved, including: certain methods of warfare should be prohibited; armaments should be limited both qualitatively and quantitatively; publicity should be given to national defence expenditures; and implementation of the disarmament obligations should be guaranteed.

However, the withdrawal of Germany from the League of Nations and the Disarmament Conference along with the German rearmament in violation of the Treaty of Versailles brought about a breakdown in the attempts to transform these agreed points into a generally acceptable disarmament convention.<sup>23</sup> As a result, the League of Nations suspended the Disarmament Conference in 1936.

The last major arms control conference held before the outbreak of World War II was the Naval Conference of 1936 held in London.

Thus, it is seen that inter-war arms control experiments were confined exclusively to the naval powers of the period and the more general conferences under the auspices of the League of Nations. The modern era of arms control and disarmament began over 50 years ago, immediately following the advent of nuclear weapons and the end of World War II.

The international arms control and disarmament structure that developed during the post-War period can be understood as having three layers:

- 1) bilateral negotiations between the superpowers;
- 2) alliance-based negotiations, mainly on conventional armed forces in Europe; and
- 3) broader multilateral negotiations centred on the UN.<sup>24</sup>

While it is beyond the scope of this study to analyse the arms control measures and agreements in detail, Table 2.1 provides a list of the major arms control agreements since 1945.

TABLE 2.1 MAJOR ARMS CONTROL AND DISARMAMENT AGREEMENTS SINCE 1945

<i>Date</i>	<i>Agreement</i>	<i>Principal Objectives</i>
1959	Antarctic Treaty	Prevents the military use of the Antarctic, including the testing of nuclear weapons
1963	Limited Test Ban Treaty	Prohibits nuclear weapons in the atmosphere, outer space, and underwater
1967	Outer Space Treaty	Outlaws the use of outer space for testing or stationing any weapons, as well as for military manoeuvres
1967	Treaty of Tlatelolco	Creates the Latin America Nuclear Free Zone by prohibiting the testing and possession of nuclear facilities for military purposes
1968	Nuclear Non-Proliferation Treaty	Prevents the transfer of nuclear weapons and nuclear-weapons-production technologies to non-nuclear-weapon states
1971	Seabed Treaty	Prohibits the deployment of weapons of mass destruction and nuclear weapons on the seabed beyond a 12-mile coastal limit
1972	Biological Weapons Convention	Prohibits the production and storage of biological toxins; calls for the destruction of biological weapons stocks
1977	Environmental Modifications Convention (Enmod Convention)	Bans the use of technologies that could alter the earth's weather patterns, ocean currents, layer, or ecology
1980	Protection of Nuclear Material Convention	Obligates protection of peaceful nuclear material during transport on ships or aircraft
1981	Inhumane Weapons Convention	Prohibits the use of such weapons as fragmentation bombs, incendiary weapons, booby traps, and mines to which civilians could be exposed
1985	South Pacific Nuclear Free Zone (Roratonga) Treaty	Prohibits the testing, acquisition, or deployment of nuclear weapons in the South Pacific

1986	Confidence-Building and Security-Building Measures Agreement (Stockholm Accord)	Requires prior notification and mandatory on-site inspection of conventional military exercises in Europe
1987	Missile Technology Control Regime (MTCR)	Restricts export of ballistic missiles and production facilities
1990	Conventional Forces in Europe (CFE)	Places limits on five categories of weapons in Europe and lowers force levels
1990	Confidence- and Security-Building Measures (CSBM) Agreement	Improves measures for exchanging detailed information on weapons, forces, and military exercises
1991	UN Register of Conventional Arms	Calls on all states to submit information on seven categories of major weapons exported or imported during the previous year
1992	Open Skies Treaty	Permits flights by unarmed surveillance aircraft over the territory of the signatory states
1993	Chemical Weapons Convention (CWC)	Requires all stockpiles of chemical weapons to be destroyed within 10 years
1995	Protocol to the Inhumane Weapons Convention	Bans some types of laser weapons that cause permanent loss of eyesight
1995	Wassenaar Export-Control Treaty	Regulates transfers of sensitive dual-use technologies to non-participating countries
1996	ASEAN Nuclear Free Zone Treaty	Prevents signatories in South-East Asia from making, possessing, storing, or testing nuclear weapons
1996	Comprehensive Text Ban Treaty (CTBT)	Bans all testing of nuclear weapons
1996	Treaty of Pelindaba	Creates an African nuclear-weapon-free zone
1997	Treaty of Bangkok	Creates a nuclear-weapon-free zone in South-East Asia
1998	Anti-Personnel Landmines Treaty (APLT)	Bans the production and export of landmines and pledges to remove them

During the Cold War era, bilateral and multilateral arms control mechanisms proved to be effective tools of security and led to global disarmament goals. Further, several arms control treaties,

conventions and politically binding commitments were signed or agreed upon, both in the area of weapons of mass destruction (PTBT, BWC, ABM, SALT 1 and 2), and on conventional arms (CSBM agreements, CFE). Such was the intensity of the arms control regime that it can be concluded that the Cold War era following the Cuban missile crisis of 1962 was an era of arms control, if not *the* era of arms control.

Although the end of the Cold War resulted in a decline of arms control, more arms control agreements were agreed upon in the 1990s than in any other decade after World War II. It is sufficient to mention CWC, CTBT, the APLM Treaty, the adapted CFE, and the CSBM packages of 1992, 1994 and 1999 to illustrate the point.

Interestingly, with the development of new arms control and disarmament measures and agreements, the meaning and concept of arms control and disarmament has also undergone a change. While earlier theorists envisioned arms control in the broadest sense to refer to all forms of military cooperation between potential enemies in the interest of ensuring international stability, recently, a more limited definition of arms control was adopted by political leaders.<sup>25</sup> For example, theorists like Hedley Bull defined arms control as 'cooperation between antagonistic pairs of states in the military field, whether this cooperation is founded upon interests that are exclusively those of the cooperating states themselves or on interests that are more widely shared.'<sup>26</sup> However, in the Cold War period, political leaders and the media seemed to have a more limited definition, and generally confined arms control to that set of activities dealing with specific steps to control related weapon systems, codified in formal agreements or treaties. Many analysts and much of the general public during the Cold War focused on the bilateral arms control negotiations between the US and the Soviet Union. They came to expect that arms control required a formal treaty, a system of inspections to ensure compliance, and an enforcement mechanism to compel compliance. But these three elements are not always necessary for arms control, as it is a process involving specific, declared steps by a state to enhance

security through cooperation with other states. These steps can be unilateral, bilateral, or multilateral. Cooperation can be implicit as well as explicit.

According to Paul Bracken, modern arms control only took shape in the early 1960s, when a loose collection of strategic concepts was linked together to manage the dangers arising from new technologies.<sup>27</sup> In his view, modern arms control rested on three pillars, first, that it wasn't disarmament: this was the reason that the term arms control was coined—to distinguish it from disarmament. Second, there was a sharp distinction between the *ends* and the *means* of arms control and disarmament. Explaining this concept, Bracken writes:

For example, nuclear weapons were known to be highly destructive but were also seen to be beneficial. Without a nuclear deterrent, the defense of Europe and other areas would have been far more difficult and risky. From a *disarmament* perspective, the tactical nuclear defense strategy was a disaster, because it increased the number of nuclear weapons. Its application to Europe legitimized, rather than abolished, these weapons. From an *arms control* perspective, in contrast, this strategy made perfect sense. It lowered the chance of war in Europe. The Soviets knew that any attack by them could escalate into nuclear conflict. Arms control (the means) called attention to the safe operation of the nuclear deterrent (the ends), and thereby lowered the chance of war.<sup>28</sup>

The third pillar of arms control was the creation of a middle position between the two extreme groups advocating nuclear disarmament under a strengthened UN and increased military power by securing thousands of atomic missiles and cobalt (dirty) bombs.

As the Cold War ended, the conception and execution of arms control began to change. The changes began with an increase in the number and types of bilateral arrangements between the superpowers. As rapprochement between the superpowers deepened, the forums and scope for other negotiations began to broaden.<sup>29</sup> Regions beyond Europe also began to turn to arms control as a means of building security. In the immediate aftermath of the Cold War, arms control

changed to accommodate the new international security agenda. The very formal, structured approach to reaching agreement broadened to include more informal modes of cooperation. In particular, the use of unilateral and reciprocal declarations resulted in dramatic steps outside formally-established negotiating procedures.<sup>30</sup> Security negotiations between states also developed an increasingly operational focus: they no longer simply pursue agreements to limit types and numbers of weapons. The growing interest in transparency is highlighted by the strict verification provisions written into treaties, as well as new agreements to share data. New international organizations have evolved to implement agreements.

An extremely significant development in the post-Cold War era has been the inclusion of new actors in the arms control and disarmament process. Arms control is becoming increasingly multilateral. Thus, while traditional arms control and disarmament involved the participation of only state actors and mechanisms, non-state actors have now become involved in this process. The new model for arms control in the twenty-first century is that of cooperation between a number of governments, IGOs, and INGOs.<sup>31</sup> Commenting upon the features of modern arms control and disarmament, Richard Butler is of the opinion that the significant corpus of treaties and agreements that now exists would not have been possible had reliance been placed solely, or even substantially, on the work of governments and their professional officials. Non-governmental actors and other groups of citizens were the driving force behind many crucial accords—from the 1968 Nuclear Non-Proliferation Treaty to the 1992 Chemical Weapons Convention.<sup>32</sup>

The next section will examine the involvement of INGOs in the field of arms control and disarmament.

#### INGOS IN ARMS CONTROL AND DISARMAMENT

The association of NGOs with disarmament movements dates back to the early nineteenth century; the 'peace societies' of that period, concerned with issues such as the relation of armaments and militarism to the prospects of international peace were essentially

NGOs. Despite this fact, the influence of NGOs in the field of arms control and disarmament remained minimal till the end of World War II. This is because, historically, NGOs have been excluded from mainstream security issues partly due to the lack of expert information and analyses, and also because security has been considered an area reserved exclusively under state sovereignty.

But since the end of World War II, NGOs have been playing an important role in arms control and disarmament issues and have expanded their agenda to include several security-related issues. Their active participation in the field of arms control and disarmament has resulted in their making essential contributions to disarmament and security debates as well as policy development and implementation. For example, in the 1950s and 1960s, individual scientists, experts, research institutes, and various NGOs were very active in promoting measures to prevent radioactive fallout from nuclear testing and nuclear proliferation. By disseminating accurate information and warnings about the dangers resulting from nuclear testing and the spread of nuclear weapons, they stimulated public interest and pressure that helped to generate the political will of governments necessary to ban testing in the atmosphere in 1963, and to agree on the Nuclear Non-Proliferation Treaty in 1968. Several NGOs were established in the post-War era to deal specifically with this issue. The Programme for Promoting Nuclear Non-proliferation (PPNN) and International Physicians for the Prevention of Nuclear War (IPPNW) are examples of two NGOs set up to deal with the issue of nuclear weapons and war in the 1980s.

In addition to these new NGOs established during the Cold War era, several existing NGOs expanded their agenda in the post-World War II period to deal with the challenges posed by weapons proliferation. Amnesty International and Greenpeace, NGOs devoted to promoting human rights and protecting the environment respectively, included activities against both conventional and nuclear weapons in their programmes.

In more recent times, NGOs helped to initiate and promote the efforts to convene the Test Ban Amendment Conference in 1991, which revived the efforts for a comprehensive test ban and

restored that item to a top place on the international agenda. They also played an active role in promoting the achievement of the Chemical Weapons Convention and its verification systems. Another important initiative undertaken by a group of NGOs is the World Court Project that led to the advisory opinion of the International Court of Justice in July 1996 on the legality of the threat of use or use of nuclear weapons. NGOs have also played a significant role in the 1995 NPT Review and Extension Conference, resulting in its permanent extension. It was also at this conference that several hundred NGOs came together and organized the 'Abolition 2000' caucus to promote the early abolition and elimination of nuclear weapons.

As a result, NGOs concerned with disarmament- and security-related issues now make up an important part of the transnational civil society. Taking advantage of the possibilities for communication and organization which are now possible and combining forces in a variety of ways to transform global political agendas, NGOs are now increasingly important actors alongside governments and international institutions in tackling transnational security problems, and, along with their activity and influence, raising important issues of democratic accountability.

While the actual potential and viability of INGOs in the field of arms control and disarmament would be examined at length later, it would suffice to mention a few facts about their involvement in arms control and disarmament. These, as enumerated by David Atwood, are that, while NGO involvement in disarmament affairs is longstanding, its current manifestations are part of a broader reality of transnational civil society engagement on issues of global concern. Further, disarmament has many dimensions and NGO engagement with these dimensions is not uniform but sometimes contradictory. Finally, NGOs play many important roles in advancing disarmament affairs, which go well beyond their very limited direct access to disarmament negotiations.<sup>33</sup>

Given the characteristic features of INGOs along with the nature of the post-Cold War world, INGOs can and have performed several important roles in the field of arms control and

disarmament. In an interesting study, David Atwood identified 11 roles that NGOs could play in the field of arms control and disarmament.<sup>34</sup> These are:

- generating public awareness;
- constituency-building and campaigning at the national and transnational levels;
- reframing issues;
- policy agenda-building and policy development;
- developing and changing norms;
- lobbying and/or advocacy;
- exchanging and targeting of information;
- researching and expert policy advising;
- monitoring and evaluating actor behaviour;
- developing Track II initiatives; and
- implementing policy.

Another way to analyse the potential and role of NGOs in the field of arms control and disarmament is to examine their participation in the four stages of the 'lifecycle' of national and international law development and implementation. These, as mentioned before, are agenda-setting, negotiation-bargaining, implementation, and compliance enforcement.

The task of formally setting the agenda and deciding on its adoption in the context of international arms control and disarmament law is usually reserved for the State Parties to the treaty, by the international institutions and Conference of Parties. This is primarily because, as noted by

Cathleen Fisher, 'When core national security interests are involved, policymakers generally expect to retain tight control over decisions andÖpublics have been largely content to let them do so.'<sup>35</sup>

However, in spite of their nearly non-existent role in formal agenda-setting, INGOs have been exercising considerable power in setting the agenda informally. This is done primarily by means of the information they gather and the way they disseminate it,

as NGOs often publish well-researched scientific, political/military and technical reports, produce audio-visual materials, and have an extensive presence on the World Wide Web. These information modules form solid foundations for their moral appeal to society and are often targeted for selective audiences such as the general public, policy makers, the science community, business community, and media. For example, the efforts to promote US ratification of the Limited Test Ban Treaty in 1963 benefited from public outrage over the public health and environmental impact of atmospheric testing, due to a great extent by studies circulated by Physicians for Social Responsibility.

According to Simon Carroll:

NGO agenda setting occurs outside the formal intergovernmental process—through direct dialogue with politicians and officials, through scientific bodies, via the media or by public-focused activities, or often a combination of these. Thus, it is possible for NGOs to ensure that an issue is placed on the official agenda and strongly influence how the subsequent debate is framed.<sup>36</sup>

An example of such informal agenda-setting by NGOs is that of Greenpeace, an environmental NGO which expanded its scope to include disarmament issues. In order to exert influence on international law and policy, Greenpeace develops sophisticated campaigns, political and media strategies centred on communicating the need for governments to act on a particular issue in a certain way. These are based on Greenpeace's assessment of where its agenda-setting efforts may be most effective, and which may not necessarily involve direct engagement in any particular intergovernmental forum.<sup>37</sup>

INGOs are now also actively involved in negotiation and bargaining, and play an important role in this stage of policy making. This role is to a great extent dependent on two interconnected factors, namely: what the NGOs can offer to the government or state representatives, and how accessible and receptive the government or state representatives are to the NGOs. The role played by NGOs in this stage of policy making is enhanced by their contribution as members of national delegations. In Graham's view, NGOs in some

instances can help to level the playing field during international treaty negotiations.<sup>38</sup> Larger nations can often exert greater influence over arms control negotiations simply because of the size of the delegation that they can afford to send and the depth of expertise available to them.<sup>39</sup> NGOs can help by enhancing the access of smaller states to expertise and information. For example, for several years, Canada went so far as to include an NGO representative on its disarmament and non-proliferation delegations.<sup>40</sup> At the NPT review conferences, the Conference on Disarmament, the UN First Committee, and other multilateral forums, it is increasingly common for NGO representatives to address the delegates, and NGOs often arrange delegate briefings on the sidelines of meetings.

In the third stage of policy making, *viz.*, implementation, the role of NGOs is very limited and often restricted to assisting state parties in implementation. This is because this stage essentially involves national legal measures to implement the international agreements.

Compliance enforcement, or the fourth stage of international law making, is the stage where NGOs usually have an indirect role, for legal obstacles often constrain them from assuming power. While most of the INGO efforts at enforcement and compliance are restricted to highlighting non-compliance through protests and the media, some international agreements provide for a more official role for these organizations. NGO involvement in this stage of policy making essentially involves collecting, analysing and disseminating data relevant to compliance with international agreements, and monitoring the activities of governments and non-state actors in order to detect and publicize breaches. In some cases, NGOs assist states in bringing themselves back into compliance.

Interestingly, at this stage NGOs can act: officially, as part of a formal international verification mechanism; quasi-officially, loosely linked to official mechanisms; or informally, outside of official verification mechanisms, depending upon the terms of the agreement involved.<sup>41</sup> At the official level, interaction between NGOs and official arms control and non-proliferation institutions is limited. Under most multilateral agreements, the formal contribution of

NGOs in this stage is restricted to statements delivered to meetings of state parties. For example, it has become common practice in the review conferences for the Nuclear Non-Proliferation Treaty (NPT) and the Biological and Toxin Weapons Convention (BWC) to set half a day aside for NGO statements to the plenary. The only example of a formal agreement between an NGO and an international arms control verification organization is that between the Stockholm International Peace Research Institute (SIPRI)—an independent institute established and largely funded by the Swedish government—and the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons (OPCW), which set up the verification system for the CWC. The two institutions exchanged letters which established rules for sharing (unclassified) information.<sup>42</sup>

More frequently, NGOs interact with formal verification systems quasi-officially, but without the benefit of a treaty provision or a formal mandate from the official verification organization concerned. Most of these NGOs provide information relevant to non-compliance, e.g., under the Ottawa Convention, which provides only a rudimentary verification mechanism, NGOs have assumed a quasi-formal role in monitoring the landmine ban. Landmine Monitor, a coalition of NGOs, collects information on national compliance and assesses progress and problems in implementation. The network consists of 115 researchers from 95 countries and produces an annual report. Landmine Monitor works closely with governments and is funded in large part by them, but is not formally recognized either in the treaty or by the treaty's implementation bodies. However, as an initiative of the International Campaign to Ban Landmines (ICBL)—a driving force behind the Ottawa Convention—Landmine Monitor's findings carry significant weight. They are tabled at the annual conferences of states parties and introduced by an ICBL representative. Alleged states party violators are named, as are signatories that have allegedly violated the spirit of the agreement, and, unusually, non-states parties that would be in violation had they signed the treaty, e.g., at the Third Conference of States Parties held in Managua, Nicaragua, in September 2001, one

state party, Uganda, was accused, along with six signatories (Angola, Burundi, Eritrea, Ethiopia, Rwanda, and Sudan), of having used mines.

Another example of an NGO providing information for a treaty-based verification system is the interaction between the Center for Nonproliferation Studies, Monterey Institute of International Studies, and the International Atomic Energy Agency. The CNS maintains five databases of current and archived information, based on open-source data compiled from over 340 source publications on the global proliferation of weapons of mass destruction and their delivery systems.<sup>43</sup> The IAEA uses information from these databases (and other open sources) to supplement its own data from states' declarations and on-site activities. Inconsistencies between official data and open sources can trigger further verification activities.

In the majority of cases, INGOs monitor compliance with an international agreement completely outside the formal system. These 'citizen watch' activities range from collecting and analysing open-source information to monitoring test sites on the ground. Such independent monitoring efforts are often based on the systematic collection and evaluation of open-source information. The information collated can be disseminated to expose non-compliant behaviour and embarrass governments into compliance. To do this, NGOs often have their own publications and also work directly with the media and modern communication technologies like the Internet. There are now a myriad cost-free, issue-specific e-mail list servers and newsletters which distribute verification-related information globally.<sup>44</sup> In addition, some NGOs make their information directly available to international institutions and national and international decision makers, including diplomats and the staff of international verification agencies. They also play a watchdog role at the national level, alerting governments to infractions, investigating illegal operations, and pressurizing state authorities to improve domestic laws and enforcement. NGOs analyse the work of verification institutions in both environmental and arms control regimes. This includes following the proceedings of such institutions, attending meetings when they are permitted to,

disseminating information about their work and—importantly—highlighting deficiencies and making proposals for improving their operations.

It is thus seen that INGOs can and do play an important role in the field of arms control and disarmament. The significance of this role can be testified to by the fact that three disarmament-related INGOs have been awarded the Nobel Peace Prizes in the recent past. These are the International Physicians for the Prevention of Nuclear War in 1985, the Pugwash Conferences on Science and World Affairs in 1995, and the International Campaign to Ban Landmines in 1997. The next section will examine these NGOs.

## SUCCESS STORIES

### *International Physicians for the Prevention of Nuclear War*

The IPPNW is a global federation of medical organizations dedicated to research, education, and advocacy relevant to the prevention of nuclear war. Established in 1980 by Drs Bernard Lown of the US and Eugueni Chazov of the former Soviet Union, this organization was set up to educate health professionals, political leaders and the public about the medical consequences of nuclear war.

During the height of the Cold War when the world was divided into two militarized camps poised on the brink of nuclear war, the American and Soviet founders of this organization reasoned that their common interest in survival was more powerful than the ideological divides between them. They believed that their obligation as physicians included a common commitment to the prevention of nuclear war and thus founded the IPPNW.<sup>45</sup> A long-standing professional association between two leading cardiologists, Dr Bernard Lown of the Harvard School of Public Health, and Dr Yevgeny Chazov of the USSR Cardiological Institute, was the impetus for the formation of IPPNW. An exchange of letters between the two led to an extraordinary meeting of six Soviet and American physicians in Geneva in December of 1980. It was at this

meeting that the four-point consensus was reached, which formed the basis of IPPNW activity.<sup>46</sup>

The four-point consensus which outlined the goals and mission of IPPNW stated that: IPPNW would restrict its focus to nuclear war; IPPNW physicians would work to prevent nuclear war as a consequence of their professional commitments to protecting life and preserving health; the organization would involve physicians from both East and West and would seek to circulate the same factual information about nuclear war throughout the world; and, although IPPNW might advocate certain steps to prevent nuclear war, the organization would not take a position on specific policies of any government.<sup>47</sup>

IPPNW has now extended its original four-point mandate to include the prevention of all wars, the demilitarization of the world, to minimize the effects of war, and to promote sustainable and ecologically sound development.

In its first five years, IPPNW, working closely with its US affiliate, Physicians for Social Responsibility and IPPNW-Russia, educated health professionals, political leaders and the public about the medical and environmental consequences of nuclear warfare. For this effort, which united physicians across the Cold War divide, IPPNW was awarded the UNESCO Peace Education Prize in 1984 and the Nobel Peace Prize in 1985.

Throughout the 1980s and the 1990s, IPPNW has comprehensively documented the health and environmental effects of the production, testing, and use of nuclear weapons. In a series of well-researched, authoritative books and numerous articles and opinion pieces in medical journals and the popular press, IPPNW spelled out the tremendous price nuclear weapons states are paying in their pursuit of nuclear weaponry. IPPNW and its affiliates not only educated the public, but also organized citizens in the nuclear states to protest and change their governments' policies. Physician activists were instrumental in the campaigns to ban atmospheric and underground nuclear test explosions and in helping to shut down nuclear weapons testing sites and production facilities.

As the Cold War came to an end, IPPNW had grown to comprise

some 200,000 physicians, health-care workers, and concerned citizens every region of the world.<sup>48</sup> Today, IPPNW continues to unite people across political divides to prevent nuclear war. Some of the main achievements of IPPNW include: the creation of an international medical movement to disseminate factual information about the consequences of nuclear warfare worldwide; the promotion of a Soviet–American dialogue at the height of the Cold War by organizing Soviet and American doctors to bring a non-partisan anti-nuclear message to the people of both countries, reaching millions; helping stop underground nuclear testing by influencing the Soviet Union to initiate and extend a unilateral moratorium on nuclear testing during 1985–87; organizing the International Citizens’ Congress for a Nuclear Test Ban in Kazakhstan, a key event that led to the 1991 closure of the Soviet Union’s principal test site at Semipalatinsk; establishing an International Commission to Investigate the Health and Environmental Effects of Nuclear Weapons Production and Testing, working with the Institute for Energy and Environmental Research to document these effects.

IPPNW is also a co-founder of the World Court Project with the International Association of Lawyers and helped spearhead the launch of Abolition 2000, a global campaign to build worldwide support for a signed agreement that sets a firm timetable for nuclear abolition. This organization has also helped in launching the Middle Powers Initiative to mobilize key non-nuclear weapons states to encourage the leaders of the nuclear weapons states to commit themselves to the elimination of nuclear weapons. One of the most important efforts undertaken by IPPNW has been the submission of a revised Model Nuclear Weapons Convention to the UN. The treaty was drafted by the Lawyers Committee for Nuclear Policy, the International Network of Engineers and Scientists Against Proliferation, and IPPNW.

In more recent times, recognizing that the catastrophic health and environmental consequences of a nuclear war are at the extreme end of a continuum of armed violence that undermine health and security, IPPNW is committed to ending war and advancing understanding of the causes of armed conflict from a public

health perspective.<sup>49</sup> As a result, its main priority programmes and campaigns are:

- the International Physicians Campaign for a Nuclear-Weapons-Free World;
- aiming For Prevention: An International Campaign to Prevent Small Arms Violence; and
- research, education, and advocacy on the interconnections between peace and health.

IPPNW has been instrumental in educating the masses about the dangers of nuclear weapons and war. Recognizing this contribution, the governors of the Norwegian Nobel Committee lauded the physicians for their ‘considerable service to mankindÖcreating an awareness of the catastrophic consequences of atomic warfare’.<sup>50</sup> The committee acknowledged the physicians’ efforts as an important factor in generating public pressure for arms limitation.

#### *Pugwash Conferences on Science and World Affairs*

The Pugwash Conferences on Science and World Affairs is an international organization that brings together scholars and public figures to work towards reducing the danger of armed conflict and seek solutions to global security threats. Founded in 1957 by Joseph Rotblat and Bertrand Russell in Pugwash, Nova Scotia, the stimulus for founding the organization was the Russell–Einstein Manifesto of 1955,<sup>51</sup> which called upon scientists of all political persuasions to assemble to discuss the threat posed to civilization by the advent of thermonuclear weapons.<sup>52</sup>

The 1957 meeting which was attended by 22 eminent scientists resulted in laying the foundation of the Pugwash Conferences on Science and World Affairs. The Russell–Einstein Manifesto was adopted as the Pugwash Conferences’ founding charter at this meeting and subsequently led to both a continuing series of meetings at locations all over the world with a growing number and

diversity of participants, and a decentralized organizational structure to coordinate and finance this activity.

The principle mission of the organization was stated to bring scientific insight and reason to bear on threats to human security arising from science and technology in general, and above all from the catastrophic threat posed to humanity by nuclear and other weapons of mass destruction.<sup>53</sup> Since its inception in 1957, Pugwash has expanded its agenda considerably, and in addition to seeking the elimination of all weapons of mass destruction, the organization's objectives also include the reduction and strict control of conventional weaponry, and the elimination of war and other forms of armed conflict.

These objectives of Pugwash are pursued through debate, discussion, and collaborative analysis at annual conferences, in specialized workshops and study groups, and through special projects carried out by small teams or individuals on well-defined topics. The resulting ideas and proposals are communicated to decision makers and the general public through Pugwash publications, open letters to heads of government from the Pugwash leadership, press conferences, and, above all, from the personal interactions of individual Pugwash participants with political leaders and opinion makers.<sup>54</sup>

The first two decades of Pugwash coincided with some of the most dangerous years of the Cold War, marked by the Berlin Crisis, the Cuban Missile Crisis, the repression of the Prague Spring in Czechoslovakia, and the Vietnam War. In this period of strained official relations and few unofficial channels, the fora and lines of communication provided by Pugwash played useful background roles in helping lay the groundwork for several arms control negotiations and treaties. These include the Partial Test Ban Treaty of 1963, the Non-Proliferation Treaty of 1968, the Anti-Ballistic Missile Treaty of 1972 and SALT I accords, the Biological Weapons Convention of 1972, the Intermediate-range theater Nuclear Force (INF) Treaty, and the Chemical Weapons Convention of 1993.

One of the greatest strengths and achievements of Pugwash during the Cold War was the ability to bring together scientists, experts, and policy makers from countries situated at opposite sides

of world politics. Through continuous, patient work, Pugwash was able to create a climate of mutual understanding and trust, which eased East-West tensions and avoided war. For example, the Pugwash Workshops on Nuclear Weapons brought together government and military figures with scientists and policy analysts to keep open lines of communication on such sensitive issues as: initiatives to limit missile defences that led to the 1972 ABM Treaty; the Euromissile and Star Wars controversies of the 1980s; the dangers posed by the break-up of the Soviet Union regarding fissile material and the decommissioning of nuclear systems. Similarly, the Pugwash Chemical and Biological Warfare Workshops, which began in 1959, were instrumental in bringing together technical experts, official negotiators, and industry and academic experts to help lay the framework for the 1993 Chemical Weapons Convention. Earlier, Pugwash helped arrange the first visit in 1987 of Western chemical weapons specialists to an East-bloc chemical production complex (in East Germany), and Pugwash contacts were instrumental in setting up the first access by a US expert (Matthew Meselson) to the medical records associated with the disputed 1979 anthrax outbreak in Sverdlovsk.<sup>55</sup>

Despite the end of the Cold War and the subsequent trends of generally improving East-West relations and the emergence of a much wider array of unofficial channels of communication, Pugwash meetings retained their importance and continue to play an important role in bringing together key scientists, analysts and policy advisers for sustained, in-depth discussions of the crucial arms-control issues of the day, such as: European nuclear forces; chemical and biological weaponry; space weapons; conventional force reductions and restructuring; and crisis control in the Third World.

