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Disarmament as Humanitarian Action

From Perspective to Practice

John Borrie and Vanessa Martin Randin
Editors



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UNIDIR
United Nations Institute for Disarmament Research
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The first publication, released in 2005, is entitled *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*.

The United Nations Institute for Disarmament Research (UNIDIR)—an intergovernmental organization within the United Nations—conducts research on disarmament and security. UNIDIR is based in Geneva, Switzerland, the centre for bilateral and multilateral disarmament and non-proliferation negotiations, and home of the Conference on Disarmament. The Institute explores current issues pertaining to the variety of existing and future armaments, as well as global diplomacy and local entrenched tensions and conflicts. Working with researchers, diplomats, Government officials, NGOs and other institutions since 1980, UNIDIR acts as a bridge between the research community and Governments. UNIDIR's activities are funded by contributions from Governments and donors foundations. The Institute's web site can be found at:

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FOREWORD

Until recently, the arms control and disarmament debate was focused almost entirely on external threats to states, especially those posed by other states. In our rapidly globalizing world, however, the range of threats to security has become much wider. These threats include the indiscriminate spread of small arms and light weapons, the effects of mines and explosive remnants of war and potentially other threats relating to new technologies, some of which are still under development. All threats come at great cost of human lives and prospects for development.

Thus the success of humanitarian efforts is closely linked to the effectiveness of multilateral disarmament efforts. Both would benefit from an understanding of the way “human security” and disarmament interact. Field-based perspectives, including evidence-based research and reports by civil society groups, contribute to this much-needed understanding.

In 1997, negotiations on the Mine Ban Treaty showed that a humanitarian approach could successfully add value to multilateral disarmament efforts. However, each multilateral disarmament process is different and has its own unique characteristics. Often it is not obvious how human security-based approaches relating to one particular multilateral disarmament process could apply to others.

Aimed at multilateral disarmament practitioners, the first volume of UNIDIR’s project “Disarmament as Humanitarian Action” discussed the relevance of human security perspectives to moving the disarmament agenda forward. Building on its predecessor, this second volume provides case studies of humanitarian approaches that have had—or could have—a positive impact on disarmament processes. The analyses presented here cover negotiations on anti-personnel mines, explosive remnants of war and small arms, as well as the evolving thinking on gender and human security.

In sparking discussion among negotiators, this book is a welcome contribution to enhancing the effectiveness of multilateral disarmament efforts.

For this reason, the Government of the Netherlands is pleased to join the Government of Norway in supporting UNIDIR's project "Disarmament as Humanitarian Action". This publication is a good example of the problem-solving approach adopted by UNIDIR in its research on disarmament and other security issues. Such innovative and fresh thinking is very timely.

Dr Bernard R. Bot
Minister of Foreign Affairs
Kingdom of the Netherlands

INTRODUCTION

At root, disarmament and arms control problems are issues of human security. Insecurity and violence hurt or kill people and undermine or destroy the communities they live in. Yet, until recently, security thinking in disarmament and arms control has been dominated by security concepts that focus on external threats to states, especially by other states. These orthodox approaches have been found wanting in the face of new and increasingly complex international security challenges, and many of the multilateral processes on disarmament and arms control have failed to make progress over the last decade.

This is of concern at many levels, not least because disarmament and arms control norms are integral to promoting human security and the protection of the individual from violence and insecurity. In late 2004, the United Nations Institute for Disarmament Research (UNIDIR) initiated a project entitled “Disarmament as Humanitarian Action: Making Multilateral Negotiations Work”. The project, assisted financially by the Governments of Norway and the Netherlands, examines the current difficulties of the international system in dealing effectively with arms control and disarmament challenges. These challenges include—but are not limited to—the effects of small arms and light weapons (SALW) proliferation, the risks of hostile use of advances in the life sciences, and nuclear disarmament and non-proliferation.

Experience has shown that humanitarian approaches can add value to multilateral negotiation processes in international security. Examples include the 1997 Anti-Personnel Mine Ban Convention, negotiations that culminated in a protocol on explosive remnants of war (ERW) in late 2003, and, to a more limited extent, in the domain of SALW (where these perspectives have been resisted by some governments).

In November 2004, UNIDIR held a half-day meeting in Geneva that discussed the relevance of humanitarian and human security perspectives to moving the arms control and disarmament agenda forward. A compilation of papers from the meeting, and a summary of the discussions, can be found in the first publication of the “Disarmament as Humanitarian

Action" (DHA) project entitled *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*.

One year later, on 25 November 2005, as part of the DHA project's work and on the occasion of UNIDIR's twenty-fifth anniversary, UNIDIR organized a commemorative debate with the support of the Government of Norway. Leading experts debated the motion that "human security should be the basis for multilateral disarmament and arms control negotiations". A discussion, including views from diplomats, NGOs and members of the public in the audience, ensued after the speakers and a vote was taken on the matter involving all of those attending. (A full report and transcripts are available on UNIDIR's web site.)

This second volume, *Disarmament as Humanitarian Action: From Perspective to Practice*, takes the ideas of its first volume one step further. As the title suggests, this volume provides practical insights from recent negotiating processes in which arms control and humanitarian perspectives have met, in particular those relating to landmines, ERW and small arms issues. Such analysis is necessary because each of these negotiations was functionally unique. As such, it is not self-evident what lessons (if any) policy makers, international negotiators and advocates should draw from these experiences. The aim of this volume is to provide multilateral practitioners with these insights in order to inform and help their ongoing work across the board in the disarmament and arms control context.

Many of the contributors to this volume have been closely associated with the humanitarian or disarmament and arms control processes, whether as non-governmental organization (NGO) representatives, members of government delegations or policy analysts observing them. These first-hand experiences are helpful in understanding the dynamics and characteristics of negotiating processes. Our intention is that the insights of our contributors will serve to challenge some of the conventional wisdom of disarmament and arms control negotiators, and to prompt them helpfully in developing ways to apply humanitarian concepts to other aspects of their work. Over the next year, we will be following up with practitioners to that end, as a further thread of the work of the DHA project. I now offer a few words about each of the authors.

John Borrie is the leader of the "Disarmament as Humanitarian Action" project. His research and work experience have covered many aspects of

arms control and disarmament. As well as editing and contributing to the preceding volume of the project's work, John is the author of *Explosive Remnants of War: A Global Survey*, published by the British NGO Landmine Action, which fed into the negotiations on the Convention on Certain Conventional Weapons (CCW) protocol on ERW in June 2003. Prior to joining UNIDIR, John worked with the Mines-Arms Unit of the International Committee of the Red Cross (ICRC) and, from 1999 to 2002, as Deputy Head of Mission for Disarmament in Geneva with the New Zealand government. His thematic analysis about disarmament as humanitarian action is included in this volume, as well as a paper analysing the contribution of the "Geneva Process" to multilateral decision-making in the realm of SALW.

Christian Ruge is Senior Adviser at the Fafo Institute for Applied International Studies in Oslo, Norway, where he coordinates the Institute's New Security Programme. Prior to starting at Fafo in 2001 he was Landmine Policy Adviser in the mine action NGO Norwegian People's Aid, and member of the executive bodies of the ICBL and *Landmine Monitor*. He is involved in research and policy formulation on international responses to conflict, including war economies, humanitarian impact of arms and mines, post-conflict transitions and human security.

Rosy Cave is the Lead Researcher for ERW at UNIDIR. Before January 2005, she worked for the NGO Landmine Action, the UK arm of the International Campaign to Ban Landmines (ICBL). As part of her work, she regularly attends the conferences on the Mine Ban Convention and CCW. She is the author of *Explosive Remnants of War: ERW in Sri Lanka* and other publications, and undertakes research and advocacy on landmines and ERW. In this volume, Rosy compares the interactions of civil society with governments in the Mine Ban Convention and CCW ERW processes.

Mary Wareham is Senior Advocate at Human Rights Watch in Washington, DC. In May 1998 she joined the Arms Division of Human Rights Watch and helped to establish and oversee *Landmine Monitor*. She has also undertaken a range of activities within the United States and globally to support the mine ban, and has produced the documentary film *Disarm*. Mary came to the US in February 1996 to work with Jody Williams at the Vietnam Veterans of America Foundation during the critical 1996–1997 "Ottawa Process" period of treaty negotiation. She had worked earlier

as a parliamentary researcher, and coordinated the New Zealand Campaign Against Landmines and, subsequently, the US campaign.

Vanessa Farr leads UNIDIR's project "Training for Women in DDR Processes". Her research focuses on how gender affects individual experiences of violent conflict, including the disarmament, demobilization and reintegration (DDR) of combatants after war; the impact of SALW on women and men; and women's coalition-building in conflict-torn societies. She has conducted field research on women's involvement in disarmament in Albania, Kosovo and Rwanda; trained women and men on DDR in the Democratic Republic of the Congo and Sudan; and advised the United Nation's reconstruction efforts in Afghanistan, the greater Great Lakes, Papua New Guinea (Bougainville), the Solomon Islands, Central and South America, Somalia, Uganda, Liberia, Sierra Leone and Côte d'Ivoire. Vanessa is editing the UN's multi-agency project on Integrated DDR Standards, and is engaged in analysing gender mainstreaming in weapons collection programmes and DDR processes.

The work of the DHA project would not have been realized if it were not for the generous financial assistance of the Governments of Norway and the Netherlands. In particular, I would like to thank Steffen Kongstad of the Ministry of Foreign Affairs of Norway and Daniël Prins of the Permanent Mission of the Netherlands in Geneva.

In addition, on behalf of the contributors and editors, I would also like to thank Anita Blétry, Christophe Carle, Nicolas Gérard, Jane Linekar, Isabelle Roger and Kerstin Vignard of UNIDIR for their efforts in bringing this volume to publication, as well as Ashley Thornton, Aurélia Merçay and Eoghan Murphy. We are also grateful for the support of Susan Eckey, Gro Nystuen, May-Elin Stener and Annette Landell of the Ministry of Foreign Affairs of Norway and Ellen Schut of the Ministry of Foreign Affairs of the Netherlands. Invaluable advice was also received from David Atwood of the Quaker United Nations Office in Geneva, Keith Krause of the Graduate Institute of International Studies in Geneva, Jean du Preez of the International Organizations and Nonproliferation Program at the Monterey Institute of International Studies, the Mine-Arms Unit team of the ICRC, David Meddings of the World Health Organization, Peter Batchelor of the United Nations Development Programme, Cate Buchanan of the Centre for Humanitarian Dialogue in Geneva, Eric Filippino of the Geneva International Centre for Humanitarian Demining, Patrick McCarthy of the

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Patricia Lewis
Director
UNIDIR

CHAPTER 1

DISARMAMENT AS HUMANITARIAN ACTION: FROM PERSPECTIVE TO PRACTICE

John Borrie

SUMMARY

This paper provides background to the others in this volume, including the way in which the analyses of contributors relate to one another, and to the broader theme of disarmament as humanitarian action.

INTRODUCTION

The ancient Greek historian Thucydides wrote that war is a violent teacher.¹ War, in Thucydides' case, was the Peloponnesian conflict between the Greeks during the fifth century BC, in which he participated.² Yet, in terms of sheer destructiveness, no era has been more violent than the twentieth century. Mass slaughter became industrialized on the battlefields of the Somme and Verdun, in the cinders of Hiroshima and Dresden, the rubble of Stalingrad and Nanking, and in death camps and killing fields from Auschwitz to Cambodia and Srebrenica. So enormous was the death toll of the Second World War in just one country, the Soviet Union, that the number killed and injured there is difficult to pinpoint, even to the nearest million deaths.

The figures we do have fail to fully convey the "indirect" costs of armed conflict.³ The privations of the war effort for civilians on both sides because of rationing and blockade in the First World War, for instance, exacerbated the influenza pandemic in 1918 and 1919 that carried off more lives than the conflict itself. Knock-on humanitarian effects are clearly recognizable in today's conflicts, in which a lack of access to clean water, adequate food and medical supplies, combined with infrastructural damage, result in

greater civilian misery and mortality due to malnourishment, disease or insecurity than battlefield deaths of combatants would imply. A recently published study in the medical journal *The Lancet* demonstrated that nearly four million people—mostly civilians—have died as a result of the ongoing conflict in the Democratic Republic of the Congo.⁴ In late 2005, the United Nations Secretary-General's report to the Security Council on the protection of civilians in armed conflict noted:

In the new warfare that has emerged, the impact of armed conflict on civilians goes far beyond the notion of collateral damage. Targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilation, hunger, disease and loss of livelihoods collectively paint an extremely grim picture of the human costs of armed conflict.⁵

Among the challenges created by armed conflict for civilized societies are those of alleviating its most atrocious effects on human beings. The establishment of the International Committee of the Red Cross (ICRC) in 1863, after the grisly horror of the battle of Solferino between the Austrian and French armies four years earlier, is often seen as the point at which the modern humanitarian community first began to emerge. That community has grown and widened its ambit hugely in the century and a half since the ICRC's establishment. The ICRC now jostles for position alongside a vast range of other entities that assist the sick and wounded in war, deliver relief supplies and lobby the media, international forums, national governments and the person on the street for attention and resources.

This explosion in humanitarian activity since the Second World War has been variously welcomed, resented and exploited by governments for their own purposes. From simply describing compassionate activity, guided by neutrality and impartiality to relieve suffering in war, humanitarianism had, by the turn of this century, become co-opted into the rhetoric of military intervention in places as diverse as Somalia, Kosovo and East Timor. Indeed, it has been argued that the contemporary humanitarian movement is in crisis—that it has overreached its original mission by trying to seize slippery new mantras for action, such as human rights and development. In the process, David Rieff has argued, the humanitarian community has allowed itself to become hijacked by the interests of the major powers—a heavy price to pay. He has observed that international humanitarian law and human rights norms, although never previously as advanced or as

widespread as they were by the mid-1990s, were of no practical benefit in preventing mass killing in Rwanda under the nose of the international community. When Yugoslavia disintegrated during the mid 1990s, major military powers only stepped in to end the killing when Western governments perceived their national interests to be at stake.⁶

Humanitarian concern at the suffering inflicted with weapons has, historically, often prompted the development of disarmament or arms control treaties. The 1925 Geneva Protocol banning the use of asphyxiating gases on the battlefield is a case in point. An ICRC appeal to the belligerents of the First World War against the use of these weapons in 1918 signalled a rising tide of public disgust as people saw their nations' youth return from war ruined by poisonous substances such as phosgene, chlorine and mustard gas that had been inflicted on them.⁷ In helping to persuade states to outlaw gas weapons, such public sentiment ultimately aligned with utilitarian arguments from military perspectives: once the initial advantage of deploying gas munitions wore off as the other side took countermeasures (including retaliating in kind), chemical weapons had proven to be of little strategic advantage to the First World War's belligerents. As a result, the emergence of this new norm provided a curious foretaste of alignments between humanitarian and utilitarian perspectives much later in the century, for instance to stigmatize anti-personnel mines in the 1990s.

Nevertheless, "the actual negotiations of most of the recent arms control and disarmament treaty regimes have been motivated primarily by national and international security concerns".⁸ The same can be said of the development of regulating the means and methods of warfare through international humanitarian law with which it is intertwined, most famously through the Geneva Conventions that are so important but which have become endangered in our "age of terror".⁹

Common to all of these norms, once negotiated, is that they sometimes fail during actual conflict. It might seem odd, then, to be considering disarmament as humanitarian action. If humanitarianism is in crisis, what can humanitarian approaches really offer to multilateral practitioners in tackling complex multilateral arms control challenges? These are, after all, negotiations in which the stakes may be as high as national sovereignty or survival. A related issue is whether there is evidence that humanitarian approaches to security have offered anything lasting or versatile so far, more than a decade after the United Nations Development Programme argued

for human security in its 1994 Human Development Report.¹⁰ If war is a violent teacher, to paraphrase Thucydides, and if humanitarian action is about alleviating its worst effects on civilians, what can we learn from the application of these approaches over the last decade to current disarmament challenges?

Multilateral disarmament and arms control paradigms certainly need to draw new inspiration from somewhere. As noted in the preceding volume, they have achieved scant success over the last decade, despite pressing political imperatives.¹¹ Examples include the thwarted efforts to strengthen the Bacteriological (Biological) and Toxin Weapons Convention through legally binding measures to increase confidence in compliance with it, and the inability of the Conference on Disarmament to agree on a programme of work so as to begin negotiations on fissile materials (the next agreed step in the process of nuclear disarmament). Since our last volume was produced in 2005, the five-yearly review of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)—the legal cornerstone of international efforts to prevent the cascading spread of nuclear weapons—failed to achieve anything substantial, despite serious challenges to the NPT regime, including the nuclear activities of Iran and North Korea.¹² Moreover, after a promising start on explosive remnants of war, states deliberating in the context of the Convention on Certain Conventional Weapons (CCW), at the time of writing, appear to have run out of steam in addressing the humanitarian effects of “mines other than anti-personnel mines” (MOTAPM) or cluster weapons.

BIPOLAR DISORDER

Where limited progress in the disarmament and arms control domain has been achieved over the last decade, it tends to have been accompanied by humanitarian approaches, with assistance from international organizations, field-based practitioners, academic researchers and transnational civil society. One crucial element of these approaches is an increased emphasis on the individual and the community as referent points for security, alongside traditional national security perspectives. Another element of this disarmament as humanitarian action is the involvement of practitioners from the field. This has enriched the work of government representatives by helping them to understand the challenges at hand and suggesting policy options to address them.¹³

Andrew Mack has noted that “most UN officials simply do not have time to read academic research publications and, unlike the World Bank, the UN in any case lacks a research culture”: the same is true of diplomatic negotiators and many representatives of non-governmental organizations (NGOs) in the international security context.¹⁴ There is a disconnection between much of the academic discourse on international security-related matters, including in disarmament, and what actually goes on in the negotiating chamber.

This disconnection is more than a shame: it has important ramifications for multilateral effectiveness. For example, involvement in disarmament and arms control work is relatively transient for most diplomatic participants. For my part, I have actively followed these issues for about a decade, which is not a long time. Yet I have observed, on average, almost three “generations” of diplomatic rotation in Geneva and New York during that period.¹⁵ Foreign service personnel tend to pride themselves on being generalists anyway; as its lack of success continues, arms control issues must seem even less attractive as a long-term career focus for many diplomats. In the face of continual lack of progress or exclusion, NGOs too tend to shift their attention elsewhere. Mack noted further that, in multilateral work, “Policy tends to be formulated on the basis of mandates, precedents and politics, rather than research findings.”¹⁶ Moreover, without outside interest or sufficient cognitive diversity, this will only increase at the expense of goal-oriented solutions. This is not good. Understanding all of the aspects Mack has referred to can be difficult in a short timeframe without deeper context, which knowledgeable practitioners often do not write down—at least not for general consumption.¹⁷

As a consequence, two main poles of conventional wisdom seem to have emerged among multilateral practitioners where humanitarian perspectives on disarmament issues are concerned. The first emphasizes the epochal nature of the Anti-Personnel Mine Ban Convention in particular as a new model for diplomacy. This can be traced, in part, to the presentation of the Nobel Peace Prize to the International Campaign to Ban Landmines (ICBL) and its coordinator, Jody Williams, in 1997. Euphoria at that time, especially among NGOs, perhaps obscured the intended meaning of her analysis about the potential applicability to other contexts of the ICBL’s way of working. Williams herself noted that “A core strength of the Campaign, which still seems ill-understood by many, has always been its loose structure. The ICBL is a true coalition made up of independent

NGOs”.¹⁸ The key ideas here are “loose structure” and “independent”, which suggest the importance of a willingness and ability to adapt. However, an unchallenged assumption by many participants in multilateral processes since then—among representatives of governments, as well as NGOs and researchers—is that emergent government–civil society partnerships in the future on security-related issues will resemble the “Ottawa Process” that led to the Mine Ban Convention, with a reincarnation of the ICBL at its spearhead.

The other extreme, which is equally unrealistic, is that the Ottawa Process was strictly a one-off, with no further application or relevance to informing multilateral practitioners in framing and responding to international security challenges. I have heard many colleagues say that anti-personnel mines were “special” because a strong and easily understood case could be developed to show that their negative humanitarian impacts far outweighed their military utility in the way that these weapons were being used, particularly in internal conflicts.¹⁹ This is true. Some, however, have also extrapolated it to mean that anti-personnel mines have no military utility at all. Several major military powers remain outside the Mine Ban Convention, such as China, India, Pakistan, the Russian Federation and the United States, and they clearly still consider otherwise, using military utility as a justification for their continued retention of anti-personnel mines. (Alongside this, they inevitably contend that their mines are used in such a way as to avoid endangering civilians.) This may, in part, be specious rationalization, as some supporters of the global ban on anti-personnel mines claim. But propagating the erroneous view that anti-personnel mines are without military utility per se unnecessarily discounts the potential lessons we can learn from the Mine Ban Convention for dealing with the humanitarian effects of other weapon systems. It marginalizes the Mine Ban Convention’s relevance as an example from which to draw appropriate lessons.²⁰

The truth dwells somewhere between the two poles I have mentioned. We need, of course, to be careful of how we interpret history and the process leading to the Mine Ban Convention, which will never be duplicated. We also need to be clear about why this is so: the Ottawa Process was the product of a particular set of circumstances that will not be the same for other issues, be they MOTAPM, cluster munitions, incapacitating biochemical agents or aspects of small arms and light weapons (SALW). Yet, we can certainly learn from its successful experience.

Each context in which a new norm is developed is unique, but that does not mean it cannot have broader applicability—the main case in point being the CCW. Over the three decades of the evolution of the CCW regime, it has applied similar procedural rules, as well as other methods of work, to a plethora of weapon systems unrelated to one another, from incendiary weapons to anti-personnel mines and blinding lasers. Clearly, weapon-specific processes have not limited the acceptability of the CCW as an ongoing working forum for its states parties. (Regrettably, however, there is undeniable merit to the view that states are more willing to negotiate restrictions in the CCW when they feel a weapon’s military utility has passed, is declining, or will never be crucial.)²¹

There is pressing need to strip away the misleading rhetoric of both poles about the applicability of humanitarian perspectives to disarmament and arms control work. In our first volume, Vanessa Martin Randin and I examined six recent multilateral processes—three on arms control, and one each on climate change, tobacco control and migration—to see what we could learn from them in terms of dynamics. What things in common (if any) contributed to negotiating success in them? It was clear, even from our limited exercise, that there are recursive elements (both good and bad) of diverse multilateral negotiations that practitioners can learn from, despite differences in their substance and political contexts.

HUMANITARIAN PERSPECTIVES

The same is true of the three multilateral processes on which our contributors focus their analyses in this volume. The impact of humanitarian perspectives is examined in the work of the CCW over the last decade, the 1997 Anti-Personnel Mine Ban Convention, and efforts in the context of the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action).²²

In the preceding volume I explained that humanitarian and human security perspectives should not be regarded as freestanding alternatives to orthodox national security referent points. Instead, they represent different wavelengths at which to see security-related problems and thus supplement existing standpoints. When one thinks of these standpoints, it is often the “realist” international relations tradition that springs to mind:

For “classical” American realists such as Reinhold Niebuhr, George Kennan, and Hans Morgenthau, international security was always an overt normative objective and an explicit goal in their writings and politics. For neo-realists like Kenneth Waltz, it has tended to be a more tacit aim, quietly driving their ostensibly positivist analysis. The tragic view of realists has come from their paradoxical conviction that the major war they seek to prevent derives from an international anarchy that can never be overcome.²³

Realist approaches are very persuasive, and largely appeal to common sense. Consequently, realist or neo-realist views are tacitly shared by a wide number of multilateral diplomats—at least the ones I have worked with.

However, like the national security referent points they tend to bolster, such realist approaches have their inevitable limitations. Campbell Craig, whom I quoted above, has also noted that international security politics, particularly since the 11 September 2001 attacks, “verge on the inexplicable to American realists”.²⁴ The same can also be said of the diplomatic variety of realist. The Hobbesian-derived view of the world that nation-states operate in their rational best interests in a situation of international anarchy is a good fit at an inter-state level of analysis. But the new challenges of an interconnected world—including the spread of infectious diseases such as HIV/AIDS and avian flu, international terrorism, the illicit trade in small arms, the propagation of malicious computer viruses or hacking on the Internet, refugee flows, and people and drug trafficking—confound traditional “command and control” views of achieving security. They often follow rules that are different from the rational realist conception, and are difficult to square with the orthodox means of achieving policy solutions.

A related point made in the last volume was that because these emerging security challenges revolve on their interconnections, rather than the innate properties of strategic objects like nuclear warheads or bombers, individual intent needs to be taken greater account of.²⁵ This is not an approach that diplomatic negotiators, who are often more used to developing “top-down” macro-regulatory models, are necessarily familiar with.

The paper that follows next in this second volume of the Disarmament as Humanitarian Action series is entitled “Mitigating the Effects of Armed

Violence Through Disarmament: Counting the Human Costs”, by Christian Ruge. His analysis draws on his varied experience as a Fafo researcher in the field. In an era in which perpetrators of violent and horrific acts—such as those of 11 September 2001—arm themselves with box cutters and are prepared to fly planes filled with civilians (and themselves) into buildings, he suggests that a better understanding of the various sources of insecurity, for states and their citizens, would assist policy makers and diplomats in developing new and more adequate responses to these threats, and ways to work toward this.

In particular, Christian’s paper discusses the potential for empirical research into sources of insecurity to assist policy processes such as multilateral disarmament and arms control negotiations. He focuses on the roles that social science-based empirical research and policy development may play in assisting the development of collective responses in multilateral negotiating, as well as how improved understanding of the humanitarian consequences from use of certain weapons can broaden discussions of their military utility with reference to the CCW, Mine Ban Convention and small arms processes. In the course of this analysis he discusses the gulf often found between academic and policy research and the multilateral work I mentioned above, and how it could be minimized to offer negotiators a broader knowledge base for addressing practical challenges.

In a complementary analysis, Rosy Cave takes a closer look at the term “new model of diplomacy”, often used to describe the dynamics between civil society and governments during the Mine Ban Convention negotiations. Her analysis compares the Ottawa Process with the CCW Protocol negotiation process on ERW a few years later. Was the “new” diplomacy that delivered the Mine Ban Convention successfully replicated in the latter process, or was it, indeed, just a “one-off”? Drawing from her extensive experience as a policy researcher on mines and ERW, Rosy concludes that there were several differences, despite some of the same governments and NGOs being active in both processes. These differences include the nature of relations between NGOs and states, and the level of development of NGO campaigning in the two contexts. In Rosy’s assessment, there are lessons that multilateral practitioners can learn by comparing the Ottawa and CCW ERW processes, especially in enhancing the ongoing work on cluster munitions. Those concerned with these issues, including NGOs, need to ask themselves some hard questions regarding the effectiveness of their approaches and how they might be more innovative.

Nevertheless, there is no doubt that the Mine Ban Convention represents an unprecedented combination of disarmament and humanitarian goals, even if aspects of subsequent arms control processes in which there is humanitarian interest should be emulated in spirit, rather than to the letter. Since 1997, states parties' compliance with the Mine Ban Convention is, in part, due to the advocacy efforts of the ICBL and its verification tool, *Landmine Monitor*. Their impact can also be seen on non-states parties who appear, in many cases, to be changing their behaviour to conform to the prohibitions set forth by the Convention. In her paper in this volume, Mary Wareham—one of the ICBL's key organizers and a central figure in the development of *Landmine Monitor*—considers the effectiveness of the Landmine Monitor project in monitoring implementation of the Convention as an example of disarmament as humanitarian action.

The final two papers in this volume focus on issues of SALW. Vanessa Farr is a UNIDIR researcher and activist with wide experience in the small arms domain—particularly on the gendered impacts of disarmament, demobilization and reintegration (DDR) programmes after conflicts have officially ended—as well as on gender and security sector reform, especially civilian arms control. Her analysis maps out some neglected aspects of small arms-related violence in the UN Programme of Action process. She observes that easy access to small arms is central to perpetuating social dislocation, destabilization, insecurity and crime in the build-up to war, in wartime, and in the aftermath of conflict. Small arms also hamper recovery efforts and compromise the capacity of humanitarian aid workers to go about their work. Moreover, small arms are misused within domestic settings as well as in public spaces, and they impact everyone in the community, albeit in different ways and for different reasons. One way to counter their effects, Vanessa argues, is to increase our understanding of the role played by the proliferation of SALW in reinforcing and maintaining gender-specific violence and power imbalances. This would have practical benefits for multilateral practitioners in implementing the Programme of Action (and other efforts at all levels) to curb the deleterious impacts of small arms on the security of human beings.

The final paper, my own, stems from the recognition that there are many forms of activity that contribute humanitarian perspectives beneficial to the work of multilateral disarmament and arms control. These contributions are not necessarily in the form of treaty processes, or even

formal mechanisms. A hallmark of humanitarian approaches to problem solving has been a focus on goals rather than processes: this means they are often ad hoc, unofficial and, to some extent, self-selecting coalitions of the willing. Some of these contributions, such as those of the Geneva Forum on small arms, have operated in *informal support* of official processes.²⁶

My paper briefly tells the story of the work of the Geneva Forum on small arms issues, and evaluates its impact on the achievement and subsequent implementation and monitoring of the Programme of Action.²⁷ It also considers the extent to which disarmament as humanitarian action characterizes the Forum's activities.

ENLIGHTENED SELF-INTEREST

All of the contributors to this volume have participated in the processes they analyse, and have experience in academic or policy research. Our intention is to try to unearth practical insights for other multilateral practitioners, rather than to produce academic treatises that will be left unread or ignored. We build on the realization that if multilateral disarmament and arms control processes are to be more effective, it is not enough simply to decry a perceived lack of political will or the cynicism of governments. Government representatives are, in many cases, open to new approaches and are similarly frustrated by their lack of progress over the last decade. Humanitarian perspectives and human security concepts can assist their work, but it needs to be demonstrated how to do this in specific terms. Otherwise, negotiating practitioners may in the end simply view humanitarian approaches to disarmament, such as the Mine Ban Convention, as a historical curiosity or soft, utopian ideal.

