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**BAN LANDMINES! THE SOCIAL CONSTRUCTION OF THE
INTERNATIONAL BAN ON ANTI-PERSONNEL LANDMINES 1991-2001**

by

Robert J. Lawson, B.A., M.A

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of the
requirements for the degree of

Doctor of Philosophy

Department of Political Science

Carleton University

Ottawa, Ontario

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Chair, Department of Political Science
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15 May 2002

ABSTRACT

This dissertation examines the social construction of the international ban on anti-personnel landmines in the period 1991-2001. It analyses of the ways in which a number of key identities (states, international and non-governmental organizations) contributed to the development and rapid multilateral acceptance of a new set of landmine norms—a comprehensive ban on the production, stockpiling, trade and use of anti-personnel mines.

Building upon a research methodology developed by norm theorists, inspired by social constructivism, this dissertation argues that the new anti-personnel mine ban norms emerged as the project of a small group of ‘norm entrepreneurs’ in the early 1990s. This group formed the International Campaign to Ban Landmines in 1992 and, through a combination of ‘issue generation’ and ‘norm grafting’ discursive techniques, managed to place the landmine issue and their corresponding normative demands on the international agenda. By 1994 the idea of a ban on anti-personnel mines had attracted the support of the International Committee of the Red Cross as well as key elements of the United Nations System. This nascent ban coalition sought the codification of the new ban norms within civil-society as a means to influence the ‘institutionalization’ of the norms through inter-state negotiations.

The first round of multilateral landmine negotiations within the consensus governed Convention on Certain Conventional Weapons process (1994-1996) yielded marginal progress on the ban agenda. However, developments within this process did contribute to the success of the subsequent Ottawa Process (1996-1997), a fast-track diplomatic initiative set in motion by Canada and a Core Group of medium and small states working closely with the civil-society based ban campaign. These cooperative efforts yielded the 1997 Mine Ban Treaty, as well generating an international mine ban norm 'cascade' that contributed to signature of the Ban Treaty by 142 states by late 2001. The maintenance of the close government-civil society cooperation, has contributed to the timely and generally effective implementation of the Mine Ban Treaty, now widely believed to be having a positive impact on the global landmine problem.

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CHAPTER ONE – INTRODUCTION

A Decade of Campaigning to Ban Anti-Personnel Mines

The year 2001 marks the ten year anniversary of concerted international efforts to ban anti-personnel (AP) mines.¹ It is a noteworthy anniversary. By most measures of such things, the effort to ban landmines has been a remarkable if not a highly improbable success story. Little over five years after the first call for a ban by two US non-governmental organizations (NGOs), the International Campaign to Ban Landmines (ICBL) had stimulated the creation of a broad-based coalition of states and international and non-governmental organisations (IO/NGOs) united behind the ICBL's core demands—a total ban on anti-personnel mines and increased support for mine clearance and victim assistance. This unprecedented ban coalition² became the mainspring behind the 'Ottawa Process' which, following some fast-paced and often unconventional forms of diplomacy, would produce the ground-breaking Mine Ban Treaty (MBT), negotiated in Oslo in September 1997. The dramatic success of this unprecedented effort would be recognized by the awarding of the 1997 Nobel Peace Prize to the civil society based

¹The International Campaign to Ban Landmines' "Ban Movement Chronology" notes that the beginning of this international effort can be traced to the publication of *Landmines in Cambodia: The Coward's War* in September of 1991 by Asia Watch of Human Rights Watch and Physicians for Human Rights; see www.icbl.org.

² The term 'ban coalition' is used throughout to describe the broad coalition of states, international organizations and non-governmental organizations that actively supported a total ban on anti-personnel mines as well as increased resources for mine clearance and victim assistance. It is also used to distinguish this broader and less formalized movement from the civil society based International Campaign to Ban Landmines.

International Campaign to Ban Landmines (ICBL) and its coordinator, Jody Williams.³

While the level of drama and corresponding media interest surrounding the landmine issue would soon diminish, the political momentum of the ban coalition would not be lost following the signature of the Mine Ban Treaty by 123 states in Ottawa in December 1997. The MBT became the most rapidly ratified treaty of its kind in history, reaching the required 40 state ratifications in only nine months. The MBT entered-into-force on 1 March 1999, achieving the status of international law less than three years after the launch of the Ottawa Process in May 1996. A total of 142 states have now signed the MBT which bans the production, stockpiling, export and use of all forms of AP mines and several types of anti-vehicle mines which, for technical reason, fall within the definition of an AP mine. Every country in the Western Hemisphere has now signed the treaty except the United States and Cuba. Every member of NATO has signed except for the United States and Turkey. A total of 41 of 49 African states have signed. Key Asian states such as Australia, Indonesia, Japan, Malaysia and Thailand have also signed. Of particular significance is the number of heavily mine affected states that have signed such as Angola, Bosnia, Cambodia, Croatia and Mozambique. The influence of the new landmine norms also extends well beyond the list of MBT signatories. The United States has established the goal of signing the MBT by 2006, and has undertaken significant steps towards that goal such as the destruction of millions of its stockpiled mines. Russia,

³Also referred to as the Ottawa Convention, the formal title of the Mine Ban Treaty is the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*.

China and India have all expressed support for the objective of a global ban on anti-personnel mines and have also taken specific steps towards that goal.

However, looking back at the history of the landmine problem, it is easy to understand why efforts to develop a new set of norms banning these weapons were initially dismissed as a utopian vision of a few NGO activists. The mass production of landmines in over 50 states and their indiscriminate use in the tens of millions in dozens of countries during the 1960's, 1970's and 1980's had made landmines a significant factor behind seemingly intractable human suffering in civil wars that raged in places such as Cambodia, Afghanistan, Mozambique and Angola. Early awareness of the problem, largely as result of the Vietnam war and corresponding advocacy on the part of the International Committee of the Red Cross (ICRC), yielded the Landmines Protocol of the Convention on Certain Conventional Weapons (CCW), negotiated within the United Nations system in the late 1970's.⁴ Unfortunately, the CCW failed to prevent a dramatic intensification of the landmine problem during the 1980's. By the early 1990's the production and international trade in landmines was flourishing. More landmines were being deployed each year than were being cleared from the ground. Tens of thousands of new victims were being claimed each year.

⁴ The formal title of this 1980 agreement is the UN 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 (hereafter, the Convention on Certain Convention Weapons or CCW).

Realizing that the international community was largely unaware of the landmine problem, early ban advocates had begun documenting the ‘landmines problem’ in the field, as well as the ‘failures’ of the CCW to prevent the slow motion massacre of civilian populations. In 1992 six NGO’s formally launched what would become the International Campaign to Ban Landmines (ICBL) calling for a new set of norms with respect to landmines—specifically a total ban on anti-personnel mines and demands for increased resources for mine clearance.⁵ However, when ban supporters did get the attention of state officials they found them highly sceptical that a ban was politically possible. There were good reasons for such scepticism. Ban campaigners were advocating on behalf of a remarkably uncompromising vision of how the global community should respond to the humanitarian challenges presented by AP mines—a total ban on the weapon. The track record on such matters suggested that the chances of achieving such an objective would be quite low. The international community had yet to negotiate any treaty that banned a weapon that militaries had actually used in large numbers. Moreover, all five permanent members of the United Nations Security Council were, initially at least, opposed to such efforts.

Despite what appeared to be fairly minimal chances of success, the ICBL persisted, and the ban vision rapidly attracted other powerful supporters such as UNICEF and the ICRC.

⁵This group included Handicap International (France), Human Rights Watch (US), Medico International (Germany), Mines Advisory Group (UK), Physicians for Human Rights (US) and the Vietnam Veterans of America Foundation (US). By 1995 these core demands had expanded to include calls for increased resources for victim assistance.

Early state leadership on the issue was provided by the United States through a 1992 UN resolution calling on states to halt the export of mines. The first clear opportunity to advance the ban agenda on a multilateral basis was provided by the 1995-1996 CCW Review Conference, called for by France in 1993. While ban advocates invested significant resources in the CCW process, it failed to tackle the ban issue, instead producing relatively modest progress on enhanced rules regarding the continued use of landmines. Nevertheless, the CCW process did reinforce the treatment of the landmine issue as an issue of international humanitarian law. It also stimulated the creation of a broader based AP mine ban coalition which by mid-1996 included the ICBL, the ICRC, key elements of the UN system, and a number of states that had declared themselves to be 'pro-ban'.

Frustration with the CCW outcome encouraged Canada, and members of this new ban coalition to launch, in October of 1996, what would become known as the Ottawa Process—a fast-track diplomatic initiative aimed at negotiating a ban convention by December 1997. Led by a core group of states/IOs/NGOs, the Ottawa Process was characterized by a number of innovations, not the least of which was the direct participation of NGO's in the sequence of multilateral meetings in Vienna, Bonn, Brussels and Oslo that produced the new Mine Ban Treaty. This level of intense cooperation was maintained throughout the record breaking Treaty ratification campaign and well into the initial Treaty implementation phase.

In short, to the surprise of almost everyone, over the course of the mid-1990's the international community would undertake dramatic steps to adopt what was essentially the ICBL's initial core agenda. An overwhelming majority of states, as well as a broad range of international and non-governmental organizations, had examined the issue in detail and accepted a new set of AP mine ban norms. By 2001 the business of getting the MBT up and running was well advanced. Three annual meetings of States Parties to the Treaty had taken place in Maputo, Geneva and Managua supported by Standing Committees of Experts that met between annual meetings to work on specific issues related to treaty implementation. Substantive evidence exists that by 2001 the new MBT was already having a concrete positive impact on the ground. The production, trade and use of anti-personnel mines had declined dramatically. Stockpiles were being destroyed and landmine victim rates were also declining sharply in several severely mine affected states.

With the benefit of hindsight, and given the somewhat unique nature of the landmine issue itself, it may be tempting to argue that the success of the ban agenda was almost inevitable. It was a problem where the solution seemed obvious. However, there has been no shortage of important issues that have risen to the top of the international agenda only to have potential solutions and momentum for action compromised by multilateral 'business as usual'. Decisive multilateral action on the part of the international community is generally the exception rather than the rule. Why the apparent success in the landmine case? A safe starting point from which to tackle this question would be to

acknowledge that multilateral cooperation on the scale, intensity and with the degree of success witnessed within the landmines issue is a highly complex phenomena. There were clearly many actors and many factors that one can and should examine to provide a credible account of this remarkable story. It is a story about a coalition of ‘moral entrepreneurs’. It is a story about global advocacy in the digital age, unconventional diplomacy, fast-paced multilateral negotiations and much more.

The Research Question

Not surprisingly, the landmine issue raises a number of significant questions for students of international relations. What was the deeper history of the landmine issue, and how did the legacy of previous efforts to tackle the issue affect the modern ban campaign? Was there something unique about the ICBL that accounts for its ultimate success as an issue-based coalition? Why did the ICRC, normally a politically ‘neutral’ organization, decide to take a stand on this issue? What role did the UN system play within a ban coalition distinguished by its aggressive efforts to forge its own path towards a ban treaty outside of established UN processes? What facilitated the kind of strategic cooperation between states and international and non-governmental organizations that appeared to be the key to the ultimate success of the ban agenda? Why has the implementation of the Mine Ban Treaty been judged to have been generally successful so far? These questions, and a host of others, highlight the central challenge of this dissertation. Is it possible to develop a general explanation for the international success of the AP mine ban effort—a

system-wide explanation capable of providing significant insights into specific developments within the issue over time?

The most obvious general question about the effort to ban landmines does suggest the possibility of a general explanation for the ban phenomena—who banned AP mines when, and why? The ban movement was primarily about changing the behaviour of specific actors with respect to a specific weapon. It was ultimately about establishing a new set of behavioural norms—new standards of behaviour with respect to AP mines—their production, stockpiling, export and use should be banned, those that had already been deployed should be cleared, and those injured by the weapon should be provided assistance to recover from their injuries. Thus, the international (system-wide) phenomenon with the potential to provide insights into the behaviours of actors within the system over time is the development and dissemination of the AP mine ban norms themselves.

Thus, beyond providing historical context critical to our understanding of the modern ban campaign, this dissertation will examine the development of international AP mine ban norms in the period 1991 to 2001. My central objective will be to account for the apparent success of the AP mine ban effort through a detailed analysis of the ways in which a number of key identities (states, international and non-governmental organizations) contributed to the development and rapid multilateral acceptance of a set of new norms with respect to landmines—a comprehensive ban on AP mines and

increased resources for mine clearance and victim assistance. In short, the task undertaken by this dissertation is twofold—assess changes in the AP mine norms over time and, as much as possible, trace these changes to the agency of specific actors. In doing so, it aims to provide the first truly comprehensive account of the development of the new landmine norms prohibiting the production, stockpiling, export and use of AP mines.

In order to develop a methodology to tackle this question in a systematic fashion, the following section of this chapter examines scholarly treatments of the landmine issue, as well as more general contributions of international relations theory to the study of similar phenomena. The overall objective of this introductory chapter, therefore, is to develop the theoretical and methodological framework for subsequent chapters, which examine the development of the new landmine norms in detail. It concludes with a brief outline of how my research question will be tackled within subsequent chapters.

The Landmine Ban and International Relations Theory

The humanitarian crisis created by landmines, and the dramatic success of the mine ban effort has stimulated a rich and growing body of research on the nature of the landmine problem and the corresponding response of the international community. In general terms, the key works within this body of landmines literature can be divided into two categories: studies which focus upon the more technical aspects of the landmine problem;

and, more academically oriented works which examine the political processes surrounding the landmine issue itself. The first category of works, such as *Land Mines in Cambodia: The Coward's War*, were instrumental in the process of generating 'expert knowledge' on the mine issue—playing a key role in shaping the development of the new landmines norm.⁶ Since the creation of this knowledge was organic to the development of the mine ban norms themselves, this literature will be examined in later chapters which trace this development process. The second category of works aimed at making sense of the processes surrounding the ban campaign can itself be divided into two categories. Those studies which develop a sustained theoretical argument to support their examination of the landmines issue will be reviewed here since they provide insights into the effectiveness of international relations theory to account for the ban phenomenon.⁷ The second group of works, those which take a more descriptive approach, will be drawn

⁶See for example: *Land Mines in Cambodia: The Coward's War* (1991); *Hidden Death: Land Mines and Civilian Casualties in Iraqi Kurdistan* (1992); *Hidden Enemies: Land Mines in Northern Somalia* (1992); *Landmines in Angola* (1993); *Landmines: A Deadly Legacy* (1993); *Hidden Killers: The Global Problem with Uncleared Landmines* (1993); *After the Guns Fall Silent: The Enduring Legacy of Landmines* (1995); *Hidden Killers 1998: The Global Landmine Crisis* (1998); *Landmine Monitor* (1999), (2000), and (2001); and, *Landmines and Unexploded Ordnance* (2000).

⁷ For example, *Understanding Change in the Landmine Regime* (1997); *Knight-Errant? Canada and the Crusade to Ban Anti-Personnel Land Mines* (1998); *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines* (1998); *On the Fast Track to a Ban: The Canadian Policy Process* (1998); *Democratization of Foreign Policy: The Ottawa Process as a Model* (1998); *(Re)presenting Landmines from Protector to Enemy: The Discursive Framing of a New Multilateralism* (1998); *Negotiating the Ottawa Process: The New Multilateralism* (1998); *Harnessing Change for Continuity: The Play of Political and Economic Forces Behind the Ottawa Process* (1998); *The Politics of Stigmatization: Global Cultural Change and the Transnational Campaign to Ban Antipersonnel Landmines* (1999).

upon over the course of subsequent chapters where their insights will be evaluated relative to the specific developments they seek to describe.⁸ A general comment that can be made of all of these works is that few if any examine in any real detail events prior to the 1995-1996 CCW Process—events that clearly influence later developments. Nor do any tackle the landmine story after the Ottawa Process itself, a period critical to understanding whether or not the new landmines norms actually begin to influence patterns of behaviour on the ground or improve the conditions of mine affected communities. This work attempts to address these two significant gaps in our understanding of the landmines phenomenon.

The politics of the landmine issue present a number of challenges for international relations theory. It demonstrates a capacity for a high degree of international cooperation within a sector believed by many international relations theorists to be dominated by security concerns and related barriers to cooperation. This cooperation transcended the traditional East-West and North-South blocs that tended to structure multilateral engagement during the Cold War. This cooperation also facilitated the extremely rapid transformation of norms with respect to landmines, changing state conceptions of their security interests with respect to AP mines, resulting in the unusually rapid negotiation

⁸For example selected chapters in *To Walk Without Fear* (1998) as well as: *The Ottawa Convention on Landmines: A Landmark Treaty in Arms Control* (1999); *The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes* (1999); *The Landmine Ban: A Case Study in Humanitarian Advocacy* (2000); *The landmine ban and NGOs: the role of communications technologies* (2000) and, *A View from the Vanishing Point: Anti-Personnel Mines on the Battlefield Under International Humanitarian Law* (2000).

and ratification of a legally binding ban on a weapon that had been in widespread use by military forces around the world for decades.

Mainstream international relations theories appear to be ill equipped to tackle the challenges presented by the landmines case. For example, one of the first scholarly examinations of the politics of the landmine issue was provided from a neo-realist perspective by David Lenarcic in his 1998 monograph *Knight-Errant? Canada and the Crusade to Ban Anti-Personnel Land Mines*.⁹ As a self described effort to “inject a degree of balance into the mostly one-sided discussion of the land mines issue,” Lenarcic focusses much of his effort on providing a critique of Canadian leadership within the Ottawa Process leading to the signature of the Ban Treaty in Ottawa 1997.¹⁰ Consistent with neo-realist analysis, Lenarcic argues that the Ban Treaty will not be an effective response to the landmine because it fails to address the genuine security concerns of large and powerful states such Russia, China and the US. Moreover, in his view, the Treaty represents a particularly ill advised “sacrifice” of military advantage provided by AP mines to Canada’s military to the forces of “idealism” and “do-goodism” within Canada’s Department of Foreign Affairs. Given that the “Hobbesian nature of international affairs will persist” Lenarcic quite pointedly questions the wisdom of allowing “ethical” considerations to supersede Canada’s “military interest.”¹¹

⁹David Lenarcic, *Knight-Errant? Canada and the Crusade to Ban Anti-Personnel Land Mines*, Toronto, Irwin Publishing, 1998.

¹⁰*Ibid.*, pp. xiv-xv.

¹¹*Ibid.*, pp. 85-86.

To be sure, *Knight-Errant?* self-consciously sets out to examine the path not taken by the Ottawa Process—bringing together many of the contemporary critiques of the mine ban effort. However, the value of Lenarcic’s contribution is brought into question by a number of research flaws and, somewhat ironically, the injection of an emotional response to the ban agenda of an almost equal measure to that which he so profoundly rejects. Rather than providing an analysis sensitive to the complexities of the Canadian government’s position as it tackled a difficult public policy question, Lenarcic finds it easier to construct a simplistic straw-man that he so clearly desires as his target. This is a “myopic” and “dogmatic” straw-man infused with “jingoism,” which Lenarcic argues placed a “feel good” issue ahead of real concerns for the security of Canadian military personnel.¹² Not surprisingly therefore, in the end, Lenarcic’s work should be viewed as a fairly modest contribution to the analysis of the ban campaign that illustrates the difficulties neo-realism faces in dealing with cases where norms and values have intruded into foreign policy decision-making. A majority of states that signed the Ban Treaty were motivated by ‘normative’ humanitarian concerns that tend to fall outside the boundaries of traditional calculations of “rational self-interest”. Indeed, the intrusion of norms and values into the foreign policy sector via the landmines issues has elicited a fairly hostile response on the part of other realists.¹³ This has tended to produce an analytical ‘blind-spot’ for realism with respect to the landmine phenomenon. Rather than examining how

¹²*Ibid.*

¹³See also: Dean Oliver, “Mine Treaty Simplistic and Emotional,” *The Ottawa Citizen*, 1 October 1997; or David Frum “Easy for Nations Such as Canada to Oppose Exceptions in Landmine Ban,” *The Financial Post*, 23 September 1997.

the development and dissemination of new norms influenced the ban agenda, realists appear to be content to simply criticize the attention paid to normative considerations as an end in itself. An additional blind-spot for neo-realists would appear to be related to cases where significant influence on a specific issue can be attributed to actors outside of the state itself. For example, the ICBL barely rates a mention by Lenarcic.

Neoliberal theories of international relations appear to be better equipped to account for the unprecedented degree of international cooperation in the creation of what they describe as a “landmine regime.”¹⁴ Neoliberals also acknowledge the important roles “norms” can play in facilitating such cooperation. Yet it is clear that the new landmine norms did much more than facilitate cooperation, and this cooperation extended well beyond the boundaries of the state system. The new landmine norms stimulated dozens of states to unilaterally ban landmines well before general cooperation was possible. The problem, as Carolyn Lloyd’s “Understanding Change in the Landmine Regime” tends to illustrate, is that neoliberal approaches tend to privilege the state and multilateral institutions as the primary sites within which regimes are constructed. Lloyd suggests that the ICBL can be best understood as a member of the “epistemic community of landmines”.¹⁵ While this is certainly one of the key roles played by the ICBL, it fails to capture the true significance of the ICBL and ICRC contributions to the movement to ban

¹⁴See for example, Carolyn Lloyd, “Understanding Change in the Landmine Regime,” Masters Thesis, Dalhousie University, 1997. For a more detailed analysis of neoliberalism see Robert Keohane, *After Hegemony*, Princeton University Press, 1984.

¹⁵Lloyd, pp. 81-86.

landmines. For Lloyd the landmines story is primarily about states. Non-governmental organizations highlight issues for states but are not understood to be organic to change itself. To the extent that states were able to “learn” about landmines from non-state actors, the site of such learning remained within the state system and the decision to act upon this new knowledge remained black-boxed within the state itself.¹⁶ This said, even if neoliberal analysis appears to offer an incomplete account of the dynamics of state ‘learning’, they at least recognize the importance of knowledge practices in shaping state conceptions of their ‘interests’ with respect to specific issues. This is most apparent within the “epistemic community” approaches pioneered by scholars such as Adler and Haas.¹⁷ With its emphasis upon the roles that ‘expert’ actors can play in shaping state understanding of their ‘interests’, the epistemic community approach has much in common with an alternative approach to international relations research known as social constructivism.

Arguing that neorealist and neoliberal theories are ill equipped to deal with the landmine phenomenon, a decidedly more productive line of inquiry is developed by Richard Price in his 1998 article “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.”¹⁸ Drawing his insights from social constructivism, Price argues that the

¹⁶*Ibid.*, p. 136.

¹⁷Emanuel Adler and Peter Haas, “Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program,” *International Organization*, 46, Winter 1992, pp. 367-390.

¹⁸Richard Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines”, *International Organization* 52, 3, Summer 1998. Hereafter Price 1998a.

landmines case represents a concrete example of states being ‘socialized’ to new landmine norms prohibiting their use. This leads Price to investigate the “pedagogical techniques” used by civil society actors/identities to develop international pressure for a fundamental redefinition of state interests with respect to landmines. Specifically, he explores the dynamics of “issue generation and moral persuasion,” “network development,” “norm grafting,” as well as the tactical importance of “reversing the burden of proof” with respect to the military utility of landmines.¹⁹ Moreover, noting that constructivists have tended to focus too heavily upon the state as the object of analysis, Price examines the role played by members of “transnational civil society” in generating the new landmine norms. Thus, “Reversing the Gun Sights” begins the task of identifying how the unique contributions of civil society organizations such as the ICBL and the ICRC were instrumental to the overall success of the ban norms. In short, it was transnational civil society which forced the international community to recognize landmines as a multilateral problem, and it was these same forces which, to a significant extent, socialized states to the new mine ban norms. “Reversing the Gun Sights” was clearly ground-breaking work that will be drawn upon in later Chapters.

Price is not alone in offering an important corrective to more state centred analyses of the landmines issue. Maxwell Cameron’s “Global Civil Society and the Ottawa Process: Lessons from the Movement to Ban Anti-Personnel Mines” argues that the “mobilization of shame” by the globalized International Campaign to Ban Landmines was critical in

¹⁹*Ibid.*, p. 617.

generating a high degree of public awareness of the landmine issue, “a task that no single state, or even group of states, could have undertaken with comparable results.”²⁰

Cameron also notes that the ICBL’s willingness and capacity to work “creatively and tenaciously in a partnership with like-minded states” broke “new ground” with respect to civil society participation in the negotiation of a major international treaty.²¹ While clearly emphasizing the singular importance of global civil society to the ban movement, Cameron also acknowledges that the “unprecedented level of cooperation between governments and NGOs was essential to the success of the ban.”²² This is an important point since the exact nature of this unique partnership has been hotly contested. Others have argued that the failure of the NGO community to fundamentally challenge the broader discursive and material basis of state practices with respect to international security indicated that they had, at least in some measure, been co-opted by their state coalition partners.²³

²⁰Maxwell Cameron, “Global Civil Society and the Ottawa Process: Lessons from the Movement to Ban Anti-Personnel Mines”, Conference Paper “The New Diplomacy: The United Nations, Like-Minded Countries and Non-Governmental Organizations,” University of Waterloo September 28-30, 1999, p. 6. See also Maxwell Cameron, “Democratization of Foreign Policy: The Ottawa Process as a Model,” *To Walk Without Fear*.

²¹*Ibid.*

²²*Ibid.*, p. 7.

²³See for example, J. Marshall Beier and Ann Denholm Crosby “Harnessing Change for Continuity: The Play of Political and Economic Forces Behind the Ottawa Process,” and Miguel de Larrinaga and Claire Turenne Sjolander “(Re)presenting Landmines from Protector to Enemy: The Discursive Framing of a New Multilateralism,” in *To Walk Without Fear*. A somewhat different but equally critical view is taken by Kenneth Anderson, “The Ottawa Convention Banning Landmines, the Role of International Non-governmental Organizations and the Idea of International Civil Society,” *European Journal of International Affairs*, 2000, Vol. 11 No. 1, pp. 91-120.

Also drawing upon social constructivism, Andrew Latham's "The Politics of Stigmatization: Global Cultural Change and the Transnational Campaign to Ban Antipersonnel Landmines" is offered as a corrective to what he argues is an excessive focus upon the agency of transnational civil society within the landmines issue. Latham makes the case that key determinants of success of the ban campaign can be located within broader systemic changes that occurred within the international system as a result of the end of the Cold War.²⁴ Acknowledging the importance of works which examine the "micro-dynamics" of norm creation, Latham sets out to examine three "macro-social" developments within the ban campaign: the role of "moral entrepreneurs" which mobilized support for the ban; an emerging "human security" discourse; and the evolution of a broader geopolitical discourse regarding "civilized" state conduct which made states receptive to claims that landmines should be banned on humanitarian grounds.²⁵

Representing what could be described as a 'critical theory' approach within constructivism, Latham draws heavily upon discourse analysis to emphasize the evolution of a new "geopolitical narrative," "global cultural script," and "socially constructed standards of civilization" in the early 1990's which established the "discursive terrain" critical to the success of the movement to ban landmines.²⁶

²⁴Andrew Latham, "The Politics of Stigmatization: Global Cultural Change and the Transnational Campaign to Ban Antipersonnel Landmines," Paper Presented at the International Studies Association Annual Convention, Washington, DC, 16-20 February 1999.

²⁵*Ibid.*, pp. 6-7.

²⁶*Ibid.*, p. 8.

While there is much to be learned from Latham's approach, his singular focus upon discursive practices as the means to explain the mine ban phenomenon sometimes leads to a lack of analytical balance. For example, his assertion that landmines emerge as an 'issue' in the early 1990s, "not because of any objective changes in the nature of APM use, but as a result of the evolution of the new discourse of 'human security' is simply not supported by the available evidence."²⁷ There were dramatic changes in the nature of landmine use during the late 1970s and 1980s, for example, the widespread and indiscriminate use of tens of millions of a new generation of cheap and easily deployed anti-personnel mines. Discourse analysis can tell us much about how the issue was framed by NGOs as a 'humanitarian crisis' in need of urgent action, but it cannot do so without significant reference to the changes in material practices surrounding landmines that engage the interests of the NGO community and prompt them to take action.

As this brief review of the theoretical as well as practical application of various international relations theories and approaches to the landmines issue illustrates, with its emphasis upon norms in shaping state behaviour, and comfort in emphasizing the agency of non-state actors in the development of such norms, constructivism appears to offer a 'good fit' for the landmine phenomena. Thus, the following section explores social constructivism and its potential application to the landmines issue in more detail.

²⁷*Ibid.*, p. 7

The Landmine Ban and Social Constructivism

As noted by John Ruggie, social constructivism is not a fully developed theory of international relations as much as a “theoretically informed perspective on and approach to the empirical study of international relations.”²⁸ This is a fair assessment of the nature of the constructivist project, which appears to have occupied a specific niche within the literature—offering useful insights into problems that tend to confound more conventional international relations approaches. At the heart of the social constructivist project one finds the view that the trajectory of international relations is shaped profoundly by knowledge based as well as material factors. Indeed, constructivists would argue that, although we live in a world heavily structured by material forces, it is only after human consciousness is applied to this world that we begin to see the possibility of international politics as such. Collective action within the international systems is enabled by knowledge practices—the development of shared understandings of material problems and shared understandings of possible solutions to those problems. While constructivists do not discount the role of material factors in influencing international relations, they note that materialist analyses are insufficient to account for many important international phenomena. Alexander Wendt’s analysis of the social construction of the ‘anarchy problematic’ is one of the prominent works within this

²⁸ John Ruggie, “What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge,” *International Organization* 52. 4. Autumn 1998. p. 856.

approach.²⁹

Bringing knowledge practices into their frame of reference enables constructivists to offer a credible set of explanations for changes in state behaviour over time. This is an understanding of the state as a ‘social’ structure—a collection of material and knowledge based practices animated by real people. It is a state capable of doing many of the things that people do, including learning. For example, Martha Finnemore makes the case that changes in state behaviour can be traced to ‘learning’ from actors which operate at the international system level to generate new norms regarding state involvement in international policy formulation.³⁰ Noting that “between international structures and human volition lies interpretation,” Adler and Haas argue that “epistemic communities” are frequently used to develop “collective interpretations” of international problems as well as to frame policy options for action to address problems.³¹

This emphasis upon ‘learning’ and related knowledge practices provides constructivists with unique insights into the processes through which norms emerge and begin to influence state behaviour. Examining concrete examples of these coordinated patterns of behaviour leads Finnemore to offer the general analysis that, while neither connection is

²⁹Alexander Wendt, “Anarchy is what states make of it: the social construction of power politics,” *International Organization* 46, Spring 1992.

³⁰Martha Finnemore, “International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy,” *International Organization* 47, Autumn 1993, pp. 565-597.

³¹Adler and Haas, pp. 367-368.

fully determinative, it is possible to argue that “norms shape interests and interests shape action.”³² Norms have the power to shape state perceptions of their interests and thus the potential to shape state behaviour itself. Jepperson, Wendt, and Katzenstein have argued elsewhere that the central lines of constructivist argumentation also include state identity as a significant variable in shaping norms as well as conceptions of national interest and related state policies.³³ Taken together, these approaches suggest it may be useful to further examine four key concepts within the constructivist approach—norms, identities, interests and collective action.

Norms

There would appear to be a general agreement within the literature that a ‘norm’ can be defined as “a standard of appropriate behaviour for actors with a given identity.”³⁴ The concept of a *standard* of appropriate behaviour suggests that norms are largely comprised of knowledge practices. However, if one were to ask an expert in such matters to describe the norms with respect to murder in Canada he/she would most likely point to

³²Martha Finnemore, “Constructing Norms of Humanitarian Intervention,” Peter Katzenstein ed., *The Culture of National Security: Norms and Identity in World Politics*, Columbia University Press, 1996, p. 158.

³³Ronald Jepperson, Alexander Wendt and Peter Katzenstein, “Norms, Identity, and Culture in National Security,” in *The Culture of National Security*, pp. 52-53. See also Alexander Wendt, “Collective Identity Formation and the International State”, *American Political Science Review*, Vol. 88, No. 2 June 1994.

³⁴Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, 4, Autumn 1998, p. 891.

the appropriate passage within the Criminal Code that prohibits murder as well as information on rates of murder in Canada. Ask an expert on landmines about international landmine norms and she/he would most likely point to the Mine Ban Treaty and the CCW Landmines Protocol as well as information on who has signed these treaties and who is alleged to be continuing to use mines in the field. This highlights the dual identity of norms as a social phenomenon. While norms are defined as standards of behaviour, the existence of such standards is only part of the picture. What is truly important about norms is their actual impact on behaviour.

Thus, norms can be found at the nexus of two social phenomena—material practices (behaviours) and knowledge practices (discourses that communicate beliefs regarding what behaviours are considered appropriate and what are not). The existence of an ‘international norm’ implies, therefore, the existence of a series of material practices (or the absence thereof) common to a significant number of states coupled with an equally widely shared set of knowledge practices (beliefs) that these practices are ‘appropriate’ practices on the part of those states. This is important for social inquiry, since according to Finnemore, “norms make similar behavioural claims on dissimilar actors, they create coordinated patterns of behaviour that we can study and about which we can theorize.”³⁵ Put differently, ‘coordinated patterns’ (consistent standards) of state behaviour are viewed by constructivists as evidence of the possible existence of an international norm that shapes such behaviours.

³⁵Finnemore, 1996, pp. 157-158.

The importance of viewing international behaviour as being structured by both material and knowledge based practices is not an insight unique to social constructivism. Perhaps the ultimate expression of an international norm is its codification within a widely ratified instrument of international law. Thus, it is indeed noteworthy that, as the sub-set of international law most applicable to the landmine issue, international humanitarian law (IHL) already recognizes the central role of norms in shaping state behaviour. This recognition is found within the concept of ‘customary international law,’ widely acknowledged as one of the primary sources of IHL. In fact, customary law was the dominant form of international law for centuries, only recently being displaced by more formal international treaties. For example, one of the most widely respected elements of customary international law, that would later be codified within the Geneva Conventions, is the principle of distinction—non-combatants such as women and children should not be the object of direct attack. In short, material as well as knowledge based practices are widely understood within international law as being evidence of the existence of customary international law that is binding on all states:

The formation of customary law requires consistent and recurring *action* (or lack of action) by states, coupled with a general *recognition* by states that such action (or lack of it) is required or permitted by international law. In general, the practice of states includes not only diplomatic, political, and military behaviour but also official statements, court decisions, legislation and administrative decrees.³⁶

³⁶Adam Roberts and Richard Guelff, *Documents on the Laws of War*, Third Edition, Oxford University Press, 2000, p. 7.

This leads to two requirements for the existence of customary law—state practice and *opinio juris sive necessitatis*, a conviction that a rule is obligatory.³⁷ It is also worth recalling that as far back as 1899, it was recognized in the Preamble of the Second Hague Convention that state behaviour (in this case during wartime) was understood to be constrained by normative factors outside of legally binding treaties. This became known as the ‘Martens Clause’, a version of which would also find its way into the 1949 Geneva Convention, specifically:

Until a more complete code of the laws of war is issued, the high contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from *the usages established between civilized nations*, from the laws of humanity, and *the requirements of the public conscience*.³⁸ (emphasis added)

The concepts of *opinio juris* and ‘the requirements of the public conscience’ illustrate the significant role norms play in the social construction of international relations from a legal perspective. While examining patterns of material practices can tell us much about *what* states do, it rarely fully explains *why* states do what they do. Examining knowledge practices such as norms completes the picture, providing insights into other factors, such as respect for public opinion or moral persuasion by other actors, that may play significant or even dominant roles in shaping state and international behaviour.

³⁷From the Statute of the International Court of Justice, quoted in Susan Benesch et. al., “International Customary Law and Antipersonnel Landmines: Emergence of a New Customary Norm,” *Landmine Monitor Report 1999*, p. 1023.

³⁸Reproduced in Roberts and Guelff, p. 8.

However, the fact that norms can be found at the nexus of knowledge and material practices does present methodological problems for the norm researcher. As Finnemore and Sikkink, among others, emphasize, to avoid tautological research approaches, “it is important to operationalize a norm in a way that is distinct from the state or nonstate behaviour it is designed to explain.”³⁹ This directs our attention to the investigation of knowledge practices. While patterns of behaviour may indicate the existence of a norm, it is important to trace these patterns back in time to their origins within discursive practices before the argument can be made that such patterns are not simply reflective of the influence of material forces. This methodological requirement has prompted constructivists to suggest that norms have a form of “life cycle.” They emerge through the agency of their initial supports (norm entrepreneurs), reach a point where they are broadly accepted within the community (through norm cascading), and finally become unproblematic to the point where compliance with the norm is virtually automatic (internalization).⁴⁰ This is the concept of a norm continuum. At one end there are the emerging norms that shape the behaviours of a limited number of initial norm entrepreneurs. Near the other end of the continuum there are the norms that are so widely respected that they have been codified in widely ratified international treaties. Even further at this end of the continuum one finds international customary law—compliance with the norm is the automatic response because actors believe that such norms are

³⁹Finnemore and Sikkink, p. 892. See also Jeffrey Legro, “Which Norms Matter? Revisiting the ‘Failure’ of Internationalism,” *International Organization* 51, 1 (Winter 1997).

⁴⁰Finnemore and Sikkink, p. 891.

universal. While there may well be violations of these norms, such behaviour is widely viewed as being criminal and is treated as such.

The concept of a norm continuum suggests that norms move through time and space. Social constructivism suggests that the primary mechanism for the transmission of international norms across time and space is, not surprisingly, social in nature. At the most basic level norms are transmitted between individuals through direct interaction. At a more complex social level, norms are transmitted by a wide variety of mechanisms of mass social communication—via various audio and visual media—stickers, posters, newsletters, newspapers, magazines, speeches, videos, radio, television, and movies, to name but a few. These material manifestations of knowledge/discursive practices form a “communications trail” which allows us to study the transmission of norms between actors.⁴¹ Within international relations as such, the potential mechanisms for social communication remain largely the same, but are frequently constrained by other factors such as language considerations as well as the established norms of diplomacy associated with more formal inter-state communications and multilateral relations. However, one of the key questions related to the social transmission of norms is why some norms are more rapidly and broadly transmitted and accepted than others? As we will see below, this question requires an examination of the identities and interests of the actors which become the target of normative demands.

⁴¹*Ibid.*, p. 892.

Landmine Norms

Social constructivism suggests that an examination of the development of the new landmine ban norms can be best be undertaken by tracing normative demands back in time to the efforts of landmine norm entrepreneurs—the first actors willing to take action to bring about normative change.⁴² In the landmine case, the very early development of standards of behaviours with respect to landmines took the form of state-dominated multilateral negotiations within the 1970s CCW process. While there were pro-ban actors at that time, their normative demands failed to resonate with sufficient international actors to successfully change the direction of the CCW process. The marginalization of these normative demands was aided by the unfavourable process norms. A decision to work by consensus placed significant power in the hands of those who rejected the normative demand for a ban.

More aggressive and broader-based efforts were undertaken by ICBL activists in the early 1990s. Here, constructivists' work on 'issue generation' and norm 'grafting' directs our attention to the techniques used by these norm entrepreneurs to publicize the existence of a 'landmine problem' and their recommended 'solution' that AP mine use be banned and 'stigmatised in the same manner as chemical weapons.'⁴³ Signs of the early success of these efforts can be found in the dramatic growth of the ICBL itself, as well as calls for a

⁴²*Ibid.*, pp. 896-900. Price 1998a, pp. 619-623.

⁴³*Ibid.*

ban by significant international actors such as the ICRC, UNICEF, the UN Secretary-General, and other international leaders such as the Pope or the Dalai Lama. As the momentum for normative change grew, states themselves began making public announcements in favour of the ban agenda, frequently followed by announcements of concrete unilateral measures they were prepared to undertake to advance that agenda—for example, AP mine export moratoria or partial AP mine bans. Thus, one can argue that by the time the 1994-1996 CCW Process began, the nascent AP mine ban norms had already begun to have an influence on international behaviour.

However, the AP mine ban norms that began to take shape during the CCW negotiations, and were further developed through the Ottawa Process, were somewhat different than the more general AP mine ban norms first articulated by ban supporters. As they were socially transmitted through time and space they changed, most obviously with respect to their level of detail. While the ‘public’ call from ban supporters remained more or less “ban landmines,” it fell to the CCW and Ottawa Processes to determine what exact types of landmines will be banned, how, where, by whom and when. The differences between these, what I call, ‘second wave’ (discussed below) mine ban norms and their first wave counterparts were not trivial. For example, the issue of whether to apply the new ban norms to internal conflicts raised the question of whether or not the most problematic abuse of mines within civil wars would be prohibited or not. US efforts to change the basic definition of an AP mine during the Oslo negotiations raised the possibility of the proliferation of a whole new generation of AP ‘smart’ mines. The institutionalization of

these second wave ban norms within the Mine Ban Treaty stimulated a 'third wave' of mine ban norms that structured international compliance with the new Treaty. Here again, the differences between third and second wave ban norms were clearly not trivial. The new Mine Ban Treaty will only be as effective as the culture of compliance that develops around it. The degree to which AP mine ban use is actually halted, mines cleared and assistance provided to victims will make a great deal of difference in the lives of millions of people in dozens of countries.

As the landmine case demonstrates, the social transmission of international norm development is rarely unproblematic. Norms are subject to social selection and must frequently compete against other norms.⁴⁴ For example, the international learning fostered by epistemic communities often "has more to do with politics than with science."⁴⁵ Norm creation and transmission is, therefore, a political act undertaken by specific identities with specific interests. Alternative understandings of what is an 'appropriate' behaviour in the face of an international policy problem are always possible. Put more directly, there is almost always something at stake in normative development and normative change—old patterns of material relations may be disrupted and new domestic as well as transnational identities may be empowered. The interests and power relations that underpin normative development can be revealed through a careful analysis

⁴⁴Anne Forini, "The Evolution of International Norms," *International Studies Quarterly* 40, 1996, p. 365. See also Finnemore and Sikkink, p. 897.

⁴⁵Adler and Haas, p. 370.

of what Wendt terms the “distribution of knowledge” within the international system.⁴⁶ Or as Finnemore and Sikkink argue, “norm shifts are to the ideational theorist what changes in the balance of power are to the realist.”⁴⁷ Changes in this distribution of knowledge are shaped by ‘discursive formations’ advanced by specific identities during the course of the social transmission of norms. As noted by Simon Dalby, these discursive formations span social space from “everyday life” to “international politics.”⁴⁸ This is certainly true of the landmines case where an extremely broad range of public advocacy tools were developed by pro ban forces, from the humble car bumper sticker to the more expensive broadcast quality video.

While discourses may often be subtle in the ways they discipline our thoughts and actions, they may also be quite obvious. The new landmines norms were explicitly aimed at disciplining existing state practices with respect to mines by attempting to directly link such practices with horrific impacts on innocent populations. Efforts to ‘graft’ these new norms on to existing elements of humanitarian law and previous weapons taboos were further aimed at disciplining state practices by suggesting that such practices were violations of existing international law. Focussing on these norm disciplining practices makes more explicit the linkages between the new norms and sources of social power

⁴⁶Alexander Wendt, *Social Theory of International Politics*, Cambridge University Press, 1999, pp. 140-141.

⁴⁷Finnemore and Sikkink, p. 894.

⁴⁸Simon Dalby, *Environmental Security: The Geopolitics of Colonizing Nature*, Minneapolis: University of Minnesota Press, 2002. p. xxv.

within specific identities advocating for the new norms. For example, actors such as the ICBL, ICRC and pro-ban UN agencies and states were clearly active in both pressing for a new set of mine norms as well voicing explicit criticism of those who continued to use the weapon. Thus, the advantage of viewing landmine norms as discursive practices is that it guides us to the power relations that are organic to the struggle to dominate the landmines discourse. These power relations can be traced to the interests engaged by the landmine issue by specific identities.

Identities and Interests

For constructivism, norm development as a political act leads inevitably to the question of which interests and corresponding identities stand to benefit or lose from the adoption of a new norm. Whose interests and identities are 'engaged' by normative demands? However, while international norm development does have the capacity to generate winners and losers at the international as well as domestic level, this does not imply that all of these actors are necessarily acting out of pure self-interest. Whereas neorealist and neoliberals tend to treat the identity of the state as 'exogenous and given,' constructivists argue that state identities are highly variable social constructs. Motivations for action can be derived from a broader range of factors than simply self-interest and these motivations can vary from state to state. Understanding variations in state identity is critical, therefore, to efforts to account for specific policy outcomes and the emergence of new norms. For many constructivists such as Wendt and Katzenstein the central form of

‘identity’ at play within international relations remains the state itself. Others go much further, making the case for “transnational civil society,” “global civil society,” “international issue-networks,” or “societal interest groups” as significant identities shaping collective international outcomes.⁴⁹

There are clearly valid arguments for a variety of approaches, depending upon the international phenomena that one is seeking to explain. It is difficult to ignore the fact that state ‘identities’ continue to occupy a central role within the international system—for example they are the identity empowered with the ultimate responsibility to sign legally binding treaties. Moreover, Wendt would argue that when dealing with issues of international security, “states are still the primary medium through which the effects of other actors on the regulation of violence are channeled into the world system.”⁵⁰ This certainly accords with the landmine phenomenon, where the production, trade and indiscriminate use of landmines use is very much a state behaviour, although not exclusively so. Thus, in seeking to assess the strength of an international norm we most often look to patterns of state practice as well as international law. However, if it is our task to explain *why* states decide to adopt new norms and/or sign international

⁴⁹See, respectively: Richard Price, “Reversing the Gun Sights;” Max Cameron, “*Global Civil Society and the Ottawa Process*,” Kathryn Sikkink, “Human rights, principled issue-networks, and sovereignty in Latin America”, *International Organization* 47, 3, Summer 1993; and, Andrew Cortell and James Davis Jr. “How Do International Institutions Matter? The Domestic Impact of International Rules and Norms,” *International Studies Quarterly* 40, 1996.

⁵⁰Wendt, (1999), p. 9.

conventions, we need to expand our frame of reference to include other significant identities and interests beyond the structure of the state itself. Doing so greatly enhances our ability to account for change since it more fully reveals the politics behind pressures for change. Changes in the ‘distribution of knowledge’ within the international system may well occur in a highly asymmetrical manner with respect to states and civil society. Normative demands may well resonate within civil society long before they resonate with the identities and interests of states.