In its effort to keep up with the pace of scientific and technological developments in the early twenty-first century and the security challenges facing the international community, Pugwash issues a statement at the beginning of each quinquennium relating the enduring mission and objectives of Pugwash to its evolving agenda in the context of recent international developments.

Most recently, for its Tenth Quinquennium (2002–2007),

Pugwash reiterated its commitment to the goal of abolishing all nuclear weapons and issued the following statement:

‘the Pugwash goal of reducing and eliminating the nuclear peril will be more important than ever in the Tenth Quinquennium. Specific points on the Pugwash agenda will include prescriptions for much deeper cuts in nuclear arsenals, for the effective dismantlement of retired warheads, for much greater transparency and control of all the deployed forces and warheads in storage, for stronger non-proliferation measures and verification, especially regarding the safety of nuclear materials, for fast disposal of fissile material, for the entry into force of the nuclear test ban, for a stop to the production of new weapons and new weapon-grade material, and for the abandonment of nuclear policies that allow an early use or a first use of nuclear weapons. Nuclear, chemical and biological weapons do not, however, exhaust the categories of weaponry that will continue to be of concern to Pugwash in its Tenth Quinquennium. Conventional weapons, ranging from small arms to antipersonnel mines to new high-technology weapons, are all too often the instruments of indiscriminate destruction, especially for civilians. Accordingly, the pursuit of further international monitoring and restriction of conventional arms development, production, and transfer will remain an important priority for Pugwash.’<sup>56</sup>

In recognition of the efforts of the Pugwash Conferences on Social and World Affairs in the field of arms control and disarmament, the organization has received several laurels, including the Olympia Prize by the Onassis Foundation in 1987 and Feltrinelli Prize by the Accademia Nazionale dei Lincei. In 1995, the Pugwash Conferences and Joseph Rotblat were jointly awarded the Nobel Peace Prize ‘for their efforts to diminish the part played by nuclear arms in international politics and, in the longer run, to eliminate such arms’.<sup>57</sup>

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

ICBL is a network of 1,400 NGOs spread over 90 countries working locally, nationally, and internationally to eradicate anti-personnel landmines.<sup>58</sup> Interestingly, ICBL is itself the result of the initiative taken by six prominent NGOs, viz., Handicap International, Human Rights Watch, Medico International, Mines Advisory Group, Physicians for Human Rights, and the Vietnam Veterans of America Foundation (VVAFA), which came together

in October 1992 and convened the first NGO conference on the banning of landmines in London in May 1993.<sup>59</sup> It was at this conference that 50 delegates from 40 NGOs formed a coalition and formally adopted the name, 'International Campaign to Ban Landmines' (ICBL).

While each of the six founding members had individually worked and contributed to the cause of eradicating landmines, it was the formation of this coalition that set in motion one of the most effective NGO campaigns in history. Having witnessed the gruesome affects of landmines in their respective regions of operation, the founding members realized the need for immediate and organized action to eradicate the menace of landmines. Defining itself as a flexible network of organizations that share common objectives, the organization stated its objectives to be: an international ban on the use, production, stockpiling, and sale, transfer or export of anti-personnel landmines, and increased international resources for humanitarian mine clearance and mine victim assistance and rehabilitation programmes.<sup>60</sup>

ICBL invited other NGOs that supported these objectives to become part of this campaign. Within two years of its formation, ICBL comprised over 350 member-NGOs lobbying for a total ban on landmines and more intensive mine clearance. ICBL recognized that in order to achieve its multiple objectives, its member NGOs would have to work at the national, regional, and international levels to build public awareness and create the political will necessary to bring about a landmine ban.

ICBL thus began to bring the issue of landmines to the attention of both the public and governments by organizing public meetings and using the mass media creatively and extensively to publicize the horrors of mines, while petitioning politicians and governments to take action to ban landmines.

The efforts of ICBL were suitably rewarded and the first of cial step taken as a result of ICBL efforts was the introduction of a one-year moratorium on the export of APMs in October 1992 by US Senator Patrick J. Leahy and Congressman Lane Evans. This moratorium was extended for three years in 1993. In September

1994, President Clinton became the first world leader to endorse the 'eventual elimination' of APMs. The US subsequently sponsored a General Assembly resolution to this effect, which was adopted by consensus in December 1994. In March 1995, Belgium announced that it was the first country to pass domestic laws banning the use, production, and export of landmines.

By 1996, the once-small coalition forming the ICBL had expanded to include over 450 human rights, humanitarian, medical, arms control, environmental and development groups in more than 30 countries. This figure grew to 1,200 NGOs operating in 60 countries in 1997. While the efforts and initiatives of the ICBL will be discussed at length later, it would suffice to state that this organization played a critical role in the Ottawa Process,<sup>61</sup> which culminated in December 1997 with the Ottawa Convention when 122 nations signed the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction.

Since the adoption of the Mine Ban Treaty, ICBL has remained committed to capitalizing on the global political momentum that it helped create. The organization now aims for a worldwide ban on anti-personnel landmines, universal membership of the 1997 Ottawa Convention, support of the needs and rights of landmine victims, and demining and risk education to safeguard lives and livelihoods.

The organization states its objectives to be the following.

- 1) Universalization of the Mine Ban Treaty.
- 2) Compliance with the treaty provisions.
- 3) Increased and sustained resource commitments for mine clearance, mine risk education and victim assistance, and for stockpile destruction.
- 4) Firm establishment of the norm, as an international standard of behaviour by all.

The key role of ICBL in the Ottawa Process culminating in the Ottawa Convention was recognized all over the world. The

Norwegian Nobel committee applauded the efforts of the campaign for changing a ban from a vision to a feasible reality and presented the Nobel Peace Prize to ICBL and its Coordinator Jody Williams in 1997.

The three INGO success stories cited above prove that INGOs do have the potential to emerge as significant actors in the field of arms control and disarmament. While all the three INGOs could form the basis for future efforts by INGOs in arms control and disarmament, INGOs can draw substantial lessons from the experience of ICBL. In fact, ICBL and its role in the Ottawa Process is often regarded as the framework for future NGO campaigns in the field of arms control and disarmament. The next chapter will examine the role of ICBL in detail.

#### NOTES AND REFERENCES

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<sup>2</sup> Disarmament has a longer legacy than arms control and was a common theme in international relations literature during the 1950s. In the early 1960s, international security specialists began using the term 'arms control' in place of the term 'disarmament', which they believed lacked precision and smacked of utopianism. For more, refer to Richard Dean Burns, *Encyclopedia of Arms Control and Disarmament*, New York: Macmillan Library Reference, 1993, pp. 2–3.

<sup>3</sup> Hedley Bull, 'Introduction', *The Control of the Arms Race: Disarmament and Arms Control in the Missile Age*, New York: Praeger Press, 1961, pp. 4–5.

<sup>4</sup> M. Shane Smith, 'Arms Control and Non-Proliferation', *Beyond Intractability*, Boulder, CO: University of Colorado, 2003: [www.beyondintractability.org/essay](http://www.beyondintractability.org/essay)

<sup>5</sup> Charles W. Kegley and Eugene R. Wittkoph, 'Balance of Power', *World Politics: Trend and Transformation*, New York: Wadsworth Publishing, 1999, p. 482.

<sup>6</sup> Jeffrey A. Larsen, 'An Introduction to Arms Control', *Arms Control: Cooperative Security in a Changing Environment*, Boulder, CO: Lynne Rienner Publishers, 2004, p. 3.

<sup>7</sup> Bull, op. cit., n. 3 above, p. vii.

<sup>8</sup> Although it has been established that the terms 'arms control' and 'disarmament' are not synonymous and differ from each other considerably, for the purpose of this research the terms 'arms control' and 'disarmament' have been used interchangeably.

<sup>9</sup> <http://www.answers.com/topic/arms-control>

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Jozef Goldblat, 'Basic Concepts', *Arms Control: The New Guide to Negotiations and Agreements*, London: Sage Publications, 2002, p. 3.

<sup>15</sup> Ibid.

<sup>16</sup> Alex Campbell, Christopher J. Fettweis and Natalie J. Goldring, 'An Introduction to General Disarmament': <http://www.bsos.umd.edu/pgd/pubs/background.html>

<sup>17</sup> F. P. Walters, *A History of the League of Nations*, New York: Oxford University Press, 1952, p. 218.

<sup>18</sup> According to the terms of the Four-Power Treaty, France, Britain, Japan, and the US agreed to respect the status quo in the fortification of Pacific possessions and promised consultation in the event of a dispute. The Nine-Power treaty was an attempt to accommodate the signatories' interests in China.

<sup>19</sup> Other treaties signed at Washington abolished the two-decade-old Anglo-Japanese Alliance, endorsed the Open Door policy in China, compelled Japanese withdrawal from Siberia, and allowed the US access to the island of Yap.

<sup>20</sup> Goldblat, op. cit., n. 14 above, p. 24.

<sup>21</sup> Ibid.

<sup>22</sup> Trevor N. Dupuy and Gay M. Hammerman, *Documentary History of Arms Control and Disarmament*, New York: T. N. Dupuy Associates, 1973, pp. 190–92.

<sup>23</sup> Ibid.

<sup>24</sup> James Lee, 'Arms Control and Disarmament', *Current Issue Review* (Parliamentary Research Division, Canada), No 87-13E, 1999, p. 1.

<sup>25</sup> Larsen, op. cit., n. 6 above, p. 6.

<sup>26</sup> Bull, op. cit., n. 3 above, p. ix.

<sup>27</sup> Paul Bracken, 'Thinking (Again) about Arms Control', *Orbis*, 2004, vol. 48, no. 1, p. 151.

<sup>28</sup> Ibid.

<sup>29</sup> Larsen, op. cit., n. 6 above, p. 9.

<sup>30</sup> Ibid.

<sup>31</sup> Thomas Graham, 'Strengthening Arms Control', *Washington Quarterly*, vol. 23, no. 2, 2000, p. 186.

<sup>32</sup> Richard Butler, 'Preface', *Verification Yearbook 2000*, ed. Trevor Findlay, London: Verification Research, Training and Information Centre (VERTIC), 2001, p. 11.

<sup>33</sup> David C. Atwood, 'NGOs and Disarmament: Views from the Coal Face', *Disarmament Forum*, no. 1, 2000, pp. 7–8.

<sup>34</sup> Ibid.

<sup>35</sup> Cathleen S. Fisher, 'Reformation and Resistance: Nongovernmental Organizations and the Future of Nuclear Weapons', report 29, Washington, D.C.: Henry L. Stimson Center, 1999, p.†67.

<sup>36</sup> Carroll Simon, 'NGO Access to Multilateral Fora: Does Disarmament Lag Behind?', *Disarmament Forum* (Geneva), no. 1, 2000, p. 16.

<sup>37</sup> Paul Kevin†Wapner, 'Environmental Activism and World Civic Politics', *Environmental Activism and World Civic Politics*, Albany: State University of New York Press, 1996, p. 157.

<sup>38</sup> Graham, op. cit., n. 31 above, p. 188.

<sup>39</sup> At treaty negotiations, the US delegation, for example, will typically include legal, military, scientific, technical, and political expertise specific to the subject under consideration, while some smaller states may only send a handful of negotiators.

<sup>40</sup> Graham, op. cit., n. 31 above, p. 188.

<sup>41</sup> Oliver Meier and Clare Tenner, 'Non-Governmental Monitoring of International Agreements' in *Verification Yearbook 2001*, ed. Trevor Findlay and Oliver Meier, London: VERTIC, 2001, p. 207.

<sup>42</sup> Ibid, p. 10.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> <http://www.ippnw.org/IPPNWHistory.html>

<sup>46</sup> Ibid.

<sup>47</sup> From *Les Prix Nobel 1985 (The Nobel Prizes)*, Stockholm: Nobel Foundation, 1986.

<sup>48</sup> <http://www.ippnw.org/IPPNWHistory.html>

<sup>49</sup> <http://www.ippnw.org/IPPNWBackground.html>

<sup>50</sup> David Cortright, *Peace Works: The Citizen's Role in Ending the Cold War*, Boulder, CO: Westview Press, 1993, p. 32.

<sup>51</sup> The Russell–Einstein Manifesto was issued in London on 9 July 1955 by Bertrand Russell in the midst of the Cold War. It highlighted the dangers posed by nuclear weapons and called for world leaders to seek peaceful resolutions to international conflict. It was signed by 11 pre-eminent intellectuals and scientists.

<sup>52</sup> The Pugwash Conferences take their name from the location of the first meeting, which was held in 1957 in the village of Pugwash, Nova Scotia, Canada, birthplace of the American philanthropist Cyrus Eaton, who hosted the meeting.

<sup>53</sup> For more information on the objectives of the organization, see: [www.pugwash.org](http://www.pugwash.org)

<sup>54</sup> <http://www.pugwash.org/about/principles.htm>

<sup>55</sup> [www.nobelprize.org](http://www.nobelprize.org)

<sup>56</sup> Text of the 'Goals of Pugwash in its Tenth Quinquennium: 2002–2007', which was adopted at a plenary session of the 52<sup>nd</sup> Pugwash Conference at the University of California, San Diego, in August 2002: [www.pugwash.org](http://www.pugwash.org)

<sup>57</sup> [www.nobelprize.org](http://www.nobelprize.org)

<sup>58</sup> Landmines are containers of explosive material with detonating systems that are triggered by contact with a person or vehicle. These devices are typically found on or just below the surface of the ground and are designed to incapacitate that person or vehicle through damage caused by an explosive blast and metal fragments. Legally defined, an APM is 'a mine designed to be exploded by the

presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons’.

<sup>59</sup> The initiative to bring the six NGOs together was taken by Robert O. Muller, the founder of VVAF, who, during visits to Cambodia in the 1980s, was stunned to observe the number of landmine victims, and Thomas Gebauer of the German aid group Medico International in October 1991.

<sup>60</sup> <http://www.icbl.org/tools/faq/campaign>

<sup>61</sup> The Ottawa Process, a series of consultations, conferences, lobbying, and public campaigning which took place between October 1996 and December 1997, was initiated in October 1996 when the Canadian government hosted an international strategy conference in Ottawa, ‘Towards a Global Ban on Anti-Personnel Mines’. With 350 participants from 50 states along with representatives from the UN, ICRC, ICBL, and NGOs representing hundreds of organizations worldwide, the meeting led to the adoption of the ‘Ottawa Declaration’. In this declaration, the participants agreed to work together to ensure the earliest possible conclusion of a legally-binding international agreement to ban landmines. At its conclusion, Canadian Foreign Minister Lloyd Axworthy issued a challenge to the global community: to return to Ottawa before the end of 1997 to sign a convention banning APMs.

## CHAPTER 3

# *Anti-Personnel Landmines and the International Campaign to Ban Landmines*

*Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel landmines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world'.<sup>1</sup>*

The inclusion of this paragraph in the Preamble to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction<sup>2</sup> signifies the importance of INGOs and especially ICBL in the anti-landmine movement, which culminated with the adoption of the Ottawa Convention. The role of INGOs in promoting the anti-landmine regime was so intense, that the Ottawa Convention is often referred to as the result of INGO efforts.

How and why was ICBL formed? What were the goals of the campaign? How was ICBL able to influence governments to undertake initiatives for banning landmines? What steps did ICBL take to strengthen the anti-landmine movement? What strategies did ICBL adopt to fulfil its goals? What role did ICBL play in the Ottawa Process? Did ICBL in any way influence the text of the Ottawa Convention? These are some of the questions this chapter will aim at answering.

Before analysing the contribution of ICBL to the cause of banning anti-personnel landmines, the first part of this chapter will briefly examine the issue of landmines. What are landmines? What is the extent of the landmines problem? What is the response of the international community to the problem of landmines? How can the landmines problem be solved? Are there any laws regulating the use of landmines? These are some of the questions that will be

addressed initially. The second part of the chapter, which is divided into three sub-parts (the Pre-Ottawa Stage, the Ottawa Process and the Ottawa Convention, and the Post-Ottawa stage) will analyse ICBL's involvement and contribution in each stage of the anti-landmine movement and the resultant convention.

#### ANTI-PERSONNEL LANDMINES AND THEIR USE

Often described as 'buried terror' and 'weapons of mass destruction in slow motion', Anti-Personnel Landmines (APMs) are responsible for approximately 15,000–20,000 new civilian casualties every year.<sup>3</sup> In cases where they do not kill the victim immediately, landmines severely maim their victims, causing trauma and lifelong pain.

Landmines<sup>4</sup> are containers of explosive material with detonating systems that are triggered by contact with a person or vehicle. These devices are typically found on or just below the surface of the ground and are designed to incapacitate that person or vehicle through damage caused by an explosive blast and metal fragments. Legally defined, an APM is 'a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons'.<sup>5</sup>

Given this definition, more than 350 types of APMs produced by more than 52 countries have been identified.<sup>6</sup> According to a 1993 Human Right Watch (HRW) estimate, the manufacturers of APMs had probably produced an average of 5–10 million APMs per year, over the past 25 years.<sup>7</sup> Although these weapons have been widely used since World War II, it is only in the last two decades that APMs scattered in over 60 countries have created a humanitarian problem of global proportions. Consequently, there has been heightened interest in the problems caused by landmines,<sup>8</sup> and efforts have been made to control and ban their proliferation and usage.

The APM has traditionally been part of the armoury of almost every army in the world. The types of warfare in which mines have been used or were intended to be used cover a wide spectrum, from

the Cold War confrontation between NATO and the Warsaw Pact in Central Europe, through smaller-scale international conflicts such as the India–Pakistan wars and the Iran–Iraq and Gulf wars, to internal conflicts such as those in Angola, Cambodia, and Nicaragua. Mines have also been used by armies, police forces, insurgent groups and warlords for the purposes of population control and terrorism. Recording the diverse uses of APMs, an ICRC report states: ‘each type of warfare has found new uses for the AP mine.’<sup>9</sup>

### IMPACT OF ANTI-PERSONNEL LANDMINES

APMs have been used on massive scales since their development. Every significant armed conflict since 1945 has witnessed increasing use of APMs.<sup>10</sup> As a result, there are approximately 45–50 million APMs planted around the world,<sup>11</sup> and an additional 180 million mines stockpiled by about 54 countries.<sup>12</sup> With all seven continents and about 100 countries affected by landmines, the landmine crisis is truly alarming in extent and impact.

The seriousness of the landmine problem is reflected in the number of people affected by landmines. With a casualty rate of approximately 70 people killed or injured per day, i.e. one person every 15 minutes, or 26,000 people per year, the humanitarian crisis posed by APMs has acquired enormous global proportions.<sup>13</sup> With over a million people killed or maimed by these weapons since 1975, APMs pose a continuous threat to humanity.

In addition, the effects of the landmine scourge extend beyond the loss of countless lives, costs of landmine removal, and immediate medical treatment of the victims. For, combined with these tangible costs<sup>14</sup> are the larger, less definable costs for a community located in or near a minefield and for mine-affected countries as a whole. These include the long-term effects on people and their environment, such as huge ancillary social costs, creation of internally displaced persons (IDPs), impediments to economic recovery, etc.<sup>15</sup> Landmines have an impact on virtually every aspect of life in the mine-affected countries and on the international community as it seeks effective ways to help those countries recover.

Landmines also have disastrous consequences for the economy of the mine-affected countries. As most mine-affected societies are essentially agrarian, the presence or suspected presence of landmines in agricultural fields cripples the country's economy because the rest of the economy is dependent on the agricultural production. Further, mines destroy national infrastructures and impede economic development and reconstruction efforts. Mine clearance programmes divert financial resources from critical development and reconstruction projects.

The direct and indirect costs of landmine accidents also have a profound economic toll on most mine-affected countries. Medical care is expensive and often unavailable. The costs of surgery, prostheses, and psycho-social rehabilitation deplete a country's already scarce resources, and families often cannot afford to pay for necessary treatment. One of the long-term consequences of landmines is that mine-affected countries become heavily dependent on the international community for humanitarian and development assistance. Thus, mine contamination causes local and national economies to suffer and entire populations to become dependent on external food aid and other forms of international assistance.

APMs also pose a continuous threat to peace and reconciliation. Reconciliation requires governments to extend their presence and their services to formerly war-torn areas. Landmines frequently prevent government access to politically important regions, impeding efforts to deliver goods and services, and hampering efforts to secure political support among local populations. A government's failure in these two areas often leads mine-affected communities to seek protection and assistance from armed groups, further undermining the national government's attempts to restore peace to the region. Opposition groups capitalize on this local support to enable them to mobilize their forces and launch military attacks against government troops. The presence of landmines perpetuates the militarization of post-conflict societies and undermines the confidence and security needed for successful peace and reconciliation. These weapons, which continue to threaten life even after the conflict has ended, affect the country's effort to return to normalcy.

Given the severe impact of APMs, a multi-pronged strategy is needed to effectively deal with the problem. Such a strategy should aim at not only destroying the existing landmines, but also banning the production of new mines. Broadly speaking, an effective strategy should encompass the following components.

- 1) Banning the use, production, and transfer of landmines, and destroying the stockpiles.
- 2) Mine clearance.
- 3) Mine-awareness programmes.
- 4) Victim assistance.

Banning the use, production, and transfer of landmines along with destroying the existing stockpiles is a vital step in dealing with the menace caused by these weapons. This can be achieved by means of a comprehensive mine ban treaty at the international level. At the same time, initiatives need to be taken at the national and regional levels as well to restrict—or preferably prohibit—the use, production, stockpiling, and transfer of landmines.<sup>16</sup>

Once the use, production and transfer of landmines have been banned, the next step to solve the problem posed by landmines is to clear the areas contaminated with these weapons, i.e. mine clearance. Mine clearance or demining is the process of identifying the location of mined areas and then removing or destroying landmines.<sup>17</sup> This process involves the use of one or more demining techniques: manual clearance, mechanical clearance, or mine detection dogs.<sup>18</sup> Once mines are detected by any of these methods, they are typically detonated with the aid of explosives or removed for later destruction.<sup>19</sup> As demining is essentially a slow, costly, and dangerous process, there is a need to develop effective, low-cost mine detection and destruction technologies along with an increase in funding for mine clearing operations in order to make mine clearance an effective remedy to the landmines problem.

While the above-mentioned steps can provide a viable solution to the landmines problem, the number of landmine deaths and injuries can further be reduced by introducing basic Mine-

awareness and education programmes in mine-affected countries. People living in these areas often do not know where landmines are located, or are unaware of the dangers they pose. This places children, women, farmers, returning refugees, and IDPs in great danger. Mine-awareness programmes should aim at increasing a community's understanding of the landmine problem and prompt the behavioural changes necessary to survive. These should include informing the public how to detect the presence of landmines,<sup>20</sup> and how to respond if they inadvertently find themselves in a mined area. Although mine-awareness programmes are not a long-term solution to the problem, they are comparatively cheap and contribute to the demining effort.

The final step in the strategy to deal with the landmine problem is to provide adequate assistance to victims of landmines. Such assistance should not be restricted to the immediate first aid required to treat landmine injuries, but also include long-term assistance to ensure the victim's successful reintegration into society. Aid to landmine victims encompasses several areas, including providing prostheses and orthopaedic devices, offering physical rehabilitation and psychological counselling. Survivor assistance also involves the social and economic reintegration of mine survivors into their families and communities. The inclusion of this step in the comprehensive plan to deal with landmines is necessary, because even if a total prohibition of landmines comes into force and is respected by all states, the suffering of landmine victims will not end.

Given the extent and impact of the landmines problem, the international community comprising states, international organizations, and civil society has made several efforts to deal with the situation. The next section examines some of these efforts.

#### THE RESPONSE OF THE INTERNATIONAL COMMUNITY TO THE ANTI-PERSONNEL LANDMINES PROBLEM

The problems posed by APM contamination and use were first formally discussed at the international level at the Conference

of Governmental Experts on the Use of Certain Conventional Weapons (Governmental Experts Conference) in 1974 in Lucerne. Convened by the International Committee of the Red Cross (ICRC), the need for specific legal control of both manually-placed and remotely-delivered landmines was discussed at the meet. Efforts were made to explore possible bans or restrictions on several anti-personnel weapons that had gained international notoriety during the Vietnam conflict.<sup>21</sup>

As no consensus was reached at the Lucerne conference,<sup>22</sup> a second session of this conference was held in Lugano in 1976. While several proposals, including draft articles dealing with definitions, the recording of minefields, the use of remotely-delivered mines, booby traps, and other devices in populated areas were made at this conference, consensus was reached on only 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 minimum standards rather than pursuit of stringent prohibitions unlikely to attract broad support.<sup>23</sup> As a result, no concrete agreement prohibiting the use of APMs emerged.

Interestingly, these proposals ultimately became the basis for the provisions of Protocol II to the 1980 Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (commonly referred to as the Convention on Conventional Weapons or CCW, and

hereinafter referred to as the CCW).<sup>24</sup> While the provisions of this convention are discussed later, Protocol II essentially sought to restrict and control APMs, while simultaneously recognizing an inherent military requirement for these weapons. As a result, the use of APMs continued, and it was only with the end of the Cold War that the epidemic proportions of the landmine problem were realized.

The INGO community was the first to gain a broad and early understanding of the degree and complexity of landmine contamination. Largely ignored by governments at that point,

the devastating and long-term consequences of landmines were becoming apparent to those INGOs which were providing aid and relief to war-torn societies, and documenting violations of human rights and the laws of war. These organizations then began to educate the public to the degree and scope of the landmine crisis by describing what they found in war-torn countries: 'millions and millions of landmines which affected every aspect of peacekeeping and every aspect of post-conflict reconstruction'.<sup>25</sup>

As a reaction to the widespread use of mines and the resulting civilian casualties from the Angolan and Cambodian civil wars, the Soviet occupation and later civil war in Afghanistan, the campaign to ban anti-personnel landmines began in earnest in 1991. In the early 1990s, ICRC surgeons, who had seen the ravages of landmines in the field, told the then President of the ICRC, Cornelio Sommaruga, that a ban was necessary.<sup>26</sup>

During 1991, several INGOs, NGOs and individuals simultaneously began to discuss the necessity of coordinating initiatives and calls for a ban on anti-personnel landmines. Subsequently, six NGOs, namely, the Vietnam Veterans of America Foundation (VVAFA), Handicap International, Human Rights Watch, Physicians for Human Rights, Medico International, and the Mines Advisory Group came together in October 1992 to formalize the International Campaign to Ban Landmines (ICBL). With the support of UN agencies, governments, and the ICRC, ICBL spearheaded the effort to mobilize international public support for a global ban on landmines.

As a result of the growing recognition that the CCW had not adequately addressed the worsening landmine problem, several national initiatives were undertaken by states attempting to limit the proliferation and indiscriminate use of landmines. The first official step was taken by US Senator Patrick J. Leahy and Congressman Lane Evans, who introduced a one-year moratorium on the export of landmines in October 1992.<sup>27</sup> This declared US moratorium on landmines along with the efforts of ICBL and ICRC had a significant impact on other countries. For example, in 1993, Handicap International pressurized the French government over its

use of landmines and prompted the government to officially request the UN Secretary General to convene a review conference of the CCW. France also announced its own moratorium.

At the same time, the UN also made several efforts to deal with the landmine problem. For example, the General Assembly, in its 48<sup>th</sup> session (in 1993), adopted a Belgian proposal for financing of mine-clearance operations. The resolution called on the Secretary General to review the scope of the anti-personnel landmines problem and to consider the 'advisability' of establishing a voluntary trust fund to finance the growing number of mine-clearing efforts that are a prerequisite to peace-building measures.<sup>28</sup> And in its 49<sup>th</sup> session in December 1994, the GA urged all states to take measures to become parties to the protocol, invited them to declare moratoria on the export of anti-personnel landmines, and indicated that, for humanitarian reasons, states should move towards 'the ultimate goal of the eventual elimination of anti-personnel landmines'†with the†caveat that such a goal should be reached after the development of 'viable and humane alternatives'.<sup>29</sup> As a result, a comprehensive export moratoria was in effect in 25 countries by 1995.<sup>30</sup> In March 1995, Belgium became the first country to implement a total ban on APM use, production, procurement, sale or transfer and the Ministry of Defence promised to destroy Belgium's existing stockpiles. Austria and Ireland followed suit.

Meanwhile, ICBL, together with other NGOs and representatives from 44 countries met in Vienna in September–October 1995 under the UN-promoted review Conference of the CCW. Subsequently, the amended Protocol to the CCW was adopted on 3 May 1996. Among the improvements was a provision banning the use of all non-detectable APMs. This revision still fell short of a complete ban on landmines and did not commit states to support programmes that address the issue of civilian landmine casualties.

