

Learn, Adapt, Succeed: Potential lessons from the Ottawa and Oslo processes for other disarmament and arms control challenges

Summary of an informal symposium held in Glion, Switzerland, 19-20 November 2008

Introduction

The Convention on Cluster Munitions (CCM) is a stunning achievement. It sets a new international legal norm and enshrines a comprehensive package of weapon-specific measures to ban cluster munitions that endanger civilians, clear contaminated land and help victims. By adopting a humanitarian disarmament approach, the Oslo Process also sends a powerful signal that progress is still possible on arms control-related priorities of international concern despite considerable difficulties in recent years. Yet is the Oslo Process really of specific relevance to other arms control work? If so, what does it, along with the Ottawa process that achieved the Mine Ban Treaty in 1997 to which it is often compared, have to offer multilateral disarmament practitioners in terms of lessons?

From 19 to 20 November 2008, The Disarmament Insight Initiative of the *Disarmament as Humanitarian Action* project of the United Nations Institute for Disarmament Research (UNIDIR) and The Geneva Forum convened an informal symposium at Hotel Victoria in Glion, Switzerland.

The objectives of the symposium were to:

- Identify and elaborate key lessons that could be drawn from the Ottawa and Oslo processes;**
- Explore how any such lessons might be adapted and applied to multilateral action in other areas of disarmament and arms control;**
- Reflect on how human security thinking could benefit disarmament policy-making generally and suggest possible next steps toward common disarmament and arms control objectives.**

The Chatham House Rule applied during this symposium.¹

The Oslo process on cluster munitions, launched at an international conference hosted by the Government of Norway in Oslo in February 2007, resulted in the CCM's adoption on 30 May 2008. 94 States signed this groundbreaking treaty banning cluster munitions on 3 and 4 December 2008. In many respects, the Oslo process was reminiscent of the Ottawa process that, over a decade earlier, had led to the successful conclusion of the 1997 *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (Mine Ban Treaty). In the aftermath of the Mine Ban Treaty's adoption, some had argued that the Ottawa

¹ **The Chatham House Rule:** "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed".

process was an approach – and a humanitarian disarmament outcome – that would not be repeated, in particular, because of the unusual and highly productive partnership that developed between a ‘core group’ of States in favour of the ban and civil society organizations, a partnership hailed from many sides as the birth of a ‘new multilateralism.’ Yet, a decade later, the Oslo process led to another weapons ban through a process that was, once again, characterized by a strong cooperation between proactive governments and NGOs with a humanitarian disarmament goal.

The Glion symposium’s discussions were held against the backdrop of stark differences in process and outcome in the work of the 1980 Convention on Certain Conventional Weapons (CCW) and the Oslo initiative. The symposium considered the prospects for future ‘disarmament as humanitarian action’ in the aftermath of the final 2008 round of the CCW Group of Governmental Experts (GGE) talks and the annual Meeting of High Contracting Parties to the CCW. The CCW had not fulfilled its mandate to ‘address urgently the humanitarian impact of cluster munitions’ by the end of 2008 and instead would continue into the first part of 2009. Many States were also busy preparing for the Signing Ceremony of the CCM.

Thirty-three representatives from governments, intergovernmental and civil society organizations and academic institutions participated in the Glion symposium. Participants came from diverse backgrounds and areas of work including armed violence, the arms trade, cluster munitions, conflict prevention, human security, humanitarian action, landmines, and small arms. They brought a broad range of operational, diplomatic, legal and campaigning expertise to the table. Many participants had been involved in the Oslo process – as well as other disarmament-related multilateral work – and a few had also participated in the Ottawa process. A list of participants is provided at the end of this document.

This report does not claim to reflect the full richness of the debate nor the full range of ideas and views that were shared in Glion. And, since it was not the purpose of the meeting to come to any agreement or conclusions, this summary should not be interpreted as presenting consensus views. Instead, the summary report provides a very brief synopsis of the Glion symposium’s discussions.