While identities and their interests shape normative development, the reverse is also possible. In the process of attempting to get what they want out of normative development, actors must also sustain their conceptions of the “self and other” that are organic to their own identities.⁵¹ For example, norms that are consistent with an actor’s sense of its identity are likely to have a greater chance of being supported by that actor than those that do not. In cases where such norms clash with the other identities and interests of that actor, choices are made. At times, particular interests are sacrificed in order to preserve the actor’s own sense of identity. Normative development may also shift an actor’s understanding of its own interests on a given issue. The landmine issue provides a case in point where a powerful new norm that touched on the basic humanitarian identity of many states prompted a fundamental re-evaluation of their ‘national interests’ in maintaining AP mines—manifested in the pervasive military utility vs humanitarian impact debate.

⁵¹Ibid, p. 316.

State officials are tasked, almost on a daily basis, with considering international problems and the relationship these problems have to the ‘interests’ of their particular state. Since state decision-makers tend to select courses of action on the basis of “meanings” that international phenomena “have for them,” they tend to select actions that are consistent with identities and corresponding interests that are evoked by these meanings.⁵² These discursive ‘representations’ find their way into public statements which, in turn, can tell us a great deal about the politics behind the clash of norms, interests and identities on a particular issue.⁵³ As noted above, international law recognizes statements of officials as evidence of *opinio juris* (a conviction that a rule is obligatory), a key factor in determining the existence of customary international law. Statements by officials, therefore, guide researchers to factors that influenced their policy choices. For example, an official statement that “landmines should be banned on humanitarian grounds” says a great deal about the influence of the new landmine norm as well as which actors/identities within the state and its corresponding civil society have gained the upper hand in the formulation of landmine policy.

Landmine Identities and Interests

In view of the above, accounting for changes in landmine norms over time clearly requires an examination of the changing constellation of landmine identities and their

⁵²Wendt (1992), p. 396-397.

⁵³Finnemore and Sikkink, p. 892.

corresponding interests with respect to the landmine issue. The landmine case also suggests that this constellation of landmine identities and interests includes civil-society as well as state actors. For example, prior to the emergence of the 1980 CCW Landmines Protocol, the identities and interests that dominated the landmines issue were largely military/state in nature. It was the moral entrepreneurship of the ICRC, in its 'identity' as the protector of the victims of war and guardian of IHL, that generated the first discursive attack on the domination of the knowledge and material practices of landmines by military interests. By suggesting that landmines may be 'indiscriminate by design rather than through patterns of use,' the ICRC generated an opening for a new category of identities and interests with respect to mines—innocent civilians that should be protected from such attacks under widely accepted principles of IHL. The ICBL is the first actor to systematically exploit this discursive opening. The ICBL's initial interests in the mine ban agenda were largely a reflection of the identities/interests of its founding members, which were human rights, medical relief and mine clearance organizations. Additional actors attracted to the ban agenda, such as the various faith communities, UNICEF, and the UN Secretary-General, also had significant interests engaged by the mine issue related to the core mandates of their organizations—protection of vulnerable groups such as children, peacekeeping, humanitarian relief and development.

While not true of all states, landmines as an issue had the potential engaged at least four state identities. First, there was the state as the identity with a monopoly over the means of violence. This was the state's military identity charged with acquiring mines,

stockpiling mines, training for mine use and, if necessary, using mines. Second, there was the state as a sovereign international identity with legal and political obligations associated with global citizenship. This identity implied respect for international treaties (i.e. the CCW) and participation in a web of global, regional and bilateral organizations, regimes, and relationships with potential relationships to the landmine issue (e.g. the UN, the ARF, EU, NATO, OAS, OAU, etc.). Thirdly, there was the state as the provider and receiver of humanitarian services such as disaster and development assistance, peace-building resources, peacekeeping forces and support for mine clearance and victim assistance. Finally, there was also the state as the domestic manager, balancing the interests of domestic identities such as defence industries producing landmines, interest groups advocating on behalf of peace and disarmament as well as those urging greater defence preparedness.

In view of the above, it is clear that the landmine issue had the potential to engage the identities and interests of a broad range of state and non-state actors. This raises the question of why the landmine issue tended to engage non-states actor first, and what potential impact this sequencing of normative development may have had on the development of the new mine ban norms overall. This leads us to examine the landmine normative development as a collective action phenomenon.

Collective Action—Norm Development as a Social Wave Phenomenon

Scholars have generated a number of metaphors in their efforts to account for the development and dissemination of international norms. Just within the works cited here, one is provided with images of norms being ‘grafted’ on other norms, norms ‘resonating’ with other norms, and of norms ‘cascading’ through the international community. At the risk of adding more confusion than clarity, I argue that one can make a case for viewing norm development as a ‘social wave phenomena’—which is to say that the ways in which norms move through the international community has much in common with the physical dynamics associated with waves. Why waves? First, because waves, like the forms of social communication that move norms through time and space, are infinitely variable. There are strong waves, weak waves and infinite possibilities in between. The social communication of norms can also take on an almost infinite variety of forms—influential messages supported by powerful actors and less influential messages—perhaps the first efforts of norm entrepreneurs. Secondly, waves interact with each other to generate new waves whose properties are influenced by the properties of the original waves. Smaller waves with similar properties can interact to generate larger more powerful waves. Similarly, the social communication of norms that share the same properties (values) can combine to generate more powerful efforts capable of reaching more actors with similar messages.

Thirdly, the force and direction of waves is affected by the physical objects they

encounter. Waves can generate ‘resonance’ in some objects with certain physical characteristics—generating echos of the original wave, the properties of which are influenced by the properties of the original wave and the object. The social communication of norms can also generate ‘resonance’ by encountering objects (identities) with specific properties (interests). The call for a ban on landmines clearly resonated with millions of people, hundreds of organizations and dozens of states, providing countless ‘echoes’ of the original call for a ban. The properties (identities and interests) of these social objects clearly influenced the properties of the resulting echoes. Those actors who were sympathetic to the ban agenda tended to reproduce its core demands. Those actors who, by virtue of their particular identities and interests, were not sympathetic to the ban agenda, tended to either completely reject its core demands or sought to distort its demands to accommodate its own interests—for example, banning only dumb mines.

The value of viewing normative development as a social wave phenomenon is further highlighted by the insights it provides into the dynamics of collective (multilateral) action. For example, it is widely believed that public opinion has the potential to influence the course of multilateral negotiations. However, it is common for public opinion to coalesce around fairly general demands that the international community do ‘something’ about a particular problem. Where public opinion further coalesces around a specific collective outcome, the normative demand also tends to be general in nature. To what extent, therefore, is it possible to say that public opinion actually influences

multilateral outcomes? Viewing normative development as a social wave phenomenon suggests we view multilateral negotiations as concentrations of social actors that generate varying degrees of resonance (echoes) in reaction to socially generated waves of normative demands. These various normative echoes interact to generate a new wave of norms—collective outcomes. Therefore, one can argue that public opinion is able to influence multilateral outcomes to the extent that the initial wave of normative demands, through its specific properties, acts to constrain the range of possible outcomes. For example, the public call to ‘ban landmines,’ tends to limit the range of socially acceptable outcomes to those which appear to address the original normative demand. The call to ‘ban landmines now’ because thousands of people are losing lives and limbs every year generates an additional social discipline on collective outcomes—the need to act swiftly.

The degree of discipline social waves of normative demands are able to exert on multilateral negotiations vary according to a number of factors—one of the most obvious being the kind of process norms that structure the negotiations. Multilateral process norms determine when and where and by whom collective decisions are taken. Process norms are never politically neutral, which is why actors seeking to influence multilateral outcomes frequently seek to influence process norms. One can easily see why. Some actors may wish to insulate themselves from the disciplines of external normative demands. Other actors who believe public opinion supports their normative demands may seek process norms that increase the degree of media scrutiny and direct civil-society engagement in the process—thereby increasing the degree of external discipline that can

potentially be brought to bear on the range of potential outcomes. However, as the second CCW Process demonstrated, the existence of public/media pressure on a process was not a sufficient condition for success. A process structured by consensus decision-making placed significant power in the hands of a few states which felt somewhat immune to public pressure. Yet the CCW Process also demonstrated that collective results that fall outside the boundaries of publically acceptable outcomes are vulnerable to harsh criticism. The CCW Process was widely judged a failure and its substantive outcomes virtually ignored by dozens of states that were willing to restart the drive towards genuine ban norms less than 6 months after the end of the CCW Process.

The potential impact of process norms also raises the issue of the origin of normative demands. Normative demands that become extensively codified within civil-society may, given certain process norms, have a different impact on state codification efforts than normative demands that are generated by states in the absence of such civil-society codification. It is most likely equally true that the degree of social codification that has been achieved at a given point in time plays an important role in determining the degree of discipline these norms will be capable of exerting on state behaviours.

Norm entrepreneurs are out to make waves—normative waves. If their normative waves resonate with a sufficient number of international actors they may be able to generate enough waves with common normative demands to force their issue and its normative solution on to the multilateral agenda. Aided by favourable process norms, their

normative demands may actually exert sufficient discipline on the negotiation process to ensure that their initial normative demands are more or less faithfully codified within an international agreement. The norms expressed within negotiated agreements are somewhat different from the initial norms that generated pressure for the codification process. They are ‘echoes’ of the original norms, shaped by the degree to which the original norms resonated with the identities/interests at the negotiating table. They are also different with respect to level of detail. In the process of being codified, they answer the legal questions of who will be obliged by the new norms, when, where and exactly how. These ‘normative echos’ also have the potential to generate significant new social waves. In theory, the state actors which agreed to the negotiated outcomes bear some responsibility to sign and ratify them, depending upon the perceived legitimacy of the outcomes. The civil-society actors that first demanded normative change also have a choice to make. Do they support the new outcomes or not—do the ‘normative echos’ resonate with the values that motivated them to call for normative change in the first place? Situations where both states and civil-society actors decide to support the negotiated outcomes have the potential to generate a powerful ‘second normative wave’ throughout the international community. For example, in the wake of the Oslo negotiations the public call of ban supporters shifted from ‘ban landmines’ to ‘sign the Mine Ban Treaty.’

Finally, assuming that the ‘second wave’ of normative demands to sign and ratify a treaty resonated with a sufficient number of actors, the treaty becomes international law

generating specific obligations for a number of actors. However, this is not the end of the story. Multilateral compliance with international treaties is rarely universal or absolute. Compliance behaviours are influenced by the degree to which earlier waves of normative demands continue to resonate with the identities/interests of parties to the treaty, as well as those pressing for such compliance. The resulting ‘echoes’ of these earlier waves can be viewed as a ‘third wave’ of norms—compliance norms that continue to be influenced by earlier normative waves, but which are again unique with respect to level of detail. For example, the second wave normative demand that states clear mined areas is only as good as the number of states that comply with the norm and to what extent they do so. The force of compliance norms can be bolstered by compliance provisions within a treaty that may include the threat of some form of sanction in the face of non-compliance. But even sanctions are only as effective as the willingness of the community of states to enforce them.

The image of successive waves of norms influencing international behaviour over time begs the question of what exactly happens over the long term. Do normative waves progressively lose strength over time, perhaps because of the inevitable frictions associated with their social transmission? Public and official attention shifts to other issues as do norm entrepreneurs. Constructivists often refer to the dynamics of international change as “recursivity,” the notion that state policies and practices have the potential to either reproduce or reconstruct the environment within which the state

operates.⁵⁴ In this sense, the existence of third wave compliance norms suggests that, for a number of actors at least, mechanisms have been put in place that will assist in the reproduction of the norms over time. New identities and interests are empowered by the new treaty norms. State officials become ‘responsible’ for tracking and implementing the new treaty. Other identities may begin to develop material interests associated its implementation. A particular twist or turn of international affairs may well serve to remind the international community of why such norms were developed in the first place.

In summary, the recent history of the landmine issue, as well as scholarly analysis, suggests that the dominant international system-wide phenomenon with respect of landmines has been the development and dissemination of a new set of AP mine ban norms—a comprehensive ban on the production, stockpiling, export and use of AP mines and increased resources for mine clearance and victim assistance. The task undertaken by this dissertation is to assess these changes in these AP mine norms over time and, trace these changes to the agency of specific actors. In doing so, it will be argued that it is useful to view these normative changes as occurring in distinct phases, corresponding to unique waves of normative development. Doing so draws our attention to the specificities of the constellation of identities and interests that influence normative development in each of these period of time. It also tells us a great deal about how process norms contributed to the development of the substantive ban norms. Finally, and

⁵⁴Ronald Jepperson, Alexander Wendt, and Peter Katzenstein, “Norms, Identity, and Culture in National Security,” p. 53.

most importantly, tackling the details surrounding these waves of normative development will tell us a great deal about the relative strength and potential longer term influence of the new AP mine ban norms. Have they made a difference already, and will they continue to make a difference in the lives of millions of people in the future, and why?

Chapter Outlines

The constructivist understanding of the norm life cycle suggests that an analysis of international normative development is best undertaken in a more or less chronological fashion. This helps avoid the methodological pitfall of confusing in the influence of normative demands with the influenced material forces. Changing normative/knowledge practices should appear before changing behaviours. The importance of this sequencing is highlighted in Chapter Two which provides a brief ‘genealogy’ of landmine norms, identities and interests prior to the early 1990s. It argues that the emergence and success of landmine ban advocates in the early 1990s is not a chance occurrence. The landmine phenomenon as it appears to the ban identities in the early 1990s is the product of earlier landmine norms—themselves the results of concrete policy decisions taken by specific identities with specific interests. Early developments within IHL are particularly important to later norm grafting efforts, as are more specific IHL developments within the CCW process. These material and knowledge practices (norms) in turn generate the structures (opportunities and constraints) that affect the scope for agency of later ban advocates.

Chapter Three examines the interplay of norms, identities, interests and policies within the landmine issue from September 1991 to September 1995, a period which begins with the first steps towards the formation of the ICBL, and ends on the eve of formal multilateral negotiations within the 1995-1996 CCW process. It traces the way in which the landmines crisis engaged the identities and interests of four distinct sets of international actors. First, the landmine issue engaged a number of non-governmental organizations in their identities/interests as providers of humanitarian medical assistance, mine clearance services, and as organizations dedicated to documenting and advocating against human rights violations. Second, it also engaged key actors within the UN system such as the UN Department of Peacekeeping Operations, the UN Department of Humanitarian Affairs, the UN Secretary-General, the United Nations Children's Fund and the office of UN High Commissioner for Refugees. Here again it was largely the humanitarian identities and interests of these organizations that were engaged by the landmine issue. Thirdly, there was the ICRC, and later the broader Red Cross and Red Crescent movement, which recognized widespread landmine contamination as a direct threat to its identities/interests as a provider of medical services in war zones, as a humanitarian relief organization, and as the recognized custodian of international humanitarian law (IHL). Finally, there were the states themselves. As noted earlier, as producers and users of mines on the one hand, and supporters of international humanitarian law and UN operations on the other, their identities/interests with respect to landmines were somewhat mixed.

Chapter Three examines how this constellation of identities and interests generated efforts by norm entrepreneurs, such as the ICBL, to get the landmine issue on the international agenda, while simultaneously generating normative demands that AP mines be banned. These normative demands were structured by efforts to seek the social stigmatization of AP mines by ‘grafting’ the idea of a mine ban on to existing weapons taboos surround chemical and biological weapons. This began the generation of what I argue was the first wave of international normative development within the mine ban agenda. This normative development began as a civil-society phenomenon, as more organizations joined the ICBL, and as the ICBL actively lobbied actors within the UN system and the ICRC. These efforts set in motion countless social norm codification efforts, as a growing cast of non-state actors agreed to support the ban agenda and actively advocate on its behalf. The impact of these efforts also began to influence state behaviour. By the end of this period, a nascent taboo regarding the export of AP mines had taken hold and a total of 18 states had become publically pro-ban.

Chapter Four examines, the interplay of landmine norms, identities and interests within the 1994-1996 CCW process. It makes the case, that in the wake of successful ‘issue generation’ and ‘norm grafting’ efforts by the early mine ban norm entrepreneurs, the CCW process marked the beginning of the ‘institutionalization’ of elements of the emerging ban norm. The CCW negotiations, coupled with the growing pressures being generated by the social codification of the ban norms, facilitated the convergence of normative expectations of pro-ban forces around a number of issue areas that shaped a

distinct 'second wave' of normative development within the landmine issue—progress towards the definition of the behavioural boundaries of the new mine ban norms. This convergence of expectations was the result of conscious efforts on the part of pro-ban actors to discipline the boundaries of these expectations by 'grafting' these second wave norms onto the broader socially codified ban agenda—as well as the discursive practices of documentation, shame and persuasion that animated that agenda. While unfavourable process norms limited the impact of ban forces on the CCW outcomes, it is argued that this period did contribute, in a number of ways, to the success of the Ottawa Process. For example, the dramatic growth in the number of pro-ban states during the CCW process, and the formation of a new state-civil society ban coalition was of singular importance to the success of the Ottawa Process.

Chapter Five extends the analysis developed during Chapter Four into an examination of the Ottawa Process, the diplomatic initiative which culminated in the successful negotiation of the Mine Ban Treaty in Oslo in September 1997. It explores efforts by Canada to change the process norms that played a role in the perceived failure of the CCW process. It argues that these changes set the stage for the October 1996 Ottawa Conference, and the extraordinary move by Canadian Foreign Minister Lloyd Axworthy at the close of the meeting to set a deadline for the signature of a mine ban treaty. This chapter also examines the period between the first Ottawa meeting and the Oslo negotiations themselves—a period distinguished by regional meetings designed to build political will for a ban, as well as a series of multilateral meetings to develop the treaty

text which forms the basis for the Oslo negotiations. The Oslo negotiations themselves are discussed in detail as the final stage of the state codification of the ‘second wave’ of mine ban norms.

The objective of Chapter Six is to explore developments related to the ratification, implementation and universalization of the mine ban treaty during the 4 year period following the signature of the treaty in Ottawa in December 1997. In the wake of the Ottawa Process, this period marked a significant shift in the policy objectives of the ban coalition from a focus on the achievement of the ban treaty itself to efforts to ensure that the treaty is rapidly ratified, fully implemented and that support for the treaty continues to grow beyond its initial 122 state signatories. This period, therefore, marks another distinct phase in the continued expansion of the normative framework surrounding the landmine issue. Indeed, it is argued that this period marks the “tipping point” in the development of the new mine ban norms—the point at which a critical mass of states supporting the new norm was achieved and a “norm cascade” began.⁵⁵

This chapter also argues that, from the perspective of norm development, the Oslo to Managua period marked as a distinct “third wave” of issue generation and normative development within the ban agenda. These third wave norms were essentially compliance norms. With a set of ban norms now ‘institutionalized’ within the Mine Ban Treaty, the central issue within the ban agenda became *who* would sign and then ratify the

⁵⁵Finnemore and Sikkink, p. 901.

Treaty and *when*. Once the treaty became international law, the issue then became one of the degree to which various actors would it actually comply with its various negative and positive obligations.

My concluding chapter provides a detailed reflection on the core research question of this dissertation. It argues that the landmine ban phenomenon provides a significant confirmation of the importance of international norms within global politics. It also argues that the landmine case generally accords with scholarly understandings of the international norm life cycle. The chapter concludes with an analysis of the potential implications of the landmine case for our understanding of the norm life cycle, as well as broader constructivist understandings of global politics. It also provides a brief discussion of the implications of the landmine case for international relations more generally.

CHAPTER TWO—BARBARIC MACHINES AND CIVILIZED STATES—EARLY LANDMINE NORMS, IDENTITIES, AND INTERESTS

War gives no right to inflict any more destruction than is necessary for victory. These principles were not invented by Grotius, nor are they founded on the authority of the poets; they are derived from the nature of things; they are based on reason.¹

Introduction

The carnage and chaos historically associated with the phenomenon of war suggests the almost total absence of social, political or legal constraints on the behaviours of military forces. The depressing regularity with which civilian populations have become the victims of war, particularly since the Second World War, further suggests a profound lack of restraint on the part of many parties engaged in modern conflicts. Yet overshadowed by the vast miseries visited upon humanity by warfare, history also records a determined march towards peace. In the absence of peace, there has also been progress towards restraint in war. These impulses towards restraint on the battlefield first emerged as local social phenomenon and were later codified within broader social structures such as church edicts. By the late 19th Century efforts were underway to turn these socially generated humanitarian practices into recognizable international laws of war. These early developments within International Humanitarian Law (IHL) form the historical structures within which it was possible for specific restrictions on landmines to be developed.

¹Jean-Jacques Rousseau, *The Social Contract* (1762), Penguin Books, 1968. p. 57.

The objective of this chapter is to provide a brief ‘genealogy’ of early material and knowledge practices with respect to landmines.² From a social constructivist perspective, accounting for the emergence of the ‘landmine problem’ in the early 1990s and subsequent changes in international norms with respect to landmines requires an examination of the constellation of norms, identities, interests and policies that structured the landmines issue prior to that point. Particular attention is paid to patterns of landmine production and use as well as developments in IHL that generated the political and legal context for the 1974-1980 CCW process—the first concerted multilateral effort to address the landmine issue. These early developments within IHL more generally and the landmine issue in particular are critical to understanding later developments within the ban movement. The material and knowledge practices that emerge from this period generate the structural constraints and opportunities that restrain and enable the agency of later pro-ban actors. These efforts also underscore the historical interplay between socially generated pressures for restraints on landmine use and efforts by states to progressively codify such restraints.

War and the Dictates of the Public Conscience

Anti-personnel (AP) mines can be activated in a variety of ways, but whether it is with a trip wire or through a pressure sensitive fuse, they are a munition explicitly designed to be

² The concept of ‘genealogy’ is used here in a more general sense as a method of investigating the events and ideas that shaped our material and knowledge based practices with respect to landmines rather than a detailed ‘deconstruction’ such as those undertaken by some post-modernists.

exploded by the contact of their victims. This is the essential difference between mines and other classical munitions—and the source of considerable controversy. AP mines are not aimed at other soldiers in the heat of close combat. They are deployed where the enemy is or is expected to be in the hope that they will ambush the enemy at a later time—when the enemy contacts the weapons themselves. However, it may be hours, weeks or even years before each landmine is able to ambush its victim and its victim may well be a civilian rather than a soldier. Landmines do not respect peace treaties and nor do they distinguish between the footsteps of a soldier or a child.

This design feature common to all AP mines was recognized over 130 years ago during the American Civil War as being a feature that distinguished the weapon as one which attacks “both matter and mind.”³ Being ambushed by objects hidden below the ground seemed, at a minimum, to be a fairly cowardly method to engage the enemy, prompting even the somewhat heavy-handed Federal General William T. Sherman to comment that the use of mines “was not war but murder.”⁴ Other Federal officers called them “barbaric”

³Union soldier who participated in the attack on Fort Wagner, South Carolina where minefield were used by the Confederate forces, quoted in Jack H. McCall Jr., “Infernal Machines and Hidden Death: International Law and Limits on the Indiscriminate Use of Land Mine Warfare,” *Georgia Journal of International and Comparative Law*, Vol. 24, 1994, p. 232. See also Mike Croll, *The History of Landmines*, Leo Cooper, UK, 1998.

⁴Quoted in Stuart Maslen, *A View From the Vanishing Point: Anti-Personnel Mines on the Battlefield Under International Humanitarian Law*, Ph D Thesis, Tilburg University, The Netherlands, October 2000. Sherman also reportedly stated that while the use of mines may be justified in the face of an advancing army if they “are found in the possession of an enemy to our rear, you may cause them to be put on the ground and tested by wagon-loads of prisoners.” Jack H. McCall Jr., pp. 232-233.

machines while some on the Confederate side declared them neither a “proper nor effective method of war.”⁵ The Civil War also witnessed the first codification of the laws of war to be adopted by a warring party, the Lieber Code, named after its author a Columbia College professor. Promulgated by President Lincoln as General Order No. 100 in April of 1863, the Lieber Code represented a significant development in the laws of war, introducing a detailed elaboration of the concept of “military necessity” that could be used by field commanders to evaluate specific tactical situations. Article 22 provided one of the first codified distinctions between “private individuals” and “men in arms” arguing that the “principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honour as much as the exigencies of war will admit.”⁶

Although the use of landmines during the American Civil War evoked strong reactions on both sides, the US was not at the table when the first multilateral agreement prohibiting a specific weapon of war was negotiated by 16 states (14 European states plus Turkey and Persia) in 1868. —the St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. As the first self-conscious multilateral reflection on the laws of war within the modern state system, the St. Petersburg Declaration established a trajectory of normative development that structured many subsequent developments within IHL—the importance of protecting civilian

⁵ *Ibid.*, p. 233.

⁶ Article 22, General Orders No. 100, *Instructions for the Government of Armies of the United States in the Field*, 24 April 1863.

populations from the effects of war. Noting that “the progress of civilization should have the effect of alleviating as much as possible the calamities of war,” it asserts that “the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy” and “that this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable.”⁷

The St. Petersburg Declaration provided the normative structure for three significant developments within IHL that influenced the course of the landmine debate over a century later. First, if the only legitimate object of war is to weaken the military forces of the enemy, then it follows logically that parties to a conflict should only use weapons that are capable of being used in a manner that distinguishes between military personnel and objects as opposed to civilians and civilian objects—the principle of *distinction*.

Weapons which, by design, are indiscriminate should be prohibited. Secondly, related to the principle of distinction in the broader sense is the principle of *proportionality*—that commanders should ensure that their application of military force is proportionate to the military objectives they seek to achieve and that excessive injury to civilians and civilian objects is avoided. Finally, in asserting that the use of some types of weapons that would cause unnecessary suffering to soldiers for no apparent military gain would be “contrary to the laws of humanity,” the Declaration asks military commanders to make a judgement

⁷ 1868 St Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, reprinted in Roberts and Guelff, pp. 54-55.

about the balance to be struck between the military utility of a weapon as measured against its humanitarian cost—*weapons should not be inhumane in their effects*.⁸

The US did attend the 1899 First Hague Peace Conference which attracted a total of 26 states to negotiate further developments in IHL, including prohibitions on the use of projectiles diffusing asphyxiating gases, the use of expanding bullets and use of balloons to launch projectiles and explosives. This conference also produced the famous ‘Marten’s Clause,’ mentioned in the introduction, named after the legal advisor to Russia’s Tsar Nicholas II, which introduced an evaluation of “the requirements of the public conscience” into judgements regarding actions during war which are not explicitly covered by existing IHL. As Ken Rutherford notes, the 1899 Hague Conference was also noteworthy with respect to its processes norms, specifically the active engagement of non-governmental organizations (NGOs) and the willingness to use majority voting procedures to resolve differences between states.⁹ For example, the US actively opposed the wording used to define an ‘expanding bullet,’ arguing that it was too specific, while the United Kingdom opposed the ban entirely on the basis that they wished to reserve the right to use expanding bullets “against savage races.”¹⁰ Both objections were voted down by the other states attending the conference. As we will see later, the process norms initially used to develop IHL would provide later landmine advocates with a

⁸*Ibid.*

⁹Ken Rutherford, “The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes,” *The Nonproliferation Review*, Spring-Summer 1999, pp. 36-50.

¹⁰*Ibid.*, p. 40.

powerful argument in favour of moving away from the type of consensus based decision-making that would come to dominate IHL development following the Second World War.

Looking back at the American Civil War experience with respect to landmines and initial developments within IHL, two trends become apparent. First, early material practices with respect to landmines tended to evoke strong reactions from military personnel, from common soldiers and powerful generals alike. There appeared to be something about landmines that ran counter to some of the socially constructed values that structured the identity of the military profession. While not directly comparable, earlier prohibitions on poisoned weapons in Ancient Greece, Rome, and India, and later efforts to ban the use of the crossbow in Europe are instructive in this regard. Equally compelling were early and in some cases well established norms prohibiting direct attacks on civilian populations. In short, one can argue that within the profession of arms one finds an enduring and fairly high degree of receptiveness to knowledge practices, often based on or reinforced by religious practices, that are frequently characterized as the 'warrior's code of honour.' From the Christian code of *chivalry* to the Japanese *bushido* (way of the warrior) there was a widely shared socially codified understanding that 'good soldiers' don't attack innocent civilians or use 'dishonourable' or 'treacherous' means to attack the enemy.¹¹

Secondly, tentative steps to codify the laws of war suggested that some of these military

¹¹An excellent analysis of this phenomenon is provided in Michael Ignatieff's, *The Warrior's Honour: Ethnic War and the Modern Conscience*, Penguin Canada, 1998.

norms were also widely socially codified within society at large. When charged with defining their states' 'interests' with respect to the laws of war, diplomats concluded that multilateral cooperation in codifying and adhering to the new laws of war was the preferred option. In the absence of any mechanisms to ensure compliance, this leap of faith was surely taken with at least some measure of belief that these norms were generally reflective of the social values of their respective 'civilized' societies. Restraint in warfare on their part could be undertaken with a reasonable expectation that the same degree of restraint would be shown by the military forces of the other state. In fact, as Britain's objection to prohibiting the use of expanding bullets against 'savage races' indicates, the process of codifying what defines the conduct of 'civilized states' during war becomes organic to the social construction of the identity of the 'civilized' state itself. As we will see later, these socially codified norms prohibiting direct attacks on civilians provided a significant source of normative resonance with later normative demands for a ban on AP mines.

War and Humanitarian Norm Entrepreneurs—The International Committee of the Red Cross

While the First World War did not witness the widespread use of landmines, the incredible carnage of the war did inspire some further developments in the fabric of IHL such as the 1929 "Geneva Convention for the Relief of Wounded and Sick in Armies in the Field." However, the general reluctance of governments to contemplate the possibility of another major war tended to slow developments in the laws of war in favour

of early multilateral disarmament efforts, such as the 1921-1922 Washington Conference and the 1930 London Naval Treaty. One significant development during this period was the emergence of the International Committee of the Red Cross (ICRC) as one of the first large humanitarian oriented non-state actors to be formally recognized by states as playing a legitimate role in the development of IHL.

The ICRC was formed in 1863 in reaction to the horrors witnessed by a Swiss national Henry Dunant who attempted to provide assistance to thousands of largely untended soldiers wounded in the 1859 battle of Solferino.¹² Initially established as a “working party” which brought together five representatives of Geneva’s most prosperous and politically active families, by February of 1863 they became known as the International Committee for Relief of the Wounded.¹³ Using their close connections with Europe’s royalty, the Committee succeeded in convincing 16 states to meet in Geneva in the summer of 1864 to negotiate the ground-breaking “Convention for the Amelioration of the Condition of the Wounded in Armies in the Field” (the Geneva Convention).¹⁴ While not specific to weapons of war, the ten articles of the 1864 Geneva Convention established the neutrality of medical activities on the battle field, creating an important new distinction between military objects and those which should not be the subject of attack such as medical facilities. Since the neutrality of medical objects relied upon them

¹²See Henry Dunant, *A Memory of Solferino*, Geneva, ICRC Publications, 1986.

¹³Caroline Moorehead, *Dunant’s Dream: War, Switzerland and the History of the Red Cross*, Harper Collins, London, 1998, p. 17.

¹⁴*Ibid.*, p. 45.

being recognized as such, the 1864 Conference decided to adopt a red cross against a white background (the Swiss flag reversed) as the universal symbol of medical neutrality.

In recognition of its humanitarian norm ‘entrepreneurship,’ the international community designated the ‘International Committee of the Red Cross’ as the custodian of the Geneva Convention—charged with building linkages between the Geneva Convention and the new ‘Red Cross’ organizations that begun developing within several states which had signed the Convention. In practical terms this meant the ICRC was charged with ensuring that the rules of the Geneva Convention were being taught to national Red Cross societies as well as to soldiers with each state’s armed forces. The development of this mass IHL socialization effort was dramatically accelerated by the First World War, where the moral authority of the Red Cross movement was significantly enhanced by its work both on the battlefield and behind the lines through its efforts on behalf of prisoners of war. Indeed the credibility of the ICRC had grown to the point where its special role within international affairs was explicitly recognized within the Covenant of the League of Nations. By 1919 the American Red Cross had led the charge to create the League of Red Cross Societies, an organization separate from but linked to the ICRC itself and hosted in Paris as opposed to Geneva.¹⁵ The growth of the Red Cross Societies provided the international Red Cross movement with a large constituency of mobilized supporters within civil-society in dozens of countries.

¹⁵*Ibid.*, pp. 262-263.

Amidst the slaughter of millions in the trenches of the First World War, it was the horrors of the poison gas attacks that appeared to deeply offend what must have already been a deeply traumatised public conscience in Europe and North America. In wake of such carnage, the idea of a ban on poison gas provided a rallying point for general anti-war sentiments as well as significant public activism on the part of organized peace groups and faith communities. The ICRC was almost immediately drawn into the debate, and decided to launch its first large scale public advocacy effort in support of an effort to ban a weapon on the basis of IHL principles. ICRC officials devoted considerable effort to drafting a new protocol that would ban “asphyxiating, poisonous or other gases and bacteriological methods of warfare,” offering the grim warning that war with chemical weapons would be a “war of extermination by gas, a war which will cause millions and millions of dead, mad and mutilated.”¹⁶ Public pressure, ICRC norm entrepreneurship, and reduced state support for the use of chemical weapons that might invite retaliation in kind, prompted the League of Nations to convene an international conference that yielded the 1925 Geneva Protocol.¹⁷

The ICRC and its national societies played a central role in the protection of prisoners of war and civilian populations during the Second World War. Its experience during the war pointed out the need for significant improvement in the body of IHL—a task which the

¹⁶*Ibid.*, p. 286.

¹⁷Formally known as the 1925 Geneva Protocol for the Prohibition of the Use in War of asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

ICRC undertook through expert consultations between 1945 and 1948. As an indication of the respect the ICRC had gained for its role as an IHL norm entrepreneur, the four draft Conventions developed by the ICRC through these consultations were adopted as the sole negotiating texts by the Diplomatic Conference which yielded the four 1949 Geneva Conventions.¹⁸ While landmines were not explicitly treated within the 1949 Geneva Conventions, the principle that a *distinction* must be made between civilians and combatants, reinforced within Convention IV, would be of singular importance to the mine ban agenda. Indeed, in view of the large number of State Parties to the Conventions, and the respect the Conventions command within international affairs, it is now widely accepted that the 1949 Geneva Conventions have achieved the status of customary international law and are now binding on all states at all times.¹⁹

Although some improvised landmines were used during World War I, it was during World War II that the use of millions of anti-tank mines was followed by the use of large numbers of AP mines. Many of these mines remain active to this day, periodically taking new victims over a half century after they were first deployed. While they were most often deployed to prevent soldiers from clearing anti-tank mines, this was the first generation of AP mines that were also used as a weapon of terror against civilians as well as soldiers. For example, Japanese soldiers used improvised AP mines to booby-trap

¹⁸Roberts and Guelff, p. 195.

¹⁹*Ibid.*, p. 196.

dead or wounded soldiers as well as everyday objects such as cans of food.²⁰ The deployment of tens of millions of mines by Germany along the Atlantic coast precipitated the second significant historic controversy regarding landmines—the widespread use of German prisoners of war by the allied forces to clear minefields. One ICRC estimate placed the number of casualties related to this practice in France alone as somewhere over 3,000 dead and 6,000 wounded during an 18 month clearance operation that began in 1945.²¹

Dramatic improvements in weapons technology during the war, coupled with the prisoner of war mine clearance controversy, prompted the ICRC to press for further improvements in IHL regarding landmines and minefields.²² In 1954 the ICRC convened an expert meeting to consider the “problem of incendiary and ‘delay-action’ bombs, as being among the weapons likely to cause unnecessary damage.”²³ Included were “delay-action mines which are used by armies during land operations.”²⁴ Ultimately, the ICRC would include the issue of landmines in their 1956 Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War, which sought to prohibit weapons

²⁰ Alex Vines, “The Crisis of Anti-Personnel Mines,” *To Walk Without Fear*, p. 119.

²¹ Jean-Michel Monod, ICRC Delegate, “Mines and Humanitarian Activities,” *Report of the ICRC Symposium on Anti-Personnel Mines*, Montreux, 21-23 April 1993. The ICRC claimed after the war that the use of prisoners for such tasks was already implicitly prohibited by the 1929 Geneva Convention.

²² Maslen, p. 11.

²³ Louis Maresca and Stuart Maslen eds., *The Banning of Anti-Personnel Landmines: The Legal Contribution of the International Committee of the Red Cross 1955-1999*, Cambridge University Press, 2000, p. 16.

²⁴ Marseca and Maslen, p. 17.

“contrary to the laws of humanity” whose effects were “unpredictable and uncontrollable.”²⁵ For example, the 1956 Draft Rules obliged parties to a conflict to keep charts of all minefields and hand over these charts to authorities responsible for the safety of civilians following the conflict.²⁶ However, rising Cold War tensions meant that the ICRC’s 1956 Draft Rules were never used as a basis for further IHL development. Nevertheless, the ICRC remained concerned about the impact of landmines on civilian populations. Technological developments and new state practices with respect to landmines would soon underscore the validity of this concern.

Carnage and Codification: Vietnam, The Public Conscience and 1974-1980 CCW Process

Developments in the science of wound ballistics in the United States prior to and during World War II provided the technical basis for a virtual revolution in the design of anti-personnel munitions. Detailed studies of the patterns of injuries caused by allied weapons during the war led researchers to the conclusion that they were actually fairly “inefficient” – exploding into too few fragments with insufficient velocities to maximize their effectiveness against enemy soldiers.²⁷ A more ‘efficient’ fragmentation weapon would produce large numbers of smaller fragments with greater velocity distributed over a more evenly distributed ‘kill zone.’ This research supported changing American battle field requirements, such as the need to withstand the type of ‘massed infantry’ assaults used by

²⁵Maslen, p. 19.

²⁶ *Ibid.*

²⁷ Eric Prokosch, *The Technology of Killing: A Military and Political History of Antipersonnel Weapons*, London: Zed Books, 1995, pp. 26-27.

the Chinese and North Koreans during the Korean War. By the early 1960's the United States had deployed a new generation of light weight 'scatterable' anti-personnel weapons developed using the new fragmentation research. Known as Cluster Bomb Units (CBU), each CBU-24, for example, contained over 600 individual anti-personnel bomblets that were scattered over a large area and were designed to explode on contact, spraying some 200,000 small steel balls over a large area.²⁸ The new fragmentation technology would also shape a new generation of American AP mines such as the M18 Claymore directional fragmentation mine.

The widespread use of CBU's in Vietnam, Cambodia and Laos attracted the attention of Bertrand Russell's 1967 "International War Crimes Tribunal" which was established as a civil-society based effort to investigate charges that the United States and its allies had committed war crimes in Vietnam.²⁹ In the words of one expert who testified at the Tribunal, the massive use of fragmentation cluster bombs indicated that US decision makers had reached the conclusion that the only way "to break an underdeveloped country which maintains a will to resist is to completely destroy the people."³⁰ This stark assertion appeared to be supported both from evidence collected on the ground in Vietnam, as well as by revelations contained within the *Pentagon Papers* regarding the progressive expansion of 'legitimate' targets for US bombers in North Vietnam to "lines of communication," the Pentagon's way of saying that all roads, trails and bridges had

²⁸ *Ibid.*, p. 85.

²⁹ *Ibid.*, pp. 93-94.

³⁰ *Ibid.*, p. 94.

become targets of their bombing efforts. According to reports by American pacifist David Dellinger, who visited Vietnam in 1966, the Pentagon's targeting strategy coupled with its widespread use of cluster bombs had effectively made the war in Vietnam into a war against the North Vietnamese people—in direct contravention of IHL.

Sometimes it was clear that a whole hamlet had been wiped out in a determined effort to destroy a bridge that was at most twenty to thirty feet long.... Even apart from the widespread destruction of villages, cities and towns, I see no way to explain away the universal use of fragmentation bombs. Fragmentation bombs are useless against bridges and buildings of any kind but are deadly against people. In fact another name for them is anti-personnel bombs. I saw these bombs everywhere I went in North Vietnam.³¹

The use of CBU's in Vietnam, Cambodia and Laos became so widespread that American pilots reportedly referred to CBU bombing missions as "taking out the garbage."³² Mixed in with this deadly garbage was also a new generation of scatterable AP mines such as the BLU-43 and BLU-44 "Dragon tooth" weighing only 20 grams each.³³ But unlike cluster bombs, AP mines did not explode on contact. Instead they provided a 'double punch'—cluster bombs for immediate impact and AP mines to disrupt and delay relief and reinforcements. This often meant that American bombing raids claimed two sets of victims—the initial victims of the raid followed by weeks if not months of new victims as the wounded and dead were evacuated and communities attempted to rebuild in what has essentially become a minefield. Moreover, the technical distinctions between the two types of weapons also began to blur as it became clear that cluster bombs often had a very high technical failure rate—leaving up to 25 percent of each unit of bombs unexploded

³¹*Ibid.*, p. 88.

³²Human Rights Watch and Physicians for Human Rights, *Landmines a Deadly Legacy*, New York, 1993, p. 17.

³³*Ibid.*

and scattered throughout former target areas. These unexploded bombs tended to function exactly like AP mines—detonating when contacted by a person days, months or even years after they had been deployed. The enthusiasm with which the US Air Force used scatterable AP mines in Vietnam generated a ‘blow-back’ effect for American soldiers on the ground. North Vietnamese forces frequently used stolen US mines against American soldiers and, given the fluid nature of the war, American forces often found themselves falling victim to mines deployed by their own Air Force. Indeed, landmines were often the most significant threat facing American ground forces—in 1965 mines and booby-traps accounted for almost 70% of U.S. Marine Corp casualties.³⁴

Widespread social revulsion over US conduct during the Vietnam War, particularly in Europe, fuelled renewed political interest on the part of several states in seeking further developments in the laws of war. For example, the 1968 Tehran International Conference for Human Rights adopted a resolution calling upon the UN General Assembly to request the UN Secretary-General to examine “the need for additional humanitarian international conventions or for possible revisions of existing Conventions to ensure better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare.”³⁵ The public conscience had once again been engaged. This time by images of what appeared to be unrestrained

³⁴*Ibid.*, p. 18.

³⁵Resolution XXIII, “Human Rights in armed conflicts,” *International Conference on Human Rights*, Tehran, 1968, UN Doc. A/CONF.32/41. The UN General Assembly did ultimately adopt Resolution 2444 “Respect for Human Rights in Armed Conflicts” in 1968 which called upon the Secretary-General to study the issue.

warfare being visited upon a poor country by a superpower. As the custodian of IHL, the ICRC felt compelled to act. The ICRC argued in its report to the 1969 21st International Conference of the Red Cross that in its view, “belligerents should refrain from using weapons: of a nature to cause unnecessary suffering; which on account of their imprecision or their effects, harmed civilian populations and combatants without distinction; and, whose consequences escaped from the control of those employing them, in space or time.”³⁶

Flowing from its 1969 report, the ICRC convened a Conference of Governmental Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict. It was at the second session of this conference in 1972, that Sweden led a group of 18 other governments in asking the ICRC to convene a separate expert meeting to explore possible bans or restrictions on certain weapons “that may cause unnecessary suffering or have indiscriminate effects.”³⁷ Representatives from a total of 21 states as well as the UN, ICRC and various NGOs such as the Quakers and the Stockholm International Peace Research Institute attended the series of two meetings in 1973. Notably absent was the United States, which refused to participate in the meeting. The official report of 1973 ICRC Experts Meeting made the following ground-breaking observation:

The prohibition of indiscriminate warfare relates more often to methods of warfare and methods of using weapons than to specific weapons *per se*. All

³⁶Reproduced in Maslen, p. 20.

³⁷Maresca and Maslen, p. 19. Prokosch notes that Sweden’s own experts had developed possible language for a total ban on anti-personnel mines. Prokosch, p. 148.

weapons are capable of being used indiscriminately. This is not, of course, sufficient ground for prohibiting their use in armed conflicts, but a ground for prohibiting such type of use. However, in some cases weapons may be indiscriminate by their very nature. Moreover, in some other cases the normal or typical use of weapons may be one which has indiscriminate effects.³⁸

This was strong language with significant implications for the future development of IHL. It also proved to be controversial to the point that the ICRC decided that discussions on prohibitions of specific weapons would not be included in the documents that would form the basis for discussions at the 1974-1977 Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable to Armed Conflicts. In the end, it was the 22nd International Conference of the Red Cross in Tehran in November 1973 and later the 1973 General Assembly of the UN that continued to press the Diplomatic Conference to “seek agreement on rules prohibiting or restricting the use of such weapons ... that may be deemed to cause unnecessary suffering or have indiscriminate effects.”³⁹ However, the 1974-1977 Diplomatic Conference dodged the ban issue by establishing an Ad Hoc Committee on Conventional Weapons under the auspices of the ICRC.

Given the results of the 1973 ICRC Experts Meeting, it was not surprising that the US decided to participate in the follow-up meeting, the Conference of Governmental Experts on the Use of Certain Conventional Weapons, held in Lucerne 24 September to 18 October, 1974. Representatives from 49 states, six national liberation movements and several IOs/NGOs attended the meeting which used key sections of the 1973 ICRC paper

³⁸Maresca and Maslen, p. 24.

³⁹UN General Assembly Resolution 3076 (XXVIII), 6 December 1973.

as the basis for discussions, including the section on delayed action weapons (landmines).⁴⁰ While not widely acknowledged as such, the 1974 meeting was a certainly a turning point in international efforts to ban landmines. For the first time, a number of states were willing to go on the record in favour of a ban on certain types of AP mines. Sweden arrived at the conference with a proposal supported by six other states (Egypt, Mexico, Norway, Sudan, Switzerland, and Yugoslavia), to ban several anti-personnel weapons used by the US in Vietnam, including cluster bombs and AP mines delivered by air.⁴¹ While the Swedish proposal was consistent with the belief that some weapons simply “were indiscriminate by their very nature,” it was not an analysis of the landmines problem shared by the US, or several of its NATO allies such as the UK who worked hard to tackle the arguments developed by the pro-ban forces. In fact, the official record of the 1974 Expert meeting revealed the contours of the debate that would animate the landmine debate for years to come. Mine ban advocates argued that AP mines are “inherently indiscriminate” and “ought to be banned.” Opponents to the ban idea argued that a ban on AP mines “was both impracticable and unjustified, as the weapons could be used in ways that would be neither indiscriminate or perfidious.”⁴² Further complicating matters was the view expressed by several delegations that efforts to seek a total ban on any weapon should be taken up within disarmament fora rather than through further IHL

⁴⁰*Ibid.*, p. 52. Non-state participants included representatives of the UN, ICRC, the International Red Cross and Red Crescent Movement, the Stockholm International Peace Research Institute (SIPRI) and the Friends World Committee for Consultation (Quakers).