Humanitarian approaches are neither soft nor utopian. With typical frankness, Jody Williams argued, at a public debate organized as part of the work of this project in late 2005, that the only rational way to view security challenges in a globalizing world is in terms of "enlightened self-interest". Using human beings, as well as states, as referent points for security is entirely consistent with it:

The great [Franklin D. Roosevelt] in the United States, our president in the Depression and World War Two, is held up as the great hero of saving the poor. A lot of people think he was just a smart rich guy who

understood that the way he was going to save the country for the rich was by giving those poor little working slobs enough money so they could mortgage their lives and work forever and pay the bank. It worked. Enlightened self-interest. I don't get how the rich nations of the world don't understand if they make the poor little slob have a little bit of hope for the future maybe he won't want to strap on a bomb on himself and blow you up because you've got all the stuff and he doesn't. That's human security. That is human security in my book. That is not utopian in the least.²⁸

One key challenge is to have a more constructive discourse on the merits of human security or humanitarian approaches to security challenges. The nation-state and national security concerns about sovereignty and survival are not going to fade away anytime soon; nor should they in most cases. However, the prospect of future conflicts and their humanitarian consequences, as well as the challenges posed by growing global interconnection, are not likely to recede in the foreseeable future either. These challenges require a better response, despite the upbeat message of the Human Security Report 2005 about the waning of inter-state conflicts since the retreat of colonialism and the end of the Cold War.²⁹

I began this paper by referring to Thucydides, who recorded the sense among Athenians and Spartans alike at the beginning of the three-decade long Peloponnesian War that it could be contained and fought in distant places, mainly through proxies. Instead, the long conflict saw the breakdown of the old order and the efficacy of traditional solutions to limit conflict. Long-standing military restraints dissolved into brutality and what we would describe as war crimes if they had occurred in the modern age.³⁰

The effects of armed conflict—even the war between the ancient Greeks—teach us that we cannot afford to lose focus on the importance of the original humanitarian ideal of alleviating suffering in war, especially the suffering of civilians. And, if we can prevent this suffering and insecurity using the tools of international conflict resolution, disarmament and arms control, so much the better. Living, as some of us do, in relatively peaceful and prosperous societies in the early twenty-first century, it is easy to treat humanitarian suffering reported on television or in the pages of newspapers as distant problems. Humanitarian assistance is usually viewed as a matter of altruism—at least until “donor fatigue” and indifference set in. In the end,

however, humanitarian approaches, including their inclusion in disarmament and arms control, are a matter of enlightened self-interest because human suffering and insecurity are nearer our doorsteps in an interconnected world than we often imagine.

I share the disquiet of David Rieff about the selective attention of governments and the media to humanitarian crises I quoted earlier. Médecins Sans Frontières, in its list of the 10 most under-reported world hot spots of 2005, included, for example, the plight of people trapped by chronic wars in the Congo, Colombia, northern Uganda and Côte d'Ivoire; unrelenting crises in Somalia and southern Sudan; and the utter lack of research and development devoted to new HIV/AIDS tools adapted for impoverished settings.³¹ There are no simple solutions to this selectivity—although, as Brian Urquhart observed recently, the periodic inability of the UN Security Council to agree on much-needed action, and the reasons for it, would be a useful place to start.³² Nevertheless, understanding that self-interest is at stake, and being innovative with a view to channelling that intent productively, should help provide a handle on how to make multilateral disarmament and arms control work better than they do.

At the moment, the accumulated weight of precedent, procedure and institutional politics often acts as a circuit breaker that stops power from being translated into action in multilateral domains. Changing the light bulbs is not going to fix this. Reform of multilateral work must be more radical, and involve changing the way practitioners frame and respond to security challenges—something that the (much-needed) bureaucratic reform of institutions such as the UN cannot achieve alone. Viewing disarmament as humanitarian action can help to do that. Moreover, as the papers in this volume show, certain humanitarian approaches have actually been doing that for some time, and there are useful lessons to be learned from their examples.

Notes

- ¹ This sentiment has been translated in various ways. For example, in Thucydides, *History of the Peloponnesian War*, translated by Rex Warner (London: Penguin, 1972), Thucydides' remark is quoted as "war is a stern teacher; in depriving them of the power of easily

satisfying their daily wants, it brings most people's minds down to the level of their actual circumstances" (book 3, chapter 82, section 2, p. 242).

- 2 As a participant in the Peloponnesian War, Thucydides was known primarily as a naval commander. He was appointed strategos (general) in 424 BC and given command of a squadron of seven ships, stationed at Thasos. During the winter of 424/3 BC, the talented Spartan general Brasidas attacked Amphipolis, an important strategic city a half-day's sail west from Thasos, on the Thracian coast. Eucles, the Athenian commander at Amphipolis, sent for assistance to Thucydides. Brasidas, aware of Thucydides' presence on Thasos and his influence with the people of Amphipolis, and also afraid of help arriving by sea, acted quickly to offer moderate terms to the Amphipolitans for their surrender, which they accepted. When Thucydides arrived, Amphipolis was already under Spartan control, a failure for which Thucydides was exiled from Athens for a period of 20 years. During this time, he travelled and prepared his history.
- 3 For obvious reasons, such research is difficult and the existing evidence to support any estimates is incomplete. Nevertheless, various estimates have been offered, although all must be treated with judicious scepticism. For discussion, see Part IV of "Counting the Indirect Costs of War", in the Human Security Centre's *Human Security Report 2005*, Oxford: Oxford University Press, 2005, pp. 123–43. The report is available at <www.humansecurityreport.info>.
- 4 On 7 January 2005, *The Lancet* published the results of an International Rescue Committee-led mortality survey in the Democratic Republic of the Congo, containing slightly revised data from the IRC mortality study initially released in December 2004. See <www.theirc.org/news/page.jsp?itemID=27819067>.
- 5 United Nations Security Council, "Report of the Secretary-General on the protection of civilians in armed conflict", Security Council document S/2005/740 of 28 November 2005, pp. 1–2.
- 6 David Rieff, *A Bed for the Night: Humanitarianism in Crisis*, London: Vintage, 2002. For a briefer exposition of Rieff's views, see David Rieff, "Humanitarianism in Crisis", *Foreign Affairs*, vol. 81, no. 6, November/December 2002, pp. 111–21.
- 7 The full text of the ICRC's 1918 appeal is available at <www.icrc.org/Web/Eng/siteeng0.nsf/html/57JNQH>.
- 8 Robert J. Mathews and Timothy L.H. McCormack, "The Influence of Humanitarian Principles in the Negotiation of Arms Control Treaties",

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- International Review of the Red Cross*, no. 834, June 1999, pp. 331–52, p. 350.
- ⁹ See, for instance, Adam Roberts, “Counter-terrorism, Armed Force and the Laws of War”, *Survival*, vol. 44, no. 1, Spring 2002, pp. 7–32 and Seymour M. Hersh, *Chain of Command*, London: Penguin, 2005.
- ¹⁰ See chapter 2, “New Dimensions of Human Security”, in United Nations Development Programme, *Human Development Report 1994*, New York/Oxford: Oxford University Press, 1994, pp. 22–46.
- ¹¹ John Borrie and Vanessa Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, Geneva: UNIDIR, 2005.
- ¹² See Rebecca Johnson, “NPT RevCon Ends Spinelessly”, from the Acronym Institute for Disarmament Diplomacy report of the 2005 NPT Review Conference, 27 May 2005, available at <home.freeuk.net/nowpeace/NPTembassies_talks.htm>. See also Johnson’s more detailed subsequent analysis, “Politics and Protection: Why the 2005 NPT Review Conference Failed”, *Disarmament Diplomacy*, no. 80, 2005.
- ¹³ These issues are discussed in detail in our first volume.
- ¹⁴ Andrew Mack, “Plus ça change”, *Security Dialogue*, vol. 34, no. 3, 2003, pp. 363–67, p. 365.
- ¹⁵ Most diplomatic postings last from three to four years, on average. First postings for junior diplomats may be shorter.
- ¹⁶ A. Mack, 2003, op. cit., p. 365.
- ¹⁷ Diplomats do, of course, produce reporting in the form of diplomatic cables and memoranda for their own authorities at home in capital. However, as a rule these sources do not become public—if at all—for years or even decades.
- ¹⁸ See Jody Williams, “The International Campaign to Ban Landmines—A Model for Disarmament Initiatives”, 3 September 1999, available at <nobelprize.org/peace/articles/williams/>.
- ¹⁹ For example, see David C. Atwood, “NGOs and Disarmament: Views from the Coal Face”, *Disarmament Forum*, no. 1, 2002, pp. 5–14, at <www.unidir.org/pdf/articles/pdf-art5.pdf>.
- ²⁰ This is especially so because assessments of the effects of weapons on the health and welfare of human beings should take into account, as a critical factor, the *context* in which a weapon is used. For a broader discussion see Robin M. Coupland, “Modelling Armed Violence: A Tool for Humanitarian Dialogue in Disarmament and Arms Control”, in J. Borrie and V. Randin (eds), 2005, op. cit., pp. 39–49.

- ²¹ See Chris af Jochnick and Roger Normand, "The Legitimation of Violence: A Critical History of the Laws of War", *Harvard International Law Journal*, vol. 35, no. 1, Winter 1994, pp. 49–95.
- ²² Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in the *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001, UN document A/CONF.192/15.
- ²³ Campbell Craig, "American Realism versus American Imperialism", *World Politics*, vol. 57, no. 1, October 2004, pp. 143–71, p. 144.
- ²⁴ Ibid.
- ²⁵ See John Borrie, "Rethinking Multilateral Negotiations: Disarmament as Humanitarian Action" in J. Borrie and V. Randin, 2005, op. cit., pp. 17–23.
- ²⁶ The Geneva Forum is a joint initiative of the Quaker United Nations Office in Geneva, UNIDIR, and the Programme for Strategic and International Security Studies of the Graduate Institute of International Studies, also in Geneva.
- ²⁷ This paper has also been published, in abridged form, in UNIDIR's quarterly journal, *Disarmament Forum*, no. 1, 2006, and is available at <www.unidir.org/pdf/articles/pdf-art2427.pdf>.
- ²⁸ Text and audio of Jody Williams' presentation, along with those of others participating in UNIDIR's twenty-fifth anniversary debate, are at <www.unidir.org/html/en/25th_anniversary.html>.
- ²⁹ See <www.humansecurityreport.info>.
- ³⁰ For a very useful history, see Donald Kagan, *The Peloponnesian War*, New York: Viking Penguin, 2003.
- ³¹ See <www.msf.org/msfinternational/invoke.cfm?objectid=BE061F07-955B-CE44-5F648905B87E0E57&component=toolkit.pressrelease&method=full_html>.
- ³² See Brian Urquhart, "Humanitarianism is Not Enough", *The New York Review of Books*, vol. 52, no. 9, 26 May 2005.

CHAPTER 2

MITIGATING THE EFFECTS OF ARMED VIOLENCE THROUGH DISARMAMENT: COUNTING THE HUMAN COSTS

Christian H. Ruge

SUMMARY

This paper explores how empirical research into sources of insecurity can help multilateral disarmament and arms control negotiations. Four areas are addressed: the development of a security concept based on the real threats against individuals and communities; the interactions between the research and the policy communities; the relevance of humanitarian and social data for disarmament negotiations; and how arms control and disarmament practitioners may benefit from more use of such information. The paper argues that better knowledge about the ways in which certain weapons affect people and their communities can help multilateral arms negotiators in reframing issues where little progress has been made.

INTRODUCTION¹

One lesson of the attacks on 11 September 2001 on the Twin Towers and the Pentagon is that states using traditional military equipment no longer hold a monopoly on mounting large-scale violent attacks. Civilian airplanes were hijacked by non-state actors (NSA) for a coordinated aerial assault on civilian and military targets on what the attackers perceived as enemy territory. Another lesson is that geographical distance from areas of the world regarded as violent is no guarantee of security. Moreover, it was the attackers' *intent* to inflict extensive harm, death and destruction on their targets, combined with their organizational capabilities, rather than access to military-style weapons, that made the attacks possible. This shows that the sources of insecurity for a state and its citizens can be found not only in

the unchecked existence and distribution of arms and dedicated weapon systems, but also in the motivations and intentions of certain social or political groups. In this case, one such group was able to turn existing civil infrastructure into deadly weapons—with tragically large-scale effects. If special weapon systems are not required, then regulating access to such weapons through multilateral arms control negotiations, for example, cannot be the whole solution in meeting threats to the security of states and their citizens. This is something many governments have taken to heart by ramping up their intelligence and law enforcement capabilities, as well as their military responses to the “war on terror” declared after the 2001 attacks.

While armed responses have their place, they cannot always be successful and may exacerbate conflict. A broad and balanced range of responses to armed violence is needed. Among these, better understanding of the various sources of insecurity for states and their citizens would assist policy makers and diplomats in understanding and meeting such threats more effectively. To achieve this understanding, policy processes aimed at reducing the sources of insecurity for states and their citizens must broaden their scope. To deliver relevant responses, more factual evidence—and less subjective perception—is needed.

This paper discusses the potential for empirical research into sources of insecurity to assist policy processes such as multilateral disarmament and arms control negotiations. It focuses on four areas:

- A brief review of the debate over broader security concepts based on the types of real insecurities experienced by individuals and communities, as well as the perceptions of states.
- What roles social science-based empirical research and policy development may play in assisting collective responses through multilateral negotiation.
- How improved understanding of the humanitarian consequences resulting from use of certain weapons can broaden discussions of their military utility, an area of increasing significance in global security politics.
- The potential benefits of empirical research in reframing disarmament processes, by offering negotiators a broader knowledge base for addressing the problems at hand.

A DIFFERENT SECURITY CONCEPT

The global security landscape has changed profoundly over the last two decades. Inter-state conflicts have steadily declined. Counted in terms of battle deaths, conflicts are both rarer and kill fewer people than before, especially when compared with the butchery of the First and Second World Wars.² Nevertheless, while inter-state conflicts have declined, a growing number of civilians are still affected by armed conflict and its consequences. Hazardous residuals from war-fighting, such as mines and unexploded ordnance, constitute violent threats to the security of individuals and communities long after the actual fighting is over.³ Meanwhile, violence related to small arms and light weapons (SALW) takes the lives of thousands of people around the globe every week—both within and outside conflict zones.⁴

In addition, there are the “secondary” or “indirect” effects of war, which often kill far more people than direct violence. Nowhere in recent times has this reality been more grimly demonstrated than in the Democratic Republic of the Congo, where the effects of violence have rippled outwards, destroying health systems as well as food production and distribution. An estimated three million people have been killed in four years.⁵ There is an emerging acceptance of the need to have an approach to understanding and responding to armed conflict beyond the traditional, state-centred concept of national security that has framed the international system since the 1648 Treaty of Westphalia. The state-based security concept is inadequate in addressing the violent realities experienced by millions of people today.⁶

Among these approaches, “human security” has become prominent. The broad concept made its first real entry into international policy dialogue with the publication of the *Human Development Report 1994* by the United Nations Development Programme (UNDP). With a thematic focus on “new dimensions of human security” the report sought to introduce a new concept that “equates security with people rather than territories, with development rather than arms...”.⁷ The concept, as expressed in the report, was very broad and went beyond traditionally accepted ideas of the time. In the decade since, there has been lively discussion on its definition, what areas it should cover, and whether it is useful at all as a concept guiding policy response. Participants in these discussions may disagree profoundly about what to include or exclude from such an idea. There is, however,

widening agreement among researchers, policy makers and civil society that the concept should cover both real and perceived violent threats against individuals and communities.

ONE CONCEPT, MANY USES

The development and gradual acceptance of this new security concept has taken place alongside the development of two multilateral arms control instruments: the Anti-Personnel Mine Ban Convention and Protocol V on explosive remnants of war (ERW) of the United Nations Convention on Conventional Weapons (CCW).⁸ It is important to recognize that the two treaties are not the direct result of the human security debate.⁹ For example, while the Mine Ban Convention aims primarily to alleviate and prevent humanitarian threats to individuals and their communities rather than threats to states and national security, the nature and rapidity of its negotiation meant that there was little time for, or interest in, conceptual reflection. Actions were determined largely by the goal and the deadlines set for achieving it. However, human security concepts were used in a number of ways to inform and, in some (although by no means all) instances, to influence the development of these treaties. The application of human security ideas to these specific contexts tends to have been done on the fly, with their relevance subsequently extrapolated more widely by the concept's supporters. That is to say, practice seems to have justified concept rather than vice versa. Examples include:

- The *political use of the term human security*, as some politicians quickly recognized that the public success of the Mine Ban Convention and the distinctive process leading up to it might have application in other fields. One example of this is the way in which the foreign ministers of Canada and Norway embarked on their high profile cooperation on a "new international agenda" soon after the signing of the Mine Ban Convention. This cooperation later evolved into the Human Security Network, currently comprising 13 member states.¹⁰
- The *use of the concept by multilateral practitioners*, including diplomatic negotiators. The key promoter of this concept has been the United Nations (UN).¹¹ Human security gives humanitarian and development organizations, such as the UNDP, a platform to engage in the concrete security issues they deal with in their

operations, even if these issues have traditionally been outside of their mandates.

- The *use of the concept by researchers* and their (largely) academic discussions on how to define, measure and operationalize human security. While the 1994 UNDP report used a very broad definition of human security, various narrower concepts have been proposed, with violence or the threat of violence as defining features.¹²
- The *use of the concept in other multilateral policy processes* intended to develop new international instruments, for instance on mines other than anti-personnel mines (MOTAPM), cluster munitions, or aspects of the spread and effects of SALW.

Despite the fact that human security is still only vaguely defined, it is gradually making its way into multilateral security work and is challenging, expanding and complementing the traditional state-centred security paradigm. One attempt to distinguish the two concepts can be found in the *Human Security Report 2005*:

Human security is a relatively new concept, but one that is now widely used to describe the complex of interrelated threats associated with civil war, genocide and the displacement of populations. The distinction between human security and national security is an important one. While national security focuses on the defence of the state from external attack, human security is about protecting individuals and communities from any form of political violence.¹³

In one way, human security is about analysing security from the bottom up—from the vantage point of the individual negotiating a landscape of daily, concrete dangers. In that sense, it is much closer to the reality of most conflicts around the world than, for instance, the potential threat posed by (rarely used) weapons of mass destruction.

Human security also makes sense in the context of increasing globalization and the decreasing centrality of nation-states as the prime actors in the international arena—for instance, in the majority of armed conflicts. One consequence of this is that diplomatic negotiating processes that include only nation-states as participants may not be able to frame—let alone deliver—adequate solutions to the problems arising from armed violence. NSAs, ranging from international private business enterprises to

small-scale grey zone operators to armed political movements, play an increasing role in international security.¹⁴ At the other end of the spectrum, civil society actors involved in mitigating the social and humanitarian consequences of conflicts also play an increasingly important role, both as service providers to civilians in war-affected areas and as policy advocates at the national and global levels.

New types of actors are increasingly infiltrating two key areas that were formerly the monopoly of nation-states: security and the welfare of citizens of the state (or failed state). This is not the forum to discuss the reasons for this in detail, other than to note that they result from a great number of different—though often interconnected—social and economic factors.¹⁵ However, nation-states can no longer claim international security as solely their preserve. Negotiations on issues related to national security stand to gain from broader participation reflecting the realities that the negotiations are meant to address.

RESEARCH IN SUPPORT OF POLICY

Empirical research to document the humanitarian, social and economic effects of security issues is important in designing adequate policy responses. Further, such research may be useful in helping negotiators develop those responses. But what do we really know about how researchers interact with policy-making processes and policy makers like diplomats? Do policy makers even read research findings? Do researchers know how their results are being used, if at all, by policy makers?

To explore these questions, Fafo—an independent research foundation in Norway—recently organized a roundtable discussion with a selected group of non-governmental organizations (NGOs), academics and government policy makers about the role of data and analysis in policy development and priority setting in humanitarian emergencies.¹⁶ The two-fold aim of the discussion was to:

- identify the types of data and analysis the research community could present to decision makers to assist them in setting priorities when responding to humanitarian emergencies; and
- explore the knowledge context in which government agencies and other organizations make their decisions on resource allocation,

essentially posing the fundamental question: on what basis does a donor make its decisions when disbursing assistance?

The forum quickly agreed on two core issues. First, researchers usually fail to understand the realities of decision-making. And, secondly, decision makers do not have time to read lengthy reports. By way of illustration:

A [US] State Department official responsible for peacekeeping operations candidly remarked (just a few months before the crisis in the Great Lakes in late 1996) 'I don't have time to read. For example, see this top-secret document here. I don't know what it is; I haven't looked at it yet. But I'll probably read the table of contents, check it off, and then send it down the hall where some other guy will do the same. What is it anyway? Oh ... 'Contingency Plans for Burundi'.¹⁷

A number of factors—temporal, organizational, political and strategic—limit the impact of policy research on practical policy-making.¹⁸ For example, collaboration between researchers and policy makers is hindered by the different timeframes within which each group operates. Whereas robust and compelling research generally requires long-term, in-depth analysis, national governments and international organizations grappling with practical questions of conflict prevention, peace-building and humanitarian response are typically (and often necessarily) crisis driven. Harried policy makers are subject to severe time pressures and have to respond to fluid situations. They are, as a consequence, rarely in a position to formulate long-term strategies, much less to internalize the findings of the research community.

Ironically, an explosion of research on conflict, security and peace-building has worsened this constraint. The proliferation of information is itself an obstacle to busy policy makers, even when they want to keep up with the latest findings. One implication is that researchers who want to influence policy makers must be willing to present their analyses and other findings in ways that facilitate their absorption. This could include efforts to make such knowledge available in more easily digestible formats. Periodic culling and consolidation of findings would also help. This is, of course, more easily said than done: the international research community is even more diverse than the international community of states and perhaps even less inclined to look for common ground. However, this does not mean it is impossible. For instance, attempts have been made to build a global

consensus within the scientific community as part of multilateral negotiation processes in the environmental domain.

CLIMATE CHANGE: RESEARCH TO DEFINE POLICY

While there is currently no official consensus over the effects of climate change (with voices continuing to deny that human-induced climate change is occurring at all), the Intergovernmental Panel on Climate Change (IPCC) has made noteworthy progress in this respect. The IPCC was established to "... assess on a comprehensive, objective, open and transparent basis the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts and options for adaptation and mitigation."¹⁹ The IPCC's work is guided by the mandate provided by its two parent UN organizations, the World Meteorological Organization and the United Nations Environment Programme. The Panel follows a multi-level publication strategy, combining scientific articles and reports with methodology papers, summaries for policy makers, synthesis reports and technical papers. The Panel's objective is to provide policy makers with a solid evidence base and sound advice on policy directions. As a result, the IPCC is probably the most comprehensive attempt to bring a scientific approach to bear on an issue of global political concern. Although its findings have been challenged, perhaps most notably by the Danish scientist Bjørn Lomborg, the IPCC has, to a large extent, been able to define the policy agenda of climate change.²⁰

In policy areas where such a concerted and systematic production of knowledge does not take place, the policy and negotiation agendas are determined far more arbitrarily. Often this may be a reflection of political realities outside the actual policy space, rather than because of a shared assessment of the concrete realities of the issue. This is not to say that a policy or negotiation agenda based on scientific research is value free or beyond political consideration. Obviously it is not: international policy negotiations are, by their very nature, reflections of the political considerations of the participants. But negotiators can invite the research community into their policy processes, tasking them to explore specific questions that surface during negotiations, and then using those findings as a basis for further political negotiations. By facilitating more systematic and shared knowledge about the issue in question, negotiators may avoid situations where governments pick and choose whatever research finding

they judge most suitable to their political considerations, or simply ignore research on the issue in question.

DO RESEARCHERS UNDERSTAND POLICY MAKERS?

Perhaps one reason why projecting research findings into policy processes is difficult is because researchers often dramatically underestimate—or simply ignore—the barriers to change within organizations and institutional processes, including multilateral disarmament negotiations. These barriers range from the personal to the bureaucratic and the political and, as John Borrie argued, may be part of the prevailing “community of practice” of those engaged in these areas.²¹ Researchers tend to assume a technocratic approach to policy in which new knowledge is easily accepted on its technical merits alone. This becomes particularly evident when the research points to holistic or multidisciplinary recommendations that ignore the context in which they are to be implemented, including overstepping formal lines of bureaucratic authority, responsibility, mandates or standard operating procedures. For their part, members of an established community of practice may have some problems with accepting new and unorthodox understandings about an issue they have been working on for a lengthy period of time, even if this would actually help them in the long run.

Situations of insecurity that warrant international responses, ranging from urgent crises to regulatory measures, all have their own particular defining characteristics that set them apart from the others. Therefore, there are few recommendations likely to be applicable to multiple situations. The possible exceptions are more process-oriented recommendations on the internal structures and procedures of the organizations involved, such as UNDP or the European Union. On the whole, researchers trained to emphasize results that can be generalized will find it difficult to formulate broad lessons relevant to the diverse circumstances of conflict and post-conflict environments, and are more likely to arrive at only conditional generalizations.

The incentive structure within academia does not typically reward policy-relevant research, much less efforts to investigate the connections between such research and its subsequent effect on policy. In addition, scholars who are serious about establishing their academic reputation often

shy away from fields where generalizations, as just noted, are hard to come by—and in which theory building may not be the primary objective.

The research community frequently has only a frail understanding of how “lessons” are actually “learned” within organizations. Scholars have devoted tremendous energy and resources to distilling guidelines for policy makers based on past experience, on the assumption that there exists a set of actors and institutions capable of implementing these recommendations. But history tells us that this assumption should not be taken for granted. A more nuanced understanding is still needed about how the process of policy development, decision and implementation really takes place within institutions, both nationally and at the multilateral level (issues on which UNIDIR’s “Disarmament as Humanitarian Action” project is working).²² Researchers could, for example, examine prominent cases of institutional change in the areas of conflict prevention and peace-building, tracing the process of institutional learning that brought this about. From such a foundation, they could more effectively package and target their work to get—and keep—an audience in policy formulation.

UNDERSTANDING THE HUMANITARIAN EFFECTS OF ARMS

The traditional forum at the multilateral level for negotiating disarmament is the Conference on Disarmament (CD). The CD is mandated by the UN General Assembly to negotiate arms control and disarmament measures of concern to the international community, including all aspects of nuclear arms, chemical weapons and other weapons of mass destruction; conventional weapons; military spending; disarmament, development and security; and global disarmament in general. However, the CD has not produced any new agreements since 1996 and—at the time of writing—its 65 members remain deadlocked over consensus on a work programme.²³ The effect of this prolonged deadlock is that the primary forum for developing measures to reduce threats to humanity from a broad range of weapons is not working. Those governments and others with disarmament concerns not already dealt with through existing treaties have had to look elsewhere, to invent or to adapt alternatives to make progress.

One reason why the adoption of the Mine Ban Convention in 1997 is significant is because it was negotiated in a free-standing process that took place outside orthodox multilateral disarmament venues, such as the CD.

Those driving this process were a loose coalition of disarmament actors, together with a group of newcomers to that arena—humanitarian and development actors working with people and communities directly affected by anti-personnel mines. The rapid adoption of the Convention by a majority of UN Member States (147 at the time of the sixth meeting of States Parties in 2005) has, in effect, led to the establishment of a new international norm making use of anti-personnel mines a universally unacceptable practice, even by non-signatories. The Mine Ban Convention is a disarmament instrument, as it bans the production and use of anti-personnel mines, and provides for the destruction of stockpiles. However, it draws its rationale from the humanitarian field, citing the human and social costs of the presence of anti-personnel mines as the main justification of the ban, and not their potential to threaten the security of states.²⁴

While the Convention bans anti-personnel mines,²⁵ it does not cover other weapons or instruments of war that for different reasons may also endanger civilians, such as landmines designed to destroy vehicles or explosive munitions (like cluster submunitions) that have failed to function as intended. For people living and working in war-affected areas, there is little difference between mines that are prohibited by the Mine Ban Convention and other residual explosives that are not. Both types represent a real threat to them. In an attempt to address this gap between the policy instrument and realities in the field, some of the central actors behind the anti-personnel mine ban began to call for a legal instrument to cover all types of dangerous explosives left on the battlefield after the fighting is over. This coincided, from the late 1990s, with growing international concern about the increased use of cluster munitions. Submunitions from these weapons constitute a significant danger to civilians in situations in which they have been used, both because of poor targeting and their high failure rate at time of deployment.

These concerns contributed to the initiation of a Group of Governmental Experts (GGE) consultation process within the CCW framework: on ERW (which included measures relevant to the post-conflict effects of submunitions) and, in separate discussions, on MOTAPM.

REAL LIVES AND TANGIBLE THREATS

The GGE consultations covered issues that take place in the real world of existing organizations, living peoples and their communities. The

weapons in question are conventional, legitimate arms, and are part of the arsenals of many countries as well as NSAs. They have military utility and are often widely available. The risk from anti-vehicle mines, laid along a road during the conflict and now that the fighting is over the road is open for civilian use, is real. This risk affects people in their daily life in a number of ways. The same can be said for areas that have been targeted with cluster munitions. The unexploded submunitions are real threats to communities and inflict death and misery upon individuals.

Despite general (although not universal) recognition among CCW members that MOTAPM and cluster munitions create humanitarian problems, there is no agreement yet on their magnitude, or how (or if) regulatory measures will mitigate these problems. In this way, further empirical research on their humanitarian effects would provide negotiators with reliable data on *how* and to *what* extent people and communities are affected during and after conflict. This data can present different variables, such as public health indicators (mortality and handicaps), effects on education,²⁶ economic effects at the micro and macro levels, and the effects on international humanitarian and development assistance.