Overview of the discussion on the Ottawa and Oslo processes

The meeting began with a reflection on the Ottawa process on anti-personnel landmines. Participants looked at the defining characteristics of what has sometimes been called the ‘new diplomacy’ characterizing the mine-ban process and factors contributing to its success. They compared the Ottawa process to other efforts in weapons regulation, such as the CCW protocols on blinding laser weapons and explosive remnants of war, and discussed what broader implications, if any, it has had for subsequent multilateral processes, which arguably include the adoption of the 1998 Statute of the International Criminal Court, the adoption of the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and initiatives on conflict and natural resources such as ‘blood diamonds’. As to the arms control field, it was noted by at least one participant that, despite the Mine Ban Treaty’s achievement, evidence of this ‘new diplomacy’ had made few inroads in developing other binding international agreements until the emergence of the Oslo process. At the same time, the Ottawa process seemed to have broadened the sense of what was possible among many disarmament practitioners; and it had indeed helped to shape, in a number of ways, processes for advancing disarmament related concerns.

Participants then turned to discuss the distinctive features of the Oslo process on cluster munitions. They reflected on the similarities and differences between the Ottawa and Oslo processes and how the latter benefited from lessons learned in the context of the Ottawa process. The humanitarian discourse, reversal of the presumption that a certain weapon is acceptable, arguments based on sound data and research, strong government-civil society partnerships with an effective core-group of governments, international campaigning, mobilisation of grass-root support and media interest, and clear public messages were all raised as key elements of both the Ottawa and Oslo processes.

Throughout the ensuing sessions participants discussed whether and how lessons from the Ottawa and Oslo processes could or should be applied to other initiatives on multilateral disarmament, arms control and human security. Discussions centred on initiatives underway to regulate the global trade in conventional arms, especially the campaign calling for an Arms Trade Treaty (ATT) and ongoing international efforts to curb the proliferation and misuse of small arms and light weapons (SALW); on initiatives to reduce the global burden of armed violence, including approaches linking armed violence and development (The Geneva Declaration on Armed Violence and Development) and taking into account gender aspects in connection with armed violence. Consideration was also given to new frameworks for identifying and evaluating weapons' impacts on civilians, for example through the notion of the delivery of explosive violence (or force) in populated areas.

Some key points identified about the Ottawa and Oslo processes

- ⇒ **From Ottawa to Oslo:** The Oslo process benefited from the Ottawa process experience in several ways, including the following:
 - (1) Initiators of the Oslo process made use of informal trust networks established among those involved in the Ottawa process and adapted and expanded these to build a new transnational network, which included representatives of both civil society and States.
 - (2) The Ottawa process provided those involved in cluster munitions work with a 'roadmap' for campaigning.
 - (3) In terms of the outcome, the CCM text adopted many structural elements of the Mine Ban Treaty.
- ⇒ **Focus on the human impact:** Anti-personnel mines and cluster munitions were each initially treated at the international level as questions of arms regulation. But both the Ottawa and Oslo processes that subsequently emerged were framed in humanitarian terms using concepts and terminology that fit a humanitarian discourse. Such a discourse drew attention to the impact of these weapons rather than their military utility. In the two processes, supporters focused on the effects of landmines and cluster munitions on civilians during and after an armed conflict and on the human cost of the weapons' past and future use. A direct and strong link was thus established between the weapons and their impact on human beings.
- ⇒ **Credibility through research and practice:** Both the Ottawa and Oslo processes were described as data-driven, even though at the start of the Oslo process there was less systematically-gathered data available on the humanitarian impact of cluster munitions than about the impact of anti-personnel landmines a decade earlier. Nevertheless, some proponents of weapon bans in each process based their arguments on practical knowledge from the field and evidence gained through data collection: research, data and evidence improved over the course of these international initiatives and provided them with greater credibility. The experience and expertise of humanitarian field workers, clearance personnel and survivors was also heavily drawn on and helped to focus the debate on the humanitarian effects of weapons. As for the UN, the organization was able to draw on its field expertise and play a significant role in the Oslo process, in contrast to the limited contribution of most parts of the UN to the Ottawa process.
- ⇒ **Shifting the burden of proof:** The stigmatization of anti-personnel mines and cluster munitions respectively began before treaty norms were agreed. The prominence of a humanitarian discourse in the Ottawa and Oslo processes contributed to this stigmatization. The presumption that anti-personnel mines and cluster munitions were acceptable weapons was increasingly challenged. Eventually the burden of proof concerning each weapon was