Following the failure of the 1996 review conference of the Landmines Protocol to produce stronger international legislation to ban landmines, the international community embarked on a two-track effort to advance the campaign to ban landmines: the 'fast-track' Ottawa Process, which adopted a humanitarian approach

to the landmines issue; and the 'slow-track' UN Conference on Disarmament (CD), which followed a more traditional arms control approach to the issue.<sup>31</sup>

The Ottawa Process was initiated in October 1996 when the Canadian government hosted an international strategy conference, 'Towards a Global Ban on Anti-Personnel Mines', in Ottawa. With 350 participants from 50 states along with representatives from the UN, the ICRC, ICBL, and NGOs representing hundreds of organizations worldwide, the meeting led to the adoption of the 'Ottawa Declaration'. By means of this declaration, the participants agreed to work together to ensure the earliest possible conclusion of a legally-binding international agreement to ban landmines.<sup>32</sup> At the conclusion of this conference, Canadian Foreign Minister Lloyd Axworthy issued a challenge to the global community: to return to Ottawa before the end of 1997 to sign a convention banning APMs.

On the other hand, the CD<sup>33</sup> approach to ban landmines was initiated with the decision of the US in January 1997 to seek negotiations on a worldwide landmines ban in the 61-member CD rather than within the framework of the Ottawa Process.<sup>34</sup>

However, since the initial stages itself, the CD encountered several difficulties while dealing with the issue of APMs.<sup>35</sup> The CD failed to agree either on the agenda or a programme of work until mid-February 1997 and the working agenda, which was approved in February 1997 after much debate, did not explicitly refer to the landmine issue. Further, the proposal to set up an ad hoc committee within the CD met with opposition from two quarters: those who backed the Ottawa Process, and the other group that preferred the landmines issue to be dealt with under the CCW. By June 1997, the idea of setting up an ad hoc committee to address the issue was dropped, after which the US and other countries continued to press for the appointment of a special coordinator as a first step to getting landmines addressed by the CD.<sup>36</sup> So the CD appointed a special coordinator for landmines to canvas the views of the 60 delegations. Characterized as 'talks about talks about landmines', the appointment was a clear signal that consensus was elusive. For

the foreseeable future, the Ottawa Process was the only game in town.<sup>37</sup> However, the states participating in the Ottawa Process decided not to obstruct the introduction of the landmines issue on the CD agenda, and approved the view that a dual-track approach, the Ottawa path and the CD, would be mutually reinforcing and complementary.<sup>38</sup>

Meanwhile, in its effort to support the Ottawa Process, the Austrian government prepared a draft text of a ban treaty and circulated it to interested governments and organizations.<sup>39</sup> The formal follow-up to the 1996 Ottawa Conference took place in Brussels from 24 to 27 June 1997. The Brussels International Conference for a Global Ban on Anti-Personnel Mines was attended by representatives of 154 countries, and on the closing day, 97 governments adopted the Brussels Declaration calling for formal negotiations on a comprehensive landmine ban treaty, greater international cooperation, assistance for mine clearance, and the destruction of all stockpiled and cleared APMs. The declaration also called for the convening of a diplomatic conference in Oslo to negotiate a treaty on the basis of the draft prepared by the Austrian government.

In accordance with the Brussels Declaration, which was soon signed by a total of 107 countries, formal treaty negotiations took place from 1 to 18 September 1997 at the Oslo Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines, hosted by the Norwegian government: 91 countries took part in the negotiations as full participants and 38 countries were present as observers, as were the ICRC, ICBL, and the UN. The Oslo Diplomatic Conference proved to be a positive exercise and on 18 September, under the impetus of its South African Chairman, Ambassador Jakob Selebi, the conference formally adopted the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, the Ottawa treaty. The treaty, which calls on all states parties to stop using, producing, and trading APMs, obliging them to destroy their APM stockpiles within four years of their respective ratifications, is discussed below.

LEGAL CONSTRAINTS ON USING ANTI-PERSONNEL  
LANDMINES

The use of APMs is regulated by both international customary and treaty law. International humanitarian law or the laws of war, which seek to minimize destruction and injury to the civilian population during armed conflicts, contains several general rules applicable to APMs. Two of the most important provisions are as follows.

- 1) Parties to a conflict must always distinguish between civilians and combatants. Civilians may not be directly attacked, and indiscriminate attacks and the use of indiscriminate weapons are prohibited.<sup>40</sup>
- 2) It is prohibited to use weapons which cause unnecessary suffering. Therefore, the use of weapons whose damaging effects are disproportionate to their military purpose is prohibited.<sup>41</sup>

These principles have direct implications for the use of landmines because they are inherently indiscriminate weapons of war, insofar as they do not distinguish between civilian and military targets. Further, traditional mines remain active long after hostilities have ceased—up to 75 years or longer—inflicting unnecessary harm upon civilian populations.

In addition to these rules, which are part of customary international law, the sensitivity of the international community to the problem posed by landmines was translated in the form of two legal instruments, processed and formulated through UN bodies.

The Landmines Protocol II to the CCW is one of the principle agreements governing the use of landmines.<sup>42</sup> The protocol, adopted in 1980, provided for the prohibition of the use of landmines against civilians and in cases where the humanitarian costs outweighed potential military advantages (Art. 3). It also required states parties to maintain detailed records and maps of minefields (Art. 7), and called for the removal of all mines after hostilities have ceased (Art.

9). However, while the rules to protect civilians from direct and indiscriminate mine attacks, recording and publication requirements for certain mines, rules governing the deployment of non-remotely-delivered mines in populated areas and special regulations for remotely delivered mines and booby-traps are some of the positive contributions of the protocol, the Landmines Protocol did not provide for a comprehensive ban on landmines. The protocol contained several flaws, including limited application, failure to recognize the inherently indiscriminate nature of anti-personnel landmines, prohibition on the use of non-detectable mines, and provision of implementation and monitoring mechanisms.<sup>43</sup>

In practice, the Landmines Protocol has been largely ineffective. The few and limited rules for controlling the use of landmines have been widely disregarded. The use of APMs proliferated since the Landmines Protocol entered into force. It was due to these drawbacks, coupled with the impact of the increased use of technologically advanced landmines that the need to revise the protocol arose. Subsequently, as a result of an intergovernmental review process initiated in 1993, Protocol II was amended on 3 May 1996.

Protocol II, as amended, applies in internal as well as international armed conflicts. Further, while allowing continued use of certain APMs, it restricts the use of anti-vehicle mines (AVMs) and directional fragmentation munitions (when command-detonated by remote control), and prohibits the use of any mines that are specifically designed to detonate as a result of the use of electromagnetic mine detectors. The main provisions of this protocol include the following.

- Mines may be directed only at military objectives: indiscriminate use is prohibited, and all feasible precautions must be taken to protect civilians (Art. 3).
- The use of undetectable APMs is prohibited (Art. 4).
- Transfers of non-detectable mines and transfers of any mines to non-state entities are prohibited (Art. 8).
- Long-lived mines may only be used in marked, guarded,

and fenced minefields. Mines used outside marked, guarded, and fenced areas must self-destruct within 90 days and self-deactivate within 120 days (Art. 5).

- Remotely-delivered mines may not be used unless their location is accurately recorded or they are fitted with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature (Art. 6).
- Mines must be cleared by those who lay them after hostilities have ended (Arts. 3 and 10).
- States are required to take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this protocol by persons or on territory under its jurisdiction or control (Art. 14).
- ICRC, Red Cross and Red Crescent and other humanitarian workers must receive protection from the effects of minefields and mined areas (Art. 12).
- Annual consultations will be held among parties to the protocol to review its operation (Art. 13).

While the above-mentioned provisions of the amended Protocol II did result in the strengthening of the existing protocol, it too contained several flaws. David Atwood is of the opinion that:

...by, in effect, endorsing the use of a new type of APM—the self-destructing/self-deactivating, or ‘smart’, mine, and by introducing a new definition of APM as mines which are ‘primarily designed to be exploded by the presence, proximity or contact of a person’, the amended Protocol could be interpreted as a step backward.<sup>44</sup>

Further, the long transition time for implementation of some of the key provisions of the protocol was also seen as greatly weakening the potentially positive impact of some of the provisions of Protocol II as amended.

The fundamental weakness of the protocol is considered to be the complexity of the agreement, which would make compliance, particularly by non-state actors, less likely. Commenting on the nature of the amendments, the ICRC noted:

The provisions drafted were extremely complex and many doubted whether they would or even could be effectively implemented in most situations of armed conflict. Few believed that the amended protocol would be sufficient to reduce the number of civilian landmine casualties.<sup>45</sup>

Nevertheless, the amended Protocol II stands as a benchmark in three important senses. First, its existence per se and the CCW as a whole are necessary reference points for the future of global attempts to deal with the APM problem. Second, its limited success can be seen to have spurred the disappointed governments and INGOs to press on for further action, which resulted in the 1997 Ottawa Convention. Finally, it represents a minimum international norm for belligerents who have not adhered to the Ottawa treaty and continue to use APMs.<sup>46</sup>

The second law regulating the use of APMs is the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Adopted on 18 September 1997 in Oslo, this convention entered into force on 1 March 1999 and is the first legally-binding international agreement providing for a comprehensive ban on APMs.

The convention seeks to eliminate the APM as a weapon from the arsenal of fighting forces. In order to achieve this goal, the treaty identifies and prohibits a wide range of activities, specifically the development, production, stockpiling, transfer, and use of the weapon.

The object and purpose of the convention is to put an end to the suffering and casualties as well as to the other severe consequences caused by the use of APMs. Within the legal framework created by the convention, states intend to contribute in an effective and coordinated manner to the removal and destruction of APMs placed throughout the world, and to provide assistance for the care and rehabilitation of mine-victims.<sup>47</sup>

The obligations under the convention are divided into three categories: core obligations, supplementary obligations to facilitate and support compliance with the core obligations, and technical obligations. As indicated by the title of the convention, the core obligations are the prohibition of the use, stockpiling, production,

and transfer of APMs on the one hand, and the obligation to destroy or ensure the destruction of all APMs, on the other. Article 1(1) prohibits the development, production, or acquisition as well as the stockpiling of APMs by a state party to the convention. Further, the retention or transfer of APMs by a state party is prohibited, with the exception of the minimum number of APMs absolutely necessary for the development of and training in mine detection, mine clearance, or mine destruction techniques.<sup>48</sup>

With regards to the obligation of destroying all APMs, the convention makes a distinction between APMs kept in stockpiles, and those in the ground. Article 4 provides that each state party is obliged to destroy or ensure the destruction of all stockpiled APMs it owns or possesses, or that are under its jurisdiction or control, within four years after the entry into force of the convention for that state party. Addressing the obligation of states with respect to emplaced mines proved to be more difficult. Article 5 provides that states parties that have in their territories areas that are considered dangerous due to the presence, or suspected presence, of APMs, have up to 10 years to destroy those mines. If for some reason a state party is not able to meet this obligation, it may apply to a meeting of the states parties or a review conference for an extension period of up to 10 years.

The supplementary obligations of the convention relate to provisions of international cooperation and assistance,<sup>49</sup> transparency measures,<sup>50</sup> and national implementation measures.<sup>51</sup> Recognizing the fact that the APM problem will not cease with the implementation of its prohibitions on the production, stockpiling, transfer, and use of APMs, the convention, in Art. 6, takes note, in the form of a general obligation on states in a position to do so, of the commitment which will be necessary and the assistance which will be required for effective mine clearance, mine awareness, care and rehabilitation of mine victims, and their social and economic reintegration.

The convention calls for an exchange of resources, financial and technical, to assist in its implementation, particularly regarding victim assistance, mine-awareness programmes, mine clearance, mine destruction, and in the planning of national implementation strategies. States are required to adopt national implementation

measures including penal sanctions, 'to prevent and suppress any activity prohibited under this Convention undertaken by persons or on territory under its jurisdiction or control'. Articles 7–13 of the convention provide a variety of mechanisms aimed at promoting compliance with the convention, including transparency measures, facilitation and clarification of compliance procedures, dispute-settlement processes, and mechanisms for meetings of the states parties and for review and amendment of the convention.

The technical obligations include provisions such as the obligation to settle disputes that may arise with regard to the application or interpretation of the convention,<sup>52</sup> the obligation of the states parties to meet regularly to consider any matter with regard to the application or implementation of the convention,<sup>53</sup> and the obligation to bear the costs involved in the execution of the convention.<sup>54</sup>

This treaty is an outstanding achievement because it marks the first time that countries—through international humanitarian law—have agreed to ban completely a weapon already in widespread use. In setting a clear international standard against APMs, the Ottawa treaty represents a decisive first step in the long-term goal of addressing the scourge of landmines and clearing the world of these horrific weapons.<sup>55</sup>

However, the convention as it exists today contains two basic shortcomings. These relate to the definition and verification clauses of the Convention. The convention's definition of APMs: 'Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered APMs as a result of being so equipped'<sup>56</sup> is problematic in two ways. First, the convention does not define a 'vehicle', opening up the possibility that mines designed for use against lightweight vehicles could behave very much like APMs, yet not be specifically prohibited under the convention, and that mines currently classified as APMs which have anti-vehicle capabilities also could be reclassified as anti-vehicle mines, and, therefore, be considered to fall outside the prohibitions of the convention.<sup>57</sup>

Second, although an 'anti-handling device' is defined in the convention as a device 'intended to protect a mine and which is

part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine',<sup>58</sup> there is insufficient specificity in this definition to reduce fears that innocent civilians will continue to be affected adversely by the presence of such devices.

Further, the modest compliance mechanisms of the convention, emphasizing transparency and confidence-building ways of working rather than intrusive verification mechanisms, also represent a potential limitation of the convention. There is no provision for detecting the new use of landmines, given the large numbers of mines currently emplaced in mine-affected regions. Also it is unlikely that states, the only actors under the terms of Art. 8 of the convention entitled to submit a 'request for clarification' of compliance, will actually do so in the case of suspected convention violations by another state.

In addition to these two basic shortcomings, the exceptions clause represents another area where the treaty may fail in practice to achieve a comprehensive ban on APMs. It allows for the retention or transfer of an 'absolute minimum number [of mines] necessary for' development and training in mine detection, clearance or destruction.

In spite of these shortcomings, the Ottawa Convention is the most comprehensive treaty for banning the use of APMs. Given the provisions for amendments and review conferences, it is likely that these flaws would be corrected in course of time.

Having analysed the provisions of the Ottawa Convention, the inevitable question which arises is what the effect has been of this convention on the landmine crisis. In other words, has the Ottawa Convention been able to address the landmine problem? The next section analyses the changes in the use of landmines since the Ottawa treaty entered into force.

#### THE IMPORTANCE OF THE OTTAWA CONVENTION TO THE ANTI-PERSONNEL LANDMINES PROBLEM

The Ottawa Convention was opened for signature on 3 December 1997. After achieving the required 40 ratifications in

September 1998, the convention entered into force on 1 March 1999, becoming binding international law. A total of 151 countries are States Parties to the Mine Ban Treaty (MBT) as of 1 July 2006, and another three countries have signed, but not yet ratified the treaty. Thus, a total of 154 countries have legally committed themselves to the core obligations of the treaty, including no use of APMs.<sup>59</sup>

Considering the relatively short time that this issue has been before the international community, the number of states parties and signatories—three-quarters of the world's nations—is exceptional. This is a clear indication of the widespread international rejection of any use or possession of APMs.<sup>60</sup> Several positive changes with regard to the use of APMs have been noticed since the time the Ottawa Convention came into force. There has not only been a reduction in the use of APMs, but their production and trade has also reduced remarkably. Further, considerable amounts of stockpiled APMs have been destroyed, and, more importantly, the landmine casualty rate has also reduced (Table 3.1).

TABLE 3.1 CHANGING NATURE OF THE APM CRISIS

<i>Criteria</i>	<i>1997–2000</i>	<i>2000–2002</i>	<i>2005–2006</i>
Number of countries using APMs	13, including 3 state parties to the convention	9, including 1 state party to the convention	3
Number of countries producing APMs	16	14	13
Estimated number of APM victims per year	26,000	10,000–15,000	15,000
Number of stockpiled APMs	250 million by 108 countries	230 million by 94 countries	178 million by 50 countries
Number of countries which have destroyed their APM stockpiles	21	33	74

A comparison of the Landmine Monitor reports of 1999,<sup>61</sup>

2002<sup>62</sup> and 2006 shows that there has been a marked drop in global use of APMs. While nine governments used APMs during the 2001–2 reporting period, including eight non-states parties and one signatory state, APMs were used by at least 13 countries including three state parties during the 1997–99 period. In 2006, this figure dropped phenomenally, with only three non-states parties using APMs. Commenting upon the trend of using APMs, the 2002 Landmine Monitor notes:

In recent years, antipersonnel mines have been used by fewer countries and in lesser numbers than seen from the 1960s through the early 1990s, when the global landmine crisis was created. There have been notable aberrations from the general pattern of decreased use, but the overall trend has been positive, even with respect to non-States Parties, as the international norm against the antipersonnel mine has spread.<sup>63</sup>

In addition, the production and stockpile statistics for APMs during 2005–6 registered a fall from the 2001–2 and 1997–99 reporting period. While 16 states were reported to be producers of APMs in 1999, the 2002 report stated the number of producers to be 14 which was reduced to 13 in 2005–06. Further, 108 countries were reported to have an estimated stockpile of 250 million APMs in the 1999 report. This figure was reduced to 230 million APMs held by 94 countries in the 2002 report, and further reduced to 178 million APMs retained by 50 countries. Moreover, the 1999 report stated that 12 countries had completely destroyed their APM stockpiles; the 2002 report raised this number to 33 countries. This number increased to 74 in the 2006 report.

Another important source indicating the change in the global landmine situation is the *Hidden Killers* report of the US Department of State for the years 1998<sup>64</sup> and 2001.<sup>65</sup> The 1998 report stated that 60 million landmines were planted around the world. The subsequent report, viz., *Hidden Killers 2001*, reported the number of landmines emplaced around the world to be between 45 and 50 million. Further, the 1998 report estimated the annual casualties caused by landmines and/or unexploded ordnance (UXO) to be approximately 26,000. This number was significantly reduced

in the 2001 edition of the report, which stated that the casualty rate amounted to less than 10,000 for the year 2000.<sup>66</sup>

The above analysis proves that the Ottawa Convention, in the short time that it has been in force, is a step in the right direction as it has been effective in addressing the landmines problem. This, in turn, implies that the efforts of the international community to effectively deal with the crisis posed by landmines have been suitably rewarded. But what has been the specific contribution of INGOs in this regard? The next section examines and analyses the contribution of ICBL to the anti-landmine movement and the Ottawa Convention.

#### THE INTERNATIONAL CAMPAIGN TO BAN LANDMINES

ICBL was formally launched after a meeting of the representatives of six INGOs: Handicap International (HI), Human Rights Watch (HRW), Medico International (MI), Mines Advisory Group (MAG), Physicians for Human Rights (PHR), and the Vietnam Veterans of America Foundation (VAAF) at the New York office of the HRW in October 1992 (Table 3.2). These organizations, which had taken a number of individual steps and come together in the direction of a ban campaign, agreed to initiate the International Campaign by issuing a 'Joint Call to Ban Antipersonnel Landmines' and hosting the first NGO-sponsored international landmine conference in the May of the next year.<sup>67</sup>

TABLE 3.2 THE FOUNDING MEMBERS OF ICBL

<i>Name</i>	<i>Landmine Expertise Area</i>	<i>Home State</i>
Handicap International	Physical rehabilitation	France
Human Rights Watch	Human rights	US
Medico International	Physical rehabilitation	Germany
Mines Advisory Group	Demining	UK
Physicians for Human Rights	Medical support and human rights	US
Vietnam Veterans of America Foundation	Physical rehabilitation	USA

The 'Joint Call to Ban Antipersonnel Landmines' essentially

aimed at an international ban on the use, production, stockpiling, and transfer of APMs and increased resources for humanitarian mine clearance and victim assistance. Consequently, at the London NGO Conference in May 1993 which was attended by 70 representatives from 40 INGOs and NNGOs, three central objectives of ICBL were stated to be:

- 1) an international ban on the use, production, stockpiling and sale, transfer, or export of APMs;
- 2) the establishment of an international fund administered by the UN to promote and finance mine-victim aid programmes and landmine awareness, clearance, and eradication programmes worldwide; and
- 3) the effort to ensure that countries producing and disseminating anti-personnel mines contribute to the fund.<sup>68</sup>

The steering committee of ICBL which was formed at the conference with the six founding organizations as members and the VVAF's Jody Williams as coordinator, realized that in order to achieve the above-mentioned goals, individual member INGOs and NNGOs would have to work at the national, regional, and international levels to build public awareness and create the political will necessary to bring about a landmine ban.<sup>69</sup> As a result, ICBL invited other INGOs and NNGOs that supported these objectives to become part of the campaign.

By 1996, the once-small coalition forming ICBL had expanded to include more than 450 human rights, humanitarian, medical, development, arms control, religious, and environmental groups in more than 30 countries. In 1997, this figure grew further and ICBL had over 1,200 INGO and NNGO members in approximately 60 countries.

Since its inception, ICBL has worked towards strengthening the anti-landmine regime. Lobbying for a total ban on landmines and more intensive mine clearance, producing authoritative reports on the scale and character of the landmine crisis in countries such as Cambodia, Somalia, Mozambique and Angola, and advancing the cause of a global ban on landmines through its national campaigns

launched in Cambodia, Sweden, Germany, Britain, the US, New Zealand, etc. have been some of the activities of this INGO/NNGO campaign. Let us now examine the role of ICBL in different stages of the anti-landmine movement.

#### THE PRE-OTTAWA STAGE: 1993–1996

Having set the ultimate goal of an international ban on the use, production, stockpiling and sale, transfer or export of APMs, the steering committee of ICBL recognized in 1993 the need to draw attention to the landmines issue. As a result, in the early years of its formation, ICBL primarily worked towards the twin goals of first placing landmines on the national and international public and government agenda, and then changing the state conceptions on landmines. The logic for this was simple: ‘educate the public and public officials about the landmine crisis to change policies nationally and internationally’.<sup>70</sup>

The principal strategy adopted by the campaign to gain public attention was the transformation of the landmine debate from a political and security issue to a humanitarian one. As a result of this transformation, INGOs/NNGOs provided themselves with the diplomatic space to play important roles in disseminating information about landmines to the media, policy makers, and the public.<sup>71</sup>

Statistics were the main tool adopted by ICBL to make people and states recognize the landmine problem. These statistics resonated with the media, public, and policy makers because they were so outrageous that the problem could no longer be ignored.<sup>72</sup> For example, the prime indicator used by the INGOs/NGOs, ‘*Landmines kill and maim more than 26,000 people per year of whom an estimated 80 percent are civilian*’ often proved to be an eye-opener for the masses. In addition, comparisons were also made between landmines and weapons of mass destruction, biological, chemical and nuclear weapons. The oft-quoted phrase, ‘NGOs currently estimate that more people have been killed and maimed by landmines than biological, chemical and nuclear weapons combined’, also resulted

in generating public interest and awareness on the issue. ICBL promoted these statistics and information via the Internet, reports, speeches, and conferences. These were immediately picked up by the media, which, in turn, provided the information to the public and governments.<sup>73</sup>

Along with the systematic use of statistics to attract attention to the landmine problem, ICBL also relied on landmine-victim stories to generate public interest on the issue. The reason for this tactic, as explained by Ken Rutherford, is:

If the policymakers and the public did not completely understand the statistics that were publicized to awaken the memory of a horrible humanitarian disaster, many of them finally did comprehend the magnitude of the situation when they were confronted with the stories of thousands of landmine victims.<sup>74</sup>

In essence, the forces which favoured a landmine ban used statistics and stories of landmine victims as tools with the assumption that the frequency, prominence, or feature of the international community's humanitarian impulse would lead to increased international attention to the issue. This assumption proved correct and the disastrous effects of using mines caught the attention of the media and public at large.

Having fulfilled the objective of placing the landmines issue on the international agenda, ICBL then proceeded to initiate changes in the perceptions of the policy makers on the issue. The logic in pursuing this goal was that if INGOs/NGOs were able to convince governments of the terrible effects of landmine use, the state perception and use of landmines would change, which in turn would strengthen the landmine ban regime.

For achieving the goal of changing governmental/state perceptions of landmines, ICBL employed three different strategies. In the first instance, ICBL began questioning the legality of landmine use. INGOs/NGOS based their landmine ban arguments on already-established norms and principles of international humanitarian law. Using the principles of proportionality and discrimination as prescribed by the 1997 Geneva Protocol, ICBL encouraged policy makers to view landmines as illegal under the

prevailing international humanitarian law. Interestingly, while ICBL never denied or questioned the utility of APMs, it questioned the ratio of limited utility to the humanitarian cost of using landmines. To prove their point, several INGOs/NGOs collaborated with military leaders to argue that the military utility of landmines was minimal. For example, on 3 April 1996, the VVAF sponsored a full-page letter in the *New York Times* to President Clinton signed by 15 retired military leaders who stated that they viewed a permanent and comprehensive international ban on the production, stockpiling, sale and use of anti-personnel landmines as militarily responsible.<sup>75</sup>

The second strategy employed by ICBL was to garner the support of certain prominent individuals in different countries who could take the leadership role in addressing the humanitarian aspects of landmine use (vis-à-vis the military aspects as were being promoted by anti-ban states leaders). The involvement of prominent figures such as the late Princess Diana (with the aid of the British Red Cross and MAG) in the UK, Senator Leahy (with VVAF support) in the US, and Nelson Mandela (with the support of the South African Campaign to Ban Landmines) in Africa, would ensure that the landmine issue would be adequately addressed once it was on the agenda.

The final strategy used by ICBL to influence policy makers in favour of a mine ban was to use landmine victims as a moral argument to stigmatize the weapon, along with anyone who supported its continued use. This strategy proved extremely helpful in countering anti-ban arguments that landmine use was a legitimate military activity under international humanitarian law. INGOs/NNGOs repeatedly featured landmine survivors in their promotional literature reports and presented sensitive and emotional arguments by and on behalf of victims against the use of landmines. As a result, even the anti-ban states expressed humanitarian concern for landmine victims.<sup>76</sup>

In order to maximize the national impact of these strategies, ICBL used the forum of national anti-landmine campaigns for their implementation. National campaigns had been established in several countries in association with local NGOs and grass-roots

organizations with the active involvement and assistance of ICBL, and these campaigns in turn constituted ICBL. Further, given the success of national campaigns as effective implementing forums, ICBL encouraged and aided the establishment of more national campaigns.<sup>77</sup>

Each of the national campaigns followed its own mode of functioning, and individual NNGOs pursued the achievement of the campaign's goals as they best fit their own mandate. Thus, for example, US-based NNGOs would not try to dictate to African NNGOs how to operate, nor would African NGOs try to tell Asian or European colleagues how to move their governments and militaries towards a ban.<sup>78</sup> Even the roles played by national campaigns have differed from country to country, reflecting the overall flexibility of ICBL.<sup>79</sup> However, there was constant communication within ICBL, as the member organizations regularly shared information on their political strategies and tactics, campaign activities, and successes and setbacks, through the campaign coordinator.<sup>80</sup> This ability to provide its members with a sense of the overall activities of the campaign was the key to the creation and maintenance of the momentum of ICBL.

As a result of all the above-mentioned strategies and tools, ICBL was able to attract attention to the landmine issue and bring about a partial change in the conceptions of policy makers on landmines at the national level. Several national initiatives were taken to ban landmines as a result of the impact created by ICBL. For example, the US took the first unilateral initiative by means of a one-year moratorium on the export of anti-personnel landmines in 1992.<sup>81</sup> This was followed by similar initiatives by France and several other countries. The momentum on national fronts continued and in March 1995, Belgium became the first government in the world to unilaterally ban the use, production, trade and stockpiling of anti-personnel landmines. Norway followed suit in June 1995. Senior representatives from both governments have, on many occasions, cited pressures from INGOs/NNGOs as the key factor in bringing about their national bans.<sup>82</sup>

While considerable achievements were being made in national

forums, ICBL realized that the momentum towards an international ban could be strengthened only through an effective international forum. The 1980 CCW was then seen as a suitable platform for taking action internationally by ICBL. The campaign organizers realized that though CCW—the only treaty that attempted to control the use of landmines—was a failure, a review conference of the treaty would provide the adequate international basis for informing and educating the public and governments about the landmine crisis.<sup>83</sup> Hence, ICBL adopted the key international strategy of making any one country call for a CCW review conference. ICBL, and most notably HI, pressurized the French government over its use of landmines and prompted the government to officially request the UN Secretary General to convene a review conference of the CCW.