⁴¹Prokosch, pp. 149-150. Years later three of these seven states (Mexico, Norway and Switzerland) would be members of the Ottawa Process ‘core group.’

⁴²“Report of the Lucerne meeting of the Conference of Government Experts on the Use of Certain Conventional Weapons, 24 September-18 October 1974,” reproduced in Maresca and Maslen, p. 59.

developments. In the end, these and other technical differences between experts were noted and it was simply agreed that the group would meet again in 1976.

By the time government experts had reconvened in Lugano in January 1976, the Vietnam War had ended and the willingness of the Swedish group to continue to press for a ban appeared to have disappeared. While the Swedish proposals remained in play, momentum for action on landmines was quickly absorbed by discussions over a set of proposals, drafted by the UK delegation and supported by France and the Netherlands, that sought to regulate the continued use of mines.⁴³ However, expert representatives failed to reach substantive agreement in approaches on specific weapons, despite the fact that the UK/France/Netherlands approach had attracted fairly widespread interest and support. In June 1977 the Diplomatic Conference itself reached agreement to recommend to the UN General Assembly that a separate conference be convened to consider prohibitions or restrictions on the use of specific conventional weapons. UN General Assembly resolution 32/152 of 19 December 1977 called for a UN Conference in 1979 to be preceded by preparatory conferences, with the mandate to reach “agreements on prohibitions or restrictions on the use of specific conventional weapons.”

The United Nations Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have

⁴³Report of the Lugano meeting of the Conference of Government Experts on the Use of Certain Conventional Weapons, 28 January-26 February 1976, reproduced in Maresca and Maslen, pp. 60-89.

Indiscriminate Effects (hereafter the 1980 CCW), completed its preparatory work in Geneva in August-September 1978 and March April 1979. Formal negotiations took place over the course of two sessions in Geneva, 10-28 September 1979 and 15 September to 10 October 1980. In the end the 1980 CCW process yielded three separate protocols. Protocol I banned the use of weapons which produced fragments that could not be detected by X-rays. Protocol III, *inter alia*, banned the use of incendiary weapons from the air. Largely based upon the 1976 UK/France/ Netherlands proposals, Protocol II (Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices), prohibited the indiscriminate use of landmines, restricting their use near populated areas and provided rules regarding remotely delivered mines as well as the marking of mined areas in order to protect civilian populations.

Over a decade had passed between the first signs of growing public concern over the indiscriminate use of anti-personnel weapons by the US in Vietnam, and the state codification of rules restricting landmine use. Examples of the social codification of public concern over such weapons included Bertrand Russell's 'War Crimes Tribunal' and developments within the Red Cross movement. The initial reluctance of states to address the anti-personnel weapon issue effectively stalled early norm entrepreneur efforts on the part of the ICRC. The end of the Vietnam War and the willingness of the international community to bounce the anti-personnel weapons issue back and forth between expert meetings and formal diplomatic processes tended to disperse social pressures to advance the ban agenda. In the end, ICRC and state generated pressure for a

ban was diverted by the search for consensus towards a rules-based approach. On the surface, this appeared to be the outcome one would have expected from the constellation of identities and interests within the 1980 CCW process. However, in reviewing the documents from this period, one cannot help but be surprised by the near total lack of substantive material evidence produced by either side to support their respective positions. Over the course of what would total nearly six months of expert as well as formal diplomatic meetings spread over nearly a decade, there would appear to be not a single effort undertaken to examine patterns of actual landmine use in the field. In the absence of material evidence, the knowledge practices deployed by each side in this issue yielded what would could probably have been expected—a ground breaking debate about the theoretical basis for a ban followed by months of a grinding search for common ground most notable by the absence of any connection to the real impact of landmines in real communities in the real world.

Thus, as the diplomats worked toward the 1980 CCW end-game, they may have been surprised by what was going on outside Geneva. Doctors working with Handicap International in Cambodian refugee camps in Thailand were struggling to provide medical assistance to the first of what they estimated to be more than 10,000 Cambodian amputees—the majority of which were victims of landmines.⁴⁴ Just three years after the Landmine Protocol formally entered into force, Americas Watch would document the

⁴⁴Handicap International, *Handicap International's Involvement in the Landmines Campaign*, 18 May 1993.

indiscriminate use of landmines in El Salvador and Nicaragua as “a significant cause of civilian casualties in both countries.”⁴⁵ The world was experiencing a new wave of landmine material practices that would prove to be far more deadly and widespread than those witnessed during the Vietnam war. Landmine production and use was going global.

The Global Crisis of Landmines

Based largely on models developed in the United States, the Soviet Union and China, the 1960s, 1970s, 1980s, and 1990s saw the mass production of a new generation of smaller and lighter fragmentation, blast and scatterable blast AP mines. Exhaustive research by the *Landmine Monitor* coalition indicates that a total of 54 states produced mines during this time-frame and of this number 34 exported mines.⁴⁶ Within this group, *Landmine Monitor* estimates that a total of 12 can be considered the ‘biggest producers and exporters over the past thirty years.’ Chart 2.1 below lists the total number of mine producing states as of the early 1990s prior to the emergence of widespread public

⁴⁵Americas Watch, *Land Mines in El Salvador and Nicaragua*, December 1986, p. 1. The 1980 CCW Landmine Protocol entered into force on 2 December 1983.

⁴⁶*Landmine Monitor Report 1999*, pp. 7-8.

State Producers and Exporters of Anti-Personnel Mines (as of early 1990's)

Albania	Columbia	India	Pakistan	Switzerland
Argentina	Croatia	Iran	Peru	Taiwan
Austria	<i>Czech Republic</i>	Iraq	Philippines	Thailand
<i>Belgium</i>	Cuba	Israel	Poland	Turkey
<i>Bosnia</i>	Denmark	<i>Italy</i>	Portugal	Uganda
Brazil	Egypt	Japan	Romania	<i>United</i>
<i>Bulgaria</i>	Finland	North Korea	<i>Russia</i>	<i>Kingdom</i>
Burma	<i>France</i>	South Korea	Singapore	<i>United States</i>
Canada	<i>Germany</i>	Netherlands	South Africa	Vietnam
Chile	Greece	Nicaragua	Spain	FR Yugoslavia
<i>China</i>	<i>Hungary</i>	Norway	Sweden	Zimbabwe

Chart 2.1. Source: International Campaign to Ban Landmines, *Landmine Monitor Report 1999*, Human Rights Watch, 1999. AP mine exporters within this group are highlighted in bold. The largest 12 producers and exporters are highlighted in italics.

concern regarding the landmine issue. It is more difficult to reconstruct the landmine production and export picture from China and Russia. Each produced millions of simple and low cost anti-personnel mines that appear to have been exported in large quantities through their foreign military aid programs. The impact of their efforts is probably most accurately measured by the fact that the Chinese Type 72 and the Russian PMN are the mines most frequently found in the world's most severely mined states.

Italy had the distinction of being one of the most aggressive exporters of mines—probably as a result of having three companies that specialized in landmine products and which actively sought export contracts as well as opportunities to license

overseas production of mines.⁴⁷ However, whereas Italy tended to ‘sell’ mines at albeit low market rates, it was not uncommon for China, Russia and the United States to provide mines as part of largely military ‘aid’ packages – making them virtually free. The practical impact of providing millions of virtually ‘free’ mines through military aid programs was somewhat predictable. Over 100 countries were maintaining national stockpiles of AP mines.⁴⁸ Tens of millions of these mines found their way into a number of armed conflicts that simmered on the fringes of the Cold War, with the first patterns of extensive use of these new AP mines being generally traced to the mid to late 1970s and early 1980s—Afghanistan (1979), Angola (1975), Cambodia (1978), El Salvador (1980), Mozambique (1976), and Somalia (1985).⁴⁹

Large scale landmine use generated relatively unique patterns of social and economic impacts in each mine affected country. Intensity of mine use, victim/survivor rates, the degree to which civilian populations were affected, the success of local adaptation strategies, and the availability of international assistance were but some of the factors that influenced the ‘impact’ of landmine contamination within each country. Yet it would take some time for the true extent of this impact to become known. Victims would be claimed a few at a time in isolated incidents and often in isolated areas. Some victims would make it to medical help while many others would not. By the early 1990s a general picture of landmine contamination in dozens of countries began to emerge,

⁴⁷*Ibid.*, p. 122.

⁴⁸*Ibid.*, p. 11.

⁴⁹A concise history of patterns of landmine use in each of these countries can be found in *Landmine Monitor Report 1999*.

prompting Human Rights Watch to claim in the very first line of its 1993 book

Landmines: A Deadly Legacy that “there is no doubt of the landmine crisis.”⁵⁰

Landmines were claiming thousands of lives and limbs, and a significant number of mine victims were civilians. A more detailed 1994 analysis indicated that well over 70 states were affected, to some degree, by landmine contamination. Of this number, a total of 38 were considered to be severely or moderately affected by mines.

Mine Affected States—States with mine incidents as of 1995				
Severely Affected (17)	Vietnam	Mauritania	Costa Rica	Moldova
		Morocco	Cyprus	Namibia
	Moderately Affected (21)	Rwanda	Cuba	Netherlands
Afghanistan		Sri Lanka	Djibouti	Oman
Angola		Syria	Ecuador	Pakistan
Bosnia	Armenia	Tajikistan	Estonia	Peru
Cambodia	Azerbaijan	Yemen	Germany	Philippines
China	Burma	Zimbabwe	Greece	Poland
Croatia	Chad		Guinea-	Russia
Egypt	Falklands/	Lightly Affected (45)	Bissau	Serbia
El Salvador	Malvinas		India	Slovenia
Eritrea	Georgia		Jordan	Thailand
Ethiopia	Guatemala	Austria	Latvia	Turkey
Iraq	Honduras	Botswana	Libya	South Korea
Kuwait	Iran	Belarus	Lithuania	Ukraine
Mozambique	Israel	Belgium	Luxemburg	
Nicaragua	Laos	Bulgaria	Malawi	
Somalia	Lebanon	Chile	Malaysia	
Sudan	Liberia	Columbia	Mexico	

Chart 2.2. Sources: United Nations, *Assistance in Mine Clearance: Report of the Secretary-General*, 20 September 1994. United States Department of State, *Hidden Killers 1993*, *Hidden Killers 1994*.

⁵⁰*Landmines: A Deadly Legacy*, p. 3.

Underscoring the point about the long term lethality of mine contamination, some states were considered to be affected by mines that date back to the Second World War. States such as Cambodia, Laos and Vietnam were still experiencing significant effects of mine contamination dating back to the Vietnam War. Chart 2.2, above, provides an overview of the number of states assessed to be materially affected by mines as of 1995.

Conclusion--Barbaric Machines and Civilized States—Early Landmine Norms, Identities and Interests.

The notion that the conduct of war should be governed by some form of ethical considerations can be found in almost every society in almost every region of the world.⁵¹ Modern IHL is the product of successive efforts to legally codify these socially generated norms of warfare. These codification efforts were often motivated by social reactions to the horrors of war. The sight of thousands of dead and wounded soldiers abandoned on the battlefield of Solferino motivated Henry Dunant to form the ICRC. The horrors of the gas attacks during the First World War generated large scale public activism and further norm entrepreneurship on the part of the ICRC. The indiscriminate use of napalm and anti-personnel weapons by American forces in Vietnam stimulated further developments within IHL. From their first systematic use in the American Civil War to their mass production and use in Vietnam, AP mines have also generated social controversy. As this brief genealogy of landmine norms illustrates, successive waves of landmine controversies over the past century have generated corresponding pressures for action.

⁵¹Roberts and Guelff, pp. 3-5

Emboldened by what appeared to be manifestations of the public conscience during the Vietnam War era, norm entrepreneurs, such as the ICRC and the Swedish group, attempted to prohibit AP mines by ‘grafting’ a specific weapon prohibition on to existing principles of IHL, primarily the principle of *distinction*. By the late 1970s these efforts had led to state norm codification negotiations through the CCW process.

Equally pervasive as historical efforts to codify IHL norms have been massive abuses of such norms, as well as aggressive efforts by military authorities to resist specific IHL developments. At times, the fortunes of history have tended to offer advantages to specific identities engaged by IHL issues. The horrors of the First World War clearly facilitated the brief ascendancy of pacifist social forces behind the poison gas prohibition. The disciplines of Cold War bi-polarity tended to shift the advantage to states and their military interests. These disciplines facilitated a shift in process norms surrounding IHL development, manifested in the decision to work by consensus within the CCW negotiations. The end of the Cold War offered new possibilities for IHL development. The decline of the ‘Soviet threat’ gave way to a period of international cooperation to repair the humanitarian collateral damage caused by the Cold War in countries such as Afghanistan, Cambodia, and Mozambique. As Andrew Latham argues, the end of the Cold War also witnessed the reconstruction of central identity of ‘the West’ as the embodiment of standards of ‘civilized’ international behaviour as opposed to those behaviours displayed by ‘rogue states.’⁵² This provided a receptive environment for

⁵²Andrew Latham, 1999, pp. 18.

claims that the use of indiscriminate weapons was an inappropriate behaviour for ‘civilized’ members of the international community. The apparent ‘savagery’ of the patterns of AP mine use in dozens of countries tended to support this discursive construction.

At the end of the Cold War, and in the wake of the 1980 CCW experience, international landmine norms were clearly based upon an understanding that the widespread production, stockpiling and use of landmines was a fully legitimate activity on the part of military forces in over 100 countries. On the surface at least, patterns of production and export of landmines during this period suggested that these norms were supported by military and industrial interests in dozens of states. Highly developed forms of military doctrine governing the use of landmines could also be found in many militaries—particularly in those forces that made up NATO and the Warsaw Pact. In several of these militaries, particularly in the West, this doctrine also included restrictions on patterns of landmine use, such as the effective recording of mine fields, as called for the CCW. Some of these practices could also be found in militaries in the developing world trained in the Anglo-British tradition such as India and Pakistan. Perhaps predictably, indiscriminate mine use was most common in states where respect for other IHL norms was weakest. Thus, significant constraints on later pro-ban efforts to emerge from this time-frame would be the dual claim by military officials that mines remained legitimate weapons of war and that mines were not, by definition, ‘indiscriminate,’ the problem was really the ‘indiscriminate use’ of mines. A secondary and ultimately less

robust constraint would be the interests of defence industries in maintaining domestic as well as international markets for mines, including a new generation of more profitable 'scatterable' mine systems.

Looking at norms of mine use, it is noteworthy that, with the exception of the former Yugoslavia, the states most severely affected by mines such as Afghanistan, Angola, Cambodia and Mozambique were not themselves mine producers. While responsibility for mine use could often be attributed to foreign militaries or non-state actors operating within these countries, this particular dimension of the problem offered a potential opportunity for progress on the issue. It effectively framed the landmine problem as a multilateral/collective action problem largely related to the export of mines. The complexity of the landmine production/export/use nexus clearly suggested that isolated actions would most likely be ineffective. Unilateral restraint by key producers would simply allow other producers to enter the market. From the mine affected states' perspective, unilateral restraint with respect to use by government forces, while helpful, would not address the fact that some exporters were not opposed to providing mines to non-state actors.

While the immediate legacy of the 1980 CCW landmine norms appeared to be one of failure, its normative impact would continue to be felt for some time. Described in the early 1980s by the ICRC as "the completion of a significant phase in the evolution of international humanitarian law," for better or worse, both in terms of substance as well as

process, the 1980 CCW experience would clearly shape the terrain of subsequent ban efforts.⁵³ On the positive side the CCW process would succeed in bringing a poorly defined ‘delayed action weapon’ into sharp focus within IHL—providing the first broadly negotiated technical definition for a landmine as well as an analysis of why they were of concern. The important IHL concepts of *distinction*, *proportionality* and *unnecessary suffering* would also be provided with greater precision—providing important innovations in the knowledge practices related to mines that could be exploited by later pro-ban forces through the process of ‘norm grafting.’ The CCW process would further reinforce the role of the ICRC in the development of IHL, providing critical continuity on the landmine issue that would benefit later ban efforts. It is also noteworthy that the CCW provided the criteria by which its own success would be judged. It acknowledged that the indiscriminate use of landmines could adversely affect civilian populations and asserted that the solution was compliance with a set of specific rules regarding their use. Years later, a new generation of ban advocates would be able to point to the CCW experience and note that the ‘restricted use’ approach had been tried and proved to be a failure.

An arguably more negative legacy of the CCW experience would be its approach to decision-making. In the absence of an explicit rule of procedure regarding decision-making, the CCW began working on the basis that ‘a general consensus’ would be

⁵³Yves Sandoz, “A New Step Forward in International Law: Prohibitions or Restrictions on the Use of Certain Conventional Weapons,” *International Review of the Red Cross*, 220, January-February 1981, p. 16.

required on all substantive issues. While this was consistent with similar practices within the United Nations, it was a significant departure from earlier IHL process norms. With respect to the specifics of the 1980 CCW process itself, the consensus approach had the effect of masking deeper differences between states structured by disarmament and security versus humanitarian approaches to the landmine issue. In the words of one ICRC observer, the “indecisive and complex character of the rules adopted” made the CCW Landmines Protocol “a typical offspring of the arranged marriage between military necessity and humanitarian imperatives, a union which has produced the whole of international humanitarian law.”⁵⁴ In the end, however, while the conflict between disarmament and security versus humanitarian approaches to the landmine issue were never fully resolved within the CCW process, the mere fact that the first international instrument which dealt with landmines fell within the tradition of IHL offered a powerful opportunity to pro-ban forces that recognized the importance of casting the issue as an humanitarian crisis.

⁵⁴*Ibid.*, p. 13.

CHAPTER THREE—STOPPING THE COWARD’S WAR—THE SOCIAL CODIFICATION OF THE MINE BAN AGENDA

Three years ago in Afghanistan I was with a group of villagers from Paktia who found the remains of a ten year old shepherd on a mountain track. It was bitterly cold, he had stood on a Soviet mine which blew off his foot and lower leg – the ground about his body was still dark, the earth discoloured where he bled slowly to death watched only by his grazing goats. A ten-year old child—surely this must be a human rights issue.¹

Introduction

Landmines, by design and through patterns of use, take their victims one or more at a time in some of the most remote parts of the world. Many landmine victims are often not recorded as such since they die before reaching medical assistance. Many of those that do receive medical care are simply recorded as ‘war wounded.’ Populations forced to live in and near mined areas are often the poorest in the world’s most impoverished and isolated states. In the midst of civil wars, grinding poverty and chronic disease it is often difficult to distinguish the social and economic impact of landmines from broader and frequently more severe problems. Thus, the progressive contamination of dozens of countries with landmines during the 1970s and 1980s would remain largely invisible to the international community. Indeed, the tragic death of the Afghani shepherd boy described above would have failed to have had any impact on the landmine issue if not for Rae McGrath, then Director of the UK based NGO Mines Advisory Group and one of the first mine ban campaigners. Three years after he discovered the boy’s body, McGrath

¹Rae McGrath, “Collateral Damage: Anti-Personnel Mines A Human Rights Perspective,” Statement to Handicap International, Brussels, 6 March 1992, p. 3.

would recount the story of how he fell victim to a landmine and died alone to members of the European based NGO Handicap International—a group that became one of the founding members of the International Campaign to Ban Landmines.

This chapter examines the interplay of norms, identities, interests and policies within the landmine issue from September 1991 to September 1995, a period which begins with the first steps towards the formation of the ICBL, and ends on the eve of formal multilateral negotiations within the 1995-1996 CCW process. Specifically, it traces the way in which the landmines crisis engaged the identities and interests of four distinct sets of international actors, motivating them to take action to address the root causes of the crisis. For a number of NGOs, such as Human Rights Watch, Physicians for Human Rights, Handicap International, the Mines Advisory Group, Medico International, and the Vietnam Veterans of America Foundation, the landmine crisis engaged their identities/interests as providers of humanitarian medical assistance, mine clearance services, and as organizations dedicated to documenting and advocating against human rights violations. Their revulsion over the human suffering caused by landmines prompted them to become 'norm entrepreneurs' seeking, through the formation of the ICBL, radical changes in existing international landmine norms. A second set of actors engaged by the landmine crisis could be found within the United Nations system. Landmine contamination had become a serious threat to the success of a number of UN operations in countries such as Afghanistan and Cambodia. Thus, the problem immediately engaged the interests of the UN Department of Peacekeeping Operations (UNDPKO) as well as the UN Department of Humanitarian Affairs (UNDHA). The

threat landmines presented to children and to refugees also quickly engaged the interests of the United Nations Children's Fund (UNICEF) and the office of UN High Commissioner for Refugees (UNHCR). UNICEF became the first major international organization to join forces with the ICBL in supporting the ban agenda. By mid-1994, the UN Secretary-General, UNDHA, UNHCR, and UNDPKO had also joined the drive for an AP mine ban.

A third set of actors engaged by the landmine crisis was the ICRC, which quickly recognized widespread landmine contamination as a direct threat to its identities/interests as a provider of medical services in war zones, as a humanitarian relief organization, and as the recognized custodian of international humanitarian law (IHL). An even more proximate engagement with the landmine issue was the ICRC's central role within the CCW negotiations. It began documenting the impact of landmines, as well as consulting international experts on the options for addressing the mine problem. By early 1994 it had come to view landmines as an 'epidemic' which could only be brought under control by the kind of early 'preventative' approach the ban agenda recommended. The final set of actors engaged by the landmine issue were the states themselves. As producers and users of mines on the one hand, and supporters of international humanitarian law and UN operations on the other, their identities/interests with respect to landmines were somewhat mixed. Thus, while it was impossible for states to ignore the severity of the landmine crisis, it was also difficult for many states to initially support a total ban agenda.

As we saw in Chapter Two, the international environment, within which these sets of actors encountered the landmine crisis, was structured by earlier patterns of landmine production, export and use, as well as developments within IHL with respect to landmines. The human carnage caused by widespread mine use appeared to deeply offend the public conscience, and with the passing of the Cold War, it seemed possible that humanitarian considerations might enjoy more influence on state behaviours.

Deeper IHL structures such as the concepts of *distinction*, *proportionality*, and *unnecessary suffering* suggested that existing landmine norms were also at odds with the general trajectory of IHL development. However, 1980 CCW Landmine Protocol appeared to confirm the legitimacy of landmines, and its approach to decision-making, via the search for consensus, suggested that dramatic progress towards the ban was unlikely even if states could be forced to review its provisions.

Against this backdrop of constraints and opportunities offered by early landmine norms, this chapter examines how the identities and interests of the four sets of actors mentioned above interacted with the landmine phenomenon to generate international action on the landmine ‘issue.’ It will argue that this action took the form of a conscious effort on the part of the ICBL to get the landmine issue on the international agenda, while simultaneously generating normative demands that AP mines be banned. These normative demands were structured by efforts to seek the social stigmatization of AP mines by ‘grafting’ the idea of a mine ban on to existing weapons taboos surrounding chemical and biological weapons. Those who used weapons which were so clearly horrific and indiscriminate in their effects were to be ‘shamed’ into halting such

activities, and earlier weapon's taboos suggested it was entirely possible to ban the use of these weapons entirely. Over time, the ICBL's normative demands began to resonate with the identities and interests of other actors engaged by the mine issue. This began the generation of what I argue was the first wave of international normative development within the mine ban agenda. This normative development began as a civil-society phenomenon, as more organizations joined the ICBL, and as the ICBL actively lobbied actors within the UN system as well as the ICRC. These efforts set in motion countless social norm codification efforts, as a growing cast of non-state actors agreed to support the ban agenda and actively advocate on its behalf. Evidence of the growing political influence of these social codification efforts was provided by the fact that the landmine issue was rapidly placed in the international agenda and, as state codification/negotiation of a new set of landmine norms began, a total of 18 medium and small sized states had already publically declared themselves 'pro-ban.'

'A Weapon of Mass Destruction in Slow Motion'—Landmines and the Identities and Interests of the ICBL

Human Rights Watch (HRW) is a US based NGO dedicated to the documentation of human rights violations and bringing abusers of human rights to justice. Physicians for Human Rights (PHR) is also a US based NGO dedicated to the protection of human rights through the application of medical skills to health consequences of human rights abuses. Mines Advisory Group (MAG) is a UK based mine clearance NGO which helps communities deal with landmine contamination. Thus, it was not entirely surprising that these organizations, by virtue of who they were, had sent researchers to Cambodia during

early 1991 to investigate and document reports of the widespread loss of civilian lives and limbs to landmines. Their findings were published in September of 1991 in a report entitled *Land Mines in Cambodia: The Coward's War*, a report that is recognized as the origin of the 'ban movement' by the ICBL.² *Land Mines in Cambodia* documented a very disturbing picture of the social and economic impact of landmines on a country that was already infamous for its 'killing fields.' It assessed that the indiscriminate use of millions of landmines in Cambodia had produced at least 6,000 Cambodian amputees in 1990 alone.³ Moreover, data collected from hospitals in Cambodia and along the Thai border during 1990 and the first three months of 1991 indicated that landmines "had injured more combatants and noncombatants than any other weapon."⁴ Of those injured "over half were civilians, including a significant number of women and children."⁵

Land Mines in Cambodia generated widespread concern over the 'landmine issue.' As scholars have observed, as a pedagogical phenomena, 'issue generation' is most effective if the description of the problem at hand is matched by a suggested solution.⁶ This was certainly the approach taken by *Land Mines in Cambodia*. It bluntly asserted that the 1980 CCW Landmines Protocol had failed to prevent massive civilian casualties due to

²Asia Watch and Physicians for Human Rights, *Land Mines in Cambodia: The Coward's War*, September 1991. These researchers included Eric Stover, Consultant to HRW and PHR, Rae McGrath, MAG Director, and Dr. James C. Cobey an American Red Cross consultant.

³*Ibid.*, p. 2.

⁴*Ibid.*, p. 96.

⁵*Ibid.*

⁶Finnemore, 1996. Price 1998.

landmines, and called upon the UN and the ICRC to “consider an unconditional ban on the manufacture, possession, transfer, sale and use of landmines and other devices that detonate on contact in all international and internal conflicts.”⁷ Viewed as a set of knowledge practices, *Land Mines in Cambodia* was highly effective in ‘framing’ the key issues within the emerging landmine discourse. Detailed field research left little doubt that, the 1980 CCW Landmines Protocol notwithstanding, landmines were being used ‘indiscriminately’ in large numbers with terrible consequences for civilian populations. Landmines were thus a ‘humanitarian’ problem as much as a security issue. *Land Mines in Cambodia* also offered the assessment that while a law banning landmines might not immediately halt their use, “it would stigmatize them in much the same way that chemical weapons are now vilified.”⁸ Ultimately, history would take the landmine issue on a different course. *Land Mines in Cambodia* had begun the process of stigmatizing landmines within the public conscience, and only after this process had been firmly established would states be compelled to ban the weapon.

The *Land Mines in Cambodia* formula of field research on the indiscriminate effects of landmines, coupled with a call for a ban, would be reproduced several times over the next two years with equally provocative titles. *Hidden Death: Land Mines and Civilian Casualties in Iraqi Kurdistan* would be published by Middle East Watch of HRW in October 1992. *Hidden Enemies: Land Mines in Northern Somalia* was published by Physicians for Human Rights in November 1992. *Landmines in Angola* was published

⁷*Land Mines in Cambodia*, pp. 102-103.

⁸*Ibid.*

by Africa Watch of HRW in January 1993. By October of 1993, HRW and PHR had published the ground breaking *Landmines: A Deadly Legacy*, a complete book on the landmines issue that integrated the results of the earlier reports into a comprehensive picture of landmine production and use and the terrible consequences of such activities for civilian populations. *Landmines: A Deadly Legacy* described landmines as “A Weapon of Mass Destruction in Slow Motion.”⁹

A measure of the degree to which these advocacy efforts resonated with public opinion is provided by the remarkable media attention they attracted, largely in the United States and Europe. Much of this initial coverage clustered around the fall of 1993 in reaction to the publication of *Deadly Legacy*, as well as the US initiative at the UN to ban the export of anti-personnel mines. The titles and placement of the most notable print coverage from this period speaks volumes about the contribution of the media to the effort to stigmatize landmines, for example:

“Land Mines: The Devil Seed,” *Time International*, 13 December 1993, (cover story).

“The Invisible Enemy,” John Ryle, *The New Yorker*, 29 November, 1993.

“End the Grim Harvest,” Jan Eliasson, UNDHA, *New York Times*, Op-Ed, 22 October, 1993.

“100 Million Infernal Machines,” *The New York Times*, Editorial, 29 November, 1993.

“It’s the Little Bombs that Kill You,” Donovan Webster, *New York Times Sunday Magazine*, 23 January 1994, (cover story).

⁹The Arms Project of Human Rights Watch and Physicians for Human Rights, *Landmines: A Deadly Legacy*, New York, Human Rights Watch, 1993, p. 3.

“Mass Murder in Slow Motion,” *The Economist*, 27 November, 1993.

Television coverage of the landmine issue during this period was equally widespread and generally of the same tone. Significant coverage included full scale documentaries in France (based on *Land Mines In Cambodia*), the UK and the US. Lengthy interest items appeared in Australia, France, Sweden, the UK and US.

As Richard Price’s work on the AP mine prohibition argues, *Land Mines in Cambodia, Deadly Legacy*, and the media coverage that reproduced their core messages, were examples of how ban advocates were able to generate normative resonance between the mine ban agenda and existing weapons taboos by comparing the qualities of AP mines with the characteristics of chemical and biological weapons.¹⁰ These efforts to stigmatize AP mines through their association with the horrors of widespread and indiscriminate violence were not at all subtle. Those who used such weapons appeared to stand accused of ‘mass murder,’ ‘cowardice,’ or even being allied with the ‘devil.’ Less dramatic, but equally effective, were the efforts to associate landmines with direct threats to individual and public health, providing resonance with the public’s “dread” of major health threats.¹¹ Moreover, these were threats that were ‘invisible.’ AP mines were ‘hidden killers’ lying beneath the ground waiting to randomly ambush the innocent. From a sociological perspective, one’s natural desire not to be associated with, or a victim of,

¹⁰Price, 1998a, pp. 627-631.

¹¹*Ibid.*, p. 627.

cowardly acts of mass murder logically led one to consider taking action on the landmine issue.

Cambodia's Prince Norodom Sihanouk received a copy of *Land Mines in Cambodia* and took action. The HRW report was reportedly influential in encouraging the Prince to call for a ban on landmines during his UN address on the signing of the Cambodian peace agreement.¹² Key founding members of the ICBL would later argue that *Land Mines in Cambodia* was instrumental in shaping their views of the landmine problem and the corresponding ban solution. For example, Robert (Bobby) Muller, President of the Vietnam Veterans of America Foundation (VVAF) noted that it was the report as well as Prince Sihanouk's calls for a ban that "propelled us to begin our campaign and take the position of a complete ban."¹³ A translated version of *Land Mines in Cambodia* would form the centre-piece of Handicap International's 'Stop the Coward's War' campaign in early 1992. Copies were also circulated by HI to all French and Belgian national legislators, as well as members of the European Parliament, in part at least—prompting the passage of the European Parliament's landmine resolution in December 1992.

The Social Construction of the ICBL

¹²Comments by Aryeh Neier, Executive Director, HRW, "Record of the 6 October 1992 meeting of the founding members of the ICBL," p. 6, Jody Williams' Files.

¹³Comments by Bobby Muller, Vietnam Veterans of America Foundation, *Ibid.*, p. 7.

Of course, the ultimate goal of the ban agenda was the reproduction of a stigmatization-based communications strategy on scale capable of stimulating international action.

While HRW and PHR were the first to publicly call for a landmine ban, it was the VVAF that took the first steps towards building a ban coalition with the capacity to put the ban idea on the international agenda. The VVAF had opened a prosthetics clinic in Cambodia in mid-1991, and was rapidly becoming all too familiar with the landmine problem. The decision to explore the idea of a landmine ban campaign emerged from a meeting in late November in Washington between VVAF President Bobby Muller and Thomas Gebauer, the head of Medico International (MI), a German medical relief NGO and one of VVAF's field programming partners. It was Gebauer who suggested to Muller that he consider hiring Jody Williams to explore the campaign idea. Williams had worked in partnership with MI in El Salvador through her parent organization Medical Aid for El Salvador, an NGO supported by prominent American 'liberals' concerned about the welfare of civilians caught in the cross fire in the El Salvadorian war.¹⁴

Williams agreed to take three months to explore options for a landmines campaign, including the possible formation of an advisory board and a conference to 'kick off' the larger campaign.¹⁵ One of the first outreach calls made by Williams was to Eric Stover at Asia Watch, one of the authors of *Land Mines in Cambodia*. Stover provided Williams

¹⁴Jody Williams, "The History of Medical Aid for El Salvador," undated Fact Sheet, Jody Williams' Files.

¹⁵Jody Williams, "Thoughts/Questions on Land Mines Campaign," Memorandum to Bobby Muller, VVAF, 25 November 1991, Jody Williams' Files.

with a wealth of background information, as well as suggesting calls to individuals and organizations that would later play significant roles within the ban movement such as Rae McGrath of MAG, Tim Rieser in Senator Patrick Leahy's office, Aryeh Neier from HRW and Susannah Sirkin at PHR.¹⁶ Williams followed through on Stover's leads and made dozens of other calls as well. The most common reaction to her efforts was a willingness to support the ban campaign idea if someone was willing to take the lead in getting it off the ground.¹⁷

The first and most obvious questions confronting Williams were those related to the idea of the campaign itself. What would the campaign be called, and what would be its objectives? Who should participate? How would the campaign be organized? What strategies and tactics should be adopted? Williams struggled with these issues for months through a massive number of outreach letters and face-to-face consultations with a range of individuals and organizations including US legislators, the UN, the ICRC and a host of NGOs. By April of 1992, on the eve of an outreach trip to Europe, thinking at VVAF had begun to solidify behind the idea of a "campaign to ban land mines"¹⁸ and the formation of a working group that would enable each organization within the campaign to "work with its particular constituency in its own way to contribute to the process to the

¹⁶Jody Williams, "Land Mines Campaign: Update," Memorandum to Bobby Muller, VVAF, 2 December 1991, Jody Williams' Files.

¹⁷Interview with Jody Williams, Fredericksburg, Virginia, 13 February 2002.

¹⁸Jody Williams, "Draft Background Paper," Memorandum to Bobby Muller, VVAF, 9 April 1992, Jody Williams' Files.

fullest extent possible.”¹⁹ Almost at the same time as the VVAF campaign began to take shape, two of the three authors of *Land Mines in Cambodia* were presenting their findings at a conference at the Senate Palace in Paris sponsored by Handicap International to mark the release of the French version of the report.²⁰ It was out of this meeting that HI, MAG and PHR launched their first public call to “Halt the Cowards War,” calling on the United Nations and mine producing states “to make the clearance and destruction of mines an urgent priority in Cambodia and other countries; to respect international law and to control the production, sale, and use of these weapons that kill and maim even in times of peace.”²¹

Upon hearing of HI’s call, Williams immediately contacted HI to describe VVAF’s mine ban initiative and seek more information about HI’s strategy and objectives. One of VVAF’s initial concerns was that HI was actually calling for greater ‘control’ over the production, sale and use of landmines rather than for a total ban on the weapon. This was confirmed by HI, which also noted in their letter of introduction to VVAF, that one of their key objectives was to lobby the French government to call for an “international conference to re-examine and amend the UN Convention of 1981 including the

¹⁹Jody Williams, “Update on Land Mines,” Memorandum to Bobby Muller, VVAF, 25 January, 1992, Jody Williams’ Files.

²⁰Philippe Chabasse notes that McGrath and Stover used the meeting to urge the creation of an NGO network on the landmine issue. Philippe Chabasse, “The French Campaign,” *To Walk Without Fear*, p. 60.

²¹Handicap International, “Stop the Killings in the ‘Coward’s War,’” May 1992.

Landmines Protocol.”²² Although both organizations agreed that greater cooperation between them was essential, neither could really support the other’s core position since HI’s call for greater landmine controls was fundamentally at odds with VVAF’s total ban policy. However, by mid-July a tentative agreement had been reached for a “small meeting” of key organizations in October to discuss “objectives”, “mandates” and “planned actions” with respect to landmines.²³

By mid-August, participation in the planned October meeting seemed to be solidifying around the six organizations that had been actively engaged in the landmine issue for a number of months—HI, HRW, MAG, MI, PHR, and VVAF. Yet the fundamental differences between the HI and VVAF approaches remained, prompting VVAF to make the following observation about the nature of ‘campaigning,’ foreshadowing what ultimately became one of the core organizational strategies of the ban campaign:

If we are to help bring about a ban on landmines, it will happen because this incipient network grows. As it grows, it is also safe to assume that many different types of organizations, with very different mandates and constituencies, will participate in some way or another. I do not think it will be possible to effect the changes we seek unless we can accommodate such a variety and recognize that it will take many forms of pressure to make change.²⁴

Widely viewed as the meeting that launched what would later become known as the ICBL, the 6 October 1992 meeting in the New York offices of HRW brought together all

²²Tim Carstairs, “Letter to Jody Williams,” Handicap International, 19 June 1992, Jody Williams’ Files.

²³Jody Williams, “Letter to Thomas Gebauer,” 20 July 1992, Jody Williams’ Files.

²⁴Jody Williams, “Letter to HRW, PHR, MAG, HI and MI,” 18 August 1992, Jody Williams’ Files.

but two of the coalition partners (MAG and PHR) for a detailed exchange of views on the landmines issue. The meeting also featured presentations from the ICRC as well as the recently formed UN Department of Humanitarian Affairs—both of which recognized the severity of the mine problem but were clearly not at the stage where support for a ban agenda was politically possible. In the view of Mr. Yves Sandoz, veteran of the 1980 CCW process, the short term ICRC strategy would be to push for additional ratifications of the CCW Landmine Protocol since “for the ICRC to announce for a prohibition is not possible, that is not the way we work.”²⁵ For their part, the nascent ICBL coalition had their own ‘political’ issues to deal with. Beyond the controls vs ban split, there remained other potential problems. Whereas MI’s position was to call for a ban “within a general disarmament framework,” HRW’s position was to push “for change in international humanitarian law rather than entering the disarmament field.”²⁶ On general campaign strategy, most groups wanted to focus specifically on a landmine ban while MI wanted public advocacy around the landmines issue to be placed “in the context of the New World Order and not just stop with the issue of landmine production.”²⁷

In terms of possible next steps, HRW announced that it had recently formed “Arms Watch” to bring greater focus to its work on weapons and their relationship to human rights and international humanitarian law. It was also undertaking studies on the impact

²⁵Record of the 6 October 1992 meeting of the founding members of the ICBL, p. 2. Yves Sandoz was the then Director of the ICRC Department of International Law and Relations with the Movement.

²⁶*Ibid.*, pp. 5-6.

²⁷*Ibid.*, p. 9.

of landmine use in Angola and Somalia and actively considering a project to “pull together all the information we have accumulated on mines to set forth in one report the devastating consequences of the use of landmines,” an effort that would yield the seminal *Landmines a Deadly Legacy* volume by mid-1993.²⁸ HI planned to continue lobbying the French government for a review of the 1980 CCW Landmine Protocol, noting that they had enlisted the support of Danielle Mitterand and a range of interested French journalists. VVAF noted its initial success with the Leahy export ban legislation and plans to follow-up with a broader legislative agenda.²⁹ In the end, all expressed support for the idea of expanding the campaign to the ‘South’ as well as the development of plans for an international NGO conference early in 1993 to develop campaign strategy, build the coalition and increase the visibility of the landmine issue.³⁰

Most of the potentially divisive issues that emerged at the 6 October meeting were soon overtaken by events. By early November HI announced that it was now calling for a total landmine ban.³¹ VVAF immediately followed up with the coalition partners asking that they consider supporting a new united call for a ban. By the end of December of 1992 all six organizations had signed on to the now famous “Joint Call to Ban

²⁸*Ibid.*, p. 6. One of the members of the new HRW Arms Project and the *Deadly Legacy* Team was Stephen Goose, who became an influential member of the ICBL core group throughout the CCW and Ottawa Processes, as well as one the key coordinators of the *Landmine Monitor* initiative.

²⁹*Ibid.*, p. 16.

³⁰*Ibid.*, pp. 17-18.

³¹Tim Carstairs, “Letter to Jody Williams,” 12 November, 1992, Jody Williams’ Files.

Antipersonnel Mines” with its three core demands: 1. An international ban on the use, production, stockpiling, and sale, transfer or export of antipersonnel mines; 2. The establishment of an international fund, administered by the United Nations, to promote and finance landmine awareness, clearance and eradication programs worldwide; and, 3. Countries responsible for the production and dissemination of antipersonnel mines to contribute to the international fund.³²

Although now united behind the joint call for a landmine ban, members of the nascent landmines campaign remained free to pursue the ban with strategies and tactics of their own choosing. HRW, PHR, and MAG tended to focus upon the needed for ongoing documentation of the landmine problem. HI continued to work the CCW angle with the French government. VVAF and HRW worked closely with Senator Leahy on US legislative initiatives, as well as with the newly created UN Working Group on Mines and Munitions Clearance (discussed below). The VVAF would also take on the task of continuing outreach efforts as well as preparations for the first international NGO meeting on landmines, scheduled for early 1993. The challenge of developing a sense of momentum and unity of effort was taken on by the VVAF quarterly newsletter *Landmine Update*. With the first issue being produced in December 1992, *Landmine Update* was distributed to all campaigners, providing detailed and timely information on the “country-by-country activities of the ban movement.”³³ Regularized information

³²HI, HRW, MAG, MI, PHR, and, VVAF, A Joint Call to Ban Antipersonnel Mines, December 1992.

³³Williams and Goose, pp. 23-24.

exchanges within the ban campaign soon led to practical cooperation on the ground as each organization became more aware of the strategies, activities and assets of its partners. For example, HI's second major landmine conference on 9 February 1993 brought US Senator Leahy into close contact with officials of the French government—adding additional weight to HI's efforts on the CCW front.

Going Global: The International Social Codification of the Ban Agenda.

As a creation of North American and European NGOs, the emergence of the ban campaign was marked by an almost immediate recognition of the need to expand the geographic scope of its membership. In addition to the day-to-day outreach efforts undertaken by each member of the coalition, the primary vehicle through which the ICBL initially expanded its membership base was a series of international conferences held between 1993 and 1995. Flowing from a decision taken at the 6 October 1992 meeting, the First NGO Conference on Antipersonnel Mines was held in London on 24-26 May 1993. Attracting a total of 40 NGOs from North America and Western Europe, the London Conference marked the official launch of the ICBL.

The London conference established a pattern for subsequent meetings in Geneva and Phnom Penh, that provided general policy direction and governance over the first four years of the ICBL's development. With respect to participation in the campaign, it was decided that "an agreement with the ban call was a minimum for participation in the

campaign.”³⁴ Following considerable debate, it was agreed that the basic call was for a ban on AP mines, although it was felt that this fact did not “have to obstruct the delivery of a clear and simple message to the public, i.e. ban landmines.”³⁵ The meeting agreed that the six founding organizations could continue to function as “an ad-hoc steering group, with the VVAF continuing to coordinate and facilitate communication among all groups in the ongoing development of the campaign.”³⁶ Finally, the meeting took stock of the activities planned by the campaign’s members over the coming months. Gaps in the effort were identified and ‘volunteers’ obtained to tackle key areas such as outreach and technical work needed to prepare for the upcoming CCW process. A preliminary draft of HRW’s *Deadly Legacy* provided the basis for detailed discussions on a number of substantive issues related to the ban agenda.³⁷

Much had changed by the time the ICBL reconvened in Geneva on 9-11 May 1994 for the Second International NGO Conference on Landmines—co-hosted by UNICEF Geneva, which donated most of the administrative and technical support for the meeting. As discussed later in this chapter, the expert meetings of the CCW Process were underway and the US UNGA resolution calling for an AP mine export moratorium had passed with surprising levels of support. UNICEF and the ICRC had joined the call for an AP mine ban. Media interest in the landmine issue was growing, largely due to the

³⁴ICBL, “NGO Conference on Antipersonnel Mines: Report of the Final Plenary Session, London,” 26 May 1993, p. 1.

³⁵*Ibid.*, p. 2.

³⁶*Ibid.*, p. 3.

³⁷Interview with Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

above developments, but also in part at least due to the publication of HRW's *Deadly Legacy* in October 1993. The ban agenda was attracting support and gaining momentum. The ICBL had documented the development of national ban campaigns or nascent ban activism in a total of 11 states (Australia, Canada, Belgium, France, Germany, Ireland, Italy, New Zealand, Sweden, United Kingdom and United States).

In contrast to London, the Geneva conference featured a number of more technical discussions, including more time devoted to issues of mine clearance and victim assistance. For example, consensus developed around the understanding that the campaign was calling for greater support for 'humanitarian mine clearance' characterized by the integration of mine clearance activities with overall humanitarian objectives.³⁸ The working group on victim assistance recommended the inclusion of a specific reference to victim assistance within the ICBL's public 'call.'³⁹ The working group charged with reviewing strategies related to the ban effort undertook a detailed discussion of two issues that were frequently being used by 'the opposition' to dismiss the idea of a ban—the military utility of mines and the 'utopian' nature of the ban idea. While campaigners were encouraged to continue to question the utility of mines, they were urged to focus most of their lobbying efforts on emphasising "the fact that the long-term, human and socioeconomic costs far outweigh any short-term military utility (of

³⁸ICBL, "Second International NGO Conference on Landmines—Report to the Plenary Session—Working Group on Humanitarian Mine Clearance," 11 May 1994, p. 1.