Such data, commissioned by the negotiators, and produced in a transparent and accountable manner, could serve to qualify the technical—and often theoretical—information on weapons provided by national militaries and arms manufacturers and which has a tendency to dominate disarmament negotiations. The failure rates of submunitions have, for instance, significant practical and life-threatening consequences for people living in target areas, and should be an important factor in determining the international humanitarian law implications of these weapons. Producers provide numbers based on tests in controlled conditions, which are unlikely to be similar to the actual conditions in which they are used. This, in turn, affects the numbers of unexploded devices. For example, submunitions dropped on soft ground or a cluster bomb launched from an incorrect altitude have a higher probability of failing to function as intended. Field-based research in which cluster munitions have been used is the only way to improve the knowledge base needed to inform discussions on effects, regulatory measures and implications for international humanitarian law.²⁷

The GGE meetings point clearly to the need for a research agenda into the humanitarian effects of these weapons, as they raise issues where knowledge is anecdotal, partisan, abstract and often not substantiated,

rather than evidence-based, factual, contextualized and systematic. So far, these consultations have produced neither a large body of new empirical knowledge nor an explanation of how such weapons affect civilians and post-conflict communities—certainly not when weighed against the volume of technical papers presented to forums on military utility or legal aspects by the governments themselves.

Some NGOs have begun undertaking research, occasionally with the financial assistance of progressive governments. Active members of the NGO community, such as Landmine Action UK²⁸ and Human Rights Watch,²⁹ have presented data—to the extent that this is obtainable—on the humanitarian effects of these weapons. This research has been brought before the GGE, mainly because NGOs have asked permission to do so and not because negotiators have asked for it, although governments—including Germany and the United States—have commissioned research on narrower issues directly from the Geneva International Centre for Humanitarian Demining.³⁰

More research of this kind could help negotiators to identify adequate responses to each specific problem by “translating” technical information into the real lives of people and their communities. Such data can also inform discussions on what measures to take, where and in what order, to maximize impact. Furthermore, better data on how and why the weapons are used by actors outside the CCW may improve the international community’s ability to implement and monitor future regulatory instruments. Experience from the work of *Landmine Monitor* shows that a lot of relevant information for implementation and compliance can be gained from open sources.³¹

EMPIRICAL RESEARCH SUPPORTING COMPLEX NEGOTIATIONS

One role for research could be to provide negotiators with a broader and deeper understanding of the issues on the negotiating agenda. The findings of empirical research can also offer opportunities to reframe issues in ways that circumvent rigid negotiating positions. Showing how things actually are on the ground in communities affected by anti-personnel mines through ongoing research, such as that carried out by *Landmine Monitor*, has contributed to sustaining public interest and political momentum in the Mine Ban Convention context. This kind of research can also do much to

challenge conventional wisdom or the unconscious prejudices of negotiators. In such a role, the researcher does not take on the task of presenting full-scale policy solutions to negotiators, but rather suggests new ways of approaching specific issues by induction based on factual evidence.

Fafo's Jon Pedersen recently discussed the role of social research in the Middle East Peace Process in an article on think-tanks and policy formulation. Pedersen noted that the role of the researcher is probably more relevant when contributing to a broader negotiating agenda than when proposing concrete solutions in such a context:

The idea of the researcher enlarging the field of opinion has a certain flair of paternalism to it [...] Nevertheless, it is a much less paternalistic view than that represented by another model of use of social science research that is common in the context of the Middle East Peace Process, namely that of the researchers directly putting forward solutions to diplomatic and political dilemmas. The way one may enlarge the field of opinion, is not to suggest solutions, but facilitate the quest for solutions by providing data and interpretations that may inform policy choices [...]

In Bourdieu's terms, a universe of discourse can be seen as a field of opinion in which debate is free, surrounded by a field, in which construction of meaning is taken as given and not discussed or doubted. The restricted field of meaning is really divided into two in the Palestinian/Israeli conflict, one for each party. The field of opinion common to the two parties has been extremely limited, that is a very small field that could be discussed at all. As I see it, the role of research in the process is partly to enlarge the field of opinion, i.e. enlarge the field of topics that the parties can discuss.³²

How can empirical researchers offer any assistance to negotiators trying to address the many threats to humanity posed by weapons? There are no easy answers. Four relevant themes, however, are outlined below. These are: mapping the problem; identifying objectives; helping to build public understanding of the issue; and improving the relevant stakeholders' understanding of the negotiating process.

MAPPING THE PROBLEM

As discussed earlier in this paper, empirical research can help in mapping the scope and extent of the issue in question by describing how a certain weapon or weapon system affects the security of people, their

communities and the countries in which they live. A negotiating process intended to address certain weapons or weapon systems—such as cluster munitions or anti-vehicle mines—should ideally be based on empirical research into where the problem is, whom it affects and how.

Equally important in international decision-making is how the results of this research compare in different environments. Do common characteristics emerge? For example, the latest research on cluster munitions indicates that while they have been used in fewer conflicts than mines, their humanitarian consequences for civilians make these unexploded submunitions a particular hazard. Useful research remains to be done to systematically analyse the demographic breakdown of incident victims. This would put policy makers in a position to prescribe appropriate measures to minimize risks through—for instance—better risk education in affected communities. Such a knowledge base could guide negotiators through the difficult task of defining the mandate of the process, and help them develop relevant policy responses to the problem. So far, this task has mainly been taken up by concerned NGOs who, with limited resources, are often able to present impressive new data that help to frame the policy agenda. Examples include at least four Landmine Action reports from 2002 to 2005 on aspects of ERW,³³ as well as the research by Human Rights Watch, which for many years has published field-based reports on the humanitarian effects of arms.³⁴ More empirical research may also help policy makers grapple with the question: can this problem be effectively or efficiently dealt with through an international legal norm, or do other—better—approaches emerge?

It is also true, of course, that actors who are proactive in policy processes have their own political agendas, and may not always have the financial or methodological means to ensure rigidly high standards in their work. This includes the critical inquiry issue—where researchers open their work to peer review, a process that has been crucial within the climate change debate and the work of the IPCC. Few, if any, NGOs in the humanitarian or disarmament fields would be willing or able to go into such processes. This in turn means that errors, once made, may be perpetuated, which makes it easier, in effect, for actors with different perceptions of the issue to discredit such reports without substantive counter-evidence of their own.

The process leading up to the Mine Ban Convention provides one illustration of this. During this period, the number “110 million mines in the ground” was widely used and quoted. While this number was deemed useful in order to engender the public’s moral outrage and legitimize urgent political action on the issue, the mine action community realized quite early that this figure had no basis in evidence—and could also be actively counterproductive. The figure was the result of an extrapolation of estimates from one mine-affected area in Afghanistan to the rest of the world, without any other references to field-based evidence whatsoever. This flawed number then gave credibility to statements that it would take several hundred years to clear the minefields in the world, thus both distorting serious discussion on how to address the problem and contributing to public apathy—since landmines may then be seen as a problem too large to deal with or care about. Arguably, the flawed number also weakened the credibility of the pro-ban community, even long after they had distanced themselves from it. A number of attempts have been made over the last few years to refute this particular statistic, including by the International Campaign to Ban Landmines (ICBL), which has argued that the number is irrelevant to the overall shape of the anti-personnel mine problem.³⁵ Nevertheless, “110 million mines in the ground” continued to appear in media reports, policy statements and fund-raising materials for some time.³⁶

Such examples are not limited to the anti-personnel mine issue, and a similar use of numbers in attempts to define a certain global problem have occurred within the ambit of issues such as SALW, curbing the use of child soldiers and gender violence. All of these topics have been portrayed by NGOs as urgent humanitarian issues that warrant governmental and inter-governmental action. One way to draw attention is to use numbers to demonstrate the global importance of these issues. However, when a “defining number” for flagging an issue has been accepted in many quarters and done its job, validating it may prove very difficult. Commonsense suggests that wrong or unknowable figures can have negative consequences when international political attention and the resources of governments and international organizations are finite.

Activists calling for restrictions on SALW have for some time partly based their calls on the high costs of these weapons for the security of individuals and their communities. However, the problems arising from small arms violence are far more complex and varied than those from mines

and ERW. Many attempts have been made by activist NGOs, research organizations such as the Small Arms Survey, and academic scholars to document the way in which SALW affect the security of individuals and communities. While much of this research appears sound, a key problem has been in translating the knowledge generated into concrete policy options. This reflects the sheer complexity of the small arms field, as is shown, for instance, by the blurred boundaries between military and civilian activities. Such complexity means that it is unsurprising that some elements of civil society, for example the National Rifle Association of the United States, argue strongly against restrictions on the civilian possession of small arms.³⁷ Issues such as these are simply not as black or white in political or moral terms as banning anti-personnel mines or even cleaning up ERW.³⁸

Whether negotiators will consider academic research into issues of arms and violence relevant to the process of multilateral disarmament and arms control remains an open question.³⁹ Independent research institutions might prefer to define their research agendas for their own purposes, and do not necessarily consult with policy makers on the needs of the latter. One way of getting around this could be to make it possible for negotiating bodies, such as the CCW, to commission their own research from independent academic institutions. Indeed, such initiatives emanate nationally from time to time. For example, the United Kingdom commissioned a prominent independent legal expert, Christopher Greenwood, to address the ERW GGE by means of presentations and working papers in 2002, and Australia followed suit with a report presented to the CCW in March 2006 surveying national interpretations of certain international humanitarian law rules.⁴⁰ Moreover, many governments lend financial and moral support for NGO research into weapons issues, which in turn feeds into diplomatic processes. Such modest initiatives—in essence, examining the issue without substantially discussing existing negotiating positions—may by itself contribute to fresh thinking about problematic aspects of international agreements. Discussions about findings from commissioned research may also assist states in identifying new common ground for negotiators.

DEFINING OBJECTIVES

Research-based understanding is also helpful in defining objectives for multilateral work. This may seem like an obvious point. But the UN

environment tends to be gradualist and procedurally constrained. Long timeframes and diplomatic precedent can undermine even the most benign humanitarian intent if unchecked, as negotiations on the CCW's Amended Protocol II (leaving many disappointed and leading to the "Ottawa Process") showed. Many government representatives were prepared to concede privately that Amended Protocol II was not an adequate policy response to the problem of anti-personnel mines by the time it neared agreement in 1996. This dissatisfaction, however, might have resulted in nothing but grumbling, unless advocates for a total ban could substantiate their arguments with irrefutable evidence, and show their policy prescription—a ban on anti-personnel mines—to be rationally self-evident. They were able to do this, in part, because of humanitarian mine-clearance operators with military experience and credibility who collated information from the field, or at least passed it on to other NGOs for analysis and distribution.⁴¹ It was also because medical practitioners—especially those working in war-torn areas, for example as surgeons for humanitarian organizations such as the International Committee of the Red Cross (ICRC)—had begun presenting a public health case for banning anti-personnel mines that ultimately dovetailed with broader humanitarian arguments.⁴² Indeed, a cynic might argue that given the traditionally discreet stance of the ICRC and the wide degree of scepticism felt within the operational cultures of humanitarian organizations in general about diplomatic solutions, building a case on the basis of injury data might simply have seemed more robust to them than an interpretative legal debate.

The issue of ERW, including the challenge of addressing the humanitarian effects of cluster munitions, is more complex. It is not yet clear that a blanket ban, like that of the Mine Ban Convention, is appropriate for cluster munitions. A better understanding of how people cope (or fail to cope) when forced to live with ERW and unexploded cluster munitions may help develop relevant policy options acceptable to both national military forces and communities affected by ERW. Little research has been undertaken in this area, thus it is perhaps not surprising that few compelling policy prescriptions have emerged.⁴³

In the SALW context, a better understanding of why people acquire weapons in the first place, and their reasons for using them, could help to define new policy arenas for actions on small arms that go beyond the present regulatory approach at the international level. In this respect, Robin Coupland has suggested an intriguing model for approaching the small arms

field as primarily a public health issue, identifying the conditions that need to be present for arms to pose a hazard. His approach breaks down some of the assumptions determining the context of the policy discourse on small arms, such as the demand versus supply dichotomy. Rather than proposing ready-made prescriptions for what policy makers must do, Coupland seeks to put an analytical tool in the hands of negotiators themselves because the use of any weapon is context dependent. (These ideas are discussed in more detail in a paper in the first volume of the Disarmament as Humanitarian Action series.)⁴⁴

Along related lines, Fafo conducts research into war zones and armed threats to human security by analysing war and conflict zones as lived social space, seeking to understand the activities of, and connections between, actors in these zones. While some regard this approach as “soft” social science, it is vital to “see violence within its social setting, to appreciate its roots in social conflict, and to understand why people turn to it...”,⁴⁵ and to be able to design appropriate response mechanisms within the security field, for example in arms management. This entails attempts to understand the activities of, and connections between, the various actors, or sets of actors, in conflict zones. Basically, the research explains why individuals and groups in conflict zones behave the way they do. Failure to understand why people acquire, keep and use arms in conflict areas will undermine any serious attempt to control the arms in a particular area.⁴⁶

Public health and social context approaches are still not generally accepted within the small arms community. Advocates of action to redress the effects of SALW on civilians present the small arms problem principally as one of existence and availability, with solutions to be found in increased control over arms flows. This is understandable, because multilateral efforts have been focused on implementing the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, agreed in 2001.⁴⁷ For instance, the main civil society coalition on global small arms action, the International Action Network on Small Arms, lists eight key issues on the small arms agenda. Six of these relate directly to various forms of arms management, while only two take a broader social context approach.⁴⁸ In the long run, however, there is a need to look beyond arms flows at other dimensions of small arms and light weapons challenges, especially at what fuels demand for these weapons and the reasons for their use. Empirical research will be essential in defining these objectives, both for NGOs and governments.

GENERATING PUBLIC SUPPORT AND POLITICAL LEGITIMACY

Understanding a problem is essential to framing effective responses to it. It is also important in communicating with the public and (hopefully) generating public and political support for multilateral objectives. International priority on issues is defined to some extent by media coverage. It is vital to be able to communicate to journalists and the general public the reasons why a certain issue is important, how it affects people and what can be done about it. Empirical research is not a marketing or communications tool, but with scant or no real knowledge of an issue, it is difficult to build sustainable public interest and engagement. In the world of disarmament, as the Mine Ban Convention showed, public engagement can sometimes transform or circumvent official thinking on security issues and help ensure accountability for implementation. It is not the task of researchers to do this, but good empirical research can show why an issue is important.

IMPROVED UNDERSTANDING ABOUT THE PROCESS

Multilateral policy negotiations are complex affairs that also take place in certain political, cultural and social contexts. Moreover, negotiators do not merely act as mouthpieces for their government's policies—their perceptions and behaviour have an impact on the success or failure of a multilateral negotiation. Better insights are needed into what goes on during such negotiations in order to make them more effective. Several examples demonstrate that it is possible to conduct concrete research into the dynamics of such processes from different approaches. One is the inductive approach of Fafo's Peace Implementation Network, engaging practitioners in facilitated discussions around the implementation of peace agreements and post-conflict recovery. These discussions have been helpful in improving understanding about why certain actors behave as they do, why some alternatives in a negotiation are dropped, why others prevail, how organizations learn, and how they relate to each other.⁴⁹ The Centre for Humanitarian Dialogue in Geneva, in a project entitled "Negotiating Disarmament", has begun working with humanitarian negotiators in a similar vein.⁵⁰ For its part, UNIDIR's project on "Disarmament as Humanitarian Action" is using various perspectives, including from the natural and behavioural sciences, to analyse the work of multilateral disarmament negotiators and to try to offer them new perspectives on the challenges they face.

WIDENING THE AGENDA—OPENING UP FOR NEW APPROACHES

Disarmament and arms control negotiations have traditionally been an arena largely restricted to diplomats, military experts and strategic security analysts, situated within a well-established state-based security paradigm. Changes in world politics over the past two decades have challenged this paradigm and, consequently, the way in which arms control and disarmament processes are conducted. The conventional dominant role of states within the security arena is also challenged by new, non-state, actors. Taken together, these factors contribute to a new and more complex security arena, where state security overlaps, but also competes, with human security concerns.

In addition, there is an emerging international understanding around the need to consider the human costs that weapons impose on civilians and their communities—even after the fighting is over. This increased acceptance of humanitarian concerns as legitimate drivers of disarmament has, so far, manifested itself in the shape of the Mine Ban Convention and CCW Protocol V on ERW, and represents a convergence of two policy areas, disarmament and humanitarianism, that traditionally have been separated. While further convergence of these two areas entails risks, it also may help to reorient disarmament efforts that fail to deliver results.⁵¹ Empirical research into the effects of arms on people's security can assist such processes—and broader participation in these processes may secure their success.

Disarmament is one of several avenues to increase security for individuals, their communities and states. In a world where most conventional weapons are widely available at a price (often not that high), and where the dividing line between civilian and military equipment is increasingly blurred, understanding why people choose to take up arms or intentionally inflict death and destruction on others is important.

Notes

- ¹ The author would like to thank Fafo colleagues Mark Taylor and Jon Pedersen for valuable comments and insights, and John Karlsrud for

- research assistance. Commissioning editor John Borrie provided inspiration, guidance and intellectual coherence.
- 2 See Andrew Mack, *The Human Security Report 2005*, Human Security Centre, University of British Columbia, New York/Oxford: Oxford University Press, 2005.
 - 3 For introductions to these issues, see the International Campaign to Ban Landmines, *Landmine Monitor Report 2005: Toward a Mine-Free World*, available at <www.icbl.org/lm/2005/>; and Landmine Action (United Kingdom) in partnership with Actiongroup Landmine.de (Germany) and Mines Action Canada, *Explosive Remnants Of War and Mines Other Than Anti-Personnel Mines: Global Survey 2003–2004*, at <www.minesactioncanada.org/documents/global%20impact%20survey.pdf>.
 - 4 See Small Arms Survey, *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, 2002.
 - 5 The International Crisis Group first reported this figure in 2002. A more detailed account of mortality in the Congo wars can be found in a recently published article by Benjamin Coghlan, Richard J. Brennan, Pascal Ngoy, et al., entitled: “Mortality in the Democratic Republic of Congo: a Nationwide Survey”, *The Lancet*, vol. 367, issue 9504, 7 January 2006, pp. 44–51.
 - 6 For a brief survey of views on human security, see *Security Dialogue*, vol. 35, no. 3, September 2004, pp. 345–46; 373–87.
 - 7 From the introduction to the 1994 report, at <hdr.undp.org/reports/global/1994/en/>.
 - 8 The Mine Ban Convention and CCW Protocol V are examined comprehensively in Rosy Cave’s analysis elsewhere in this volume. See Rosy Cave, “Disarmament as Humanitarian Action? Comparing Negotiations on Anti-Personnel Mines and Explosive Remnants of War”, in John Borrie and Vanessa Martin Randin (eds), *Disarmament as Humanitarian Action: From Perspective to Practice*, Geneva: United Nations, 2006.
 - 9 Moreover, the term was not used in any of the formal speeches given when the ICBL and Jody Williams received the 1997 Nobel Peace Prize. The speeches by Jody Williams and Rae McGrath available at <www.nobel.no/eng_lect_97b.html>.
 - 10 The Human Security Network includes Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Netherlands, Norway, Slovenia, Switzerland and Thailand, with South Africa as observer. Web site: <www.humansecuritynetwork.org>.

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- ¹¹ See, for example, Kofi Annan, "Two concepts of sovereignty", *The Economist*, vol. 352, no. 8137, 18 September 1999, pp. 49–50.
- ¹² See John Borrie, "Rethinking Multilateral Negotiations: Disarmament as Humanitarian Action", in John Borrie and Vanessa Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, Geneva: United Nations, 2005, pp. 7–37, particularly pages 23–27.
- ¹³ From the introduction to the *Human Security Report 2005*, op. cit., p. viii.
- ¹⁴ See, for example, P.W. Singer's book on private military companies, *Corporate Warriors: The Rise Of The Privatized Military Industry*, New York: Cornell University Press, 2003. Fafo's forthcoming (2006) report *Market Forces* by Joanna Spear also contains more discussion about the privatization of wars.
- ¹⁵ For further reading on this issue, see for example Elke Krahnman (ed.), *New Threats and New Actors in International Society*, London: Palgrave Macmillan, 2005; David Shearer, *Private Armies and Military Intervention*, International Institute for Strategic Studies (Adelphi Papers 316), 1998 or Mary Kaldor, *New and Old Wars—Organised Violence in a Global Era*, London: Polity Press, 1998.
- ¹⁶ A report summing up discussions from the meeting "Guessing at Hazards" will be published by Fafo in 2006.
- ¹⁷ From Cindy Collins and Thomas G. Weiss, *An Overview and Assessment of 1989–1996 Peace Operations Publications*, Providence: The Thomas J. Watson Jr. Institute for International Studies, Occasional Paper no. 28, 1997.
- ¹⁸ The following sections are based on an unpublished Fafo discussion paper by Mark Taylor, *Knowledge for What—Policy Research on Conflict Prevention and Peace-building*, available at <www.fafo.no/nsp/publica.htm>.
- ¹⁹ From "About IPCC: Mandate and Membership of the IPCC", at <www.ipcc.ch>.
- ²⁰ Lomborg gained global attention when he challenged the scientific consensus on climate change in his book *The Skeptical Environmentalist: Measuring the Real State of the World*, Cambridge: Cambridge University Press, 2001. More information available on Lomborg's web site at <www.lomborg.com>.
- ²¹ See J. Borrie, 2005, op. cit.
- ²² More information at <www.unidir.org>.

- ²³ For background, see Vanessa Martin Randin and John Borrie, "A Comparison Between Arms Control And Other Multilateral Negotiation Processes", in J. Borrie and V. Randin (eds), 2005, op. cit., pp. 67–129.
- ²⁴ For example, the Mine Ban Convention sets down in its preamble that its states parties are "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, Believ[e] 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, [and wish] to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration, of mine victims [...]."
- ²⁵ Defined in Article 2 of the Mine Ban Convention as "... a mine designed to be exploded by the presence, proximity or contact of a person".
- ²⁶ A Fafo household survey from Iraq conducted in early 2004 revealed "security concerns" as a significant factor in families keeping children out of schools. The author is currently conducting research on this subject.
- ²⁷ For further background, see Rae McGrath, *Cluster Bombs: the Military Effectiveness and Impact on Civilians of Cluster Munitions*, London: the UK Working Group on Landmines/Landmine Action, 2000.
- ²⁸ Between 2002 and 2005, Landmine Action published five reports on ERW and MOTAPM, two working papers and two books, all geared toward the CCW GGE process. Note from Richard Moyes to author, 10 January 2005.
- ²⁹ For example the report by Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq*, New York: Human Rights Watch, 2003, <www.hrw.org/reports/2003/usa1203/>.
- ³⁰ See, for example, Johannes Dirscherl (ed.), *Humanitarian Impact from Mines other than Anti-Personnel Mines*, Geneva: Geneva International Centre for Humanitarian Demining, October 2004.
- ³¹ See, for example, the entries on Burma on the *Landmine Monitor* web site, <www.icbl.org/lm>.

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- ³² Jon Pedersen, "Ideas, Think-Tanks, Commissions and Global Politics", in Ramesh Thakur, Andrew Cooper and John English (eds), *International Commissions and the Power of Ideas*, Tokyo: United Nations University Press, 2005.
- ³³ *Explosive Remnants of War: Unexploded Ordnance and Post-Conflict Communities*, 2002; John Borrie, with Rosy Cave and Richard Lloyd (eds), *Explosive Remnants of war: a Global Survey*, 2003; Richard Moyes (ed.), *Explosive Remnants of War And Mines Other Than Anti-Personnel Mines: Global Survey 2003–2004*, 2005; and Simon Conway (ed.), *Cluster Munitions in Lebanon*, 2005.
- ³⁴ Publications by Human Rights Watch on this issue are too numerous to cite here, but two titles serve as examples: *Landmines: A Deadly Legacy*, London: Arms Project of Human Rights Watch/Physicians for Human Rights, 1993, a book that in many ways defined the global landmine problem; and *Off Target: The Conduct of the War and Civilian Casualties in Iraq*, New York: Human Rights Watch, 2003, a report that documented the effects of the use of cluster munitions during the 2003 invasion of Iraq.
- ³⁵ See, for example, *Landmine Monitor Report 1999*, New York: Human Rights Watch, 1999, pp. 13–16, at <www.icbl.org/lm/1999/>.
- ³⁶ An example can be found on the web site of the United Nations Children's Fund, where the 110 million figure is presented as part of its 1996 annual report, *State of the World's Children*, <www.unicef.org/sowc96pk/hidekill.htm> accessed 9 January 2006.
- ³⁷ The annual reports from the Small Arms Survey provide a good reference point for exploring this literature. See their web site <www.smallarmssurvey.org/publications.htm>.
- ³⁸ See David C. Atwood, "NGOs and Disarmament: Views from the Coal Face", *Disarmament Forum*, no. 1, 2002, pp. 5–14, at <www.unidir.org/pdf/articles/pdf-art5.pdf>.
- ³⁹ Research on small arms and violence is carried out by a number of universities and academic research institutes. The International Peace Research Institute in Oslo, for example, hosts the Norwegian Initiative on Small Arms Transfers, at <www.prio.no/nisat>.
- ⁴⁰ United Kingdom working paper by Christopher Greenwood, *Legal Issues Regarding Explosive Remnants of War*, UN document CCW/GGE/1/WP.10 of 23 May 2002; for Australia's proposal see UN document CCW/GGE/13/5 of 3 March 2006.

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- ⁴² See, for example, Robin M. Coupland, "Amputation for Antipersonnel Mine Injuries of the Leg: Preservation of the Tibial Stump Using a Medial Gastrocnemius Myoplasty", *Annals of the Royal College of Surgeons of England*, no. 71, 1989, pp. 405–408; Robin M. Coupland and A. Korver, "Injuries From Anti-Personnel Mines: The Experience of the International Committee of the Red Cross", *British Medical Journal*, vol. 303, 1991, pp. 1509–12; and Rae McGrath and Eric Stover, "Injuries from Landmines", *British Medical Journal*, vol. 303, 1991, p. 1492.
- ⁴³ For more discussion on this issue, see Richard Moyes and Dave Tinnings, "Formal and informal responses to ordnance contamination", in the UNIDIR Report *Peace-Building, Conflict Prevention and Development*, Geneva: UNIDIR, 2005, pp. 35–45, at <www.unidir.org/pdf/3-PeacebuildingForView25-11-05.pdf>.
- ⁴⁴ Robin M. Coupland, "Modelling Armed Violence: A Tool for Humanitarian Dialogue in Disarmament and Arms Control", in J. Borrie and V. Randin (eds), 2005, op. cit., pp. 39–49.
- ⁴⁵ For further information, see Donald Crummey (ed.), *Banditry, Rebellion, & Social Protest in Africa*, London/Portsmouth: James Currey/Heinemann, 1986.
- ⁴⁶ Fafo's Institute for Applied International Studies "New Security Programme—A Manifesto" develops this argument further. See <www.newsecurity.info>.
- ⁴⁷ UN document A/CONF.192/15, 9–20 July 2001.
- ⁴⁸ See "Key Issues" on the IANSA web site, at <www.iansa.org/issues/index.htm> accessed 4 December, 2005.
- ⁴⁹ Published reports from this project include: Mark Taylor and R. Hooper, "Command from the Saddle: Managing United Nations Peace-building Missions", Fafo report 266, 1999; Claire Pike and Mark Taylor, "Swords for Ploughshares—Microdisarmament in Transitions from Conflict", Fafo report 332, 2000; Teresa Whitfield (rapporteur), "Policy or Process? The Politics of International Peace Implementation", Fafo report 456, 2004; and Mark Taylor and Kathleen Jennings, "In Search for Strategy—An Agenda for Applied Research on Transitions from Conflict", Fafo report 480, 2005. The reports are available from <www.fafo.no/english/pub/Emner/conflict.htm>.

⁵⁰ More information about this project is available at www.hdcentre.org.

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CHAPTER 3

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

Rosy Cave

SUMMARY

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

INTRODUCTION¹

The negotiation of the Anti-Personnel Mine Ban Convention, the "Ottawa Process", arguably created a "new model of diplomacy" entailing greater cooperation between governments and non-governmental organizations (NGOs).² NGOs concerned about the humanitarian effects of cluster munitions and other explosive remnants of war (ERW) have sought to carry this style of interaction into the work of the Convention on Certain Conventional Weapons (CCW).³ And, at first glance, the dynamics between civil society⁴ and governments in the two treaty processes appear to be similar. In particular, many of the same NGOs and "like-minded"

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

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

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

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

Over the next 15 years the CCW developed restrictions on various weapons systems. But the CCW failed to secure a ban on anti-personnel mines during the negotiations to amend the CCW Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (the amended instrument became known as Amended Protocol II) during 1995 and 1996.⁹ Following this failure, a separate process to develop an international ban on anti-personnel mines that intertwined civil society campaigning and international negotiations (sometimes referred to as the Ottawa Process) emerged.¹⁰ This resulted in the Mine Ban Convention in 1997, which was negotiated outside of the normal UN multilateral disarmament framework. Despite the CCW's perceived failure to ban anti-personnel mines, the CCW process nevertheless later negotiated the ERW Protocol and adopted it in 2003.