The CCW review conference was scheduled to be held as a three-week conference in Vienna in September and October of 1995, and a series of four governmental sessions were held in Geneva in 1994 and early 1995 to prepare for the review conference. While ICBL and other INGO/NNGOs were not allowed to participate in the conference even as observers, ICBL nonetheless utilized the forum to promote the campaign's agenda to educate governments and the wider public on the need for a ban. Lacking of official status, more than 100 representatives attended the conference to monitor the negotiations and lobby in the corridors. In the words of Jody Williams and Stephen Goose:

Not permitted inside the rooms where the diplomatic discussions were being held, representatives of the ICBL stood at the doors of every meeting, waiting for breaks and the end of sessions to get their message across to the delegates.<sup>84</sup>

Thus, in spite of the official hindrances, ICBL proved and established its expertise on the landmine problem. The wealth of factual information on the landmine crisis, coupled with the skill and tenacity of ICBL representatives at all the preparatory meetings, helped strengthen relationships between the campaign and governments. This relationship later proved critical as INGO/government interaction helped pave the way for open cooperation

between ICBL and pro-ban governments during the Ottawa Process, and to full participation of the campaign in the meetings culminating in the ban treaty negotiations in Oslo in September 1997.<sup>85</sup>

Realizing the significance of the Review Conference as a forum for educating the public as well as governments on the landmines issue, ICBL executed a well-planned strategy for the same.<sup>86</sup> A team of seasoned organizers from ICBL went to Vienna weeks in advance to work with Austrian NGOs. The campaign planned to bombard delegates and the media of the world with a barrage of information about various aspects of the landmine crisis, as well as the limited effort to resolve the crisis at the review conference.<sup>87</sup> The main focus of ICBL was on its media strategy, which later proved to be a huge success. This strategy included regular briefings on issues the campaign wanted to highlight along with the twice-weekly 'CCW News', the ICBL newsletter on happenings at the conference. Governments often publicly voicing pro-ban positions were not happy to see their disappointing negotiating stances in print. In particular, the newsletter's column, 'The Good, The Bad and the Ugly', frequently roused the ire of governments—but it also forced them to try to bring their public statements in line with the realities of their negotiating positions, or vice versa.<sup>88</sup>

In addition to this very effective media strategy, ICBL also carried on other activities in the conference site in Vienna and globally in support of its call for a ban. Such activities included the delivery of six tons of shoes to the Austrian Parliament by Pax Christi, UNICEF, and Save the Children Austria. The shoes symbolized unneeded shoes by countless present and future mine victims. During the conference, 1.7 million signatures of people from around the world calling for a ban were presented to Conference President, Ambassador Johan Molander. This moving ceremony had mine victims from Afghanistan, Cambodia, Mozambique and the US deliver the signatures, collected in 53 countries. Simulated minefields and photographic displays were also presented in Vienna during the three weeks of the conference.<sup>89</sup>

Meanwhile, the Vienna conference negotiations resulted in

a deadlock and a decision to hold two additional sessions of the conference was taken.<sup>90</sup> Simultaneously, members of ICBL began discussing strategies to continue to build momentum beyond the review conference. While campaigners did not envision that there would be much enthusiasm for a new round of international meetings to deal with a landmine treaty when the CCW review ended, it seemed clear that the only way to maintain momentum would be if the relatively small number of pro-ban states worked together. Additionally, ICBL began to talk much more seriously about regional work, trying to establish 'mine-free zones', to create building blocks to a global ban.

Subsequently, when the governments reconvened in Geneva in January 1996, ICBL invited pro-ban states to a meeting to discuss a cooperative way forward. Several governments responded positively to the invitation and eight participated in that first meeting, 14 came to a second meeting held at the beginning of the final negotiating session, and 11 to a third meeting at the end of the review conference. And it was out of this series of meetings that the Canadian government offered to host a governmental meeting in October 1996, in which pro-ban governments would come together and strategize as to how to move forward a ban agenda in Ottawa. This marked the beginning of the Ottawa Process.

At the same time, ICBL had an active presence during the final Geneva session where over 150 INGO/NNGO representatives from 20 countries were present. Campaign activities included a simulated minefield which delegates encountered several times each day in the hall of the UN, a 'Wall of Remembrance' with pictures of mine victims and its clock registering another victim every 20 minutes, photographic exhibitions, ban posters and stickers, demining demonstrations, culminating in a campaign vigil at the gates of the UN on the final day of the conference. ICBL also held press briefings in the UN building and issued daily press communiques. On the last day of the conference, ICBL held a joint press conference with the UN Department of Humanitarian Affairs, UNICEF, and the government of Canada, symbolizing the growing INGO/government partnership on the landmine issue.

The success of the ICBL strategy in this phase can be judged by the fact that while at the opening of the review conference in Vienna in September 1995, only 14 nations had voiced support for an immediate ban, by the end of the conference, that number had grown to 41. Further, on the final day of the conference, five nations declared their support for a ban. But even more significant than the numbers was the fact that many of these governments began to come together as an identifiable, cohesive bloc and to push for concrete steps to advance a ban domestically, regionally, and internationally.

The new landmines protocol was finally agreed to on 3 May 1996. However, by this time, the movement to ban APMs was quickly overtaking the CCW approach to controlling mines, and the seeds of the Ottawa Process had been sown.

#### THE OTTAWA PROCESS STAGE: 1996–1999

After achieving success in placing the landmine issue on the international agenda and changing the conceptions of policy makers on the issue, in this stage ICBL worked further towards achieving its primary objective of an international ban on landmines by lobbying for and negotiating the terms of such a ban. In order to do so, ICBL strongly supported and actively participated in the Ottawa Process.<sup>91</sup>

As we have noted before, the Canadian offer to host an international strategy conference in October 1996 initiated the Ottawa Process. ICBL worked in close association with the Canadian authorities to organize this conference.<sup>92</sup> As a result, 'Towards a Global Ban on Anti-Personnel Landmines: International Strategy Conference', held during 3–5 October 1996, brought together 50 governments (which had pledged support for a total ban on APMs), 24 observer states, dozens of INGOs/NNGOs from ICBL, various UN agencies, ICRC and other international organizations. ICBL was given the status of a full participant in the conference.

The Ottawa Conference yielded three concrete results: a final declaration agreed to by the 50 participating governments

recognizing the urgent need for a ban on APMs; the conference Chairman's Agenda for Action, an outline of actions for reaching a ban rapidly; and the challenge issued by Axworthy to the global community—to return to Ottawa before the end of 1997 to sign a convention banning APMs.<sup>93</sup>

Further, recognizing the contribution of ICBL in the success of the conference, Axworthy also announced the Canadian decision of working in open partnership with ICBL to achieve the mine ban goal. Following this announcement, in its campaign meeting in October 1996, ICBL declared the Ottawa Process to be its highest priority for the year and threw its full weight behind the effort.<sup>94</sup>

The principal strategy of ICBL in this stage was to actively support the Ottawa Process. To implement this, the campaign initiated two policy measures: the effective utilization of ICBL's national campaigns to pressurize their respective governments to embrace the challenge and publicly support the Ottawa Process; and the active involvement of ICBL with the core group of pro-ban governments to work towards an international treaty for banning landmines.

In addition to this principal strategy, ICBL also developed its own draft of a mine ban treaty in January 1997, which, in its view, was the goal to strive for as the international community moved towards the September meeting (the Oslo negotiations). Once developed by the ICBL's treaty working group, members of the steering committee, beginning in January 1997 and several times thereafter, took the treaty to New York to meet government officials at the UN and educate them as to ICBL's views of the essential aspects of a ban treaty to emerge from the negotiating process. ICBL's ad hoc treaty team pressed strongly throughout the Ottawa Process to ensure that the formal Mine Ban Treaty (MBT) would incorporate as much of the ICBL treaty as possible.

Following its policy to support the Ottawa Process, ICBL organized a series of meetings and conferences all over the world to build political will for the Ottawa Process. INGO/NGO meetings were held in Ottawa and Brussels in 1996 and in Maputo, Tokyo, Stockholm, Sydney, New Delhi, Senegal, and Sanaa in 1997.<sup>95</sup>

Special attention was also given to the development of cooperation between INGOs/NGOs and governments in these meetings.

The fourth international conference on landmines held in Maputo, Mozambique, in February 1997, was one of the most important conferences convened by ICBL to build support for the Ottawa Process.<sup>96</sup> During the preparatory months,<sup>97</sup> the ICBL staff stationed in Maputo organized capacity building and campaign skills workshops throughout the region to help strengthen and build new African ban campaigns. As a result, four new campaigns were launched during the course of planning for the conference: in Zambia in September, Zimbabwe in October, Angola in November, and Somalia in February 1997.

The four-day conference, 'Toward a Mine-Free Southern Africa', consisted of strategy sessions and informational workshops and ended with a final declaration endorsing the Ottawa Process and calling on all governments to publicly commit to signing the ban treaty in December. Thus, the Maputo conference proved to be a crucial step in the Ottawa Process, not only as an important venue for the vital task of building political will in African governments to support the treaty, but also for solidifying and furthering NGO-government cooperation to reach the goal of the ban treaty by December that year. ICBL considered the conference an unqualified success in meeting the goals of expanding the campaign network throughout the continent, moving southern Africa towards becoming a mine-free zone, and increasing support for the Ottawa treaty.<sup>98</sup>

In addition to this major conference, ICBL convened several conferences and participated in meetings to build political will for the Ottawa treaty the world over. In essence, ICBL attempted to put the ban issue on the agenda of every possible international meeting, including the G-8 meeting in Denver, the Commonwealth Heads of State meeting in Edinburgh, UK, and the Francophonie meeting in Vietnam. At the latter two meetings, for example, ICBL members released detailed fact sheets on the landmine positions of each participating government, and put out a press statement praising those which had joined the Ottawa Process and criticizing those that had not. Hence, ICBL effectively utilized its resources

and networks to promote the cause of the Ottawa Process.

In keeping with its second policy measure of supporting and being actively involved with the core group of pro-ban countries,<sup>99</sup> ICBL worked in close association with these states and contributed to the success of the government-sponsored conferences hosted by these states. ICBL participated actively in the four main government-sponsored conferences to develop the Ottawa treaty held during February and September 1997.

The first conference was hosted by the Austrian government in Vienna during 12–14 February. Austria had prepared a draft treaty, the provisions of which were discussed at this meeting, which was attended by 111 countries along with the official delegations of ICBL, ICRC, and UN agencies. Although ICBL was permitted to make statements at the opening and closing plenary sessions of the conference, it was not permitted to attend the working sessions due to objections from some governments. However, ICBL circulated the unofficial draft of its proposed treaty and made (along with other participants) several valuable comments and suggestions, which became the basis for the revision of the treaty text.<sup>100</sup> To emphasize the significance of ICBL along with the collaborative nature of the conference, the Austrian chairman of the conference, representatives from the Canadian and Belgian governments, and ICRC held joint press conferences with ICBL at the opening and the closing of the meeting.

In the next conference in Bonn in April 1997, the ICBL delegation was accorded the status of a full participant. Essentially a meeting to discuss the technical aspects of the treaty, the two-member ICBL delegation attended and made interventions at all sessions of the conference.

The third international governmental conference was hosted by the Belgian government in June 1997 in Brussels. Often referred to as the ‘make or break’ conference, it resulted in the Brussels Declaration, which called for formal negotiations on a comprehensive landmine ban treaty and the convening of a diplomatic conference in Oslo to negotiate such a treaty on the basis of the draft prepared by the Austrian government. The ICBL delegation was officially invited to

this conference and Jody Williams delivered one of three keynote speeches to open the conference, along with the foreign minister and the head of the Canadian delegation.<sup>101</sup> During her speech, Jody Williams coined the refrain that ICBL would adopt as its 'mantra' en route to the Oslo negotiations: ICBL demanded nothing less than a comprehensive ban treaty with 'no exceptions, no reservations, no loopholes'. The campaign also used this conference as the platform to launch an 'aggressive communications campaign' focused on the media and state representatives preparing for the next meeting, the Oslo conference. The conference ended with a joint press conference by ICBL and the Belgian foreign minister.

By the time the fourth international governmental meeting was convened in Oslo in September 1997, ICBL had established and expanded its cooperative relationship with the pro-ban countries. Recognizing the significance of the Oslo meeting, ICBL invested extensive time and resources for its preparation. The campaign had started preparing the groundwork for the arrival of campaigners both to take part in the negotiations themselves, and also a four-day NGO Forum to plan for ICBL action in the post treaty-signing period, months before the negotiations opened.

During the conference ICBL, in keeping with the rules of procedure for the negotiations (which were agreed to on the first day) was invited as an official observer, with the same status as observer governments. This meant that ICBL representatives were permitted to be present at all sessions, including smaller working group sessions, and to make oral interventions at any point. However, ICBL could not make formal proposals for treaty language.

In addition to the official participation of the ICBL delegation in the conference, ICBL was also actively involved in lobbying at the negotiating venue. Landmine exhibits and banners were hung inside and outside the conference site. ICBL also held regular briefings and press conferences laying out the important developments in the negotiations and government delegations were invited to give their positions to the campaigners as well. As the NPA had secured excellent facilities for ICBL within the negotiating venue in Oslo (ICBL's office and meeting rooms were directly opposite the negotiation

room), all campaigners—not just the official ICBL delegation to the negotiations—had invaluable contact with government delegates throughout the three weeks of the conference.

An important contribution of ICBL during the conference was its open criticism and rejection of US demands.<sup>102</sup> The US, from the very outset, made a set of interlocking demands that the head of the US delegation told diplomats were, in essence, non-negotiable. The demands included a geographic exception for Korea, a change in definition to exempt certain US ‘smart’ mines, and a nine-year delay in the effective date of the treaty. ICBL denounced these demands as measures that would gut the treaty and render it largely meaningless. The campaign produced fact sheets and newsletters, held briefings and lobbied delegates endlessly to reject the US demands. The campaigners often used slogans to criticize the US initiatives in the proceedings. For example, when the US tried to redefine its APMs in order to avoid their inclusion in the treaty, the campaign asked the question: ‘When is an AP mine not an AP mine? When it’s American.’<sup>103</sup> Even during the 24-hour-delay caused by the US in the final days of the negotiations, when the US president and other high officials of the Clinton administration were calling counterparts around the world in their last-ditch effort to find support, ICBL was holding press conferences to denounce the delay, pressing delegates to hold firm, and engaging in street theatre to dramatize the tense hours.

The efforts of ICBL and the coalition to ban landmines were suitably rewarded when the revised Austrian text, the ‘Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction’ was approved and adopted by the delegates of 91 states on 18 September 1997, without a vote.

The adoption of the Ottawa Convention was of additional significance to ICBL as it had not only achieved its objective of an international treaty banning landmines, but had also succeeded in incorporating several important provisions contained in its draft in the adopted convention. An examination of the two draft versions of the convention, i.e. the official Austrian and unofficial ICBL drafts

and their comparison with the adopted convention would show the contribution of ICBL to the text of the Ottawa Convention.

The comparison of the first Austrian draft with the ICBL draft showed that the basic elements of the two drafts were similar, as they were influenced by the CCW protocol. However, the principle differing points<sup>104</sup> related to the:

- definition of APMs;
- scope of application;
- exceptions clause;
- entry into force clause;
- withdrawal clause;
- international cooperation clause; and
- review meetings clause.

The definition of the central subject of the convention, viz., the APM, was one of the main points of contention between the Austrian and ICBL drafts. While the Austrian text defined an APM as ‘a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons’,<sup>105</sup> ICBL objected to the use of the word ‘primarily’ in the definition. ICBL stated that the inclusion of this term created ambiguity and thus should be omitted. The ICBL draft also included explicit definitions for anti-handling devices and booby traps, as ICBL felt that there was uncertainty regarding the inclusion of these devices in the given definitions.

As a result of the ICBL comments and the subsequent negotiations that followed, the definition of APMs that was developed and finally included in the convention did not use the word ‘primarily’.<sup>106</sup>

As regards the scope of application of the convention, the earliest version of the Austrian draft contained an article stating that the convention was to apply to APMs, as defined in the convention, and was also to apply in all circumstances, including armed conflict and times of peace. ICBL, however, stated that in addition to the scope envisioned by the Austrian draft, the proposed convention

should also cover both state parties and non-state entities involved in the same conflict, along with entities operating under the control of a state party. It added the following clause to the article stating the scope of application.

In the case of an armed conflict involving one of the States Parties to this Convention, each party to the conflict shall be bound to apply the Convention. In peacetime this Convention shall apply to each State Party to the Convention and all persons and entities operating on the territory or under the control or jurisdiction of a State Party to the Convention.<sup>107</sup>

However, at the end of the negotiations, the negotiating states chose not to include a separate provision on the scope of application, because this was deemed unnecessary. While Art. 1 of the adopted convention clearly states that the general obligations apply 'under any circumstances', it was felt that an explicit provision on a comprehensive scope of application might either be regarded as stating the obvious and therefore redundant, or bear the risk of unintentionally creating a loophole.

The exceptions clause was one of the most controversial areas between the two drafts of the proposed convention. The contrast was such that while the Austrian draft was in favour of this clause and incorporated it in Art. 4, the ICBL draft did not even contain a provision for exceptions and insisted for a 'no exceptions, no loopholes, no reservations' treaty. As per the Austrian draft, the exceptions clause provided for 'the acquisition or retention of small amounts of anti-personnel mines' for the purpose of 'development and teaching of mine detection, mine clearance, or mine destruction techniques'.<sup>108</sup>

ICBL was of the view that this exception should be omitted since training and research could be carried out with dummy mines. However, realizing that the negotiating parties were adamant on including the exceptions clause in the final draft of the proposed treaty, ICBL was of the view that if an exception was allowed, there should be a quantified ceiling on the number of mines that could be retained for training and research purposes. In spite of ICBL's repeated recommendations and lobbying, the exceptions clause was

included in the adopted convention, without a quantified ceiling.<sup>109</sup> However, ICBL achieved a partial victory as by the end of the Oslo negotiations, 'ICBL sought to have 1,500–2,000 mines read into the record to establish the meeting's reading of that article in the absence of an actual change in the text.'<sup>110</sup>

The number of ratifications needed to trigger the treaty into force was also the subject of some debate. While the original Austrian draft had proposed 40 as the threshold needed, ICBL pointing out that the CCW required 20, was in favour of the lower figure. Indeed, from a humanitarian point of view, the application of a new treaty even by a limited number of states would provide significant benefits and encourage others to follow. However, some states<sup>111</sup> felt that the security implications of forgoing APMs were significant, and even more than 40 ratifications should be required.<sup>112</sup> Ultimately, a compromise agreement was reached at the Oslo diplomatic conference, stipulating that 40 ratifications would be needed for the entry to come into force.<sup>113</sup>

One of the technical issues that proved to be a point of differentiation was the clause of withdrawal. The Austrian draft had provided for withdrawal from the treaty on 90 days notice if a state decided that 'extraordinary events jeopardized the supreme interests of the country'. ICBL was of the opinion that state parties should not be allowed to withdraw from the convention if the state was engaged in an armed conflict. Hence, it proposed that:

Withdrawal shall take effect one year after the date of receipt of the notification to the Depository. If however, on the expiry of that year, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect. A withdrawal shall not have the effect of releasing the State Party from its obligations under this convention prior to the date at which the withdrawal become effective

This issue of withdrawal was discussed extensively at the Oslo conference, and agreement was finally reached on a provision that allows effective withdrawal six months after the receipt of the relevant instrument by the depositary. If, however, at the end of that six-month period the state withdrawing is engaged in an armed

conflict, the withdrawal will not take effect before the end of the armed conflict.<sup>114</sup>

In addition to the above changes in the proposals of the Austrian draft, the ICBL draft also proposed the inclusion of two new articles dealing with international cooperation and review meetings. The international cooperation article proposed by ICBL essentially obligated state parties to cooperate with each other and provide technical assistance in order to fulfil their obligations under the treaty. ICBL was of the opinion that the implementation of the treaty would require international cooperation and hence wanted the inclusion of this provision in the proposed treaty. In view of the comments made by ICBL and other participants on the issue at the Vienna conference, the Austrians included an article on technological cooperation and assistance in the revised version of the first draft.

Having achieved the inclusion of the international cooperation article, ICBL further proposed a clause for international support and assistance for mine-victims at the Oslo negotiations. The ICBL representatives were of the opinion that comprehensive assistance to mine victims demanded more than surgical care and physical rehabilitation. Subsequently, during the Oslo negotiations, a provision to provide international assistance for the social and economic reintegration of survivors of mine explosions was added to the international cooperation article.<sup>115</sup>

Article 15 of the ICBL draft outlined the proposal for consultative meetings, review, and amendments. According to the article, a consultative meeting of states parties should be convened by the depositary annually for the first three years after the entry into force of the convention to examine progress made in implementing the convention, and to explore ways of expanding the number of states parties. Further, a review conference should be convened by the depositary five years after the adoption of this convention to review the scope and operation of the convention and consider any proposal for amendments of the convention. The article also provided for the amendment proposal by any state party at any time after the entry into force of the convention.

While the Austrian draft did not contain any articles relating to annual meetings, review conferences, and amendments, ICBL stressed at the Vienna Conference that initial annual meetings and a review conference were important measures to increase the universality of the convention and modify it, if the need arose. As a result, the second Austrian draft contained articles on meetings of state parties<sup>116</sup> and review conferences.<sup>117</sup> However, ICBL along with others, continued to stress for the need of an amendment clause and after the Oslo negotiations, a separate article on amendments was added to the convention.<sup>118</sup>

In addition to the contribution made by the unofficial draft, suggestions and comments of ICBL on the treaty language were sought throughout the Ottawa Process. It was on the recommendation of ICBL that the title of the convention included the terms 'on their destruction'.<sup>119</sup> ICBL was also instrumental in drafting the title and language of several articles of the convention, including Arts. 7 and 8.

ICBL succeeded in initiating and bringing about several changes in the original draft of the Ottawa Convention. Comparison of the two draft versions of the convention (the official Austrian and unofficial ICBL drafts) with the adopted convention shows that the several important changes in the original Austrian draft were drawn from the ICBL draft. In spite of these alterations in the finalized draft which was adopted in Oslo, ICBL did not succeed in getting all the desired changes to be made. ICBL was not completely satisfied with the provisions of the treaty and had concerns about several of its provisions, which the campaign felt had to be addressed at a later stage. According to Jody Williams and Stephen Goose:

ICBL has concerns about the provisions allowing for anti-handling devices on anti-vehicle mines, and for mines that can be kept for training purposes. The Campaign would like to see the treaty apply directly to non-state actors as well as stronger language regarding victim assistance. But, given the close cooperation with governments which resulted in the treaty itself, the ICBL is confident that these issues can be addressed through the annual meetings and review conferences provided for in the treaty.<sup>120</sup>

With the treaty negotiated, the next task for the Ottawa Process coalition was to make the maximum number of states sign the

treaty. The drive to ensure that existing commitments were converted into signatures received a welcome boost on 10 November 1997 with the award of the Nobel Prize to 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 attended by 2,400 representatives from the signatory governments, 35 observer governments, IGOs, and INGOs/NGOs. The Ottawa Convention entered into force on 1 March 1999.

#### POST-OTTAWA STAGE: 1999 ONWARDS

Having achieved the goal of a comprehensive international treaty banning the use, stockpiling, production, and transfer of APMs, in the post-convention stage ICBL essentially aims for the successful implementation of the same, in order to achieve its ultimate goal: a mine-free world by the year 2009 (10 years after entry into force of the MBT).

At its General Meeting held in Maputo, Mozambique, in May 1999, representatives of ICBL's member organizations and country campaigns made major decisions on the ICBL's strategic direction and activities over the coming year (in particular and over the next five years) to the first Review Conference of the MBT in 2004. The campaign recommitted itself to ensuring that the words of the treaty are indeed turned into action, and agreed to redouble its energy and efforts ensure the full implementation of the treaty, with a target of the MBT Review Conference.

The campaign realized that in order to achieve the goal of full implementation of the treaty, efforts should be first made to universalize the treaty and ensure compliance with it. Thus, in its effort to attain the goals of universalization, compliance, hence full implementation, ICBL has adopted four main strategies.

- 1) Promoting increased participation.
- 2) Establishing and utilizing working groups to address the

various aspects of the humanitarian landmines crisis.

- 3) Supporting the intersessional work programme established by the state parties to the Ottawa Convention.
- 4) The landmine monitor programme.

The strategy of increasing the membership of the treaty was based on the simple logic that the larger the number of countries joining the convention and adhering to its provisions, the more quickly the principles enshrined in it would move towards being considered customary international law and effective action could be taken to clear mines and meet the needs of those victimized by mines.<sup>121</sup> In its effort to implement this strategy, ICBL took several initiatives, including: convening meetings aimed at addressing the special concerns and needs of particular regions or countries; supporting the development of new campaigns;<sup>122</sup> and/or strengthening those existing in countries outside the convention; convening regional seminars; and supporting the early ratification of the AP Mine Ban Convention by signatory states. ICBL also supported the evolution of de facto universal adherence to the MBT's principles by publicly condemning and stigmatizing any evidence of breach of the MBT by any actor, state or non-state, inside or outside the convention, as has been the case over APM use in Angola, Kosovo, and Chechnya.<sup>123</sup>

The second strategy involved the effective utilization of the four permanent working groups and one ad hoc working group of ICBL to lead the efforts to address the various aspects of the humanitarian landmines crisis. The working groups, namely, the Treaty Working Group, the Working Group on Victim Assistance, the Mine Action Working Group, and the Non-State Actors Working Group, and the ad hoc Ethics and Justice Working Group had been established in 1998 and each had been mandated with a specific field of activity.

The five treaty groups in the post-convention stage have been actively involved in various activities to promote ratification, universalization, effective implementation, and strengthening of the 1997 MBT. Of the five groups, members of the Treaty Working Group (TWG) are tasked with taking the lead in developing and implementing the ICBL's strategies and actions related to the treaty.

The third main strategy adopted by ICBL was to actively participate and support the Intersessional Work Programme created by the State Parties of the Convention in May 1999.<sup>124</sup> As a result, ICBL appointed an Intersessional Programme Officer (IPO) for strategizing and planning agendas for ICBL participation in the programme. As the intersessional process is conducted with input, recommendations and action points resulting from NGO–IO–government collaboration, the ICBL IPO worked in close association with the ICBL Chairs from the Victim Assistance, Mine Action, and Treaty Working Groups, as well as the ICBL Coordinator and governmental Intersessional Standing Committee Co-Chairs and Co-Rapporteurs.

While the active involvement of ICBL in the intersessional work programme has been substantive in helping to create the vision and practice for this new and dynamic process through proactive work in bringing the Intersessional Co-Chairs and Co-Rapporteurs together in strategy sessions, bringing ICBL campaigners and landmine survivors to the meetings, having regular meetings and briefings between ICBL and individual governments or groups of governments, media work and mobilizing the national campaigns worldwide to follow through on action and advocacy points in their home countries, ICBL's ultimate goal in participating in the intersessional work programme is to ensure that the momentum to universalize the Ottawa Convention continues, APM stockpiles are destroyed, and victim assistance and humanitarian demining needs are adequately addressed.

The fourth and most innovative strategy employed by ICBL in its effort to ensure compliance with the Ottawa Convention is the Landmine Monitor project. Initiated in June 1998, this unique civil society–based reporting network systematically monitors and documents nations' compliance with the 1997 MBT and the humanitarian response to the global landmine crisis. In doing so, the Landmine Monitor complements the existing state-based reporting and compliance mechanisms established by the MBT.<sup>125</sup>

Landmine Monitor's annual reports provide information on every country in the world on such elements as: levels of compliance with the ban norm on landmine use, development, production, transfer

and stockpiling; the degree of stockpile destruction; whether a state party has passed the national implementing legislation required by the convention and an assessment of that legislation; the levels of funding for humanitarian mine action; measures of humanitarian mine action and survivor assistance needs; and assessments of programmes undertaken. This establishment of a civil society-based monitoring network for an international agreement is unprecedented and marks the most important contribution of ICBL in the post-Ottawa stage. While NGOs and research institutes have for years monitored compliance with treaties, individually and informally, this is the first attempt to create a systematic, global, NGO monitoring network.<sup>126</sup>

This strategy of ensuring compliance gained special significance in the absence of highly intrusive verification procedures in the convention. The compliance mechanisms of the convention emphasize the role of transparency and confidence-building measures, and ICBL has played an important role in assisting in the monitoring and public reporting of the actual compliance of states parties, despite the fact that NGOs have not been given any formal role in triggering the 'request for clarification'-related provisions of the convention.

Having implemented the above strategies, ICBL also realized the importance of the effectiveness of programmes set in place to clear the millions of mines already laid, to protect civilian populations from existing mines, and to deal with the needs of individuals and regions affected by the use of mines in war, for the successful implementation of the convention. Thus, ICBL also adopted the strategy of setting standards for mine action activities.

Active in the fields of mine awareness, clearance and victim assistance, under this strategy, ICBL lobbied for the effective allocation of resources by governments and international organizations for mine action. As full participants in the relevant areas of the intersessional work programme, through analysis in the Landmine Monitor Report, and in a variety of other ways, ICBL influenced the nature and levels of financing and international commitment for mine action.

As a result of the successful implementation of this strategy, new opportunities for direct engagement and partnership by ICBL with official institutions emerged. For example, the insistence by experienced demining NGOs on the basic requirement for accurate data about the realities of the landmine pollution problem has resulted in an important partnership between NGOs, the UN Mine Action Service (UNMAS), and donors. A 1999 UN publication states:

The Global Landmine Survey Initiative provides the latest illustration of how far the UN and NGOs have moved towards working closely together in a spirit of trust and mutual respect. In a unique cooperative effort, NGOs, UNMAS and key donors have established an institutional mechanism specifically designed to facilitate the coordination of resources and expertise required to implement Level One Surveys worldwide.<sup>127</sup>

ICBL is now included in the UN's Steering Committee on Mine Action, which promotes coordination and integration of mine-related activities in the UN system. It now continues to work for the successful implementation of the convention and in its Action Plan identified four goals, which, in turn, could prove to be effective strategies to achieve the objective of full implementation.<sup>128</sup> These are:

- universalization of the MBT;
- compliance with the treaty provisions;
- increased and sustained resource commitments (e.g., government, international financial institutions, etc.) for mine clearance, mine awareness and victim assistance, and for stockpile destruction; and
- firm establishment of the norm, as an international standard of behaviour by all.

ICBL has been an active participant in all the stages of the anti-landmine movement. The fact that the Ottawa Convention was negotiated and adopted within five years of ICBL's formation is evidence of the significant role this INGO played in the movement against landmines.