³⁹ICBL "Second International NGO Conference on Landmines—Report to the Plenary Session—Working Group on Victim Assistance," 11 May 1994, p. 3.

mines).”⁴⁰ With respect to the ban agenda it was argued that a total ban would be “much easier to verify and enforce” and that, “regardless of the political and pragmatic feasibility of a ban, the horror and magnitude of the issue compels us to make the effort to achieve a ban.”⁴¹ With respect to the CCW it was noted that it “offered opportunities for the campaign, as a time when governments are forced to ‘put their cards on the table.’”⁴² However, it was also argued that the campaign “should think in the long-term and not over-emphasize the 1995 date.”⁴³ On organizational matters, the working group on ‘Broadening the Campaign’ identified Afghanistan, Angola, Cambodia, China, Bosnia, India, Mozambique, Nicaragua, Pakistan and Sri Lanka as key outreach states.⁴⁴

The third international NGO conference on landmines was held in Phnom Penh Cambodia from 2-4 June 1995. Originally planned as a regional conference, an impressive level of ban campaign mobilization in Cambodia, largely as a result of activism on the part of faith groups such as the Jesuit Refugee Services, convinced the ICBL leadership to upgrade the meeting.⁴⁵ Held just three months before the beginning of the formal CCW negotiations, much of the Phnom Penh Conference was devoted to preparing the over 400 NGO participants for the ICBL’s first opportunity to influence

⁴⁰ICBL, “Second International NGO Conference on Landmines—Report to the Plenary Session—Working Group on Promoting the Ban,” 11 May, 1994 p. 1.

⁴¹*Ibid.*, p. 5.

⁴²*Ibid.*

⁴³*Ibid.*

⁴⁴ICBL, “Second International NGO Conference on Landmines—Report to the Plenary Session—Working Group on Broadening the Campaign,” 11 May, 1994, p. 1.

⁴⁵Interview with Jody Williams, Fredericksburg, Virginia, 13 February 2002.

multilateral negotiations on the landmine issue. The final declaration of the Phnom Penh Conference called upon states participating in the Review Conference to “support nothing less than a total and universal ban on landmines.”⁴⁶ Outreach work through various faith communities paid off when Pope John-Paul II wrote to the Conference calling for “a permanent ban” on AP mines, noting that they “strike indiscriminately and continue to cause unacceptable damage to the civilian population long after the end of hostilities.”⁴⁷ Archbishop Desmond Tutu also wrote to the conference calling for an “unequivocal international ban on the production, sale and use of antipersonnel mines” arguing that the “devastation wreaked by landmines on individual lives and whole countries is not only horrendous but immoral.”⁴⁸ Building upon the obvious resonance of the landmine ban issue within the faith communities, an entire workshop within the conference was devoted to exploring the landmine issue as a moral question. Buddhists, Christians, Jews, and Muslims all noted the need to mobilize their respective communities behind the ban, since “religion has a responsibility for bringing about the transformation of society.”⁴⁹

⁴⁶ICBL, “Final Statement of the 1995 Phnom Penh Conference, The Human and Socio-Economic Impact of Landmines: Towards and International Ban,” 4 June 1995, p. 1.

⁴⁷Message from Pope John-Paul II to the Phnom Penh Conference, undated.

⁴⁸Letter from the Anglican Archbishop of Cape Town, the Most Reverend Desmond M. Tutu to the Phnom Penh Conference, undated.

⁴⁹ICBL, “Landmines: A Moral Issue,” *Conference Daily Banner* (Phnom Penh Conference newsletter), 4 June 1995, p. 1.

The Phnom Penh Conference also saw the development of a new formula for ICBL meetings that would significantly influence ICBL planning for its participation in the meetings of the CCW and Ottawa Processes.⁵⁰ International media attention would be carefully courted and letters of support sought from international leaders. Conference newsletters produced in real time tracked conference developments, as well as a broad range of local events designed to mobilize local support for the ban, such as inter-faith services, video screenings, demining displays and cultural events. The voices of landmine survivors were integrated into events at all levels. The ‘developing the campaign’ sessions of the Geneva meeting were replaced by a series of workshops on ‘advocacy,’ providing a more systematic approach to developing the ‘campaigning’ capacities of the growing cadre of ICBL leaders that could now claim the support of some 350 organizations in over 20 countries. Background materials, suggested talking points and sample press releases were provided for three separate activities—the July 1995 UN Demining Conference, the September 1995 CCW Review Conference and long term advocacy beyond the CCW process. These efforts appeared to be successful, a total of six new national campaigns were launched in the South as a direct result of the Phnom Penh Conference.⁵¹ Numerous capacity building workshops would be held to transfer advocacy skills to new campaigners.

The Identities, Interests and Capacities of the ICBL 1991-1995

⁵⁰Interview with Jody Williams, Fredericksburg, Virginia, 13 February 2002.

⁵¹Williams and Goose, p. 30.

From a social constructivist perspective, understanding the role of the ICBL as a mine ban norm entrepreneur requires an examination of the various identities that comprise the ICBL as well as the ways in which the 'interests' of these identities are engaged by the landmine issue. As argued above, the landmine issue resonated with the founding organizations of the ICBL by virtue of their identities/interests as humanitarian organizations providing medical relief, demining services, and documentation of human rights abuses. By the Phnom Penh conference, the 'issue generation' efforts of the nascent ICBL had succeeded in generating a similar degree of resonance within a much larger group of NGO actors with similar identities/interests. As illustrated in Chart 3.1 below, the majority of organizations that came to populate the ICBL and animate its work globally by mid-1995 were human rights groups or field based humanitarian relief, development, or mine clearance organizations. A highly significant addition to this group were a growing number of faith based organizations (discussed below), that also tended to be engaged in humanitarian relief and development work.

Mandates/Expertise of ICBL Conference Participants 1992-1995				
Mandates/ Expertise	New York Oct 92	London May 93	Geneva May 94	Phnom-Penh Jun 95
Human Rights/ Humanitarian	2	11	8	22
Medical Relief/ Victim Assistance	2	6	7	19
Development/ Social Justice		7	13	63

Mandates/Expertise of ICBL Conference Participants 1992-1995				
Disarmament/ Peace and Security		9	12	16
Mine Clearance		6	9	19
Faith Based		6	9	34
National Mine Ban Campaign			1	6
Children		1	5	9
Totals	4	37	56	175

Chart 3.1. Sources: Participation lists for the above conferences. Please note that the data on faith groups is extracted from the other categories and presented separately (double counted) to highlight their importance.

This particular pattern of participation in the ICBL also tended to reinforce the inclination of the majority of the ICBL's founding members to address the mine issue as a humanitarian problem—casting the ban concept as a progressive development in existing IHL. It also suggests why alternative approaches, such as presenting the issue in a disarmament context, advocated by Medico International at the 6 October 1992 meeting, failed to attract much support. Patterns of growing participation in the ICBL also suggested dramatic growth in its potential to support a global landmine stigmatization communications strategy. The ICBL normative demands appeared to resonate with a broad range of groups, each with the potential to support the 'social codification' of the ban agenda within their respective communities. Dozens of sets of

NGO leaders in 20 countries had considered the merits of the ban idea, its resonance with the values and mandates of their organization, and had decided to support the ICBL's ban call. Moreover, many of the new ICBL supporters were themselves already significant international actors, which combined programming in mine affected states with large networks of governmental and private sector donors in the developed world. Many of these organizations began undertaking or coordinating domestic advocacy efforts, producing materials aimed at lobbying their government on the ban issue. Many would also be able to contribute, at no cost to the ICBL, human as well as organizational resources to organize conferences and public events, lobby governments, and conduct media outreach. These were organizations such as Radda Barnen, World Vision, Lutheran World Federation, Christian Aid, Pax Christi, Jesuit Refugee Service, Oxfam, Norwegian Peoples Aid, CARE, Emergency, Mennonite Central Committee, Greenpeace, Misericordia, and the European Network Against the Arms Trade. From the humble parish newsletter to massive protest marches, these ban supporters developed thousands of ways in which to turn the codify the ban norms within local languages and images to match local cultural norms.

The fact that many of the ICBL's organizations were also faith based is noteworthy since this dramatically extended the potential communications reach of the ICBL to the tens of millions of members that animated those faith communities. Having priests, ministers and mullahs calling for a ban was of singular importance to the social codification of the ban norms. These groups also played a significant role in mobilizing support for the

campaign from prominent international ‘moral’ leaders such as Pope John-Paul II, Archbishop Desmond Tutu, and the Dalai Lama—all significant advantages to efforts to ‘graft’ the concept of a landmine ban onto the ethical foundations of IHL. The participation of children’s rights groups such as Save the Children, Radda Barnen, and UNICEF were also important in this regard. Equally noteworthy was the growth of ICBL affiliated country campaigns between 1994-1995. Many of these groups were themselves, coalitions of national NGOs. For example, Mines Action Canada, the UK Working Group on Landmines, the New Zealand Coalition Against Landmines and the Italian Landmines Campaign could rely upon dozens of humanitarian, development, peace, environment, faith, labour and social justice groups to enhance their domestic ‘issue generation’ and social codification capacities.

The Phnom Penh conference clearly accelerated the growth of the ICBL within the South, not only by holding a major ICBL event in a mine affected state, but also by initiating efforts to transfer advocacy skills to emerging campaigns in a more systematic fashion. In this regard, the decision to avoid the formalization of the ICBL’s structure, beyond the minimal structures required to organize its annual meetings and maintain campaign communications, proved to be prescient. Joining the campaign was a relatively simple matter of agreeing to support the ICBL’s joint call. And join they did. The ICBL grew from a membership of 6 NGOs from four countries in 1992 to 350 organizations in 20 countries by the fall of 1995—many of the new ICBL members were from Africa and Asia-Pacific. This was an important development from an advocacy perspective since it

provided the ICBL with coalition partners from mine affected states, including mine victims, who gained significant credibility for the campaign—not to mention media interest associated with an ‘human interest’ angle on the landmine issue. The dramatic growth in Southern participation in the Phnom Penh conference also highlighted the fact that hosting an ICBL conference in a specific region tended to dramatically increase the participation of groups from that particular region. This ‘conference effect’ was used effectively during the Ottawa Process to mobilize new ICBL campaigns.

Clearing Landmines an Arm and Leg at a Time—Landmine Identities and Interests within the United Nations

Like the non-governmental sector, the UN experience with the landmine problem was a painfully practical one that tended to engage a range of interests and identities. In the wake of the Cold War the UN was called upon to assist in the disengagement of the superpowers from several of their former client states, heralding an unprecedented ‘renaissance’ in peacekeeping operations. Between 1988 and 1991 alone the UN would launch a total of 10 new peacekeeping operations in 9 countries in regions including Africa, Central America, the Middle East and South-East Asia—each with a common deadly theme—the threat of landmines.⁵² Mines would also threaten UN operations in Somalia and the former Yugoslavia which began in 1992. In fact, several of these missions were thrice cursed by landmine contamination. Landmines presented an immediate security threat to UN personnel who had become engaged in the new

⁵²Stephen Hill and Shahin Malik, *Peacekeeping and the United Nations*, Dartmouth Publishing, 1996, p. 60.

peacemaking and peacebuilding operations, which now included tasks as diverse as supervising elections, demobilizing soldiers, repatriating refugees, and providing humanitarian relief to war torn communities. In severely contaminated countries there was also a ‘landmine cost factor’ attached to most basic activities. For example, there were dramatic escalations in the costs of delivering food by air when roads were impassable due to mines. Each of these two impacts of landmines on UN operations would, in turn, generate a third significant impact—pressure on the UN to come to grips with the considerable costs, dangers and long term challenges of mine clearance. The UN’s first experience in being caught between mines and its mandate was in Afghanistan.

Afghanistan is one of the least developed nations in the world and one of the countries most severely affected by landmines. When the Soviet Army invaded Afghanistan in 1979 they brought millions of landmines with them— some of which were a scatterable “butterfly-type” (PFN-1) mine based on a American design (the BLU 43 and 44) used extensively in the Vietnam War. This was also a mine which was highly attractive to children. While all sides in the ensuing war were reported to have used landmines, the vast majority are assessed to have been laid by Soviet or Afghan Government forces. While they were often laid in defence, landmines were also frequently deployed as a weapons of terror against civilian populations to depopulate rural villages, thought by the Soviets to be a source of support for the *mujahedeen*. By the early 1980’s Afghans made up one of the largest refugee groups in the world. In the wake of the April 1988 Geneva Accords, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) was

established to coordinate UN system-wide activities aimed at “consolidating peace in Afghanistan.” It would be the first time a UN humanitarian program would be charged with tackling a landmine problem as a pre-condition to consolidating peace.⁵³

UNOCHA invited experts from France, Turkey, the UK, and the US to assess the extent of the landmine problem. They reported that an estimated 20-30 million landmines and pieces of unexploded ordnance lay scattered throughout Afghanistan, with few records of their actual locations. Moreover, their presence was quickly recognised as a significant obstacle to the repatriation of Afghan refugees from Pakistan and Iran.⁵⁴ By the end of 1991 UNHCR estimated that at least 500,000 refugees had returned home. The immediate impact of landmines on these communities as they tried to reclaim their homes and land was horrific. Thousands of Afghani civilians lost lives and limbs after the conflict was supposed to have ended. Further assessments of the landmine problem revealed that nearly all of the national infrastructure has been mined as had significant quantities of arable land and associated irrigation systems. Given that only 12% of Afghanistan’s land is arable, and some two-thirds of this land is dependent upon irrigation systems, this represented a particularly cruel blow to Afghan civilians. The use

⁵³United Nations Department of Humanitarian Affairs, *Afghanistan: The Development of Indigenous Mine Action Capacities*, 1997, p. 7.

⁵⁴*Ibid.*, p. 9. By 1997 this number would be revised to estimate that between 5-7 million mines.

of landmines also had a significant impact on Afghani livestock, the second largest sector of agricultural production after wheat.⁵⁵

Cambodia provided the UN system with a second grim reminder of the potential of landmines to generate a humanitarian crisis. Here again it was the broad mandate provided to the 1992 United Nations Transitional Authority in Cambodia (UNTAC) mission that quickly underscored the seriousness of the landmine problem. The repatriation of refugees, demobilization of ex-combatants and the organization of elections seemed almost impossible without addressing the landmine problem, and actually addressing the landmine problem seemed almost impossible. National contingents within UNTAC were reluctant to undertake the hazardous and costly task of mine clearance. Even when local deminers were used, the cost of clearing one mine was estimated to be between three hundred and one thousand dollars US each.⁵⁶ The landmine casualty numbers were equally staggering. It was estimated that by 1992, 1 out of every 236 Cambodians was maimed by mines, making Cambodia the country with the highest proportion of amputees in the world.⁵⁷ As one UNHCR official noted, mines were being cleared “by people walking on them.”⁵⁸

⁵⁵Shawn Roberts and Jody Williams, *After the Guns Fall Silent: The Enduring Legacy of Landmines*, Vietnam Veterans of America Foundation, 1995, p. 48.

⁵⁶Janet Heininger, *Peacekeeping in Transition: The United Nations in Cambodia*, The Twentieth Century Fund Press, 1994, pp. 72-73.

⁵⁷*Ibid.*

⁵⁸Interview with UNHCR mission chief Bjorn Johansson, cited in *Land Mines in Cambodia*, p. 85.

Given the UN experience in Afghanistan and Cambodia, it is not surprising that UN Secretary-General Boutros Boutros-Ghali made the following ‘issue generating’ observation in his 1992 report *An Agenda for Peace*. “Increasingly it is evident that peace-building after civil or international strife must address the serious problems of landmines, many tens of millions of which remain scattered in present or former combat zones.”⁵⁹

Concern with the landmine issue also ran deep within the UN system since it engaged the interests of two of the system’s key operational departments—the Department of Peacekeeping Operations (DPKO) and the newly formed Department of Humanitarian Affairs (DHA). Kofi Annan, then Under-Secretary-General for Peace-keeping Operations, was clearly concerned about the landmine issue noting that “we are only now beginning to discover just how vital mine clearance is to ...United Nations (peace-keeping and humanitarian) operations.”⁶⁰ While Jan Eliasson, the United Nations Under-Secretary for Humanitarian Affairs observed that, “relief assistance, repatriation and rehabilitation will continue to be seriously hampered unless de-mining is vigorously pursued.”⁶¹

⁵⁹Boutros Boutros-Ghali, *An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peace-keeping*, United Nations, New York, 1992, p. 33.

⁶⁰United Nations Department of Public Affairs, *The Scourge of Landmines: UN Tackles Hidden Peacetime Killers*, October 1993. p. 4.

⁶¹*Ibid.*, p. 3.

The landmine issue also had the potential to engage the interest of the Department for Disarmament Affairs (DDA) through its arms control and disarmament mandate. DDA's apparent disinterest in the ban campaign could have been related to its close association with the CCW agenda, as well as its desire to remain political neutrality in the issue. In contrast to the relatively cold reception accorded to the ICBL by DDA, DHA appeared quite interested in the nascent ban campaign. To ensure coherence in the UN's approach to the mine issue, DHA had been designated as the focal point of mine-related activities in early 1992. By August of that year, DHA had hired Paddy Blagden, a retired British Army Brigadier and mine clearance expert, to develop a strategic plan for the UN's approach to the mine issue. A representative of DHA attended the critical 6 October 1992 meeting of the founding ICBL members in New York. Representatives of the ICBL and ICRC were also invited to attend the newly formed UN Working Group on Mine and Munition Clearance, which began its work in October of 1992. It was likely a combination of ICBL's normative influence, coupled with the realities of the UN's experience with mines in the field, that ensured the report that emerged from this working group provided the UN Secretary-General with a surprisingly blunt assessment of the landmine problem. It argued that landmines were a "global problem" and it was "unlikely that there are less than 100 million uncleared mines in the world" which "although they purport to be legitimate weapons of war, they are by their nature optimized against the civilian, and not the military population."⁶² Regarding solutions, it noted that the "UN protocols on mine warfare have existed since the 1980's, but little

⁶²UNDHA, "Report to the Secretary General, UN Working Group on Mine and Munition Clearance," 4 January 1993, p.1. Jody Williams' Files.

observance has been paid to them, and the lack of observance has been largely ignored by the Security Council. This situation needs urgent examination.”⁶³

The ICBL also appeared to have been influential in encouraging UNICEF to take a clear stand on the landmine issue. UNICEF representatives in New York had attended the UN Working Group’s meetings in the fall of the 1992 and VVAF continued to lobby the organization throughout early 1993. The break through for the ICBL occurred in the wake of an exchange of letters and a subsequent meeting between Jody Williams and Stephen Lewis, then a consultant to UNICEF’s Executive Director James Grant in early August 1993.⁶⁴ Lewis recommended to Grant that support for the ban was consistent with its aggressive efforts to press for the ratification and implementation of the Convention on the Rights of the Child.⁶⁵ UNICEF informed the VVAF on 16 August that it had decided, “to give priority attention to the issue of landmines and its negative impact on the world’s children,” and “to advocate for the ban of landmines.”⁶⁶

UNICEF published its first major analysis of the landmines issue as it related to children in May 1994, *Anti-Personnel Land-Mines: A Scourge on Children*. By then James Grant, UNICEF’s Executive Director had become personally engaged on the issue, linking it

⁶³*Ibid.*, p. 3.

⁶⁴Jody Williams, “Letter to Stephen Lewis, UNICEF, 4 August 1993, Jody Williams’ Files.

⁶⁵Telephone interview with Stephen Lewis, 27 February 2002.

⁶⁶UNICEF, “Letter to Stuart Maslen, VVAF, from Bilge Ogun-Bassani, Deputy Director UNICEF Geneva, 16 August 1993, Jody Williams’ Files.

directly to human rights more generally and, more specifically, the Convention on the Rights of the Child. Claiming that he found it “unconscionable that the humanitarian objections to anti-personnel land-mines should be disputed,” Grant called for a “total ban on the production, use, stockpiling, sale and export of anti-personnel mines.”⁶⁷ *Anti-Personnel Land-Mines: A Scourge on Children* supported Grant’s views noting that the “use of anti-personnel land-mines violated many of the core provisions in the Convention” (on the Rights of the Child).⁶⁸ While UNICEF clearly brought a strong and highly legitimate moral voice to the ban campaign, it also brought significant organizational muscle as well. For example, UNICEF Geneva would provide the administrative and logistical support for the ICBL’s second international conference in May 1994. With its eight regional offices, 37 National Committees and 125 country offices, the UNICEF community has a ‘diplomatic reach’ greater than most states. Indeed, after years of working closely with governments on children’s issues, many senior UNICEF residence representatives had developed a high degree of influence with government officials.⁶⁹ This was readily apparent by UNICEF’s success in seeking universal ratification of the Convention on the Rights of the Child, which by March of 1994 had achieved 157 state ratifications. On 20 May of 1994 UNHCR joined UNICEF in calling for a ban.

⁶⁷UNICEF, *Anti-personnel land-mines a scourge on children*, UNICEF House, New York, 1994, p. 4.

⁶⁸*Ibid.*, p. 9.

⁶⁹Telephone interview with Stephen Lewis, 27 February 2002.

Yet another indication of the normative influence of the ICBL within the UN system could be found within UN Secretary-General Boutros Boutros-Ghali's, 1994 *Foreign Affairs* article "The Global Landmines Crisis." Reflecting the growing expert status of key ICBL campaigners, Stephen Goose at HRW was asked to provide considerable input into drafts of the Secretary-General's article. It was not surprising, therefore, that the Secretary-General's article argued that mines should be placed "in the same legal and ethical category as chemical and biological weapons in order to stigmatize them in the public imagination."⁷⁰ The article also made an important legal argument, arguing that "the nature of mines makes them indiscriminate as to their effects; as such, they are prohibited under international humanitarian law, and practical measures should be taken to put that prohibition into general practice."⁷¹ Finally, he called upon the international community to "reach agreement on a total ban on the production, stockpiling, trade, and use of mines and their components."⁷²

The Mine Clearance Deficit

By the end of 1994 the number of states in which the United Nations was actively engaged in mine-action programming had risen to 12, with the UN predicting requests for

⁷⁰Boutros Boutros-Ghali, "The Global Landmines Crisis," *Foreign Affairs* 73, no. 5, July-August, 1994, p. 13.

⁷¹*Ibid.*

⁷²*Ibid.* This was also language similar to that used in his "Report of Mine Clearance" to the UN General Assembly (A/49/357), September 1994.

assistance from an additional 18 countries over the next year.⁷³ The financial and operational pressures on the UN's mine clearance operations were expanding dramatically at the same time as the UN noted that the degree of mine contamination was actually growing worse each year. UN data indicated that approximately US\$70 million had been allocated to clear roughly 100,000 mines in 1994 at the same time that an estimated 2 million new mines had been deployed.⁷⁴ Thus, the UN assessed that in one year alone the world had accumulated a "de-mining deficit of least 1.9 million landmines and added at least US\$1.4 billion to the cost of land mine clearance."⁷⁵ These were fairly sobering 'official statistics' that would be used quite extensively by pro-ban forces in tandem with the 100 million deployed mines estimate. While the campaign would later play down the 100 million as being secondary to the social and economic impact of mines, the media reproduction of these two key statistics was sustained well throughout the Ottawa Process.

The UN cited the growing mine clearance 'crisis' as the motivation behind a decision to convene a "high-level International Meeting on Mine Clearance" on 5-7 July 1995 in Geneva with the following goals:

To galvanize world public opinion and enhance the momentum for international action on landmine related issues; and, to provide a forum for affected countries to elaborate their needs and for donors to announce contributions, including

⁷³United Nations Press Release, "United Nations Secretary-General Calls High Level International Meeting on Global Land Mine Crisis," 2 June 1995, p. 2.

⁷⁴*Ibid.*

⁷⁵*Ibid.*

pledges to the UN Voluntary Trust Fund for Assistance in Mine Clearance, established in November 1994.

Over 1,000 delegates representing almost every state, UN agencies, the ICRC and the ICBL attended the 3 day meeting which discussed the ban in some detail and succeeded in securing pledges for some US \$27 million in cash and in-kind contributions for UN demining programs. UN Secretary-General Boutros Boutros-Ghali opened the conference calling on states to “eliminate landmines once and for all. We must ban their use. We must ban their production. We must destroy those that are stockpiled.”⁷⁶ The UN High Commissioner for Refugees, Sadako Ogata went even further to state that the UNHCR would not knowingly purchase products from companies that sell or manufacture anti-personnel mines or their components since those users and producers should be considered “criminals against humanity.”⁷⁷

The Dictates of the Public Conscience—Landmines and the Interests and Identities Within the ICRC

As noted in Chapter Two, while the ICRC had a very rich history of IHL advocacy, with the exception of its public role in pressing for a ban on chemical weapons after the First World War, it had generally focused its efforts on ‘behind-the-scenes’ efforts to influence the conduct of states. However, by the late 1980s the ICRC was under pressure

⁷⁶UN Secretary-General Boutros Boutros-Ghali, “Statement to the International Meeting on Mine Clearance,” Geneva, 5 July 1995.

⁷⁷UN High Commissioner for Refugees, Sadako Ogata, “Statement to the International Meeting on Mine Clearance,” Geneva, 5 July 1995.

from its medical staff in the field to become more active on the landmine issue. Similar to the *Land Mines in Cambodia* phenomenon, pressure for action grew out of efforts to document the impact of landmines on human populations. For example, ICRC Doctor Robin Coupland began collecting information on patterns of mine injuries from ICRC hospitals around the world, providing one of the first overviews of the impact of landmines on civilian populations. He also noted that the provision of medical assistance to mine victims was placing significant demands on already scarce medical resources in war-torn countries.⁷⁸

In addition to noting dramatic increases in the number of landmine victims during the late 1980s, there was also something about the nature of landmine injuries that motivated ICRC doctors to call for action. ICRC surgeons, such as Chris Giannou, observed that landmines were causing patterns of injuries that were quite different from most conventional weapons. In an interview in 1991 for *Land Mines in Cambodia*, Giannou made the following comment about the injuries of a young Cambodian woman he had treated:

Now if that had been caused by shrapnel from an artillery shell, you would do a simple debridement, clean it up, no problem. But these mines drive dirt and bacteria as well as the shrapnel up into the tissue. So infection spreads fast. Then there is the effect of the shock wave, which causes blood vessels to coagulate and thrombose well up the leg. So I end up having to amputate much higher up than where the wound appears.⁷⁹

⁷⁸For example, Robin Coupland and A. Korver, "Injuries from antipersonnel mines: the experience of the ICRC," *British Medical Journal*, no. 303, 1991, pp. 1509-1512.

⁷⁹*Land Mines in Cambodia: The Coward's War*, pp. 66-67.

Beyond the belief that its surgeons may well be witnessing the widespread use of ‘excessively injurious’ weapons as defined by IHL, there was also the data emerging from ICRC hospitals on exactly who the growing numbers of mine victims were. For example, of the some 3,262 mine war-wounded treated in ICRC hospitals in Asia from January 1991 and June 1992, 21 percent were women and children and a number were non-combatant men.⁸⁰ With dozens of physical rehabilitation programmes in over 20 countries, the ICRC was feeling the direct impact of landmines on its prosthetics work as well. It was this medical impact of landmines that encouraged ICRC medical staff to view the mine problem as an ‘epidemic’ which needed to be addressed by preventative measures—in this case a ban on AP mines. Finally, if more evidence of the need for action was required, it could be found in the all too regular press communiques, such as the one issued on 9 February 1993 that noted that “in the last few days, there have been three incidents in which staff of humanitarian organizations working in Africa have been killed or wounded by mines.”⁸¹

Like its approach to the CCW process in the 1970s, the ICRC began its 1990s activism on the landmines issue by convening an international Symposium on Anti-Personnel Mines from 21-23 April 1993 in Montreux, Switzerland. The Montreux Symposium brought together a diverse range of participants—state and non-state representatives from

⁸⁰Dr. Remi Russbach, “Anti-Personnel Mines: A Disgrace for Humanity,” *International Review of the Red Cross*, No. 292, January-February 1993, p. 57.

⁸¹ICRC Communication to the Press, Geneva, February 1993.

the growing landmine community with expertise in advocacy, military strategy, war surgery, victim rehabilitation, mine clearance, journalism and legal matters. Reflecting the ICRC's desire to 'test the waters' on the issue, the 60 participants were provided with 25 expert reports on seven themes prior to the meeting. The objective of the meeting itself was to develop as "accurate a picture as possible of the actual use of mines and the consequences thereof" and "to decide on the best remedial action."⁸²

Key ban advocates from VVAF, MAG, HI and HRW played a prominent role in the Montreux Symposium.⁸³ Support for the ban agenda could also be found throughout the ICRC. Reports from ICRC delegates in the field indicated what the UN already knew—landmines were hitting humanitarian agencies in the pocket-book. In Angola, for example, the presence of mines forced the ICRC to deliver humanitarian aid from the air instead of using roads—inflating the cost of providing a ton of food aid by as much as 25 times.⁸⁴ However, scepticism about the political possibility of a ban was not hard to find, and consensus on the ban idea remained elusive in Montreux. Yet the ICRC meeting would yield one of the most important initiatives of the early ban movement. Years of working closely with military forces to encourage compliance with IHL had taught the ICRC the value of engaging military officials on such matters. Thus, the meeting

⁸² ICRC, "Results of the Montreux Symposium on Anti-Personnel Mines," *International Review of the Red Cross*, No. 299, March-April 1994, p. 159.

⁸³ Indeed, Stephen Goose from HRW found himself seated beside ICRC President Cornelio Sommaruga during one of the informal dinners in Montreux, and found him quite receptive to the ban idea. Interview with Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

⁸⁴ *Ibid.*

concluded that “the human and social cost of antipersonnel landmines, on the one hand, and the military cost-effectiveness of mines and the possibility of finding some substitute, on the other, should be assessed as a matter of urgency.”⁸⁵ By late 1993 the ICRC had begun detailed work with military experts on the question of the military utility of AP mines. Reflecting the growing strategic cooperation within ban community, VVAF agreed to produce a comprehensive analysis of the social and economic impact of mines, an effort that would yield the ground-breaking *After the Guns Fall Silent: The Enduring Legacy of Landmines* (1995).

Copies of the Montreux Symposium report were circulated to all governments in August of 1993. This was preceded by the ICRC’s first effort to inform the Red Cross movement as well as the general public about the mines issue, the publication of *Mines: A Perverse Use of Technology* in May 1993. Incremental and methodical in the ICRC tradition, *Mines: A Perverse Use of Technology* carefully laid out the legal and humanitarian arguments against the indiscriminate use of mines, but fell short of officially declaring that mines were themselves indiscriminate. That argument was made indirectly by using one of the most memorable ‘stigmatization’ quotes from the Montreux meeting attributed simply to a former ICRC delegate. “Mines may be described as fighters that never miss, strike blindly, do not carry weapons openly, and go on killing long after hostilities are ended. In short, mines are the greatest violators of

⁸⁵Information Department of the ICRC, “Antipersonnel Landmines—Who Bears Responsibility for the Long-Term Consequences?” Press Release, 5 May 1993.

international humanitarian law, practising blind terrorism.”⁸⁶ With a view to the upcoming CCW negotiations, *Mines: A Perverse Use of Technology* also made a number of concrete suggestions such as the development of self-destructing and self-neutralizing mechanisms for mines, ensuring the application of any revised Landmines Protocol to internal conflicts, and carefully examining the military value of undetectable mines.

The ICRC’s second major landmines conference was on 10-12 January 1994 which, as recommended in Montreux, brought together military experts to study the military utility of AP mines. Unfortunately, the meeting focussed almost exclusively on the military doctrine of mine use.⁸⁷ This was the theory of AP mine use, as opposed to the realities of their use in the field, which tended to only rarely reflect the influence of military doctrine. The conclusions of the meeting appeared to deliver a serious blow to pro-ban forces within the ICRC. The meeting concluded, inter alia, that “mines were very effective and efficient”⁸⁸ and that “no alternative meets military requirements in the way that anti-personnel (AP) mines do.”⁸⁹ Despite these conclusions, and despite the views of several of his own senior officials, ICRC President Sommaruga, “astonished many, including within the institution itself”⁹⁰ when he announced on 24 February 1994 that,

⁸⁶This was Jean de Preux, who was also a former ICRC legal advisor. ICRC, *Mines: A Perverse Use of Technology*, May 1993, p. 1.

⁸⁷E-mail, Peter Herby, Coordinator, Mines/Arms Unit, Legal Division, ICRC, 26 March 2002.

⁸⁸ ICRC, “Symposium of Military Experts on the Military Utility of Anti-Personnel Mines,” *International Review of the Red Cross*, No. 299, March-April 1994, p. 172.

⁸⁹*Ibid.*, p. 178.

⁹⁰Stuart Maslen, p. 11.

“from a humanitarian point of view, we believe that a worldwide ban on anti-personnel mines is the only, truly effective solution.”⁹¹ Sommaruga would later note that he felt that the alliance of NGOs and governments behind the ban movement “was a true manifestation of what IHL describes as ‘the dictates of public conscience’.”⁹²

In his statement to the UN International Meeting on Mine Clearance on 6 July 1995, Cornelio Sommaruga provided one of the most often quoted statistics of the ban campaign when he noted that “each and every year more than twenty thousand men, women and children are injured or killed by anti-personnel mines.”⁹³ While the ICRC would later admit that this number was, in fact, an estimate, it was without a doubt the best possible estimate given the ICRC’s unique status as the supplier of medical services in many of the world’s war zones. If anything, it tended to underestimate the magnitude of the problem, given the fact that many mine victims in remote parts of world frequently died as result of their injuries before reaching medical facilities where their injuries would be documented. The effectiveness of the ‘20,000 victims a year’ statistic as an issue generation tool became clear in the months to follow as its various manifestations found their way into the media and ban campaign advocacy materials. The ICBL turned it into the highly effective ‘victim every 20 minutes’ which would, in turn, structure several effective public communications initiatives such as the ‘mine victim clock’

⁹¹ICRC, “Statement of Cornelio Sommaruga, President of the ICRC,” Geneva, 24 February, 1994.

⁹²Cornelio Sommaruga, “Forward,” Maresca and Maslen, p. xvii.

⁹³Cornelio Sommaruga, “Statement to the UN International Meeting on Mine Clearance,” 6 July, 1995.

during the CCW process and the church bell-ringing every 20 minutes during the Ottawa Process.

The decision by the ICRC to publicly advocate on behalf of the landmine ban was clearly a watershed in the ban movement. The fact that the globally recognized custodian of IHL had decided to support the ban agenda almost immediately bestowed an entirely new level of political legitimacy upon the ban campaign. In fact, given the ICRC's scrupulous attention to its position of neutrality, it had become increasingly difficult to claim that the ban movement had a political agenda at all—being pro-ban was increasingly becoming equated with simply being a humanitarian. On a more practical level, like UNICEF, the ICRC brought incredible advocacy resources and organizational capacities of global reach to the effort to globalize the social codification of the new mine ban norms. Through the International Red Cross and Red Crescent movement, the ICRC could claim an organized political presence in 178 countries. Moreover, it clearly had a comparative advantage in working directly with governments to maintain respect for IHL. One of the first initiatives undertaken by the ICRC after adopting its pro-ban position, was to work with the Organization of African Unity (OAU) to organize a series of regional seminars in Africa in 1995 to generate action on the landmine issue: Addis Ababa (23-24 February and 11-12 April); Harare (2-3 March); and, Yaounde (25-27 April). These 'issue generation' meetings contributed to a decision by the OAU Council of Ministers to adopt a resolution in June 1995 calling on member states to support a common African position in favour of a total ban on landmines. This was an important step forward, since Africa was one of the most severely mine affected regions of the

world. As we will see later, the working at the regional and sub-regional level within Africa to change attitudes towards landmines would be a key element of the Ottawa Process strategy.

Hidden Killers—State Landmine Interests and Identities

Although it was not necessarily the case for all states, the landmines issue had the potential to engage at least four state identities. First, there was the military state, the identity with a monopoly over the means of violence. This state identity, charged with making landmine policy and doctrine. Second, there was the state as a sovereign international identity with legal and diplomatic obligations and relationships. This was the identity charged with negotiating treaties and ensuring the other identities of the state complied with them. Thirdly, there was the humanitarian state—the provider and receiver of humanitarian services such as disaster and development assistance, peace-building resources, peacekeeping forces and support for mine clearance and victim assistance. Finally, there was also the state as the domestic manager, balancing the interests of several domestic identities with interests engaged by the landmine issue.

Landmines and the Military State

As noted in Chapter Two, material and knowledge practices with respect to landmines prior to the early 1990s had effectively legitimized the widespread production, stockpiling

and use of landmines on the part of dozens of militaries throughout the world. A total of 108 states possessed AP mines, of which 54 were AP mine producers and 38 exporters. Elaborate military doctrines governing mine use could be found in many militaries—particularly in NATO forces and those from the former Warsaw Pact. However, the landmine ‘blow-back’ phenomenon had generated a number of contradictions for the military identity of the state. The end of the Cold War had encouraged states to commit their military forces to the challenges of repairing its collateral damage. When states deployed their military forces in support of UN operations in states such as Afghanistan, Angola, Cambodia, El Salvador, and Mozambique they found millions of landmines. Moreover, these were mines produced outside of these states and imported from Belgium, China, Czechoslovakia, Italy, the Soviet Union, the UK, the US. Once deployed by non-state actors or poorly disciplined state forces, these mines were only very rarely mapped or marked in accordance with military doctrine or existing international law. The challenges of detecting and clearing these mines initially fell to military forces, who assessed that the costs associated with such an undertaking could run well into billions of dollars and thousands of lives and limbs of mine clearance personnel.

What had been developed, produced and exported as a legitimate weapon of war had mutated into a humanitarian nightmare and corresponding magnet for negative public opinion. In the hands of non-state actors, landmines also threatened the state’s monopoly over the means of violence. It was not hard to find military officials with first hand

experience with landmines prepared to support the ban agenda. Indeed, the ICBL had attracted a number of former military personnel who could speak to the ban issue with a high degree of credibility—frequently suggesting that the indiscriminate nature of landmines made them an offence to the military values of honour and respect for civilian life. To this charge military officials argued that mines were not, by definition, indiscriminate—the problem was really the ‘indiscriminate use’ of mines. Notably absent from this early debate was any substantive defence of the actual military utility of the weapon.

Landmines and the Legal/Diplomatic State

Awareness of the scope of the landmine problem sent officials, charged with managing the legal/diplomatic identity of the state, scurrying to find historical files marked ‘landmines.’ In the fall of 1993, officials in some 65 states would have been able to find files marked CCW that, one assumes, contained that state’s institutional memory regarding the 1970s CCW Process and its rationale for becoming a signatory to that agreement. Only 41 of these states would have been able to find records indicating their ratification of the CCW. A quick review of the CCW file would have failed to uncover mine affected states such as Afghanistan, Angola, Cambodia, El Salvador, or Mozambique as CCW signatories or States Parties. However, the CCW file may have contained references the early ban leadership provided by the ICRC and the original 7 pro-ban states (Egypt, Mexico, Norway, Sudan, Sweden, Switzerland, and Yugoslavia).

Beyond the CCW paper trail, most state officials would have been able to find a deeper historical record of IHL obligations related to the landmine issue. As noted in Chapter Two, this would have included the 1868 St. Petersburg Declaration, the 1899 Hague Convention IV, the 1949 Geneva Conventions and the 1977 Additional Protocols to the Geneva Convention. Together, these legal obligations would have suggested at least two significant legal disciplines should be brought to bear on the landmine issue: the obligation to use methods or means of warfare that distinguish between military targets and civilians and civilian objects—the principle of *distinction*; and, the military advantage to be expected from an attack needed to be balanced against its humanitarian consequences—the principle of *proportionality*.

For those who questioned whether landmines were technically covered by these elements of IHL, there was also the famous Martens clause. It argued that just because a weapon or means of warfare was not already covered by IHL did not make it legal—there was the dictates of the public conscience to consider. It is also noteworthy that each of these IHL files would have contained information on the process norms used to negotiate each elements of IHL. In this respect the history was mixed. Early IHL such as the Hague Conventions were the products of moral entrepreneurship on the part of states. Disagreements within the negotiations were resolved by voting if necessary. However, in the wake of the Second World War, the process norms surrounding the generation of IHL had become dominated by the search for consensus, at times at the expense of substance.

For those States bound by the CCW, it appeared as though the precedent for addressing landmines had already been established.

Landmines and the Humanitarian State

The awareness of the global landmines crisis clearly resonated with the humanitarian identity of the state. Well over 70 states had some degree of first-hand experience of the social and economic impacts of landmines—impacts that, in some cases, could be traced back to mine use during the Second World War. A total of 38 states were moderately or severely affected by mines. By the early 1990s at least 18 states were directly involved in providing funds or assistance to mine affected states through the UN.⁹⁴ This group also included a number of states that were historically among the greatest contributors to peace-keeping operations, and/or humanitarian and development assistance—states such as Australia, Canada, Denmark, Finland, France, Japan, Netherlands, Norway, Sweden, the US and the UK. Landmines threatened the safety of peacekeepers, threatened the delivery of humanitarian aid and represented a significant obstacle to social and economic development.⁹⁵ For state officials charged with the management of the humanitarian identity of the state, complicity in the use of such weapons was not only morally

⁹⁴Shawn Roberts and Jody Williams, *After the Guns Fall Silent: The Enduring Legacy of Landmines*, Washington, The Vietnam Veterans of America Foundation, 1995, pp. v-ix.

⁹⁵Over the course of the mid-1990s mines would become the single greatest cause of death and injury to UN Peacekeepers.

repugnant, it was pretty bad public policy. Clearing mines and providing humanitarian/development assistance while mines were still being used sounded remarkably like trying to save a sinking boat by using a bailer with holes in it.

Landmines and the Domestic State

As the actor charged with brokering various domestic identities and interests as they relate to landmines, the domestic identity of the majority of states circa 1993 were not under any significant pressures. The obvious exceptions to this situation were mine affected states as well as selected European states and the US which had begun to feel the impact of the ICBL. Within mine affected states, it was the relative autonomy of the military identity that largely determined the degree to which opposition to indiscriminate mine use could flourish. In several mine affected states such as Cambodia, El Salvador, and Mozambique, this autonomy was under attack by an international community that saw security sector reform as an integral part of post-conflict peacekeeping/building. Thus, political space was being created within which it was possible for organized opposition to mine use to grow. This was not the case in some other mine affected states such as Angola, Egypt, Iraq, Somalia, Sudan and Vietnam. Within states with an organized ICBL presence, efforts to generate public awareness of the landmine problem threatened to politicize the landmine issue—potentially providing the means to penetrate the layers of secrecy that protected the military identity of the state from public scrutiny. Images of innocents being victimized by ‘hidden killers’ sold by ‘merchants of death’

resonated deeply with domestic audiences in these countries. Additional historical resonance could be found within a generation of political leaders in Europe and America who came of age during the Vietnam War era with its legacy of human carnage caused by the first generation of mass produced anti-personnel weapons. This was a generation with experience in challenging military autonomy and assumed wisdom.

The Vietnam Generation takes the Lead

Perhaps one of the greatest ironies of the landmines campaign was the fact that early and vigorous leadership on the issue was provided by the very state that became one of the ban movement's greatest challenges—the United States. Given VVAF's role in the formation of the ban campaign, it was not surprising that one of the first outreach visits by Jody Williams in early December of 1991 was to the office of a fellow Vermonter, Senator Patrick Leahy, a liberal democrat of the Vietnam War generation with a strong humanitarian reputation. Leahy also had first hand knowledge of the landmines issue dating back to his visit to a field hospital on the Honduran/Nicaraguan border in the later 1980s. After witnessing the suffering of a mine victim first-hand Leahy returned to Washington to establish the Leahy War Victim's Fund—an annual Congressional appropriation aimed at providing assistance to war wounded civilians, including landmine victims.⁹⁶ Williams found Leahy's staffer Tim Rieser to be very supportive of

⁹⁶Mary Wareham, 'Rhetoric and Policy Realities in the United States,' *To Walk Without Fear*, p. 213.

the VVAF initiative, even while admitting that he thought it would be “a tough battle to win.”⁹⁷

Senator Leahy quickly joined forces with Congressman Lane Evans, a Vietnam veteran from Illinois, in developing landmine legislation that passed as an amendment to the *Defence Authorization Act* for fiscal year 1993. The amendment, which became law on 23 October 1992, put in place a one year moratorium on the export of all AP mines by the US, and called upon the administration to “seek verifiable international agreements prohibiting the sale, transfer, or export, and further limiting the use, production, possession, and deployment of antipersonnel mines.”⁹⁸ Separate language, sponsored by Senator Edward Kennedy, called upon the President to submit a report to Congress within 180 days on international demining efforts. This amendment would lead to the production of the highly influential *Hidden Killers: The Global Problem with Uncleared Landmines*, published in 1993 by the US State Department

The 1992 US export moratorium was clearly a stunning, if somewhat unexpected, success for the nascent ban campaign. The most significant impact was felt in France, where HI had been lobbying the French government for months to call for a CCW Review Conference. According to HI, “fear of American leadership on the landmines

⁹⁷Jody Williams, “Memorandum to Bobby Muller,” 5 December 1991, Jody Williams’ Files. Tim Rieser became the most influential ‘hill staffer’ on the landmine file.

⁹⁸Quoted in Mary Wareham, p. 214.

issue had clearly motivated the French authorities to take action.”⁹⁹ HI had also written to President Mitterrand through his wife Danielle Mitterrand, President of the France Liberte Foundation. In the wake of these developments “landmines had suddenly become both an issue of personal importance to the President and an issue of international image for the Foreign Affairs Ministry.”¹⁰⁰ On February 10 1993, a total of 22,000 signatures, collected by HI through its ‘Stop the Coward’s War’ campaign, were presented to Mitterrand during his official visit to Cambodia. The next day Mitterrand called for a CCW Review Conference and announced an indefinite French moratorium on the export of landmines. The US initiative also helped to reinforce existing efforts by HI to seek action through the European Parliament. These efforts were rewarded by the passage of the European Parliament’s landmine resolution on 14 December 1992. It noted that the “most numerous victims are civilians, including thousands of children” and expressed shock at “the role played by Member States in the production and sale of the mines.” It called for the ratification of the 1980 CCW Landmine Protocol and “its extension to internal conflicts.” The resolution also demanded “that all Member States as an emergency measure, agree to a five year moratorium on their sale of, transfer or export of anti-personnel mines and the military skills to plant them.”¹⁰¹

The 1993 UN General Assembly

⁹⁹Philippe Chabasse, pp. 61-62.