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

CIVIL SOCIETY AND GOVERNMENT DYNAMICS DURING THE MINE BAN CONVENTION PROCESS

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

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

The ICBL worked on early ratification of Protocol II and an export moratorium on anti-personnel mines. It focused on domestic campaigning and awareness-raising with NGOs, and on encouraging national campaigns to share information on their strategies and activities. International organizations, such as the UN High Commissioner for Refugees and the ICRC were, by then, also calling for a ban. The latter organized the first comprehensive meeting on the landmine issue, which brought together military experts, humanitarian organizations and war surgeons, in 1993.¹²

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

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

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

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

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

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

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

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

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

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

CIVIL SOCIETY AND GOVERNMENT DYNAMICS DURING THE CCW ERW PROCESS

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

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

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

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

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

of war in Nyon, Switzerland, attended by governmental and other experts. The goal was to include a comprehensive discussion of explosive remnants of war at the Second Review Conference of the CCW, to be held in Geneva in late 2001.³¹ This combination of field-based evidence and political campaigning and lobbying successfully fed into the CCW framework. At the December 2000 Preparatory Committee meeting for the 2001 Review Conference, the Netherlands, supported by 24 other co-sponsoring states, proposed that the CCW Second Review Conference address the issue of explosive remnants of war.³²

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

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

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

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

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

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

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

SIMILARITIES AND DIFFERENCES

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

NATIONAL INTERESTS VERSUS A COMMON GOAL

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

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

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

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

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

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

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

MILITARY CAPABILITY

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

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

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

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

A NEW MODEL OF DIPLOMACY

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

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

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

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

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

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

NGO PARTNERSHIPS WITH SMALL AND MEDIUM-SIZED STATES

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

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

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

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

SIMILAR NGO NETWORKS CREATED

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

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

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

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

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

LIMITED NGO ENGAGEMENT ON ERW

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

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

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

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

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

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

Notes

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

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

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

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

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

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

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

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

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

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

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

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

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

⁵⁶ Interview with Annette Bjrseth, Norwegian Ministry of Defence, 25 November 2005.

CHAPTER 4

THE ROLE OF *LANDMINE MONITOR* IN PROMOTING AND MONITORING COMPLIANCE WITH THE 1997 ANTI-PERSONNEL MINE BAN CONVENTION

Mary Wareham

SUMMARY

The 1997 Mine Ban Convention represents an unprecedented combination of disarmament prohibition and humanitarian goals. States parties' compliance with the Convention is in part due to the advocacy efforts of the International Campaign to Ban Landmines (ICBL) and its verification tool, *Landmine Monitor*. The impact can also be seen on non-states parties, who appear in many cases to be changing their behaviour to conform to the prohibitions set forth by the Convention. This paper examines the effectiveness of the ICBL's *Landmine Monitor* project in monitoring implementation of the Convention as an example of disarmament as humanitarian action.

INTRODUCTION

This paper examines the role of the widely acclaimed *Landmine Monitor* in promoting implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (referred to as the Mine Ban Convention).¹ The *Landmine Monitor* initiative is the world's first civil society-based verification regime to monitor implementation of and compliance with a multilateral arms control or humanitarian law treaty. Because *Landmine Monitor* is a project of the International Campaign to Ban Landmines (ICBL), the two are intimately bound: this paper necessarily contains analysis of the activities of both.²

This paper also considers how the ICBL and *Landmine Monitor* have helped to influence the actions and positions of 147 states parties tasked with implementing the Convention.³ In addition, the extent to which the ICBL and *Landmine Monitor* have helped change the behaviour of the seven remaining signatories and the 40 governments outside the Mine Ban Convention is reviewed.

MINE BAN CONVENTION IMPLEMENTATION OBLIGATIONS

The 1997 Mine Ban Convention represents the international community's response to a two-fold challenge issued in the early 1990s by the ICBL: to ban the use, production, stockpiling and transfer of anti-personnel mines and to provide resources for humanitarian mine clearance and mine victims.⁴ The ICBL is a broad-based coalition of more than 1,400 non-governmental organizations (NGOs), active in more than 90 countries, that works nationally and internationally to eradicate anti-personnel mines.⁵

Following the "Ottawa Process" (an eighteen-month period that saw governments, international agencies and the ICBL form an extraordinary alliance to build widespread political support and negotiate a treaty prohibiting anti-personnel mines), the Mine Ban Convention opened for signature in December 1997. That same month, the ICBL and its then-coordinator, Jody Williams, received the 1997 Nobel Peace Prize in recognition of their critical role in securing the Convention.

The Mine Ban Convention represents an unprecedented combination of disarmament prohibition and humanitarian goals. To understand the degree to which the ICBL and *Landmine Monitor* have influenced the Convention's implementation, it is first necessary to outline what is required of states parties to the Convention.

The most far-reaching implementation obligations involve the Convention's core prohibitions and principal humanitarian requirements. States parties must stop using, producing and transferring anti-personnel mines (Article 1); declare and destroy stockpiled anti-personnel mines within four years of entry into force of the Convention for that state party (Article 4); and remove and destroy emplaced mines within a 10-year period through mine clearance (Article 5).

There are also legislative and reporting obligations. Article 9 requires that states parties introduce domestic legislation to enforce the Convention's prohibitions. Under Article 7, states parties are required to provide a transparency measures report detailing their implementation of the agreement, initially no later than six months after entry into force of the agreement for that country and, thereafter, by 30 April of each year.

There are politically binding actions to help states parties implement the Convention's core prohibitions and humanitarian goals. States parties lacking the necessary resources to fulfil their implementation obligations have the right under Article 6 to "seek and receive assistance" from other states parties. This article also calls on all states parties "in a position to do so" to provide assistance for the care, rehabilitation and socio-economic reintegration of mine victims and mine awareness programmes, mine clearance and related activities, and the destruction of stockpiled anti-personnel mines. When donor governments negotiating the Convention balked at an open-ended obligation to provide assistance, this commitment was tempered by the inclusion of qualifiers, such as "where feasible" and "to the extent possible". Such assistance can involve the provision of financial, technical and other resources. In reality, donor nations often require political engagement and leadership, as well as domestic prioritization of the issue, in order to allocate and provide these resources.

Finally, there is an unwritten expectation that states parties will use all opportunities possible—including diplomatic ones—to participate in and promote the Convention. This includes promoting the Convention's full and complete universalization and working to ensure adherence by all states parties to the treaty's terms. States parties are also expected to ensure that the norm being established by the anti-personnel mine ban is respected by all.

MECHANISMS TO MONITOR IMPLEMENTATION

Article 11 of the Convention calls for states parties to "meet regularly" to consider "any matter with regard to the application or implementation" of the Convention. Additionally, Article 12 states that conferences should be held every five years to review the Convention's "operation and status".

Annual meetings of states parties alternate between Geneva and mine-affected countries in an effort to remind diplomats and others involved in the process of the field origins of the Convention as well as the continued humanitarian problems caused by mines and unexploded ordnance (UXO).⁶ The first five-yearly Review Conference of the Convention was held in 2004 in Kenya. At this “Nairobi Summit on a Mine-Free World” governments recommitted their political and financial pledges to eradicate anti-personnel mines, issuing the 70-point Nairobi Action Plan to guide implementation of the Convention in the five years leading to the next review conference.

At each meeting, states parties issue a declaration of political commitment to ensuring the Convention is universalized and implemented. The annual meetings report on the collective decisions taken by member states of the Mine Ban Convention and plan actions to implement these activities. The meetings are also important to help maintain the international community’s focus on the anti-personnel mine issue.

In what is an unprecedented effort within an arms control setting to create a culture of activism and commitment, states parties have been prompted to use their annual meetings to create an array of structures and processes to promote the implementation of the Convention. At their first meeting in 1999, for example, states parties established an intersessional work programme consisting of five standing committees.⁷ These committees meet regularly to discuss concerns and progress on the following: the general status and operation of the Convention; stockpile destruction; mine clearance, mine risk education and mine action technologies; and victim assistance and socio-economic reintegration.⁸

Although it is not without friction, by arms control standards the intersessional process is uniquely informal and is therefore able to encourage continuity, transparency and inclusiveness in the cooperative spirit of the Ottawa Process. Importantly, these intersessional meetings provide a central forum for partnership and cooperation between states parties, other governments, the ICBL, the International Committee of the Red Cross (ICRC), United Nations (UN) agencies and other international organizations on common implementation and universalization concerns.

In 2000, the states parties established a coordinating committee to address practical coordination matters relating to the intersessional work

programme and preparations for the annual meeting. The coordinating committee comprises the intersessional standing committee co-chairs and co-rapporteurs, as well as the presidents and secretaries of annual meetings. A sponsorship programme was also created to enable full participation by mine-affected countries and others with limited resources. At their third annual meeting, states parties agreed to establish an Implementation Support Unit (ISU) to ensure continuity and sustainability of the intersessional work. Both the sponsorship programme and the ISU are supported by voluntary financial contributions from governments.

At the urging of the ICBL, states parties have also established a number of informal contact groups to address the universalization of the Convention, transparency reporting and domestic legislation, as well as the mobilization of resources. Meanwhile, the ICBL has also sought to broaden membership of the Convention and to monitor its implementation, namely through *Landmine Monitor*, to which we now turn.

THE ICBL AND ITS *LANDMINE MONITOR* INITIATIVE

BACKGROUND

After the Mine Ban Convention was adopted, the ICBL reaffirmed its commitment to its initial call to ban anti-personnel mines and refocused its efforts to include support for the Convention's universalization and implementation.⁹ Discussions among ICBL leaders and a few key governments led to the creation of *Landmine Monitor* in June 1998 to track and report on states parties' compliance and the humanitarian response more generally to the landmine crisis. A "core group" of five ICBL members assumed responsibility for coordination of the initiative: the rehabilitation NGO Handicap International, the mine clearance NGO Norwegian People's Aid, the research and advocacy NGO Human Rights Watch, and the Canadian and Kenyan national mine-ban campaigns. Human Rights Watch was the lead agency between 1999 and 2004, at which point it passed this responsibility to Mines Action Canada.

Governments acknowledged the critical role played by the ICBL and the ICRC in establishing the Convention by naming both groups in the preamble to the Convention, a unique citation in an international treaty. However, because *Landmine Monitor* debuted later (at the First Meeting of

States Parties in 1999), there is no mention of *Landmine Monitor* in the Convention or in official documents pertaining to the structure or processes established by states parties.¹⁰ *Landmine Monitor's* research, however, finds its way into official reports, declarations and plans of action, as well as statements and reporting by individual states parties, and has become an accepted, if tacit, part of the official Mine Ban Convention landscape. States parties often testify to *Landmine Monitor's* essential role in monitoring the Convention and the humanitarian response to the global mines problem. Australia, for example, has congratulated the ICBL for making *Landmine Monitor* "the most comprehensive and reliable source of information on the global landmines situation". Canada has urged other governments to fund the initiative, describing it as "an annual citizen's companion to the Convention".¹¹ Even non-states parties have welcomed the report. Myanmar, for example, has described it as "impressive both in its scope and coverage", while Georgia has cited it as "a crucial component in achieving such a noble goal as [a] mine-free world".¹²

Support for *Landmine Monitor* is reflected in its funding, which has been consistently sustained since 1999 with an annual report budget of over US\$ 1 million, made possible by the financial assistance of governments and other agencies. Sixteen countries contributed to *Landmine Monitor Report 2004*, double the number of contributors to the first report issued in 1999.¹³ States parties have also shown their support for *Landmine Monitor* in other ways, for example, by hosting the initiative's annual global meeting.¹⁴

SCOPE AND ORGANIZATION OF *LANDMINE MONITOR*

The information that *Landmine Monitor* collates and publishes in its annual reports is provided by a global research network. For instance, a total of 110 researchers from 93 countries contributed to *Landmine Monitor's* 2004 annual report and associated publications that year, the largest network of researchers since its inception. *Landmine Monitor* reported on the use, production, transfer, stockpiling, mine action funding, mine clearance, mine risk education, landmine casualties and survivor assistance related to anti-personnel mines in every country in the world from 1999 to 2005—a major achievement.

The "in-country" composition of the network is, however, a double-edged sword. Local researchers usually understand better the various

dimensions of the landmine problem in their context and most commit to participating in the Landmine Monitor initiative over multiple reports. This allows them to establish their own networks of lasting information contacts. However, these researchers come from a diverse array of educational backgrounds and the majority of them do not speak English as a first language.¹⁵ This is felt acutely by the report's editors who, in a period of less than three months, must standardize and summarize information to provide a report detailing all aspects of the landmine issue in every country of the world.

Landmine Monitor is not intended to send researchers into harm's way, and deliberately does not include reporting from war zones. Instead, it documents anti-personnel mine use, for example, through extensive collection, analysis and distribution of publicly available information such as media reports. Researchers also carry out interviews with a wide range of sources including:

- international and national NGOs;
- UN officials;
- diplomats;
- international and national media;
- refugees and internally displaced persons;
- mine survivors, their families and witnesses of mine incidents;
- rebels and military requesting anonymity; and
- local residents.

Parliamentary hearings and other independent investigations are also a source of information.

Using basic software, researchers have created databases to track mine casualties that also prove useful for analysing evidence of mine use.

In the course of research for each annual report, *Landmine Monitor* gives those governments about which it has uncovered serious violations of the anti-personnel mine ban the opportunity to respond and comment on the findings ahead of its print deadline. *Landmine Monitor* usually writes to the concerned government requesting clarification on the matter in order to incorporate their reply into the country update. If received after the print deadline, these responses are posted in their entirety on *Landmine Monitor's* web site, under a section entitled "Comments Received".

Many of the researchers are women.¹⁶ The researchers come primarily from the ICBL's campaign coalition, and several are journalists. Most researchers, therefore, wear two "hats": as campaigners representing ICBL in their country and as researchers reporting for *Landmine Monitor*. Nevertheless, the ICBL and *Landmine Monitor* are distinct in some aspects. They have separate decision-making structures. While *Landmine Monitor* primarily provides factual information, any analysis or recommendation is typically presented in public by the ICBL, which uses the annual report as an advocacy tool. While this distinction is fairly clear to those working at the ICBL and on *Landmine Monitor*, it can at times appear confusing to those on the outside.

PROMOTING AND MONITORING STATES PARTIES' COMPLIANCE: LANDMINE MONITOR'S ROLE

This review of *Landmine Monitor's* role is ordered around the principal articles of the Convention, starting with transparency reporting (Article 7) and domestic implementation measures (Article 9). Because *Landmine Monitor* was "established in recognition of the need for independent reporting and evaluation", and to complement the transparency reporting by states parties, the Article 7 reports form an essential baseline of information for *Landmine Monitor's* reporting on the implementation of other key articles. The ICBL urges all states parties, even those that are believed to have never used, produced, or stockpiled anti-personnel mines, to submit transparency reports. This is in order to ascertain conclusively that these states parties do not stockpile the weapon, are not mine-affected, and have measures in place to ensure the Convention's application.

This overview of *Landmine Monitor's* role in reporting and implementation measures is necessary in order to review the initiative's effectiveness in encouraging implementation of the Convention's core prohibitions (Articles 1, 4), the Convention's humanitarian requirements (Articles 5, 6) and issues related to its interpretation (Articles 1–3). The impact of the ICBL and *Landmine Monitor* in changing the behaviour of non-states parties and armed non-state actors is also significant, but will be discussed separately.

URGING TIMELY AND DETAILED REPORTING AND IMPLEMENTATION MEASURES

The ICBL and *Landmine Monitor* have helped to ensure the timely submission of Article 7 reports and have played a role in improving the quality and quantity of information provided by states parties.

The number of states parties submitting their initial reports increased dramatically from 63% in 2001 to an impressive 96% by October 2005.¹⁷ The ICBL has regularly reminded states parties of their reporting deadlines, with *Landmine Monitor* issuing fact sheets listing those with impending deadlines and those behind schedule. Country by country, *Landmine Monitor* researchers have approached all relevant ministries involved in the preparation of the Article 7 report to request its submission. On a number of occasions this pressure has helped government officials obtain the necessary information—for example, on stockpiled mines—from their own reluctant ministries of defence and armed forces to enable submission of the national report.

Other initiatives have assisted in improving the reporting compliance rate, such as the “Article 7 Contact Group” established in 2000 and led by Belgium. Moreover, the production of educational tools, such as the *Guide to Article 7 Reporting* prepared by the Verification Research, Training and Information Centre (VERTIC), in cooperation with ICBL, have been useful.

States parties’ reporting appears to have become more detailed since 1999. For example, reporting on national measures was initially incomplete, or reports cited ratification and mine action legislation rather than measures to enforce and penalize the ban provisions domestically. The ICBL started publishing its *Landmine Monitor* report prior to the submission of initial Article 7 reports, and thus set the standard for comprehensive and detailed reporting. States parties often “borrow” language from their *Landmine Monitor* country updates to include in their Article 7 reports. Indeed, ICBL campaigners and *Landmine Monitor* researchers sometimes review and comment on draft Article 7 reports provided by their governments prior to submission. They explain the requirements of each form of the report to officials and urge states parties to report in as much detail as possible.

Landmine Monitor's examination and analysis of Article 7 reports has helped to show gaps and discrepancies in the numbers of mines reported destroyed. It attempts to secure clarification before going to print with the annual report. Initially, only the ICBL and *Landmine Monitor* requested clarification from states parties on information contained in the transparency reports. At the May 2000 Intersessional Standing Committee of Experts on Stockpile Destruction meeting, the ICBL raised concerns about Ecuador's intention to retain 170,344 anti-personnel mines for "training purposes". Alerted by the ICBL, states parties made a number of requests for clarification to Ecuador. A representative from the delegation of Ecuador subsequently told the ICBL that the number had been an error and would be corrected. In its second Article 7 report, submitted in August 2000, Ecuador stated that its stockpile totalled 170,344 anti-personnel mines (154,344 of which were transferred for destruction between March and July 2000), and that it would retain 16,000 mines for training, a number it subsequently reduced to 3,970 mines.¹⁸ This was a clear example of *Landmine Monitor* influencing state behaviour.

Landmine Monitor's analysis of Article 7 reports, together with the ICBL's inquiries, reminders and offers of assistance, has helped generate momentum toward the adoption of national implementation measures, as required by Article 9 of the Convention. While it has improved, compliance with this aspect of the Convention remains disappointingly low. According to *Landmine Monitor Report 2005*, just 44 of the Convention's 147 states parties had enacted national legislation. Nevertheless, this compares to just 14 states parties identified in *Landmine Monitor Report 1999*.

Landmine Monitor analyses and queries national implementation measures that states parties list in their Article 7 reports. The ICBL has scrutinized and commented on draft legislation, attended—and sometimes organized—public hearings on legislation and, in some cases, even helped to draft national law. Such tasks are often referred to the ICRC's legal division, which has a better capacity for legal analysis and assistance. The ICBL has pressed states parties to do more to encourage the adoption of national measures. The ICBL also participates in the Belgian-led Contact Group on National Legislation established in 2000. Since 2001, the ICBL has distributed an information kit on the development of national legislation, which was prepared by the ICRC and translated into several languages.

ENFORCING THE PROHIBITIONS ON MINE PRODUCTION, TRANSFER AND USE

While *Landmine Monitor* documents compliance by states parties with the core prohibitions of the Convention, the ICBL uses its moral and political clout to encourage and enforce these prohibitions.

Landmine Monitor's research on the production of anti-personnel mines is largely limited to governments, since government factories and state-owned entities are responsible for most of the mine production. For production and transfer research, *Landmine Monitor* has taken on the investigative role previously performed solely by Human Rights Watch in documenting the changing behaviour of the 38 states that were once identified as anti-personnel mine producers. According to *Landmine Monitor*, there has been no evidence of anti-personnel mine manufacturing by states parties since 1997, and no real concerns have emerged about the decommissioning or conversion of production facilities.

Landmine Monitor has reported in detail on previously unknown production activities carried out by states parties before joining the Mine Ban Convention. It was the first to report that Colombia produced anti-personnel mines until 1996, when the Ministry of Defence instructed the government-run facility to cease these activities. Other states parties have been compelled to "set the record straight" with *Landmine Monitor* by confessing to past production activities. In 2000, Australia told *Landmine Monitor* that it manufactured anti-personnel mines until the early 1980s. Prior to this, Australia was not thought to have been involved in the manufacturing of anti-personnel mines.

Landmine Monitor has not documented any acknowledged state-to-state transfers or exports of anti-personnel mines since 1999, and it believes that the trade in anti-personnel mines has dwindled to a very low level of illicit trafficking and unacknowledged trade. However, *Landmine Monitor* has occasionally reported on scandals triggered by investigative researchers and reporters. It described two attempted sales of anti-personnel mines in the United Kingdom in 1999 by a Romanian arms company and by Pakistan Ordnance Factories.

Through careful and professional research, *Landmine Monitor* has confirmed and published cases of landmine use by states parties, while the

ICBL has engaged in ongoing advocacy to prevent and urge other states parties to act on reports on non-compliance with the prohibitions. In every instance, *Landmine Monitor* writes to the users it may name in the report to seek their comment or clarification. As previously mentioned, if the response is received too late to be incorporated into the country report it is posted in its entirety on *Landmine Monitor's* web site.

Between 1999 and 2005, *Landmine Monitor* found no definitive evidence of use of anti-personnel mines by any state party. But it reported serious evidence of mine use by Uganda in the Democratic Republic of the Congo (DRC) and gathered compelling evidence that a number of signatories used anti-personnel mines before they ratified the Mine Ban Convention.

In 2001, *Landmine Monitor* reported that Uganda used anti-personnel mines in the DRC in 2000 and 2001, particularly during the June 2000 battle for Kisangani. Uganda denied these reports. But, in September 2001 it agreed to the ICBL's suggestion that a full investigation be carried out. Subsequently, at a February 2002 meeting of the Intersessional Standing Committee on the General Status and Operation of the Convention, the Ugandan government informed states parties that a joint Uganda–Rwanda commission looking into the conduct of the fighting in the DRC would also investigate the allegations of landmine use. Then, all went quiet. Consequently, in September 2003, the ICBL expressed disappointment that Uganda had made no further public statements regarding the allegations or the investigation. In response, Uganda said the investigation had been completed, but the report would not be made public. The ICBL has continued to raise the issue of Uganda's behaviour, but it is unclear what, if anything, other states parties have done to follow-up on the use allegations reported by *Landmine Monitor*. Anti-personnel mine use would appear to be one in a long list of violations of international law that Uganda engaged in during its time in the DRC.¹⁹

In another case, Angolan government officials admitted to the continued use of anti-personnel mines by their military forces on many occasions prior to the country's April 2002 peace agreements, including in the period following their signing of the Mine Ban Convention in 1997. The ICBL told Angola that, as signatory at the time of use, Angola's use of mines could be judged a breach of its international obligations, citing Article 18 of the Vienna Convention on the Law of Treaties that, "A state is obliged to

refrain from acts which would defeat the object and purpose of a treaty when...it has signed the treaty...". The use of anti-personnel mines by a signatory clearly defeats the object and purpose of a treaty banning that weapon.

The ICBL used a variety of methods to protest use by Angola and others by publicizing their actions widely in the media and other venues. The ICBL also used the meetings of states parties and other prominent forums to publicly condemn anti-personnel mine users and call on states parties to take action in order to persuade the user to halt its actions. The so-called "naming and shaming" strategy to stigmatize anti-personnel mine use is one of the ICBL's most powerful tools to promote compliance by states parties with the Convention's ban prohibitions. The case of Angola, however, shows that such a strategy can have its limits.

Other signatories of the Convention have responded in various ways to allegations of anti-personnel mine use beyond simply denying the charge. Sudan has provided detailed information of its attempts to educate its armed forces on compliance with the anti-personnel mine ban. On several occasions, Burundi has invited the international community for a fact-finding or investigation/verification mission.

Landmine Monitor looks closely for instances of mine use in states parties that previously used anti-personnel mines, for example in Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Mozambique and Nicaragua.

While research limitations may prevent *Landmine Monitor* from accessing every piece of available information on mine laying, it is difficult at present for mine use to go completely unnoticed. Information technology and increased presence of NGOs and media in conflict zones have made it much harder for abusive regimes to hide human rights violations, including new anti-personnel mine use. For example, *Landmine Monitor* has not conducted any investigative missions in Sudan's Darfur region because the large range of available information sources has not, at the time of writing, revealed evidence or allegations of anti-personnel mine use.

VERIFYING STOCKPILE DESTRUCTION (ARTICLE 4)

The ICBL has encouraged states parties to declare and destroy their stockpiled mines as soon as possible. In line with this, *Landmine Monitor* has played an important role in reviewing and verifying stockpile data submitted in Article 7 reports. Its fact sheets and presentations on destruction efforts have also enabled states parties to identify problems and monitor progress.

The ICBL has challenged states parties to declare and destroy their stockpiled mines as soon as possible, in advance of the four-year deadline. In some cases, the ICBL has promoted more immediate deadlines, such as the annual meetings of states parties.²⁰ By the end of 2004, all states parties with four-year destruction deadlines had met their obligations, with the exceptions of Djibouti (which was two days late) and Turkmenistan.

After the ICBL and states parties criticized a decision taken by Turkmenistan in 2003 to retain 69,200 anti-personnel mines for training purposes (as technically permitted by Article 3), Turkmenistan in 2004 said it would destroy all of these mines by the end of the year. It invited ICBL representatives to witness destruction, and Turkmen military engineers subsequently made a presentation on the destruction of their anti-personnel mines to the Intersessional Standing Committee on Stockpile Destruction.

The ICBL has pressed for greater transparency in stockpile destruction, and civil society, mine survivors and media are routinely invited to attend stockpile destruction events—while sometimes an official invitation needs to be requested, only a handful of campaigners and researchers have been denied participation. States parties have come to accept the need for transparency and appreciate the positive attention and media coverage that accompanies such events. The ICBL has also worked with local authorities to carry out events to educate and secure local support for stockpile destruction, for example, in Japan and Thailand.

Landmine Monitor has continuously and regularly updated and presented the global figures in its annual report and fact sheets, and in regular presentations to the standing committee and other meetings. In addition to detailing best practices in stockpile destruction, *Landmine Monitor* also publishes other information such as costs, environmental

considerations and destruction methods. It identifies those states parties that might have trouble meeting destruction deadlines and tries to anticipate problems that they may encounter.

In 2002, *Landmine Monitor* uncovered a case that led to a state party publicly acknowledging stockpiled mines that it previously denied existed. In February 2001, the Nigerian army said that most of its anti-personnel mines had been used up in the civil war and the remaining stocks destroyed shortly thereafter. *Landmine Monitor* identified anti-personnel mines in a May 2002 presentation made to states parties on a fire at an ammunition depot in Lagos on 27 January 2002. A large number of explosives were activated in the blaze, resulting in massive destruction of property and loss of lives. *Landmine Monitor* sought clarification from Nigeria on several photographs that displayed anti-personnel mines that had been recovered from the wreckage and on media reports of an injury caused by an anti-personnel mine the day after the incident. Subsequently, in its initial 2004 Article 7 report, Nigeria declared that it had a stockpile of 3,364 Dimbat mines and that it would retain the entire stockpile for training and development purposes.

CLARIFYING INTERPRETATION OF KEY ARTICLES (ARTICLES 1, 2 AND 3)

Since the Mine Ban Convention entered into force, the ICBL has consistently raised questions about how states parties implement and interpret certain aspects of key articles. Moreover, *Landmine Monitor* has become the principal collector and publisher of the policy and practice of states parties with respect to these articles.

The ICBL has urged states parties to come to a common understanding about how they interpret certain of the Convention's provisions. For example, there is the issue of what acts are and are not permitted under Article 1(c), under which each state party undertakes to "never under any circumstances... assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party...". The ICBL has called on states parties to reach a common interpretation of the term "assist", especially with respect to the use of anti-personnel mines by non-signatories in joint operations with states parties, and the stockpiling and transit of foreign anti-personnel mines. Other outstanding issues relate to anti-vehicle mines with sensitive fuses and anti-handling devices (which act, in effect, like anti-

personnel mines) and the permissible number of mines retained for training and development purposes.

The ICBL has had limited success in convincing states parties to reach an understanding of how Article 1 applies to joint military operations. But a better view of the meaning of the word “assist” has begun to emerge as many states parties agree with the ICBL on the need to address this issue and share their views on policy and practice. *Landmine Monitor* has helped document states parties’ actions, identifying 36 states parties that have declared they will not participate in planning and implementation activities related to the use of anti-personnel mines in joint operations. It remains the only publication to collect and publish these declarations in detail.

The ICBL has urged states parties to clarify their understanding of what constitutes “active” or “direct” assistance as some states parties have declared that only “active” or “direct” participation in joint operations in which anti-personnel mines are used is prohibited. Such issues are not abstract: they are based on very real situations. For example, *Landmine Monitor* documented how Zimbabwe and other governments could be in violation of the Convention by virtue of their participation in a joint military operation with DRC forces that have used anti-personnel mines. The ICBL repeatedly raised concerns about Zimbabwe’s domestic ban legislation because the law includes a clause that offers possible legal protection for a person engaged in military activities with a non-state party in which anti-personnel mines are used, transferred or produced, if that person’s conduct “did not amount to active participation” in any banned activities. This issue has not been resolved, and the ICBL continues to seek a definition from Zimbabwe as to what constitutes “active participation”.

In another case, *Landmine Monitor* sought clarification from Australia about its role alongside the United States (a non-state party to the Convention) in Afghanistan and Iraq. The ICBL raised its concern that a national declaration by Australia, as well as part of its domestic legislation, seem to interpret the Convention as allowing “indirect support such as the provision of security for the personnel of a State not party to the Convention engaging in such [prohibited] activities”, including—presumably—the laying of anti-personnel mines by the non-state party. Again, these measures remain unchanged, but by documenting and raising concerns, the ICBL and *Landmine Monitor* are helping to create a better understanding

among states parties about matters central to the interpretation of the Convention.

The ICBL and ICRC have had less success in getting states parties to address concerns raised in the Mine Ban Convention's definitions under Article 2. Since the 1997 negotiations, the ICBL has argued that if Article 2 is to be interpreted consistently, any mine equipped with a fuse or anti-handling device that causes the mine to explode from an unintentional or innocent act of a person should be considered an anti-personnel mine and is therefore prohibited. The ICBL has warned that the way states parties agree—or disagree—on which practices are acceptable may have a significant impact on how the Mine Ban Convention is implemented and universalized. The issue remains unresolved, and the ICBL fears that a situation is developing whereby some states parties have chosen to keep a stockpile of mines for future use or export, while other states parties have determined that these anti-personnel mines are to be destroyed.