reversed: those who wanted to continue to use them had to make a convincing case for their acceptability in humanitarian terms, regardless of their purported military advantage. In this respect, the *ICRC Expert Meeting on the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions* held in Montreux in April 2007 was seen by some participants as a key event on cluster munitions. The Montreux Meeting brought military personnel from possessor States into contact with clearance personnel for systematic discussions, in which the latter made a stronger case. The subsequent development of the definition of a cluster munition in the CCM illustrates the shifting burden of proof: negotiations on defining what was to be prohibited in the CCM proceeded from the assumption that all cluster munitions would be banned because of the unacceptable harm they cause to civilians. To exempt certain weapons from the definition, it had to be shown that they did not produce the same effects on civilians. The CCW, in contrast, adopts an approach where, based on technical criteria, weapons to be potentially restricted have to be 'ruled in'.

- ⇒ **Building partnerships and trust:** Similar to the Ottawa process, the Oslo process was characterized by a broad partnership between civil society organizations, governments and intergovernmental organizations. Although not free of inherent tensions, these partnerships served overall to advance a common goal using the various tools at the disposal of the different actors. The role of individuals was also highlighted as particularly important among both government and non-government stakeholders. People willing to take risks and foster a common sense of purpose, commitment and opportunity changed their institutions' positions, which contributed to collective reframing of the issues in humanitarian terms in the broader Ottawa and Oslo processes respectively. This extended to politicians who in some countries overruled entrenched bureaucratic positions, for instance in their defence departments. Moreover, potent networks of trust had been created among people representing diverse institutions in the Ottawa process; these relationships provided a basis for campaigning and diplomatic networks the Oslo process built on.
- ⇒ **The crucial role of civil society:** In both the Ottawa and the Oslo processes, civil society campaigns framed the issues as humanitarian problems; helped set the international agenda; sustained the process by educating state representatives, the media and the public about the problem; maintained pressure on governments to participate in the process, and scrutinized their positions.
- ⇒ **Legitimacy through inclusiveness:** The legitimacy of both the diplomatic process and the civil society campaign in the Ottawa and Oslo initiatives depended heavily on the involvement of actors from all regions of the world and, in particular, among survivors and from affected countries. Geographical balance, regional involvement and inclusiveness promoted ownership in the process among all participants and ensured that the process was (and was perceived as being) representative, transparent and credible. But this was not easily achieved. Polarization and regional divides also had to be dealt with. The capacity to reach out, build bridges and encourage convergence was important.
- ⇒ **Urgent action, clear objectives:** There was considerable discussion at the Glion symposium about how the Ottawa and Oslo processes managed to create a sense of urgency to deal with landmines, respectively cluster munitions. Events such as the 2006 war in Southern Lebanon helped to create this sense of urgency on cluster munitions. The perceived failure of other fora to address the issue adequately and urgently enough, such as the CCW's work on landmines and cluster munitions, was also a factor in the emergence of both the Ottawa and Oslo initiatives. But, on its own, awareness of a crisis is not enough: potential solutions simple enough to communicate publicly must also be in the offing. Throughout each process,

both core groups of governments and civil society campaigns had to be able to respond quickly to such events and communicate effectively. Moreover, strong leadership and strategic direction were considered vital, alongside clear messages based on sound data and arguments. Even before the 2006 Southern Lebanon conflict and the CCW's review conference late the same year, Belgium's national legislation outlawing cluster munitions in early 2006 was utilised by the Cluster Munition Coalition and others to convey a sense of momentum in the stigmatisation of the weapon, as the ICBL had done a decade before with anti-personnel mines following Belgium's March 1995 mine ban law.

Lessons from Ottawa and Oslo in the context of other initiatives

⇒ **Same, but different?** Progress in the field of multilateral disarmament and arms control has been difficult to achieve over the last decade. By providing examples that 'we can make it happen', the Ottawa and Oslo processes have already provided inspiration to other initiatives such as efforts to regulate the trade in conventional arms, reduce the global burden of armed violence and challenge the acceptability of using explosive violence in populated areas. But participants also acknowledged that these issues are different from landmines and cluster munitions in important ways, which makes it difficult and perhaps even undesirable to emulate some of their characteristics. Moreover, which aspects can or should be reproduced in other contexts is not easy to determine.