¹⁰⁰*Ibid.*, p. 62.

¹⁰¹European Parliament Motion for a Resolution, 14 December 1992.

By late 1993, the issue generation efforts of the ICBL, ICRC and key UN agencies had succeeded in establishing the landmine crisis as international ‘problem’ in search of a solution. This led to the generation of no less than three distinct multilateral initiatives on the landmine issue—each structured by an UNGA resolution. First, in recognition of his efforts as a domestic norm entrepreneur on the landmine issue, US State Department officials invited Senator Leahy to introduce an US sponsored General Assembly resolution that called upon states to adopt moratoria on the export of “anti-personnel landmines that pose grave dangers to civilian populations.”¹⁰² US officials also threw considerable diplomatic weight behind this initiative. They mobilized more than 70 co-sponsors, and ensured the resolution was adopted without a vote on 16 December 1993. On 7 December 1993 the Clinton administration sent letters to 44 states it assessed to be mine-producing states, asking them to ban the export of AP mines for three to five years.¹⁰³ On the surface, the US export moratorium initiative appeared to represent the first major normative shifts with respect to AP mines—which it did, to a point. It signalled the engagement of the global superpower on the landmine issue, providing other states with an indication of the seriousness of the problem. It provided a logical response to the apparent dynamics of the landmine phenomenon—the international trade in mines was widely acknowledged to be one of the key elements of the landmine problem. However, the limits of this normative change became apparent over the course of

¹⁰²UNGA Resolution 48/75 K “Moratorium on the export of anti-personnel landmines.”

¹⁰³Wareham, p. 220.

discussions over the second major 1993 UNGA landmine initiative—the French initiated CCW Review Conference resolution.

Support for a CCW Review Conference was a fairly attractive option to most state decision-makers. It provided a good fit with the military argument that it was the indiscriminate use of mines that was really causing the problem—what was needed was better rules regarding continued mine use. Seeking greater restrictions on mine use through established IHL instruments also seemed a fairly logical step forward from a legal/diplomatic perspective. The CCW route had the additional advantage of demonstrating action on the issue to humanitarian actors and domestic audiences. Moreover, partial steps legitimizing the continued use of AP mines appeared to be the most likely outcome within a consensus-bound CCW negotiations. However, as attractive as the CCW option appeared, the US decided to abstain from the CCW resolution, apparently because of preambular language which expressed support for the goal of ending the production, stockpiling and proliferation of anti-personnel mines.¹⁰⁴ Leahy expressed his disappointment with the move in letter to President Clinton urging him to “offset the damage” caused to US leadership on the landmine issue by sending the CCW Landmines Protocol to Congress for ratification.¹⁰⁵

¹⁰⁴Senator Patrick Leahy, “Letter to US President Clinton,” 23 December 1993, Jody Williams’ Files.

¹⁰⁵*Ibid.*, p. 2.

Even without US support, the CCW resolution attracted 162 state votes, providing for the formation of a “group of governmental experts” to prepare for the Review Conference which would, “if possible” take place in 1994.¹⁰⁶ The final element of the 1993 UNGA landmine agenda was a resolution calling for more mine clearance. This seemed an obvious step that would attract support from all quarters—which it did.¹⁰⁷ This led to the formation of the UN Voluntary Trust Fund for Assistance in Mine Clearance by late 1994. It is worth recalling that the establishment of an international mine clearance fund, to be administered by the UN, was one of the ICBL’s 1992 normative demands.

The flurry of landmine activity related to the 1993 UNGA did generate substantive changes in state landmine norms. In preparation for the upcoming CCW negotiations, several states rushed to ratify the 1980 Convention. Bosnia, Canada, Croatia, the Czech Republic, Spain, New Zealand, the UK and the US all ratified the Convention between the late 1993 and September 1995. The export moratorium resolution also nudged several states into action. Unilateral export moratoriums and export bans were adopted by some 15 states by the end of 1994. As noted earlier, the first to suspend exports was the US in late 1992. France and the Netherlands followed in early 1993. A further twelve countries followed with similar steps in 1994 and by late 1995 another 16 states had put into place comprehensive or limited export moratoria. Of the 31 states which

¹⁰⁶UNGA Resolution 48/79 “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.”

¹⁰⁷UNGA Resolution 48/7, adopted on 28 October 1993.

had taken such measures, only 19 had actually exported landmines in the past. This reduced the number of known mine exporting states from 34 to 15, and there was no obvious evidence that any of these remaining states were engaged in major export activity. These developments were clearly positive, in material terms, as well in normative terms, since it began the process of state codification of the new mine ban norms.

In his 1994 UNGA speech President Clinton appeared to set the bar even higher for future efforts, calling for the “eventual elimination” of landmines.¹⁰⁸ He also announced the launch of discussions to create a “Landmine Control Regime” aimed at addressing the “problems caused by long-lived landmines.”¹⁰⁹ Later emerging as a US/UK initiative, the objective was to launch multilateral discussions on an “Anti-Personnel Landmine Control Programme” developed around the concept of a progressive shift towards a ban on the export of long-lived ‘dumb’ anti-personnel mines coupled with the replacement of such mines with self-destructing/self-deactivating ‘smart’ mines.¹¹⁰ A total of 31 states met in Budapest on 29-30 June 1995 to discuss the US/UK proposals with the promise of a second meeting following the September 1995 CCW negotiations. For reasons

¹⁰⁸The landmine portions of Clinton’s speech were the subject of negotiation between the White House and Senator Leahy’s office. Leahy’s office, in turn, consulted Stephen Goose of HRW on issue. Interview with Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

¹⁰⁹United States, Office of the Press Secretary, The White House, “U.S. Policy on a Landmine Control Regime,” 26 September 1994.

¹¹⁰United States, “Twelve-Point Summary of the US/UK Anti-Personnel Landmine Control Regime,” Cosponsors’ Concluding Statement, Budapest Meeting 29-30 June 1995.

discussed in the following chapter, the ‘smart mine’ vs ‘dumb mine’ debate failed in the face of opposition from both pro-ban forces as well as a number of states from the South that saw the concept of smart mines as a thinly disguised opportunity for Northern states to bolster their arms exports. An equally plausible factor behind the failure of the US/UK initiative was the fact that it had ran counter to the growing momentum of the state codification of AP mine export bans/moratoria.

Of course, the most dramatic normative development during this period was the decision by Belgium to become the first country to pass domestic legislation banning the production, procurement, and use of AP mines on 2 March 1995. On 6 June the Norwegian Parliament passed a unanimous resolution calling on the government to work towards a total ban on AP mines, although this did not have an immediate impact on Norwegian mine use policy. In both cases the impulse for these steps originated within the legislative branches of government. In both cases, senior representatives cited pressure from the NGO sector as the key factor in generating pressure for steps towards the ban.¹¹¹ It appeared as though the social codification of the new ban norms had begun to politicize landmine policy within a number of states. Pressure was mounting on military authorities to defend their landmine policies.

Beyond the steps taken by Belgium and Norway, evidence of normative change within other states began to first appear at the discursive level. By the end of 1994, ten states

¹¹¹Williams and Goose, p. 27.

were calling for a comprehensive international ban on AP mines. Over the course of 1995 an additional eight states would join this call. This initial group of 18 'pro ban' states was a quite diverse group of small to medium sized states from Europe (9), Asia-Pacific (4), Latin America (4), and Africa (1).¹¹² The majority (12) of these states were assessed at the time by the UN and the US *Hidden Killers* report to be mine affected: three severely (Cambodia, Mozambique and Nicaragua); one moderately (Laos); and, eight lightly (Austria, Belgium, Columbia, Estonia, Malaysia, Mexico, Peru and Slovenia). With the exception of Iceland, which did not possess mines in the first place, all of the remaining 6 'pro ban' states were donors to UN mine clearance programs (Denmark, Ireland, New Zealand, Norway and Sweden) as well as being significant supporters of the UN and multilateral engagement in the fields of peacekeeping and disarmament more generally. There were eight mine producing states within this group, of which three were former mine exporting states. All three former exporters had also put into place export bans/moratoria. It is also worth noting that three of the seven states that supported the idea of a ban on air-delivered anti-personnel mines during the 1970s CCW Process are also included in this group (Mexico, Norway and Sweden). Beyond this group of 'pro ban' states, evidence of the influence of the new landmine norms could be found in a dramatic reduction in the number of states assessed to be exporters of anti-

¹¹² Austria, Belgium, Cambodia, Colombia, Denmark, Estonia, Iceland, Ireland, Laos, Malaysia, Mexico, Mozambique, New Zealand, Nicaragua, Norway, Peru, Slovenia, Sweden.

personnel mines from 34 to 15. The number of mine producing states also dropped from 54 to 47 by the fall of 1995.¹¹³

State landmine norms were indeed beginning to change. Consistent with our general understanding of why states would later argue they had agreed to sign the Mine Ban Treaty, it appeared that the humanitarian identities within the first 18 pro-ban states had gained strength relative to their military identities. This trend appeared particularly strongly within mine affected states as well as states with a history of supporting mine clearance activities. This suggested that proximity to the mine problem may have made some states more receptive to the ban message. In short, the ban norms resonated with their particular identities and interests—effectively transforming their conceptions of their interests vis-a-vis the ban agenda.

Conclusion—Landmine Identities and Interests and the Early Social Codification of the Mine Ban Agenda

¹¹³ These numbers are developed by cross referencing the following sources: Human Rights Fact Sheet November 1995, *Landmine Monitor* 1999, United Nations, *Assistance in Mine Clearance: Report of the Secretary General 1994* and, *Hidden Killers*, 1993 and 1994.

The objective of this chapter was to examine the development of early landmine norms, identities, interests and policies between September 1991 and September 1995. In doing so, it revealed patterns of behaviour entirely consistent with scholarly understandings of the initial stage of international normative development. The modern mine ban norms began their 'life cycle' as the project of a small group of norm entrepreneurs—in this case the six NGO's that formed the ICBL. These groups were motivated to take action by virtue of the way in which the landmine issue engaged their 'humanitarian' interests and identities. Other actors such as the ICRC and elements of the UN system (UNICEF, DHA, UNHCR, UNDPKO, and the UN Secretary-General) were also motivated to take action for similar reasons, as well, in some measure, because of the influence of the ICBL. While their initial reactions were to seek, respectively, improvements in the CCW Landmine Protocol and increased resources for mine clearance, by 1994 they had become solidly pro-ban.

The first conclusive evidence of normative change with respect to AP mines was the formation and rapid growth of the ICBL itself. The central organizing principle of the ICBL was the mobilization of social support around changes in knowledge practices with respect to mines. Documentation of the landmine crisis was coupled with an aggressive discursive strategy to 'socially stigmatize' AP mines and those who used them. By September 1995 the ICBL's capacities to pursue this social codification effort was bolstered by the participation of over 350 members in over 20 countries. By 1994 the ICRC and key UN actors had begun to actively support this stigmatization strategy and its related call for a mine ban. These collective efforts set in motion the first wave of

international normative development. Broad indications that the new landmines norms resonated with public opinion in Europe and North America could be found in the extensive and generally sympathetic media coverage of the landmine issue in those regions. This evidence of normative change within civil-society was soon matched by changes in state landmine policies.

In part because of the success of domestic 'issue generation' effort by ICBL supporters within the US and France, these two governments launched parallel landmine initiatives at the 1993 UNGA. The US call for a moratorium on AP mines exports and the French call for a CCW Review Conference generated even more international concern about the landmine issue. These US/French UNGA initiatives attempted to stimulate normative change through changes in knowledge practices. The superpower sent a fairly powerful message to the community of states that the export of AP mines, at least in the short term, was henceforth considered an illegitimate activity. The French resolution sent signals to state legal/diplomatic representatives that the existing CCW norms needed to be reviewed. Additional changes in knowledge practices were the resolutions adopted by the European Parliament in late 1992 and the OAU in June 1995. When combined with growing civil-society support for the ban agenda, these initiatives began to generate changes in state material practices with respect to AP mines.

The first changes in material practices could be found within the 31 states which had taken such measures to halt/restrict AP mine exports. This reduced the number of state exporters of AP mines from 34 to 15. The number of mine producing states also declined

from 54 to 47 by the fall of 1995. However, also by the end of 1995, 18 states would go even further calling for a total ban on AP mines. Willing to match rhetoric with action, Belgium passed the first domestic legislation banning the use, production, procurement, sale and transfer of AP mines in March 1995. As noted earlier, the fact that all but one of these 18 states were mine affected or engaged in supporting mine clearance programs suggests that the ban message resonated strongly with their experience with mines. Historical support for the ban agenda also may have been a factor in three of these cases (Mexico, Norway and Sweden).

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CHAPTER FOUR—VICTIMS OF DIPLOMATIC RITUALS—THE CCW PROCESS

More than 13,700 people have been killed or maimed by landmines since the end of the first session of the Review Conference in Vienna. How many more will it take?¹

Introduction

By 1995 it was clear that the efforts of the early mine ban norm entrepreneurs had been successful in at least two important respects. First, through effective field research combined with aggressive shame and persuasion efforts, the ICBL, ICRC, and key UN actors (UNICEF, UNDHA, UNDKO, UNHCR and the UN Secretary-General) had succeeded in placing the landmine issue on the international agenda. As noted in Chapter Three, the 1993 UN General Assembly was a turning point in this respect. The US call for a moratorium on AP mine exports, the French call for a CCW Review Conference, and the UN's call for dramatic increases in Mine Clearance resources further reinforced international concern about the landmine issue. A second noteworthy success from this period, was the fairly dramatic way in which the process of issue generation and social codification of the ban norms had generated a high degree of moral authority and expert status for key ban campaigners, particularly within the ICBL. The credibility of the field research conducted by ICBL members, bolstered by the subsequent research and writings of UN and ICRC officials, had made it virtually impossible to write or comment upon the landmine issue without reference to these pro-ban organizations and their disturbing analysis of the mine problem. As we will see over the course of this chapter, this moral

¹Jody Williams, "Address to the Opening Plenary of the CCW Review Conference," 22 April, 1996.

authority and expert status provides advantages to pro-ban forces as they attempt to influence the second stage of development within the norm ‘life-cycle’—the ‘institutionalization’ of important elements of the new AP mine norms through the CCW process.

The objective of this chapter is to examine the interplay of landmine norms, identities and interests between February 1994 and May of 1996—a period which began with the work of the CCW Expert Group, and ended with the conclusion of multilateral negotiations within the CCW process. Some of the developments during the period 1994 to September 1995 were already discussed in Chapter Three. Specifically, ongoing efforts to advance the social codification of the new mine ban norms within civil-society, as well as normative development through the UN system as it related to the AP mine export moratorium. Thus, this chapter will focus almost exclusively, in more or less chronological order, on developments within the CCW process itself—the one exception being a brief discussion of the domestic origins of the Canadian initiative to re-start the push for the ban as the CCW negotiations ended.

Norm research suggests that the process of norm ‘institutionalization’ is critical to the ‘norm cascade’ phenomenon, a process through which other international actors are rapidly socialized to the new norm by a “critical mass” of norm entrepreneurs and converts.² The institutionalization of norms facilitates norm cascades since it provides

²Finnemore and Sikkink, pp. 900-904.

fora through which the behavioral boundaries of the new norms are clarified and violations of the norm defined—most often as a result of some form of multilateral negotiation. Yet as we saw in the first CCW process, landmine negotiations tended to be particularly challenging when consensus was required but states were divided between those who saw the landmine issue in security terms and those who viewed it as an humanitarian issue. However, multilateral negotiations have yielded successful outcomes in other sectors with the potential to deeply divide the international community such as trade and the environment. Hampson and Hart suggest that the success of multilateral negotiations can very often be traced to success in ‘coalition building’. In fact, they argue that multilateral negotiations are “in essence, a coalition-building exercise involving states, non-state actors and international organizations. Leadership, negotiating strategies and tactics, and formulas are all directed at and related to the process of building coalitions and achieving a consensus that will carry the negotiations forward.”³ Coalitions are essential to simplifying the otherwise highly complex process of finding common ground among a potentially infinite variety of preferences. According to Hampson and Hart, “coalitions reduce cognitive complexity and greatly facilitate the exchange of information by reducing the number of core positions and interests to a manageable number.”⁴

³Fen Osler Hampson and Michael Hart, *Multilateral Negotiations: Lessons from Arms Control, Trade and the Environment*, Johns Hopkins University Press, 1995, p. 24.

⁴*Ibid.*, p. 353.

The notion of multilateral negotiations as exercises in coalition building around key issues is certainly supported by the experience of the 1995-96 CCW Process. At the macro-level, the dynamics of the CCW Process transformed the very nature of the relationship between pro-ban forces and the community of states. Prior to the CCW Process, landmine initiatives undertaken by the US and France tended to reflect the domestic influence of the ICBL in supporting ‘champions’ such as Senator Patrick Leahy and Danielle Mitterrand. By the end of the CCW Process, the leadership of France and the US is largely replaced by a form of collective leadership provided by the ICBL, ICRC and key UN agencies working with the nascent Ottawa Process Core Group of middle and small powers—most notably Austria, Canada, Belgium, Norway and South Africa. Consistent with negotiation theory, the macro-level coalition building that led to this leadership transformation was facilitated by the convergence of expectations of pro-ban forces around a number of key issues within the CCW negotiations. Specifically, four issues emerge as focal points within the negotiation around which we see the expectations of pro-ban forces converging: 1. Extension of the scope of application of the CCW Landmine Protocol to cover non-international conflicts; 2. The ban issue itself and the need to ban ‘smart mines’ to ensure that any such ban is actually comprehensive in its application. Views on this issue tended to structure broader assessments of the value of the CCW Process as a whole; 3. The technical definition of what constitutes an anti-personnel mine; and, 4. An appropriate compliance/ verification approach for the landmine issue.

This chapter also makes the argument that the convergence of expectations of pro-ban forces within the four issue areas noted above represents the emergence of a distinct ‘second wave’ of normative development within the landmine issue—progress towards the definition of the behavioural boundaries of the new mine ban norms. This convergence of expectations is no accident. It is the result of conscious efforts on the part of pro-ban actors to discipline the boundaries of these expectations by ‘grafting’ these second wave norms onto the broader socially codified ban agenda—as well as the discursive practices of documentation, shame and persuasion that animate that agenda. For example, support for ‘smart mines’ was considered a ‘dumb idea’ because it ran counter to the very notion that mines can tell the difference between the footsteps of a soldier and a child. For a given state to support the ‘smart mine’ concept suggested that such a state was not pro-ban at all. It could not legitimately claim an humanitarian identity on the landmine issue as defined by pro-ban forces. Thus, one of the central tasks of this chapter will be to examine the ways in which these discursive disciplines were brought to bear on the CCW process by pro-ban forces in an effort to achieve favourable outcomes. Outcomes, which despite process norms that drove the CCW process toward minimal outcomes, did tend to generate momentum behind the ban agenda.

An Expert Process Not Open to Experts—The Expectations, Identities and Interests of the CCW Expert Group Process

Like the first, the second CCW process began with technical work undertaken by a Group of Governmental Experts (hereafter simply the Expert Group), in this case established in

accordance with UNGA Resolution 48/79.⁵ A total of 26 of a possible 39 States Parties and 23 out of 29 Signatories attended the first Expert Group meeting in Geneva on 28 February–4 March 1994.⁶ This meeting received three key sets of recommendations related to its work.⁷ First, the ICBL suggested that the Expert Group address a number of priority issues, including: 1. A comprehensive ban on the production, stockpiling, trade and use of AP mines; 2. Expanding the applicability of the Protocol, so that it applies in all circumstances; 3. A more precise definition of landmines; 4. A compliance/verification/enforcement regime, encompassing fact-finding, inspections, and traditional legal enforcement; and, 5. The matter of legal responsibility for the clearance of mines.⁸ Second, as noted in Chapter Three, on the eve of the Expert Group meeting, the ICRC had publically stated that a global ban on AP mines was, from a humanitarian perspective, the only effective solution to the landmine crisis. As discussed below, the ICRC would go on to provide a detailed set of recommendations for the Expert Group to consider at its May 1994 meeting. Thirdly, there were the views of 30 states, represented by a 16

⁵UNGA Resolution 48/79 passed with 162 yes 0 no and 3 abstentions (Georgia, Russia and the US).

⁶United Nations, Progress Report of the Group of Governmental Experts to Prepare the 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, First Session, CCW/CONF.I/GE/4, 28 February – 4 March, 1994. Dated 8 March 1994. p. 3.

⁷While UNICEF had gone pro-ban at this point, the UN system was represented at these meetings by the Department of Disarmament Affairs, which provided the secretariat functions for the Expert Group meetings. No views on the substance of the Expert Groups work were presented.

⁸ICBL, “Letter to Mr. Sohrab Kheradi, Secretary of the Review Conference and Deputy-Director, Center for Disarmament Affairs, United Nations,” 22 February, 1994. Jody Williams’ Files.

December 1993 letter from the UN Secretary-General suggesting that the Expert Group consider three priority issues: 1. “Strengthening restrictions on the use of AP mines and, in particular, those without neutralizing or self-destruction mechanisms;” 2. “the establishment of a verification system”; and, 3. “broadening the scope of this Protocol to cover armed conflicts that are not of an international character.”⁹

The initial issues addressed by the Expert Group were related to process norms. On the positive side, in electing Johan Molander of Sweden as its Chairman, the Expert Group selected a very senior and highly capable diplomat who proved to be sympathetic to the ban agenda.¹⁰ A decidedly more controversial step was the decision by the Group to “take its decisions by consensus,” setting into motion a negotiating dynamic similar to that which yielded the 1980 CCW Landmine Protocol.¹¹ The immediate impact of this decision was felt during discussions of NGO participation. While the ICRC was explicitly mentioned as an invited observer, the Expert Group itself was charged with decisions related to “the participation of representatives of non-governmental organizations and competent individuals.”¹² China and France both expressed opposition to granting formal observer status to the ICBL.¹³ France later withdrew its objections,

⁹United Nations, CCW/CONF.I/GE/4, p. 2.

¹⁰ Molander was Assistant Under-Secretary for Legal Affairs of the Ministry for Foreign Affairs of Sweden – itself a state quite sympathetic to the ban agenda.

¹¹United Nations, CCW/CONF.I/GE/4, p. 4.

¹²UN Information Service, “Review Process of Convention on Certain Conventional Weapons will begin in Geneva on 28 February,” 24 February 1994.

¹³VVAF, *Landmines Update*, #7, 4-94, p. 5.

leaving China expressing its opposition and forcing the issue to be held over for the second meeting of the Expert Group. The ICBL had arrived, equipped with dozens of copies of *Deadly Legacy*, fully expecting to offer their expert views to the work of the Expert Group.¹⁴ While the copies of *Deadly Legacy* soon disappeared, the ICBL was not invited into the room. It was a bitter lesson in multilateral politics. The first meeting of the Expert Group concluded with a request to the UN Secretariat that they prepare a summary of the negotiations leading to the 1980 CCW agreement, and a request to the ICRC that they provide recommendations for “amending and the ways and means of improving Protocol II.”¹⁵

The second session of the Expert Group was held in Geneva on 16–27 May 1994. Once again, one of the first agenda items was the issue of NGO participation. In the face of continued objections from China, the ICBL was once again left in the corridors. This marked a departure from the previous CCW process norms where organizations such as the Friends Committee (Quakers) and the Stockholm International Peace Research Institute were allowed to participate as observers throughout Expert Group meetings as well as the formal negotiations. In an attempt to address ICBL concerns, Molander agreed to provide daily briefing on what was happening within the negotiations.¹⁶ The

¹⁴Interview, Jody Williams and Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

¹⁵United Nations, CCW/CONF.I/GE/4, p. 5.

¹⁶Interview, Jody Williams and Stephen Goose, Fredericksburg, Virginia, 13 February 2002. Other ‘intelligence’ was obtained by questioning friendly diplomats who emerged from the meeting to take cigarette breaks.

ICBL wrote to Molander following the meeting, thanking him for his efforts on their behalf, but making the point that “unless and until our meaningful participation can be secured our mere presence in the building does not constitute sufficient contribution to the process to warrant our being here. We are concerned lest we give the appearance, by remaining outside of the meeting of the Group, of contributing to a process where our voice is not being heard.”¹⁷ In the absence of progress on the participation issue, the ICBL would boycott the remaining two Expert Group meetings on 8-19 August 1994 and 9-20 January 1995. At least some of the ICBL leadership had reached the conclusion that there was not much to be missed by doing so. In their view, the new CCW Process, appeared to be heading “in the direction of only the most cosmetic changes in the Landmines Protocol; it appears to me initially that we should begin publically attacking the meetings as a disastrous repeat of the meetings in the 1970s that produced the current mess.”¹⁸ The ICBL’s assessment proved somewhat prophetic.

With the ICBL sidelined, the task of defending the ban agenda fell to the ICRC. As requested, the ICRC provided the Expert Group with a lengthy analysis of the issues at play within the CCW process, including two annexes with the results of the Montreux symposium and its 1994 military expert symposium which examined the military utility of AP mines. The ICRC report began by placing the CCW process within a broader

¹⁷ICBL, “Letter to Johan Molander, Chairman, Expert Group, Preparatory to the Review Conference of the 1980 Conventional Weapons Convention,” 19 May 1994.

¹⁸Kenneth Anderson, “Memorandum to Kenneth Roth, HRW,” 19 May, 1994. From the files of Stephen Goose, HRW.

historical analysis of trends in the development of IHL, noting:

Since 1925, however, international humanitarian law has not made any significant progress in prohibiting the use of specific weapons, but has instead concentrated on imposing limitations on their use in hope of sparing the civilian population as far as possible. However, this approach has grave shortcomings in that it assumes that all concerned will in fact abide by the rules regulating the use of weapons and that this will indeed spare civilians from the effects of the weapons in question. In reality neither of these assumptions is correct.¹⁹

Drawing explicitly upon the history of the chemical weapons taboo, the ICRC argued that a total ban on AP mines would “be the best option, as a total ban would have the effect of stigmatizing the use of mines and a violation of the rule would be easily provable.”²⁰ In an example of ‘second wave issue generation,’ the ICRC report also underscored the importance of extending the scope of application of the new protocol, developing a clear definition of what was being prohibited, and developing effective implementation/compliance mechanisms. A specific paper on compliance issues was produced by the ICRC in August 1994.

The March 1994 ICRC report underscored the dilemma facing the ICRC throughout the CCW process. It had reached the conclusion that a ban on AP mines was both technically and politically the best solution to the global landmine crisis. However, this was clearly not the direction in which key states were taking the consensus-bound negotiations. This

¹⁹ICRC, “Report of the ICRC for the Review Conference of the 1980 United Nations Convention on Certain Conventional Weapons,” March 1994, reproduced in Maresca and Maslen, p. 271. Hereafter, ICRC Report to the CCW Experts Group.

²⁰*Ibid.*, p. 276.

left the ICRC with little choice but to provide its best technical advice on how to maximize the effectiveness of the proposals that remained on the table. Thus, one finds the ICRC providing a series of ‘scenarios’ based on pre-requisites that were unlikely to be met. For example, with respect to the transition to a landmine regime based on ‘self-destruct mines,’ the ICRC notes that “a regime based on the use of self-destruct mines is only likely to reduce casualties if the production, transfer and use of non-self-destruct or ‘dumb mines’ are prohibited and if they are accompanied by a stringent verification system and sanctions.”²¹ Unfortunately, neither a ban on dumb mines, or a stringent verification system was likely given the realities of the consensus approach combined with the active opposition of a number states to those approaches. A total of 33 State Parties and 33 non-state parties had participated in one or more of the Expert Group meetings over its seven weeks of work. In the wake of the final Expert Group meeting in January 1995, a “Chairman’s Rolling Text” was developed to try and capture the range of views advanced by the Expert Group. From the ban perspective it was not a pretty picture.

Scope of Application

One of the most widely recognized flaws in the existing CCW Landmine Protocol was its lack of application to the reality of the mine problem on the ground. Most severely mine

²¹Louise Doswald-Beck and Peter Herby, “Land Mines: A Critical Examination of Existing Legal Instruments,” *UNIDIR NEWSLETTER*, No. 28/29, December 1994, p. 5. Emphasis added.

affected states such as Afghanistan, Angola, Cambodia and Mozambique were not State Parties to the Protocol. Moreover, the Protocol only applied to international conflicts, providing no restrictions on the type of mine use in internal conflicts that was clearly at the heart of the humanitarian crisis—a fact highlighted in *Land Mines in Cambodia*.²² This glaring disparity between IHL theory and material practices provided an important point around which the identities/interests of pro-ban forces converged with those of a growing number of states which recognized the need for action on the landmine issue. The ICBL, ICRC and key UN actors had all clearly argued that the scope of the Landmine Protocol needed to be extended. The ICBL called for its application in “all circumstances,”²³ the ICRC for its extension to ‘internal armed conflicts,’²⁴ and UN Secretary-General for its application “in all circumstances, including armed conflicts and times of peace.”²⁵

While many States Parties had highlighted the scope issue as a priority for the Expert Group, this did not turn out to be a consensus position. Behind closed doors, significant opposition to the extension of the scope was presented by China, India, Mexico and Pakistan, on the grounds that it would constitute unjustified interference in their internal affairs, particularly when viewed in light of calls by other states for more robust

²²*Land Mines in Cambodia*, p. 101.

²³ICBL, Letter to Mr. Sohrab Kheradi, 22 February, 1994.

²⁴Cornelio Sommaruga, “Statement of 4 February, 1994.”

²⁵UN Secretary-General Boutros Boutros-Ghali, “Message to the CCW Review Conference,” 26 September 1995.

verification mechanisms.²⁶ Support for scope extension was widespread among other state parties, particularly within the ‘Western Group’ which included the majority of the pro-ban states.²⁷ By the end of the Expert Group process, Molander argued that an “understanding in principle” had been obtained on the need to extend the scope of application of the landmine protocol to cover conflicts of a non-international character.²⁸ As we see later, there was some ‘fine print’ to be considered during the formal negotiations before one could say the scope of application issue had been settled.

Smart Mines? Dumb Idea!

As noted in Chapter Three, as pressure for a total ban on all AP mines grew, the US, and later the UK, began working on proposals for an export ban on so called ‘long life’ or ‘dumb’ mines. On the surface, the technical reasoning behind this initiative appeared sound—the global landmine crisis was largely generated by the widespread use of millions of mines that continued to remain active and a threat to populations long after the end of the conflicts. A new generation of largely US mines, designed to ‘self-destruct’ (e.g. blow up) or self-deactivate (e.g after the exhaustion of a small battery)

²⁶VVAF and HRW, “Assessment of the Review Conference,” *Report on Activities; at the CCW Conference*, Fall 1995.

²⁷The Western Group was largely populated by North America and European States as well as Australia and New Zealand.

²⁸Johan Molander, “Strengthening International Humanitarian Law: The Review Conference of the 1980 Conventional Weapons Convention.” *UNIDIR Newsletter*, No. 28/29, Dec. 1994/May 1995, p. 9.

within a specific time period, held out the theoretical promise that the ‘collateral’ effects of mines could be more closely controlled. Given early US leadership on the landmine issue more generally, it was not surprising that support for the US/UK Landmine Control Regime with its vision of a shift to these so-called ‘smart’ mines struck a sympathetic chord with many states. As a ‘practical’ step forward designed to address the humanitarian impact of AP mines, the ‘smart mine’ initiative appealed to moderates on the issue. It also presented a significant threat to the less compromising total ban agenda.

As noted above, the ‘smart mine’ initiative was explicitly mentioned in the letter from State Parties to the Expert Group as a priority issue. The Expert Group addressed the issue in detail, with its efforts further bolstered by the June 1995 Budapest meeting of 31 states to discuss the US/UK Landmine Control Regime concept. The ICRC itself acknowledged in its report to the Expert Group that self-destruct mechanisms on AP mines “would reduce the need for mine clearance and also cause fewer civilian casualties in the long term.”²⁹ However, in the wake of the Expert Group meetings, the ICRC expressed its concern that it “would be difficult to ensure the reliability of self-destructing mechanisms.”³⁰ Nevertheless, by the time formal negotiations began at the Review Conference in September 1995, the concepts of ‘self-destructing’, ‘self-neutralizing’ and ‘self-deactivating’ mines were firmly entrenched in the Chairman’s Rolling Text of a

²⁹ICRC Report to the CCW Expert Group, p. 277.

³⁰ICRC Position Paper No. 1, *Landmines and Blinding Weapons: From Expert Group to the Review Conference*, February 1995, reproduced in Maresca and Maslen, p. 329.

draft revised Protocol. With the ‘smart mine’ concept largely accepted by others, a somewhat difficult debate began regarding what length of time states would need to make a transition to the new AP mine regime.

Definitions

As noted in Chapter Two, the 1980 CCW Landmine Protocol yielded the first multilaterally negotiated definition of a ‘mine,’ making no distinction between AP mines or anti-vehicle (AV) mines. Given the growing consensus that AP mines were causing most of the humanitarian damage, one of the first challenges facing the Expert Group was to develop a specific AP mine definition. This would be prove to be a controversial under-taking, made more so by the fact that many AV mines were equipped with ‘anti-handling devices,’ mechanisms designed to prevent enemy mine clearance personnel from safely removing them. In the opinion of many technical experts, these mechanisms caused AV mines to function exactly like AP mines.

The ICRC had warned that there would “need to be a very careful definition of anti-personnel mines that are to be banned, especially as dual-use systems exist and any vagueness in the wording would allow the prohibition to be evaded.”³¹ The ICBL had called for a “more precise definition of landmines” in its initial letter to the Expert Group, and followed up with its own draft of a “Total Ban” Protocol with it own detailed

³¹ICRC Report to the CCW Expert Group, p. 277.

definition of an AP mine.³² Drawing upon the definitions contained within 1980

Landmine Protocol, the ICBL went on to add additional language developed to address the issue of dual-use systems. Specifically, language (underlined below) around the key word *designed*:

Anti-personnel mine means any munition or device placed under, on or near the ground or other surface area and designed, constructed, adapted or designed to be adapted to be detonated or exploded by the presence proximity or contact of a person...³³

The ICBL definition went on to list what systems it felt were included in this definition specifically, any: “(a) manually or mechanically emplaced anti-personnel mine; (b) remotely delivered anti-personnel mine; (c) booby-trap; (d) other anti-personnel device; and, (e) mine whose primary purpose is to neutralize or destroy any form of vehicle but which has been designed, constructed, adapted, or designed to be adapted so as to function as an anti-personnel mine.”³⁴

The ICBL and ICRC had highlighted a serious problem for many states that maintained stock-piles of either AV mines with anti-handling devices or dual use systems such as the US Claymore mine that could be used in either a trip wire (victim activated) or command (switch and wire) mode of operation. On the one hand, consistency with the more general

³²HRW, “Revising the 1980 Landmines Protocol: Draft of a “Total Ban” Protocol,” Memorandum to the Delegates to the Conference of Government Experts, 6 May 1994.

³³*Ibid.*, p. 6.

³⁴*Ibid.*

arguments about the indiscriminate nature of AP mines demanded that mines that could be activated by a person be considered AP mines, regardless of whether they had other functions as AV mines or command detonated weapons. On the other hand, technical consistency carried the danger that several weapons systems beyond AP mines, such as those noted above, could potentially be captured within the definition. These implications were not lost on the Expert Group, since during the last meeting of the Group in January 1995, it was agreed to insert the word “primarily” into the proposed definition of an AP mine so that it would read: “Anti-Personnel mine means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”³⁵

Compliance/Verification

Like the scope issue, verification was a priority issue for pro-ban forces since one of the obvious problems with the existing Landmine Protocol was a lack of compliance with its provisions. The ICBL called for a “compliance/verification/enforcement regime, encompassing fact-finding, inspections, and traditional legal enforcement.”³⁶ The ICRC called for a “means of enforcement,” and tabled a detailed set of compliance ideas during the third session of the Expert Group—suggesting that the UN be asked to evaluate its

³⁵ Article 2, Paragraph 3, *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices* as amended on 3 May 1996.

³⁶ ICBL, Letter to Mr. Sohrab Kheradi, 22 February, 1994, p. 3.

ability to support measures such as ‘fact-finding missions’ similar to those undertaken by the UN in other areas.³⁷ For several states, verification remained unfinished business from the 1980 CCW negotiations. France, supported by Australia, Canada, Germany, New Zealand, Norway and United States, tabled a proposal for the creation of a “Verification Commission,” made of up experts from States Parties with the authority to conduct an inquiry into allegations of non-compliance, as well as to launch compulsory ‘fact-finding missions’ within countries alleged to have violated the Protocol.³⁸ It was proposed that the decisions of the Verification Commission could be taken “by consensus if possible, but otherwise by a majority of members present and voting.” It was further proposed that “grave breaches” of the new Protocol be subject to the relevant provisions of 1949 Geneva Convention—the serious abuse of the new Protocol would be considered a war crime.³⁹ For NATO and former Warsaw Pact states with experience with highly intrusive verification regimes, such as that negotiated within the Conventional Forces in Europe Treaty, this was relatively mild stuff. However, for key Non-Aligned states such as China, Cuba, India, Iran, Mexico and Pakistan, this went much too far. By the end of the Expert Group work, Molander observed that there was “a complete dead-lock on the issue.”⁴⁰

³⁷ICRC, Informal Working Paper – Secretariat Functions to Support Effective Implementation of the 1980 Convention on Certain Conventional Weapons (CCW) and its Proposed Amendments, Third Session, Meeting of Government Experts, August 1994.

³⁸See Alternative C, Article 10, Chairman’s Rolling Text, CCW/CONF.I/GE/23-24 January 1995.

³⁹*Ibid.*

⁴⁰Johan Molander, p. 10.

How Many More Victims Will it Take?—The Formal Negotiation of the CCW Landmine Protocol

In the wake of seven weeks of expert work, a total of 44 State Parties and 40 non-state parties gathered in Vienna between September 25 and October 13, 1995 for what was widely believed to be the CCW process end-game. Also in attendance were four UN agencies and the ICRC.⁴¹ Still outside the negotiations themselves was the ICBL. As noted in Chapter Three, by this point the social codification of the ban agenda had advanced considerably, as evidenced by the growth in the ICBL as well as the fact that ten states had declared themselves pro-ban over the course of 1994—most of them at the Expert Group meetings. Belgium had passed domestic ban legislation in early 1995 and three other states had gone pro-ban since then. On the second day of the Vienna conference, France announced a moratorium on the production of AP mines. While the ban agenda appeared to be gaining momentum, the CCW negotiations seemed to heading in the opposite direction.

ICRC President Sommaruga's opening statement to the Vienna Conference also hinted at the growing frustration within the ICRC at the direction states appeared to taking within the CCW Process.

This conference has an historic moral, political and legal obligation: to put an end to the 'mass destruction in slow motion' caused by anti-personnel mines... I encourage delegates honestly to ask themselves if the combination of partial

⁴¹Specifically, UNICEF, UNDHA, UNDP, and UNHCR.

measures short of a total ban, which are currently being considered by many states, will be rapidly and effectively implemented and lead to a significant reduction in civilian casualties... The world awaits a sign from Vienna that there are still certain minimum norms of humanity which civilized countries are unwilling to abandon.⁴²

In a video message to the opening plenary of the Vienna Conference, the UN Secretary-General restated his call for a comprehensive ban. He began his message by noting that more than 20,000 people are injured or killed by landmine each year and went on to further develop the 'mine clearance deficit' concept stating that:

The international community clears approximately 100,000 land-mines each year. During the same period, between 2 and 5 million more land-mines are laid. Hence, land-mine proliferation adds each year two or more decades to the eleven hundred years necessary to clear all land-mines at current rates. If that trend continues, the international community will have to clear mines well into the third millennium and will have to suffer, between now and then, the loss of several million people who will be wounded or killed.⁴³

A glimpse of the impact that these and similar types of statements by the UN Secretary-General had beyond the conference itself could be found in the *Globe and Mail* editorial of the day. Entitled "Removing land mines from the world's arsenal," the editorial uses the figures of 85 million mines scattered in some 62 countries generating some 26,000 victims per year and notes that "Mr Boutros-Ghali properly thinks land mines should carry the same stigma as biological weapons."⁴⁴ In an example of how this form of issue

⁴²Cornelio Sommaruga, "The ICRC and the Review Conference of the 1980 UN Weapons Convention," 26 September, 1995.

⁴³Boutros Boutros-Ghali, "Message to the CCW Review Conference," Vienna, 26 September 1995.

⁴⁴"Removing land mines from the world's arsenal," *Globe and Mail*, 27 September, 1995, p. A-20.

generation and norm grafting tended to support the ‘reversal of the burden of proof’ phenomenon noted earlier, the editorial concluded by stating, “if there is a sound military case against banning land mines—that, for example, they save more lives in war than they claim in peace—let the government make it.”⁴⁵

At its Phnom Penh conference in June 1995, the ICBL agreed that, while continuing to advocate on behalf of a total ban, it would press for progress on three issues at the upcoming Review Conference that it assessed would “move the campaign forward toward a total ban:” expanded scope of application; verification and monitoring mechanisms; and, a more frequent and automatic review of the CCW.⁴⁶ Beyond its minimal expectations vis-a-vis the ban, it continued to see the CCW process as an important “platform from which to educate the public and governments alike on the scope and nature of the AP mine problem.”⁴⁷

The Phnom Penh Formula

The apparent modesty of its objectives in Vienna did not prevent the ICBL from organizing a massive display of its growing advocacy capabilities. Over 100 ban campaigners representing 70 NGOs from 20 countries attended the CCW Review

⁴⁵*Ibid.*

⁴⁶ICBL, “Advocacy Step Two: Review Conference on the 1980 Convention on Injurious Weapons, Vienna, Austria,” Phnom Penh Conference Paper, undated, p. 1.

⁴⁷Williams and Goose, p. 26.

Conference. Media and public interest in the event was courted through public activities in 16 countries in Europe, North America, Asia, and Africa in the days immediately prior to the Vienna meeting.⁴⁸ This effort yielded dozens of editorials and feature articles in print as well as a significant number of radio and television spots. According to the ICBL there were over 130 print articles in Austrian papers alone during the three weeks of the Review Conference.⁴⁹ One of the most successful efforts to simultaneously engage the public and media on the issue was the ‘shoe pile’ concept—literally tons of shoes donated by the public and piled high in Paris as well as in Vienna outside the Austrian Parliament to symbolize the shoes that would not be needed by present and future landmine victims. Interfaith prayer services in Vienna were linked to an organized ‘International Days of Prayer in Remembrance of Landmine Victims’ further reinforced the linkage between the campaign, mine victims and growing support for the campaign from a large and diverse range of faith communities. The public opinion authority of the ICBL was reinforced by the presentation, by mine victims from Afghanistan, Cambodia, Mozambique, and the US, of a petition with 1.7 million signatures from people in 53 countries calling for a total mine ban to Conference President Molander on 28 September.⁵⁰

⁴⁸ICBL, “Campaign Activities Taking Place outside of Austria,” *ICBL Report on Activities: Review Conference of the Convention on Conventional Weapons, Vienna Austria, 25 September – 13 October 1995*. November 1995 (hereafter *ICBL Report on Activities at the CCW Conference*).

⁴⁹ICBL, “Assessment of the Review Conference,” *ICBL Report on Activities at the CCW Conference*, p. 1.

⁵⁰*ICBL Report on Activities at the CCW Conference*, p. 9.

To demonstrate political momentum and cultivate ties with pro-ban states, the ICBL invited government representatives from Austria, Belgium, Cambodia, France and Italy to make presentations at the ICBL's press conference, held on 25 September at the Vienna Opera House, to mark the start of the Review Conference. The coalition-building potential of offering government officials an opportunity to share the media stage with ICBL activists, including mine victims was not lost on the ICBL leadership. The ICBL had positioned itself on the 'moral high ground' of the landmine issue. The 'praise' tactic had been added to the well established 'shame and persuade' techniques. Progressive policies adopted by states would be rewarded with praise as well as opportunities to share the moral high ground with the ICBL. Criticism would be directed at hold-out states. Evidence of this strategy could be found in the pages of the *CCW NEWS*, a newsletter produced by the ICBL during the Review Conference and distributed to delegates and faxed/e-mailed to the media. Positive front page coverage was provided to France's 26 September 1995 decision to adopt a moratorium on the production of mines. Criticism could be found both in feature articles, as well as in a detailed accounting of state positions provided within a recurring column known as "The Good, The Bad, and the Ugly."⁵¹

The *CCW NEWS* also provided near real-time coverage of developments within the negotiations themselves, despite the fact that the ICBL remained outside of the formal negotiating sessions. This coverage supported another key objective of the ICBL during

⁵¹See *CCW NEWS*, 27 September 1995 and *CCW NEWS*, 29 September 1995.

the CCW process, establishing the expert status of key ICBL representatives. Of the 26 NGO representatives invited to address the opening plenary of the Review Conference, a total of 22 were coordinated by the ICBL, representing the perspectives of mine victims, mine clearance personnel, victim assistance organizations and ban advocates.⁵² Technical briefings, literature tables, photo displays, video screenings, simulated mine fields, and the engagement of mine victims in Vienna and Geneva also reinforced the expert status and moral authority of ICBL representatives.

The expert status of the ICBL leadership was further enhanced by the publication, just prior to the Vienna Conference of *After the Guns Fall Silent: The Enduring Legacy of Landmines*. As noted in Chapter Three, the 1993 Montreux meeting had identified the need for further research into both sides of the military utility vs humanitarian impact equation that was increasingly structuring debate on the landmine issue. The ICRC had undertaken to examine the military utility argument, while the VVAF had promised to examine the humanitarian impact side of the debate. Field research conducted by VVAF over the course of 1994 and early 1995 was used to produce the ground-breaking 500 page *After the Guns Fall Silent*. Whereas the country case studies in the HRW/PHR/MAG series that culminated in *Deadly Legacy* tended to focus upon patterns of landmine use and their more or less direct impact on civilian populations, *After the Guns Fall Silent* provided a more detailed examination of the broader and longer term social and economic effects of landmine contamination based on extensive community

⁵² ICBL Report on Activities at the CCW Conference, p. 9.

level surveys. For example, it demonstrated that mine contamination in severely affected states such as Afghanistan, Angola, Cambodia and Mozambique was seriously hampering essential economic infrastructure such as transportation, agriculture, livestock, water supplies and energy production and distribution. The long term costs associated with mine clearance and the provision of adequate assistance to landmine survivors were staggering—even more so when one considered that most mine affected states were already among the poorest countries in the world.