While most states parties have been reluctant to report on the measures they have taken to ensure that mines with sensitive fuses and anti-handling devices are compliant with the Mine Ban Convention, *Landmine Monitor* has nonetheless continued to obtain and publish declarations and clarifications made by states parties on this issue. *Landmine Monitor* has also urged states parties to provide more information on certain types of mines that are designed to be capable of being both command-detonated and victim-activated.

Most notably, the ICBL has managed to help change the way in which states parties interpret Article 3. The ICBL has repeatedly reminded states parties that during the 1997 Oslo negotiations and during standing committee discussions from 1999 to 2004, most states parties agreed that the number of mines retained should be in the hundreds or thousands or less, but not in the tens of thousands. *Landmine Monitor* has documented how 74 of the 147 states parties retain over 248,000 anti-personnel mines for the research and training purposes permitted by Article 3.

Through presentations, statements, letters and other actions, the ICBL has urged states parties to lower the number of mines retained for training. An increasing number of states parties have responded to this negative publicity by reducing the number of mines retained from the high levels they originally proposed.²¹ Several have decided to completely destroy

their stocks originally retained for training. Having successfully encouraged the two worst abusers of this provision (Ecuador and Turkmenistan) to change their policies, the ICBL is now focused on five states parties that account for nearly one-third of all retained mines: Brazil (with 16,125 mines), Turkey (16,000), Algeria (15,030), Bangladesh (14,999) and Sweden (14,798).

The ICBL has also urged states parties to declare both their intended and actual uses for retained anti-personnel mines in their Article 7 reports, and has worked successfully to insert this requirement into the Nairobi Action Plan.²² *Landmine Monitor* has documented an increasing number of states parties that have responded positively by providing this detailed information.

The ICBL's efforts, based on *Landmine Monitor* research, indicate that states parties to the Convention are still reluctant to engage extensively on matters of interpretation and implementation relating to Articles 1, 2, and 3. The ICBL continues to urge states parties to make their views known on these issues, for instance to *Landmine Monitor*, which compiles and publishes statements and views declared by states parties.

PROMOTING MINE CLEARANCE

Few ICBL campaigners or *Landmine Monitor* researchers are mine action professionals. Yet, they advocate for, and report on, the humanitarian aspects of the Mine Ban Convention with as much vigour as they do for the prohibitions—even more so if their country is mine-affected. Much more is now known about the extent of the global landmine problem and efforts to remedy it, due in part to *Landmine Monitor's* provision of unique, global statistics on the mine problem through its annual report, fact sheets, statements and presentations. *Landmine Monitor's* research has charted and contributed to the greater sophistication seen in mine action today to show how mine clearance has evolved from a strictly military activity to a more sophisticated and systematic humanitarian and developmental initiative.

The ICBL is starting to place more emphasis on the requirements of Article 5, that states parties must destroy or ensure the destruction of all anti-personnel mines in known or suspected mined areas under their jurisdiction or control within 10 years of entry into force. Crucially,

Landmine Monitor publishes information on states parties that do not appear to be on course to meet their respective 10-year clearance deadlines. It has also documented evidence on states parties that have not taken steps toward even establishing a plan to meet their clearance deadline, as well as states parties with ongoing mine-use and no humanitarian mine clearance in place.

Landmine Monitor also reports on states parties that have completed mine clearance and subsequently declared themselves mine-free. It shows how some states parties have set clearance goals that stretch past their 2009 treaty-mandated deadline, while others have expressed doubts they will be able to meet the goal. *Landmine Monitor* has also documented how some states parties describe their primary goal to become “impact-free” or “mine-safe”, when the goal of the Convention is to achieve a mine-free world.²³

DOCUMENTING SURVIVOR NEEDS AND PROMOTING ASSISTANCE

The Mine Ban Convention has proven a useful vehicle for the ICBL to raise awareness about the needs and rights of mine survivors and, by default, people with disabilities. It has also enabled survivors themselves to advocate for services to address their needs. In support of this, *Landmine Monitor* has collected and provided detailed information on mine casualties that indicates a global decline in new mine victims since the Convention began to take effect in 1999. It has identified key trends and documented problems, such as the lack of victim assistance funding.

Landmine Monitor finds the tracking of financial support for mine action a difficult task, despite greater transparency and better reporting mechanisms by states. What donors report on varies, in its detail and by time period. Nevertheless, *Landmine Monitor* has been able to provide an informative picture of the global funding situation that enables the ICBL and others to continue to lobby for more resources for mine action. In-kind support has proven even harder to document, but *Landmine Monitor* has documented many examples of technical, material and other forms of in-kind commitments to mine action, victim assistance and stockpile destruction. *Landmine Monitor's* reporting provides a clear picture of needs, gaps and available resources enabling states parties to adopt a longer-term vision for handling the anti-personnel mine issue.

The ICBL has employed a variety of methods to convince states parties to continue their support to mine action programmes beyond publishing detailed data on their donor activities. It participates in the Resource Mobilization Contact Group created in 2002 and led by Norway. At the country level, ICBL campaigners work to raise media and public awareness to pressure their governments to support mine action. They also fund-raise and support the efforts of international NGOs working to address the mine problem on the ground.

Landmine Monitor has played an important role in helping to estimate the global number of landmine casualties, which is perhaps one of the most visible and significant measures to determine if the Mine Ban Convention and the norm it is rapidly establishing against the anti-personnel mine are having any measurable impact. *Landmine Monitor* has estimated an annual global casualty rate of between 15,000 and 20,000 new mine victims, a decrease from the estimated 26,000 new casualties annually that were reported in the late 1990s. Exact research findings are difficult, however, as many casualties still go unreported and exact numbers are hard to come by in certain countries. *Landmine Monitor* has filled a gap by providing data that enables donors and others to understand their needs better and to ensure that limited resources are used most effectively.

Research into victim assistance has always proven difficult for *Landmine Monitor* to do. This is because the parameters of the areas to be studied are potentially huge, extending, for example, into the purview of research on survivors of weapons other than anti-personnel landmines, public health issues and disability rights. Nevertheless, *Landmine Monitor* has documented new victim assistance programmes implemented in many mine-affected countries since the Convention took effect in 1999. It also describes significant gaps in areas such as geographic coverage, affordability and quality of available facilities, as well as a lack of resources to implement or maintain programmes. An important policy finding of *Landmine Monitor's* research is that services for the socio-economic reintegration of mine survivors is lacking in most mine-affected communities.

IMPACT ON NON-STATES PARTIES

In addition to efforts to universalize the Mine Ban Convention, *Landmine Monitor* has documented the work of the ICBL and others in

changing the behaviour and practices of governments outside the Convention as well as of non-state actors (NSA) with respect to the elimination of anti-personnel mines.

EXPANDING THE BAN

More than three-quarters of the world's states have joined the Mine Ban Convention and, as an alternative to a total ban, 87 states follow regulations on the use of anti-personnel mines contained in the 1996 Amended Protocol II of the Convention on Conventional Weapons (CCW). There are 26 states that have not joined the Mine Ban Convention or the CCW's rules on anti-personnel mines.

More than three-quarters of the 40 countries remaining outside the Convention are extremely challenging locations for civil society and media to work in freely.²⁴ Despite these challenges, the ICBL has campaign contacts or *Landmine Monitor* researchers in 22 of these countries. It contributes energetically to initiatives to bring on board the remaining non-states parties. The ICBL has undertaken dozens of missions to convince leadership to support the ban, deploying its "ambassadors" Jody Williams, the 1997 Nobel Peace Laureate, and Cambodian mine survivor Tun Channareth, as well as other representatives in capitals. It has encouraged non-states parties to express their support for a ban on anti-personnel mines by voting in support of the annual pro-mine ban resolution by the UN General Assembly.²⁵ The UN's vote on the 2005 resolution gained the support of some major hold-outs, such as Azerbaijan and China, largely as a result of the ICBL's advocacy efforts.

Landmine Monitor's researchers inquire after accession documents, transparency reports, the status of policy reviews, and other important pieces of information, a process of research that undoubtedly serves to enhance universalization efforts. Year after year it publishes statements by non-states parties indicating their intent to eventually accede. In this way, *Landmine Monitor* provides constant reminders to states of their commitments and promises to ban anti-personnel mines. *Landmine Monitor* has reported on incremental yet encouraging policy developments in non-state parties, and highlights successes and setbacks—making it a useful tool for universalization.

The majority of governments joined the Convention after a combination of sustained and extensive outreach efforts by the ICBL, UN agencies, other groups and states parties. The Canadian-led Universalization Contact Group, established in 1999 and consisting primarily of states parties seeking to broaden membership in the Convention, uses *Landmine Monitor* as its baseline document for tracking various universalization opportunities, efforts and outcomes.

CHANGING BEHAVIOUR AMONG NON-ADHERENTS

Landmine Monitor has documented how anti-personnel mines have been used by fewer countries and in lesser numbers than the period when the global anti-personnel mine crisis came into being—from the 1960s to the early 1990s. Some countries run counter to this trend, such as India, Iraq, Myanmar (Burma), Nepal, Pakistan, the Russian Federation and Yugoslavia. The overall decline is not due to the ICBL's activities, but rather to the response by the international community as a whole in stigmatizing anti-personnel mine use and other factors, such as the cessation of hostilities. Since its establishment, *Landmine Monitor* has reported in more detail on the production activities of several of these countries. In 1999, it was the first to publish extensive details on the names and locations of Russian mine manufacturers. *Landmine Monitor* uncovered evidence of anti-personnel mine manufacturing by Nepal that was subsequently acknowledged by the government, resulting in the country being the only new addition to the list of producers between 1999 and 2004.

Landmine Monitor is largely responsible for obtaining formal public policies renouncing production by four non-states parties to the Mine Ban Convention (Egypt, Finland, Israel and Poland), by repeatedly asking these governments to make their position formal and public, and in writing. Egypt, for example, claimed for years that it had ceased export of anti-personnel mines in 1984 and ended production in 1988, but it refused to make that position formal and public until the Nairobi Review Conference.²⁶

Landmine Monitor has also documented how a significant number of non-states parties have enacted or extended export moratoriums in the past five years, including China, India, Israel, Kazakhstan, Pakistan, Poland, Russian Federation, Singapore, South Korea and the United States. In addition, representatives of Cuba and Viet Nam have claimed they do not

export anti-personnel mines, but no formal unilateral prohibition has been put into place. Even though these governments remain outside the Convention, the knowledge that their activities are tracked by *Landmine Monitor* and publicized by the ICBL has undoubtedly influenced their actions.

ENGAGING ARMED NON-STATE ACTORS

Through *Landmine Monitor's* reporting, and several initiatives by ICBL members, much more is becoming known about armed NSAs and anti-personnel mines. According to *Landmine Monitor*, NSA mine use is now believed to be far more widespread than use by government forces. In 2004, NSAs used anti-personnel mines or mine-like Improvised Explosive Devices (IED) in at least 13 countries, including in five Mine Ban Convention states parties.²⁷ Since it started in 1999, *Landmine Monitor's* researchers have collected more detailed information than any other actor on NSA mine use, especially in Colombia, Myanmar (Burma), Nepal, Pakistan, Philippines, Somalia and the Russian Federation. *Landmine Monitor* has also reported in more detail than ever before on the manufacturing of IED and stockpiling of mines by NSAs.

Documenting NSA activities on anti-personnel mines, while difficult, is probably easier than convincing them to change their behaviour. Nevertheless, an increasing number of NSAs do seem to be embracing the anti-personnel mine ban. The ICBL has urged NSAs to issue unilateral statements and bilateral agreements, as well as to sign Geneva Call's Deed of Commitment to indicate their willingness to observe the landmine ban.²⁸ Since 2001, Geneva Call has received signatures from 27 armed NSAs, many of them in Somalia.²⁹

PROMOTING HUMANITARIAN ACTION TO ADDRESS THE PROBLEM

In 2004 and the first half of 2005, *Landmine Monitor* recorded new landmine and UXO casualties in 56 countries, of which 21 were not party to the Mine Ban Convention. Moreover, *Landmine Monitor* has recorded clearance initiatives conducted or implemented by civilians living in mine-affected communities in non-member states, including Laos, Myanmar (Burma), Pakistan, Sri Lanka and Viet Nam. It has documented the horrific practice of "atrocious demining" in Myanmar (Burma), where government military units have repeatedly forced non-combatant civilians to serve as

porters for the military and to walk in front of patrols to detonate any landmines lying on the road or path. Often, *Landmine Monitor* is the only source to document local mine clearance efforts.

ENCOURAGING TRANSPARENCY

No government wants to be seen doing nothing on such a visible and pressing humanitarian issue as anti-personnel mines. Consequently, even states not party to the Convention are more transparent on the mines issue than ever before. At the urging of the ICBL, several non-states parties have voluntarily submitted Article 7 transparency reports. Moreover, after realizing that *Landmine Monitor's* researchers were still able to obtain, analyse and publish information contained in their CCW reports and following the precedent set by the Article 7 reporting, states parties to CCW Amended Protocol II have made their previously confidential annual Article 13 national measures reports publicly available, including on the Internet.

Some non-states parties have begun supporting the annual UN General Assembly resolution on the Convention, or participating as observers in Mine Ban Convention meetings.

CONCLUSION

The ICBL has used *Landmine Monitor* to provide states parties with a better understanding of what the Mine Ban Convention requires of them, and to help in promoting greater action to implement the Convention. But *Landmine Monitor's* impact is felt more widely. The annual report and associated documents have become essential reading for diplomats, practitioners, donors, media and others seeking to gain a better understanding of the Convention's successes and setbacks. And *Landmine Monitor* is a useful tool for governments to exert pressure on other states to comply because of the existence of this independent evidence.

The effectiveness of initiatives like *Landmine Monitor* is sometimes difficult to demonstrate empirically. *Landmine Monitor's* research informs and challenges other actors in the Mine Ban Convention process in complex and dynamic ways. Its findings are taken up, but not necessarily attributed, by others. Sometimes, *Landmine Monitor's* research prompts changes in posture or policy by governments that are not acknowledged in public.

And, of course, many visible challenges remain for the achievement of the Mine Ban Convention's goals—not least being the ongoing challenges of universalizing the 147-strong membership of the treaty and the looming 10-year treaty deadlines for mine-affected states to clear mines and destroy stockpiles.

In the current international environment it is easy to be cynical about the value of civil society initiatives like *Landmine Monitor* and the ICBL to hold states accountable to their obligations. There is also perhaps a tendency to see productive partnerships between governments and NGOs, like the process that culminated in the Mine Ban Convention and efforts to monitor implementation, in terms of their inevitable limitations rather than in terms of any value they might add. Crises and obstacles in multilateral norm-building, such as the failure of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference in New York in May 2005, tend to be more newsworthy than the routine business of practical implementation and monitoring of progress toward a mine-free world. Moreover, the achievements of the Mine Ban Convention (and, by association, *Landmine Monitor* and the ICBL) are occasionally belittled by those who argue that it was only possible because anti-personnel mines lack military utility.

Yet there can be no doubt that the negotiation and implementation of the Mine Ban Convention has broken with “business as usual” in multilateral disarmament and arms control. Civil society verification, in the form of *Landmine Monitor's* work, is an important component of this new approach. States parties are keen to comply with this treaty in large part because of the efforts of both the ICBL and *Landmine Monitor*. Even non-states parties are changing their behaviour as the Convention gains strength, becoming aware that the ICBL does not plan to leave them alone—constantly monitoring their actions and encouraging them to adhere to the ban on anti-personnel mines.

In sum, while inevitably constrained by the evidence base and the extent to which information is released or leaked from countries about their anti-personnel mine policies and problems, the impact of *Landmine Monitor* has nevertheless been unprecedented in adding credibility to advocacy in support of a multilateral process. While the focus of this paper has been on *Landmine Monitor's* benefits to the ICBL's advocacy activities, governments and international organizations have also benefited from its

systematic and sustained reporting and analysis in order to enhance their own advocacy, for instance, in the context of treaty universalization. In the process, *Landmine Monitor* has demonstrated to governments prepared to see it that civil society-based verification is no longer just a concept but a practice, and that this could be a model for other campaigns to consider while exploring similar initiatives to monitor issues as diverse as small arms and light weapons, disability rights, biological weapons and tobacco control.³⁰

Landmine Monitor is an important factor in explaining why the ICBL continues to be accepted as an integral actor in the Mine Ban Convention process. It remains a model for how an active, coordinated and engaged civil society can be integral to the negotiation, implementation and monitoring of an international agreement. ICBL members have forged long-term relationships with military officers, diplomatic representatives, political leaders and government officials tasked with implementing the Convention, demonstrating the importance of continued partnership and cooperation on this issue.

The ICBL and *Landmine Monitor* are not, however, without their weaknesses. Carrying out both advocacy and research has exhausted many of its civil society members, most of whom are low-paid (or not paid at all), resulting in less effective advocacy work and less probing research. This has diminished their ability to work on other issues of concern. Constantly working in partnership with governments and other agencies, while rewarding, can also be difficult to sustain. Mobilizing media and public attention to an issue many assume was “over” in 1997 proves problematic, especially in efforts to lobby governments and others to change their behaviour. In addition to this, each *Landmine Monitor* annual report is several hundred pages in length. Working with such a diverse array of researchers presents problems for editors seeking to meet a fixed print deadline each year.

Nevertheless, the Mine Ban Convention is a clear example of disarmament as humanitarian action, indeed perhaps the clearest historical precedent to date. *Landmine Monitor's* work, primarily in support of the ICBL, has helped to push humanitarian perspectives, which differ from orthodox national security-focused arms control approaches, to the forefront of the minds of multilateral practitioners. In the process, *Landmine Monitor* has benefited practical verification and supplemented and

strengthened diplomatic work in this context by making humanitarian concerns impossible to ignore.

Notes

- 1 The full text of the Mine Ban Convention is available in over twenty languages at <www.icbl.org/treaty/text>.
- 2 *Landmine Monitor* annual reports and other documents can be downloaded from <www.icbl.org/lm>.
- 3 The Anti-Personnel Mine Ban Convention has many names and is referred to by the ICBL as the Mine Ban Treaty and by others as the Mine Ban Convention, Ottawa Treaty or Ottawa Convention. There is no legal distinction between convention and treaty.
- 4 Six northern NGOs founded the ICBL in 1992: the mine clearance agencies Handicap International (Belgium and France) and Mines Advisory Group (United Kingdom); victim assistance groups Medico International (Germany) and Vietnam Veterans of America Foundation (United States); and research/advocacy organizations Human Rights Watch and Physicians for Human Rights (both United States). By 2005, the ICBL had grown to comprise a truly global coalition of 1,400 NGOs active in 90 countries.
- 5 For more information see <www.icbl.org>.
- 6 Four mine-affected countries have hosted the Convention's annual Meetings of States Parties: Mozambique (1999), Nicaragua (2001), Thailand (2003) and Croatia (2005).
- 7 The number of standing committees was later reduced to four.
- 8 The intersessional standing committee chair and rapporteur positions have been divided evenly between developing and developed countries. There has also been an effort to ensure gender diversity: of the 16 positions during 2003 and 2004, nine were filled by women (Algeria, Bangladesh, Croatia, Mexico, New Zealand, Nicaragua, Norway, South Africa and Sweden). By contrast, women led only 15 of the country delegations of the 135 governments in the 2004 Review Conference (Canada, Comoros, Cyprus, Egypt, Honduras, Jamaica, Kazakhstan, Mexico, New Zealand, Niger, Peru, Philippines, Romania, Senegal and Uganda). See "List of Participants", reprinted as Appendix 2 in ICBL's *Report on Activities—Nairobi Summit on a Mine-Free*

- World*, compiled by Human Rights Watch on behalf of ICBL, May 2005, pp. 139–59.
- ⁹ The ICBL Call is published at the front of each annual *Landmine Monitor* report.
- ¹⁰ Stuart Maslen, *Commentaries on Arms Control Treaties. Volume 1, The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction*, Oxford: Oxford University Press, 2004, p. 61.
- ¹¹ Statement by Hon. Lloyd Axworthy, Minister of Foreign Affairs of Canada, to the First Meeting of States Parties to the 1997 Mine Ban Treaty, Maputo, Mozambique, 3 May 1999.
- ¹² Letter to Mary Wareham, Human Rights Watch, from Ambassador U Tin Winn, Embassy of Myanmar to the United States, 16 July 1999; letter to Mary Wareham, Human Rights Watch, from Giorgi Burduli, First Deputy Foreign Minister of Georgia, 10 July 2001.
- ¹³ *Landmine Monitor Report 1999* received donations or pledges totalling US\$ 1,138,713 from seven governments (Austria, Belgium, Canada, Ireland, Netherlands, Norway and United Kingdom), as well as from the Open Society Institute. *Landmine Monitor Report 2004* received donations or pledges totalling US\$ 1,955,629 from 11 governments (Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey and United Kingdom), as well as from the European Commission and the United Nations Children’s Fund.
- ¹⁴ *Landmine Monitor’s* first global meeting took place in Ireland in September 1998. Subsequent global meetings have been held in Canada (1998), Norway (1999), Belgium and the Netherlands (2000), France (2002), Italy (2003) and Bosnia and Herzegovina (2004). Only one global meeting has been held in a non-state party, the United States (2001).
- ¹⁵ Only 22 (20%) of the 110 researchers for the 2004 report spoke English as their first language.
- ¹⁶ A total of 45 of the 110 researchers for the 2004 report were women or teams led by women.
- ¹⁷ According to *Landmine Monitor Report 2005*, six states parties were late in submitting their initial reports: Cameroon, Cape Verde, Equatorial Guinea, Gambia, Guyana, and Sao Tome and Principe. In 2004, *Landmine Monitor* reported 12 states parties were late in submitting their initial reports. The 2003 edition listed 15 states parties

as late; in 2002, the number was 30; in 2001 and 2000, the numbers were 37 and 36 respectively.

- ¹⁸ In September 2001, Ecuador announced that it would further reduce the number of mines retained for training from 16,000 to 4,000. By April 2003, it had adjusted that number to 3,970.
- ¹⁹ On 19 December 2005, The International Court of Justice found Uganda guilty of notably “occupation of the Ituri region in the DRC, violations of sovereignty, illegal use of force, violations of international human rights laws and looting and plunder” between August 1997 and June 2003. International Court of Justice, Case concerning armed activities on the territory of the Congo (Democratic Republic of Congo v. Uganda), no. 116, 19 December 2005. See <www.icj-cij.org/icjwww/idocket/ico/icoframe.htm>.
- ²⁰ See for example, ICBL Press Release, “Landmines Campaign Challenges Governments to Complete Stockpile Destruction by September 2001”, Buenos Aires, 6 November 2000.
- ²¹ Argentina, Australia, Bulgaria, Chile, Croatia, Denmark, Ecuador, Italy, Lithuania, Mauritania, Peru, Portugal, Romania, Slovakia, Slovenia, Spain, Thailand, Turkmenistan, Uganda, United Kingdom, Venezuela and Zambia.
- ²² According to Action #54 of the Nairobi Action Plan, states parties retaining mines should “provide information on the plans requiring the retention of mine... and report on the actual use of retained mines and the results of such use.”
- ²³ “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...” (from the Preamble of the Mine Ban Convention).
- ²⁴ In 2004, political rights and civil liberties were described as “free” in just nine non-states parties (22.5%), according to a recent annual global survey. The majority was classified as “not free” (22 states, or 55%), or only “partly free” (nine states, or 22.5%). See “Table of Independent Countries 2005”, an evaluation by Freedom House of the state of global freedom, in *Freedom in the World 2005: The Annual Survey of Political Rights and Civil Liberties*, Lanham: Rowman & Littlefield Publishers, Inc., July 2005.
- ²⁵ See UN General Assembly First Committee resolution on “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction”, document A/C.1/60/L.56 of 12 October 2005. The

text of this resolution, as well as the voting record, is available at <www.reachingcriticalwill.org>. China, India and Pakistan, for example, voted for this resolution.

- ²⁶ *Landmine Monitor* removed Egypt from its list, but has noted with concern that it is still not aware of any official decrees or laws by the government to implement prohibitions on the production or export of anti-personnel mines.
- ²⁷ Burundi, Colombia, Georgia, India, Iraq, Myanmar (Burma), Nepal, Pakistan, Philippines, Russian Federation (including in Chechnya, Dagestan and North Ossetia), Somalia, Turkey and Uganda.
- ²⁸ More information about Geneva Call, as well as its Deed of Commitment, is available at: <www.genevacall.org>.
- ²⁹ The signatories are in Burundi, India, Iraq, Myanmar (Burma), Philippines, Somalia and Sudan.
- ³⁰ For example, as a self-described “independent transparency mechanism”, the Small Arms Survey has reported annually since 2001 on all aspects of the problem of SALW. See Small Arms Survey, *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, 2001, p. 2 and <www.smallarmssurvey.org>. In 2002, the Center for International Rehabilitation (CIR) formed the International Disability Rights Monitor (IDRM), together with Disabled Peoples International and other disability groups, to “document problems, progress, and barriers experienced by people with disabilities” in a report format to assist in the establishment of a UN convention on the rights of people with disabilities. See IDRM, *International Disability Rights Compendium 2003*, US: CIR, June 2003. See <www.disability.ws>. The global civil society BioWeapons Prevention Project aims to strengthen the norms against using disease as a weapon by tracking compliance with agreements that outlaw hostile use of biotechnology. See <www.bwpp.org>.

CHAPTER 5

GENDER ANALYSIS AS A TOOL FOR MULTILATERAL NEGOTIATORS IN THE SMALL ARMS CONTEXT

Vanessa Farr¹

SUMMARY

Small arms are widely available, transportable and easy to use. As such, they play a significant role in accelerating violence, both in times of war and in degraded “peacetime” environments. Easy access to small arms is central to perpetuating social dislocation, destabilization, insecurity and crime in the build-up to war, in wartime and in the aftermath of conflict. Small arms also hamper recovery efforts and compromise the capacity of humanitarian aid workers to go about their work. Small arms are misused within both domestic as well as public spheres, and they affect everyone in the community, albeit in different ways and for different reasons. This chapter argues that one way to counter their costs is to increase our understanding of the role played by prolific small arms and light weapons in reinforcing and maintaining gender-specific violence and power imbalances between men and women, young and old. This analysis could assist multilateral negotiators in disarmament by making visible aspects of small arms-related violence that are not, at present, taken sufficiently into account in framing international responses.

INTRODUCTION

“Gender” describes socially learned behaviour and expectations that distinguish between masculinity and femininity. Because it is learned and not innate behaviour, one’s gender identity can shift over time and place. A fundamental premise of gender analysis is that it is *because* gender identities shift that the political project of female emancipation has been,

and is, possible: if we are better able to understand and explain patterns of subordination and domination, we are better able to design new interventions and support positive changes. Given the extreme imbalances between men and women the world over, gender analyses make it possible to identify the social, economic and cultural loci of male power, to better understand how the power of some men constrains and shapes the lives of other men and all women, and to develop methods to challenge the exclusive nature of this power.

This paper argues that gendered analyses are essential when we are engaged in work to better understand the underlying causes of violence, and are essential to help determine and implement the best strategies for violence reduction. A gendered perspective allows us to understand how gender ideologies are mobilized and manipulated as armed conflicts escalate, and to recognize that they are mobilized and manipulated differently when wars end. It also helps explain why some people choose to misuse small arms to achieve their personal and political goals, why some people resist picking up small arms, and even organize to oppose their proliferation, and the differential impacts of small arms misuse on different social actors. From this understanding, it is possible—with sufficient political will—to change the ways in which disarmament processes are mediated and negotiated, to bring about greater inclusivity and increase the effectiveness of arms control programmes.

When the small arms policy and research debate first began to gain momentum in the early 1990s, the humanitarian and human rights side of the problem received significant consideration. Around the same time, discussions of “gender mainstreaming” in conflict prevention found a prominent place on the international agenda, and agreements were ratified in the course of the decade whose aim was to assure women’s full-scale involvement in conflict resolution at decision-making levels, and to protect women living in situations of armed and other conflicts or under foreign occupation. Indeed, this was one of the most important priorities agreed on at the United Nations Fourth World Conference on Women, held in Beijing in 1995.²

As the debate on small arms moved into international forums, the initial humanitarian and human rights focus was slowly diverted, until most of the international and regional documents on small arms—the majority crafted after 1998—failed to specifically mention humanitarian issues at all.

Nor was the hope realized that the Beijing Platform for Action would include specific attention to women. Instead, research and policy on the problem of small arms (mis)use, and discussions of the human beings responsible for it, were conspicuously absent; and if women were mentioned at all, it was only in passing.³ A problematic development was that “women and children” (and sometimes also “the elderly”) were absolutely misrepresented as the vast majority of victims of small arms violence—whereas men, and in particular young men, who in reality constitute the preponderance of abusers of guns and fatalities of gun violence, were not mentioned at all.⁴

As conversations on small arms and light weapons (SALW) have continued, women—like other non-mainstream actors who question the absence of analysis about the people behind the guns—have more insistently inserted our views on the problem. To support our activism, we have made able use of international conventions and agreements, the most recent of which being UN Security Council resolution 1325 (2000) on Women, Peace and Security.⁵ As a result, assessments of how prolific guns increase imbalances in power between males and females, young people and old, ethnic minorities, rich and poor, are becoming more descriptive and complex, and more questions are being asked about why civilian demand for such weapons remains so high.⁶ Current work on small arms has begun to look beyond simply “counting the weapons” and is, instead, increasingly focusing on the devastating human impact of their misuse.