⇒ **Regulating the global trade in conventional arms - refocusing the debate on the human cost.** Like the Ottawa and Oslo processes, the campaign for an ATT is driven by a 'core group' of like-minded governments in partnership with civil society organizations. Many of the actors involved have already worked together on landmines and cluster munitions. Inclusiveness and involvement of actors at many levels are important and more could be done to involve governments as well as non-governmental actors and intergovernmental organizations from diverse sectors at the regional and national levels. This is particularly important bearing in mind that not all States are similarly well-informed about the issues the ATT process is intended to tackle, and each may have national concerns – something that hopefully the open-ended working group (OEWG) charged with considering elements for inclusion in an ATT could help, although many other efforts would be needed.

Among the major challenges confronting those seeking to regulate the global trade in conventional arms, including SALW, is the difficulty of framing the issues at stake in humanitarian terms and focusing the debate on the human cost. Several participants argued that, without detracting from the importance of the issues or the ATT initiative, it was currently questionable whether available data and research powerfully support a humanitarian discourse. As regards SALW, because they are considered necessary to fulfil a state's core functions, such as upholding public order and ensuring external defence, and because in many countries private possession of arms is considered legitimate, reversing the presumed legitimacy of arms availability and their trade (as we have seen with landmines and cluster munitions) would be very challenging.

In order to achieve a meaningful result in humanitarian terms, some participants argued there needs to be a sense that the humanitarian crisis caused by the weapon must be addressed in an urgent time-bound manner. The availability of data about the humanitarian impact of weapons plays a significant role in convincing others of the existence of a crisis. One view expressed was that efforts to curb the global trade in conventional arms currently lacks a sense of urgency or crisis and some of the more contentious and complex issues have not yet been tackled adequately. In addition, and unlike the Ottawa and Oslo processes, work on small arms proliferation and on the trade in conventional arms does not (yet) reflect a widely perceived inability to deal with these issues adequately in traditional disarmament fora: an

OEWG is being set up to carry forward consideration of an ATT and, despite the procedural failure of its 2006 review meeting, work continues in the UN to implement and monitor the 2001 *UN Programme of Action on SALW*. But constraints on these respective processes raise questions as to whether and how meaningful results can be achieved in a timely manner, and how actors both within and currently outside such processes can be usefully mobilized.

During the discussion it was often observed that current work on SALW spans multiple issue areas, defying the formulation of a clear, unifying objective. For this reason, advocacy for a single legal instrument to address the problems of armed violence caused by SALW does not seem realistic or appropriate. Which lessons from the Ottawa and Oslo process should be transposed into this area was vigorously debated, although many participants stressed that effective communication of clear objectives is key to building political momentum, and a number of “lessons” from Ottawa were cited such as use of solid data, civil society “monitoring” of state behaviour, and drawing on field expertise of different kinds.

- ⇒ **Reducing the global burden of armed violence – legitimacy through the involvement of the affected and of practitioners.** Efforts to reduce the global burden of armed violence do not aim at singling out a particular weapon. By focusing on actors (‘victims’ of violence and their perpetrators), instruments, contexts and institutions, they try to address various aspects of armed violence in a multifaceted, cross-sectoral manner. This makes them different from the Ottawa and Oslo processes, which were both focused on the prohibition of a specific weapon based on its deleterious humanitarian effects. For instance, gender aspects and the problem of sexual violence were not at the centre of the debate on landmines and cluster munitions.

Parallels with the Ottawa and Oslo process could be drawn, however. The 2006 *Geneva Declaration on Armed Violence and Development* resulted from a perceived failure in disarmament fora to frame SALW as a public health, development and humanitarian problem; hence, the Geneva Declaration’s objective to shift the focus of the debate to the human consequences of armed violence. For this, accurate data and in-depth research are important, but it is not certain whether they have contributed to informing a human-centred debate and effective development programming so far. To mobilize people, concrete, tangible and achievable goals and benchmarks would need to be communicated clearly, and partnerships built among a wide range of actors, in order to better involve different practitioner communities. Gaps between those communities, like those between practitioners active in disarmament and those working in development, should be bridged. Greater informal dialogue and a common vocabulary would help.