The findings from *After the Guns Fall Silent* were used to reinforce the ICBL's arguments about the illegality of AP mines under customary international humanitarian law first developed in *Deadly Legacy*. Specifically, it argued that any evaluation of the military impact vs humanitarian impact of AP mines needed to take into account the full "life-cycle" of the weapon.⁵³ Doing so was critical since "when the life-cycle of the weapon and its impact over generations are factored into the equation, the question of proportionality takes on new meaning."⁵⁴ Put more bluntly, *After the Guns Fall Silent* concluded that "because the actual consequences of landmine use continue for decades after their initial deployment, their immediate battlefield utility is outweighed by the long-term costs to civilian populations."⁵⁵

⁵³Shawn Roberts and Jody Williams, *After the Guns Fall Silent: The Enduring Legacy of Landmines*, Washington, Vietnam Veterans of America Foundation, 1995, p. 4.

⁵⁴*Ibid.*

⁵⁵*Ibid.*

It is worth noting that Vienna represented the first experience many diplomats had in dealing with the ICBL and, for many ban campaigners, the reverse was also true. Thus, while it is difficult to evaluate the exact impact of the ICBL activities, the political capital of the ICBL appeared to have risen quite dramatically in Vienna. The ICBL invited states as diverse as Austria, Cambodia, India and the US to provide open briefings on their respective positions directly to ICBL representatives and, to the surprise of many, they did. That the ICBL's *CCW NEWS* tended to stimulate delegations to actively seek space to reply to any negative coverage of their positions also indicated the seriousness attached to the ICBL's efforts.

The Vienna Deadlock

Thanks largely to the efforts of the ICBL and ICRC, the Vienna negotiations were conducted under intense media scrutiny. However, despite the pressures building outside of the negotiations, it became clear that hold-out states such as China, India, Pakistan and Russia were actively attempting to further erode the already modest progress that had been achieved. Moreover, the US continued to press forward on its smart mines agenda. Recognizing the threat to the ban agenda, the ICBL confronted the 'smart mine' initiative in the corridors with governments, in its statements to the conference, as well as through its conference newsletter the *CCW NEWS*. It noted failure rates of such mines were generally 5-10%, and could reach as high as 50% with less sophisticated production techniques. While active, self-destruct mines continued to function just like long-lived

mines—they remained unable to distinguish between soldiers and civilians. They also argued that legitimization of such mines could actually increase the use of mines. The shift to self-destruct mines would do little to address the immediate humanitarian crisis, since some states claimed that they either could not afford such mines, or would require up to 15-20 years to convert to such systems. Finally, the ICBL made the case that legitimizing the use of certain types of AP mines was simply incompatible with the comprehensive ban agenda.⁵⁶ If anyone missed the finer details of their position, ICBL campaigners were soon sporting stickers with the observation “Smart Mines? Dumb Idea!”

In the end, there was very little progress in Vienna on the core issues that had been put on the table by the work of the Expert Group. Key hold out states, such as Russia and China, reportedly had difficulties in obtaining any further instructions from their capitals regarding possible compromises.⁵⁷ In the end, it was the failure to break the deadlock on verification/compliance issues, coupled with a continued lack of progress on scope of application and transition periods to smart mines, that forced the Vienna Conference to seek a suspension in the negotiations. The growth in the number of pro-ban states also tended to strengthen the resolve of the ‘Western Group’ to seek a suspension rather than accept a weak text. The final days of the Vienna conference witnessed efforts on the part of Molander to pressure key hold-out states into accepting the suspension idea. Renewed

⁵⁶Steve Goose, “Smart Mines?” *CCW NEWS*, 27 September 1995, p. 4.

⁵⁷Interview with Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

negotiations were scheduled for Geneva 15-19 January and from 22 April to 3 May, 1996.

During a press conference following the suspension of the negotiations, Jody Williams was asked if she viewed the meeting as a success or a failure—to which she replied, “it was a success that the conference ended in a deadlock.”⁵⁸ Media sympathies with the ban agenda were evident in the number of media sources that followed the UN Secretary-General’s lead in characterizing the Vienna Conference as a failure to achieve the ban.⁵⁹

The ICRC Mobilizes

The Vienna deadlock prompted the ICBL and the ICRC to re-think their strategies on the landmine issue. The most radical shift in thinking took place within the ICRC, which by November 1995, had decided to launch a three part strategy aimed at “stigmatizing anti-personnel mines as abhorrent and unacceptable weapons in the world consciousness.”⁶⁰ Working closely with Archbishop Desmond Tutu to develop an appeal to media sources for free advertising, the first element of the strategy was an unprecedented international media campaign entitled “Landmines Must be Stopped.”⁶¹ In an impassioned ‘norm grafting’ appeal to the media to support the ICRC’s efforts, President Sommaruga compared the landmine campaign to the struggle against chemical weapons and even

⁵⁸Jody Williams, “Memorandum to Bobby Muller,” 15 October, 1995, p. 1. Jody Williams’ Files.

⁵⁹For example, “UN Talks on Banning Land Mines Fail,” *International Herald Tribune*, 13 October, 1995.

⁶⁰ICRC, *Landmines Must be Stopped*, August 1997.

⁶¹*Ibid.*

apartheid:

I invite you to join with us now in redoubling our efforts to inform the public about this scourge on the world's poor, its children and its hungry and to frame the ethical debate required for its final resolution. As with chemical weapons success may take years or, as with apartheid, it may require decades. But together we will succeed. And in struggling to do so we will not only be upholding fundamental norms of civilization but also affirming our own common humanity.⁶²

With an estimated value of several million dollars, the ICRC assessed that a total of 800 million viewers and readers were reached with its evocative public service announcements that appeared in print, TV and on public billboards in over 30 countries.⁶³ It was a step described by those inside the ICRC as a "revolution" for the Red Cross Movement.⁶⁴ Using large scale advertising as a communications strategy was unprecedented and somewhat controversial within the ICRC.⁶⁵

The second track of the ICRC strategy was aimed squarely at the military utility of AP mines argument, used by several delegations in Vienna. A detailed study by a panel of military experts was commissioned to tackle the military utility question. However, unlike the somewhat unhelpful 1994 study that looked almost exclusively at the doctrine

⁶²Cornelio Sommaruga, "Statement at the ICRC Press Conference," Geneva, 22 November 1995.

⁶³*Landmines Must be Stopped*

⁶⁴Johanne Dorais-Slakmon, Communications Coordinator, ICRC Landmines Campaign, quoted in "Taking Action: The War on Landmines," *Red Cross, Red Crescent: The Magazine of the International Red Cross and Red Crescent Movement*, Issue 2, 1997. p. 2.

⁶⁵*Ibid.*, p. 4

(theory) of mine use, this effort was focused upon assessing the actual utility of the weapon as demonstrated in combat situations from the Second World War to the present. It is noteworthy that the ICRC engaged Brigadier Patrick Blagden, a former British combat engineer and the Senior Demining Advisor with UNDPKO to run the study effort. As noted in Chapter Three, in addition to being extremely experienced with UN mine clearance programs in the field, Blagden was one of the key actors shaping the UN's early policies with respect to the ban agenda. It would have been difficult to find a more technically qualified individual.

Initial research and writing was undertaken by Blagden himself with his draft then being reviewed at a meeting of senior military experts from a total of eight countries.⁶⁶

Released in March 1996, the study entitled *Anti-Personnel Landmines – Friend or Foe*, was a ground breaking piece of work that generated a political impact similar to *Land Mines in Cambodia* and *Deadly Legacy*. It reviewed patterns of AP mine use in a total of 26 conflicts and concluded that “few instances can be cited where anti-personnel mine use has been consistent with international law or, where it exists, military doctrine.”⁶⁷ Thus, the study argued that “it would be unwise to justify the continued use of anti-personnel mines on the premise that they will be deployed in a carefully controlled manner.”⁶⁸ On the military utility side, the study noted that “the evidence considered

⁶⁶Canada, India, the Netherlands, Philippines, South Africa, Switzerland, United Kingdom and Zimbabwe.

⁶⁷ICRC, *Anti-Personnel Landmines – Friend or Foe?*, Geneva, March 1996, p. 7.

⁶⁸*Ibid.*

indicates that, even when used on a massive scale, they (AP mines) had little or no effect on the outcome of hostilities. No case was found in which the use of anti-personnel mines played a major role in determining the outcome of a conflict.”⁶⁹ Finally, the study concluded that, in light of “costs and dangers” to friendly forces associated with the proper use of AP mines, the net effect of the use of the weapon “may even be counterproductive.”⁷⁰ The Press Release provided upon the publication of the report on 28 March 1996 concluded with the statement that “the results of this study confirm the ICRC’s position that the military value of anti-personnel mines is far outweighed by their human and social costs and reinforces both its call for a ban and its worldwide campaign against this weapon.”⁷¹ Not surprisingly, the *Friend or Foe* study would become one of the most widely quoted expert studies within the ban campaign. By 1 August 1997 a total of 55 additional senior commanders from 19 countries had endorsed the study.⁷²

The third track of ICRC action included more work at the national and regional levels in cooperation with the National Societies of the Red Cross Movement as well regional organizations such as the Organization of African Unity. Legal advisors within National Societies were provided detailed information on the issue to facilitate their advocacy efforts such as medical case studies, posters, maps, photos, a CD-ROM, web-based

⁶⁹*Ibid.*

⁷⁰*Ibid.*

⁷¹ICRC Press Release, “Anti-Personnel Mines: Not an Indispensable Weapon of High Military Value,” 28 March 1996.

⁷²Maslen, “The Role of the International Committee of the Red Cross,” *To Walk Without Fear*, p. 88.

materials as well as information on mine incidents.⁷³ In early December the Council of Delegates at the 26th International Conference of the Red Cross and Red Crescent “urged all components of the International Red Cross and Red Crescent Movement,” to work “for a total ban on anti-personnel landmines.”⁷⁴ Over the next 18 months a total of 83 National Red Cross and Red Crescent societies would become active within the landmine campaign.⁷⁵ Many would work closely with their ICBL counterparts, as well as adapting several of the ICBL’s advocacy techniques, such as the shoe pile coupled with collecting signatures advocating a total ban. The Columbian Red Cross mobilized its approximately 40,000 volunteers behind the landmine issue, using posters, booklets, TV and radio spots to develop mine awareness and support for the ban.⁷⁶

To better gauge the views of the public on the landmine issue, the ICRC used polling research time donated by the Gallup International Group and Isopublic Zurich to sample public opinion in a total of 21 countries from four continents (Chart 4.1 below). Released on 24 April, the second day of the final session of the CCW, the results of the poll seemed to indicate that public opinion was generally far ahead of political leadership on the landmine issue. The dictates of the public conscience appeared to have been engaged, and the views on the ban issue appeared to be solidly pro-ban.

⁷³*Landmines Must be Stopped.*

⁷⁴Resolution 10, Council of Delegates, 26th International Conference of the Red Cross and Red Crescent, Geneva 1-2 December 1995.

⁷⁵“Taking Action: The War on Landmines,” p. 5.

⁷⁶*Ibid.*, p. 4

ICRC International Public Opinion Poll, “Would you personally be in favour or against signing an international agreement banning anti-personnel mines.”				
Country	% in favour	% against	% don't know	# of Interviews
Denmark	92	4	4	1009
Spain	89	2	9	1100
Switzerland	88	5	7	786
Italy	88	5	7	1001
Austria	86	10	4	1000
Slovakia	85	2	13	569
Russia	83	4	13	1525
India	82	8	10	500
Finland	79	8	13	627
Czech Republic	82	5	13	1061
Ukraine	78	2	20	1179
Brazil	76	8	16	640
South Korea	75	8	17	1600
Germany	75	15	10	1009
South Africa	74	6	20	344
Canada	73	8	19	492
Ireland	72	1	27	1386
Bulgaria	68	2	29	1133
Poland	66	5	29	1116
USA	60	22	18	1022
Japan	58	3	39	1355
Total				20,455

Chart 4.1. Source, ICRC, “International Poll on Anti-Personnel Mines,” 24 April 1996.

Geneva in January—The ICBL Forges a Broader Coalition

Billed as technical expert meetings, the 15-19 January 1996 CCW session was most notable for what happened behind the scenes, as the first steps toward building the state/IO/NGO ban coalition were taken.⁷⁷ A number of views on the way forward for the IBCL were advanced at its post-Vienna campaign planning meeting in New York on 12 December. It was agreed that the ICBL would maintain a modest presence at the January technical meeting, returning to the ‘Phnom Penh’ formula of a full range of advocacy efforts for the April-May meeting.⁷⁸ Ideas to advance the ban agenda included the promotion of regional “mine-free zones,” new initiatives at the UN such as production moratoria, boycotts of mine-producing companies and an international poster contest aimed at engaging teachers and school children on the issue. It was also agreed that closer cooperation with the ICRC would be important, particularly in light of its new public advocacy campaign to support the ban agenda. One decision that would later prove to be significant, was the idea of working more closely with states that had declared themselves to be pro-ban—a total of 18 by the end of Vienna.⁷⁹ The strategy was to get pro-ban states to develop a sense of their own identity as a pro-ban block and

⁷⁷Although responsible for the landmine file since October, this the point at which the author joined the Canadian Delegation.

⁷⁸ICBL, “Minutes of Campaign Planning Meeting,” New York, 12 December 1995. Jody Williams’ Files.

⁷⁹*Ibid.*

corresponding potential to work with the ICBL on advancing the ban agenda.⁸⁰

The ICBL's strategy during the January session of the CCW was aimed at communicating the growing momentum of the ban movement, thereby seeking to generate a sense of rapid normative change and related pressure on states to re-evaluate their position on the ban issue. The 15 January 1996 edition of the *CCW NEWS* led with an article entitled "Ban Campaign Gathers Strength," which noted that the ICBL represented more than 400 NGOs from some 36 states. The article also called upon states that favoured a total ban to "form a working group to devise, coordinate and implement steps that will lead the world to a comprehensive ban."⁸¹ To underscore the need for action, page two of the *CCW NEWS* noted that an estimated 8,120 people had been maimed or killed by mines since the Vienna meeting. The veracity of the ICBL's claims of momentum and vision in calling for a working group of pro-ban states appeared to be supported by developments over the week to follow. Switzerland announced its support for a total ban on Monday 15 January, to be followed by Canada on Wednesday 17 January. The Philippines and Uruguay had made similar announcements in December bringing the total number of pro-ban states to 22.

To further encourage states to join the ICBL on the moral high ground, the 15 January

⁸⁰Interview with Jody Williams and Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

⁸¹ICBL, "Ban Campaign Gathers Strength," *CCW NEWS*, 15 January 1996, pp. 1-2.

CCW NEWS published the first of what became known as “The Good List”—a list of states that had called for an AP mine ban. The idea of working more closely with pro-ban states to explore common ground, manifested itself in an invitation to all pro-ban states to attend a discreet meeting on 19 January. That meeting that would later be identified as the one of the first steps in what became known as the Ottawa Process. A total of 8 states accepted the ICBL’s invitation (Austria, Belgium, Canada, Denmark, Ireland, Mexico, Norway and Switzerland) as did the ICRC. All but one of these states (Denmark) would later become members of the Ottawa Process core group. While the meeting was largely structured around a brief exchange of views on national perspectives on the ban agenda, there was also a general agreement on the need to enhance cooperation among pro-ban forces. The ICBL’s statement at the January meeting’s final plenary noted that the ICBL had “met with a number of these (pro-ban) nations today, and they are prepared to begin a coordinated government effort aimed at a ban.”⁸²

The Canadian Connection—Changing State Leadership During the CCW Process

As noted in the introduction to this chapter, the CCW Process marked the beginning of a shift in state leadership on the mine issue away from US and France, towards collective management of the mine issue by an emerging group of medium and smaller sized states willing to work closely with the ICBL, ICRC and the UN. The initial leadership in

⁸²Stephen Goose, “Statement on behalf of the ICBL, Final Plenary Session, CCW Review Conference,” Geneva, 19 January 1996.

reshaping the state-civil society relationship on the mine issue was provided by the ICBL itself, which took the initiative in January 1996 to reach out to the growing number of pro-ban states to explore options for enhanced cooperation. One of the first states to recognize the possibility for a new and potentially powerful state-civil society coalition on the mine issue was Canada.

There was little about Canada's experience with landmines prior to the CCW process that would have hinted at the leadership role it was about to assume within the emerging ban coalition. Like many other states, Canada had a mixed history with respect to AP mines. It had used them abroad, most recently during the Korean War, but they had also taken Canadian lives and limbs in the course of peacekeeping missions. It had exported mines but was also, through Canada's International Development Agency, a significant donor to international mine clearance programs through the United Nations. Several Canadian Forces military engineers had served tours of duty with UN mine clearance and mine awareness programs in Afghanistan and Cambodia. These were experiences that, more or less, were common to other small to medium sized states such as Australia, Sweden or the Netherlands.

The landmine issue had been raised by a number of domestic NGO's during the 1994 defence and foreign policy reviews. By March 1995, Mines Action Canada (MAC) had

been formed as a coalition of NGOs formally affiliated with the ICBL.⁸³ Initial interactions between MAC and Canadian government officials on the issue were characterized by the NGO side as “mutually frustrating events” where “entrenched positions were repeated to no discernible positive effect.”⁸⁴ In anticipation of the CCW Review Conference, MAC turned its attention to a Canadian media sector that appeared to be highly receptive to its ban message. It also began looking for a political champion for its cause, and found that almost every major federal political party from left to right had at least one Member of Parliament willing to support the ban agenda. MAC’s cause was further boosted by the willingness of Bruce Cockburn, a popular Canadian musician, to undertake a cross-Canada tour to raise awareness of the impact of landmines in Mozambique. An intensive grass-roots letter writing campaign focused upon Foreign Affairs, National Defence and the Prime Minister’s Office further pressured the government on the issue.⁸⁵ The deadlock in Vienna appeared to further strengthen MAC’s hand with the media, which had begun to publish pro-ban editorials—a development not lost on the government.

What happened over the next few months to turn the landmine file from “a loser” into one of Canada’s top foreign policy priorities has been examined in detail by Brian

⁸³The formation and role of Mines Action Canada is examined in detail by Valerie Warmington and Celina Tuttle in “The Canadian Campaign,” *To Walk Without Fear*, pp. 48-67.

⁸⁴*Ibid.*, p. 49.

⁸⁵*Ibid.*, p. 52.

Tomlin.⁸⁶ Relevant to this chapter is Tomlin's analysis of the early stages of Canadian decision-making on the landmine file that leads to Canada's decision to launch a renewed effort to tackle the ban agenda out of the ashes of the CCW Process. According to Tomlin, momentum for changes in Canada's somewhat conservative landmine policy originated from a combination of domestic and international pressures that prompted Canadian Foreign Minister Andre Ouellet to break government solidarity on the issue during an impromptu media interview on 9 November 1995.⁸⁷ In response to a question on the issue, Minister Ouellet offered the view that landmines "should be banned not only in Canada but everywhere in the world."⁸⁸ Ouellet's very public break with his Defence Minister, provided MAC as well as officials supportive of the ban within Foreign Affairs with an ideal opportunity to press hold-outs in National Defence for changes in Canadian landmine policy. Following a somewhat difficult exchange of letters between Foreign Affairs and National Defence, on 17 January 1996 Canada announced a moratorium on the production, export and use of anti-personnel mines—just two days before the ICBL's first NGO/government meeting in Geneva to discuss cooperation in advancing the ban agenda.

The origins of Canada's shift from a simple pro-ban position to an active leadership role is traced by Tomlin to political changes in Canada, namely the shift of Lloyd Axworthy to

⁸⁶Brian Tomlin, "On a Fast Track to a Ban: The Canadian Policy Process," *To Walk Without Fear*, pp. 185-211.

⁸⁷*Ibid.*, pp.192-193.

⁸⁸*Ibid.*

the post of Foreign Minister in January 1996. With a reputation for activism, Axworthy began his tenure by asking his Foreign Affairs officials to identify key priorities in their respective issue areas. Led by Jill Sinclair, who would later become the Canadian point person during the Ottawa Process, the Disarmament Division within Foreign Affairs identified two ‘hot files’—landmines and small arms.⁸⁹ In the wake of the January 1996 meeting of pro-ban states/IOs/NGOs on the margins of the CCW, the Disarmament Division drafted a Memorandum to Minister Axworthy in March entitled *A Canadian Action Plan to Reduce the Global Use of Landmines*. The memo recommended action in two areas, continued participation in the CCW Process, and a small international meeting of states/IOs/NGOs to develop an international action plan on landmines.⁹⁰ On the eve the final session of the CCW Process, officials secured a more detailed agreement from the Minister including: placing an NGO representative on the Canadian delegation; launching discussions on a Canadian draft UN General Assembly resolution; and, informal meetings with states and IO/NGOs on the idea of an international meeting to develop a strategy to tackle the landmine issue in the wake of the CCW.⁹¹

‘A Deplorable Failure’—The CCW Struggles to Conclusion

The ICBL returned to the ‘Phnom Penh’ formula for the final CCW session in Geneva

⁸⁹Tomlin, p. 194. Formally known as the Non-Proliferation, Arms Control and Disarmament Division, this was the division with responsibility for the landmine file within Foreign Affairs.

⁹⁰*Ibid.*, p. 195.

⁹¹DFAIT offered a position to Mines Action Canada, who then selected Valerie Warmington, the Chair of MAC, to join the Canadian Delegation.

from 22 April to 3 May, bringing over 150 NGO representatives to Geneva and mounting parallel advocacy efforts in 11 countries to raise media interest in the Geneva effort.⁹² Once again, the ICBL worked to shape the media and negotiating environment surrounding the state delegates with a blizzard of public events and displays. A simulated minefield was placed outside the negotiations themselves. A 'Wall of Remembrance' with pictures of mine victims and a clock that recorded a new mine victim every 20 minutes was also placed inside the UN complex near the negotiations. It contained hundreds of photos of mine survivors from Battambang Province in Cambodia, where a staggering total of 86 people had been killed and 705 had been injured by mines since the Vienna session alone. In total, the ICBL estimated that more than 13,000 had been killed or injured by mines world-wide since Vienna.⁹³ Daily press conferences and press releases, photographic exhibitions, and ban posters and stickers almost everywhere in Geneva culminated in a NGO vigil outside of the negotiations followed by a minute of silence inside the negotiations on the final day of the CCW Process. Highlighting the continued momentum behind the ban, the headlines of the *CCW NEWS* celebrated the decisions by Germany, Australia and the Congo to call for an AP mine ban. The ICBL's latest 'Good List' published on 22 April, listed 29 states calling for a total ban. Beside the 'Good List,' the ICBL provided an inset box that noted that since the deployment of the International Force (IFOR) in Bosnia in December 1995, a total of ten countries with

⁹²Afghanistan, Belgium, Canada, Egypt, France, Germany, Hong Kong, India, Italy, Ireland and the United Kingdom.

⁹³ICBL, "Building the Wall of Remembrance: How Many More Will it Take?", *CCW NEWS*, 25 April, 1996, p. 8.

forces in Bosnia had suffered 7 dead and 38 injured due to landmines.⁹⁴

From the ICBL's perspective, the final two weeks of the CCW Process was most notable for the fact that "governments essentially took a weak document and weakened it further."⁹⁵ While this was not necessarily true in all cases, it certainly was an accurate reflection of the general trend within the negotiations. For example, despite significant advocacy efforts on the issue, it proved impossible to blunt the momentum towards the legitimization of the continued use of 'dumb' mines as well as the acceptance of 'smart' mines within the revised Landmine Protocol. The irony of the situation was not lost on the ICRC, which noted that:

The ICRC deeply regrets that, for the first time in a humanitarian law treaty, measures have been adopted which, instead of entirely prohibiting the use of an indiscriminate weapons, both permit its continued use and implicitly promote the use of new models which will have virtually the same effects, at least in the short term.⁹⁶

It also proved impossible to reverse the negative trend on definition issues. The ICBL's suspicions about the insertion of the word *primarily* into the AP mine definition were confirmed when several states, including Austria, Canada, Denmark, France, Germany, Ireland, the Netherlands, South Africa and Sweden declared that the word *primarily* was added to ensure that anti-vehicle mines which were equipped with anti-handling devices

⁹⁴ICBL, "IFOR Bosnia Landmine Casualties," *CCW NEWS*, 22 April, 1996, p. 4.

⁹⁵ICBL, *Landmine Update*, #13, July 1996, p. 2.

⁹⁶Eric Roethlisberger.

would not be considered to be AP mines.⁹⁷ These were not views shared by the ICRC, which argued that AP mines should continue to be defined by their victim activated characteristics “whatever other functions the munition may also have.”⁹⁸ ICRC concern over the ‘primarily’ issue was such that Sommaruga himself addressed the issue during his address to the opening plenary of the final session of the CCW making the dramatic claim that:

If this definition is adopted, any other accomplishments of this Conference could over time be subverted by the confusion and possible abuse which this definition could produce. Efforts to put an end to the humanitarian crisis caused by anti-personnel mines may well be severely threatened or even totally undermined.⁹⁹

On a more positive note, measurable progress on the scope of application issue was achieved. It was agreed that the application of the revised Landmine Protocol would be extended to include, “in addition to situations referred to in Article 1 of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949.”¹⁰⁰ While Article 3 common to the 1949 Geneva Conventions does indeed apply to “armed conflict not of an international character occurring in the territory of one of the High Contracting Parties” there remained some concerns about its application to non-

⁹⁷Maslen, *A View From the Vanishing Point*, p, 42.

⁹⁸Peter Herby, “Third Session of the Review Conference of State Parties to the 1980 United Nations Convention on Certain Conventional Weapons (CCW) – Geneva, 22 April – 3 May 1996,” *International Review of the Red Cross*, No. 312, May-June 1996, p. 366.

⁹⁹ICRC, Statement of Cornelio Sommaruga, President of the ICRC, to the Third Session of the Review Conference of State Parties to the 1980 United Nations Convention on Certain Conventional Weapons (CCW), 22 April 1996, p. 1.

¹⁰⁰Article 1, Paragraph 2, *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices* as amended on 3 May 1996.

state parties as well as other situations considered to be less serious than full civil war.¹⁰¹

To address these concerns, further qualifications were included in Article 1 of the Landmine Protocol, specifically, that “each party to the (internal) conflict shall be bound to apply the prohibitions and restrictions of this Protocol,” and the Protocol would not “apply to situations on internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.”¹⁰²

While in light of the above, it cannot be said that the scope of the Landmine Protocol was ‘unconditionally’ extended to internal conflicts, it was extended in a manner that clearly paved the way for the ‘under any circumstance’ scope of application language that would later be used in the Mine Ban Treaty. This was not an inconsiderable achievement when viewed against broader developments within IHL. It was certainly a significant success given the particular set of actors engaged in the CCW Process. Indeed, it is generally accepted that progress on the scope issue was only achieved when it became clear that states aggressively seeking scope extension were prepared to trade progress on scope for what was widely seen as one of their most important other objectives—robust verification mechanisms for the revised Landmine Protocol.

¹⁰¹Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, reproduced in Roberts and Guelff, pp. 301-369.

¹⁰²Article 1, paragraphs 3 and 2 respectively, *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices* as amended on 3 May 1996.

As noted above, it is generally understood that verification became a bargaining chip between the Western Group and the Non-Aligned Group vis-a-vis the scope issue. What remained of the West's verification package was an annual reporting requirement and the obligation of State Parties to take "all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol" including, "the imposition of penal sanctions."¹⁰³ However, what appeared to be marginal progress on verification issues should be viewed against the technical realities of actually 'verifying' the use of specific non-compliant mines. Given the lack of reliable knowledge on the exact nature of existing mine contamination, it was somewhat unreasonable to suggest that verification was even technically possible, at least in the sense developed within the East-West arms control context.¹⁰⁴ How could new non-compliant mine use be distinguished from previous waves of mine use? Moreover, if universal adherence to the new Protocol remained a key objective, it is worth noting that many of the mine affected and otherwise underdeveloped states that should rightly adhere to the new norms were justifiably concerned about the resource implications of such a regime. Finally, there was the issue of whether such an approach was even justified in light of the real nature of the problem. It took the widespread and indiscriminate use of tens of millions of mines to generate the

¹⁰³Article 14, Paragraphs 1 and 2, *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices* as amended on 3 May 1996.

¹⁰⁴Canada had commissioned a study on the CCW verification issue in 1994. Foreshadowing much of the approach taken with respect to the Mine Ban Treaty, the report noted that since experience from the Human Rights sector suggested that "states are unenthusiastic about filing complaints against other states," consideration should be given to involving non-state actors such as the United Nations or NGO's in developing a verification system for the Landmine Protocol.

kind of humanitarian crisis that brought the states to the negotiating table. Would the abuse of perhaps hundreds or thousands of mines justify the practical as well as political costs of forcing through an intrusive verification regime? Molander himself provided a voice to the verification opponents in noting “that verification pertaining to use and particular specifications of land mines would be difficult to carry out, inconclusive and in the end counter-productive.”¹⁰⁵

An additional glimpse of what had gone wrong within the CCW process was provided by the results of the negotiations over detectability standards for AP mines. Although it was widely recognized that there was a critical humanitarian need to ensure that all mines were detectable¹⁰⁶ by mine clearance equipment to facilitate post-conflict mine clearance operations, the new landmine protocol allowed states to defer compliance with the new detectability standards, as well as those for the new smart mines, for up to 9 years following entry-into-force of the new Protocol. It was a stunning reminder of the damage the consensus rule could inflict on the process of norm development. Perhaps not surprisingly, the ICBL assessed the new CCW Landmine Protocol to be a “shame” and an “outrage.” The ICRC would declare the Protocol to be “woefully inadequate,” and

¹⁰⁵Johan Molander, “Strengthening International Humanitarian Law: The Review Conference of the 1980 Conventional Weapons Convention,” p. 10.

¹⁰⁶In the face of a new generation of plastic non-detectable mines, it was agreed that AP mines should contain a minimum mass equivalent to 8 grams of iron to enable detection by standard mine clearance devices.

“unlikely to significantly reduce the level of civilian landmine casualties.”¹⁰⁷ The UN Secretary-General Boutros Boutros Ghali noted that he was “deeply disappointed” with the failure to achieve a ban.¹⁰⁸ Senator Patrick Leahy called the agreement “a deplorable failure.”¹⁰⁹ Taken together, these criticisms did much to undercut the legitimacy of the entire CCW process—its process norms as well as its substantive outcomes. This had the positive effect of reducing the scope for potential criticism of the new Canadian initiative to restart the drive toward the ban.

As the CCW process struggled to its conclusion, the Canadian delegation was busy putting in place the elements of its post-CCW plan. Following up on the meeting hosted by the ICBL in January, the Quaker UN office in Geneva had invited pro-ban states to meet with ICBL and ICRC representatives to discuss possible next steps for pro-ban forces. On 22 April a total of 14 states, ICBL and ICRC representatives met over dinner at the Quaker house where Canada announced that it would be willing, if it was felt to be useful by others, to host an international meeting in Ottawa in the fall to advance the ban agenda. Canada was encouraged by a number of positive responses to its initiatives, and at a second meeting hosted by Canada on 29 April, it was announced that Canada would make its invitation to the Ottawa Conference public at the close of the CCW Review

¹⁰⁷Eric Roethlisberger, Vice-President of the ICRC, “Statement to the closing session of the First Review Conference of the 1980 CCW,” 3 May 1996.

¹⁰⁸“Pact on Land Mines Stops Short of Total Ban,” *The New York Times*, 4 May, 1996.

¹⁰⁹*Ibid.*

Conference. On 3 May 1996, shortly after Ambassador Molander dropped the gavel to close the CCW Review Conference, a Canadian official attending a joint press conference with the ICBL, UNICEF and UNDHA provided the rationale for the upcoming Ottawa Conference.

There are now, to our count, 34 states which now support a comprehensive ban on anti-personnel mines, and the government of Canada now believes that it is time to give this group a sense of identity, a sense of purpose and a forum in which we can discuss and strategize about how we can take concrete steps to achieve a global ban on landmines.¹¹⁰

Barely minutes after the ICBL had denounced the new CCW Landmine Protocol as an “outrage,” the first steps were taken on the path towards the Ottawa Process.

Conclusion—Landmine Identities and Interests and the CCW Process

The objective of this chapter was to examine the interplay of landmine norms, identities and interests within the 1994-1996 CCW process. In the wake of successful ‘issue generation’ and ‘norm grafting’ efforts by the early mine ban norm entrepreneurs, the CCW process marked the beginning of the ‘institutionalization’ of elements of the emerging ban norm. This process was influenced, albeit in a limited way, by the growing momentum of the social codification of the mine ban norms outside of the negotiations themselves. While the historical legacy of the CCW negotiations was soon overshadowed by developments within the Ottawa Process, a detailed examination of this

¹¹⁰Robert Lawson, Canadian Delegation, “Joint Press Conference with the ICBL, UNICEF and UNDHA,” Geneva, 3 May 1996.

period reveals a number of developments that would be significant for the success of the Ottawa Process.

The CCW negotiations marked a dramatic growth in the size and potential influence of pro-ban forces. For example, in the 6 month period alone between September 1995 and February 1996, membership in the ICBL grew from 350 organizations in 20 countries to 456 organizations in 33 countries (see Chart 4.2 below)

ICBL National Campaigns and Member Organizations—February 1996			
Western Europe	United Kingdom – 43	Asia Pacific	North America
Austria – 4		Afghanistan – 11	Canada – 23
Belgium – 15	Central Europe/ Former USSR	Australia – 63	United States – 64
Denmark – 3		Cambodia – 38	
Finland – 1		Hong Kong – 1	Other Orgs
France – 10	Hungary – 1	India – 11	Supporting the
Germany – 17		Japan – 2	ICBL – 24
Ireland – 5	Sub-Saharan Africa	Malaysia – 3	
Italy – 14		Nepal – 1	Total Country Campaigns – 33
Netherlands – 3		New Zealand – 26	
Norway – 9	Kenya – 2	Philippines – 6	
Portugal – 2	Mozambique – 3	Taiwan – 1	Total Organizations – 456
Spain – 10	South Africa – 3	Thailand – 8	
Sweden – 4			
Switzerland – 25			

(Chart 4.1) Source: ICBL, “Country Campaigns”, e-mail from Jody Williams, 7 February 1996.

In addition to the six founding members of the ICBL, one could find a broad range of significant international NGOs including, Oxfam, Greenpeace, Save the Children, and Rädda Barnen. As much as one third of the ICBL's membership represented local or international components of various faith-based groups such as the Jesuit Refugee Service, the Lutheran World Federation, the Mennonite Central Committee, Misereor, Pax Christi, and World Vision. Also noteworthy was the fact that a total of 9 Red Cross societies and 6 national UNICEF organizations had joined the ICBL as members of national ICBL campaigns. As noted in Chapter Three, each of these various organizations could draw upon extensive membership bases through which it was possible to directly communicate with millions of citizens in dozens of countries. An indication of the strength of the ICBL's grass roots campaign was provided when several Geneva based diplomats attending church services on the Sunday before the final CCW session found their priests urging their congregation to actively support the ban campaign.

This period also marked the transition of the ICRC effort on the landmine issue into an aggressive, sophisticated and well financed public communications campaign. The resource crunch related to the growing demands of mine clearance operations further strengthened the pro-ban stance of a number of key UN agencies in parallel with the provision of steady moral leadership on the issue provided by UNICEF and the UN Secretary-General. The sobering assessment provided by the UN that the international community had accumulated a 'de-mining deficit' in 1994 of some 1.9 million mines totaling US\$1.4 billion in mine clearance costs must have prompted some to take a

second look at the ban issue. The substantive case for the mine ban was significantly enhanced by the publication of the VVAF's *After the Guns Fall Silent* and the ICRC's *Anti-Personnel Landmines—Friend or Foe?*, which provided well researched arguments addressing both sides of the military utility vs humanitarian impact of landmine debate. The collective impact of these pro-ban documentation, shame and persuasion efforts clearly had the potential to fundamentally shift state conceptions of their interests with respect to AP mines. The issue had become politicized in many states, the military utility of the weapon appeared to have been over-estimated, and the humanitarian impacts of mine use underestimated. It may well also have been the case that the military utility vs humanitarian impact debate was only now taking place as the social codification of the ban norms attracted the attention of political champions who pressed to the military to defend their landmine policies. As Richard Price argues, this reversal of the burden of proof provided a distinct advantage to ban advocates by forcing military officials to open their otherwise secret deliberations to public and moral scrutiny.¹¹¹

Not surprisingly, in light of the above, the CCW period also marked further changes in state landmine norms. One of the most dramatic shifts in state behaviour could be found on the export side where the number of mine exporters continued to drop from 15 to 7 between the fall of 1995 and the spring of 1996 from a pre-ban campaign high of 34.¹¹² As noted earlier, these normative shifts could largely be attributed to US

¹¹¹Price, 1998a, p. 631.

¹¹²ICBL, *Landmine Update*, #13, July 1996.

leadership/pressure, as well as to the legitimacy attached to the export moratorium as an UN sanctioned approach. An equally plausible source of pressure on states to halt AP mine exports was the ban campaign itself which, by generating pressure for a total ban, encouraged states to take interim steps to demonstrate progress in the face of political pressure to act on the landmine issue. Moreover, other patterns of state behaviours began to emerge that suggested steady growth in the influence of the ban norms. By the end of the CCW Process, the number of mine producers had declined to 33 from a pre-campaign high of 54.¹¹³ Landmine stockpile destruction programs had already been completed, were underway or had been announced by a total of 11 states.¹¹⁴ Perhaps most importantly, the number of states calling for a total ban on AP mines had also risen from

States Calling for a Total Ban on AP Mines—as of 3 May 1996

Afghanistan	Colombia*	Honduras*	Malta	Philippines*
Angola	Congo*	Holy See	Mexico*	Portugal*
Australia*	Croatia*	Iceland*	Mozambique	Slovenia
Austria*	Denmark*	Ireland*	Netherlands*	South
Belgium*	Estonia	Jamaica*	New	Africa*
Burkina	Fiji	Laos	Zealand*	Sweden
Faso	France	Liechtenstein	Nicaragua	Switzerland*
Cambodia*	Germany*	Luxemburg*	Norway*	Uruguay
Canada*	Haiti*	Malaysia	Peru	

(Chart 4.3) States which announced their support for the ban after the Vienna conference are in bold. States with bans or moratoria on AP mine use are marked with an asterisk. Source: ICBL, *Landmine Update*, #13, July 1996.

¹¹³*Ibid.*

¹¹⁴*Ibid.*

18 to 41 in the eight months between the end of the Vienna conference on 13 October 1995, and the end of the Geneva conference on 3 May 1996 (see chart 4.3 above). Of this number 22 had backed their declarations of support for a ban with concrete actions by announcing moratoria or bans on the continued use of AP mines.¹¹⁵ The geographic diversity of this group of 41 pro-ban states suggested that the social codification of the ban norms was already generating the kinds of patterns of consistent behaviour across state actors that norm theory would have predicted. Of this group of 41 states, 19 were from Europe, 9 were from the Americas, 8 were from Asia-Pacific, and 5 were from Africa. A total of 20 of these states were assessed to be mine-affected. Of the 18 major international donors to UN mine clearance programs, 12 had declared themselves pro-ban. A total of 8 of these states had no history of possessing mines. These patterns of normative development suggested humanitarian concerns were beginning to prevail within domestic decision-making processes within a large number of states. Moreover, with the conversion of the Red Cross Movement to the ban agenda and the expansion of the ICBL membership, there were now organized humanitarian pro-ban voices in each of these countries.¹¹⁶

¹¹⁵*Ibid.*

¹¹⁶The Red Cross was present in all of these states, and an ICBL presence could be found in a total of 20 of these 41 states.

As negotiation theory would suggest, the ‘diplomatic rituals’ that structured the CCW process also contributed to normative change by pressuring states to identify their expectations/policy preferences within the CCW negotiations relative to domestic and international pressures on the issue. That officials, advocates and media sources were all simultaneously engaged in the process of preparing for, or reporting on, the CCW meetings was itself a powerful ‘issue generation’ factor. State officials became obliged to undertake a policy development process to develop their national ‘position’—providing an opening for the expert knowledge and policy proscriptions of pro-ban forces. Moreover, the negotiations themselves frequently become the deadline for policy decisions as well the preferred venue for states to announce developments in their policies. Another example of how the diplomatic rituals within the CCW Process contributed to the diffusion of the new landmine norms was the often maligned ‘general exchange of views’ (the speeches) that typically absorb the first couple of days of almost all multilateral meetings and negotiations. Multilateral negotiation theory suggests that these large scale exchanges of information on national ‘positions’ are critical to the process of collecting information on possible coalition partners and the identification of common ground on the issues at hand. This was certainly true of the CCW Process where pro-ban forces were very careful to track any developments in national landmine policies, not only to aid in their analysis of the negotiations themselves, but also to use such information to inform their broader advocacy strategy.

In light of the above, one might have expected a more significant impact of these signs of normative change on the substantive outcomes of the CCW negotiations. If there were any overriding factors in blocking/reducing the impact of the social codification of the ban norms on the negotiations, they could be found in the decisions, taken in early 1994 by the Expert Group to work by consensus, and reverse the 1970s CCW process norm of inviting NGOs to attend their meetings as observers. Nevertheless, despite the expected and understandable ICBL/ICRC/UN claims that the CCW process was a complete failure, it did advance, in a limited way, the 'institutionalization' of the emerging 'second wave' of AP mine ban norms.

The expected convergence of pro-ban identities and interests around key issues did yield measurable progress. The extension of the scope of application of the new protocol to non-international conflicts clearly broke new normative ground. In fact, it did so to the extent that, just months later it was generally assumed that any new mine ban treaty would also have the same scope of application. While the CCW negotiations produced an AP mine definition that appeared to be 'primarily designed' to add confusion to the new norms, the debate surrounding this issue established a strong sense of what form of definition was deemed to be compatible with the ban agenda. While the smart mine debate appeared to have been lost by the ban coalition, it turned out to be more of a tactical defeat. The legitimacy of smart mines would steadily decline over the course of the Ottawa Process to the point where the US would be virtually isolated on the issue during the Oslo negotiations. Like the definition issue, the extensive debate surrounding

compliance/verification issues helped to establish a better sense of what type of compliance approach would be most effective in the landmine context. This significantly aided the Ottawa Process by reducing the number of controversial issues it would be required to address within a fairly tight time frame.

A more general cause for cautious optimism about the future of the ban agenda was provided by indications that the media was adopting a generally sympathetic position toward the ban agenda. For example, *The Economist* branded the AP mine “an unacceptable weapon,”¹¹⁷ that should be stigmatized like biological and chemical weapons, while *The New York Times* simply stated that “Land mines should be banned.”¹¹⁸ The CCW process also further enhanced the expert status of key spokespersons within the ban coalition. In addition to simply becoming more knowledgeable on the mine issue as the result of intensive ‘on the job’ training, there was also the continuity factor. While state delegations experienced a fairly high rate of turn-over in personnel managing the landmine file in the wake of the CCW process, many if not all of the key ban advocates within the ICBL and ICRC remained to provide continuity of leadership throughout the Ottawa process. Indeed, the ICBL’s experience within the CCW Process tended to improve its human resource situation as the rigors of campaigning began to identify new talent within the ICBL’s ranks capable of taking on

¹¹⁷“An unacceptable weapon,” *The Economist*, 23 March 1996, p. 15.

¹¹⁸“Land Mines Should Be Banned,” *The New York Times*, 25 March 1996, Editorial Page.

the additional roles and responsibilities generated by the intensive Ottawa Process.¹¹⁹

Finally, related to this last point, was the practical issue of the degree of global mobilization the ICBL and ICRC had achieved as a result of their CCW efforts. The Canadian initiative to restart the push toward the ban on the very last of day of the CCW Process was fortuitously timed to maintain the forward momentum of civil society mobilization on the mine issue. The CCW Process had motivated many member organizations of the ICBL as well as numerous national Red Cross Societies to begin doing the kinds of things a civil society-based ban movement needed to do. Grass roots activists were trained on the mine issue, communications products and strategies had been tested, and contacts with the media and potential allies in government had been developed. For those with an eye for advocacy and political organizing, the rapidly growing civil-society ban coalition was a rare find. It was well positioned, well organized, disciplined, and extremely well managed—almost all that appeared to be lacking was state leadership in equal measure.

¹¹⁹Interview with Jody Williams and Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

CHAPTER FIVE—OPEN TO ALL, HOSTAGE TO NO ONE—THE OTTAWA PROCESS

And so, today, I commit Canada to this goal, to work with our global partners to prepare a treaty that can be signed by December 1997 and implemented by the year 2000. I invite and challenge all of you to join with us to attain that goal.¹

Introduction

The ‘failure’ of the CCW process to deliver on the ban agenda generated a type of ‘normative inversion’ on the landmine issue. The 1980 CCW outcomes had codified a new set of behavioural standards, that for a variety of reasons, tended to either mirror or exceed actual state practices. A number of states undertook to codify the new CCW standards within their military doctrine. Other states simply ignored the CCW outcomes and continued to sanction the widespread indiscriminate use of mines against civilian populations. By the end of the second CCW process, state practices in dozens of countries had begun to significantly exceed the codified multilateral landmine norms. A total of 41 states had gone pro-ban and several of these states had also taken unilateral domestic measures to ban the production, use and export of AP mines. This gap between theory and practice opened political space for what became known as the Ottawa Process.

¹Canada, “Notes for an Address by the Honourable Lloyd Axworthy Minister of Foreign Affairs at the Closing Session of the International Strategy Conference Towards a Global Ban on Anti-Personnel Mines,” Ottawa, Canada, 5 October, 1996. (hereafter, Axworthy, 5 October, 1996)

This chapter examines the ongoing interplay of landmine norms, identities, interests within the Ottawa Process, the diplomatic initiative which culminated in the successful negotiation of the Mine Ban Treaty in Oslo in September 1997. The Ottawa Process was launched by Canada on the final day of the CCW negotiations, when it invited pro-ban forces to attend a meeting in Ottawa in the fall to develop a concrete strategy to advance the ban agenda. The first section of this chapter examines developments leading to the October 1996 Ottawa Conference and the extraordinary move by Canadian Foreign Minister Lloyd Axworthy at the close of the meeting to set a deadline for the signature of a mine ban treaty. The second section of this chapter examines the period between the first Ottawa meeting and the Oslo negotiations themselves—a period distinguished by several regional meetings designed to build political will for a ban, as well as key meetings in Vienna, Bonn and Brussels to develop the treaty text which ultimately formed the basis for the Oslo negotiations. The Oslo negotiations themselves are discussed in the final section of the chapter.