Nevertheless, remarkably little attention has focused on the fact that gun ownership and misuse is a highly gendered phenomenon, and that it brutally reinforces unequal social hierarchies that not only give men dominance over women, but also exacerbate race and class tensions in violence-prone communities.⁷ Although rates of gender-based violence are universally high, there continues to be a general lack of political interest in the underlying causes of such violence. Instead, there remains a tendency to see “domestic” violence as a problem that can be overlooked because it so often occurs in the private domain, a perspective that often provides impunity for its perpetrators.⁸ At the same time, there is a growing tendency—through increased public scare mongering, which aims clearly to add to the number of women gun owners—to misrepresent the reality that women are most at risk from gun violence in their own homes and by men known to them. The rhetoric fosters the myth that it is in public spaces

that women are most at risk of attack, and that it is against strangers that they should wish or be able to protect themselves with a gun.⁹

Furthermore, the drafters of international agreements on SALW (while they may refer in passing to the “devastating” consequences of armed violence on women) have made little significant effort to align their work with documents such as Security Council resolution 1325, which calls for the inclusion of women in all aspects of peace-building, including small arms control. Indeed, as I have observed elsewhere, “[a]lthough weapons proliferation is often culturally sanctioned and upheld by the manipulation of gender ideologies, gender goes entirely unremarked in all documents which were not explicitly conceived to focus on gender mainstreaming.”¹⁰

It is hardly surprising that even in this very new field of research, a paucity of specific research on gender has meant an absence of broadly based surveys and data production from which to draw concrete conclusions. Despite the work of a few feminists in this field, it continues to be difficult to make incontrovertible claims about how gender roles and social stereotypes concerning what constitutes appropriate behaviour for males and females in weapons-prolific contexts might direct individual thinking and actions when it comes to small arms possession and use.¹¹ In turn, without a deeper understanding of the gender aspects of small arms proliferation, policy makers at the national and international levels do not receive a clear picture of its humanitarian effects or its characteristics and causes. This paper is an attempt to gather together some of the knowledge produced on this subject in the past five years.

The paper is divided into four sections which:

- describe the changing nature of warfare and its effects on the roles of women, non-elite men, and boys and girls;
- identify some of the gendered effects of small arms;
- discuss the importance of using the evidence of small arms violence to change social structures that perpetuate male violence against women, not only in times of war, but also in “peaceful” settings. This is ultimately of relevance to overarching international efforts, such as the UN Programme of Action on Small Arms and Light Weapons, especially in monitoring and implementation; and
- review some of the guidelines for research and policy that have already been described in various publications on the gendered

impacts of small arms violence, in the hopes that these will be ever more widely considered in future work. The final section focuses on the need for better, more careful descriptions of who is hurt, and how, by these prolific weapons.

THE CHANGING NATURE OF WARFARE

Over the past few decades, internal conflicts (involving members of different ethnic, religious or political groupings within one country) have forced increasing numbers of civilians to become internally displaced, pushed into unsafe areas, compelled to flee their country altogether or to become directly involved in the fighting. The exodus of large numbers of civilians from conflict zones can itself incite upheaval in other arenas, in particular when exiles and refugees become active in conflicts in the areas to which they have been displaced or involve themselves in external offensives directed back to their country of origin.

Unsurprisingly, such changes in the face of war, its nature and conduct, have produced gendered effects.¹² The changing nature of warfare is increasingly blurring the boundaries between public and private spheres. It is drawing war into the home in new ways, where terrifying violence is used against women and children;¹³ but it is also drawing women and children out of the home to commit acts of violence that were previously considered the domain of male warriors.¹⁴

Men have always been profoundly affected by warfare because they are socialized to be its main actors. As the extremely high rates of domestic assaults around the world attest, they have, historically, had difficulty in distinguishing the boundaries between the sanctioned use of violence in public, as part of war, and its private use in response to interpersonal conflict between individuals in a household.¹⁵ When wars end, those who have been affected frequently take the fight back into their own homes: they turn the violence they have witnessed or perpetrated inwards, expressing their rage and pain in attacks on those who are nearest to them. Women, the elderly and young people (male and female) who share their domestic space with traumatized men are particularly vulnerable to the impacts of that trauma, either because they experience increased physical and emotional abuse, or because men squander the household's resources on drugs and alcohol. While the phenomenon of increased violence

associated with Post-Traumatic Stress Disorder (PTSD) has been well documented,¹⁶ new studies show that, in general, rates of domestic violence increase when wars come to an end. As Thandi Modise, Speaker of the North West Provincial Legislature in South Africa, has stated, the “clichéd definition of not being at war” has little relevance for women and children in many conflict and post-conflict zones. “In South Africa today,” she observes, “there is increasing domestic violence, an increase in child abuse. So we cannot say South Africa is at peace.”¹⁷ Outside the home, male violence against men also increases when wars end, especially when prolific weapons remain uncontrolled—although it should be observed that all members of a society are vulnerable to being caught in the crossfire of armed violence.¹⁸

Due to their widespread availability, mobility and ease of use, small arms are a very important factor in the flaring up and perpetration of many expressions of trauma, not only in wartime, but also in the build-up to and aftermath of war. They have become central to maintaining social dislocation, destabilization, insecurity and crime in the aftermath of conflict.¹⁹ These arms are misused within domestic settings, as well as in public spaces, and they impact everyone in the community: one way to counter their effects, therefore, is to increase our understanding of the role played by prolific small weapons in reinforcing and maintaining gender-specific expressions of violence before, during and after conflict.

The availability of small arms has ensured that armed conflicts no longer take place in an identifiable combat zone. Indeed, in a number of recent conflicts, the “domestic” sphere—in wartime, a space that is largely inhabited by women, children and elderly, ill or disabled men—has been expressly targeted for violation. Even if people used traditional methods of indicating their neutrality or vulnerability, such as waving a white flag in Kosovo or taking refuge in a church in Rwanda, they were not immune from attack. Terrorist assaults on civilians in civilian spaces are also on the increase, and affect unprecedented numbers of people. The chaos and instability brought about by the large-scale forced movement of civilians has led to extraordinary levels of social disruption.

The portability and utility of light weapons facilitates this spatial change in the waging of war; and in encroaching on civilian space, such weapons have forced us to think differently about who properly constitutes an actor, and who a victim, of war. Easily accessible lethal weapons have meant that

women and children are being drawn into conflicts in new ways, and not only as victims. Indeed, they are becoming adept members of militarized forces and participate actively in the violence of war. These “non-traditional” fighters subvert deeply entrenched traditions about how, and by whom, wars are waged, creating an extraordinary philosophical challenge—as well as a logistical nightmare—for humanitarian and relief agencies seeking to manage the effects of armed conflict.

Contemporary wars have destabilized social and cultural constructs about warfare itself. Such destabilization, particularly because of ready access to SALW, affects power relations between the sexes, changes the way women are afflicted by male violence and contributes to the formation of male and female identities that can be mobilized in support of war.

One of the contradictions of war is that while it poses a significant threat to women, it may also offer them new opportunities to enter the public realm. It cannot be denied that many of the age-old, gendered patterns of victimization that characterize warfare continue unchanged—such as women being exposed to sexualized violence and men being targeted for sex-selective massacre.²⁰ In other arenas, however, there are significant shifts: in particular, broadening technological mass production, which has led to easier to use, lighter and highly durable weapons. This is changing age-old boundaries: it is no longer possible to maintain stereotypes about active, male participants, and passive, female victims in armed conflict. We continue to believe such stereotypes at our peril, as the large number of failed disarmament, demobilization and reintegration programmes attest.²¹

Fuelled by these lightweight, easily used weapons, numerous wars around the world indicate that armed women and children can kill with as much ease and proficiency as men. Indeed, it might even be argued that the tradition of labelling women and children as “vulnerable” in wartime has given them an increased capability to participate in the new style of waging war because they are less easily identifiable as assailants than men. In this regard, women have proven themselves adept at using popular media stereotypes to their advantage. For example, female suicide bombers in the Palestine–Israeli conflict, far from being invisible and passive, have made their active support for violent solutions devastatingly clear.²² Similarly, in the Chechen attack in Moscow in October 2002, women hostage takers were full participants—although the media seemed willing

only to acknowledge them through their relationship to men, as “the widows of Chechen rebels killed fighting the Russians”.²³

IDENTIFYING THE GENDERED EFFECTS OF SMALL ARMS

Recognizing that male and female identities are destabilized in wartime is not new. What does need to be better understood in the face of increasingly accessible SALW, however, are the implications of this destabilization of roles for the future of humanitarian and peace-building efforts. Despite the extraordinarily diverse impact of small arms, researchers at the Small Arms Survey concluded as recently as 2002 that small arms availability and misuse had yet “to emerge as an issue of specifically humanitarian concern”. They observed that there was no comprehensive humanitarian response to the problem because limited evidence had been collected, “and so awareness of the issue has not taken root”. To overcome this lacuna, the survey suggested that better information should be generated about how small arms affect the lives of citizens, peacekeepers and aid workers, so that a humanitarian perspective that focuses on people’s security and safety would replace the domination of “a disarmament and arms control approach” to the problem. They argued for both “a moral and a practical imperative” to change the direction of small arms research.²⁴ In my view, considering, identifying and articulating how men and women, girls and boys are differently affected by the misuse of small weapons is one of the best ways to achieve this goal.

While it is difficult to state with full confidence who is most badly harmed by readily accessible weapons, we do know that the use and abuse of small arms is experienced differently by men and women, girls and boys everywhere. We also know that very high rates of gun-related injury and death are being recorded in places, both rural and urban, in countries that are relatively peaceful as well as in conflict zones.²⁵

When an effort is made to collect and analyse statistics on gun-related deaths and injuries disaggregated by age, race and gender, they provide increasing evidence of the changing face of warfare and violence perpetrated in non-war settings. Some common elements behind both attitudes to guns and the perpetration of gun violence are beginning to emerge, and what is being revealed is essential to understanding the real locus of the problem of demand and misuse. In a world of increasing private

gun ownership, a significant challenge is being mounted against the cherished realm of the private—the safe haven that has traditionally, in male-dominated societies, been the arena in which the ideal that “tough men” protect “vulnerable women and children” is strongest. The entry of guns into this space belies this belief daily. But gun control legislation, law enforcers and judiciaries still have a long way to go to develop appropriate responses.²⁶

As the problems of demand and misuse become more clearly understood, it becomes more feasible to challenge deeply held gender stereotypes that had justified inaccurate statements in the early days of small arms policy-making, such as, “these weapons have taken a heavy toll of human lives, with women and children accounting for nearly 80 per cent of the casualties.”²⁷ While such a dramatic claim was presumably made in an attempt to draw attention to the destructive power of SALW, its impact was actually to divert attention away from the fact that in war zones and urban slums alike, it is men—young, poor, black men most of all—who are predominantly the perpetrators and victims of gun violence. There has for too long remained an emphasis on women as “vulnerable victims” when, in almost every country, men are killing themselves and others in ever larger numbers with increasingly accessible firearms.²⁸ Statistics show that:

- over 85% of homicide victims with weapons are under the age of 44;²⁹
- over 90% of gun-related homicides occur among men;³⁰ and
- 88% of the accidental shootings that kill about 400 children in the United States each year, and injure another 3,000, involve boys.³¹

I do not cite these statistics to argue that women are not victimized by prolific and uncontrolled weapons. Rather, I use them as a reminder that the difference between men and women in their experience of gun violence occurs because there are no societies on Earth in which women enjoy equality with men, and one of the most egregious iterations of this inequality is in male violence against women. As a result, while not their primary victims, “women suffer disproportionately from firearms violence given that they are almost never the buyers, owners or users of such weapons.”³²

Studies of the murder of women (femicide, or intimate femicide if the perpetrator is a current or former husband or boyfriend, a rejected would-

be lover or a same-sex partner) show that in violent societies, men with access to firearms will use them in deadly displays of their power over women. A growing number of gender-disaggregated studies of firearm-related violence show that women and children are far more likely to be harmed by firearms in countries where guns are seen as necessary commodities than in places where they are strictly controlled.³³

For example, in South Africa, the country with the highest documented rate of intimate femicide in the world, 50.3% of women killed—four women a day, or one every six hours—are murdered by men known intimately by the victim.³⁴ One in five of these women is murdered with a legally owned gun.³⁵ Similar levels of intimate femicide are also being observed in countries such as Guatemala, where “thousands of men carry weapons and are no strangers to extreme violence” and where this phenomenon has become manifest in “an epidemic of violence that has killed more than 1,500 women in under four years”.³⁶ In the United States, the presence of a gun makes it five times more likely that a woman will be killed by her male intimate partner.³⁷

Frighteningly, what these statistics reveal is that high levels of femicide are not unique to countries such as South Africa, which are emerging from years of systematic racialized and sexualized violence. They are, instead, a common phenomenon in societies in which: male violence against women is normalized; there is ready access to small arms; and there is a high level of impunity because of inadequate policing and legal systems that are designed not to challenge or unseat patriarchal power, but to protect it.

We will never know the true extent of the global problem of small arms violence until the collection of gender-disaggregated data is both possible and standardized around the world. It is, however, useful and possible right now to contrast societies in which efforts have been made to connect gun licensing and domestic violence. For example, the Canadian Firearms Act of 1995 prohibits men with previous convictions for domestic assault to own a firearm. In that country, under the new law:

extensive background checks are conducted on every person who applies for a licence. The questions on the firearms application form are directly linked to studies of domestic homicides involving firearms and suicide involving firearms. The studies have identified a number of risk factors: history of violent dispute, history of substance abuse (drugs and

alcohol), existing criminal record, separation or pending separation, depressive illness, employment and financial problems.³⁸

The impacts of the new law have been striking. From 1995 to 2003, when 161 murders in Canada were committed with a firearm, gun-related deaths have steadily declined: the 2003 figures accounted for slightly less than a third (29%) of all homicides. Nonetheless, shootings were still the most common method of killing. Significantly, while more women were killed by men known to them (64%, as opposed to 7% of men being killed by known assailants), Canadian police services reported a particularly dramatic decrease in domestic homicides, 34 fewer than in 2002. This decline was related to a large drop in the number of females killed (50 fewer compared with 2002),³⁹ an effect that the Coalition for Gun Control attributes directly to the new Firearms Act.

Australia offers another interesting example of the (unexpected) gendered consequences of tighter gun control laws. In that country, in response to the April 1996 massacre in Port Arthur (by one man using two high powered semi-automatic rifles), new gun laws were phased in between mid-1996 and mid-1998 across all eight states and territories. These new laws included a prohibition on semi-automatic and pump-action rifles and shotguns and laws prohibiting civilians from owning a range of weapons.

Data collected since then reveal that in Australia laws have contributed to a sharp reduction in gun deaths among both women and men. The impact is, however, more observable in the reduction of women murdered at gunpoint. From 1996 to 2001, the gun homicide rate for women dropped 65%, compared to a 54% drop for men. During the same period, the overall gun death rate for women (including suicides) dropped 56%, compared to a 40% reduction for men.⁴⁰

While showing that guns are particularly dangerous if they are kept in the domestic arena, these studies also prove that the claim that men need guns to protect "their" women and children is nothing more than a myth.⁴¹ They make it clear that, in violent societies, the high prevalence of guns is innately intertwined with culturally condoned expressions of masculinity. For example, in South Africa, researchers found that men who kill their partners do not stand significantly apart from broader society. Instead, it appeared that their peers were able to understand, if not in fact forgive, the

idea that some men should feel provoked to murder their female intimates. In some instances, this response even became a mitigating factor in judging their actions: judicial officers were among those to “subscribe to folk theories of the male mind which assume that it is an unbearable provocation for a man to discover his wife’s infidelity”, to accept that a violent response is understandable in such circumstances, and to temper their sentencing accordingly.⁴²

Another serious concern is that the violence perpetrated against women with the aid of guns does not always kill them immediately, a factor that further complicates efforts to statistically measure the gendered impacts of gun violence.⁴³ It is clear from personal accounts, often years after the event, that women in war zones and “peaceful” communities alike are being raped and otherwise violated at gunpoint. While the enormity of this violence may remain unrevealed because of the difficulties of recording it—or because of a desire and capacity to cover it up, especially in countries with degraded legal systems—eyewitness accounts and field reports attest that it is both common and extremely brutal.⁴⁴ Women are also routinely terrorized by men who threaten them with a weapon, a type of violence that is exceedingly difficult to record or measure.⁴⁵ Women are also burdened as caretakers and caregivers to people who stay alive after armed violence, only to be permanently disabled. The challenges of surviving and caring for survivors are particularly heightened in resource-poor contexts—war zones and degraded urban societies—where interpersonal violence, accessible guns, and overstretched or absent security and judicial systems are lethal norms.

SOCIAL STRUCTURES: EFFECTS AND CHANGE

War violently disrupts political, social and cultural mores: this destruction of values always has particular implications for gender relations, as decades of feminist scholarship has observed.⁴⁶ Small arms play a significant part in the process of social destruction, and their presence has a profound impact on how a society reshapes itself after conflict. Yet international attention has focused in a narrowly instrumental way on supply-related issues, which does not sufficiently promote consideration of the political dimensions of the trade in small arms. Such an approach has the potential only to address some aspects of SALW problems. Multilateral

practitioners must be made aware of this lacuna—gender analysis of SALW is an excellent means to reveal it.

There has also been a tendency to characterize the problem of small arms as one which results from “illicit” or “criminal activity”, with “illegal” guns. Such thinking leads not to meaningful actions to tackle the effects of these weapons and the structural violence in which they are embedded, but to continued vagueness and abstraction, especially about how women’s lives are impacted. As a result, we still live in a world where there is little commitment to understanding the magnitude or scale of the problem, and from which few strategies for combating it can be developed.⁴⁷

A shift in attitude to the impact of SALW, whether they are legitimately owned and subject to legal control or not, is well overdue. Feminists have long questioned the broad tendency to understand violence in a fragmented way that reduces our awareness of it as an egregious social phenomenon, whether it occurs in the domestic sphere or in the arena of war, at the point of a weapon that is legally owned or one that is not.⁴⁸ Feminist responses to violence emphasize that it is not private and individualized, but socially and structurally produced.⁴⁹ From this perspective, an exclusive focus on the high levels of political violence that occur in and after a war, or on the technical problems posed by weapons proliferation, can hide the effects of other violence, often socially sanctioned, which predates war and continues in peacetime.

Because the purpose of most new wars is neither liberation nor social transformation, attitudes which endorse violence as an appropriate response to conflict or stress may not measurably change in the aftermath. In such instances, women’s bodies all too often become the “shock absorbers of the social dislocations which are the legacy of many years of war,” continuing to bear the brunt of militarized conceptions of masculinity long after a war has officially come to an end.⁵⁰ Readily available guns, and social attitudes that tolerate gun ownership and use, significantly contribute to women’s insecurity in a post-war situation.⁵¹

In societies that have become habituated to high levels of aggression, women and other vulnerable members of society continue to bear the brunt of violent acts. This is one reason why gender-aware research on the impacts of small arms proliferation is so important: it is an invaluable means to trace the links between “everyday” violence and the “unspeakable”

extremes of violence seen in conflict situations. Feminist peace researchers would argue that these links derive, to a large extent, from the prevalence of gender ideologies which promote and glorify male superiority and condone its expression through aggression, giving men a form of power over women, children and other “inferior” men that can be readily expressed through physically violating them.⁵² The acknowledgement of this fact lies at the heart of gender-aware peace research, whose purpose, then, is ultimately to challenge ideologies which preserve and support the continuation of violence in all societies—those which are caught up in violent conflict as well as those that are supposedly “at peace”.

Social attitudes implicitly condoning violence against women can only be overcome by concerted action. But to maximize the impact of such action, it should be based on carefully documented evidence, including gendered analysis of how easily available firearms impact on women’s lives. Locally, accurate statistics are vital for the development of new, more far-reaching legislation. That gun laws need to be upgraded within terms that are gender-aware and responsive to the particular needs of women is essential for the peaceful development of a region because, as existing research shows, the most vulnerable members of aggression-prone societies must struggle daily against the effects of a continuum of violence, even in a peacetime context. For women, and often for children, then, it is devastatingly misleading to refer to gun-related trauma as something which happens most frequently in times of violent upheaval, in other words, outside of “normality”. It is also inaccurate to focus on the danger of “illicit” small arms that are used in “criminal” activity, as if gun misuse were not directly correlated to ideologies that support the use of violence, even in the home and even in times of peace.

Evidence shows that distinguishing between the impact of licit and illicit weapons in post-conflict zones characterized by robust gun cultures is, anyway, moot: in the southern African region, it has been proven that firearms used in criminal activities are systematically obtained by taking them from those who first obtained the firearms legally.⁵³ For those who fall victim to such violence, discourses on control that focus on a distinction about how firearms are obtained do little more than “support the process of minimizing and silencing evidence of violence” in their everyday lives.⁵⁴ Easy access to guns, however they are come by, buttresses traditions of militarized masculinity and plays a significant part in the frighteningly high

tolerance of gender-based violence that characterizes many countries in the region.⁵⁵

I have focused, so far, on the ways in which accessible small arms may increase violence against women in the domestic and public spheres. While far more men than women die at the point of a gun around the world, the easy availability of small arms plays a particularly egregious role in maintaining male dominance and facilitating the violence perpetrated against women (and subordinate men) in conflict zones. As I highlighted earlier in this paper, it is inappropriate to treat the impact of weapons proliferation on women as a dichotomy, in which “women are victims” and “men are perpetrators”. Instead, we have to analyse the complex ways in which the widespread presence of guns and other light weapons support ideologies of masculinity and femininity, so that some men retain power, which they can reinforce through violence over all women, children and some men.

In many societies, the bearing of arms carries a significant cultural meaning. It is seen as a right and is interwoven with multiple social rituals, such as a young man’s coming of age. Women’s “proper” role, in such societies, is to support the bearing of arms; but the cultural role played by women in normalizing gun ownership is only infrequently remarked on. In some societies, such as the cattle-raiding Karamojong of Uganda, women actively used to encourage men to use arms in raids as their increased success improved the economic position of the family unit.⁵⁶ In countries such as South Africa, even though “research shows that the gun women (and children) most need to fear, is the one owned by their husband, boyfriend, or father”, some women are helping normalize the increase in privately owned weapons by upholding the belief that their male partner needs a gun to protect them; the same trend can also be seen in the United States.⁵⁷ The role played by women in armed conflicts—whether in Africa or Sri Lanka, by young Palestinian women or by Chechen widows—shows that under the extreme duress of drawn-out insurgency, women are likely to join men in seeking violent solutions to achieve their political goals.

Such attitudes are evidence that women cannot always be characterized as innately peace loving and fundamentally opposed to the presence and use of arms. Women’s responses to weapons, like those of men, are complex: this is why we must improve our knowledge of how women are drawn into the proliferation and normalization of firearms and

gun-related violence, and how they internalize and carry out their supportive role in gun-dominated societies.

While some women will choose to support arms proliferation, some will be key motivators of initiatives to reduce the impact of small arms. This difference is not surprising: women bear the brunt of domestic violence, and the presence of firearms acutely aggravates the likelihood of women dying at the hands of their intimate partners. But women will choose to respond differently to these problems. Some “firearms feminists” insist that carrying a gun is the best form of protection, even though research does not bear out this claim.⁵⁸

By insisting on initiatives to understand the complexity of women’s relationships to small arms, peace activists and gun control lobbyists can take the fullest cognizance of what women are doing to reduce the impact of such weapons. Multilateral practitioners would benefit from such understanding too. Women activists are often key participants in civil society initiatives to build peace. They support efforts to control firearms, work as volunteer counsellors to assist those who are victims of gun violence, create grass-roots community initiatives to help protect children in gang-infested areas, and even run informal witness protection programmes in places where official police support is limited. In most countries, it is women who bear the major burden of caring for those who are injured or disabled by gunfire. Recognizing that children are often involved in gun violence, either intentionally or by accident, women are often at the forefront of firearm education initiatives aimed at youth.⁵⁹

As I have argued, differences in opinion between women as well as between women and men must be taken into account in research on the impacts of small arms. Muggah and Griffiths observe that “the humanitarian costs of small arms are often so systemic, so pervasive, that people do not see them for what they are.”⁶⁰ To this contention I would add the observation that, where women in particular are concerned, the humanitarian costs of small arms are invisible because the gender ideologies that support the situations in which small arms proliferate are invisible. This invisibility impedes the ability of policy makers and multilateral practitioners to frame responses that are appropriate or realistic aids to preventing or curbing SALW-related violence. If we fail to pay proper attention to either the gendered origin of many of the violations committed with small arms, or the gendered impact of such atrocities, we shall negate any positive

benefits that might come from a renewed effort to understand and curtail the proliferation and misuse of small arms from a humanitarian perspective. We shall also undermine local efforts, often spearheaded by women, to control arms in their community, country or region.

GENDER ANALYSIS AS A TOOL THAT HELPS MULTILATERAL NEGOTIATORS

Women's initiatives toward peace-building and violence prevention are often invisible beyond the immediate community they touch, receiving little respect or support in official circles. As Hoogensen and Rottem note:

Security claims cannot be heard from identities that have been enveloped and hidden by the dominant discourse. At the same time, though, women in many different ways have been contradicting the dominant discourse by finding ways to express their identities as women in addition to their other identities. Their experiences exemplify the complexity of life experiences and perspectives that inform their diverse securities.⁶¹

The work of activists within NGOs at the local and international levels is challenging this silencing of experiences; recognizing and boosting women-centred NGOs at the local level could, therefore, have a significant impact on the success of gun control and management efforts instituted by governments and other agencies concerned with disarmament and thus play an important role in the processes of long-term peace-building. Yet at the multilateral level, much work in awareness-raising remains to be done before gender analysis can meaningfully contribute to the reframing of the current SALW policy paradigm.

The full impact of small arms on the lives of women, girls, men and boys can only be lessened if policy makers (including diplomats) and international campaigners support the following actions:

- consult women peacemakers, as well as male leaders, when planning humanitarian interventions designed to reduce violence and build peace;
- ensure that all human rights and development programming draws on research on small arms and gender-based violence, so that

programmes are coherent and able to respond to the problems caused by uncontrolled arms;

- identify and support indigenous arms controls projects, many of which are developed and run by marginal and poorly funded local peace groups;
- facilitate the development of programmes to ensure that strict controls on firearms are enforced by local, national and regional authorities;
- demand that laws underpinning discrimination and violence against women be repealed, and make the repeal of such laws a condition for donor funding;
- request that researchers and project managers collect gender- and age-disaggregated data on firearm injuries and firearm ownership and use, and ensure that they understand the importance of analysing this data through a gender lens;
- ask more questions to better understand the diversity of the attitudes of women, men and children toward small arms. If they support gun control measures, how do they demonstrate this support? If they support gun ownership, how do they express this? How is gun ownership naturalized in a society so that decreasing numbers of people resist their presence? Do men, women and children participate differently in this naturalization process?
- ensure that the perspectives and insights of women, girls and boys have been included before supporting projects designed to reduce small arms proliferation and misuse;
- recognize the interconnectedness of the supply side of small weapons with other forms of violence and human rights abuse: for example, some gun-runners also smuggle women and children to do exploitative and illegal work; some women are involved in running munitions and weapons;
- pay attention to community perspectives on activities related to small arms misuse;
- ask whether men, women and children are differently affected by small arms proliferation in the aftermath of conflicts. This means discovering what each group thinks would make them secure, and how any mechanisms that are in place to protect civilians and demobilized soldiers from easily available guns are understood by the group. It also means finding out whether a culture of firearm ownership for self-protection has begun to arise and, if so, how each group understands this phenomenon;

- analyse resistance to being drawn into arms ownership and misuse: which social actors say no to guns? Why? How can they be supported and protected? and
- recognize that disarmament and arms control processes will only work when the trust and cooperation of *all* social actors is gained. This means impunity for crimes against women and girls, and the exclusion of boys, must end.

The issues raised in this list are intended to help diplomats and campaigners to determine the extent to which a society has adapted itself to living with violent conflict, from which can be ascertained a sense of whether peace and non-violence is possible and desirable. These questions also offer a way to identify activities that arise at the grass roots (such as peace groups or volunteer organizations to counsel victims of gun violence) which are frequently overlooked as peace-building initiatives but have significant potential with proper financial and technical support.

The rhetoric of “gender mainstreaming” has permeated international agreements in recent years, but practical strategies for ensuring that the needs of women and men receive equal attention have been more difficult to implement. However, the pervasiveness of SALW, their ease of use, and their lethal impact on everyone from combatants to innocent passers-by makes this problem an ideal platform from which to institute gender-aware policy, research and activism.

It is imperative that any shift in approach to the small arms problem should avoid the omissions of past disarmament research. There is a serious need to gather data on how different social actors perceive small arms, and use the existing tools to analyse the effects of gender ideologies on attitudes to, and the misuse of, these arms. As a research community, we have excellent theoretical frameworks that show us how to take gender into account, have developed techniques that facilitate gender-aware research, and are increasingly able to produce a gender-disaggregated pool of data on the effects of small arms misuse.

Moreover, in the Beijing Platform for Action, the Windhoek Declaration and Security Council resolution 1325, we have formal avenues through which to hold governments and international agencies responsible for the gender-based violence that small arms underpin.⁶² All of these resources allow analysts and policy makers to focus on identifying the way

in which ideologies of masculinity and femininity are constructed to support the misuse of small arms in societies that are war afflicted, suffering from elevated levels of social violence and/or severe underdevelopment—or merely highly tolerant of the presence of individually owned firearms.

WHOSE EXPERIENCES REALLY COUNT?

Clearly, a greater commitment to gathering gender-disaggregated data on the effects of pervasive small arms is essential, as is an understanding that such data needs to be analysed by gender specialists. Without this work, there is little chance of overcoming the silence about who bears the real costs of small arms proliferation or of changing the social structures that support and perpetuate men's violence against women. However, gathering such data continues to pose a significant challenge (especially in recent war zones in the developing world) where the collection of firearm-related violence is frequently haphazard, collated by hand for the purposes of regional rather than national statistics, and otherwise unsystematic. Queries about firearms-related violence are often met with hostility, and men's violence against women remains a taboo subject in many societies, thus limiting the accuracy of available figures. As a result, any indication of the sex of perpetrators or their victims, along with information about the circumstances in which attacks take place, may only be gleaned through reading between the lines of case notes.