The goals set by ICBL and the strategies adopted by the campaign to attain them in the above-mentioned stages correspond to the basic roles of INGOs, of setting agendas, negotiating outcomes, conferring legitimacy and implementing solutions (Table 3.3), as outlined in Ch. 1.<sup>129</sup>

TABLE 3.3 ICBL'S INVOLVEMENT IN THE ANTI-LANDMINE MOVEMENT

<i>Stage</i>	<i>Goals</i>	<i>Strategies employed</i>	<i>Role Played</i>
Pre-Ottawa	Pressing for an international ban on the use, production, stockpiling, sale, transfer, or export of APMs Placing APMs on the national and international public and government agenda Changing state conceptions (and hence policies) on APMs	Transforming the landmine issue from a political and security issue to a humanitarian issue Questioning the legality of using APMs Garnering support of prominent individuals to take the leadership role in addressing the humanitarian aspects of landmine use Appealing to the humanitarian sentiments of the public	Agenda setting
Ottawa Process and Convention	Pressing for an international ban on the use, production, stockpiling, sale, transfer, or export of APMs Having developed its own draft of the proposed treaty, influencing the content of the official treaty	Supporting the Ottawa Process Promoting the draft ICBL treaty at different forums	Lobbying and negotiating outcomes
Post-Ottawa	Pressing for successful implementation of the convention to ensure a mine-free world by 2009	Advocating increased participation in the convention Establishing and utilizing	Conferring legitimacy and implementing solutions

Universalizing the  
convention  
Ensuring  
compliance with the  
convention

working groups to deal  
with the humanitarian  
crisis caused by APMs  
Supporting the inter-  
sessional work programme  
established by state parties  
Establishing the Landmine  
Monitor Project for  
promoting and ensuring  
compliance

ICBL also played other important roles including being articulate advocates for marginalized communities, information providers, and coalition builders. In the last two roles, NGOs provided information to and built coalitions with other NGOs and the public as well as governments in order to achieve the goals of a comprehensive ban and more resources for mine clearance and victim assistance.<sup>130</sup> ICBL has also performed the role of a 'prophet' as well as a 'pragmatist' in the landmines struggle.<sup>131</sup> As 'prophet', ICBL managed to maintain the important independent advocacy role that NGOs must play in social change. In its effort to keep the landmine victim as the focal point of the political deliberations in all its activities, ICBL became the consciences in the making of the convention, testing each proposal against its likely impact on reducing civilian casualties.<sup>132</sup> This vision has meant that, even as it supports the full implementation of the Ottawa Convention, there are elements of the convention with which ICBL is not satisfied and on which it continues to speak. As a 'pragmatist', in the words of Atwood:

...the ICBL gave way on such issues as the question of the non-inclusion in the Convention of anti-handling devices fitted on anti-tank mines, and to weaker provisions for treaty verification and compliance than it would have preferred, in order to achieve the widest possible number of countries willing to join the MBT from the outset.<sup>133</sup>

Thus, INGOs, and especially ICBL, played a significant role in the Ottawa Process as well as in the Ottawa Convention. Given the success of the international movement to ban landmines, with

this active involvement of INGOs, the inevitable questions which now arise are: why were INGOs successful in their efforts against landmines, and, more importantly, can the experience of the landmines campaign be replicated for other disarmament efforts by INGOs? The following chapter examines these questions.

#### NOTES AND REFERENCES

<sup>1</sup> Preamble, The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

<sup>2</sup> Hereinafter referred to as the Ottawa Convention.

<sup>3</sup> International Campaign to Ban Landmines (ICBL), 'Landmine Monitor Report, 2006: Toward a Mine-Free World', New York: ICBL, 2001: <http://www.icbl.org/lm/2006/es/findings.html>

<sup>4</sup> The word 'mine' is derived from the Latin word *mina*, which means 'vein of ore' and was originally applied to the excavation of minerals from the earth. The term was subsequently borrowed by military engineers, who had to dig landmines in the ground during sieges.

<sup>5</sup> Art. 2(1) of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, hereinafter referred to as the Ottawa Convention.

<sup>6</sup> These landmines can be divided into two basic groups: blast mines, and fragmentation mines. Blast mines are the most common type of APMs and can be laid on the surface, or just below the surface. They are triggered or activated by pressure on their sensitive pressure plate, i.e. when someone steps on the pressure plate, applying about 5–16 kg of pressure. These mines are designed to destroy an object in close proximity, such as a person's foot or leg. Fragmentation mines, on the other hand, are laid on the ground but when triggered, jump above the ground before exploding, sending shrapnel, pre-cast fragments, or steel balls over a radius of 10–50 m. These mines throw fragments in all directions, can cause injury up to 200 m away, and kill at closer distances.

<sup>7</sup> Human Rights Watch and Physicians for Human Rights (HRW and PHR), *Landmines: A Deadly Legacy*, New York: HRW and PHR, 1993, p. 36.

<sup>8</sup> There are two main categories of landmines: anti-tank or anti-vehicle mines (AT Mines/AVMs); and anti-personnel mines (APMs). AVMs, usually targeted against tanks and vehicles, contain more than 5 kg of explosives and are actuated by the application of pressures or weights between 100 and 300 kg. APMs, on the other hand, contain 10–250 gm of explosive and are triggered by pressures of about 0.5–50 kg. However, owing to recent technological developments, the traditional distinction between AVMs and APMs is becoming blurred. For the purpose of this dissertation, all references to the term 'landmine' will imply APMs, unless otherwise specified.

<sup>9</sup> International Committee of the Red Cross (ICRC), *Anti-Personnel Landmines: Friend or Foe: A Study of the Military Use and Effectiveness of Anti-Personnel Landmines*, Geneva: ICRC, 1996, p. 14.

<sup>10</sup> Alex Vines, 'The Crisis of Anti-Personnel Landmines' in *To Walk Without Fear: The Global Movement to Ban Landmines*, ed. Maxwell A. Cameron, Robert J. Lawson and Brian W. Towlin, London: Oxford University Press, 1998, p. 123.

<sup>11</sup> A precise account of the number of APMs buried around the world is next to impossible, with estimates varying between 45 and 90 million. While the US Department of State, in its 2001 report *Hidden Killers*, estimates the number of landmines still emplaced around the world between 45 and 50 million in nearly 60 countries, NGOs such as OneWorld, Mines Advisory Group and Adopt-a-Minefield believe the total number of landmines laid around the world amount to 70–90 million.

<sup>12</sup> ICBL, op. cit., n. 3 above: <http://www.icbl.org/lm/2006/es/findings.html>

<sup>13</sup> Maxwell A. Cameron, Robert J. Lawson and Brian W. Towlin, 'To Walk Without Fear' in Cameron et al., op. cit., n. 10 above, p. 2. The collection of comprehensive landmine casualty data remains problematic, and according to the ICBL and ICRC, approximately 50 per cent of mine victims die before reaching a medical facility, so are unlikely to be reported. In these circumstances, estimates regarding the number of landmine-related casualties vary significantly. While the 2001 Landmine Monitor report states the casualty rate to be 15,000–20,000 per year, others state the casualty rate to be much higher.

<sup>14</sup> While the average cost of removing one landmine is between \$300 and \$1,000, the cost of surgical care and fitting of an artificial limb is \$3,000 or more per amputee in some countries.

<sup>15</sup> US Department of State, *Hidden Killers 2001: The World's Landmine Problems*, Washington, D.C., 2001. However, according to the latest statistics released by ICBL, the casualty rate has reduced to 15,000–20,000 in the reporting period of 2005–6. For more, see: <http://www.icbl.org/lm/2006/es/findings.html>

<sup>16</sup> Denis Allistone, 'Towards the Elimination of APMs' in *Stalking Terror: Landmines in Peace and in War*, ed. Christopher S. Raj, New Delhi: Wordsmiths, 2000, p. 185.

<sup>17</sup> Based on the objectives of demining operations, mine-clearance activities fall into two main categories: military mine clearance, and humanitarian mine clearance. Military mine clearance, a technique employed during times of war, focuses on breaching a path through a minefield to achieve specific military objectives. Humanitarian mine clearance takes into account the fact that landmines remain active long after their intended use, killing or injuring innocent people up to 75 years after they have been laid. It addresses the needs of civilian populations by re-establishing an environment in which economic and social development are unhindered by the presence of landmines.

<sup>18</sup> Of these, manual mine clearance is the most common and reliable method. Additional forms of mine detection are being developed which involve technologically advanced devices such as ground-penetrating radar, infrared detection, acoustic sensors, and chemical detection. Each demining technique has

its advantages and disadvantages, typically dependent on cost, level of reliability, and the terrain involved.

<sup>19</sup> In addition, several innovative methods have been developed to neutralize mines, rather than destroy or detonate them. These include neutralizing mines with explosive foams, mine marking and neutralization foams, shaped charges, and chemicals. While neutralization of mines is both dangerous and complicated work, it is often used when destruction of mines would cause unacceptable damage to the area.

<sup>20</sup> For example, mine contamination is often signified by uninhabited areas or by the presence of dead animals, possibly killed by exploding mines. Other indicators include manmade signs, such as crossed sticks, broken branches on trees, painted stones, or placards warning of mines. Knowing these signs and being alert may prevent people from taking unnecessary risks.

<sup>21</sup> The Vietnam war provided the impetus for the efforts undertaken to regulate the use of landmines. In the 1950s, the ICRC had itself identified landmines as one of a number of conventional weapons of specific concern, and in its 1955 Draft Rules for the Protection of the Civilian Population (as revised in 1958), addressed the issue of mines under a section on weapons 'with uncontrollable effects' and put forward requirements for the recording of minefields and post-conflict exchange of minefield information. However, at that time, states were generally reluctant to envisage the adoption of new international instruments regulating means and methods of warfare, thus, no concrete steps were taken to regulate the use of APMs. The intensity of the mine-related casualties in the Vietnam war led to the realization of the real danger posed by landmines.

<sup>22</sup> A number of experts believed that mines (and booby-traps) were indiscriminate by their very nature, while others asserted that mines, as was the case with other weapons, could be used with or without discrimination. Although some experts felt that at least certain types of APMs ought to be banned, others were convinced 'that a complete ban on such weapons was both impracticable and unjustified'.

<sup>23</sup> Maurice Aubert, 'The ICRC and the Problem of Excessively Injurious Weapons', *International Review of the Red Cross*, no. 279, August 1990, pp. 477–97.

<sup>24</sup> The UN General Assembly (by Resolution nos. 32/152 of 19 December 1977; 75-33/70 of 28 September 1978; and 34 of 11 December 1979) convened preparatory conferences in 1978 and 1979 at the recommendation of the Diplomatic Conference of the Additional Protocols. The conference had 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'. These preparatory conferences led to the CCW.

<sup>25</sup> Jody Williams and Stephen Goose, 'The International Campaign to Ban Landmines' in Cameron et al., op. cit., n. 10 above, pp. 21–22.

<sup>26</sup> Veronica Kitchen, 'From Rhetoric to Reality: Canada, the United States and the Ottawa Process to Ban Landmines', *International Journal* (Canada), vol. LVII, Winter 2001–2, p. 39.

<sup>27</sup> According to the moratorium, for a period of one year beginning three years after the date of enactment of the Moratorium Act, the US would not use APMs except along internationally recognized national borders or in demilitarized zones within a perimeter-marked area monitored by military personnel and protected by adequate means to ensure the exclusion of civilians. This moratorium was extended for three years in 1993, and in 1997, the Clinton Administration announced a permanent export ban.

<sup>28</sup> The Voluntary Fund was created in 1994 and is administered by the UN Department of Humanitarian Affairs, which was created in 1991 to respond to humanitarian disasters. Anita Parlow, 'Toward a Global Ban on Landmines', *International Review of the Red Cross*, no. 307, 1995, pp. 391–410.

<sup>29</sup> A/RES/49/75 and A/RES/49/79: [www.un.org](http://www.un.org)

<sup>30</sup> Christopher S. Raj, 'Landmine Ban: A Poser to the World's Conscience' in Raj, *op. cit.*, n. 16 above, p. 19.

<sup>31</sup> However, according to David Atwood, once it was clear that any approach to the landmines issue short of an actual ban was unlikely to make a substantial impact on the problem of civilian landmine casualties, there were really only three choices. First, press for the early entry into force of the amended Protocol II while working towards a stronger further revision at the next Review Conference in 2001; second, to take the issue to the Conference on Disarmament (CD); or third, to take the 'fast-track' approach via a separate treaty process, as called for by Canada. See David Atwood, 'Tackling the Problem of Anti-Personnel Landmines: Issues and Developments': [www.isn.ethz.ch/securityforum/Online\\_Publications/WS5/WS\\_5D/Atwood.htm](http://www.isn.ethz.ch/securityforum/Online_Publications/WS5/WS_5D/Atwood.htm)

<sup>32</sup> *Ibid.*

<sup>33</sup> The CD, established in 1979 as the single multilateral disarmament negotiating forum of the international community, was a result of the first Special Session on Disarmament of the UN General Assembly held in 1978. It succeeded other Geneva-based negotiating fora, which include the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Committee on Disarmament (1962–68), and the Conference of the Committee on Disarmament (1969–78). The CD is not a UN body but an autonomous body which receives support from the UN system.

<sup>34</sup> Throughout the autumn of 1996, the debate over the suitability of the CD as a venue for landmine negotiations remained entirely theoretical: 23 supporters of the CD approach, including Australia, France, Britain, Germany, Spain, Finland, and the US, argued that a ban on production, transfer, stockpiles, and use of APMs 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 CD 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 CD engaged the major producers and users, opponents countered

that the CD was not universal and excluded most severely-mine-affected states. While acknowledging recent CD successes, campaigners were quick to point out the glacial pace of the process; both recent conventions had been under negotiation for decades. Finally, ban advocates argued that landmines should be addressed as a humanitarian crisis rather than a security issue.

<sup>35</sup> The supporters of the fast-track Ottawa Process were in the difficult position of opposing the inclusion of landmines on the CD agenda, 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.

<sup>36</sup> Shankari Sundararaman, 'Landmines: To Ban or Not to Ban', *Strategic Analysis* (New Delhi), vol. 21, no. 8, 1997, p. 1129.

<sup>37</sup> Don Hubert, 'The Landmine Ban: A Case Study in Humanitarian Advocacy', *Occasional Papers* (Providence) no. 42, 2000, p. 20.

<sup>38</sup> Christopher S. Raj is of the view that although their approaches are fundamentally different, the Ottawa Process and the CD are potentially complementary because they pursue the same goal—a worldwide ban on landmines. Given the setbacks of the CD and the successes of the Ottawa Process, the CD may now be able to build upon the momentum generated by the Ottawa Process and eventually encourage all its members to agree to a ban on landmines. A ban through the CD would be a considerable achievement since all the world's major landmine producers and exporters are members of the CD. See Raj, *op. cit.*, n.30 above, p. 25.

<sup>39</sup> This draft, which was revised a number of times, was the basis of the ban treaty concluded in Oslo in September 1997.

<sup>40</sup> This is a fundamental principle of international humanitarian law. Its most recent codification is contained in Art. 51 of Protocol I (1977) additional to the Geneva Conventions of 1949.

<sup>41</sup> This principle of international humanitarian law dates back to the 1868 St Petersburg Declaration. Its most recent codification is in Art. 35 of Additional Protocol I (1977).

<sup>42</sup> The full form of the Landmine Protocol is 'Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices'.

<sup>43</sup> Other drawbacks of the Landmines Protocol included the fact that it is based on the incorrect assumption that a clear distinction can be made between defensive and offensive uses of landmines, and, more specifically, that a thorough assessment can be made on the battlefield as to the exact humanitarian costs and military advantages of using landmines in a given conflict situation. Further, it was applicable only to international conflicts and excluded internal hostilities, where landmines have become the weapon of choice for government, paramilitary, and guerrilla forces. It also failed to assign clear responsibility for the removal of mines and provide for any control or supervisory mechanisms for mine transfers and exports.

<sup>44</sup> The use of the word 'primarily', said critics, could be used to argue that the protocol did not apply to other types of mines, which, nevertheless, function and are used as APMs.

<sup>45</sup> ICRC, *Banning Anti-Personnel Mines: The Ottawa Treaty Explained*, Geneva: ICRC, 1997, p. 4.

<sup>46</sup> ICRC, *Landmines Must Be Stopped*, Geneva: ICRC, 1999, p. 12.

<sup>47</sup> See paragraphs 1–3 of the Preamble to the Ottawa Convention.

<sup>48</sup> Art. 3 of the Ottawa Convention.

<sup>49</sup> Art. 6 of the Ottawa Convention.

<sup>50</sup> Art. 7 of the Ottawa Convention.

<sup>51</sup> Art. 9 of the Ottawa Convention.

<sup>52</sup> Art. 10 of the Ottawa Convention.

<sup>53</sup> Art. 11 of the Ottawa Convention.

<sup>54</sup> Art. 14 of the Ottawa Convention.

<sup>55</sup> ICRC, *op. cit.*, n. 45 above, p. 1.

<sup>56</sup> Art. 2(1) of the Ottawa Convention.

<sup>57</sup> David C. Atwood, 'Implementing Ottawa: Continuity and Change in the Role of NGOs', *Disarmament Forum* (Geneva), no. 4, 1999, p. 27.

<sup>58</sup> Art. 2(3) of the Ottawa Convention.

<sup>59</sup> Since 1 March 1999, states must accede and cannot simply sign the treaty with intent to ratify at a later date. For a state that ratifies or accedes now, the treaty enters into force for it on the first day of the sixth month after the date on which that state deposited its instrument of ratification.

<sup>60</sup> International Campaign to Ban Landmines, 'Landmine Monitor Report 2002: Toward a Mine-Free World', New York: ICRC, 2001: <http://www.icbl.org/lm/2002/es/findings.html>

<sup>61</sup> The reporting period for this report was December 1997 to March 1999.

<sup>62</sup> The reporting period for this report was May 2001 to June 2002.

<sup>63</sup> ICBL, *op. cit.*, n. 60 above.

<sup>64</sup> US Department of State, *'Hidden Killers: The Global Landmine Crisis'*, Washington, d.c., 1998.

<sup>65</sup> US Department of State, *op. cit.*, n. 15 above.

<sup>66</sup> The reported figures, however, do not take into account casualties that have gone unreported because of lack of knowledge or procedures for doing so.

<sup>67</sup> For example, in November 1991, VVAF and MI had agreed to mount a campaign of advocacy and bring together NGOs to call for a global ban on mines, and in the spring of 1992, HI, MAG, and PHR had begun a signature campaign to stop the 'Coward's War'. (The use of landmines in Cambodia was referred to as the 'Coward's War'.)

<sup>68</sup> While ICBL has always pressurized for sustained resources for mine clearance and victim assistance throughout the years leading up to the MBT, its primary focus was the achievement of an international ban treaty. The reasoning was that it would be impossible to halt the proliferation of the weapon, clear the mines already planted, and assist the survivors without a ban on the use, production, trade, and stockpiling of the weapon.

<sup>69</sup> The Steering Committee was expanded in 1996 and 1997 to reflect the growth and diversity of the campaign. New members included: the Afghan Campaign to Ban Landmines, Cambodia Campaign to Ban Landmines, Kenyan Coalition against Landmines, R%odda Barmen, and South African Campaign to Ban Landmines. In 1998, the 10 existing members of the Steering

Committee, now renamed the Coordination Committee, were reconfirmed and the committee was expanded to include: the Association to Aid Refugees, Japan; Colombian Campaign against Landmines; Inter-African Union of Human Rights; Landmine Survivors Network; Lutheran World Federation; and Norwegian People's Aid.

<sup>70</sup> Williams and Goose, op. cit., n. 25 above, p. 22.

<sup>71</sup> Kenneth R. Rutherford, 'The Evolving Arms Control Agenda: Implications for the Role of NGOs in Banning Anti-Personnel Landmines', *World Politics* (Princeton), vol. 53, October 2000, p. 94.

<sup>72</sup> This strategy to garner attention is similar to the assumption that new issues need to encourage action by promoting systematic indicators such as crises and disasters or by feedback from ongoing programmes.

<sup>73</sup> Interestingly, many of the statistics generated by the INGOs were inflated and regurgitated by the media and policy makers without proper fact-checking and research. The more common, inflated claims centred on the number of currently-deployed landmines. For example, in the case of Afghanistan, the initial estimate of deployed landmines was 35 million, later reduced 10 million as a conveniently round figure. However, the inaccuracy of the inflated statistics was not seriously questioned until late 1997, and by then the issue was already on the international political agenda and had attracted tremendous media and public attention.

<sup>74</sup> Rutherford, op. cit., n. 71 above, p. 90.

<sup>75</sup> The officers included Gen. David Jones, former Chairman of the Joint Chiefs of Staff; Gen. John Galvin, former Supreme Allied Commander, Europe; Gen. Norman Schwarzkopf, commander of Operation Desert Storm; and Lt. Gen. DeWitt Smith Jr., former Commandant of the US Army War College. See Don Hubert, 'The Landmine Ban: A Case Study in Humanitarian Advocacy', *Occasional Papers* (Providence), no. 42, 2000, p. 15.

<sup>76</sup> At the same time, these states also maintained their military and political arguments as to why landmine use should not be banned, though governmental policy makers became hesitant to state their opposition to a ban because of the media and public opinion condemning landmine use as the main cause of the prevailing humanitarian problem.

<sup>77</sup> In the initial years, ICBL concentrated on expanding the campaign throughout North America, Europe, Australia, and New Zealand. The primary reason for this was the realization by the steering committee that the strategy of using national campaigns would succeed only in countries which had a political culture where NGOs could pressurize the governments to initiate political action. Hence, significant expansion of the campaign throughout Asia and Africa did not occur until the ICBL network had been consolidated in the North and the political momentum towards a ban had been built.

<sup>78</sup> Williams and Goose, op. cit., n. 25 above, p. 23.

<sup>79</sup> For example, in the US, NGOs worked directly with the staff of Senator Patrick Leahy to develop and move forward pro-ban legislation. Because of the immediate access and support 'at the top', the NGOs, while generating a great deal of media attention to the issue, did not work to build extensive grass-roots

support in the US at that time. In contrast, most European campaigns put a higher priority on directly engaging the public than in working with legislators or other government officials.

<sup>80</sup> One of the early communication tools was the *Landmine Update*, a quarterly newsletter written and circulated by ICBL's coordinator. Followed closely by NGOs and governments alike, this quarterly helped chronicle activities in the ban movement, and its emphasis on country-by-country reporting helped foster the sense of inexorable momentum towards a ban on APMs.

<sup>81</sup> The moratorium came about at the initiative of Senator Patrick Leahy and Congressman Lane Evans, who worked closely with US NGOs, most notably VVAF and a consortium of NGOs in Washington that work on arms control issues. The moratorium was subsequently extended several times, and the Clinton Administration announced a permanent export ban in 1997.

<sup>82</sup> Williams and Goose, *op. cit.*, n. 25 above, p. 27.

<sup>83</sup> According to Art. 8 of the CCW, any member country could call for a review conference of that treaty 10 years after the convention had entered into force, i.e. 1983.

<sup>84</sup> Williams and Goose, *op. cit.*, n. 25 above, p. 32.

<sup>85</sup> *Ibid.*

<sup>86</sup> ICBL had very low expectations of the CCW review and had quickly seen that not much would be accomplished during the lengthy exercise. Thus, for ICBL, the review process became one step along the way to a ban, not an end in itself, but an opportunity for promoting the campaign's agenda.

<sup>87</sup> Williams and Goose, *op. cit.*, n. 25 above, p. 31.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> The first session of one week in January 1996 would deal with technical issues related to the treaty, and the second session of two weeks would conclude the review of the CCW on 3 May 1996.

<sup>91</sup> The Ottawa Process comprised a series of consultations, conferences, lobbying, and public campaigning which took place between October 1996 and December 1997. The process was initiated in October 1996 when the Canadian government hosted an international strategy conference, 'Towards a Global Ban on Anti-Personnel Mines' in Ottawa.

<sup>92</sup> Between May and October 1996, members of the Canadian government and ICBL consulted frequently on nearly every aspect of the organization of the conference, and worked together to ensure maximum attendance by governments.

<sup>93</sup> ICBL representatives were actively involved in drafting the precise language of both the final declaration and the action plan.

<sup>94</sup> Williams and Goose, *op. cit.*, n. 25 above, p. 36.

<sup>95</sup> While some of the conferences had been scheduled prior to ICBL's commitment to the Ottawa Process, with the aim of developing the work of ICBL, special components were then added to them to contribute to the building of political will for the Ottawa Process.

<sup>96</sup> In keeping with its earlier commitment to help create 'mine-free zones' as

a way to build regional blocs in support of a ban, ICBL identified southern Africa and the South African Development Community (SADC) states as suitable targets, largely because it constituted one of the most mined regions in the world. A 'mine-free zone' in Africa was seen as an important next step in building regional blocs, and Africa as a crucial region for the success of the Ottawa treaty.

<sup>97</sup> ICBL sent a delegation headed by Elizabeth Bernstein, its key conference organizer, to Africa in August 1996 to prepare for the conference. Although initial plans called for the conference to be held in Zimbabwe, it was decided after consultations with campaigners in the region to hold it in Mozambique instead. Organizers believed it to be extremely important that the conference be held in a seriously contaminated country. Additionally, it was felt that by holding the conference in Mozambique, the relatively young national campaign there (which had been launched in November 1995) would be tremendously strengthened through its contributions to preparing the conference and by the international focus brought by ICBL's fourth conference.

<sup>98</sup> Williams and Goose, op. cit., n. 25 above, p. 38.

<sup>99</sup> The core group comprised of Canada, Norway, Austria, South Africa, Belgium, Mexico, the Philippines, and Germany.

<sup>100</sup> The comments and suggestions of the ICBL delegations at the four government-sponsored conferences were based on the draft prepared by the ICBL treaty working group. An analysis of the ICBL draft has been done later.

<sup>101</sup> The Belgian Campaign to Ban Landmines hosted ICBL's participation at the Brussels Conference. Campaign activities coinciding with the conference included a cycle race from Paris to Brussels with the participation of landmine survivors; the display of a 'Giant Jeans' with one leg symbolically shredded; a Public Awareness Day with a demining demonstration; an official presentation of a 'landmine victim' outfit for the *Mannekin Pis* (the famous symbol of Brussels); a simulated minefield government delegates had to cross each day entering the conference; and a variety of displays and exhibits. See Williams and Goose, op. cit., n. 25 above, p. 41.

<sup>102</sup> Most of the 89 governments which came to the Oslo negotiations as full participants based on their commitments made in the Brussels Declaration were prepared to negotiate a comprehensive treaty based on the Austrian draft. However, a handful of nations, most notably the US, were not of that mind. The US administration was worried about public opinion and the all-too-obvious contradiction of still claiming leadership of the ban movement while not participating in ban treaty negotiations, and thus decided at the last moment to go to Oslo. ICBL realized that the US was not in Oslo as a 'like-minded' participant in the negotiations, but rather to put its full weight behind modifying the treaty in order to accommodate existing US policy.

<sup>103</sup> Williams and Goose, op. cit., n. 25 above, p. 44.

<sup>104</sup> The contribution of ICBL to the convention text can be ascertained on the basis of the changes in the Austrian text in keeping with the ICBL draft.

<sup>105</sup> This definition was the same used in Amended Protocol II of the CCW.

<sup>106</sup> Art. 2 of the Ottawa Convention.

<sup>107</sup> See Annex 2.

<sup>108</sup> Ibid.

<sup>109</sup> Art. 3 of the Ottawa Convention.

<sup>110</sup> Nicola Short, 'A New Model for Arms Control? The Strengths and Weaknesses of the Ottawa Process and Convention', *Disarmament Diplomacy*, issue 24, March 1998, p. 9.

<sup>111</sup> For example, Sweden wanted 65 ratifications for the convention to enter into force.

<sup>112</sup> Stuart Maslen and Peter Herby, 'An International Ban on Anti-Personnel Landmines: History and Negotiation of the "Ottawa Treaty"', *International Review of the Red Cross*, no. 325, December 1998, p. 710.

<sup>113</sup> Art. 17 of the Ottawa Convention.

<sup>114</sup> Art. 20 of the Ottawa Convention.

<sup>115</sup> Art. 6(3) of the Ottawa Convention.

<sup>116</sup> Art. 12 of the second Austrian draft.

<sup>117</sup> Art. 13 of the second Austrian draft.

<sup>118</sup> Art. 13 of the Ottawa Convention.

<sup>119</sup> The first Austrian draft had suggested 'Convention on the Prohibition of Anti-Personnel Mines' as the title of the treaty.

<sup>120</sup> Williams and Goose, op. cit., n. 25 above, p. 45.

<sup>121</sup> David Atwood, 'Promoting Compliance: Observations on the Anti-Personnel Mine Ban Convention': [www.ciaonet.org](http://www.ciaonet.org)

<sup>122</sup> Targets for particular action were identified at ICBL's Second General Meeting in Maputo. These include the states of the former Soviet Union, countries in the Middle East, and the US.

<sup>123</sup> Atwood, op. cit., n. 57 above, p. 23.

<sup>124</sup> The Maputo First Meeting of States Parties (FMSP) decided to establish an intersessional work programme in order to 'consolidate and concentrate global Mine Action efforts and to highlight the role of the Convention as a comprehensive framework for Mine Action. The aim is to organize the work in a way which promotes continuity, openness, transparency, inclusiveness and a cooperative spirit.' In order to ensure the systematic and effective implementation of the MBT, five informal, open-ended intersessional Standing Committees of Experts (SCEs) were established: General Status and Operation; Stockpile Destruction; Mine Clearance; Technologies for Mine Action; and Victim Assistance. The SCEs meet twice a year (in addition to the annual meeting of States Parties) to identify areas of concern, assess progress, and develop plans to ensure effective implementation. Their work has served to facilitate better coordination and spur progress globally on the range of mine issues.