- ⇒ **A science of human security:** An emerging conceptual approach to thinking about issues of armed violence thinks about prevention in a holistic way using a public health perspective. Enormous challenges to capturing adequate data about weapons use exist. However, if one accepts that acts of armed violence have public health outcomes, it is possible to begin to examine risk factors. By analyzing such risk factors – particularly the relationship between victims and perpetrators of armed violence – it is possible to construct tools for dialogue and data gathering that could be described as potential elements of a ‘science of human security’. Such tools could help to identify risk reduction measures as well as show that these can have synergistic effect. For example, in analysis and media coverage of acts of armed violence using explosives, the issues are usually framed with emphasis on seeking the *causes* for these acts. Another question worth asking and then proceeding from in the sense of risk reduction is: where do the explosives used in the attacks come from?
- ⇒ **Stigmatizing the use of explosive force in populated areas:** In a related approach, NGO data collection and analysis on the use of explosive force in populated areas suggests that

some common concepts and assumptions about armed violence should be questioned. Although states conceptualize them as such, explosive weapons (such as bombs that project explosive force and fragment in an area at a certain time from a central point and so have some area effect – i.e. not bullets) are not recognized as a coherent category within existing international legal frameworks. Moreover, states seem to accept that explosive weapons are unacceptable in normal circumstances, but that in ‘special circumstances’ like in conflict the use of such weapons is acceptable against foreign civilians (governments do not usually use such weapons in proximity to their own populations). This raises questions about government accountability, and about whether such a distinction in circumstances (and thus acceptability) should be made, especially as a recent exercise in data collection showed the majority of casualties from incidents involving explosive force were non-combatants. Lessons can be drawn from the Ottawa and Oslo processes with regard to research and data production and in order to decide what precisely should be stigmatized and what role legally binding instruments could play in this context.

- ⇒ **Dealing flexibly with weapons contamination:** the scale and difficulty of their tasks are increasingly compelling operational organizations dealing with landmines or unexploded submunitions posing hazard to civilians post-conflict to re-conceptualize what they do (or should do) in broader terms. In particular, while mine action terminology and doctrine have become dominant, flexible operational approaches need to be maintained; that is, anything that has indiscriminate effect or long-term post-conflict impact is of concern, not just certain weapons and their consequences. Some lateral thinking is also required: for instance, in Cambodia, many people had been killed because economic need led them to interact with unexploded ordnance, perhaps a phenomenon that could be alleviated by measures such as microfinance schemes as much as conventional battle area clearance. It was observed that thinking about explosive force in broader terms and analyzing armed violence in terms of risk reduction (as summarized in the preceding points) was useful, not least because it showed the complexity of the challenges facing practitioners dealing with problems of armed violence on the ground. And, it suggested ways to approach the exercise of identifying means of improvement in delivering effective humanitarian response.

Conclusion

Room for greater synergy

Despite differing viewpoints about specific aspects and lessons to be adopted, adapted or avoided between the Ottawa process, the Oslo process and other initiatives, the general opinion emerged that ongoing and future work in multilateral disarmament and arms control needs to proceed from an awareness of these recent cases. Some practical reasons identified were:

- ⇒ In order to frame issues in a manner that ties into existing discourses and allows urgent and effective humanitarian action.
- ⇒ So as to avoid ‘reinventing the wheel’. For instance, conceptual work on issues around explosive violence, although still in its early days, has built on how the effects of weapons on civilians were dealt with in the Oslo process. Moreover, work on victim assistance in one field could benefit survivors more generally as the Mine Ban Treaty experience did in the negotiation of the CCM.
- ⇒ In order to optimize resources, so as not to overstretch governments and campaigners involved in more than one initiative.

⇒ To offer examples to traditional disarmament fora, such as the CCW and the Conference on Disarmament (CD), which are not impervious to outside influence – although they may sometimes seem so. Humanitarian disarmament initiatives show that productive work is possible even in difficult security environments, and that focus on clearly defined goals pursued within definite timeframes and flexible processes yield results. The CCW and CD are not like-minded processes and are consensus-based: many participants felt that consensus should not be sought at all costs.