What this lack of information suggests is that civil society organizations involved in gun control should make a particular effort to develop awareness-raising and training models through which to institute a new culture of data collection and analysis. They must emphasize the importance of collecting information on the sex of both the victims and the perpetrators of firearm-related violence. International organizations, governments and local authorities must be lobbied to make the institution of such data-collection practices standard, and seek out expert assistance in examining them. Recording and analysing these figures is arguably the most important first step in challenging the indifference and denial that currently attend cases of gender-based violence. Governments should also consider how they could assist these efforts, financially or otherwise, because the fruits of such research will benefit their understanding and enhance their capacity to respond.

We need to provide a clear picture of the particular suffering women face when guns are pervasive, when people believe a man without a weapon is not a man, and when crimes are mostly reported, judged and punished by men. It is only when we are properly informed about the effects of pervasive small arms that we will be in a position to convince opinion leaders, policy makers and the general public that easily available guns are dangerous to women, compromising their options and freedom of choice and denying them the right to lead a safe and full life, and that women have the right to participate fully in all efforts to control arms. We also need to develop a far better understanding of the ways in which dangerous images of masculinity are upheld in violent societies. The findings of research on demand must reinforce ongoing activism to encourage positive, peaceful expressions of male identity: this is a cornerstone of controlling and managing small arms.

CONCLUSION

Feminist analysis has shown that gender roles are not fixed in stone but are adapted to meet changing social circumstances. It is, therefore, possible to develop a social and political environment that facilitates positive changes in women's status. This insight is as important as its corollary: that environments can be highly detrimental to the safety and security of any group in society, whether men, women, children or the elderly. Gender analysis cannot alone explain the impacts of forms of social exclusions based on race, class or age. These issues need to be taken into consideration because they help explain why the pervasive spread of SALW has detrimental effects that are currently invisible to arms control practitioners.

Both the Windhoek Declaration and Security Council resolution 1325 commit international organizations, governments and civil society to finding ways to help women, old and young, participate meaningfully in peacekeeping efforts and post-war reconstruction. Although neither of these agreements has had the effect of revolutionizing other international protocols on the prevention and resolution of armed conflicts and the management of their aftermath, they are a step in the right direction, sending a powerful signal to the world community that women's essential social contributions have been recognized and must be upheld.

By focusing on individual people and the spaces they inhabit, both physically and in the sense of the roles they play, and explaining some of the ideologies that keep people locked in armed violence, gender analysis makes humanitarian and human security approaches to disarmament more effective. This chapter has argued that “disarmament as humanitarian action” would have clear practical benefits for multilateral practitioners in the SALW context if the real and measurable impacts of gender differences are understood as central to all disarmament work, and are inculcated into our ways of working. At the beginning of the paper, I pointed out that understanding gender ideologies is the first step to understanding interpersonal violence, from which we can move closer to instituting peaceful social transformation. This, surely, is a goal worthy of all multilateral negotiators.

Notes

- ¹ An earlier version of this chapter appeared as an article in *Contemporary Security Policy*, April 2006, pp. 45–59.
- ² For the complete text of the Beijing Declaration, see <www.un.org/womenwatch/daw/beijing/platform/declar.htm>.
- ³ For a detailed discussion of international agreements on women and conflict, and on small arms, see Vanessa A. Farr, “A Gendered Analysis of International Agreements on Small Arms and Light Weapons”, in Vanessa Farr and Kiflemariam Gebre-Wold (eds), *Gender Perspectives on Small Arms and Light Weapons: Regional and International Concerns*, Bonn: Bonn International Center for Conversion (BICC), Brief 24, July 2002.
- ⁴ See “Theme Four—Women, Men and Gun Violence: Options for Action”, in *Missing Pieces: Directions for Reducing Gun Violence Through the UN Process on Small Arms Control*, Geneva: Centre for Humanitarian Dialogue, July 2005.
- ⁵ UN Security Council resolution 1325, adopted by the Security Council on 31 October 2000, at <www.un.org/events/res_1325e.pdf>.
- ⁶ The Small Arms Survey estimates that nearly 60% of weapons are in private hands. See Small Arms Survey, *Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, 2002.
- ⁷ See Emily Schroeder and Lauren Newhouse, *Gender and Small Arms: Moving Into the Mainstream*, Institute for Security Studies, Monograph

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- no. 104, October 2004, for a discussion on the lack of analysis of gender in small arms-related UN discussions, even up to the 2003 Biennial Meeting of States on Small Arms and the Programme of Action.
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- ¹² See Mandy Turner, Jeremy Ginifer and Lionel Cliffe, *The Impact of Armed Violence on Poverty and Development. Full Report of the Armed Violence and Poverty Initiative*, Department of Peace Studies, Centre for International Cooperation and Security (CICS), University of Bradford, March 2005, at <www.brad.ac.uk/acad/cics/publications/AVPI/assessment/AVPI_Full_Report.pdf>.
- ¹³ See, for one example of documentation of this violence, *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, New York/Washington, DC: Human Rights Watch, June 2002.
- ¹⁴ See Vanessa Farr, "The New War Zone: The Ubiquitous Presence of Guns and Light Weapons Has Changed The Definitions of 'War', 'Victim', And 'Perpetrator'", in *Women's Review of Books*, op. cit., p. 16.
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- ¹⁶ See Catherine Lutz, "Living Room Terrorists: Rates of Domestic Violence Are Three to Five Times Higher Among Military Couples Than Civilian Ones", in *Women's Review of Books*, op. cit. The National

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- ¹⁸ See Centre for Humanitarian Dialogue, 2005, op. cit.; and Control Arms Campaign, 2005, op. cit.
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- ²¹ For case studies, see Vanessa Farr, "Disarmament, Demobilization and Reintegration: Where do Women Stand?", in Marie Vlachová and Lea Biason (eds), *Women in an Insecure World: Violence against Women—Facts, Figures and Analysis*, Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2005, pp. 193–200; Sarah Douglas, Vanessa Farr, Felicity Hill, et al., *Getting it Right, Doing it Right: Gender and Disarmament, Demobilization and Reintegration*, New York: United Nations Development Fund for Women, October 2004; Vanessa Farr, "Gendering Demilitarization as a Peacebuilding Tool", Bonn: BICC Paper 20, also at <www.bicc.de/publications/papers/paper20/paper20.pdf>, June 2002.
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- ³³ Wendy Cukier, “Gendered Perspectives on Small Arms Proliferation and Misuse: Effects and Policies”, in V. Farr and K. Gebre-Wold, 2002, op. cit., pp. 25–39; David Hemenway, Tomoko Shinoda-Tagawa and Matthew Miller, “Firearm Availability and Female Homicide Victimization Rates Among 25 Populous High-Income Countries”, *Journal of the American Medical Women's Association*, vol. 57, no. 2, Spring 2002, pp. 100–104; Katharine McKenzie, *Domestic Gun Control Policy in Ten SADC Countries*, Johannesburg: Gun Free South Africa, September 1999.
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CHAPTER 6

SMALL ARMS AND THE GENEVA FORUM: DISARMAMENT AS HUMANITARIAN ACTION?

John Borrie

SUMMARY

This paper briefly tells the story of the Geneva Forum and its evolving activities in support of the international process to curb illicit trade in small arms and light weapons. It considers the extent to which the Geneva Forum's activities and characteristics qualify it as "disarmament as humanitarian action"—that is, bringing humanitarian (especially field-based) perspectives to bear on small-arms related issues in ways that assist multilateral practitioners. Overall, this contribution has been significant, although not easily quantifiable. The Geneva Forum's impact has varied among different small arms actors, especially among governments. This paper also discusses differences in outlook between the New York and Geneva diplomatic environments, which have not always been conducive to multilateral progress in the small arms domain but which the Geneva Forum has sometimes helped to bridge.

INTRODUCTION

Multilateral disarmament and arms control negotiations have achieved scant success in recent years, despite pressing political imperatives. Where limited progress in this domain has been achieved over the last decade, it tends to have been accompanied by humanitarian approaches, including from international organizations, field-based practitioners, academic researchers and transnational civil society. One crucial element of these approaches is increased emphasis on the individual and the community as referent points for security, alongside traditional national security perspectives. Another aspect is the involvement of practitioners from the

field. This has enriched the work of government representatives by helping them to understand the challenges at hand and suggesting policy options to address them.¹

A prime example of “disarmament as humanitarian action” is the 1997 Anti-Personnel Mine Ban Convention.² Yet the Convention’s high profile, its status as a legally binding international treaty norm and the many dynamic characteristics unique to that process can obscure recognition of other forms of activity that contribute humanitarian perspectives of benefit to multilateral disarmament and arms control work. These contributions are not necessarily in the form of treaty processes or even formal mechanisms. A hallmark of humanitarian approaches to problem solving has been the focus on goals rather than process: this means they are often ad hoc, unofficial and, to some extent, self-selecting coalitions of the willing. Significantly, these lower profile activities are probably more typical of humanitarian approaches than the trail blazed by the Mine Ban Convention.

Some of these contributions, such as those of the Geneva Forum, have operated in *informal* support of official processes. In doing so, the Geneva Forum has helped in bringing humanitarian perspectives to bear on intergovernmental work traditionally dominated by national security considerations. The Geneva Forum is a joint initiative of the Quaker United Nations Office (QUNO) in Geneva, the United Nations Institute for Disarmament Research (UNIDIR), and the Programme for Strategic and International Security Studies (PSIS) of the Graduate Institute of International Studies in Geneva.³ Although the Geneva Forum carries out activities on other themes as well, this paper analyses its activities on small arms and light weapons (referred to here as small arms, or SALW).⁴

This paper briefly tells the story of the Geneva Forum’s work on small arms issues, and evaluates its impact on the achievement and subsequent implementation and monitoring of the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.⁵ Also considered is the extent to which disarmament as humanitarian action characterizes the Forum’s activities. To do so, it is first necessary to explain the Geneva Forum’s origins and the political context in which its work on small arms emerged.

THE ORIGINS OF INTERNATIONAL EFFORTS ON SMALL ARMS

By the middle of the 1990s it was becoming apparent to the international community that small arms violence was a problem of major dimensions in many societies around the globe, especially in the developing world.⁶ The humanitarian and developmental consequences of the spread, possession and use of small arms could simultaneously be cause and effect of intra-state conflict and internal collapse. But diffusion of small arms, as a global phenomenon, also defied easy characterization, taking place at the “interface of global and local arenas, in situations of inequality and insecurity, posing intricate challenges to national, regional and international actors.”⁷ Alarming, it was also becoming clear that “Even if one could turn off the small arms tap tomorrow, they would continue to circulate between conflicts, communities and combatants.”⁸ Small arms used in the Viet Nam conflict in the 1960s and 1970s, for example, were resurfacing decades later in insurgencies in Nicaragua, El Salvador and elsewhere.⁹

The small arms issue grew in prominence after the dispatch of a UN fact-finding mission to West Africa in 1994.¹⁰ In January 1995, it also emerged in the UN Secretary-General’s supplement to *An Agenda for Peace*.¹¹ In December 1995, the UN General Assembly adopted its first resolution on small arms, and requested a panel of governmental experts be set up.¹² This panel, which reported back in August 1997, found that:

virtually every part of the UN system was dealing in one way or another with the consequences of the armed conflicts, insecurity and violence due to the easy availability resulting from the excessive accumulation and recurrent use of small arms. Some of the most intractable armed conflicts being dealt with by the UN are those in which a recurring cycle of violence, an erosion of political legitimacy and a loss of economic viability have deprived a state of its authority to cope either with the causes or the consequences of the excessive accumulation, proliferation and use of small arms and light weapons.¹³

The panel’s report recommended that the UN convene “an international conference on the illicit arms trade in all its aspects, based on the issues identified in the present report.”¹⁴ This led to a further General Assembly resolution late in 1997, which asked the UN Secretary-General to seek the views of Member States on holding such a conference. The resolution also authorized another group of governmental experts and a

further small arms report.¹⁵ The group presented its report, which addressed the objectives, scope, agenda, dates and venue of the conference, in the second half of 1999.¹⁶ In December of that year, the General Assembly gave the go-ahead for the conference's preparatory process to commence from 2000, with the conference itself to take place in New York in July 2001.¹⁷

DIFFICULTIES IN THE UNITED NATIONS CONFERENCE PROCESS

A UN conference on curbing the illicit trade in small arms now looked set to become a reality. But the work of the UN panel, the group of governmental experts and the ensuing preparatory process uncovered many difficulties that would have to be handled adroitly for the conference to prove of any real value in preventing, combating and eradicating the illicit trade in small arms. This was because, despite agreeing that a conference be held, many states harboured reservations. Briefly, these included:

- concerns about "hot button" issues proposed by the UN expert reports for inclusion in the conference's Programme of Action, for instance on aspects of civilian possession of weapons (a holy grail for the sport shooting lobby, especially in the United States), export controls, the marking and tracing of small arms and ammunition, problems with the definition of "excessive and destabilizing accumulations" of SALW, and distinguishing between legal and illicit weapons;
- concern among several developing countries, especially those without the capacity for indigenous production, about guarding their access to small arms;
- fears among some states (such as Algeria and China) that an international conference would be used to criticize them for alleged human rights violations; and
- concern by other states (including Australia, New Zealand and South Africa) about whether a multilateral process would sit well with existing activities designed to combat illicit trade in small arms at national, subregional or regional levels.¹⁸

Less well-documented problems stemmed from variations in approach between the diplomatic communities in New York and Geneva. These

communities of practice inevitably had different outlooks, despite the coordination between each country's diplomatic missions by its home authorities to a greater or lesser degree.¹⁹ New York diplomats had a tendency to view the small arms issue through the prism of wider United Nations politicking, especially in the Security Council. Most saw themselves as generalists or diplomatic operators, rather than specialists in disarmament or arms control concerns. In Egypt's case, for example, representatives from its mission in New York rather than Geneva had the guiding hand on small arms in the conference setting. Thus, the cohesiveness of the League of Arab States as a negotiating bloc in the conference process, as well as regional issues such as Palestinian access to weapons, were to the fore of Egypt's concerns.

Some capitals, however, saw the logic of giving the initiative to their Geneva-based disarmament and arms control specialists, since the UN conference process had been planted in the arms control domain. The reasoning behind this assignment was not self-evident: many experts in humanitarian and other fields argue that arms control approaches are actually of limited relevance to understanding and mitigating the human consequences of the illicit small arms trade because it is not a problem necessarily created by the consequences of wars. This means it is unlike other conventional weapons within the purview of traditional arms control, such as anti-personnel mines or explosive remnants of war.

Issues in the small arms domain often possess complex characteristics; as Liz Clegg points out:

in spite of the enthusiasm among the NGO community for an initiative on light weapons, there was a recognition from the outset that the problem of light weapons proliferation was in some ways even more intractable than that of land mines. Two basic facts make a simple "ban light weapons" campaign impossible: first, the fact that civilian ownership of small arms—handguns, rifles, shotguns and so on—is legal in countries throughout the world means that the need for controls on these weapons is not universally accepted; second, few would argue that light weapons do not have some legitimate uses under some circumstances—for example, when carried by forces engaged in peacekeeping operations. To be effective, a campaign to counter the proliferation of small arms needed objectives with greater nuance.²⁰

As will be shown, educating the arms control community about these differences was a concern for the Geneva Forum and its partners from an early stage.²¹

While wider political concerns also featured in the thinking of most Geneva-based disarmament diplomats, some of their New York-based colleagues were, nevertheless, inclined to perceive them as technocrats or “Geneva mafia”—parachuting into a New York process late, and not always cognizant of broader dynamics. Moreover, permanent representatives in New York usually had more political clout within their national bureaucracies than their Geneva-based equivalents. Naturally, they were inclined to support subordinates in their own missions in New York when push came to shove.²² But working-level diplomatic officers in the New York missions sometimes lacked an understanding of the substantive issues involved.

These differences in outlook and culture between the Geneva and New York diplomatic environments coloured perceptions and judgements. The tensions and irritation this engendered within delegations consisting of Geneva, New York and capital-based personnel during the conference preparation process were a hallmark of its negotiating dynamics. Working assumptions—even relative definitions of success or failure in the small arms conference process—could be perceived quite differently. Building of trust between practitioners was, therefore, an important challenge (as it is for all multilateral negotiations in some form)²³ and one often overlooked by outside commentators.²⁴

Non-governmental organizations (NGOs), which are alternative sources of information and advice on many aspects of the acquisition, use and effects of small arms, and often a potent force for transparency and government accountability, were nevertheless largely marginalized from the UN preparatory process. Although NGO access to the conference was a source of extensive debate (it was strongly supported by the European Union, Norway and Canada, among others) many governments were highly suspicious of according NGOs any formal recognition or degree of substantive involvement in their negotiating work. These included China, the Russian Federation and a number of delegations from the Middle East. One reason for this suspicion was the heavy tilt toward the “north” by NGOs active in the small arms domain. There were also concerns that a

process outside the UN might emerge, mirroring the one that led to the Mine Ban Convention in which civil society played a driving role.

The NGO small arms community had begun to emerge from the mid-1990s, with individual NGOs focusing on one or more activities, including research, policy development, advocacy, public awareness and education, and implementing practical measures, often as part of “micro-disarmament” initiatives.²⁵ Although it was heterogeneous, the NGO community was generally split between two, largely antagonistic, poles. Batchelor characterized these as the “arms control community” and the “firearms community”. The former, grouped mainly under the umbrella of the International Action Network on Small Arms (IANSA), had very different aims from the latter, grouped around the World Forum on the Future of Sport Shooting Activities (WFSA). The WFSA, in stark contrast to IANSA’s constituents, basically aimed to encourage the international community to “leave alone” or “do little” to address small arms issues. Despite their fundamental differences, “[t]he one issue on which both IANSA and WFSA could agree, and on which they worked together during the PrepCom process, was to maximize the official role of NGOs in the Conference itself.”²⁶

Scope existed to bring these varying government and civil society perspectives together in an open forum. This was for a number of reasons:

- *To improve information exchange and understanding* between negotiators of different countries, and with different working bases.
- *To educate diplomats.* The small arms domain was new for many in the diplomatic community, and possessed complex characteristics with few parallels in other areas of disarmament activity that they had previously encountered. New knowledge and perspectives would ideally relate to practical experiences in the field: this would necessitate the involvement of transnational civil society, which, in a formal setting, is a tricky issue for some governments.
- *To provide direction and momentum to the formal conference preparatory process* in an inclusive manner that would not alienate governments nervous about its potential implications for them.

THE ROLE OF THE GENEVA FORUM IN THE LEAD UP TO THE CONFERENCE

Through a mixture of design and accident, the Geneva Forum helped to fulfil these roles through its activities in the lead up to the July 2001 conference. Key to this was the track record of interest and involvement that its founding partner organizations—UNIDIR, PSIS and QUNO—had in research on small arms issues, together with a history of familiarity and cooperation among their principal staff.

- UNIDIR's involvement in small arms work stretched back at least as far as 1994. Its Disarmament and Conflict Resolution project, led by Virginia Gamba, influenced the content of the 1995 General Assembly resolution authorizing the first panel of experts.²⁷
- The Graduate Institute's long-standing interest in small arms research contributed to the establishment of the Small Arms Survey in Geneva in 1999, intended (among other things) to act as a clearinghouse for the sharing of SALW-related information and dissemination of best practices.²⁸
- Meanwhile, the Quakers had long played an active role in small arms issues in Geneva, New York and the field, as part of their disarmament and peace-building activities. The close involvement of key QUNO staff in Geneva during the Mine Ban Convention negotiation process meant that the Geneva Forum was able to benefit from their insight in setting the direction and style of Geneva Forum activities leading up to the conference.²⁹

The Geneva Forum emerged in the context of the relationship between these three organizations. From the mid-1990s, cooperation began to snowball between PSIS and QUNO. Small arms issues were only beginning to develop a profile internationally, and PSIS and QUNO found that in both working at the forefront, they had common interests in bringing together multidisciplinary perspectives. A Canadian academic, Keith Krause, had recently arrived at PSIS, and he and Quaker Associate Representative David Atwood began to organize meetings on an ad hoc basis, initially to explain the work Krause had been involved with for the Canadian government on small arms in the emerging human security context. In 1998 PSIS and QUNO raised around 30,000 Swiss Francs from the Swiss government to continue these activities. Meanwhile, individual

diplomatic representatives from missions in Geneva, such as François Rivasseau of France, encouraged their efforts.

UNIDIR was also supportive of these joint activities. Its Deputy Director, Christophe Carle, established a record of cooperation with Atwood and Krause in his first few months in Geneva. A formal role for the Institute continued after a new Director, Patricia Lewis, was appointed in 1997. David Atwood recalled that, “That’s when we really realized the synergies of the three different types of organization, and were able to draw on each other’s resources.”³⁰

The name “Geneva Forum” emerged around this time as an umbrella description for their joint meetings in the Palais des Nations. Eventually, it made sense to put this collaboration on a more solid footing for logistical and fund-raising purposes. Although it had existed in practice since 1997, the Geneva Forum received special encouragement from the Ford Foundation, based in New York, in 2000. Ford Foundation representative Christine Wing had recognized the potential of the endeavour: approached with individual funding pitches by PSIS, QUNO and UNIDIR, Wing suggested that the three submit a joint proposal. Subsequent Ford Foundation funding—around US\$ 400,000 in total—underwrote the Geneva Forum’s work from 2000 until 2002. This afforded a crucial breathing space during which the Forum was able to focus on helping to manage the challenges attending the UN conference process, rather than on continual fund-raising.

All of the Geneva Forum’s founders were of one mind in wanting to inject perspectives from the humanitarian, development and human rights communities into disarmament work in Geneva, a theme reflected in the Forum’s proposal to the Ford Foundation.³¹ Another catalyst for the Geneva Forum’s emergence was, ironically, the deadlock that had emerged in the Conference on Disarmament (CD) after negotiations on the Comprehensive Nuclear-Test-Ban Treaty were concluded in 1996. With frustration growing among governments, and debate in that forum becoming increasingly sterile and ritualistic without agreement on a programme of work, informal outlets for debate and exchange of views appealed to many missions.

The Geneva Forum came along at the right time to capitalize on this. Its work covers the full gamut of disarmament and arms control activity, and

its overarching objective is “to contribute to international peace and security by building partnerships among and between governments, international organizations and NGOs on disarmament and arms control issues of common concern.”³² In reality, the Geneva Forum’s work has always had a strong small arms flavour—a focus that was almost exclusive until the framework eventually funded by the Ford Foundation emphasized synergy with other areas of disarmament work. Small arms-related activities during this period in the development of the Geneva Forum included meetings to examine the progress of regional small arms initiatives (particularly in Africa), public health approaches to alleviating the effects of small arms violence, tracking the flow of SALW, exploring the role of the UN, and potential measures to reduce illegal arms brokering.³³

A watershed occurred in November 2000. This was when the Geneva Forum assisted IANSA to facilitate a workshop in Geneva focusing on the challenges of the upcoming UN conference.³⁴ Governments and transnational civil society actors working on small arms issues were brought together in order to discuss questions such as “We’ve got the Vienna [Firearms Protocol] Process; who needs 2001?” and “Why do regional initiatives matter?” QUNO and one of its partners, the Women’s International League for Peace and Freedom (WILPF), had hatched the idea for the meeting. They felt that the UN preparatory process was accelerating and that more effort was urgently needed to involve and motivate civil society “to use humanitarian issues as a form of leverage for arms control”, in order to influence governments before the die was cast through the Programme of Action.³⁵

In summing up the November 2000 Geneva Forum–IANSA meeting, the New York-based chair of the 2001 UN conference preparatory process, Ambassador Carlos Dos Santos of Mozambique, noted that it “introduces into the debate important information and expertise, as well as experience gained on the ground. Even at the UN 2001 conference, I do not think that there will be such a high level of interaction.” Dos Santos was proved correct: NGOs were shut out of conference proceedings for most of the time.³⁶ By catalysing intensified NGO activity, the Geneva Forum–IANSA meeting helped to inject greater humanitarian, public health and developmental perspectives into the UN conference process. In addition, IANSA was, for the first time, able to bring its members together in one place for campaign coordination and strategy, which had an important effect on its subsequent campaigning during the UN conference period.

A further key instance of the usefulness of activities sponsored by the Geneva Forum was a residential seminar held over three days in June 2001. Organized in cooperation with the Biting the Bullet consortium, it brought together a diverse group of governments and NGOs to discuss the main issues of contention for the July conference (issues identified during earlier Geneva Forum activities). Over half of the government representatives came from their ministries of foreign affairs and missions in New York, and the rest from the permanent missions in Geneva. The seminar itself was concerned with a number of substantive issues, including small arms management; controlling the transfer, use and possession of small arms; enhancing cooperation and information exchange; and scope, definitions and other key debates.³⁷

Intense diplomacy was also going on in the margins of the meeting over the presidency of the upcoming UN conference. The issue of choosing the president was not just procedural. For months, a struggle had unfolded between rival candidates that had, arguably, diverted the attention of the diplomatic negotiators from the substantive issues at hand and threatened to cause a crisis at the outset of the conference. Japan had fielded its candidate for the conference presidency, Tokyo-based Ambassador Mitsuro Donowaki, early on. The Non-Aligned Movement—with sympathy from some developed countries—wanted one of its own, the highly respected Colombian Ambassador in Geneva, Camilo Reyes Rodríguez, to preside over the conference. The United Kingdom completed the field with its own candidate, recently retired Ambassador to the Conference on Disarmament in Geneva, Sir Michael Weston, confident that the countries of the European Union (EU) would support his candidacy.

Accounts differ over where and when the deal securing Reyes's presidency was finally done.³⁸ However, the Geneva Forum seminar afforded a timely opportunity for some of the key government representatives to meet and discuss their difficulties face to face, as one of the last scheduled opportunities before the conference the following month. In this way, it almost certainly contributed to settling the issue of the presidency before a fight over this question spilled over into the UN conference itself.

THE UNITED NATIONS CONFERENCE AND ITS AFTERMATH

Achieving a Programme of Action at the July 2001 UN Conference was very difficult.³⁹ The relief that an agreed Programme did emerge was tempered by the disappointment of many about its content. Neither NGOs nor governments were overwhelming in their praise. Heavy-handed tactics by key delegations such as the United States resulted in modest proposals concerning civilian possession and armed non-state actors being cut from the draft Programme in the final hours of the meeting. This left some delegations embittered. NGOs were scathing about the many areas in which they considered the Programme of Action lacked ambition, criticism perhaps fuelled by their frustration at being marginalized at the conference's formal proceedings. Reyes himself noted during the final adoption of the Programme of Action on 21 July that:

While congratulating all participants for their diligence in reaching this new consensus, I must, as President, also express my disappointment over the Conference's inability to agree, due to the concerns of one State, on language recognizing the need to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to non-State groups.⁴⁰

Nevertheless, the Programme of Action did represent a concrete, if modest, advance. It was a major step forward compared with the rudimentary level of international attention that small arms issues received just a few years before. The Programme of Action committed the world's governments to implementing its actions, consistent with their own activities at the national, subregional and regional levels, even if some presently lacked the available resources (or, others, the abiding intention) of fulfilling it, and even if it was not legally enforceable.

The Programme was also an achievement seen in light of the substantive complexities that small arms issues present to the disarmament and arms control community, as well as to the development of common understandings for negotiation between the differing diplomatic cultures of New York, Geneva and national capitals. Although certainly not alone in contributing through its informal activities to this emergence of common understanding, the Geneva Forum can, with justification, also claim some credit for facilitating a more positive atmosphere in the lead up to the UN conference.

THE “GENEVA PROCESS” ON SMALL ARMS

A widespread fear among the Geneva Forum’s partner organizations, some governments and the NGO arms control community on small arms was that after relief subsided among governments over the conclusion of the political deal, small arms issues would slip far down the international agenda. The Programme of Action had agreed on a formal follow-up mechanism, which consisted of rather minimal biennial meetings to monitor the level of its national implementation in 2003 and 2005. Other than these low-key intergovernmental meetings in New York (to which the NGOs would, again, have limited—although gradually increasing—access), there were no official follow-up measures at the multilateral level to maintain the attention of politicians and policy makers on national and regional implementation.⁴¹

Meanwhile, thanks in part to the growing familiarity and experience of Geneva’s diplomatic community with small arms issues and the presence of organizations such as the Small Arms and Demobilization Unit of the United Nations Development Programme (UNDP), UNIDIR and the Small Arms Survey, a recognizable small arms community had developed in Geneva. It dawned on this community that the Geneva Forum might prove to be an acceptable facilitator for continuing focused interaction on small arms issues. The Geneva Forum had appointed a full-time coordinator, Patrick McCarthy, in late 2000 and was, in fact, already undertaking further activities designed to bring together the diplomatic community and practitioners to look at the implementation of the Programme of Action.⁴²

In February 2002, with the assistance of Ambassador Reyes, the Geneva Forum’s organizers put together a “Framework Document”. In describing the scope for a Geneva-based small arms initiative, the document noted:

There is widespread recognition of the need for an informal forum in which key actors—e.g. representatives of states, intergovernmental bodies, and NGOs—could meet on a regular basis to share information about current initiatives, highlight areas for concerted action and generally act as an ongoing forum to promote, facilitate and monitor implementation of the Programme of Action and to maximise the opportunity presented by the reporting exercises of the biennial meetings.

In view of this, the Framework Document proposed “to harness this critical mass of small arms expertise by creating a forum of committed Geneva actors that would meet on a regular basis” in support of the Programme of Action.⁴³ The document was distributed among some 15 permanent missions in Geneva for their reactions.