<sup>125</sup> `_INCLUDEPICTURE "old%20laptop/RCSS/Phd/WINDOWS/Desktop/Landmine%20Monitor%20(LM)_files/p.gif" \* MERGEFORMAT`— The key elements of the Landmine Monitor system are a Global Reporting Network, an independent online Database, and an Annual Report. Other Landmine Monitor products, such as Fact Sheets and independently-published Country Reports, are also released periodically. To accomplish this, the Landmine Monitor research team currently consists of some 115 researchers based in 85 countries. Four annual

reports have been released to date: 1999, 2000, 2001 and 2002. These reports have been widely hailed as vital documents by treaty signatories and non-signatories alike, as well as by mine action practitioners, journalists, and NGOs.

<sup>126</sup> Alex Vines and Henry Thompson, 'Beyond the Landmine Ban: Eradicating a Lethal Legacy', *Conflict Studies*, no. 316, March 1999, p. 22.

<sup>127</sup> *Landmines: A Review of United Nations Activities in Mine Action*, New York: United Nations, April 1999, p.†21.

<sup>128</sup> These were identified in the ICBL 2004 Action Plan, which was developed after the Maputo meeting as a framework to meet the goals of universalization and full implementation by 2004. Based upon inputs from National Campaigns, individual NGOs and working groups of ICBL, the Action Plan was adopted at the third ICBL General Meeting in March 2001 in Washington, d.c. These strategies are goals in their own right.

<sup>129</sup> See Ch. 1.

<sup>130</sup> Ann Peters, 'International Partnerships on the Road to Ban Anti-Personnel Landmines', *UN Vision Project on Global Public Policy Networks*, Washington, d.c.: Global Public Policy, 2000, p. 11: [www.globalpublicpolicy.net](http://www.globalpublicpolicy.net)

<sup>131</sup> At wood, op. cit., n. 57 above, p. 21.

<sup>132</sup> *Ibid.*, pp. 21–22.

<sup>133</sup> *Ibid.*, p. 22.

## CHAPTER 4

# *Constructing the Model for INGO Participation in Arms Control and Disarmament*

*The landmines campaign... can be seen as a model of what is to come... already the focus has shifted forward, with NGOs looking to build similar partnerships with small and medium-sized governments on other causes.*

—Kenneth Roth<sup>1</sup>

*It is amazing. It is historic. It proves that civil society and governments do not have to see themselves as adversaries. It demonstrates that small and middle powers can work together with civil society and address humanitarian concerns with breathtaking speed. It shows that such a partnership is a new kind of 'superpower' in the post-Cold War world.*

—Les Prix Nobel<sup>2</sup>

*The success of the landmines campaign was not a unique event, never to be replicated in the world of diplomacy... The landmines campaign was the harbinger of the new multilateralism: new alliances among states, new partnerships with non-state actors, and new approaches to international governance.*

—Lloyd Auxworthy<sup>3</sup>

*The partnership of NGOs, the private sector, international organizations and governments, in my judgment, is a powerful partnership for the future.*

—Kofi Annan<sup>4</sup>

The efforts of ICBL and the coalition of states to ban landmines resulted in the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction on 18 September 1997.

The fact that the Ottawa Convention—the first multilateral disarmament treaty banning a weapon already in widespread use—was negotiated, adopted and brought into force in a record period of 29 months, with the active involvement of INGOs but without the support of major powers, speaks volumes of the capability and credibility of the manner in which the proceedings of the treaty were conducted.

As we have seen, the Ottawa Convention marks the successful entry of INGOs into diplomatic and lawmaking processes that hitherto had been reserved largely by states and international organizations (IOs), represented by officially-recognized and accredited diplomats.<sup>5</sup> Further, the campaign to ban landmines has been described as a very special proceeding which overturned the established order of classical multilateralism and challenged the preponderant role of states, the accepted negotiating forums for disarmament matters, and the rule of consensus.<sup>6</sup> Academicians, diplomats, and NGO representatives called the Ottawa treaty's genesis and negotiations an innovative model for the future development of international law, and expressed the hope that the experience from the Ottawa Process could be used for a future role in other disarmament-related topics. When ICBL was awarded the Nobel Peace Prize, the chairman of the Nobel Committee, Professor Francis Sejersted, drew a parallel between the anti-landmine cause and the cause of nuclear disarmament, saying that the Ottawa Process, as a model for the future, could prove of decisive importance to the international effort for disarmament and peace.<sup>7</sup>

In the light of these observations, it becomes imperative to determine whether ICBL's involvement in the anti-landmine campaign and the resulting Ottawa Convention was a nine-day wonder, or the harbinger and prototype of a new model of international negotiations on disarmament matters. For this purpose, this chapter will first examine the reasons for the success of ICBL

in general, and within the Ottawa Process in particular, and then seek to develop a model for INGO participation in arms control and disarmament based on the experience of ICBL in the Ottawa Process and Convention.

#### WHY DID ICBL SUCCEED?

As examined in the preceding chapter, ICBL has played a consequential role in the Ottawa Process and Ottawa Convention. As a result, the organization has deservedly received much of the credit for the rapid response to the problem posed by landmines, including the coveted Nobel Peace Prize. However, assessments of the success of ICBL tend to be divided over whether similar campaigns can be organized in the future. While some theorists argue that its success can be attributed to the characteristics of the weapon itself, thus making the landmines campaign 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.<sup>8</sup> Academicians and NGO representatives have attributed the success of ICBL to various factors.

According to Jody Williams, ICBL was successful due to the interplay of factors such as the non-bureaucratic nature of the organization, characterized by a loose structure and strong communication links between the member NGOs; strong partnership and personal relationships both within the campaign and between campaigners and the various government and military representatives; and the role of new communication technologies including fax.<sup>9</sup> The changing global situation also contributed to the success of the organization. Matthew Scott is of the opinion that the success of ICBL was facilitated by a variety of factors: personal relationships, the innovative use of technology, raw perseverance, and, most importantly, the specific and finite nature of the task of banning one class of highly destructive weapons.<sup>10</sup>

Don Hubert, on the other hand, holds six factors responsible for the success of ICBL. These are: credibility based on practical experience in the field; coordinated expression of one voice around the central objective despite diversity of partners; reframing the issue from military utility to humanitarian consequences; division of labour, exploiting the comparative advantages of different partners; building support from below; enhancing consensus and enabling involvement by non-state actors and partnerships with sympathetic states.

Given these different interpretations and reasonings for the success of ICBL, a comprehensive way to analyse the reasons for the success is to examine the different factors that contributed to ICBL becoming successful at three levels.

- 1) Internal.
- 2) External.
- 3) Miscellaneous.

#### *Internal Factors*

The internal factors responsible for the success of ICBL essentially relate to:

- 1) the composition and structure of the organization; and
- 2) the strategies adopted by the organization.

The composition and structure of ICBL were the decisive factors in the success of the organization, as they were responsible for providing direction to the campaign against landmines and influencing its outcome. The composition of ICBL, which was initially restricted to its six founding members, eventually grew to include NGOs engaged in diverse fields such as

victim assistance and rehabilitation, demining, human rights, arms control, humanitarian relief, medical, veterans, religious issues, the environment, and development. What was common between these organizations was the motivation to work for a single cause: an

international ban on the use, production, stockpiling, and transfer of APMs. The ability to cut across disciplines to bring together a diverse array of NGOs to work towards a single goal was a major strength of ICBL.

As seen before, the founding ICBL member organizations, such as VVAE, Medico International (MI), Handicap International (HI), and the Mines Advisory Group (MAG), had the experience of treating landmine victims in their overseas clinics and had firsthand knowledge of an anti-personnel weapon's tragic effects.<sup>11</sup> In the words of Thomas Gebauer, executive director of MI:

When we first discussed the need for an International Campaign to Ban Landmines, our general objective was not just to achieve a ban on a weapon. We do not belong to arms control initiatives but to organisations committed to providing assistance to war-victims and supporting local development programmes. We called for a ban on mines, but we never saw the ban-treaty as a final end, more as a means, an important means, of course, and one which really will contribute to reducing the individual suffering of war-disabled as well as the suffering of communities restricted in their normal lives because they are surrounded by mines—if the text of the treaty is observed and kept.<sup>12</sup>

Thus, it was personal commitment on the part of the NGOs and a genuine desire to overcome the devastating effects of using landmines which proved to be the driving force behind the initiatives taken by ICBL.

The track record and practical experience in the field of landmines of the NGOs comprising the organization also added to the credibility of ICBL and contributed to its success, as the core of ICBL was composed of organizations focusing on assisting victims and clearing mines, and NGOs are often the experts in this regard, based on years of field experience. This gave credibility and moral weight to the voice of the campaign in the eyes of the public and vis-à-vis governments.<sup>13</sup> The campaigners collectively had unparalleled expertise and made compelling spokespersons who could not be easily dismissed by politicians, diplomats, or military personnel.<sup>14</sup>

In addition to the diverse composition of ICBL, its informal and loose structure has often been cited as its core strength by its founders.<sup>15</sup> Established by six NGOs in 1992, this coalition of

INGOs rapidly grew to comprise more than 1,000 NGOs by 1997. United behind the call for a ban on landmines, these organizations functioned without an overarching bureaucratic campaign structure, secretariat, or central office. This feature enabled the vast coalition of diverse NGOs to be flexible in its daily work and pursue the campaign's goals as best fit their own mandate. Explaining this peculiarity, Jody Williams states:

The ICBL was deliberate in not establishing a central office; each NGO had to find a way to participate in making the campaign work. This structure helped to insure that the ICBL 'belongs' to all of its members and that these members would have to be active in the process to achieve the Campaign's goals.

As a result, US-based NGOs would not try to dictate to African NGOs how to operate, nor would African NGOs try to tell Asian or European colleagues how to move their governments and militaries towards a ban.<sup>16</sup>

Within this non-bureaucratic set-up, ICBL had two levels of functioning: the steering committee that gave global strategic direction to the organization; 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 the strategy for the various negotiating sessions, and targeting important regions and countries for capacity-building efforts. While the formal committee membership was initially comprised of the six founding members, it was expanded in 1996 and 1997 to include the Afghan, Cambodian, Kenyan, and South African Campaigns and the NGO *Rodd Barnen*.<sup>17</sup> In practice, significant individuals such as David Atwood from the Quaker UN Office, Geneva, and Tim Carstairs from the UK Working Group on Landmines, and organizations including Mines Action Canada were often included in the committee.

Among the hundreds of organizations that made up the broader coalition, several dozen regularly sent representatives to significant international meetings: 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. Although 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, all NGOs attending worked within the coalition's framework. Major statements were agreed upon by consensus and circulated on the ICBL letterhead. This public posture of consensus was maintained throughout the campaign, even when severe tensions existed within the US campaign over how to address US military opposition to the proposed ban.<sup>18</sup>

The greatest strength of the campaign 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 the 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 ICBL were critical in ensuring consistent and coordinated lobbying.

ICBL, a loosely-organized, unstructured network that drew on the human and financial resources from its broad spectrum of member organizations interconnected by fax machines, the Internet, periodic conferences and a common goal, benefited from its informal structure and diverse composition.

#### *Strategies Adopted by ICBL*

While all the strategies adopted by ICBL have been examined in depth in the preceding chapter, it can be said that four strategies were mainly responsible for the success of the coalition of NGOs.

- 1) Maintain a clear focus and message throughout the campaign.
- 2) Transform the landmine issue from a political and security issue to a humanitarian one.

- 3) Commitment to constant exchange of information and the role of communication technology.
- 4) Garner support of prominent individuals to take the leadership role in addressing the humanitarian aspects of landmine use.

From its inception, ICBL had a very clear and easy-to-understand objective: a comprehensive international ban on the use, production, stockpiling, sale, transfer or export of APMs. Keeping this central objective in mind, ICBL followed a strategy of maintaining a clear focus and message throughout the campaign, both within ICBL and in its partnership with states and other IOs. ICBL was able to follow this strategy primarily because the campaign had effectively isolated landmines as a discrete problem amenable to the identifiable solution of a comprehensive ban. The issue was simple: 'Ban Landmines'. The message did not concern the difficulties of managing the use of the weapon. If management of landmines, rather than a ban, was the regime's goal, the treaty most likely would not have been signed within 14 months. ICBL never swerved from its original intention and objective of getting landmines banned, and the initial focus on a single weapon was maintained throughout the campaign.<sup>19</sup> While the simple and clear focus and message of the anti-landmine regime made it easier to negotiate and implement during the Ottawa Process, political clarity was an integral part of ICBL reaching various publics.

Linked to this strategy of maintaining a clear focus and message was the strategy to transform the landmine issue from a political and security issue and reframe it into a humanitarian one. The founders of ICBL realized that in order to change the state perception of landmines, and, thus, their use, it was necessary to convince governments of the devastating effects of landmine use. ICBL followed a strategy of strictly focusing on the humanitarian and legal aspects of the landmine debate rather than engaging militaries in it.<sup>20</sup> Having examined the various tools employed to implement this strategy in the previous chapter, it can be said that it was this ability of ICBL to reframe the landmines issue in a humanitarian

context that was instrumental to the success of ICBL. This strategy enabled ICBL to move away from the detached, objective-sounding language used by states to discuss national security issues towards the more candid, more emotionally-charged language of humanitarianism.<sup>21</sup> We have seen earlier that this strategy also gave ICBL the diplomatic space to play important roles in disseminating information about landmines to the media, policy makers, and the public, and thus helped the organization to work towards achieving its main objectives.<sup>22</sup>

Another strategy which contributed significantly to the unity and success of ICBL was the commitment to constant exchange of information between the members of ICBL and later with the governments, media, and general public. The organization made effective use of communications technology to disseminate information to each other, the media, their respective governments, and the public, which, in turn, generated government support for a landmine ban. Within ICBL, the member organizations exchanged information on their political strategies, campaigns, challenges and successes through the ICBL coordinator on a regular basis. According to Williams and Goose, this ability to provide its members with a sense of the overall activities of the campaign was the key to the creation and maintenance of the momentum of ICBL.<sup>23</sup>

In the later stages of the campaign, communications technologies allowed NGOs to discuss contentious subjects among themselves, and then to take an agreed-upon position for their respective government delegations. ICBL's ability to provide quick and reliable information during the UN CCW negotiations in 1995 and 1996 laid the groundwork for the diplomatic and public disenchantment with the UN negotiating forums, and also resulted in creating pressure for an alternative negotiating forum that could achieve a landmine ban in a relatively short period. This cooperative information exchange between ICBL and states eventually led to the alternative diplomatic avenue (led by the Canadian government in 1997) to ban landmines, resulting in a breakaway from the UN weapon negotiating forums. ICBL used communications technologies during this period as a means of initiating and

prodding the international community towards paying attention to the landmine issue. While during the initial years of the campaign, ICBL used only basic communications technologies such as the telephone and fax, considerable emphasis was given to e-mail or Web technology as communication tools in the later phase of the campaign.

Due to the adoption of the new communication technologies on a large scale by ICBL and its role in promoting the cause of banning landmines, the Ottawa Convention to Ban Anti-Personnel Landmines was negotiated, signed and entered into force faster than any other major treaty in the world's history, i.e. in a period of less than 23 months.

Networking through travel and development of personal relationships was as important as the role of new communication technologies in linking together the huge ICBL coalition. Interpersonal chemistry within and between the campaigners, humanitarian activists, diplomats, and various governments also contributed to the growth and success of ICBL.

In addition to these three strategies, ICBL adopted a strategy of garnering support of prominent individuals to take the leadership role in addressing the humanitarian aspects of landmine use. This strategy contributed immensely to the success of the organization, as prominent individuals, including the late Princess Diana, Lloyd Axworthy, and Nelson Mandela helped to bring public and government attention to the landmine issue and highlight and promote the campaign against landmines.

For example, Princess Diana's popular appeal added unprecedented levels of public support to the campaign's efforts. After two highly-publicized visits to mine-affected Angola and Bosnia during 1997, Princess Diana raised the campaign's profile from that of just another group of disarmament activists haranguing the UN to a humanitarian cause célèbre.<sup>24</sup> Although the Canadian arm of the campaign had enlisted celebrity spokespersons to educate Canadians on the landmines problem, the photogenic Princess Diana's Angolan visit catapulted the issue onto millions of television screens as a result of which the issue gained prominence at the international level.

This came as a welcome gift to the international campaign, which had struggled to find an internationally-recognizable spokesperson to speak compassionately on behalf of the 26,000 casualties of landmines every year. Princess Diana's association with NGOs such as Halo Trust, MAG, and Landmines Survivor Network (LSN) also helped encourage a change in British landmine policy. For, until mid-1997, the UK was among the treaty's strongest opponents, and British official David Davis had publicly stated that supporting a ban would sacrifice 'the effectiveness of our armed forces on the altar of political correctness'.<sup>25</sup> However, after Princess Diana's visit to Angola, in a complete reversal of policy, David announced that Britain would support a ban, and the British government began to praise Princess Diana's positive influence on the issue.

#### *External Factors*

In addition to the inherent features and characteristics of ICBL which contributed to the success of the organization, two external components were also responsible for making the organization successful. These were:

- 1) strategic collaboration and partnership between ICBL and middle-power states; and
- 2) a working relationship between ICBL and other IOs.

Middle-sized state governments played a crucial part in making the Ottawa Process successful. For it was states like Canada, Norway, Belgium, Austria, and South Africa among other small- to medium-sized countries that drove the Ottawa Process along with the work of ICBL. The partnership between ICBL and states was one of the most decisive factors for the success of ICBL and the anti-landmine regime as a whole. It was the ICBL leadership that was intellectually responsible for a strategic decision critical for initiating and supporting the Ottawa Process.<sup>26</sup> They proposed the idea of bringing together like-minded pro-ban states (based on ICBL's list of 'good states') together in what came to be known as the 'core

group', and thereby proceed outside the UN CCW process.<sup>27</sup>

By design, core group members included regional champions tasked with bringing other states into the Ottawa Process. 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. 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 CD was crucial to the success of ICBL and the Ottawa Process.<sup>28</sup> 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.<sup>29</sup>

Noticeably, throughout the 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 favourable negotiating conditions in Oslo, including the two-thirds majority vote for decisions, the selection of Selebi as president, and the full participation of ICBL.<sup>30</sup>

Of key importance in this context was the role of Canada. It may be recalled that it was Canada's challenge to other countries in October 1996 during the International Strategy Conference: Towards a Global Ban on Anti-Personnel Mines that set the stage for the fast-track negotiation of what became known as the Ottawa Convention.<sup>31</sup> Minister Axworthy's challenge was critical to revitalize the ban efforts and build momentum for the cause at a time when only 50 countries had publicly declared their support for a comprehensive global ban through their participation in the 1996 Conference as full participants.<sup>32</sup> Canada played a key role in the success of both ICBL and the Ottawa Convention.

Austria, Norway, Belgium, Germany, and South Africa were some of the other states that built a partnership with ICBL and formed the core group of states that worked towards strengthening

the anti-landmine regime. Table 4.1 lists the key contributions of these mid-size states.

TABLE 4.1 CORE GROUP OF STATES AND THEIR CONTRIBUTIONS TO THE OTTAWA CONVENTION

<i>Country</i>	<i>Contribution</i>
Austria	Drafting treaty and hosting conference
Belgium	Drafting declaration and hosting conference
Canada	Hosting treaty-signing conference; drafting treaty and major financial contributor to ICBL and other state drafting conferences
Germany	Contribution to treaty technical-drafting expertise and hosting conference
Norway	Hosting final treaty-drafting conference; major financial contribution to ICBL
South Africa	Hosting Organization of African Unity Conference to encourage African states to sign treaty, and lending its moral authority to the Ottawa treaty
Switzerland	Supporting treaty drafting and establishing management system

Source: Kenneth Rutherford, 'Asserting Authority in International Security: The Mid-Size State Role in Banning Landmines': <http://peacecorpsonline.org/scanned/019014Rutherford.pdf>

Commenting upon the partnership between ICBL and the mid-size states, Cameron states, 'The partnership was intense, in that it involved daily contact among government and NGO leaders and an unprecedented degree of equality was achieved between state and non-state actors.'<sup>33</sup> It was this relationship which was essentially a strategic collaboration between the mid-size states and ICBL that led to the success of ICBL.

In addition to the collaboration between ICBL and the mid-size states, the working partnership between ICBL and other IOs, specially ICRC and the UN, was also fundamental to the success of ICBL. These organizations not only supported the cause of ICBL, but also at times complemented the efforts of ICBL.

ICRC's long history of providing medical care and treatment

to war victims and developing international humanitarian law placed it in the midst of the mines issue. ICRC was one of the first organizations to address the issue of landmines when it identified landmines as one of a number of conventional weapons of specific concern in the early 1950s. Through the 1970s and 1980s, this organization continued to publicize the human costs of landmines.<sup>34</sup> However, ICRC's first explicit response to the landmine crisis came in the form of a 1992 publication, *Mines: A Perverse Use of Technology*. In February 1994, ICRC President Cornelio Sommaruga stated that a prohibition on the production, stockpiling, transfer, and use of all anti-personnel landmines was the only practical solution to the crisis from a humanitarian standpoint.<sup>35</sup>

In addition to its own agenda of providing a solution to the landmines issue on the grounds of humanitarian concerns for civilians and international law, ICRC also supported the cause of ICBL and the Ottawa Process. Within the ICRC public advertising campaign, which was designed to raise public awareness of the scourge of mines and highlight the need for the prohibition of anti-personnel landmines, the campaign's communication strategy focused on support for ICBL and the Ottawa Process.<sup>36</sup> Further, ICRC's media campaign added credibility to ICBL by bridging the early demands of ICBL and the development of the core group of states.<sup>37</sup>

ICRC complemented ICBL in the latter's effort to ban landmines. Information from Red Cross doctors provided critical empirical evidence of the scale of the humanitarian crisis and the excessively injurious nature of the weapon which was effectively used in ICBL's campaign against landmines. During the Ottawa Process, ICRC gathered expert analysis of the landmines issue, organized a series of roundtables with representatives of the military, and released a significant report dispelling the arguments in support of the military utility of the weapon.<sup>38</sup> This information was effectively utilized by ICBL in its campaign.

In the latter stages of the campaign, ICRC also filled important gaps in ICBL's capability. This was possible as ICRC was particularly active in geographical regions such as Asia, where the NGO campaign was weak. ICBL also benefited from ICRC's special status as an

international organization, and its network of professional military officers that work with the ICRC armed forces on humanitarian law. These characteristics of ICRC gave it access to governmental and military circles that NGOs often lacked.

In the case of the UN, the Secretary General and significant humanitarian agencies including UNHCR, UNMAS and UNICEF contributed to the campaign against landmines. However, it was only in the light of the Ottawa Process that the UN as an institution became more involved with more comprehensive approaches to mine action, including: mine awareness and risk reduction education; minefield survey, mapping, marking and clearance; victim assistance; and advocacy to stigmatize the use of landmines and support a total ban on anti-personnel landmines.

The UN position on landmines and its importance to the success of ICBL is well-reflected in the fact that the UN is the repository for the Ottawa Convention. The UN's commitment to the anti-landmine cause is evident by Kofi Annan's statement.

The United Nations will take every opportunity to stigmatize the continuing use of landmines and to support a total ban on antipersonnel landmines. In order to receive assistance, relevant parties should be committed to supporting mine action actively, and to desisting from producing, stockpiling, using and transferring antipersonnel landmines.<sup>39</sup>

### *Miscellaneous Factors*

Fortuitous circumstances and conditions outside the control of ICBL were also responsible for the success of the campaign. Of primary importance in this context are the:

- 1) political environment in which the campaign was initiated and developed;
- 2) nature of the weapon in question; and
- 3) nature of the CD.

The geopolitical environment in which the organization was established and developed was a critical element responsible for the

success of ICBL. Characterized by the end of the Cold War, the geopolitical environment in the mid-1990s proved very beneficial for this coalition of NGOs to gain momentum and popularity. The ideological divide that had polarized international politics had evaporated, allowing small and medium states a freedom they had previously lacked to adopt positions of their own. This enabled greater consideration of individual policy proposals rather than automatic support for one of the two blocs.<sup>40</sup> For example, during the Cold War era, any state would have been unlikely to take action on a national security issue like landmines without securing support of its allies. Thus, unilateral measures such as the Belgian ban on landmines, which helped to build the momentum of the campaign, may not have been possible during the Cold War period.<sup>41</sup>

With the end of the Cold War and shifting centres of power, the world was capable of looking at war and peace in terms other than simply avoiding nuclear holocaust, and conflict in the developing world was no longer viewed simply through the lens of global competition. Organizations and individuals thus began to look at how wars had actually been fought during the Cold War, and what weapons and methods of warfare had had the most significant impact on the lives of civilians. As a result, there was an increased recognition of the human toll exacted by light weapons, including landmines.

The resolution of long-standing conflicts and the reconstruction of war-torn societies became a prominent objective of the international community. As landmines had become a weapon of choice in many outstanding conflicts, and as most of the war-torn societies were infested with landmines, the scourge of landmines became very apparent to those engaged in the twin tasks of peace-keeping and peace-building.

Coupled with these developments was the growing power and significance of NGOs, which, as we have seen earlier, emerged as significant players in international relations in the post-Cold War era. NGOs were most actively involved in tasks of post-war reconstruction and rehabilitation, and having witnessed the horrific

impact of landmines on civilian populations first-hand in almost every region of the world, these organizations started working towards a global ban on landmines. This led to the establishment of ICBL and later contributed to its success.

Along with the nature of the geopolitical environment in the 1990s, the nature and characteristics of the anti-personnel landmine, the banning of which was the central objective of ICBL, also contributed to the success of ICBL in achieving its goal. There is little doubt that much of the success can be traced to the uniqueness of the APM issue itself: once the true destructiveness of APMs was made clear to the publics, politicians, and policy makers, the drive towards a ban was almost inevitable.<sup>42</sup>

The fact that landmines were not a very profitable industry made the task of ICBL easier. As these weapons were produced by small munitions companies unconnected with major defence contractors, a potent major advocate for the continued use of landmines did not emerge. The arms industry was not vociferously opposed to a ban due to the relative economic insignificance of anti-personnel landmines.<sup>43</sup> It was estimated that the trade in landmines accounted for less than \$100 million of the \$20 billion-a-year global arms trade, so landmines sales were not relatively significant.<sup>44</sup> Also, there was not much evidence furnished by military leaders and governments to support the military utility of landmines. On the other hand, by countering the limited military arguments for landmine use, ICBL was able to diminish military calls for preservation of the landmine as a legitimate weapon and opposition to the ban. From the very beginning of the campaign, ICBL members produced extremely solid analyses to support the case for a mine ban and refute specific arguments raised by ban opponents. In other words, had comprehensive studies on the military utility of mines existed, the split between ministries of defence and foreign affairs that were critical to the success of the campaign would have been less easily achieved.<sup>45</sup>

The third of the miscellaneous reasons for the success of ICBL was the nature of the traditional mechanism of international law-making, i.e the Conference on Disarmament (CD).<sup>46</sup> The CD in

Geneva had been the single multilateral disarmament negotiating forum, thus making it the natural choice to begin negotiating a ban on APMs.<sup>47</sup> However, the conference faced opposition from three quarters: states opposed to any fresh ban on APMs; some non-aligned states which considered that the conference should not concern itself with conventional weapons but concentrate on nuclear disarmament; and the promoters of the Ottawa Process, which regarded the CD as a competing body.

The CD approach to ban landmines was initiated with the decision of the US in January 1997 to seek negotiations on a worldwide landmines ban in the 61-member CD rather than within the framework of the Ottawa Process. The CD having encountered several problems while addressing the issue of APMs, by June 1997, the idea of setting up an ad hoc committee to address the issue was dropped, after which the US and other countries continued to press for the appointment of a special coordinator as a first step to getting landmines addressed by the CD.<sup>48</sup> The CD then 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 elusive. Further, the members of ICBL and the promoters of the Ottawa Process felt that there was a danger that the prevailing consensus rule at Geneva and other UN bodies and the pace of work at the UN would limit the scope of the future convention and fail to match the urgency of banning APMs.<sup>49</sup> This slow pace of the CD proceedings, along with a sense of frustration with the failure of traditional multilateral diplomacy to find a durable solution to the global landmine crisis, provided momentum and support to the campaign initiated by ICBL.

It was the combination of all the above factors that made ICBL successful in its endeavour to effectively address the landmine crisis by prohibiting their production, use, sale, stockpiling, and transfer. Having established that ICBL was an integral part of the Ottawa Process and examined the factors responsible for making ICBL a success, let us now briefly examine the reasons for the success of the Ottawa Process as a whole.

## SUCCESS OF THE OTTAWA PROCESS

The success of the Ottawa Process resulted in a variety of explanations on why the premise succeeded. Representatives of governments, NGOs, and academicians put forward several theories and analyses to explain the Ottawa Process. According to Cameron, Lawson, and Tomlin, the Ottawa Process succeeded because of the 'partnership built by states and NGOs, the direct involvement of NGOs in the negotiation of a multilateral treaty, small- and medium-sized countries working in a coalition, a close-knit core group within that partnership; and negotiations held outside the normal channels and mechanisms.'<sup>50</sup> Maurice Bleicher attributes the success of the Ottawa Process to a mixture of 'four main ingredients': a situation and cause that were visible and palpably real in the public mind and the media; mobilization of public opinion by a the NGO network (ICBL) with media support and determination of a hard core of states; the role of Canadian Foreign Minister Lloyd Auxworthy; and the manner in which the Ottawa Process was handled.<sup>51</sup> Ann Peters is of the opinion that the determination of a global network of committed NGOs, the use of the newest technologies, and the emergence of true partnerships between governments and non-governmental sectors were responsible for the success of the Ottawa Process.<sup>52</sup>

The delegates at the December 1997 treaty-signing conference believed that it was the characteristics of the Ottawa Process that made it successful. The Ottawa Process was seen as unorthodox diplomacy, distinguished by the following characteristics: small and medium powers had taken the lead on the issue; the process was conducted outside the regular diplomatic channels and negotiations were conducted on a fast-track schedule; the core group of pro-ban states was cross-regional and represented diverse interests and views; and NGOs were active participants throughout the negotiation process.<sup>53</sup>

These explanations suggest that the criteria for the success of the Ottawa Process in general, and ICBL within the Ottawa Process in particular, include:

- 1) a partnership built by states and NGOs;
- 2) the direct involvement of NGOs in the negotiation of a multilateral treaty;
- 3) small- and medium-sized countries working in a coalition;
- 4) a close-knit core group within that partnership; and
- 5) negotiations held outside the 'normal channels and mechanisms'.