Final Thoughts and Future Directions

This symposium indicated that although the Oslo process is certainly not a replica of the Ottawa process, the two are similar in some significant ways. The achievement of the CCM seems to suggest that the Ottawa process was not a one-off fluke, and that the Mine Ban Treaty's achievement was not mainly or solely due to circumstantial factors, such as the end of the Cold War.

Although other initiatives differ from the Ottawa and Oslo processes, most participants thought that some key elements of the anti-personnel mine and cluster munition ban campaigns could be adopted and adapted to other contexts. It would appear from the Glion symposium's discussions that important lessons have already been drawn and adopted in the other initiatives discussed in order to try to reframe how issues are dealt with in arms control fora, improve campaigning and build alliances – although the applicability of such lessons would clearly vary. Some participants, with a view to the future, suggested that whether and which lessons from the Ottawa and Oslo experiences are transferable to the nuclear disarmament field was an important question, since these efforts appear to be approaching a critical juncture.

Discussions at the Glion symposium also suggested that singling out one weapon category after another may not be sustainable in the long run, considering the continual emergence and evolution of new weapons technologies as well as concerns about weapons proliferation and availability generally. A fundamental shift in thinking about armed violence, along with more preventive approaches, is called for. The armed violence “umbrella” may provide a means under which different initiatives can be hung, and around which common vocabulary can be developed—thus also drawing attention to some areas, such as socio-economic “drivers”, which have not been to the fore in the Ottawa and Oslo processes to date. It was suggested by some participants that a possible vision for the future might be a “Framework Convention on Human Security” under which a range of initiatives, from those strictly focusing on particular weapons to those attempting to deal directly with the “drivers” of armed violence might be included.

The scarce results achieved in traditional disarmament and arms control fora over the last decade signal serious problems with ‘business as usual’ in multilateral disarmament. Although, as the Ottawa and Oslo processes suggest, like-minded initiatives emerging from the failure of traditional disarmament processes can be successful, such *ad hoc* initiatives are not in themselves a comprehensive prescription for strengthening disarmament or humanitarian law, or alleviating human insecurity, in the face of all forms of armed violence.

Root and branch reform of multilateral disarmament and arms control mechanisms is needed to foster creative problem solving and better ensure that processes are aligned to security goals rather than simply shaped by the dictates of established process, which as a decade of CD deadlock has shown, can obstruct meaningful progress. Hopefully, the examples set by recent initiatives like the Mine Ban Treaty and the CCM will inspire greater reflection and prompt more creativity and flexibility – to learn, adapt, and eventually succeed.

Some 'Disarmament Insights'

Participants in the Glion symposium were invited to write ideas that occurred to them during the discussions on a whiteboard in the meeting room. These points, which were visible to the other participants at the symposium, are reproduced below in their entirety.

1. We are all here because humans have developed the capacity to design, produce and use weapons.
2. Knowing what weapons, when used, do to people, drive future prevention policies (data-policy link).
3. We focus (a lot / too much??) on the multilateral process (uniquely) as the means of prevention.
4. Sense of urgency.
5. Consensus.
6. Confidence-building measures between stakeholders.
7. Faces: Champion? Star?
8. Media.
9. Piggy-backing.
10. Networks.
11. Leadership Partnerships.
12. Permanent interest rather than permanent friends!
13. Focus on impact of people – voice of people.
14. Strategic and strong campaign leadership.
15. Inclusive leadership – no top down but still strong.
16. Clear objectives – Smart objectives.
17. Clear message on all phases of the campaign: before negotiations, during negotiations, signing and ratifications, campaign, implementation.
18. Media – develop road map – strategic use of international calendar.
19. Training component to build/strengthen capacity.
20. Need for financial resources.
21. Tailor objectives to national contexts.
22. Respect partners who know national context.

23. Campaigns include also NGOs involved on a voluntary basis – strike balance between voluntary work and commitment.
24. Talk/speak as one voice.
25. Putting people first / data / evidence.
26. What is best “total mortality” or a good description of a few discrete contexts?
27. How do we adapt standards on data collection to dangerous contexts?