The Ottawa Process has been accurately characterized as the time when the nascent mine ban norms began to “cascade” through the international community.² Whereas some 41 states were understood to be pro-ban at the end of the CCW Process, fifty states signed the Ottawa Declaration 5 months later, and a total of 87 states were full participants in the negotiation of the new ban mine treaty in Oslo 11 months following the Ottawa meeting. As argued in Chapter Four, the antecedents of this norm cascade can be traced to

²Finnemore and Sikkink, pp. 901-902. Price, 1998a, p. 635.

aggressive efforts by pro-ban forces to seek the social codification of the mine ban norms within civil-society during the CCW period. These actors, in turn, attempted to use the moral authority and expert status derived from their association with these social codification efforts to influence the CCW outcomes. While the CCW process was, at the time, considered to be a failure with respect the ban agenda, it did provide an important forum within which the behavioural boundaries of what I described as ‘second wave’ ban norms were progressively clarified on issues such as definitions, scope of application, and compliance/verification.

As we will see in this chapter, this process continued as pro-ban forces attempt to influence the development and negotiation of the Mine Ban Treaty. The second wave issue generation process is also expanded during this period, as these same actors attempt to use their unique status on the mine issue to legitimize a fundamental shift in the processes used to negotiate the new treaty—including a change in the recognized state leadership on the mine issue from the US to the Ottawa Process Core Group. In short, being pro-ban quickly became associated with being pro-Ottawa Process, with its deadlines for action on the issue, its self-selection participation criteria, its emphasis upon government-civil society cooperation, and ultimately, its willingness to negotiate a ban treaty through a new set of diplomatic process norms. The Oslo negotiations replaced the search for consensus on the landmine issue with a search for majority state support for the highest possible mine ban norms.

Changing the Rules of the Game—The Ottawa Conference

In the wake of the CCW process, pro-ban forces were grappling with two fundamental questions about the ban agenda. Would the normative pressures that pushed 41 states to pro-ban positions also pressure them into supporting the Canadian initiative? If they did attend the Ottawa Conference, what would they be prepared to accept as an outcome? Canadian officials spent June to September of 1996 engaged in an intensive series of consultations on the form and content of the Ottawa Conference with representatives from the ICBL, ICRC as well as several like-minded and not-so-like-minded states. Some, including the ICBL, were initially skeptical about the new Canadian initiative, wondering why another government conference in Ottawa would be any different from those in Vienna or Geneva.³

The Self-Selection Norm— The Participation Issue

With the CCW experience fresh in everyone's minds, a persistent theme of these consultations was how to best launch pro-ban states towards a ban while preventing less enthusiastic states from blocking progress. After much debate, it was decided to invite all states to attend on a 'self-selection' basis. A paper circulated in capitals in June and July 1996 by Canadian representatives provided the "Criteria for Participation" in the Ottawa Conference. It noted that states were "invited to 'self-select' for participation in the

³Williams and Goose, p. 34.

Conference” based on their willingness to their support action on the mine issue, including: 1. A commitment to work towards the earliest possible conclusion of an international agreement to ban the operational use, production, stockpiling and export of AP mines; 2. Support for an UN General Assembly resolution calling upon member states to support a global ban on anti-personnel mines and encouraging bans and moratoria on the production, operational use and export of anti-personnel mines; and, 3. A commitment to regional and sub-regional action in support of a global ban.⁴

Those who could not support these steps forward were invited to attend the meeting as observers. These elements provided the substance of a “Draft Declaration of the Ottawa Conference” which, over the course of July and August, became the focus of intense negotiations between Canadian officials, the ICBL and ICRC and prospective state participants. Thus, building upon the ‘Criteria for Participation’ paper, support for the draft Ottawa Declaration had become the real test of whether a state would participate in the meeting as a full participant or as an observer.

The ICBL leadership had a rather modest initial vision of the Ottawa Conference, assessing that it would be “wildly successful if even 20 states participated.”⁵ Canadian officials were somewhat more optimistic. While it was unlikely that key CCW hold-outs

⁴Canada, “Towards a Global Ban on Anti-Personnel (AP) Mines, International Strategy Conference – Ottawa, October 3-5, 1996, Criteria for Participation,” June 1996.

⁵Williams and Goose, p. 34.

such as China, Russia, India or Pakistan would seek full participation in a explicitly pro-ban meeting, it was plausible that Germany and France and perhaps the UK and US might attend. Germany had banned the use, production and export of AP mines near the end of the CCW Process. France was rhetorically supportive of the ban, and the UK appeared to be looking to Washington for its leadership on the issue.⁶ Given its early leadership and generally progressive improvements in US landmine policies, Canadian officials were hopeful that the US could be encouraged to participate in the Ottawa Conference, increasing the pressure of other states to attend. Negotiations with Washington quickly focused on whether or not the Ottawa Declaration would set deadlines for halts in new deployments of mines or for the actual negotiation of a mine ban treaty.

Not If, But When—The Deadline Issue

The ICBL urged Canada to consider establishing the year 2000 as a deadline for achieving a comprehensive ban on the use, production, trade and stockpiling of anti-personnel mines—the so called ‘zero by 2000’ objective. It recommended advocacy at the national and regional levels, and argued for the formation of a “like-minded” group of governments willing to work closely with the pro-ban civil-society forces. The ICBL also highlighted the importance of a follow-on meeting to the Ottawa conference to be held

⁶Martin Walker, “Britain to Discuss Landmine Policy After US Hints at Ban,” *The Guardian*, United Kingdom, 18 March, 1996.

one year later to assess progress and maintain momentum.⁷ For its part, the ICRC also argued for the insertion of the year 2000 as a target for a halt in new deployments of AP mines. The ICRC also supported the idea of complementary actions at the regional and national levels as a means of building support and momentum for a global ban.⁸

Canadian officials were supportive of the year 2000 deadline, and inserted the date in the initial draft of the Ottawa Declaration. They also included language which sought a commitment to the “commencement of negotiations, by early 1998, on an international agreement to ban anti-personnel mines.”⁹ References to regional and national initiatives were also included, as was a reference to a follow-on conference at a yet unspecified date and location. While the willingness of Canadian officials to include concrete deadlines for action in the Ottawa Declaration certainly pleased pro-ban forces, it was greeted with less enthusiasm by a number of countries, in particular the US.

Foreign Minister Axworthy had written to US Secretary of State Warren Christopher following the announcement of the new US landmine policy in early May, inviting the US to work closely with Canada in developing momentum for an international ban agreement. Christopher’s positive reply opened the door for a series of bilateral

⁷Human Rights Watch, “Letter to the Canadian Department of Foreign Affairs and International Trade,” 1 August 1996, Jody Williams’ Files.

⁸ICRC, “Letter to the Canadian Department of Foreign Affairs and International Trade,” 11 September 1996, Jody Williams’ Files.

⁹Canada, “Towards a Global Ban on Anti-Personnel Mines: Draft Declaration of the Ottawa Conference,” August 1996, Jody Williams’s Files.

discussions in the run-up to Ottawa over the course of the summer.¹⁰ While frustration with the CCW process had obviously generated new pressures for changes in US mine policy, the Clinton Administration remained divided on the issue. There were signals that support for the ban could be found at the most senior levels within the Clinton Administration—particularly within the US State Department and within the US delegation to the United Nations. Segments of a letter calling for substantial changes in US policy, from then US Ambassador to the UN Madeline Albright to senior US officials including the President, were leaked to the press in March.¹¹ General Shalikashvili, Chairman of the Joint Chiefs of Staff, who was also reportedly sympathetic to the ban, had subsequently ordered a full-scale review of US policy. Sensing that genuine progress was possible, VVAF worked with former US military commanders on an open letter to President Clinton, designed to provide him with the political cover he needed to support the ban.¹² However, despite signs of momentum towards a ban, US campaigners were disappointed when the new US policy announced on 16 May 1996 was clearly, almost word-for-word, a reflection of the results of the Pentagon's internal review. Even with 'political cover', the President was not willing to risk a significant "rupture with the Joint

¹⁰Brian Tomlin, "On a Fast Track to a Ban: The Canadian Policy Process," *To Walk Without Fear*, p. 197.

¹¹Raymond Bonner, "Pentagon Weighs Ending Opposition to a Ban on Mines," *New York Times*, 17 March 1996.

¹²"An Open Letter to President Clinton," *New York Times*, 3 April, 1996. This letter included signatures from 15 prominent retired military officers including General Norman Schwarzkopf, Commander of Operation Desert Storm, General David Jones, former Chairman of the Joint Chiefs of Staff, and General John Galvin, former Supreme Allied Commander, Europe.

Chiefs of Staff'.¹³ While the new policy included positive steps such as ban on the use of non self-destructing mines outside of Korea, and steps to begin the destruction of stockpiles of such mines, it also asserted that the US would continue to use self-destructing mines if necessary, and they would retain the right to use all types of mines to defend South Korea until alternatives had been found or the security situation there had improved. For Canadian officials the most positive element of the US announcement was its apparent commitment to negotiate an international agreement to ban AP mines—a step forward from the objective of the “eventual elimination” of anti-personnel mines the US had advanced with its UN General Assembly resolution of fall 1995. While the deadline for a ban treaty appeared to have become more flexible, it was unclear just how flexible.

Given the above, it was not surprising that US officials objected to the inclusion of a concrete deadline for the start of negotiations on a mine ban treaty, or even a date by which to halt new deployments of mines. Moreover, the US was also concerned about the draft UN General Assembly resolution that had been circulated by Canada during a meeting on the margins of the CCW negotiations in April. Given that they had led on the UN export moratorium resolution for the past three years, the US saw the Canadian resolution as somewhat akin to a ‘hostile take-over’ of their policy turf. Canadian officials saw an opportunity for a deal, and offered to remove the references to dates in the Ottawa Declaration as well as allowing the US to lead on the UN resolution. In return the US would give positive consideration of their participation in the Ottawa meeting as

¹³Mary Wareham, “Rhetoric and Policy Realities in the United States,” p. 225.

well as offering Canada early co-sponsorship of the US resolution with a corresponding influence on its language. In hindsight, the deal clearly worked to Canada's advantage. The US decision to attend the Ottawa meeting provided important political momentum behind Ottawa, while Canada was able to use its insider role on the UN resolution to block efforts to build support for negotiations on a mine ban within the UN Conference on Disarmament—the greatest potential threat to the stand-alone Ottawa Process forum favoured by pro-ban forces.

In parallel with negotiations on the Ottawa Declaration, Canadian officials were busy developing the agenda for the conference, as well as considering options for action following the conference—two streams of activity that would reinforce each other in a yet unanticipated manner. Conference calls between Canadian officials and ICBL, and later, ICRC representatives helped shape the general vision of the Ottawa meeting. The conference agenda was crafted to ensure a decisive departure from the diplomatic process norms that had driven the CCW to its minimalist outcome. Mines Action Canada (MAC) worked hard to recreate the type of public activities surrounding the Ottawa Conference that had become the hallmark of the ICBL's 'Phnom Penh formula.' The full integration of the ICBL, ICRC and key UN agencies into the Ottawa Conference program was undertaken to increase civil-society pressure on state decision-makers. In an ironic reversal of the CCW dynamic, some states lobbied Canada to ensure that at least some conference time be allocated for confidential state-to-state discussions.

Despite the apparent setback on the deadline for negotiations issue, the where and when issues of the ban agenda did not disappear. While consideration was given to the idea of launching a new round of landmine negotiations outside of the UN, the idea was initially rejected, to be resurrected on the eve of the Conference itself. High levels of state participation and IO/NGO support, coupled with extensive positive media coverage, convinced Ralph Lysyshyn, the Canadian Chair of the meeting and senior Foreign Affairs official at the Conference, that the landmine ban issue had become the kind of issue that an activist Foreign Minister like Axworthy would want to say yes to.¹⁴ Moreover, there was concern that momentum was building to place the landmine issue on the agenda of the Conference on Disarmament (CD), a forum that, like the CCW, also worked by consensus. Drawing upon his experience with “Open Skies,” a stand-alone East-West negotiation hosted by Canada in Ottawa in 1990, Lysyshyn approached his senior managers seeking the financial and political support necessary to launch a stand-alone initiative to negotiate a mine ban treaty. Lysyshyn was provided a green light to engage Minister Axworthy on the idea. Thus, unknown to but a few, on the eve of the Ottawa Conference years of careful work on the part of pro-ban forces had succeeded in generating the conditions necessary for what was to about to follow—an unexpected act of political courage.

¹⁴Tomlin provides an extensive examination of this particular stage of the Ottawa Process, pp. 198-206. Lysyshyn was also the Director General of the International Security Bureau, the Senior Canadian official on the landmine file throughout the Ottawa Process.

Towards a Global Ban on Anti-Personnel Mines

A total of 50 states decided to self-select themselves for participation in the Ottawa Conference entitled “Towards a Global Ban on Anti-Personnel Mines,” and held on 4-5 October 1996. An additional 24 states and 8 international and non-governmental organizations attended as observers (see Chart 5.1 at the end of this section). As hoped, the Ottawa meeting provided a sharp contrast to the CCW Process. Ministers, diplomats and UN officials shared plenary and workshop platforms with mine victims, parliamentarians and civil society advocates. A dramatic indication of what was different about the Ottawa Process was provided on the first day in the wake of a formal announcement of the new French landmine policy—a policy that effectively stated that France would renounce the use of AP mines unless they were needed for national defence. The ICBL representative, Jody Williams asked for the floor immediately following the French statement, and proceeded to directly criticize their new policy stating, “your policy is contradictory, you are saying that you want to ban landmines, except when you want to use them. I suppose this is better than a stick in the eye, but it is not what we are looking for here.”¹⁵ This was the ‘mobilization of shame’ that pro-ban forces were counting on to pressure states towards the ban objective. While it clearly shocked those accustomed to the diplomatic rituals of New York and Geneva, it appeared to be working.

¹⁵Reproduced in Tomlin, p. 201.

As discussions on the Ottawa Declaration began, state after state supported the idea of renewed negotiations. Several states such as France, Italy and the US favoured placing such negotiations within the CD. This was not the first time pro-ban forces had heard this argument. The ICBL had already warned that, in the absence of a concrete proposal for a stand-alone venue, pressure on states for renewed negotiations risked sending the issue, by default, to the CD.¹⁶ With a limited membership of 61 states, and all negotiations conducted by consensus, the CD appeared to ban forces to be an even more dysfunctional venue than the CCW. Ban supporters suspected this was precisely why states that remained ambivalent about the ban were supportive of the CD option—negotiations would be conducted in private and genuine progress could be held hostage to the consensus rule. By the end of the first day of the Ottawa Conference, significant support appeared to building behind the CD option.

In an attempt to develop a sense of momentum behind the ban agenda, Ottawa participants were invited to contribute to a “Chairman’s Agenda for Action on Anti-Personnel (AP) Mines,” a lengthy list of concrete initiatives designed to “catalyse practical efforts to move toward a ban and create partnerships between states, international organizations and agencies and non-governmental organizations essential to

¹⁶David Atwood, Quaker United Nations Office (Geneva), “Further Thoughts on the Desirability of an International Conference Adopting a Ban on Anti-Personnel Mines,” 7 July 1996.

building the necessary political will to achieve a global ban on AP mines.”¹⁷ While not widely understood as such at the time, this Agenda for Action provided what amounted to a detailed road map for the initial months of the Ottawa Process. It highlighted dozens of activities and opportunities at the national, global and regional levels to advance the ban agenda. It provided dates for key upcoming ICBL and ICRC conferences. It noted opportunities to link the ban agenda with other significant activities, such as the launch of the Machel Study on the Impact of Armed Conflict on Children later that fall. Finally, it also noted that Austria would begin work on the first draft of an international treaty to ban AP mines, and that Belgium would host a follow-up meeting to Ottawa in June 1997.

As noted above it was the growing political momentum behind the ban, coupled with the emerging threat of the CD agenda, that prompted Canadian officials to revisit the idea of using the Ottawa meeting to launch stand-alone ban treaty negotiations. Once support for the idea was secured from the senior management within DFAIT, the final decision rested with Minister Axworthy himself. A draft speech was prepared and just hours before the closing plenary of the meeting, officials briefed the Minister on the risks and opportunities presented by the new initiative. It was assessed that the political ground was well prepared for bold Canadian leadership, and the initiative would enjoy the support of the ICBL, ICRC and key UN players as well as public opinion. On the downside, it was assessed that the idea would likely draw intense criticism from most if not all

¹⁷Canada, “Chairman’s Agenda for Action on Anti-Personnel (AP) Mines,” Ottawa, 5 October 1996, p. 1.

of the permanent members of the UN Security Council—China, France, Russia, the UK and the US. Moreover, Canada might also be accused of grandstanding by several of its allies on the landmine issue. Finally, there was also the risk that the initiative would simply fail—dealing Canada and the Minister a humiliating policy defeat as well as a potentially devastating blow to the ban agenda. To all of these considerations, Minister Axworthy reportedly replied “It’s the right thing. Let’s do it.”¹⁸

With the Minister onside, the remaining challenge was the management of the strong reactions his announcement would almost certainly generate. Should key states and pro-ban allies be informed in advance of the Minister’s speech? If so, how would they react? Canadian officials assessed that, while it was likely that most states would be forced to consult with their capitals before passing judgement on the idea, some might rapidly dismiss the initiative. Immediate signs of support from state representatives was the less likely scenario. On the other hand, support for the Canadian gamble could likely be secured from the ICBL, ICRC and the UN. Quick but discrete consultations with their representatives confirmed that they would be willing to offer immediate support to Axworthy following his speech. The ICRC quickly recalled President Sommaruga from a previously scheduled engagement elsewhere in Ottawa, the ICBL prepared comments and a note of support was secured from the UN Secretary-General. It was agreed that states would not be informed.

¹⁸Tomlin, p. 205.

As representatives gathered for the final plenary of the Ottawa Conference it was obvious that no government had anticipated what was about to occur. The senior US representative had even left to catch an early flight expecting little new to happen in the last minutes of the meeting. After accepting a massive banner bearing the names and pro-ban slogans of Ottawa school children, Axworthy turned to deliver his final address to the Ottawa Conference. Near the middle of his speech he paused briefly to note that he had another item to add to the Chairman's Agenda for Action—a challenge to the international community to “see a treaty signed no later than the end of 1997.”¹⁹ According to ICBL observers, “amid the cheers of the ban campaigners, the silence of the diplomats was deafening. Even clearly pro-ban states were horrified. Canada had stepped outside of diplomatic processes and procedures and put them between a rock and hard place. They had come to Ottawa to strategize on how best achieve a ban treaty, and now they had a concrete, and extraordinarily ambitious, time frame in which to do it.”²⁰ Following a standing ovation initiated by the NGOs, not an honour frequently bestowed on serving foreign ministers, the Conference Chairman called upon the ICBL and ICRC who immediately threw their support behind the bold Canadian gamble. Before any government was tempted to ask for the floor, the meeting was declared closed. The acting US head of delegation reportedly visited the NGO office on his way out of the building shaking his head in disbelief while asking for an ICBL lapel pin.

¹⁹Axworthy, 5 October, 1996.

²⁰Goose and Williams, pp. 34-35.

Minister Axworthy's gamble provided clear evidence of the growing influence of the ban norms. Setting the deadline was risky enough. Doing so while informing the ICBL/ICRC/UN and failing to inform states was an egregious breach of diplomatic norms. Canada's timely defection from these norms was a noteworthy comment on the quality of the moral high ground that the ban agenda had occupied. It was a risk worth taking, and it was believed that public support for the ban would help to ensure that Canada would not be forced to pay a significant diplomatic price.

Participation in the 3-5 October 1996 Ottawa Conference

State	Germany	Portugal	Armenia	Romania
Participants-50	Greece	Slovakia	Bahamas	Russia
	Guatemala	Slovenia	Benin	Rwanda
Angola	Guinea	South Africa	Bulgaria	Ukraine
Australia	Honduras	Spain	Brazil	
Austria	Hungary	Sweden	Brunei	Non-State
Belgium	Iceland	Switzerland	Chile	Observers
Bolivia	Ireland	Trinidad and	Cuba	
Bosnia	Italy	Tobago	Czech	ICBL
Burkina Faso	Japan	United	Republic	ICRC
Cambodia	Luxemburg	Kingdom	Egypt	UNDHA
Cameroon	Mexico	United States	Yugoslavia	UNICEF
Canada	Mozambique	Uruguay	Holy See	UNHCR
Colombia	Netherlands	Zimbabwe	India	MAC
Croatia	New Zealand		Iran	European
Denmark	Nicaragua	State	Israel	Parliament
Ethiopia	Norway	Observers-24	Malaysia	International
Finland	Peru		Morocco	Federation of
France	Philippines	Albania	Pakistan	Red Cross and
Gabon	Poland	Argentina	South Korea	Red Crescent

Chart 5.1. Source, Canada, "List of Participants in the Ottawa Conference, Towards a Global Ban on Anti-Personnel Mines," October 3-5, 1996.

What Next?

The Ottawa conference had introduced two new process norms that owed much of their legitimacy to the years of efforts on the part of the mine ban norm entrepreneurs to generate civil-society support for the ban agenda. Canada had invited civil-society actors to the international table and had set a deadline for action on the ban treaty idea. The next task for ban supporters was to assess the new political terrain surrounding the landmine issue. Would the more radical Ottawa Process drive states into the more moderate camp populated by states such as the US, UK and France who favored the go slow pace within the CD? To be sure, in the immediate aftermath of the Ottawa meeting, there was no shortage of critics within the diplomatic corps who questioned the wisdom of the December deadline as well as the unilateralist nature of Canada's gambit. Even the ICBL leadership would later confess that "it was not clear in the first critical months after the Ottawa meeting that the Ottawa Process would survive."²¹ A lengthy list of things that could go wrong was at least as long as any list of all things that needed to go well for the initiative to succeed. Nevertheless, the ICBL praised Axworthy for his decision of "vision and of leadership" and pledged "to do its part" to achieve the promise of a ban treaty by December 1997.²² The ICRC called the Ottawa Conference the "beginning of the end of the global epidemic of anti-personnel mines," noting that "the unspeakable

²¹*Ibid.*

²²ICBL, "Letter to the Honorable Lloyd Axworthy, Minister of Foreign Affairs," 10 October, 1996, from the files of Jody Williams.

suffering of mine victims has finally touched the conscience of leaders of governments.”²³

Against a backdrop of short term political damage control, ban forces began to think their way through a number substantive and tactical questions. What kind of treaty instrument would be the best fit for the technical and political dimensions of the landmine problem? How would one define success for the Ottawa Process and the ban coalition more generally? The ICBL and ICRC were calling for a comprehensive ban treaty that prohibited the production, stockpiling, trade and use of all types of AP mines. How many states would be willing to support this approach, and would this group include those states that would be essential to the operational success of the ban? Should the ban strive to be fully global? Should it address both sides of the supply and demand equation? Or would it be sufficient to capture a critical mass of use states in a direct effort to reduce rates of mine incidents and ‘dry up’ the demand for AP mines?

Minister Axworthy had already argued that the world could not wait for a “universal treaty,” and that Canada would be willing to work with countries to sign a treaty “whatever the number: 50, 70, or 100.”²⁴ On 15 October, in Canada’s statement at the UN First Committee (Disarmament) meeting in New York, Canadian Ambassador Mark Moher argued that “to capture all the states of the world is not realistic in the first

²³ICRC Communication to the Press “Ottawa Mine Conference: The Beginning of the End,” 6 October, 1996.

²⁴Axworthy, 5 October, 1996.

instance. To capture the world's conscience is our goal. Our objective is a treaty which establishes the global norm against these hideous weapons that the production, use, stockpiling and transfer of AP mines is to be banned forever.”²⁵ Public statements aside, Canadian officials did weigh a number of options, including the idea of developing a four protocol treaty with separate protocols to address each of the four pillars of the ban concept—the production, use, stockpiling and trade of mines. Recognizing that some states would only be willing to move toward a total ban one step at a time and over a longer time frame, the four protocol option held the potential to engage reluctant states such as the US and Russia—states that could potentially bring along a number of smaller states on their diplomatic coat-tails. However, the four-protocol model was a poor match for what had become the political mainspring of the ban movement—the mobilization of public opinion and moral authority behind a very clear and easily communicated message—ban landmines now.

If the Ottawa Process was aiming at less than immediate universal support, then the next question was clearly who exactly needed to sign the treaty to ensure that it was a credible and effective international instrument. Most critics of the Ottawa Process including, initially at least, all five of the permanent members of the UN Security Council, argued that any response to the landmine crisis would be largely ineffective if it did not engage significant mine producers. Yet UN resolutions and ban activism had already dramatically

²⁵Canada, “Statement of Ambassador Mark Moher, Representative of Canada to the United Nations for Disarmament at the First Committee of the 51st Session of the United Nations General Assembly,” October 15, 1996.

reduced the number of producers and exporters of mines. Moreover, the most direct way to address the landmine problem appeared to be to directly engage states that were currently using mines against civilian populations. States such as Cambodia, Angola, Mozambique and Afghanistan, which were producing the majority of the world's mine victims, should be among the first to sign the Convention. Given their history as mine affected states, they should also, in theory, be more receptive to the idea of a ban. All of these states were among the 41 pro-ban states at the end of the CCW Process. The need for mine clearance in those states also opened opportunities for the donor community to exert pressure to halt new mine use. Thus, in the wake of a fairly extensive review of the options for action before them, Canadian officials had concluded that the strategic thrust of the Ottawa Process needed to be directed towards the development of a comprehensive ban convention that would be targeted to directly engage the 'demand' side of the landmine equation—mine affected states and regions. Not surprisingly perhaps, the Canadians had reached much the same conclusions as their civil-society partners. Developing momentum for mine free regions and unilateral shifts in the policies of mine affected states was already a long standing priority for the ICBL and ICRC.

The Ottawa Process Core Group

In parallel with consultations and research to develop the strategic objectives for the Ottawa Process, Canadian officials began the task of diplomatic fence mending with critics as well as potential allies. As a country with a great deal of multilateral

experience, Canadian officials were acutely aware of the fact that getting dozens of countries from all regions of the world to negotiate a ban treaty in little over a year would require an almost unprecedented degree of diplomatic choreography. Canada needed help, and looked for assistance through what would become known as the Ottawa Process Core Group.

The origins of the core group could be traced to the small group of states that met with the ICBL and ICRC on the margins of the CCW process in January 1996. In fact, of the seven states, other than Canada, that attended this meeting, six would become members of the core group (Austria, Belgium, Ireland, Mexico, Norway and Switzerland).

Additions to this group included Germany, the Netherlands, the Philippines and South Africa, bringing the total to eleven states. Core Group members realized that they would need to press for a ban within their own regional communities, as well as within multilateral organizations in which they were members, such as the OAS, OAU, EU, ARF, NATO and the G-8. For example, South Africa, with its regional leadership role and knowledge of the most severely mine-affected region of the world, would become a key member of the group, also providing the Presidency of the Oslo negotiations.

Mexico, with its long pro-ban history dating back to the first CCW Process, provided an significant partner with whom Canada would work, through the OAS, to lobby in the Americas.

The Philippines became the core group's champion in Asia. Austria, Belgium, the Netherlands, and Ireland lobbied within the European Union. Austria, one of the earliest supporters of the ban, had arrived at the Ottawa Conference with a rough draft of a possible ban treaty and had, by the end of the meeting, agreed to become the 'pen' for the new treaty. Austria subsequently hosted an international meeting in early February to begin broad consultations on its draft ban treaty. Belgium, the first state to officially ban AP mines, would host of the next global meeting on the mines issue, scheduled for June 1997. Switzerland hosted several meetings of the core group in Geneva. Norway provided a great deal of leadership within the core group, and ultimately agreed to host the formal negotiation of the ban treaty in Oslo in September 1997. For its part, Canada worked to provide strategic guidance for the core group, providing coherence to its efforts, as well as acting as the primary point of contact within the group for the ICBL and ICRC.

While a united front of middle and small powers became one of the defining features of the Ottawa Process, it is worth noting that this cohesion developed over time—forged through practical work to prepare for significant events or overcome specific diplomatic obstacles. Each of the key meetings within the Ottawa Process was preceded by intensive telephone, fax and e-mail consultations through which strategic objectives were established and tactical approaches developed. Hours were spent discussing possible scenarios for each meeting, ensuring that the group would be on the same page in dealing with any difficulties. Initiatives developed in Brussels, Pretoria, Oslo, Ottawa, and

Vienna were quickly shared with capitals throughout the world through joint or reinforcing diplomatic *démarches* using common speaking notes. Embassies were also instructed to co-ordinate their actions with local NGOs and ICRC delegates. The core group also worked closely on the tactical management of resolutions and initiatives in Geneva at the CD and New York during the annual UN General Assembly. The dynamism of the Core Group suggested that its members had ‘internalized’ many of the normative values of the ban agenda. Core Group officials had become ‘norm entrepreneurs’ within their own governments, recommending activism on the landmine file. To be sure, active leadership on the landmine file certainly held the potential for domestic political rewards. As argued in Chapter One, the social codification of the ban norms did generate domestic winners and losers. However, once the battles between the humanitarian and military interests of the state had been decided in favour of the pro-ban forces, there was also the potential for a long-term positive payoff for the winners.

Building Legitimacy and Momentum at the UN

One of the very first action items in both the Ottawa Declaration and Agenda for Action was support for a UNGA resolution supporting the ban agenda. The Ottawa Declaration had called upon ban supporters to “work together to ensure the earliest possible conclusion of a legally-binding international agreement to ban anti-personnel mines.” However, given that only 50 states had signed the Ottawa Declaration, it was not clear what kind of language would attract the support of the well over a hundred states that had

not done so. Moreover, as noted earlier, Canada had withdrawn its draft resolution, allowing the US to assume leadership of the UN effort. Much to the credit of the US side, despite being ambushed in Ottawa, little effort was spared to turn the Ottawa Declaration into language that called upon states “to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production, and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible.”²⁶ Also to the credit of the US team, led by Ambassador Karl (Rick) Inderfurth, a total of 156 states voted on 10 December 1996 in support the resolution, with zero no votes and only 10 abstentions. While the resolution did not explicitly mention the Ottawa Process as the means through which to achieve the “as soon as possible” objective, nor did it mention the rival CD forum. That the Ottawa Declaration was welcomed in the preambular paragraphs was considered to be a minor victory, providing the substantive as well as process norms that emerged from Ottawa with a new quality of multilateral legitimacy. Ottawa Process supporters could now point to the UN resolution and argue that December 1997 was clearly ‘as soon as possible.’

The UN was also a venue for three other action items from the Ottawa Action Plan. Members of the Inter-Parliamentary Union met on 22 October, an opportunity to engage another key constituency that, in Belgium, France, Sweden, the US and the European Union, had been instrumental in championing the ban. A special landmine panel was also

²⁶UN General Assembly Resolution 51/45S, *An International Agreement to Ban Anti-Personnel Landmines*, adopted 10 December 1996.

planned for the NGO Committee on Disarmament on 24 October, which featured a Canadian official along with a representative from the ICBL. Finally, there was also the release on 11 November of the Graca Machel Study on the Impact of Armed Conflict on Children. Mandated by a UNGA resolution, the Machel study contained an entire chapter describing the horrific impacts landmines were having on children. Like the UNICEF study of 1994, the Machel Study, in much more detail, provided an ideal opportunity to ‘graft’ the emerging landmine ban norms on to a broader humanitarian issue. Jody Williams had drafted the landmine chapter, developing a working relationship with Ms. Machel that would later see her become one of the campaign’s most generous and influential supporters.

On Road with the Ottawa Process

With the development of the Core Group underway, and a supportive UN resolution in hand, Canadian officials turned their attention to the complexities of turning Minister Axworthy’s challenge into a workable multilateral process. Canadian officials quickly crafted a ‘critical path’ that divided opportunities to advance the ban agenda into two tracks of action. First and foremost was the need to develop a series of concrete steps leading to the actual negotiation of the ban treaty, the so called ‘Track One’ of the Ottawa Process. However, an obvious pre-condition for successful negotiations, was the development of the necessary political will on the part of a large number of states to participate in the negotiations. This was the objective of what became known as ‘Track

Two' of the Ottawa Process, a series of regional meetings designed to build political will for the ban by exposing states to countless manifestations of the social codification of support for the mine ban agenda.

The Vienna Meeting

The general outlines of Track One of the Ottawa Process began to take shape by early 1997. As noted above, Austria had already begun the development of a draft ban treaty. While the Austrians had no prior knowledge of the Axworthy challenge, they did know that the negotiation of a large multilateral treaty is very often a long and very complicated affair, taking time that would cost further lost lives and limbs. Thus, the Austrians undertook to present a draft text that was very short, clearly based upon core principles of IHL and, where possible, used language that had already been fully negotiated within the CCW Process.²⁷ The first Austrian text contained only 13 articles and totaled 7 pages.²⁸ Shortly after the Ottawa meeting, the Austrians circulated their draft treaty text, through their embassies, in an effort to initiate broad informal consultations on the form and substance of a possible ban treaty. This initial round of consultations generated about two dozen sets of comments from all regions of the world.²⁹

²⁷Thomas Hajnoczi, Thomas Desch, and Deborah Chatsis, "The Ban Treaty," *To Walk Without Fear*, p. 293.

²⁸Austria, *Convention on the Prohibition of Anti-Personnel Mines (First Tentative Austrian Draft)*, October 1996.

²⁹Hajnoczi, Desch, and Chatsis, p. 293.

In view of the Austrian commitment to the ban effort, it was appropriate that the first stop on Track One of the Ottawa Process was in Vienna. Consultations with Austria yielded the idea of an experts meeting to be held on 12-14 February 1997 to review a draft of the existing Austrian ban treaty text. Research conducted by Canadian officials on the state landmine policies indicated that, given the right conditions, potential support for a ban treaty could peak at somewhere just over 100 states.³⁰ In theory, with at least 156 supporters of the 1996 UNGA resolution, that level of support was possible. In practice, however, few were willing to commit to a ban treaty that was not even formally on the table. The Vienna meeting would be the first test case, post-Ottawa, to see just how many countries were truly committed to the ban concept. Beyond featuring consultations on the draft ban treaty, the Vienna meeting was critical to the political credibility of the nascent Ottawa Process. Prior consultations amongst pro-ban forces revealed a consensus on three key objectives for the Vienna meeting: the need to ensure a high level of participation; the importance of an effective and cohesive public communications strategy regarding the meeting; and, effective management of the meeting itself to ensure that both the process and substance of the Ottawa Process vision emerged as the dominant force within the meeting. Canada worked closely with the Austrians on a series of global joint *démarches* to encourage participation in the meeting. Core Group members also agreed to cooperate to provide travel support for delegations from the developing world, in particular for delegations from mine affected states.

³⁰Robert J. Lawson, Mark Gwozdecky, Jill Sinclair and Ralph Lysyshyn, "The Ottawa Process and the International Movement to Ban Anti-Personnel Mines," *To Walk Without Fear*, p. 170.

To the surprise of many, a total of 111 states, plus the ICBL, ICRC and key UN agencies were in place when the Austrian Chair, Thomas Hajnoczi, dropped the gavel to open the meeting. Most significantly perhaps, consistent with the broader Ottawa Process strategy, these numbers included almost all of the significantly mine affected states from each major mine affected region—states such as Afghanistan, Angola, Cambodia, Bosnia, Croatia, Nicaragua, and Mozambique. The ICBL statement to the meeting provided an explicit articulation of this strategy noting that it was “primarily the developing world that lives—and dies—with millions of mines,” and that “...these are the states that must participate in this process.”³¹ The meeting also attracted, for a variety of reasons, a number of significant larger states such Brazil, France, Germany, Japan, India, Pakistan, the UK, the US and Russia. If nothing else, normative pressure appeared to have turned Ottawa Process meetings into ‘must attend events’ for many states, regardless of their position with respect to the ban.

In an example of how ban supporters used their moral authority to try to generate legitimacy for the new mine ban process ‘norms,’ the ban coalition’s communications strategy for the Vienna meeting was largely focused on emphasizing the momentum growing behind the Ottawa Process and the December 1997 deadline. The ICRC noted that the Vienna meeting was “intended to lead to the formal signature of a treaty in

³¹Jody Williams, “Statement of the ICBL to the Expert Meeting on the Text of a Convention to Ban Antipersonnel Landmines,” Vienna, 12 February 1997.

Ottawa in December 1997.”³² This point was also made by participants in the ICBL sponsored press conference held immediately following the meeting. Representatives from the ICBL, ICRC, Austria, Belgium and Canada all emphasized the high level of participation in the Vienna meeting, as well as the relationship between the Vienna meeting and the broader Ottawa Process. For example, the ICBL noted that the Vienna meeting demonstrated “that the political will exists in many nations to conclude a ban agreement in December in Ottawa, Canada.”³³

Efforts to ‘play up’ the momentum of the Ottawa Process were motivated, in part at least, by the announcement, in mid-January 1996, that the US intended to seek the negotiation of a ban treaty through the CD. It was clear that some delegations, most notably the US, UK and France, were under instructions at the Vienna meeting to express their support for the negotiation of any new landmine instrument within the CD rather through any stand alone forum. This underscored the wisdom of the Austrian strategy to stage manage, as much as possible, the interventions of ban supporters in order to draw the CD supporters into a debate on the Austrian text, as well as to blunt the development of any momentum within the meeting towards the CD option. This proved to be a successful approach. Supporters of the CD proved to be fewer in number than anticipated, and they had failed to coordinate their approach to the meeting. Thus, the general impression created by the

³²ICRC Communication to the Press, “First Meeting to Discuss a Treaty Banning Anti-Personnel Landmines Opens in Vienna on 12 February 1997,” Geneva, 10 February 1997.

³³ICBL Press Advisory, Untitled, 13 February 1997.

Vienna meeting, supported by pro-ban forces, was that momentum was growing behind the Ottawa Process.

The key substantive outcome in Vienna were the comments provided on the Austrian text by dozens of delegations. The debate was further bolstered by the tabling of draft ban texts by Belgium and the ICBL—both of which tended to reinforce support for the core elements of the Austrian text. In fact, building on the CCW experience, the Vienna meeting demonstrated a fairly high degree of convergence on a number of key points. There was a general consensus among the pro-ban forces that the ban treaty should apply ‘in all circumstances,’ should prohibit the production, stockpiling, trade, and use of AP mines, and it should oblige states to destroy stockpiled mines and clear already emplaced mines by specific deadlines. The ICBL and ICRC were joined by several pro-ban states in calling for a new definition of what was an AP mine, arguing that the existing CCW definition which included the phrase ‘primarily designed’ opened up a possible loophole in the treaty text.³⁴ Opinions were generally mixed on issues related to verification and compliance, indicating the need for a more detailed discussion of these issues. Both the ICBL and ICRC argued that one of the core elements of the compliance package needed to be some form of independent fact finding mechanism. The ICRC pointed out that “all of the humanitarian law norms prohibiting the use of specific weapons have been

³⁴For the ICRC perspective on the meeting see ICRC, “Statement of the International Committee of the Red Cross, Expert Meeting on the Text of a Convention to Ban Antipersonnel Landmines,” Vienna, 12 February 1997.

established without verification and yet have been almost universally respected.”³⁵

Germany would subsequently offer to host a meeting in Bonn in late April to address the compliance package. Finally, the ICBL suggested that there be provisions in the treaty for more systematic follow-up on implementation issues, specifically annual meetings of states parties during the first three years after entry-into-force of the treaty and a review conference held after five years of the treaty’s operation.³⁶ Almost lost in the scramble to capture the variety of views being offered on the Austrian text, was the remarkable fact that only four states (Cuba, Ecuador, Sri Lanka, and South Korea), argued that they should retain a right to use AP mines. Barely 10 months since the CCW process had legitimized the use of mines, few states were prepared to actually defend their continued use of the weapon. Years of efforts to stigmatize AP mines appeared to be yielding results.

The Vienna meeting also provided Canadian officials with an opportunity to approach Norway to see if they would be willing to host the formal negotiation of the ban treaty. Norway had indicated an interest in hosting a landmine meeting during the Ottawa conference, and did not hesitate to offer to host the negotiations. With this final element in place, a formal paper was developed by Canada for approval of the Core Group in early March which mapped out the key remaining steps of the Track One process. The Vienna

³⁵*Ibid.*

³⁶Jody Williams, “Statement of the ICBL to the Expert Meeting on the Text of a Convention to Ban Antipersonnel Landmines,” Vienna, 12 February 1997.

meeting would be followed by the Bonn meeting to discuss compliance issues, which would be followed by the Brussels conference in late June. The negotiations would be held in Oslo in early September to be followed by the treaty signing ceremony in early December in Ottawa. The Core Group also turned its attention to questions surrounding the negotiations themselves. Would the negotiations work by consensus, potentially replicating the negative dynamics of the CCW Process? Or would voting procedures be developed? Who would chair negotiations? How much time should be allocated to the negotiations? Would the conference work in all of the UN languages? In the end, it was agreed that Norway would tackle several of these issues by drafting the rules of procedure for the Oslo negotiations. The core group also decided to approach the widely respected South African diplomat and senior ANC official, Ambassador Jacob Selebi, to chair the negotiations. Ambassador Selebi was South Africa's representative in Geneva at the Conference on Disarmament and had distinguished himself in Geneva as an independent thinker capable of dealing effectively with the larger powers on nuclear issues.

Thinking Globally, Acting Regionally

In parallel with development on the diplomatic track of the Ottawa Process, Track Two of the Process began to develop momentum. The initial road map for these efforts was provided by the Ottawa Agenda for Action. In addition to regularly scheduled meetings held under the auspices of the Commonwealth, OAU or OAS, some 10 global, regional, and sub-regional multilateral meetings would be held in the 11 months prior to Oslo

negotiations. These combined state-led diplomatic activism with ICBL/ICRC/UN led public advocacy, as well more discreet efforts to engage military and diplomatic officials on the core IHL issues at stake in the ban debate. The broader media and public opinion environment was further shaped by the efforts of well established, as well as newer, supporters of the ban movement, including Archbishop Desmond Tutu, Graca Machel, Princess Diana, Jimmy Carter, and UN Secretary-General Kofi Annan. A general 'formula', which was more or less common to each regional meeting, included the following elements: 1. Public academic, cultural and media events surrounding the meeting itself, most often organized by national ICBL campaigns with the support of the ICBL's core international staff; 2. A high profile opening plenary featuring prominent international as well as local ban supporters; 3. Diplomatic exchanges of information which enabled pro-ban forces to carefully track any developments in national positions with respect to the Ottawa Process; 4. Expert panels with representatives from states, the ICBL, the ICRC as well as local ban supporters, dealing with issues such as the military utility versus humanitarian impact of landmines; 5. A review of the existing Austrian ban text designed to ensure all states were engaged in its development; 6. ICBL sponsored workshops designed to develop the advocacy capacities of local NGOs, and, 7. A political declaration or Action Plan which, depending upon the political mix of the meeting, called upon participants to support the Ottawa Process. While each of these meetings tended to follow much the same pattern, care was taken to ensure that the exact mix of agenda items and participants was crafted with a view to the broader political strategy developed for that region by the ban coalition.

Africa

The priority placed upon engaging mine affected states and regions by the Ottawa Process ensured that Africa, arguably the most mine affected region in the world, would be the subject of some of the most intense Track Two efforts. Here the Ottawa Process was greatly aided by decisions, which pre-dated Ottawa, on the part of both the ICBL and ICRC to invest significant advocacy resources efforts in Africa. It is worth recalling that the ICRC had already held a series of regional landmine seminars in cooperation with the Organization for African Unity (OAU) in 1995.³⁷ As early as the summer of 1996, the ICBL had identified southern Africa as one of its priority areas where it hoped to stimulate the creation of a mine-free zone. It had decided to hold its 4th international NGO conference somewhere in Southern Africa and had deployed one of its key grass roots organizers, Elizabeth Bernstein, to the region in August 1996 to work with national campaigns to prepare for the meeting.³⁸ By the Ottawa Conference it had been decided to hold the ICBL meeting in Maputo Mozambique on 25-28 February, 1997. In the run up to the conference, the ICBL launched four new country campaigns in Southern Africa. A critical victory for the broader African strategy was South Africa's move to unilaterally ban the use of AP mines on the eve of the Maputo Conference, with Mozambique announcing its support for the ban during the conference itself. The 4th International

³⁷Maresca and Maslen, pp. 338-348. Specifically, Addis Ababa (23-24 February and 11-12 April 1995); Harare (2-3 March 1995) and Yaoundé (25-27 April).

³⁸Williams and Goose, p. 37.

NGO Conference on Landmines attracted a total of 450 NGO representatives from 60 countries as well as presentations from a total of 17 states. The final declaration of the conference called upon the ICBL's 800 member organizations to fully support the Ottawa Process and urged all governments to commit to signing a ban treaty in December.³⁹

The next major landmine event in Africa was hosted by the ICRC, in cooperation with the OAU and Zimbabwe, in Harare on 21-23 April 1997. All 12 members of the Southern Africa Development Community (SADC) participated in this meeting that recommended that all SADC members participate in the upcoming Brussels Conference and support the conclusion of a ban treaty "to be signed by the end of 1997."⁴⁰ This meeting and the OAU conference to follow would also feature detailed discussions of the challenges related to mine clearance and victim assistance in the region. This approach would serve to underscore the relationship that pro-ban forces were seeking to highlight for mine affected states and regions between support for the ban and enhanced international support for mine action programs on the ground. This relationship would ultimately find its expression in the Mine Ban Treaty itself.

The final regional meeting in Africa was a continent wide conference hosted by South Africa, in cooperation with Canada and the OAU, in Kempton Park, South Africa on 19-

³⁹ICBL, "Final Declaration of the 4th International NGO Conference on Landmines," Maputo, 28 February 1997.