A thorough examination of these criteria would show that they are not a magical potion that cannot be replicated. They are, in fact, criteria that relate to coalition building for a variety of issues. If this unique coalition was brought about in part by the end of the Cold War, it is not inconceivable that the types of actors involved could come together again on other issues and attain success as well.<sup>54</sup>

In a survey conducted during the December 1997 treaty-signing conference, the views of NGO and government representatives differed on the generalizability of the Ottawa Process to other disarmament issues.<sup>55</sup> While most of the NGO representatives believed that the process was applicable to disarmament issues such as child soldiers, the government representatives 'were more likely to say that the landmines issue may have too many unique aspects for it to be replicated.'<sup>56</sup>

In an interesting study, Kenneth Rutherford presented eight similarities between the Hague Conventions of 1899 and 1902 and the Ottawa Process which led several theorists to argue that there was nothing innovative about the Ottawa Process, and it was merely a return to the pre-World War II practice of lawmaking.<sup>57</sup> Don Hubert suggested that the stark parallels between 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.<sup>58</sup> Similarly, Maurice Bleicher is of the opinion that despite the innovative features of the Ottawa Process, it is reasonable to wonder whether the way in which the Ottawa Convention was negotiated was not, in some aspects, a return to past practice.<sup>59</sup>

However, three facts do differentiate the Hague Conventions from the Ottawa Process. First, NGOs played a far more significant role in raising the international profile of landmines than was the case with the

dum-dum bullet. Second, the strategic cooperation among the core group far exceeded the cooperation among like-minded states in the 1890s. The close working partnership between ICBL and the core group is an important difference. And last, although both cases demonstrate strong international links among NGOs, the landmines case seems to suggest a strengthening of national and grass-roots support. As a result of these differences, the Ottawa Process can be seen as revitalizing a pre-World War II style of disarmament negotiations rather than returning to past practice of lawmaking.

When considered in this broad historical context, the prospects for replicating key elements of the landmines campaign in response to other pressing international security issues appear promising: 11 other NGO-initiated security-related campaigns have been announced since the Ottawa Convention came into force.<sup>60</sup>

The inevitable question which arises is: Is there a possibility of extracting lessons from the Ottawa Process, and what is the possible applicability of such lessons to other issue areas? In other words, can there be another success story based on the lessons from the Ottawa Process? The next section examines the principal lessons from the Ottawa experience.

## PRINCIPAL LESSONS FROM THE OTTAWA EXPERIENCE

### *Potential of INGOs*

The primary lesson that can be drawn from the experience of ICBL is that INGOs have the power and potential to set the international political agenda. These organizations can even bring issues having international security implications on the international agenda, provoke urgent actions by governments, and serve as the driving force behind change.<sup>61</sup> The power of INGOs in this regard can be gauged from the fact that in the survey conducted during the December 1997 treaty-signing conference, a majority of government officials participating in the Ottawa treaty negotiations felt that their state signed the treaty because of the pressure exercised by the NGOs, particularly their presence at the table during the treaty-negotiation process where they were able to influence policy decisions.<sup>62</sup>

*Strategic Collaboration/Partnership Pays*

The principal legacy of ICBL and the landmines campaign is the partnership between governments, NGOs, and IOs, which proves that it is possible to achieve rapid success internationally through common and coordinated action by NGOs, like-minded governments, and other key actors such as UN agencies and ICRC. It is through concerted action that change is most likely to be effected.

*Major Powers Need Not Always Lead*

Another important lesson from the ICBL experience of NGOs and the partnership of mid-size states is that it is possible for small- and medium-size countries acting in concert with civil society to provide global leadership and achieve major diplomatic results even in the face of opposition from bigger powers.<sup>63</sup> The fact that the treaty was concluded in the absence of sponsorship by a hegemon and in the face of stiff opposition from certain big powers confirms that the US does not always have to be a leader in post-Cold War global politics.<sup>64</sup>

*Traditional Diplomatic Fora and Tools Can be Avoided*

Traditional diplomatic fora, tools and mechanisms can and should be obviated when they represent an obstacle to the achievement of policy goals that are widely demanded by world opinion. This was one of the most significant and path-breaking lessons from the anti-landmines campaign. The facts that NGOs were welcomed as active participants, priority was given to stringent provisions over universal acceptance, and the negotiations were held outside the CD, prove that non-conventional tools and techniques can be used effectively.

Based on these key lessons from the experience of ICBL in the anti-landmines campaign and the resulting Ottawa Process and Convention, a framework for future engagement of INGOs in arms control and disarmament-related issues can be prepared. This framework is based on the following premise.

INGOs have the potential and viability to play a significant role in arms control and disarmament when:

- in the face of an overwhelming crisis which is acquiring global proportions, affecting millions of people and needs immediate action;
- NGOs and INGOs come together to form a coalition or alliance amongst themselves;
- seek to affectively address the issue by means of a comprehensive campaign aiming at a central objective;
- in this effort they build a strategic collaboration or partnership with like-minded states and other IOs including the UN;
- and adopt diverse strategies and techniques including:
  - \* a comprehensive frame for action,
  - \* a clear message and focus, which is maintained throughout the campaign,
  - \* a time-bound solution,
  - \* not hesitating to seek the leadership of middle-power states even in the face of opposition of major powers,
  - \* utilizing all available and diverse forums including the media,
  - \* addressing the issue outside the traditional diplomatic fora,
  - \* utilizing non-conventional diplomatic tools including majority rule, and speed,
  - \* not accepting any compromises or exceptions to the stated objective,
- and in the presence of fortuitous circumstances,
- are successful in providing a solution to the problem.

This framework is thus characterized by three main features: a coalition/campaign based on a clear-cut objective; a working partnership between NGOs, IOs, and states; and the use of new tools and techniques. This framework can be used to construct the model for INGO participation in arms control and disarmament, like the INGO-AC/D model (Fig. 4.1), based on the experience of ICBL in the landmines case.

The model suggests that new actors, partnerships, and strategies should be employed if the potential of INGOs in arms control and disarmament is to be realized. The new actors would be a combination of INGOs and NGOs which team up with state actors such as governments and IOs to address a crisis situation caused by weapons, by means of forming a coalition and adopting new strategies for the same. The new strategies would be part of the comprehensive campaign initiated by the NGOs and supported by its partners and would aim at a central objective. Utilizing the combined resources of the new actors involved, the campaign itself would employ several sub-strategies, including maintaining a clear focus and goal throughout the campaign, and adopting different techniques to gain support for the campaign and its underlying cause. These would include a variety of tools, such as: speed, majority vote, willingness to approach non-traditional diplomatic fora, techniques, etc. However, the actors would be able to implement their strategy and function as a collective whole only in the presence of certain fortuitous conditions, including a suitable political environment and other negotiating conditions.

The model suggests that five vital steps, which, when implemented, result in NGOs emerging as significant players in the field of arms control and disarmament. In other words, when three factors, viz., new actors, new partnerships, and new strategies come together in the presence of fortuitous conditions, the potential and viability of INGOs in the field of arms control and disarmament can be realized.

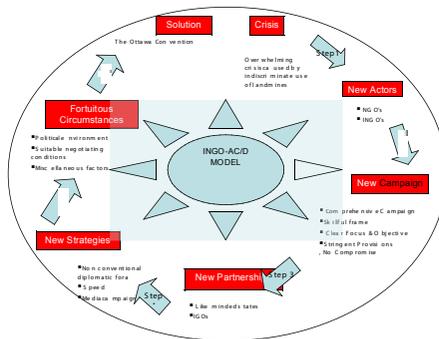


FIG. 4.1 THE INGO-AC/D MODEL

NOTES AND REFERENCES

<sup>1</sup> Kenneth Roth, 'New Minefields for NGOs: After the War on Landmines, these Organizations Started New Campaigns', *Nation*, 13 April 1998, p. 22.

<sup>2</sup> From *Les Prix Nobel (The Nobel Prizes) 1997*, ed. Tore Frøngsmyr, Stockholm: Nobel Foundation, 1998.

<sup>3</sup> Lloyd Axworthy, 'Towards a New Multilateralism' in *To Walk Without Fear: The Global Movement to Ban Landmines*, ed. Maxwell A. Cameron, Robert J. Lawson and Brian W. Towlin, London: Oxford University Press, 1998, p. 448.

<sup>4</sup> Kofi Annan, 'Secretary General Calls Partnership of NGOs, Private Sector, International Organizations and Governments Powerful Partnership for Future', Remarks to the Forum on Global Issues, Berlin, 29 April 1999, UN Press Release, SG/SM/6973.

<sup>5</sup> Kenneth Anderson, 'The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations and the Idea of International Civil Society', *European Journal of International Law (Italy)*, vol. 11, no. 1, 2000, p. 92.

<sup>6</sup> Maurice Bleicher, 'The Ottawa Process: Nine-Day Wonder or a New Model for Disarmament Negotiations?' *Disarmament Forum*, vol. 2, 2000, p. 73.

<sup>7</sup> [www.nobelprize.org](http://www.nobelprize.org)

<sup>8</sup> Don Hubert, 'The Landmine Ban: A Case Study in Humanitarian Advocacy', Occasional Papers (Providence) no. 42, 2000, p. 39.

<sup>9</sup> Excerpt from Jody Williams' Nobel speech: [http://nobelpeaceprize.org/eng\\_lect\\_97b.html](http://nobelpeaceprize.org/eng_lect_97b.html)

<sup>10</sup> Matthew J. O. Scott, 'Danger—Landmines! NGO—Government Collaboration in the Ottawa Process' in *Global Citizen Action*, ed. Michael Edwards, Boulder, CO: Lynne Rienner Publishers, 2001, p. 134.

<sup>11</sup> These effects include more than 26,000 people per year of whom an estimated 80 per cent are civilian, and the killing of more people than biological, chemical, and nuclear weapons combined. Aggravating the problem is that landmines will continue killing people because there are between 59 and 69 million landmines currently deployed, which makes them 'one of the most toxic and widespread pollution[s] facing mankind'.

<sup>12</sup> Gebauer Thomas, 'Mine Action in the Context of Social Integration: On the Way to an Effective Abolition of Mines': [www.medicoint.com](http://www.medicoint.com)

<sup>13</sup> David C. Atwood, 'Implementing Ottawa: Continuity and Change in the Role of NGOs', *Disarmament Forum (Geneva)*, no. 4, 1999, p. 27.

<sup>14</sup> Hubert, op. cit., n. 8 above, p. 31.

<sup>15</sup> Williams, op. cit., n. 9 above.

<sup>16</sup> Jody Williams and Stephen Goose, 'The International Campaign to Ban Landmines' in *To Walk Without Fear*, ed. Cameron et al., pp. 21–22.

<sup>17</sup> The steering committee was renamed the Coordination Committee in 1998 and six new members were added. In 2005, the ICBL went through a major transition process and reviewed its structure. It now has a management committee

comprising four members, and its coordination committee has been replaced by the Advisory Board now composed of 21 members: [www.icbl.org](http://www.icbl.org)

<sup>18</sup> Hubert, op. cit., n. 8 above, p. 33.

<sup>19</sup> Interestingly, the critics of ICBL hold this narrow focus as a drawback of the organization. They are of the opinion that when ICBL had the opportunity to expand its reach to broader issues, the campaign remained narrowly focused on achieving a ban on anti-personnel landmines only. In doing so, critics claimed that the campaign had sacrificed the opportunity to ride a rising wave of support for 'global human security', passing up an important chance to highlight poverty in the developing world.

<sup>20</sup> Kenneth R. Rutherford, 'The Evolving Arms Control Agenda: Implications for the Role of NGOs in Banning Anti-Personnel Landmines', *World Politics* (Princeton), vol. 53, October 2000, p. 95.

<sup>21</sup> Diana O'Dwyer, 'First Landmines, now Small Arms? The International Campaign to Ban Landmines as a Model for Small Arms Advocacy', *Irish Studies in International Affairs*, vol. 17, 2006, p. 78.

<sup>22</sup> Refer to Ch. 3.

<sup>23</sup> Williams and Goose, op. cit., n. 16 above, p. 23.

<sup>24</sup> Richard A. Matthew, 'Middle Power-NGO Coalitions: A Significant Force in World Politics?' in *Reframing the Agenda: The Impact of NGO and Middle Power Cooperation in International Security Policy*, ed. Kenneth R. Rutherford, Stefan Brem and Richard A. Matthew, Portsmouth: Praeger Press, 2003, p. 202.

<sup>25</sup> Rutherford, op. cit., n. 20 above, p. 100.

<sup>26</sup> Maxwell A. Cameron, 'Global Civil Society and the Ottawa Process: Lessons from the Movement to Ban Anti-Personnel Mines', *Canadian Foreign Policy* (Canada), vol. 7, no. 1, Fall 1999, p. 94.

<sup>27</sup> Scholars differ over the membership of the core group. While Kenneth Rutherford confines its membership to Canada, Austria, Belgium, Norway, Germany, South Africa, and Switzerland, Lora Lumpe includes Japan, Sweden, and the Netherlands in the above list.

<sup>28</sup> Hubert, op. cit., n. 8 above, p. 36.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Refer to Ch. 3.

<sup>32</sup> Ann Peters, 'International Partnerships on the Road to Ban Anti-Personnel Landmines', *UN Vision Project on Global Public Policy Networks*, Washington, D.C.: Global Public Policy Networks, 2000, p. 15: [www.globalpublicpolicy.net](http://www.globalpublicpolicy.net)

<sup>33</sup> Cameron, op. cit., n. 26 above, p. 91.

<sup>34</sup> In the 1970s, ICRC had a pragmatic view of the landmines issue. The organization arranged international conferences of experts in which weapons and humanitarian law were discussed. While a total ban on particular weapons was advocated by some participants, others believed that bans could not be achieved at that stage. They considered that restrictions on the use of particular weapons would achieve greater progress. However, when the 1980 Convention negotiated after those conferences did not assist in stemming the use of anti-personnel landmines,

ICRC called for a complete ban on the weapon at the opening of the 1994 preparatory meetings for the CCW Review Conference.

<sup>35</sup> Stuart Malsen, 'The Role of the International Committee of the Red Cross' in Cameron et al., op. cit., n. 16 above, p. 85.

<sup>36</sup> Ibid., p. 87.

<sup>37</sup> Hubert, op. cit., n. 8 above, p. 35.

<sup>38</sup> ICRC, *Anti-Personnel Landmines: Friend or Foe? A Study of the Military Use and Effectiveness of Anti-Personnel Mines*, Geneva: ICRC, 1996.

<sup>39</sup> 'Mine Action and Effective Coordination: The United Nations Policy': [www.un.org/depts/dpko/mine/htm](http://www.un.org/depts/dpko/mine/htm)

<sup>40</sup> O'Dwyer, op. cit., n. 21 above, p. 78.

<sup>41</sup> Hubert, op. cit., n. 8 above, p. 30.

<sup>42</sup> Robert J. Lawson, Mark Gwozdecky, Jill Sinclair and Ralph Lysyhyn, 'The Ottawa Process and the International Movement to Ban Anti-Personnel Mines' in Cameron et al., op. cit., n. 16 above, p. 165.

<sup>43</sup> O'Dwyer, op. cit., n. 21 above, p. 82.

<sup>44</sup> Ibid.

<sup>45</sup> Hubert, op. cit., n. 8 above, p. 37.

<sup>46</sup> The CD, established in 1979 as the single multilateral disarmament negotiating forum of the international community, was a result of the first Special Session on Disarmament of the UN General Assembly held in 1978. It succeeded other Geneva-based negotiating fora, which include the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Committee on Disarmament (1962–68), and the Conference of the Committee on Disarmament (1969–78). The CD is not a UN body but an autonomous body which receives support from the UN system.

<sup>47</sup> Throughout the autumn of 1996, the debate over the suitability of the CD as a venue for landmine negotiations remained entirely theoretical. Supporters of the CD approach, including Australia, France, Britain, Germany, Spain, Finland, and the US, argued that a ban on production, transfer, stockpiling, and use of APMs 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 CD 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 CD engaged the major producers and users, opponents countered that the CD was not universal and excluded most severely-mine-affected states. While acknowledging recent CD successes, campaigners were quick to point out the glacial pace of the process: both recent conventions had been under negotiation for decades. Finally, ban advocates argued that landmines should be addressed as a humanitarian crisis rather than a security issue.

<sup>48</sup> Shankari Sundararaman, 'Landmines: To Ban or Not to Ban', *Strategic Analysis* (New Delhi), vol. 21, no. 8, 1997, p. 1129.

<sup>49</sup> Bleicher, op. cit., n. 6 above, p. 72.

<sup>50</sup> Maxwell A. Cameron, Robert J. Lawson and Brian W. Tomlin, 1998, 'To Walk Without Fear' in Cameron et al., op. cit., n. 16 above, pp. 1–17.

<sup>51</sup> Bleicher, op. cit., n. 6 above, p. 70.

<sup>52</sup> Peters, op. cit., n. 32 above, p. 17.

<sup>53</sup> Cameron et al., op. cit., n. 50 above, p. 11.

<sup>54</sup> Peters, op. cit., n. 32 above, p. 18.

<sup>55</sup> The survey was conducted by Ekos Research Associates to elicit the views of a wide cross-section of participants on key aspects of the Ottawa Convention: the decision to sign, its impact, compliance issues, as well as on the Ottawa Process itself. There was a total of 201 completed responses derived from representatives from governments (45%), NGOs (41%), and IOs (9%).

<sup>56</sup> Ekos Research Associates, 'Interactive Survey Group Highlights and Results' in *A Global Ban on Landmines*, p. 5: [www.ekos.com](http://www.ekos.com)

<sup>57</sup> Kenneth Rutherford, 'The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes', *Nonproliferation Review* (Monterey), vol. VI, no. 3, Spring–Summer 1999, pp. 36–50.

<sup>58</sup> Hubert, op. cit., n. 8 above, p. 40.

<sup>59</sup> Bleicher, op. cit., n. 6 above, p. 74.

<sup>60</sup> Rutherford, op. cit., n. 57 above, p. 40.

<sup>61</sup> Jody Williams, 'The Role of Civil Society in Disarmament Issues: Realism vs. Idealism', paper presented at the UN–China Disarmament Conference, *A Disarmament Agenda for the Twenty-First Century*, Beijing, China, 2–4 April 2002, *DDA Occasional Papers*, UN Department for Disarmament Affairs, New York, no. 6, October 2002.

<sup>62</sup> Ekos Research Associates, 'Ban Convention on Anti-Personnel Mines: Government Representative Focus Group', p. 1: [www.ekos.com](http://www.ekos.com)

<sup>63</sup> Cameron, op. cit., n. 26 above, p. 93.

<sup>64</sup> *Ibid.*

## CHAPTER 5

### *Conclusion: Testing the INGO–AC/D Model*

The INGO–AC/D model bears the potential to emerge as the harbinger and prototype of a new model of INGO participation in arms control and disarmament, if its applicability to other arms control and disarmament issues is proved. This concluding chapter will test the applicability of the model to another pressing arms control and disarmament issue, small arms, in order to ascertain the viability of the model constructed in the previous chapter. Divided into two sections, this chapter will first briefly examine the issue of small arms, and then apply and test the INGO–AC/D model.

#### SMALL ARMS: AN INTRODUCTION

The illicit proliferation and misuse of small arms and light weapons (SALW) ranks among today's most pressing security threats. The significance and gravity of the small arms problem was underlined by the UN Secretary General's October 2000 'We the People' millennium speech to the General Assembly in which he stated:

The death toll from small arms dwarfs that of all other weapons systems—and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as 'weapons of mass destruction'. Small arms proliferation is not merely a security issue; it is also an issue of human rights and of development. The proliferation of small arms sustains and exacerbates armed conflicts. It endangers peacekeepers and humanitarian workers. It undermines respect for international humanitarian law. It threatens legitimate but weak governments and it benefits terrorists as well as the perpetrators of organised crime.<sup>1</sup>

Interestingly, there is no agreed official definition of small arms. However, the most widely used definition is the one contained in the UN International Instrument on Small Arms and Light Weapons.<sup>2</sup> According to this document, which was adopted by the UN General Assembly in December 2005, SALW are defined as ‘any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive’. In a broader context, small arms are defined as weapons designed for individual use and include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine guns. Similarly, light weapons are designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

Given this basic definition, experts estimate that there are more than 600 million SALW in circulation worldwide, which are responsible for more than half a million deaths each year—roughly one death a minute.<sup>3</sup> The great majority of the victims are civilians—casualties of armed conflict, coups d’etat, homicides, and shootings by police or paramilitary groups. Non-combatants represent approximately 80–90 per cent of the casualties in contemporary conflicts, and in many civil conflicts they are deliberate targets rather than ‘collateral’ casualties.<sup>4</sup> More alarmingly, according to the 2006 report of Amnesty International, there are two bullets for every person on the planet and one gun for every 10, and an average of 1,000 people are killed every day by small arms.<sup>5</sup>

Available data indicate that SALW are the major weapons used in today’s conflicts. For example, out of the 49 major conflicts fought in the 1990s, small arms were the only armaments used in 46.<sup>6</sup> Small arms were the dominant weapons used in the 95 internal conflicts that were fought around the world between 1989 and 1996.<sup>7</sup>

Tens of thousands of people are killed or wounded each year in conflicts that are fought primarily with these weapons and in crime-ridden areas outside conflict zones. They are also the weapons of choice for many terrorists. Approximately half of the international terrorist incidents documented in the 2003 US Department of State report on global terrorism were perpetrated with SALW.<sup>8</sup>

The lethal nature of these weapons, coupled with their inherent characteristics, make them a weapon of choice. These characteristics include their easy and ready availability, cheap price, durability, portability, and the fact that they can easily be concealed. They are also suitable for military, police, and civilian use.<sup>9</sup>

Consequently, the small arms problem has acquired greater international attention. Their uncontrolled proliferation and stockpiling before, during, and following violent conflicts has led to many regions being flooded with small arms with devastating consequences on individual (human), national, and international security. SALW are the primary instruments of violence which have prolonged or aggravated conflicts, produced massive flows of refugees, undermined the rule of law, and spawned a culture of violence and impunity.<sup>10</sup> The proliferation of small arms is fuelling not only conflict, but also poverty and human rights abuses worldwide. As a result, in addition to the security concerns that initially called attention to small arms, the issue is increasingly being discussed in terms of human rights, economic development, and human development.

#### ADDRESSING THE ISSUE OF SMALL ARMS

The small arms issue has been on the agenda of the international community including that of the UN since the 1980s. In 1979 itself, Amnesty International attempted to launch a project and campaign on small arms, but was unsuccessful in doing so.<sup>11</sup> The SALW issue gained prominence only in the mid-1990s, when the then UN Secretary General Boutros Boutros Ghali, in his 1995 Supplement to An Agenda for Peace, challenged the international community to find effective solutions to the problem of small arms

proliferation and misuse, particularly in the context of UN peace-keeping operations.<sup>12</sup> The call for micro-disarmament emphasized the need for the exploration of ‘practical disarmament in the context of the conflicts the UN is dealing with and of the weapons, most of them light weapons that are actually killing people in the hundreds of thousands’.<sup>13</sup> In 1995, General Assembly Resolution 50/70B requested the Secretary General to prepare a report with the assistance of a group of governmental experts on SALW. An experts’ group was formed to examine the types of SALW being used in conflicts, and ‘the nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade.’<sup>14</sup>

Coinciding with the UN focus and interest on the small arms issue, the NGO community, particularly humanitarian and human rights NGOs, also began to produce empirical evidence of a link between increased small arms proliferation and such negative effects as increased violence and loss of life, specially amongst civilians.<sup>15</sup> From the mid 1990s, there was a growing movement of NGOs, IOs and progressive governments seeking to restrict the availability of small arms. However, the elements of a coherent campaign to address SALW started to emerge only in 1997 and the emergence of a formal NGO network began with a meeting in Canada in August 1998. This 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>16</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>17</sup> These organizations represented human rights/humanitarian, conflict/disarmament, gun control and development/refugee NGOs. In October 1998, at a one-day NGO meeting in Brussels, the campaign document was further reviewed and IANSA was formally launched in May 1999 at the Hague Appeal for Peace.

IANSA held up ICBL as an example of how to work with medium-sized states on security issues—even in opposition to major powers, such as the US, China, and Russia.<sup>18</sup>

IANSA is a global network of civil society organizations working to stop the proliferation and misuse of SALW. It is a democratic, participant-led organization built on national, subregional and regional networks of civil society NGOs. Membership in the network is extremely ‘loose’, since organizers have sought breadth of support over depth.<sup>19</sup> Thus, in addition to a broad range of NGOs, the network also includes university departments, UN agencies, ICRC, and groups of eminent persons. Interestingly, 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’.<sup>20</sup>

IANSA aims to reduce small arms violence by raising awareness among policy makers, the public, and the media about the global threat to human security caused by small arms; promote the work of NGOs to prevent small arms proliferation through national and local legislation, regional agreements, public education and research; foster collaborative advocacy efforts and provide a forum for NGOs to share experiences and build skills, establish regional and subject-specific small arms networks; and promote the voices of victims in regional and global policy discussions.<sup>21</sup> 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.

Significantly, it should be noted that IANSA, which is essentially an INGO umbrella group on small arms, is called a ‘network’ rather than a ‘campaign’. This was the result of a conscious decision by the NGOs involved in strategizing and conceptualizing exercises in the formative stages of IANSA as these organizations realized that there was no single overarching campaign goal, and the organization was of a broad and open-ended nature. This, in turn, was due to the presence of different interests and orientations of the various stakeholders involved (Table 5.1). A significant fallout of this factor

was the manner in which the different NGO groups framed the issue of small arms, as different ways of framing the problem can generate very different prescriptions for international action.<sup>22</sup> For example, a focus on criminality and 'local' violence leads naturally to a strong emphasis on national gun control legislation, and somewhat less concern with initiatives such as enhancing cross-border customs controls or tightening national export legislation. Likewise, a focus on potential human rights violations (by states as well as non-state actors) leads one to reject a narrowing of focus to the problem of illicit weapons transfers, since legal transfers to states can still be (and often are) the source of massive violations of human rights and humanitarian law.<sup>23</sup>

TABLE 5.1 THE IANSA MEMBERSHIP

<i>NGO</i>	<i>Expertise Area</i>	<i>Description/Framing of Problem</i>
Amnesty International; Human Rights Watch; Pax Christi	Human rights	Humanitarianism; human rights
Federation of American Scientists; BASIC; GRIP; Saferworld	Arms control	Conf ict and regional destabilization
International Alert; Project Ploughshares	Security studies and \Communal conf icts	conf ict research
Oxfam; World Vision; CARE	Development programmes	Economic development and good governance
HELP; Gun Control Network, UK	Public safety	Public health and criminality

Since its inception, IANSA has grown to include over 700 participant NGOs and groups in nearly 100 countries. A wide range of NGOs concerned with diverse activities and interests, including human rights, disarmament, policy development, research, victims, and community action organizations comprise IANSA.

Significant IOs including the UN and ICRC also support the

cause of small arms and complement the efforts of IANSA. While ICRC is one of the few organizations actively engaged in the small arms issue that adopts an explicitly humanitarian approach, the UN system has been at the centre of the effort to control small arms since the Secretary General's call for micro-disarmament.<sup>24</sup> To coordinate UN activities, Secretary General Kofi Annan pooled UN policies on SALW under the authority of the UN Department for Disarmament Affairs in August 1998. The Coordinating Action on Small Arms (CASA) helped to facilitate and harmonize different activities under the auspices of the UN, which included departments and branches responsible for political affairs, humanitarian affairs, peace-keeping operations, development programmes, economic and social affairs, crime prevention, criminal justice, etc.<sup>25</sup>

Over the years, the UN has hosted two major international conferences to address the issue of small arms. At the UN Conference on the Illicit Trade in Small Arms and Light Weapons in July 2001, states adopted a Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. While not a legally binding agreement, the Programme of Action provides a global framework for addressing some elements of small arms availability; sets an agenda of regular meetings, keeping up the momentum for global action; and contains provisions for stockpile management, weapons collection, and destruction of surplus weapons. However, it does not refer to the obligations of states to end the misuse of weapons by government forces (police and military), nor does it address critical issues such as guns in the hands of civilians, weapons transfers to armed non-state actors, and assistance to survivors of armed violence.

The First Review Conference on Small Arms (RevCon) was convened in 2006 and attended by representatives of governments, NGOs, and UN agencies. The agenda was to assess progress made since 2001 in implementing the Programme of Action, and adopt recommendations on future priorities. Although intense negotiations were conducted around several versions of a draft outcome document of a non-binding nature, the conference participants were unable to agree to any document to guide future

action.<sup>26</sup> The Programme of Action thus remains the guiding framework for global action to control the small arms trade.

In addition to IOs, several states including Canada, Norway, Japan, Belgium, Sweden, and South Africa have also supported and promoted action on small arms. In fact, the governments of Belgium, Sweden, and Norway along with those of the INGO-AC and the Netherlands, fund IANSA.