In retrospect, the utility of such an unofficial process is easily seen. But, at the time, it was hard for the Geneva Forum and its partners to predict the likely reaction of governments such as the United States—countries that showed little interest in this type of process, judging by the character of their statements in the lead up to, and at, the UN conference in 2001.⁴⁴ Moreover, a month after the UN conference in New York, the United States rejected the draft protocol on biological weapons in Geneva, and prompted a further diplomatic crisis in December 2001 at the Biological Weapons Convention Review Conference by introducing killer amendments to its draft final document. Meanwhile, the CD remained in deadlock.

In fact, reaction to an informal small arms process to promote and monitor implementation of the Programme of Action from 15 states, including the United States, proved to be generally positive. A first exploratory meeting, organized by the Geneva Forum with governments on 17 May 2002, produced “incredible enthusiasm”, according to its chair.⁴⁵ Participating were representatives from the Missions of Australia, Belgium, Canada, Chile, Colombia, France, India, Ireland, Japan, Kenya, the Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, Thailand, the United Kingdom and the United States, as well as the Biting the Bullet project, the Centre for Humanitarian Dialogue, Small Arms Survey, the UN Department for Disarmament Affairs, UNDP, the United Nations High Commissioner for Refugees and the Forum’s three founding partners.

Initially, the Geneva Forum and its founding partners had assumed that governments would be reluctant to agree to any but off-the-record discussions on implementation and monitoring of the Programme of Action. This proved not to be the case. Rather, governments preferred a transparent record of the meetings prepared by the Geneva Forum. Worries that governments would be reluctant to buy into a process, however informal, involving NGOs and international organizations were allayed by Canada’s disarmament ambassador in Geneva, Christopher Westdal, who agreed to chair the next two meetings of the “Geneva Process”. This also helped to

establish the principle early on that governments should assume some responsibility for management and direction setting of the Geneva Process.

The Geneva Process met nine times between its launch in May 2002 and the convening of the first UN Biennial Meeting of States (BMS) in July 2003 in New York. Besides Canada, subsequent meetings were also chaired by QUNO, the Small Arms Survey and Ambassador Reyes. Although participation by governments was intended to be “open ended”, those wishing to participate in the work of the Geneva Process were asked to indicate support for the “core principles” of the initiative, set out in the Framework Paper—principles that “do not constitute a barrier to participation as much as a modest hurdle to be cleared”, in the view of the Geneva Forum.⁴⁶

During this period, the mechanism’s core activities were established:

- *Implementation of the Programme of Action.* Geneva Process meetings are thematic, for instance on optional guidelines for implementation of the Programme of Action, establishing national points of contact, strengthening state capacity, reporting, and regional approaches to tackling the illicit trade in small arms.
- *Monitoring of the Programme.* This consists of three components. First, a part of each meeting of the Geneva Process is dedicated to an open forum for reporting on implementation activities by participating governments or others (with reports included in each meeting’s subsequent aide mémoire). Second, a UNIDIR researcher collates independent information from around the world (mainly from news sources) on implementation-related activities. This information is, in turn, collated in a report circulated to all Geneva Process participants, and briefly outlined in the meetings. Third, this paper and the *aide mémoire* are then sent to the Small Arms Survey for inclusion in an online database.⁴⁷

The Geneva Process’s monitoring component is not fully fledged. The Small Arms Survey has noted that “only a limited number of countries and organizations participate. Its independent data-gathering capacity is also modest. Nor has the Geneva Process sought to analyse or evaluate the information it has generated in any systematic way.”⁴⁸ But this information has been fed into other monitoring initiatives, such as the *Red Books*

produced by IANSA and the Biting the Bullet project, which take in-depth looks at the state of implementation of the Programme of Action from civil society perspectives.⁴⁹ And it has kept states themselves informed about the activities of others.

Between May 2002 and the first BMS, the Geneva Process's participation expanded to include 25 governments, in addition to the eight international and regional organizations and the eight NGOs involved. As the process has developed, its founding partners and past and present chairs, including those from governments, have also monitored its development at an informal level and helped to shape the agenda for ongoing discussions. Moreover, the approaching BMS in July 2003 constituted an opportunity for participants to cast a critical eye on the work of the Geneva Process. Basically, the question posed by its organizers was whether the process should continue after the BMS. The general response was that it should. But there was also a desire among many participating governments to focus less on the specifics of implementation and expand discussions to broader issues associated with the illicit trade in small arms. This was a far cry from the caution expressed at the beginning of the Geneva Process.

Since the 2003 BMS, the Geneva Process has met nearly 20 times, and the Geneva Forum has attempted to respond to this demand for broader scope. Attention to implementation and monitoring associated with the UN Programme of Action has been maintained. In addition, discussions on thematic issues have expanded to include expositions on the NGO "Arms Trade Treaty" initiative, the Vienna Firearms Protocol, the state of research on "demand-side" factors in small arms proliferation, Man-Portable Air Defence Systems (MANPADS), raising global public awareness of the humanitarian consequences of the illicit small arms trade and the draft international treaty on tracing and marking of small arms. Meanwhile, another four countries (Germany, Mexico, Finland and Israel) have joined the Geneva Process.

Despite their interest in expanding the range of issues to be covered within the rubric of the Geneva Process, the attentions of government representatives understandably returned to more specific issues associated with the UN process late in 2004. In February 2005, Ambassador Pasi Patokallio of Finland, the chair-designate of the upcoming BMS, was invited to talk with participants in the Geneva Process about that meeting—an

event that was, by some accounts, more successful than his own consultations for the BMS.⁵⁰

A key development for the Geneva Process in 2005 was increased coordination and cooperation with New York-based initiatives also concerned with promoting implementation of the Programme of Action. In addition to the ongoing work of the UN Department for Disarmament Affairs and the Coordinating Action on Small Arms (CASA),⁵¹ these initiatives include the Group of Interested States (GIS) in Practical Disarmament Measures, chaired by Germany. The GIS, which meets four or five times each year, was established on the basis of a 1997 UN General Assembly resolution on the “Consolidation of Peace through Practical Disarmament Measures”.⁵² McCarthy has noted that, from its inception, the GIS “viewed itself as exactly that—an initiative of *states* to address the proliferation and misuse of small arms and to promote implementation of the UN Programme of Action”, although since late 2004 it has increasingly involved NGOs.⁵³ The GIS acts as a marketplace, putting donor countries in direct contact with countries, international organizations and NGOs with practical projects in search of resources.⁵⁴

Another initiative of note is the New York Small Arms Forum, which grew out of informal luncheons between representatives of a few governments, international organizations and NGOs in the New York setting. The New York Forum first met after the 2003 BMS, developing around a core group of nine missions (Canada, Colombia, Finland, Germany, Japan, Mexico, Sierra Leone, South Africa and Sweden). It also involved the UN Department for Disarmament Affairs and three NGOs—Amnesty International, Oxfam International and QUNO in New York. By some accounts, the Quakers were crucial in establishing this group and assisting it logistically. The meetings of the New York Small Arms Forum are open to participation by other interested states, and independent experts from civil society are often invited to contribute to its discussions.

While the GIS remained a highly focused initiative, slight tensions were sometimes apparent between the New York Forum and the Geneva Process, despite the strong thread of continuity offered by the Quakers, whose offices in both cities kept closely in touch. Once again, this seems to have stemmed from the different communities of practice among diplomats in the two multilateral centres. Moreover, some NGOs also failed to

capitalize on ways in which the respective processes complemented, rather than competed with, one another.

This, however, began to change from late 2004. With the 2005 BMS approaching, François Rivasseau, who by now had re-entered the Geneva diplomatic scene as the French ambassador for disarmament, met for discussions with members of the New York Forum on the margins of the UN First Committee in order to promote cooperation between the two initiatives, at the behest of the Geneva Process. The Geneva Process was already sharing its reports with the New York Forum, via the Quaker Office there. Members of both the New York Forum and Geneva Process agreed that the margins of the 2005 BMS would provide an ideal opportunity to expand this cooperation.

As a result of this wish to draw the two initiatives into closer collaboration, the two mornings of Geneva Process/New York Forum meeting in New York on the margins of the BMS were chaired by Sierra Leone's Deputy Permanent Representative and Mexico's Ambassador for Disarmament in Geneva. These joint discussions brought together representatives of governments, international organizations and NGOs in both places to explore broader issues associated with the 2006 Review Conference—issues that were outside the limited ambit of the biennial meetings. Moreover, the meeting signalled a new level of cooperation between Geneva and New York at the informal level, which looks likely to continue through further joint work in the lead up to the 2006 UN Review Conference.

DISARMAMENT AS HUMANITARIAN ACTION?

This brief and unofficial history of the Geneva Forum's activities related to small arms shows it has assisted the UN process to curb illicit trade in small arms in several respects. Also, it reveals the significant extent to which the Geneva Forum's principal organizations, and the individuals behind the Forum, were motivated by humanitarian concerns. Clearly, the Geneva Forum's evolution, from early ad hoc activities on small arms to the current Geneva Process, has been a mixture of foresight, accident and serendipity. There appears to have been a desire to focus attention on the security of individuals and communities from the outset, and to bring a broader range of perspectives on small arms issues into what, in terms of the thinking of

many governments, was (and still is) often a national security debate situated in the arms control domain. This begs the question as to how successful the Geneva Forum has been as a form of disarmament as humanitarian action. Have evidence and field-based perspectives on small arms influenced the multilateral arms control community? The answer hinges upon which constituents are being referred to.

In the early phases of the UN conference process, when suspicions ran high among many states about the roles civil society actors would or could legitimately play, the Geneva Forum provided one useful mechanism for interaction between the humanitarian community, diplomats and other policy makers. As well as having educational value, the Geneva Forum's activities helped in promoting information exchange on substantive and political issues as the 2001 UN conference approached, and built trust between negotiators. The structure of the UN process itself was such that, had informal mechanisms like the Geneva Forum not existed, NGOs would probably have had less impact and been even more marginalized than they were.

After the 2001 UN conference, the Geneva Forum was able to gather momentum for the Geneva Process on small arms from missions in Geneva because it had already demonstrated its usefulness: from the point of view of partnerships and other structures, diplomats tend to like what they know. Bleak diplomatic circumstances made Geneva's conservative diplomatic community more receptive to an untried alternative approach. Acceptance also stemmed from several years of patient and discreet trust-building with governments by the Geneva Forum and its founders, and this ultimately formed the basis on which it could launch the Geneva Process. Seen in this light, the activities and gradual institutionalization of the Geneva Process represent an iterative development of the informal interaction between governments and others begun in the mid-1990s.

External factors have also played a role throughout. For instance, at some point between 2000 and 2002, a tipping point was reached at which a large number of governments active on small arms issues recognized that dialogue on a continual basis with international organizations and NGOs was useful. Some countries, such as Canada, Norway, Switzerland and many in the EU, had grasped this point earlier. Once the Programme of Action was agreed—for all its deficiencies in ambition or scope—many other countries began to be more comfortable about such a dialogue. In

part, this was because the tracks had now been laid toward implementation and monitoring of the Programme of Action, although other initiatives, like negotiating an international agreement on marking and tracing of small arms and calls for a treaty on arms brokering, also existed. And, in part, it was because some governments recognized that civil society interest would be important in keeping small arms issues on the international agenda, as well as in achieving the goals of the Programme of Action.

Nevertheless, government–civil society partnerships remain strictly within bounds. At the informal level, these partnerships have burgeoned, as the New York Forum and the activities of the GIS illustrate. This collaboration is important because, in the New York context, small arms issues have become more politicized, and there are signs of diminishing enthusiasm for the 2006 UN conference. Meanwhile, within the formal UN domain:

NGOs are struggling to integrate themselves more fully into the Biennial Meeting process. While they have succeeded in making their voices heard through the specific “NGO sessions” set aside for them at the 2001 conference and at biennial meetings, they have not yet succeeded in having NGO voices added to the broader thematic debates that take place at these meetings. As a result, NGOs remain largely isolated in the formal UN process.⁵⁵

In other words, interest in informal processes, such as the Geneva Forum, in which humanitarian and other approaches can be introduced, should not obscure the reason that they are necessary in the first place—because of the limits on substantive dialogue, interaction and trust-building in official processes. The constraints are both procedural and political. Consequently, the Geneva Forum’s activities supplement the limited dialogue and input of transnational civil society into international decision-making on small arms issues, but are not a substitute. In fact, it should be recognized that a key selling point of these forms of informal activity for governments is that they offer dialogue with international organizations, NGOs and others without the need for concessions on allowing greater roles for them in decision-making settings.

While the educative and information exchange roles of informal mechanisms such as the Geneva Process are more or less accepted by governments, the prospect of their contributing direction and momentum

to the UN process is more contentious among some states and more difficult to measure.⁵⁶ For its part, the Geneva Forum *does* regard the process as a “means of maintaining and enhancing the political will to address the illicit trade in small arms.”⁵⁷ But its activities have certainly not constituted a “core group” of states analogous to the one that helped to propel international negotiations on the Mine Ban Convention during the 1990s. Such a core group has never emerged in the small arms international context. Perhaps this is because of the greater complexity of these issues internationally (preventing the emergence of a simple message, like a ban, to unite behind) and the myriad sensitivities of many governments, despite the harmful humanitarian consequences of the illicit small arms trade. It was also never the intention of the Geneva Forum’s progenitors, whose aim was to have an open process. The Geneva Process, in particular, “was intended to be a partnership process, not an adversarial one”, according to one of its founders.⁵⁸

Meanwhile, the Geneva Process has gradually introduced broader humanitarian and other approaches into its activities, with a view to preparing its participants for the 2006 Review Conference in New York and beyond. A large amount of research has been conducted on small arms issues in recent years, and the Geneva Forum’s earlier, ongoing activities, as well as the Geneva Process, have helped to showcase some of this.⁵⁹

Ostensibly, this broader focus has been in response to calls from governments within the process, but it is pursued in the awareness that some participating governments may be pushed beyond their comfort zones. And, from around mid-2004, there have been signs it is doing just that. While their diplomatic representatives continue to monitor its activities and report back to their home authorities, some countries, such as China, Israel, the Russian Federation and the United States, are often rather passive in Geneva Process meetings. On the whole, this has resulted in debate that is less frank than it could be. Yet some of these same countries are likely to hold strongly divergent positions on specific issues at the 2006 meeting.

These strains point to the reality of the Geneva Process’s discussions, which accommodate diverse viewpoints. Without a formal mandate or dependence upon formal consensus it has, in principle, considerable freedom of action. Conversely, in lacking watertight official legitimacy, it is difficult for the Geneva Process to be ambitious without leaving behind

some participating governments, on whose goodwill it depends and with whom it was intended to engage and involve.

Correspondingly, the Geneva Forum's humanitarian contribution in terms of convincing states to adopt humanitarian concepts and approaches is still unclear. Human security concepts became officially embedded in the foreign policies of countries such as Canada, Norway and Japan from the 1990s, and many other high- or middle-income countries have inculcated aspects of humanitarian approaches into their national or regional policies on small arms. Some of these measures followed on from agreement of the Programme of Action. But many aspects of these approaches are still regarded with suspicion or cynicism by some others, such as the United States, China and the Russian Federation—countries that participate in the Geneva Process.⁶⁰ The introduction of human security perspectives in that process may make little difference to the positions of these countries in New York in 2006, even if they understand better the positions of others as a benefit to them of their participation.

However, the Geneva Forum's contribution to the Geneva small arms community, including missions, international organizations and NGOs, is clearer. Since January 1999, when the author arrived on the Geneva scene, general understanding about small arms issues among diplomats and the tempo of research and advocacy-related activity have been transformed. In good measure this is because the Geneva Forum has helped to provide a framework for interaction and information exchange between these diverse actors, from which all have benefited. Beneficiaries also include authorities in capitals, informed by their representatives in Geneva, as well as through the Geneva Forum's own regular reporting. The steady expansion of the Geneva Process is testament to this success. Accompanying this expansion, however, is the risk that the Geneva Process will lose its organic character and become dilute.⁶¹ Another risk is that it will become a closed shop, with the usual faces presenting their perspectives—a tendency that at least one participant the author spoke with felt was occurring as the Geneva Process has matured.

For the broader arms control community, including missions and NGOs interested in small arms issues in New York, there is substantial scope for capacity-building in the lead up to the 2006 Review Conference and beyond involving the Geneva Process. Some progress has been made, for example through greater coordination and cooperation involving the

Geneva Process and New York Forum. Continued efforts will depend on available resources and how successfully these new types of partnership are sustained beyond initial optimism.

Issues associated with the illicit trade in small arms differ from many of the traditional topics handled in the arms control domain. Understanding illicit trade and its consequences with a view to framing effective policy responses depends, to a large extent, on recognizing that this phenomenon is shaped by an aggregation of widely differing and local, individual interconnections. This is still poorly understood in research terms (it is not easy to collect data on illicit small arms trafficking) and the illicit trade's dynamic characteristics may well be counter-intuitive to arms control negotiators and others. Mastering it will require looking at individual intent and local perceptions of insecurity and why people want to have, and to use, guns. In other words, it entails recognizing individuals as additional referent points for security.

One of the Geneva Forum's biggest contributions over the long run has been in consistently showing the arms control community that there is a major human security dimension to their work, which requires multidisciplinary thinking and input from a wide range of perspectives if the Programme of Action is to be successfully implemented. It is not a message all participants in the Geneva Forum's activities on small arms understand—or want to hear. This makes it no less difficult to quantify the Geneva Forum's influence. Nevertheless, there is no doubt that its work on small arms does count as disarmament as humanitarian action.

Notes

- ¹ See John Borrie, "Rethinking Multilateral Negotiations: Disarmament as Humanitarian Action", in John Borrie and Vanessa Martin Randin (eds), *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action*, Geneva: United Nations, 2005, pp. 7–37.
- ² *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, 18 September 1997.

- ³ For general information about the Geneva Forum and its partner organizations, go to <www.geneva-forum.org>.
- ⁴ There is, as yet, no agreed international definition of SALW. Perhaps the most widely used is that of the 1997 United Nations Panel of Governmental Experts on Small Arms in its report. According to this report, “small arms” includes revolvers and self-loading pistols, rifles and carbines, submachine 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 calibres of less than 100mm. Although various UN expert groups since 1997 have included ammunition and explosives as SALW, many governments are reluctant to do so.
- ⁵ Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in UN document A/CONF.192/15, of 9–20 July 2001.
- ⁶ One of the first major policy documents to recognize this, as well as the need for “new dimensions of human security” was the United Nations Development Programme in its *Human Development Report 1994*, New York: Oxford University Press, 1994.
- ⁷ Small Arms Survey, *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, 2001, p. 234.
- ⁸ Ibid.
- ⁹ Robert Muggah and Peter Batchelor, “Development Held Hostage”: *Assessing the Effects of Small Arms on Human Development—A Preliminary Study of the Socio-Economic Impacts and Development Linkages of Small Arms Proliferation, Availability and Use*, New York: UNDP, April 2002, at <www.undp.org/bcpr/smallarms/docs/development_held_hostage.pdf>.
- ¹⁰ *UN Sahara-Sahel Advisory Mission Report*, Part 1, Executive Summary, 1995.
- ¹¹ *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Work of the Organization on the Occasion of the Fiftieth Anniversary of the United Nations*, General Assembly document A/50/60-S/1995/1, 25 January 1995.
- ¹² General Assembly resolution A/RES/50/70 of 12 December 1995.
- ¹³ David Biggs, “United Nations Contribution to the Process”, *Disarmament Forum*, 2000, no. 2, pp. 25–37, p. 26.
- ¹⁴ *Report of the Panel of Governmental Experts on Small Arms*, General Assembly document A/52/298 of 27 August 1997.

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- ¹⁵ UN General Assembly resolution A/RES/52/38 of 8 January 1998.
- ¹⁶ *Report of the Group of Governmental Experts on Small Arms*, General Assembly document A/54/258 of 19 August 1999.
- ¹⁷ UN General Assembly resolution A/RES/54/54 of 10 January 2000.
- ¹⁸ For more detailed discussion of the differences in viewpoint and discussion of the 2001 Conference, see “Reaching Consensus in New York: the UN 2001 Small Arms Conference”, in *Small Arms Survey, Small Arms Survey 2002: Counting the Human Cost*, Oxford: Oxford University Press, 2002, chapter 5, pp. 203–33.
- ¹⁹ A community of practice, as used here, simply means a group of people who, over a period of time, share in some set of social practices geared toward some common purpose.
- ²⁰ Elizabeth Clegg, “NGOs Take Aim”, *Bulletin of the Atomic Scientists*, January/February 1999, vol. 55, no. 1, pp. 49–51, p. 49.
- ²¹ Conversation with C. Buchanan, Centre for Humanitarian Dialogue in Geneva, 26 August 2005. Buchanan, as part of the Women’s International League for Peace and Freedom in Geneva at the time, assisted in organizing the November 2000 Geneva Forum–IANSA meeting, and remains active on small arms issues and in the Geneva Forum’s small arms activities in her current role.
- ²² Conversation with Jean du Preez, 19 August 2005. Du Preez was Counsellor for disarmament matters at the South African Permanent Mission in New York throughout the 2001 UN Conference preparatory period.
- ²³ For a broader comparison involving six recent multilateral processes, see V. Martin Randin and J. Borrie, 2005, *op. cit.*, pp. 67–129.
- ²⁴ The author was a governmental negotiator in the 2001 UN conference process.
- ²⁵ According to David Biggs, the concept of micro-disarmament was introduced into the disarmament lexicon in January 1995, when the UN Secretary-General, in his supplement to *An Agenda for Peace* described it as “practical disarmament in the context of the conflicts the United Nations is actually dealing with, and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands”. See D. Biggs, 2000, *op. cit.*, p. 26.
- ²⁶ Peter Batchelor, “NGOs and the Small Arms Issue”, *Disarmament Forum*, 2002, no. 1, pp. 37–40, p. 39.
- ²⁷ See, for example, Swadesh Rana, *Small States and Intra-State Conflicts*, UNIDIR research paper no. 34, Geneva: UNIDIR, 1995.

- ²⁸ For more information about the Small Arms Survey, see <www.smallarmssurvey.org>.
- ²⁹ See for instance, David C. Atwood, "NGOs and Disarmament: Views From the Coal Face", *Disarmament Forum*, 2002, no. 1, pp. 5–14.
- ³⁰ Author's interview with David C. Atwood, 8 August 2005.
- ³¹ This unpublished proposal noted, for instance, that there was "little coordination between the disarmament community and the humanitarian/human rights community, although disarmament and security are essential for the promotion of human rights, humanitarian approaches and development, and vice versa", in *Catalysts and Synergies: Building Multilateral Peace and Security Partnerships in Geneva: A 17-month (initial) project proposal by the Geneva Forum for the Ford Foundation*, July 2000, p. 1.
- ³² The Geneva Forum's mandate is posted on its web site: <www.geneva-forum.org>.
- ³³ Information about several of these meetings, including reports, is available at <www.geneva-forum.org>. Geneva Forum later produced two volumes containing articles based on many of the presentations given during this period. See the Geneva Forum (ed.), *The Geneva Forum: Seminars on Small Arms*, Geneva: UNIDIR, volumes I and II.
- ³⁴ See Geneva Forum, *Conference Report: Setting Course for the 2001 Conference on Small Arms*, Palais des Nations, Geneva, 9 November 2000. The conference itself was sponsored by IANSA, the Small Arms Survey, the Geneva NGO Committee for Disarmament, the Geneva Forum and its founding partners, the Biting the Bullet project (International Alert, British American Security Information Council and Saferworld) and Geneva Action Network on Small Arms.
- ³⁵ Conversation with Cate Buchanan, Centre for Humanitarian Dialogue, 26 August 2005.
- ³⁶ Geneva Forum, 2000, op. cit., p. 23.
- ³⁷ This residential seminar in Jongny sur Vevey, Switzerland, was organized jointly by the Geneva Forum and the Biting the Bullet project from 21 to 23 June 2001, and was entitled, "Advancing the Agenda of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects".
- ³⁸ Some contemporary observers recall the essentials of a formula being worked out on the margins of the Jongny sur Vevey residential seminar. Others insist that this occurred later in New York, for instance, just days before the UN conference proper in informal plurilateral meetings

involving permanent representatives of key states in the Non-Aligned Movement, the United Kingdom and Japan.

- ³⁹ For the official report of the meeting see *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001*, UN document A/CONF.192/15 of 9–21 July 2001.
- ⁴⁰ Camilo Reyes Rodriguez, *Statement by the President of the Conference after the adoption of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects*, UN document A/CONF.192/15, op. cit., annex.
- ⁴¹ The first Biennial Meeting of States was convened in New York in July 2003, and chaired by Ambassador Kuniko Inoguchi of Japan. The second was held in July 2005, and chaired by Ambassador Pasi Patokallio of Finland. Several regional, subregional and national initiatives were also underway.
- ⁴² The Geneva Forum held meetings on “Following Up the UN Conference on Small Arms & Light Weapons: The Programme of Action and Beyond” on 25 October 2001; “Following up on the UN Small Arms Conference: Some Examples of Effective Action” on 14 November 2001; and “Implementing the UN Programme of Action on Small Arms: What needs to be done?” on 7–8 February 2002.
- ⁴³ Geneva Forum, *The Geneva Process on Small Arms—Framework Document*, at <www.geneva-forum.org/Activities/salw/genevaprocess/framework.htm>.
- ⁴⁴ See Small Arms Survey, 2002, op. cit., pp. 203–33.
- ⁴⁵ Author’s conversation with David C. Atwood, 8 August 2005.
- ⁴⁶ Geneva Forum, *Summary Presentation—The Geneva Process on Small Arms: Promoting and Monitoring Implementation of the UN Programme of Action*, p. 1, at <www.geneva-forum.org/Activities/salw/genevaprocess/background.htm>.
- ⁴⁷ The Geneva Forum and the Small Arms Survey established an online database on measures taken to implement the UN Programme of Action following its adoption. According to the Small Arms Survey, the database includes documents circulated as part of the Geneva Process; statements and reports from various regional and international meetings; national reports and statements submitted in conjunction with the BMS; as well as various press sources on small arms-related action. The database is accessible at <www.smallarmssurvey.org/databases.htm>.

- ⁴⁸ Small Arms Survey, *Small Arms Survey 2004: Rights at Risk*, Oxford: Oxford University Press, 2004, p. 262.
- ⁴⁹ The Biting the Bullet project, a collaboration of the NGOs Saferworld and International Alert, together with the University of Bradford, produced reports in 2003 and 2005. For more information on this project and its reports, see <www.saferworld.co.uk/publications/biting%20the%20bullet.htm>.
- ⁵⁰ Issues discussed at this meeting included deadlines for national written reports, the structure of the BMS, thematic debate, NGO participation, the form of the Chair's report, and broader issues of coordination and the UN process in the longer term.
- ⁵¹ CASA was established by the UN Secretary-General in 1998, and is comprised of 16 UN departments, agencies, funds and programmes.
- ⁵² This resolution had 64 co-sponsors.
- ⁵³ See Patrick McCarthy, "Towards a New Diplomacy? Government–Civil Society Partnerships Promoting the Implementation of the UN Programme of Action on Small Arms: Paper prepared for presentation at the International Conference of NGOs "A Farewell to Small Arms", Tokyo, 7–8 May 2005, p. 6.
- ⁵⁴ Information about the Group of Interested States can be found at <disarmament2.un.org/casa/gis/gis-april2005.htm>.
- ⁵⁵ P. McCarthy, 2005, op. cit., p. 8.
- ⁵⁶ For instance, US Under Secretary of State for Arms Control and International Security John Bolton told the UN conference in 2001 that the United States would not support the promotion of international advocacy activity by international or non-governmental actors. (This was a point that mystified many negotiators at the time). Many countries, for instance in the League of Arab States, as well as China and the Russian Federation, while less overt, were nevertheless hostile to greater roles for civil society actors within the formal UN conference process. For an overview, see Small Arms Survey, 2002, op. cit., pp. 217–19.
- ⁵⁷ Geneva Forum, *Summary Presentation*, op. cit., p. 3.
- ⁵⁸ Conversation with David C. Atwood, 8 August 2005.
- ⁵⁹ For example, at its twenty-first meeting in late June 2005, the Geneva Process heard presentations concerning the effects of small arms availability on the delivery of humanitarian relief. These findings, based on a global survey of 2,000 humanitarian staff in the field, were published by the Small Arms Survey and the Centre for Humanitarian Dialogue. See Cate Buchanan and Robert Muggah, *No Relief*:

Surveying the Effects of Gun Violence on Humanitarian and Development Personnel, Geneva: Centre for Humanitarian Dialogue/ Small Arms Survey, 2005.

⁶⁰ Recently, there have been views expressed from within the defence community in the United States that the value of human security to military interests be re-examined, not least because it will allow Washington to better align its “hard” military capabilities with the “softer” humanitarian capabilities of others. See Dan Henk, “Human Security: Relevance and Implications”, *Parameters*, US Army War College Quarterly, vol. XXXV, no. 2, Summer 2005, pp. 91–106.

⁶¹ As of 25 August 2005, 29 governments formally participated in the Geneva Process: Australia, Austria, Belgium, Bulgaria, Canada, Chile, China, Colombia, Finland, France, Germany, India, Ireland, Israel, Japan, Kenya, Mali, Mexico, Netherlands, New Zealand, Norway, Peru, Russian Federation, South Africa, Sweden, Switzerland, Thailand, United Kingdom and United States. Eight UN and other international and regional organizations also took part: the European Commission, International Committee of the Red Cross, United Nations Department for Disarmament Affairs, UNDP, Office of the UN High Commissioner for Human Rights, UN High Commissioner for Refugees, UNIDIR and the World Health Organization. In addition, eight NGOs were also regular participants: HDC, IANSA, International Alert, PSIS, QUNO, Saferworld, the Small Arms Survey and the World Council of Churches.