It is seen that all the elements for a comprehensive campaign against small arms have been in place since the foundation of IANSA in 1998. However, no substantial success has been achieved so far. The small arms problem still looms large, and IANSA has not been successful in adequately addressing the crisis posed by these weapons.

Having examined the problem of small arms, the following section will test the applicability of the INGO-AC/D model to the case of small arms.

#### SMALL ARMS AND THE INGO-AC/D MODEL

As we saw in the previous chapter, the INGO-AC/D model suggests that if the required five steps are implemented, NGOs/INGOs can successfully address the arms control and disarmament issue in question. Let us now examine the five steps in the context of small arms.

Given that the small arms problem is obtaining the shape of a crisis requiring immediate action, according to the model, NNGOs and INGOs working on the issue would come together to build a coalition to form a campaign (Step I). This campaign would identify a central objective, and its members would collectively work towards achieving that objective by means of adopting an adequate frame of reference. The common principal objective would be clearly stated, and no compromises would be allowed (Step II). In its effort to effectively address the issue of small arms at the international and national forums, the campaign would form sustainable partnerships with like-minded states and IOs such as the UN and ICRC which support the cause of addressing the SALW problem (Step III).

This campaign or coalition, now comprising NGOs, INGOs, IGOs and states would adopt a variety of strategies and tools to achieve the principal objective, identified and stated earlier. While doing this, the coalition would maintain a clear message and focus throughout the campaign; aim at a time-bound solution; utilize non-conventional diplomatic tools, techniques, and fora, including majority rule and speed; an effective media campaign; and not accept any compromises or exceptions to the stated objective

(Step IV). Further, the presence of fortuitous circumstances, such as a suitable political environment and negotiating conditions would enable the coalition to achieve their goals and thus ensure the success of the campaign (Step V).

According to the model, the application of these five steps would ensure that the small arms problem is adequately addressed. However, having examined the actual sequence of events in the case of small arms earlier, it is evident that the INGO-AC/D model has not been implemented in the case of small arms. A comparison between the actual sequence of events and the theoretical application of the model would show that although the small arms campaign was influenced by the ICBL model of functioning, the five vital steps identified by the INGO-AC/D model were not completely followed.

While NGOs and INGOs did come together to form a coalition (IANSAs) to address the crisis caused by small arms, the coalition failed to adopt a common frame of reference and was not successful in identifying a principal objective, common to all members of the coalition. And although the coalition, as suggested by the model, did seek and win the support of like-minded governments and IOs including ICRC and the UN, it was unable to launch a coherent and focussed campaign adopting new techniques and strategies, because it had failed to identify a central goal. Moreover, as a result of the absence of suitable negotiating conditions, Step Five of the model was also missing in the case of small arms. This is primarily because the international political environment was not as conducive to the small arms campaign as it was to the campaign against landmines.

Thus, it is seen that three vital steps of the INGO-AC/D model

have not been followed in the case of small arms. The inevitable question which arises is: Why was the INGO–AC/D model not successfully implemented in the case of small arms? The answer to this lies in a close and thorough examination of the landmines and SALW issues, which would reveal the existence of several differences between the two which made the actual replication of the landmines model impossible (Table 5.2). Of primary importance in this regard is the difference in the nature of the two weapons in question, and the complexities involved in addressing the resulting crisis.

TABLE 5.2 DIFFERENCES BETWEEN LANDMINES AND SMALL ARMS

<i>Characteristic</i>	<i>Landmines and Ottawa Process</i>	<i>Small Arms</i>
Utility	Limited and minimal	High utility
Complexity	Low	High
Frame	Humanitarian	Humanitarian/public health/economic development/conflict
Regulation	Universal, without any reservations or exceptions	Differentiated mechanism
Supporters	ICBL (NGOs/INGOs), medium-sized states, affected countries, UN, ICRC	IANSA (NGOs/INGOs), medium-sized states, UN, ICRC
Opponents	US and other major powers	Major powers, weapons-producing and exporting countries, gun lobbies and NGOs

The first set of differences is based on the military utility and legality of the weapons involved. The ability of ICBL to question the military utility and legal use of landmines was instrumental in the success of the campaign. ICBL, through the use of diverse strategies and arguments, was able to encourage and convince policy makers to view landmines as illegal weapons with minimal military utility.<sup>27</sup> No such argument is readily available in the case of small arms, since they ‘contribute to the legitimate defence of states and international stability’, and are generally considered a vital element

of both national defence and civilian policing forces.<sup>28</sup> Regardless of the number of ways or contexts in which they can be used illegitimately, small arms will always also have legitimate uses and applications, and, therefore, attempts to regulate them cannot be as clear-cut as an outright ban, as was the case with landmines.

Given the difference in the nature of the weapons in question, significant differences in the problems and crises posed by them also exist. Small arms pose a much more complex problem than landmines, and thus require a more complex mechanism to address the crisis they cause.

In addition to the above-mentioned differences, a change in external conditions also limited the applicability of the INGO-AC/D model to the small arms case. For example, external conditions such as the end of the Cold War and globalization have had more negative consequences for small arms proliferation.<sup>29</sup> The war on terrorism has mitigated NGO influence on international politics as the war has reduced the profile of soft issues on the global agenda, undermining the efficacy of NGO efforts to frame small arms in their fields of expertise.<sup>30</sup>

On closer inspection, the differences between landmines and SALWs would hold true for any other weapon as well. It is evident that the circumstances and the uniqueness of the landmines campaign cannot be replicated, hence the specific model for INGO involvement in arms control and disarmament derived from the landmines case, i.e. the INGO-AC/D model, has limited applicability. This is not to suggest that the potential and viability of INGOs in the field of arms control and disarmament is any way restricted or limited. Several general yet significant lessons can be extracted from the landmines experience which would provide a framework to make INGO involvement in arms control and disarmament a successful endeavour. Thus, the *general framework* rather than *the specific model* from the landmines experience forms the basis for the successful involvement of INGOs in security-related fields.

The INGO-AC/D framework, to recall, is characterized by three main features.

- 1) A campaign based on a clear-cut objective.
- 2) A working partnership between NGOs, IOs, and states.
- 3) Use of new tools and techniques.

These three features are interlinked and collectively provide the structure for meaningful participation of NGOs in arms control and disarmament areas. When INGOs come together to address an arms control and disarmament-related crisis situation, they can be successful if they form a coalition amongst themselves and identify a common central objective and work towards achieving it. In this process, they form strong working partnerships with like-minded states and IOs, which also work towards achieving the stated goal. In order to do so, the coalition of NGOs, IOs, and states utilizes new tools and techniques which ensure that they are able to achieve their goals without compromising on their stated objective and in a speedy manner.

When seen in the context of small arms, the INGO-AC/D framework would require that NGOs working to address the crisis caused by small arms identify and agree on an objective, common to all the NGOs working on the issue. To identify this central objective, there is a need to reframe the small arms campaign in a way that emphasizes the possibility of meaningful action and future success despite the complexity of the problem. This reframing would be possible by means of focusing on certain elements of the problem that seem more susceptible to coordinated NGO action. Given the complexity of the small arms issue, adopting this incremental approach by identifying a common goal would simplify the issue.

Bearing in mind the central objective identified by the coalition of NGOs, the NGOs should then seek the support of like-minded governments and IOs and initiate a comprehensive campaign to achieve the common goal. The coalition should adopt diverse strategies to garner international and national support to fulfil its objective. These strategies could be innovative, involving the use of unconventional diplomatic tools, techniques, and fora. Emphasis would be on a solution which is comprehensive, universal, and time-bound.

A significant development in this context is the foundation of the Control Arms Campaign in 2003. Launched by three INGOs, namely, IANSA, Amnesty International, and Oxfam, the campaign views the small arms problem as a humanitarian crisis and aims to negotiate an Arms Trade Treaty which would be a legal instrument that would prohibit arms from being exported to destinations where they are likely to be used to commit grave human rights violations.

The founders of this campaign are of the view that the lack of controls on arms trade is fuelling conflict, poverty, and human rights abuses, and by focusing on the international trade in small arms, the Control Arms Campaign aims to build support among governments for an Arms Trade Treaty. This treaty would require countries to comply with international human rights and humanitarian law standards when authorizing weapons' transfers. Control Arms also encourages governments to develop and strengthen national and regional arms controls measures and agreements, and to enforce them, and supports the strengthening of civil society-government partnerships to reduce small arms availability and demand at the local level.<sup>31</sup>

Since its inception in 2003, this campaign has garnered the support of NGOs and regional organizations in over 70 countries. The campaign has also been successful in forming strong partnerships with medium-sized states including Brazil, Kenya, Finland, and Spain among others.

More importantly, over the past two years, the concept of an Arms Trade Treaty with principles based on international law has gained significant ground. The worldwide Control Arms Campaign, with the support of hundreds of civil society organizations and more than a million people via the 'Million Faces Petition', has raised awareness, changed public opinion, and pressurized parliaments and governments to set up an Arms Trade Treaty. So far, more than 50 governments have publicly stated their support for such a treaty, and more have stated their support for legally-binding transfer controls.

Interestingly, the Control Arms Campaign is based on the INGO-AC/D framework, and judging by its growing popularity and international support, it can be said that the campaign is headed

towards success. The inevitable success of this campaign is evident by the fact that 86 governments co-sponsored a UN resolution tabled in October 2006 to start work on a global Arms Trade Treaty.<sup>32</sup>

It can safely be said that the INGO–AC/D framework has the potential to influence INGO involvement in arms control and disarmament issues. In the broader context, INGOs would be able to emerge and sustain themselves as significant players in arms control and disarmament when working within the ambit of the INGO–AC/D framework. If implemented, this framework, as suggested by Jody Williams, can be the basis for the ‘model for mobilising NGOs and working with small and medium-sized states’ which, in turn, would be the basis for ‘a new international superpower’.<sup>33</sup>

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<sup>3</sup> *Small Arms Survey 2004 Yearbook*: [www.smallarmssurvey.org/files/sas/publications/yearb2004.html](http://www.smallarmssurvey.org/files/sas/publications/yearb2004.html)

<sup>4</sup> *Ibid.*

<sup>5</sup> Source: The State of the World’s Human Rights Report, 2006, press release: <http://news.amnesty.org/index/ENGPOL100232006>

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<sup>8</sup> Matt Schroeder and Rachel Stohl, ‘Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse’, *Arms Control Today* (Washington, D.C.), no. 36, vol. 5, 2006.

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<sup>14</sup> UN General Assembly Resolution 50/70B, 17 November 1995.

<sup>15</sup> Batchelor, op. cit., n. 12 above, p. 38.

<sup>16</sup> Don Hubert, 'The Landmine Ban: A Case Study in Humanitarian Advocacy', Occasional Papers (Providence) no. 42, 2000, p. 52.

<sup>17</sup> Ibid.

<sup>18</sup> Stefan Brem and Ken Rutherford, 'Walking Together or Divided Agenda? Comparing Landmines and Small Arms Campaigns', *Security Dialogue*, vol. 32, no. 2, p. 169.

<sup>19</sup> Hubert, op. cit., n. 16 above, p. 53.

<sup>20</sup> Ibid.

<sup>21</sup> For more information about IANSA, see [www.iansa.org](http://www.iansa.org)

<sup>22</sup> Krause, op. cit., n. 11 above, p. 25.

<sup>23</sup> Ibid.

<sup>24</sup> Hubert, op. cit., n. 16 above, p. 54.

<sup>25</sup> Brem and Rutherford, op. cit., n. 18 above, p. 178.

<sup>26</sup> For more information on RevCon, see [www.http://www.un.org/events/smallarms2006/](http://www.un.org/events/smallarms2006/) and [www.controlarms.org](http://www.controlarms.org)

<sup>27</sup> See Ch. 3.

<sup>28</sup> Aaron Karp, 'Negotiating Small Arms Restraint: The Boldest Frontier for Disarmament?', *Disarmament Forum*, vol. 2, 2000, p. 5.

<sup>29</sup> Diana O'Dwyer, 'First Landmines, now Small Arms? The International Campaign to Ban Landmines as a Model for Small Arms Advocacy', *Irish Studies in International Affairs*, vol. 17, 2006, p. 86.

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ANNEX 1

*Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*  
*18 September 1997*

PREAMBLE

The States Parties,

*Determined* to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

*Believing* it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

*Recognizing* that a total ban of anti-personnel mines would also be an important confidence-building measure,

*Welcoming* the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

*Welcoming* also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

*Welcoming* furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

*Stressing* the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

*Recalling* the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

*Emphasizing* the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

*Basing* themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

Article 1  
General Obligations

1. Each State Party undertakes never under any circumstances:
  - (a) To use anti-personnel mines;
  - (b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
  - (c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Article 2  
Definitions

1. 'Anti-personnel mine' means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
2. 'Mine' means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. 'Anti-handling device' means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. 'Transfer' involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. 'Mined area' means an area which is dangerous due to the presence or suspected presence of mines.

Article 3  
Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.

2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

Article 4  
Destruction of Stockpiled Anti-Personnel Mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

Article 5  
Destruction of Anti-Personnel Mines in Mined Areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.

4. Each request shall contain:

- (a) The duration of the proposed extension;
- (b) A detailed explanation of the reasons for the proposed extension, including:
  - (i) The preparation and status of work conducted under national demining programs;
  - (ii) The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
  - (iii) Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
- (c) The humanitarian, social, economic, and environmental implications of the extension; and
- (d) Any other information relevant to the request for the proposed extension.

5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.

6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

## Article 6

## International Cooperation and Assistance

In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.

2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.

6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

7. States Parties may request the United Nations, regional

organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist their authorities in the elaboration of a national demining program to determine, inter alia:

- (a) The extent and scope of the anti-personnel mine problem;
- (b) The financial, technological and human resources that are required for the implementation of the program;
- (c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
- (d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
- (e) Assistance to mine victims;
- (f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.

8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

## Article 7

### Transparency Measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:

- (a) The national implementation measures referred to in Article 9;
- (b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
- (c) To the extent possible, the location of all mined areas

that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;

- (d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
- (e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
- (f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
- (g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
- (h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content,

color photographs and other information which may facilitate mine clearance; and

- (i) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.

2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

#### Article 8

##### Facilitation and Clarification of Compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit

the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favor a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favor such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.

6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.

7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfillment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.

8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of

States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.

9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.

10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.

12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.

13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.

14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:

- (a) The protection of sensitive equipment, information and areas;
- (b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
- (c) The physical protection and safety of the members of the fact-finding mission. In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.

15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than seven days, unless otherwise agreed.

16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.

17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.

19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

## Article 9

### National Implementation Measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

## Article 10

### Settlement of Disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.

2. The Meeting of the States Parties may contribute to the

settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

## Article 11

### Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:

- (a) The operation and status of this Convention;
- (b) Matters arising from the reports submitted under the provisions of this Convention;
- (c) International cooperation and assistance in accordance with Article 6;
- (d) The development of technologies to clear anti-personnel mines;
- (e) Submissions of States Parties under Article 8; and
- (f) Decisions relating to submissions of States Parties as provided for in Article 5.

2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.

4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

## Article 12

## Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

- (a) To review the operation and status of this Convention;
- (b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
- (c) To take decisions on submissions of States Parties as provided for in Article 5; and
- (d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.

3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

## Article 13

## Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary

shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.

3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.

5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### Article 14

##### Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

**Article 15****Signature**

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

**Article 16****Ratification, Acceptance, Approval or Accession**

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

**Article 17****Entry Into Force**

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

**Article 18****Provisional Application**

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

Article 19  
Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20  
Duration and Withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

Article 21  
Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 22  
Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

ANNEX 2

*Convention on the Prohibition of  
Anti-Personnel Mines*

(FIRST AUSTRIAN DRAFT)

The High Contracting Parties

Recalling that...

Have agreed as follows:

Article 1

Scope of Application

This Convention shall apply to anti-personnel mines as defined in Article 2.

This Convention shall apply in all circumstances including armed conflict and times of peace.

Article 2

Definitions

1. 'Anti-personnel mine' means a mine primarily designed to be exploded by the presence, proximity, or contact of a person and that will incapacitate, injure or kill one or more persons.

2. 'Mine' means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

Article 3

Prohibitions

It is prohibited to use anti-personnel mines as they are deemed to be excessively injurious and to have indiscriminate effects.

Each High Contracting Party to this Convention undertakes never:

(a) To develop, produce, otherwise acquire, stockpile, retain or transfer, directly or indirectly, anti-personnel mines to anyone.

(b) To permit, assist, encourage or induce in any way, anyone to engage in any activity prohibited to a High Contracting Party under this Convention.

Article 4  
Exceptions

The acquisition or retention of small amounts of anti-personnel mines is not prohibited if they are exclusively used for the development and the teaching of mine detection, mine clearance, or mine destruction techniques and if the responsible institutions, the amount and the types are registered with the Depositary of this Convention.

Article 5  
Destruction of Stocks

1. Each High Contracting Party undertakes to destroy stockpiles of anti-personnel mines it owns or possesses, or that are located in any place under its jurisdiction or control, within one year and anti-personnel mines already employed within five years of the individual entry into force of this Convention for the High Contracting Party.

2. If a High Contracting Party cannot comply with this obligation in time, when depositing its instrument of ratification, acceptance, approval or accession, it may declare a deferral of such destruction, in addition to the periods mentioned in paragraph 1, for one year in the case of stockpiles and for two years in the case of employed anti-personnel mines, if all relevant data are notified with the Depositary.

Article 6  
Compliance with the Convention

1. Each High Contracting Party shall take all appropriate legal and other measures, including the imposition of penal sanctions to prevent and suppress breaches of this Convention by persons or on territory under its jurisdiction or control.

2. The High Contracting Parties undertake to consult each

other and to cooperate with each other to resolve any problems that may arise with regard to the implementation and application of the provisions of this Article.

## Article 7

### Verification of Compliance

#### Notifications

1. Each High Contracting Party shall notify to the Depositary within 60 days after the individual entering into force of this Convention:

(a) all anti-personnel mines under its control, be it either in stockpile or employed.

(This notification shall contain complete information about number, type, use, maps of areas of deployment [minefields or mined areas], type of fuse, lifetime and other relevant information;)

(b) its general plan for clearing and destroying deployed anti-personnel mines.

(These notifications shall be updated by the High Contracting Parties on an annual basis until all anti-personnel mines have been destroyed.)

#### Challenge Inspections

2. In the case of serious doubts about compliance each High Contracting Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other High Contracting Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention.

Such a request, accompanied by evidence, shall be addressed to a Board of Eminent Experts, appointed by the Secretary-General of the United Nations, for immediate processing.

If the Board of Eminent Experts considers the request not to be frivolous, abusive or clearly beyond the scope of this Convention and the evidence sufficient, it may decide not later than 24 hours after having received the inspection request to order an inspection in the framework of a clear mandate.

Such an inspection will be made by an inspection team nominated

by the Board of Eminent Experts and under its responsibility.

The inspected State, which has the right to demonstrate its compliance, shall assist the inspection team throughout the challenge inspection and facilitate its task. The report of the Board of Eminent Experts on the result of the inspection shall be addressed via the Secretary-General of the United Nations to all High Contracting Parties and shall, in the case of abuse, contain recommendations on appropriate measures to redress the situation. The inspection will be financed by the requesting High Contracting Party. If, however, the non-compliance with the Convention is established in the report of the Board of Eminent Experts, then the inspected High Contracting Party shall refund the cost of the inspection.

#### Article 8

##### Ratification, Acceptance, Approval or Accession

This Convention is subject to ratification, acceptance or approval of the Signatories. Any State which has not signed this Convention may accede to it.

The instruments of ratification acceptance, approval or accession shall be deposited with the Depository.

#### Article 9

##### Entry Into Force

This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force six months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

#### Article 10

##### Reservations

The Articles of this Convention shall not be subject to reservations.

## Article 11

## During and Withdrawal

1. This Convention shall be of unlimited duration.
2. Each High contracting party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other High Contracting Parties, to the Depositary and to the Security Council of the United Nations. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests. The withdrawal of a high contracting party from this convention shall not in any way affect the duty of states to continue fulfilling the obligations assumed under any relevant rules of international law.

## Article 12

## Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this convention and shall, inter alia:

- (a) Promptly inform all signatory and acceding states of the date of each signature, the date of deposit of each instrument of ratification, acceptance, approval or accession and the date of the entry into force of this convention.
- (b) Promptly inform all High Contracting parties of all notifications received under Articles 4, 5 and 7.
- (c) Assume the tasks assigned to him by Article 7

## Article 13

## Authentic Texts

The original of this convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

## ANNEX 3

### Convention on the Prohibition of the Development, Production, Stockpiling, Transfer and Use of Anti-Personnel Mines and on Their Destruction

(Proposed by The International Campaign to Ban Landmines,  
ICBL)

The States Parties to the present Convention,  
Deeply concerned by the worsening landmine crisis, and  
its devastating effects upon developing communities and the  
environment,

Convinced that the only solution to this humanitarian disaster  
is a total prohibition of the development, production, stockpiling,  
transfer and use of anti-personnel mines, as well as increased and  
improved assistance for demining and victim assistance,

Recognizing the need to prevent the use of weapons which  
violate international law principles, which prohibit *inter alia*  
weapons which cause indiscriminate effects and are incapable of  
distinguishing civilian and military targets, or are of a nature to  
cause superfluous injury or unnecessary suffering, and recognizing  
that anti-personnel mines are of such a nature,

Have agreed as follows:

#### Article 1

##### Scope of Application

This Convention shall apply in all circumstances including  
armed conflict and times of peace. In the case of an armed conflict  
involving one of the States Parties to this Convention, each party to  
the conflict shall be bound to apply the Convention. In peacetime  
this Convention shall apply to each State Party to the Convention  
and all persons and entities operating on the territory or under the  
control or jurisdiction of a State Party to the Convention.

## Article 2

### Prohibition of Anti-Personnel Mines

Each State Party to this Convention undertakes never under any circumstances:

- (a) To develop, produce, stockpile or transfer, directly or indirectly, anti-personnel mines or components intended for use in anti-personnel mines;
- (b) To use anti-personnel mines;
- (c) To permit, assist, encourage or induce in any way, anyone to engage in any activity prohibited to a State party under this Convention.

## Article 3

### Definitions

1. 'Anti-personnel mine' means a munition designed or adapted to be exploded by the presence, proximity or contact of a person and that can incapacitate, injure or kill one or more persons, including:

- (a) any mine fitted with a device intended to protect the mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine ('all mines with anti-handling devices');
- (b) any device or material which is designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act ('booby-trap').

## Article 4

### Destruction or Stockpiles

Each state party undertakes to destroy all anti-personnel mines in its possession, or in locations under its jurisdiction or control, within two years after the entry into force of this Convention.

## Article 5

### Removal of Emplaced Anti-Personnel Mines

1. Each State party which has anti-personnel mines on its territory or in place under its jurisdiction or control undertakes

to clear these mines and destroy them. The mine-fields shall be recorded, marked, fenced and continuously monitored until they have been cleared. Until the mine-fields have been cleared, the State party shall provide the Depositary with the information in accordance with Article 7 of this convention.

2. With respect to anti-personnel mines laid by a party in areas controlled by another State, such party shall provide to this State in control of the area technical and material assistance necessary to remove and destroy the anti-personnel mines.

#### Article 6 Cooperation

Each State party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention and means of mine clearance and mine destruction.

#### Article 7 Reporting and Transparency Measures

1. Each State Party shall, six months after the entry into force of this Convention, and thereafter on an annual basis, provide the Depositary with the following information:

(a) the number and types of anti-personnel mines stockpiled by the State Party;

(b) the number and types of anti-personnel mines destroyed by the State Party;

(c) the geographical location of minefields on the territory of the State Party, or on locations under jurisdiction or control of the State Party;

(d) the estimate number and types of anti-personnel mines in these mine-fields;

(e) measures taken to record, mark, fence and monitor these mine-fields;

(f) a time table for the destruction of anti-personnel mines in stockpiles and for the clearance of mine-fields;

(g) progress achieved in clearing mine-fields;

(h) pursuant to Article 8 of this Convention, a description of the legislative and other measures adopted to implement this Convention.

2. The Depositary shall, on an annual basis, make publicly available the information provided under paragraph 1 of this Article.

3. State Parties shall allow on-site observation by Representatives of other States Parties when stockpiled anti-personnel mines are destroyed.

## Article 8

### National Implementation Measures

Each State Party shall, within one year after ratification of this Convention, take the necessary legislative, administrative and other measures to implement its obligation under this Convention. This obligation includes the adoption of legal measures to prevent persons or entities within its jurisdiction or control from engaging in conduct prohibited by this Convention.

## Article 9

### Consultation and Fact-Finding

1. State parties undertake to consult and to cooperate with each other in order to resolve any problems that may arise in the implementation of this Convention.

2. Each State Party has the right to request the Depositary to obtain clarification from another State party in resolving any situation which may be considered ambiguous or which gives rise to a concern about the implementation of this Convention.

3. The Depositary shall forward the request for clarification to the State Party concerned not later than 5 days after its receipt. The requested State Party shall provide the clarification to the Depositary no later than 14 days after the receipt of the request. The Depositary shall take note of the clarification and forward it to the requesting State Party no later than 5 days after its receipt.

4. If the requesting State party deems the clarification to

be inadequate, it shall have the right to request the Depositary to convene a Team of Experts, provided that at least two other State parties support the request. The sole purpose of convening the Team of Experts shall be to collect and examine data concerning the possible use or transfer of anti-personnel mines.

5. The Depositary shall convene the Team of Experts within ten days after receiving the request supported by at least two other States Parties. For this purpose, the Depositary shall keep up to date a list of qualified experts who shall carry out their functions in accordance with the Annex on Fact-finding. The Annex shall be considered an integral part of this Convention.

#### Article 10 Compliance

1. If the report of the Team of Experts, referred to in the annex on Fact-finding, concludes that a State party has used or transferred anti-personnel mines, or that the State party knowingly has permitted the use or transfer of anti-personnel mines to or from territory under its jurisdiction or control, the responsible State Party shall be required to take all appropriate measures to remedy the situation and, in particular, to ensure the removal and destruction of the mines and mines-fields. The responsible State Party shall also impose penal sanctions against the person or persons responsible for the violation.

2. The provisions of the Geneva Conventions of 1949 regarding the measures each State Party must take to suppress and punish grave breaches of the Geneva Conventions shall also apply to this Convention. Any wilful use or transfer of anti-personnel mines shall be considered as a grave breach.

3. If a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including, by mutual consent, referral to the International Court of justice in conformity with the Statute of the Court. The States parties shall keep the Depositary informed of actions being taken.

4. If the dispute cannot be settled, a State party may request the Depositary to convene a Commission of States parties, provided that the request is supported by two other States parties. Each State Party may appoint one representative to the Commission, which shall meet no later than one week after the Depositary has received the request from the requesting State party. The Commission shall prepare a report which shall be made public, and shall consider what action to take, such as bringing the question to the attention of the Security Council of the United Nations. The Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.

#### Article 11

##### Relations with Other International Agreements

Nothing in this Convention shall be interpreted as detracting from other obligations imposed upon the States parties by international law.

#### Article 12

##### Signature

This Convention is open for signature by all States.

#### Article 13

##### Ratification

This Convention is subject to ratification or accession by the Signatories. Any State which has not signed this Convention may accede to it. The instrument of ratification or accession shall be deposited with the Depositary.

#### Article 14

##### Entry Into Force

1. This convention shall enter into force three months after the date of deposit of the twentieth instrument of ratification or accession.

2. For any State ratifying or acceding to this Convention after its entry into force, the convention shall enter into force three months

after the date of deposit of its own instrument of ratification or accession.

3. Pending the entry into force of this Convention, the States signatories undertake immediately not to transfer, produce or sue nay anti-personnel mines.

## Article 15

### Consultative Meetings, Review and Amendments

1. A Consultative Meeting of States parties shall be convened by the Depositary annually for the first three years after the entry into force of this Convention. The purpose of the Consultative Meeting shall be to examine progress made in implementing the Convention, and to explore ways of expanding the number of States Parties. All States parties to the Convention shall be invited to the Consultative Meetings. States not parties, inter-governmental organizations and non-governmental organizations shall be invited as observers.

2. A Review Conference shall be convened by the Depositary five years after the adoption of this Convention. The purpose of the Review Conference shall be to review the scope and operation of this Convention and consider any proposal for amendments of the Convention. All States Parties shall be invited to the Review Conference. The Conference shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting. States not parties, inter-governmental organizations and non-governmental organizations shall be invited as observers.

3. In addition to the regular Review Conferences, any State party may at any time after the entry into force of this Convention propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall notify it to all States parties and shall seek their views on whether a conference shall be convened to consider the proposal. If a majority, that shall not be less than eighteen of the States parties, so agrees, he shall promptly convene a conference to which all State parties shall be invited. State not parities, inter-governmental organizations and not-governmental organizations shall be invited as observers.

## Article 16

## Duration and Withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall have the right to withdraw from this Convention if it decides that extraordinary events have jeopardized the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other States Parties, the Depositary and the United Nations Security Council. Such notice shall include a statement of the extraordinary events it regards have jeopardized its supreme interest. Withdrawal shall take effect one year after the date of receipt of the notification to the Depositary. If however, on the expiry of that year, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect. A withdrawal shall not have the effect of releasing the State Party from its obligations under this convention prior to the date at which the withdrawal become effective.

## Article 17

## Reservations

This Convention shall not be subject to reservations.

## Article 18

## Depositary

The [...] is designated as Depositary of this Convention.

## Article 19

## Authentic Texts

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall transmit certified copies thereof to all States Parties to the Convention.

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