⁴⁰OAU, Final Declaration of Participants in the Regional Seminar "Anti-Personnel Mines: What Future for Southern Africa," Harare, 23 April 1997.

21 May 1997. The meeting was opened by South Africa's Vice-President Thabo Mbeki and Archbishop Desmond Tutu, and attracted a remarkable 41 OAU states, in part because of travel support provided by Ottawa Process core group. Zimbabwe became the third African state to unilaterally ban the use of AP mines. The meeting also provided an opportunity for South African Ambassador Jacob Selebi to chair the political working group of the meeting to further prepare himself for the Oslo negotiations. The emergence of a large and united African group, largely led by South Africa, would be a critical factor in the ultimate success of the Oslo negotiations. A hint of the growing resolve of African states to support the ban was provided on the final day of the conference as delegations were working through the final draft Plan of Action that would serve as the substantive results of the meeting. In the wake of an agreement on language that would urge all African states to participate in the Ottawa Process, a frustrated US delegation intervened to urge all states to reject the Ottawa Process and instead support efforts within the CD. Not only was it highly inappropriate for a non-African state to directly intervene in a solely African discussion, it was also viewed as an essentially hostile attack on the authority of the South African Chair, Ambassador Selebi. With the exception of Egypt, not a single African delegation supported the US intervention. In the end, consensus minus one (Egypt) was achieved behind the OAU's full support for the Ottawa Process. Drawing upon the results of the Kempton Park conference, the OAU Council would adopt virtually the same language with respect to the Ottawa Process at its annual meeting in Harare on 5 June, 1997, calling upon member states to participate fully in the Brussels

and Oslo meetings leading to the signature of a ban treaty in Ottawa.⁴¹

The Americas

The Americas was also a mine affected region with the most severe problems being assessed by the UN to be in Central America—largely in El Salvador, Nicaragua, Guatemala and Honduras. While the ICBL did not have a significant presence in the region (outside of Canada and the US), the general strategy in the Americas tended to reflect that developed for Africa. Support for the Ottawa Process was developed through regional and sub-regional organizations working closely with pro-ban member states, members of the Ottawa Process Core Group and the ICRC. Also similar to Africa, efforts within the Ottawa Process itself were greatly aided by earlier efforts by the ICRC to raise awareness of the landmine problem and press for the ban solution. In cooperation with the Nicaraguan Red Cross and the government of Nicaragua, the ICRC had sponsored a regional seminar, held in Managua, on 28-29 May 1996, for the six Central American States plus Mexico. In an early sign of the growing support for the ban agenda, the meeting expressed support for “a zone free of anti-personnel mines,” and confirmed their governments’ support for “a total and immediate ban on the production, possession,

⁴¹OAU Resolution CM/Res 363 (LXVI), *Report of the Secretary-General on the Issue of Anti-Personnel Mines and International Efforts to Reach a Total Ban*, Harare, 5 June 1997.

transfer and use of anti-personnel landmines.”⁴² Canadian and Mexican officials worked hard to turn this early momentum towards the ban into support for a resolution adopted by the General Assembly of the Organization of American States (OAS) on 7 June 1996, which “adopted as goals the global elimination of anti-personnel land mines and the constitution of the Western Hemisphere as an Anti-Personnel Land Mine-Free Zone.”⁴³ Further developments in the region included the decision by the Council of Foreign Ministers of Central America, on 12 September, 1996, to “declare the region an antipersonnel-landmine-free zone in which the manufacture, possession, acquisition, transfer and use of landmines is prohibited and subject to punishment.”⁴⁴

In a move that provided critical early momentum behind the nascent Ottawa Process, the nations forming the Caribbean Community and Common Market met with Central American governments on 29 November 1997 and reached an agreement to work to make their sub-region AP mine free by the year 2000, as well as to support the immediate negotiation and the signature “in Canada in December 1997 of a legally binding international agreement to ban this weapon.”⁴⁵ However, despite previous resolutions on

⁴²“Recommendations adopted by the Regional Seminar on Anti-Personnel landmines, Mine Clearance and Rehabilitation in Central America,” Managua, 29 May 1996, reproduced in Maresca and Maslen, pp. 464-466.

⁴³Organization of American States, General Assembly resolution AG/RES.1411 XXVI-O/96, *The Western Hemisphere as Anti-Personnel Land Mine-Free Zone*, 7 June 1996.

⁴⁴*Ibid.*, p. 468.

⁴⁵“Declaration of the Foreign Ministers of Central America and the Caribbean Community and Common Market,” 29 November 1996.

the landmine issue, it proved impossible to achieve the same type of language supportive of the Ottawa Process within the OAS General Assembly—largely because of US opposition. Thus, on 5 June 1997, just as support for the Ottawa Process was approaching some 75 states, the OAS would fall back on the UNGA 51 language, urging member states to negotiate an AP mine ban treaty “as soon as possible.”⁴⁶ Fortunately, despite set-backs within the OAS itself, there would ultimately be a very high rate of participation of states from the Americas in Brussels, Oslo and finally in Ottawa. Ultimately, every state in the Americas would sign the Mine Ban Treaty with the exception of Cuba and the US.

Europe

The European dimension of the Ottawa Process has been well described as a story of leaders, followers and holdouts.⁴⁷ As the home of three of the six founding NGOs of the ICBL, the ICRC, the first state to unilaterally ban AP mines, as well as countries states that played a central role within the Core Group, Europe was the source of considerable leadership on the landmine issue. Moreover, every single meeting on Track One of the Ottawa Process was held in Europe. And yet Europe was also home to at least two, and arguably, three of the more reluctant supporters of the Ottawa Process—France, Germany and the UK. The Ottawa Process found France caught between its history of

⁴⁶Organization of American States General Assembly resolution 1498 XXVII-O/97, *The Western Hemisphere as Anti-Personnel Land Mine-Free Zone*, 5 June 1997.

⁴⁷David Long and Laird Hindle, “Europe and the Ottawa Process: An Overview,” *To Walk Without Fear*, pp. 248-268.

early support for action on the landmine issue and a highly reluctant military establishment. The influence of the military and corresponding caution with respect to the Ottawa Process was even greater in the UK. Germany had solid ban credentials flowing from its April 1996 comprehensive ban policy, but also remained supportive of the CD as a potential path towards an international ban treaty. Given the central role of these three states in European affairs, a nightmare scenario for ban supporters was the potential unification of these three states behind the CD option.

Thus, beyond the many significant positive contributions of Europe to the Ottawa Process, the story of the Europe strategy within the Ottawa Process is the story of what did not happen. A key objective of the strategy was to prevent the emergence of consensus policy on the ban treaty question within the European Union (EU). Such a policy which would most likely have been driven to the lowest possible common denominator by Ottawa critics such as France and the UK, possibly resulting in EU support for the CD option. Fortunately, the luck of the draw had determined that Ireland and the Netherlands, both members of the Core Group, would hold the Presidency of the EU during late 1996 and early 1997, the months in which the Ottawa Process was most vulnerable to attacks by CD supporters. Working closely with other European Core Group members, Ireland and the Netherlands were able to resist pressures to seek a consensus EU position that could well have significantly damaged the political momentum behind the Ottawa Process. Also for reasons not directly related to the ban agenda, general elections in the UK and France would see governments in both countries

change within a matter of weeks prior to the Brussels conference to decidedly more pro-Ottawa regimes. Europe would host one regional meeting in the Ottawa Process in Stockholm on 23-25 May 1997, organized by local ICBL member organizations, the Swedish UN Association, the Christian Council of Sweden and Rädde Barnen. Known informally as the “Baltics to the Balkans” Conference, the meeting attracted 75 representatives from 18 states and was aimed at extending the influence of the Ottawa Process into Eastern, Central and Southern Europe—in particular to engage mine affected states such as Albania, Bosnia and Croatia.

Asia-Pacific, the Former Soviet Union, and the Middle East

Outside of Africa, Europe and the Americas, support for the Ottawa Process was difficult to generate at the regional or sub-regional level. However, it was possible to find pockets of support in these otherwise difficult regions, and ban strategists understood the importance of engaging hold-outs with a view to future efforts to universalize the ban treaty in the wake of the Ottawa Process. Of the hold-out regions, the most attention would be directed towards Asia.

Japan had been closely consulted in the run up to the Ottawa Conference, and had indicated its willingness to host an international meeting on demining and victim assistance in March 1997. While Japan would be one of the last converts to the ban agenda in the fall of 1997, their “Tokyo Conference on Anti-Personnel Landmines” held

on 6-7 March 1997 would be the first major multilateral landmine meeting in Asia, attracting a total of 27 countries and 10 international organizations including the ICRC and several UN agencies. While the Japanese carefully avoided formal discussions of the Ottawa Process, it was virtually impossible to avoid discussions of the ban in light of the repeated linkages made between the ban and mine clearance and victim assistance efforts made by experts from mine affected states, the UN and the ICBL/ICRC. Thus, in the end the Chairman's Summary noted the "need to make efforts to work toward the total ban on anti-personnel landmines."⁴⁸ Reflective of Japanese caution with respect to the ban agenda and the role of NGOs more generally, ICBL representatives were only allowed to attend the opening session of the meeting. Nevertheless, the ICBL used the opportunity to host its own Conference immediately following the government meeting, which attracted over 200 participants, called upon all governments to join the Ottawa Process, and saw the launch of the Japanese Campaign to Ban Landmines.⁴⁹

The next landmine conference in Asia took place in Sydney, Australia on 14-17 July 1997. Sponsored by the ICBL, the Sydney meeting was attended by 22 states from the region and NGOs representing 27 countries. While it did not issue a formal declaration as such, the meeting did have an political impact, most obviously felt by the Australian government, a state highly critical of the Ottawa Process. The Sydney Conference was

⁴⁸Japan, "Tokyo Conference on Anti-Personnel Landmines, Chairman's Summary," 7 March 1997, p. 1.

⁴⁹Williams and Goose, p. 39.

followed closely by the Manila Conference, hosted by the ICRC in cooperation with the Philippine government and the Philippine Red Cross 20-23 July 1997. Attended by representatives of 18 countries the meeting focused on the basics of the military versus humanitarian impact argument and called upon states within Asia to participate “in upcoming negotiations aimed at the conclusion of a new treaty comprehensively prohibiting anti-personnel mines by the end of 1997.”⁵⁰

Following these two generally successful meetings, a reminder of the challenges facing the Ottawa Process within Asia was provided at the Annual Asian Regional Forum (ARF). There the best possible language on the landmine issue that could be achieved was a Chairman’s Statement that indicated that the ARF Foreign Ministers were “aware” of the negotiations scheduled to take place in Oslo and the treaty signature in Ottawa. Under pressure from pro-CD states such as the Australia, the US and Japan, the Statement also “took note that the Conference on Disarmament has appointed a Special Coordinator for the issue of anti-personnel landmines.”⁵¹ While the parallel mention of the CD in the ARF Statement was considered to be a set-back at the time, the contrast between the rival approaches probably worked against the CD option. The Ottawa Process was just weeks away from formal negotiations expected to attract some 100 states, while all the CD had to show for its efforts was the appointment of a Special Coordinator with a mandate to do

⁵⁰Philippines, “Anti-Personnel Mines: What Future for Asia, Final Declaration of Participants,” Manila, 23 July 1997, p. 4.

⁵¹Asian Regional Forum, “Chairman’s Statement,” 28 July 1997.

little more than see if states would be willing to launch discussions on a mandate for potential negotiations on a yet undefined type of landmine treaty. While the going was tough for pro-Ottawa forces in Asia, it paled in comparison with challenges faced in the former Soviet Union where a regional conference in Ashgabat, Turkmenistan on 10-12 June 1997 provided echoes of the very early days of ban campaign. Here the objective was largely to educate regional authorities and build upon whatever pockets of support might exist for the Ottawa Process. Hosted by the government of Turkmenistan in cooperation with Canada, the Final Communiqué of the Ashgabat meeting simply noted that “Participants have agreed on the urgency of further drawing the attention of the world community to the AP mine problem.”⁵²

Meanwhile, Back on Track One...

Against a backdrop of a seemingly endless series of regional meetings, Track One of the Ottawa Process continued to unfold largely as planned. By mid-March, the Austrians had produced a second draft mine ban treaty text, this time totaling 20 articles and 11 pages. Key changes in the second draft included provisions on mine clearance and international cooperation (discussed below) and, much to the delight of the ICBL and ICRC, the removal of the controversial word ‘primarily’ from the AP mine definition. One of the most hotly debated issues in Vienna was treaty verification. Recognizing that time would

⁵²Turkmenistan, “Final Communiqué of the Ashgabat Central Asian Regional Conference on a Global Ban on Anti-Personnel Mines,” 12 June 1997.

be tight in Oslo, the core group was grateful for the invitation by Germany to host a meeting dedicated solely to the discussion of compliance mechanisms. Like Vienna, Bonn presented the ban coalition with a number of challenges related to perceptions of momentum and support for the December 1997 deadline. Once again, Core Group members worked actively to encourage participation through bilateral and team *démarches* combined with travel support to ensure a high level of participation from the developing world and mine affected states. Once again these efforts were rewarded by a surprisingly high level of participation, including the Ottawa Process target group of mine affected states.

A total of 120 states as well as the ICBL, ICRC and UN attended the “Experts Meeting on Possible Verifications Measures” in Bonn (Königswinter), Germany from 24-27 April 1997. The meeting provided a snapshot of the clash of visions that continued to animate the Ottawa vs CD debate at the time. The majority of those who continued to view the landmine issue as primarily a security issue tended to borrow heavily from approaches and language developed from the arms control and disarmament sector—compliance was about ‘verification’ backed by an ‘inspection regime.’ While this group was quite vocal, its credibility was diminished somewhat by the relationship that emerged between their support for hard verification and their desire to support the CD option. In the end, however, this group turned out to be remarkably small. Only four governments went on the record as supporters of the both the CD option as well as hard verification (Australia, France, Italy and the UK). Two other key CD supporters, Japan and the US, tended to

favour a more flexible approach to the compliance issue.

Those who viewed the landmine issue primarily as a question of IHL tended to draw upon the language from the IHL and human right sectors—compliance was about monitoring, working together to clarify issues and encourage normative change, coupled with a less intrusive UN backed fact-finding mission as the final recourse to resolve issues. These were the views championed by the ICBL and ICRC as well as the Core Group. Canada and Switzerland both tabled discussion papers consistent with this approach. Canada’s paper argued for a ‘cooperative compliance’ regime. While the Bonn meeting failed to fully resolve the compliance/verification debate, it did tend to shift the balance in favour of the ‘cooperative compliance model.’ The compliance/verification article of the second draft of the Austrian text that served as the basis for discussions in Bonn was entitled “Verification of Compliance” and began with the phrase “In the case of serious doubts about compliance...”.⁵³ In the wake of the Bonn meeting his article was renamed “Facilitation and Clarification of Compliance” and began with the new phrase “The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to facilitate compliance by State Parties with their obligations under this Convention.”⁵⁴ The Austrians used the results of the Bonn discussions to develop a third draft of the ban treaty text dated 13 May, which was then circulated to all states in preparation for the Brussels meeting.

⁵³Article 9, Second Austrian Draft Mine Ban Treaty.

⁵⁴Article 9, Third Austrian Draft Mine Ban Treaty.

Brussels in June...

The much sought after political momentum behind the Ottawa Process was growing as governments considered their participation in the Brussels conference scheduled for 24-27 June 1997. Since mid-March the number of governments pledging their support for the Ottawa Process had grown from 30 to 70. The broader African strategy and the May South African conference had secured the active engagement of over 30 African states in the Process. The NGO communities in the UK and France had succeeded in making the mine ban an election issue—with both countries becoming Ottawa Process supporters under their new governments. The US had promised to review their landmine policies in July and, in the wake of an agreement between Foreign Minister Axworthy and Secretary of State Albright, a US delegation had traveled to Ottawa in mid-June for the first significant bilateral discussion of the Ottawa Process since the October Ottawa Conference. While still of concern to the ban coalition, the CD effort had failed to even secure a place for the landmine issue on the CD's official 1997 agenda. This was not for a lack of effort on the part of the US and its CD allies. However, in the end, the CD option fell victim to broader difficulties related to the reluctance of the nuclear powers to consider serious negotiations on nuclear matters within the CD. While Canada and other key Ottawa Process supporters were careful not to directly attack the US efforts, it was the Mexican delegation that finally blocked the inclusion of the landmine issue on the CD agenda—a step that they could legitimately defend as being consistent with their long

standing support for nuclear disarmament negotiations within the CD.⁵⁵ With the CD threat diminished, the Ottawa Process took on an even greater degree of prominence as the only viable process capable of delivering on the 1996 UN landmine resolution.

Consistent with the process norms developed for the Ottawa Conference, states were advised that the price of full participation in the Oslo negotiations would be their support of the Brussels Declaration. The tactics behind this decision and the related substance of the Brussels Declaration was the matter of considerable debate within the Core Group, which was expanded in May to include France, Malaysia and the UK. The challenge was to ensure that those who joined the negotiations were acting in good faith with the clear expectation that they were seeking a comprehensive ban treaty that would be signed in Ottawa in December 1997. A less generous interpretation was that the Core Group was trying to impose pre-conditions on the negotiations. In the end, however, other than a final push on the part of South Africa to include language on mine survivor assistance (see below), no one publically questioned the approach or the substance of the Brussels declaration. Of the 155 states that attended the Brussels meeting, 97 would sign its Declaration which, in addition to welcoming the Austrian text and forwarding it to Oslo for consideration, affirmed the objective of signing any resulting treaty by the end of 1997 in Ottawa.⁵⁶

⁵⁵See "Mexico Blocks Conclave on World Land-Mine Ban," *Washington Post*, 13 June 1997, p. A33.

⁵⁶Belgium, "Final Declaration of the Brussels International Conference for a Global Ban on Anti-Personnel Landmines," Brussels, 27 June, 1997.

The Brussels Declaration also marked a significant development in the ban coalition's thinking on the core obligations of a possible ban treaty. The second (March) and third (May) Austrian draft texts included completely new articles related to the obligation on the part of mine affected states to clear mines that had already been deployed on their territory. This article was complemented by another new article that underscored the need for international cooperation to achieve the objectives of the treaty, including mine clearance. These new elements emerged, in part at least, from the dynamics created by the Ottawa Process itself, which revealed the importance mine affected states and regions attached to the new treaty as a means to secure additional international support for their national mine action programs. This was clearly a legitimate demand on the part of states, which in almost all cases, lacked the resources necessary to tackle the mine clearance challenge. It was an element that also attracted a great deal of support from the NGO community—many of which were themselves active in the mine action sector. Moreover, given that the Core Group contained a number of significant donors to international mine action programs, it was a demand that appeared to have a reasonable chance of being acted upon by at least some states. Thus, the Brussels Declaration included a specific reference to “international cooperation and assistance in the field of mine clearance in affected countries” as an “essential element” of a ban treaty.⁵⁷

Beyond securing the widest possible political support for the Brussels Declaration, and completing a final collective review of the Austrian text, the Brussels meeting also

⁵⁷*Ibid.*

provided an opportunity for the Core Group to put in place the final elements of the diplomatic framework for the Oslo negotiations, due to take place 1-21 September. Informal confirmation of Ambassador Jacob Selebi as the President of the Oslo Conference was obtained. As Norway circulated the draft rules of procedures for the negotiations which, drawn largely from rules of procedure employed by various UN committees, enabled decisions to be taken by two-thirds vote if consensus could not be achieved. When one considered that the Austrian text was generally being accepted as the basis for negotiations in Oslo, the voting formula approach essentially meant that any significant departure from the total ban vision of the Austrian text, would require the mobilization of at least two-thirds of the participating delegations. Defending the existing text, on the other hand, only required the mobilization of one third of the delegations behind a blocking effort. This tended to place a significant amount of negotiating power in the hands of the Core Group and their allies.

The ICBL used the Brussels conference to launch an aggressive communications campaign focused on the media and state representatives preparing for the Oslo negotiations. Hosted by the Belgian Campaign to Ban Landmines, more than 130 ICBL representatives from 40 countries participated in a broad range of campaign events, including a cycle race from Paris to Brussels with the participation of landmine survivors, who pushed rickshaws carrying likenesses of Boris Yeltsin and Bill Clinton. Brussels itself embraced the event, officially accepting a landmine victim outfit for its famous *Manneken-Pis*, the historic symbol of the city. Diplomats were forced to cross a

simulated mine-field to enter the conference facility. Outside of Brussels the ICBL organized an initiative known as the International Days of Prayer for the Victims of Landmines, which engaged hundred of individuals and more than 150 groups within faith communities in a total of 39 countries.⁵⁸ Ironically, the communications strategy of the ICBL at the Brussels meeting was aimed at addressing a possible down-side of the unexpected success of the Ottawa Process. In her address to the Brussels meeting Jody Williams noted that, “as more and more countries feel the pressure to join—because they do not want to feel ostracized—there will be more and more pressure to make accommodations to increase the number of governments signing the ban treaty.”⁵⁹

Thus, the ICBL’s core communications message in Brussels of “no exceptions, no reservations and no loopholes” was primarily aimed at defending the integrity of the existing Austrian text.⁶⁰ This message was also aimed at the US delegation which appeared in Brussels at the last minute but refused to enter the actual conference centre as a delegation. In a move that clearly irritated several other delegations as well as the ICBL, the US delegation established themselves in a local hotel and systematically summoned other delegations for bilateral discussions aimed at explaining US concerns and exploring who might support their calls for greater flexibility in the Austrian text.

⁵⁸Williams and Goose, p. 41.

⁵⁹Jody Williams, “Opening Statement by the Coordinator of the ICBL,” Brussels Conference, 24 June 1997.

⁶⁰ICBL Press Release, “No Exceptions, No Reservations, No Loopholes,” Brussels, 24 June 1997.

The ICBL argued that the US delegation was “testing the waters to see how many holes can be shot in the treaty in order to accommodate US policy.”⁶¹ The ICRC delegation to Brussels included President Cornelio Sommaruga who, in his address to the meeting, defended the new Ottawa Process norms as a return to the historical practice of “developing and universalizing law through national initiatives rather than relying solely on consensus negotiations, which frequently can lead to a lowest-common-denominator result.”⁶² Like the ICBL, the ICRC declared itself generally satisfied with the Austrian draft text, noting that it contained the elements it considered “crucial to the effectiveness of the future treaty” but also noting that it should not “permit reservations.”⁶³

The absence of the survivor assistance issue within the Austrian text attracted comments from the 12 landmine survivors that attended the Brussels meeting. If the treaty could accommodate obligations for mine clearance, then why not survivor assistance? In fact, Brussels would indeed mark a turning point for the survivor assistance agenda within the Ottawa Process. In their presentation to the conference, mine survivors called upon the delegates to “re-read the current draft of the treaty and to consider how it appears to us landmine survivors. There is virtually nothing in it to urge governments to take

⁶¹ICBL Press Release, “United States Seeks to Undermine Landmine Ban Treaty,” Brussels, 25 June 1997.

⁶²Cornelio Sommaruga, “ICRC Statement to the Brussels Conference,” Brussels, 26 June 1997.

⁶³*Ibid.*

responsibility for the victims.”⁶⁴ Reaction to the efforts of the mine survivors, spearheaded by the US based NGO Landmine Survivors Network (LSN), was generally positive, with South Africa responding to LSN that it would not support a treaty without provisions for the survivors.⁶⁵ The ICRC recommended the inclusion of language on survivor assistance in its written comments on the Third Austrian Draft, provided to the core group following the Brussels conference.⁶⁶ LSN devoted considerable energy to the victim assistance issue between Brussels and Oslo. It obtained pro bono legal research on the issue from the Washington-based legal firm Arnold and Porter, and worked with Canada and other core group states to develop support for their initiative.⁶⁷ LSN’s efforts were provided an unexpected boost through the intervention of Diana, Princess of Wales.

The Diana Factor

It was the British Red Cross that first engaged Lady Diana on the landmine issue. Her trip to Angola in January 1997 as a guest of the British Red Cross and HALO Trust, a British mine clearance NGO, ignited a minor political fire under the landmine issue in the UK. Pictures of Diana walking through the minefields while calling on the UK to support

⁶⁴Jerry White, “Statement of 12 mine survivors to the Brussels Conference,” 26 June 1997.

⁶⁵Jerry White and Ken Rutherford, “The Role of the Landmine Survivors Network,” *To Walk Without Fear*, p. 111.

⁶⁶ICRC, “ICRC Comments on the Third Austrian Draft (13/5/97) of the Convention on the Prohibition of Anti-Personnel Mines,” reproduced in Maresca and Maslen, pp. 548-553.

⁶⁷White and Rutherford, pp. 112-113.

the mine ban prompted at least one UK Tory Minister to call her “a loose cannon.” In what must surely have been an effective ‘norm grafting’ comment, Diana responded to criticisms by simply stating she believed that the landmine issue was, for her at least, primarily an humanitarian issue. For example, she later commented that “one of my objectives in visiting Angola was to forward the cause of those, like the International Red Cross, striving in the name of humanity to secure an international ban on these weapons.”⁶⁸ The media coverage of Diana in an Angolan mine field was intensive, global in scope, and covered by print, radio, television as well as magazines, providing the ban agenda with a high degree of visibility on the eve of the February Vienna Conference.

Princess Diana’s second intervention in the landmine issue was a public address at a conference organized by LSN and the Mines Advisory Group (MAG) at the Royal Geographical Society in London on 12 June 1997. In her address to the meeting the Princess once again tackled the questions surrounding her involvement in the landmine issue—at the same time using the moral authority associated by her ‘humanitarian interests’ to shame governments that were resisting the ban agenda.

I am not a political figure. I would like to reiterate now, my interests are humanitarian. That is why I felt drawn to this human tragedy. That is why I wanted to play my part in working towards a world wide ban on these weapons... How can countries which manufacture and trade in these weapons square their

⁶⁸“Princess Diana calls for worldwide landmine ban,” Reuters News Service, 12 June 1997.

conscience with such human devastation?⁶⁹

The LSN/MAG conference was followed a short trip to the US to attend an American Red Cross gala in Washington on 19 June to raise funds for mine victim assistance programs where she consistently referred to anti-personnel mines as “these evil weapons.”⁷⁰ Diana was also able to meet with Hillary Clinton, where she also reportedly pressed for a review of US landmine policy. Perhaps by coincidence, Diana’s visit to Washington also fell on the very day on which Senator’s Patrick Leahy and Charles Hagel (R-Nebraska) introduced their aggressively pro-ban “Landmine Elimination Act” in the Senate (see below).

By July of 1997, LSN was working closely with Princess Diana to plan a three day visit to Bosnia in support of the work of LSN to develop ways in which mine survivors could be used to assist other mine survivors. On 8 August, Diana landed in Sarajevo for a series of meetings with landmine survivors which would once again propel the landmine issue into the media spotlight. While the Bosnia trip would prove to be Diana’s last public activity on behalf of any of her issues or charities, it would not end her association with the mine ban issue. Her tragic death on 31 August occurred on the very eve of the Oslo negotiations, sending a shock wave throughout the global community that would carry

⁶⁹“Diana expands campaign against land mines,” *Ottawa Citizen*, 13 June 1997, p. A-6.

⁷⁰“From London, A Blitz With Glitz: Princess Diana Dazzles a Red Cross Benefit for Land Mine Victims,” *Washington Post*, 19 June 1997.

with it a reminder of the issues, such as the landmine ban, that she had supported while alive. Despite the relatively brief period during which Diana was active on the issue, for millions of people around the world, the landmine issue would forever be associated with the Diana legacy. Diana's support for the ban agenda was significant on a number of levels. As an international celebrity, her association with the ban agenda provided instant global media reach for its normative demands. As a 'Royal' to whom millions looked for standards of 'proper' behaviour, she was extremely well placed to 'teach' the public about the landmine issue.

Five Red Lines—The US and the Oslo Negotiations

The pressure on the Clinton administration to join the Ottawa Process grew steadily in the wake of the Brussels Conference. When the US announced its decision to back the CD as the preferred venue for land mine negotiations back in January, it also promised to revisit the decision if it appeared the CD track was "going nowhere."⁷¹ While it was clear by July that the CD option was indeed going nowhere, the US was obviously unprepared both substantively as well as politically to join the Ottawa Process. The Leahy/Hagel Landmine Elimination Act, introduced in the Senate on 19 July, was drafted and deployed in a bid to simultaneously pressure the administration into action while providing sufficient 'political cover' for the President should he decide to act. The bill banned all

⁷¹This promise was made by Robert Bell of the National Security Council in a conference call with the US Campaign to Ban Landmines, see Mary Wareham, p. 228.

new deployments of US AP mines after 1 January 2001, providing domestic deadlines comparable with the time-lines for a ban on new mine use likely to emerge from the Oslo negotiations. The bill was also a piece of carefully crafted bipartisan legislation, that on introduction commanded the support of 59 senators and 190 house representatives, including a number of prominent Vietnam combat veterans such as Hagel and Congressional Medal of Honor recipient, Senator Bob Kerrey. In a bid to satisfy more conservative views on the mine issue, the bill also provided the President with a “Korea clause,” which allowed the President the option of delaying application of the bill in Korea if it was clear that AP mines were essential for South Korea’s defence. Having introduced the bill, Leahy and Hagel held off in bringing it to a vote in order to give the administration time to reconsider its position with respect to Oslo.

However, the considered strategy behind the Leahy/Hagel bill did not prevent it from becoming a lightning rod for a conservative counterattack on the mine issue led by Senator Jesse Helms, Chairman of the Senate Armed Services Committee. Helms began work to oppose the bill in the spring as it was being drafted and discussed by Senate staffers. By the summer, he had succeeded in mobilizing a number of Senators and senior military officials to oppose the bill, including the Chairman of the Joint Chiefs of Staff and Secretary of Defence William Cohen. A letter signed by every member of the Joint Chiefs of Staff and all of the regional Commanders in Chiefs opposing the Leahy/Hagel legislation was sent to the President in early July. Finally, in the immediate wake of the introduction of the bill, critics unleashed a series of media attacks on the bill clearly

designed to polarize the debate on the mine issue. A typical example of the type of language deployed to undermine bipartisan support for the Leahy/Hagel bill was provided by an editorial by Frank Gaffney Jr., Director of the Center for Security Policy, who branded pro-ban forces as “generally left-of-center” and argued that the ban effort had been caught up in a frenzy of hype, do-goodism and political correctness.⁷²

The 18 August 1997 US decision to attend the Oslo negotiations, reflected the success of efforts to polarize the mine ban debate. With the State Department arguing forcefully in favour of attending Oslo, and the Defence Department arguing equally adamantly against concessions to the ban agenda, President Clinton attempted to please both camps by allowing the US to participate in Oslo—but on the condition that certain issues would be considered to be non-negotiable. Not surprisingly, announcing one’s attendance at a multilateral negotiation while making it clear that one was not willing to make any compromises was a recipe for frustration if not potential embarrassment. US critics would make a similar argument about the ban coalition, which had worked long and hard on the Austrian text in the hope that little of substance would be changed in Oslo. The difference, of course, was the ban coalition appeared to have an overwhelming majority of states, international organizations, NGOs and the general public on their side. The US on the other hand, had initially led the charge on the landmine agenda, only to apparently

⁷²Frank Gaffney Jr. “Vital role of land mines for military,” *Washington Post*, 22 July 1997. See also George F. Will, “Parchment and Pacification: A ban on anti-personnel land mines may be the next bad idea whose time has come,” *Newsweek*, 21 July. 1997.

retreat in the face of opposition from the Pentagon. The mixed emotions generated by the US announcement was captured by the *The Economist* which noted that the ‘new convert’ should be welcomed as long as “its real intent is not to sabotage.”⁷³

A widely circulated letter to other states from Secretary of State Madeleine Albright on 20 August, tended to confirm the more pessimistic assessment of US intentions in Oslo. The letter made it clear that the US would be seeking a least five substantive changes to the draft Austrian text. This changes would become know as the ‘five red lines,’ changes that were “fundamental” to the US position: 1. An exception to enable US forces to continue to use AP mines in South Korea; 2. Changes in the definition of an AP mine to ensure that munitions designed primarily as anti-tank or anti-vehicle systems would not be captured by the treaty; 3. A transition period to prevent a gap in defensive capabilities, through either an optional deferral period (the CCW model), or an entry-into-force formula that would require 60 state ratifications, including all five Permanent Members of the Security Council and at least 75 percent of historic producers and users of AP mines; 4. A strengthened verification regime; and, 5. A supreme national interest clause that would permit a party to withdraw if that party’s supreme national interests are threatened.⁷⁴

⁷³“The New Convert,” *The Economist*, 23-29 August 1997, p. 14.

⁷⁴Madeleine Albright, “Letter to Foreign Ministers,” 20 August 1997, Reproduced in ICBL, *Report on Activities: Diplomatic Conference on an International Total Ban on Anti-Personnel Landmines*, Oslo Norway, 1-18 September, pp. 18-20 (hereafter *ICBL Report on the Oslo Negotiations*)

A hastily organized meeting between the US and the Ottawa Process core group in Geneva on 22 August changed little on either side. The fact that the US would be the only state arriving in Oslo without first expressing its support for the Brussels declaration was an additional ominous sign of things to come. Not surprisingly, the ICBL worked hard over the remaining days before Oslo to focus its public communications efforts on tackling, head on, a US delegation that it believed was heading to Oslo not as a “like minded participant in the negotiations, but rather to put its full weight behind modifying the treaty to accommodate existing US policy.”⁷⁵ From a normative perspective, the US efforts in Oslo, and the corresponding reactions it generated, provide a very useful measure of the actual strength of the mine ban norms.

The Oslo Negotiations

Less than six years after the first coordinated call for a total ban on AP mines, the international community was gathering in Oslo with a mandate to negotiate a comprehensive mine ban treaty. The moment had arrived when all of the advocacy and coalition building would be put to the test. For the first time, the ICBL would be at the negotiating table. Much was at stake, and with the last minute arrival of the world’s remaining superpower, the outcome remained highly uncertain. Everyone was nervous. At the final NGO meeting prior to the conference, sensing the mood of the moment, South African Ambassador Selibi began his informal chat with ICBL representatives by

⁷⁵Williams and Goose, p. 43.

simply stating, “there is nothing to be afraid of here.” These were reassuring words coming from a man who had demonstrated his willingness to confront the nuclear powers over disarmament issues in Geneva.

By Oslo the ICBL’s global membership had actually doubled since the CCW process, from 456 member organizations in 33 countries in February 1996, to 1,000 organizations in 60 countries—a sign that the social codification of the ban norms had been significantly advanced by the Ottawa Process. More than 225 ICBL representatives, from 130 NGOs, from a total of 45 countries participated in the ICBL’s planned activities within and surrounding the negotiations. It would be a massive display of the ICBL’s advocacy capacities, patterned on the successful ‘Phnom Penh formula.’ Local media and the public would be engaged in an effort to shape the local political environment on the mine issue through a series of outreach activities such as demining demonstrations, mine awareness classes, street theatre, films and videos, music, and the participation a number of mine victims in local activities such as the annual Oslo marathon. Efforts to shape international media and public opinion would be undertaken through an aggressive media outreach effort, offering to provide insights into the dynamics of the negotiations as well as access to a range of ICBL spokespersons, including negotiators, campaign leaders, landmine survivors, and mine clearance and mine survivor assistance experts.⁷⁶

⁷⁶A detailed account of these activities can be found in ICBL, *ICBL Report on the Oslo Negotiations*.

The objective of the ICBL's advocacy efforts in Oslo was to focus a high degree of local and international attention on the negotiations to ensure governments made good on their commitment to seek a comprehensive ban treaty. The core message of the ICBL's effort could be found on a massive banner outside of the negotiations, on its conference letterhead and on the masthead of its conference newsletter, the *BAN TREATY NEWS*—"No Exceptions, No Reservations, No Loopholes." Within the conference itself, ICBL as well as ICRC representatives worked countless hours to lobby specific governments on key issues. The position of every government on each issue was carefully monitored, and the status of debate on key treaty articles reported within the *BAN TREATY NEWS*. Remarkably, the ICBL also found time to organize a parallel NGO forum from 7-10 September tasked with developing an ICBL work-plan for post December 1997 (discussed in chapter six).

The drama surrounding the beginning of the Oslo negotiations was heightened by the tragic death of Princess Diana, on the day before the negotiation's opening ceremony on 1 September 1997. With 89 full participants and 33 observer states at the table, members of the ban coalition were clearly relieved as the conference formally elected Ambassador Selebi of South Africa to the conference presidency and adopted the agenda and rules of procedure. The approval of the rules of procedure was itself a minor victory. It legitimized the option of voting to break deadlocks, as well as marking the formal acceptance of the ICBL as an official observer in the negotiations, welcome to attend all sessions as well as undertake oral interventions on specific issues as it felt necessary.

With the diplomatic framework for the negotiations finally in place, Ambassador Selebi moved quickly to establish a work-plan for the conference. Areas of difficulty would be clearly identified with the first 24-48 hours of the conference through a first reading of the draft Austrian text. Issues in need of further consultation and problem-solving would be divided between Selebi and five 'Friends of the Chair' - Austria, Brazil, Canada, Ireland, and Mexico.⁷⁷

The first reading of the Austrian text began with a short debate over Article 1, during which the ICRC and ICBL sought the insertion of language on victim assistance. While this effort was unsuccessful, victim assistance language would find its way into Article 6 (International Cooperation and Assistance) along with the existing language on mine clearance. Evidence of the progress achieved within the CCW Process was provided by the lack of debate over the 'scope of application' language which ensured the new ban treaty would apply "under any circumstances." However, this brief moment of consensus proved to be one of the last. As noted by Dolan and Hunt, overall, the first reading of the draft ban text revealed a series of deep differences between the US and its supporters, primarily Australia, Japan and Spain, and the overwhelming majority of states at the table which appeared generally satisfied with the existing text.⁷⁸ Thus, in many respects, the substantive debates and political tone of the Oslo negotiations was largely structured by

⁷⁷*Report of the Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines, Oslo 1-18 September 1997, APL/CRP.5, 18 September 1997.*

⁷⁸Michael Dolan and Chris Hunt, "Negotiating in the Ottawa Process: The New Multilateralism," *To Walk Without Fear*, pp. 411-413.

the five US ‘red lines’ and the corresponding reactions of pro-ban forces to the US positions.

The Korean Exception

The first of the US red lines was tabled during the initial discussion on article 3 (exceptions) where the US proposed an open-ended exception for the use of new mines in Korea, indicating that such an exception would also require the continued production and stockpiling of mines for such use. Japan was the only country to support the US position while a number of others (Australia, Ecuador, Poland, Spain and Venezuela) expressed sympathy for the US, suggesting there might be other ways within the treaty to accommodate US concerns. A total of 34 other states, largely led by the Core Group, spoke to oppose the US position.⁷⁹ The most common argument raised by this group was that such an exception would open the door for other exceptions. For its part the ICBL decided to attack the technical basis of the US proposal. A US-based NGO, Demilitarization for Democracy, also a member of the US Campaign to Ban Landmines, had already published a report which attacked the credibility of the computer simulation that US officials claimed demonstrated that the removal of mines from the Korean Demilitarized Zone would increase the number of friendly casualties in any defence of South Korea by “tens of thousands.” Among the apparent flaws in war game simulation

⁷⁹ICBL, “Nations Show Commitment to a True Ban Treaty,” *BAN TREATY NEWS*, 5 September, 1997, pp. 1-3.

were a number of questionable assumptions, such as North Korean mechanized rates of advance through the mountains surrounding Seoul equal to US rates of advance over desert terrain during the Gulf War. There were also the mysterious monsoon rains that would neutralize US air power (which does have a significant all-weather capability) while failing to slow or halt the North Korean advance towards Seoul.⁸⁰ Further undermining the credibility of the US Korean position were statements by several former commanders of US forces in South Korea, such as Lt. General James Hollingsworth, indicating that AP mines were not really required to defend South Korea. At least one former commander, Lt. General Hank Emmerson, was willing to go on the record stating that “landmines did more harm than good in Korea.”⁸¹

The Deferral Issue

The next US red line to be addressed was the deferral issue, which became even more important to the US when it failed to secure support for an increase in the number of ratifications required for entry-into-force to 65 states from the threshold of 40 already contained within the draft Austrian text. The US opened by arguing that states should be allowed to sign the ban treaty while deferring compliance with some core obligations (such as the prohibition on production, stockpiling and use) for up to nine years— another

⁸⁰ICBL, “No Exception, No Transition for U.S. in Korea,” *BAN TREATY NEWS*, 11 September, 1997, pp. 1-2.

⁸¹*Ibid.*

way, from the US perspective, to address their Korean concerns. While the US position was supported by Australia, Ecuador, Japan and Poland, it elicited a fairly hostile response from most delegations, most notably a number of African states. Despite these reactions, the potential for a compromise with the US appeared to be greatest on the deferral issue, with a number of states publicly as well as privately expressing sympathy for the underlying concerns driving the US position. A Korea-specific deferral period that would provide the US with special treatment appeared to be a political non-starter. Yet a more broadly defined deferral article, available to all, would have potentially undermined the practical effect and political credibility of the entire ban convention. While few would publicly admit it, a number of states, including Canada, Germany, the Netherlands, and South Africa were struggling to find the right formula that might bring the US on-side.⁸² However, the exploration of potential compromises remained impossible as long as the US was unwilling to break open its package, allowing the deferral issue to be discussed in isolation from other more problematic issues, such as definitions.

The Definitions Debate

Selibi had forwarded the definitions issue to a working group, chaired by Austria, on the first day of the negotiations. Both the ICBL and ICRC had identified the need for

⁸²Interview with Jody Williams and Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

additional work on the definitions issue to address their concerns about anti-handling devices on anti-vehicle mines, which they argued effectively turned many models of anti-vehicle mines into large AP mines.⁸³ For its part, the US was seeking a fundamental change in the definition of an AP mine, noting that the current definition would prevent the future use of US mixed-mine systems such as ‘Gator’ and ‘Volcano’, which were designed to deploy a mix of short-lived ‘smart’ AP mines and anti-vehicle mines. US negotiators argued that AP mines within these mixed systems could be defined as ‘anti-handling devices’ since they performed the same function as the anti-handling devices found on some anti-vehicle mines to protect them against enemy mine-clearance personnel. However, the US AP mines in these systems were not actually attached to the anti-tank mines they were designed to protect and thus would function exactly like AP mines, irrespective of their proximity (within metres) to the anti-tank mines. A ban treaty that legalized the use of AP mines to protect anti-tank mines would be legalizing a practice widely understood as the historical real reason for deploying anti-personnel mines in the first place. The high-tech nature of the US mines did not change this fundamental problem. As US Senator Patrick Leahy, noted, “an effective international agreement that is based on stigmatizing a weapon cannot have a different standard for different nations.”⁸⁴ The ICBL pointed out in a widely distributed HRW ‘fact sheet’ that the weapons the US was now calling ‘anti-handling devices’ could be found in a range of

⁸³ICBL, “The ICBL’s Main Issues of Concern,” *BAN TREATY NEWS*, 1 September 1997, p. 3.

⁸⁴Senator Patrick Leahy, “Seize the Moment,” *BAN TREATY NEWS*, 9 September 1997, p. 1.

US military documents under the name ‘AP mines.’ Allowing states to reclassify their AP mines as anti-handling devices would open up a huge loop-hole in the treaty.⁸⁵

A number of scheduled as well as ‘special’ consultations devoted to the definition problem failed to reveal any real support for the US position.⁸⁶ In fact, to address the concerns raised by the ICBL and ICRC, additional language was proposed by Norway and Canada which further tightened the mine ban treaty definitions article. The new language was designed to draw a distinction between anti-handling devices which would explode as a result of accidental contact, and those which would detonate when “an attempt is made to tamper with or otherwise intentionally disturb the mine.” It was hoped that this new wording would simultaneously acknowledge the legitimacy of anti-handling devices designed to hinder mine clearance operations under combat conditions (i.e. to breach an enemy’s anti-vehicle mine field), while preventing the use of the anti-handling devices that would cause anti-vehicle mines to function exactly like AP mines. While this was a fairly difficult distinction to try capture with treaty language, if nothing else, it placed the burden of proof on military authorities to demonstrate that any anti-vehicle mines they retained or planned to develop or purchase were not a threat to civilian populations if deployed in accordance with existing military doctrine.

⁸⁵ICBL, “‘Near’ Is Too Far,” *BAN TREATY NEWS*, 16 September, 1997, p. 2. See also, ICBL Press Release “When is an Antipersonnel Landmine not a Mine?—When it is American,” 9 September, 1997

⁸⁶The US delegation was bolstered during these technical discussions by four US generals.

Compliance/Verification

Like the definitions issue, the compliance/verification article of the draft ban treaty was forwarded for special consultations by a ‘friend of the chair,’ in this case Canada. Over the course of these consultations, the Facilitation and Clarification of Compliance article grew from 7 paragraphs to 20 paragraphs in size providing a great deal more detail on the modalities of the steps to be taken to clarify issue of potential non-compliance. While there were differing views on some issues tackled by the compliance working group, the end product of the negotiations enjoyed the support of all participants and official observers, including the US. In fact, the US explicitly accepted the compliance/verification package on 13 September.⁸⁷ Procedures to resolve compliance issues, short of launching fact-finding missions, were improved by encouraging the use of the ‘good offices’ of the UN Secretary-General to clarify the issues on hand. Provisions for a special meeting of States Parties to address urgent compliance issues were added. Finally, the conditions under which compulsory fact finding missions could be launched were clarified, including important details on the operational aspects of such missions, such as the size of the fact finding team and the obligations of the host state with respect to such missions. In fact, to the surprise of many, the new compliance article was generally assessed to have been strengthened over the course of the Oslo negotiations.

Right of Withdrawal

⁸⁷US Delegation, “US Proposal,” 13 September 1997.

The final 'red line' within the US package dealt with the desire to see the period for withdrawal from the ban treaty reduced from one year to 90 days, including the right to withdraw during armed conflict. The parallels with the heavily criticized 1996 French position that they would essentially ban the use of AP mines unless they really needed them were unfortunate but largely accurate. States supporting the US position included Australia, Brazil, Ecuador, Spain and the United Kingdom.⁸⁸ Following working group consultations, some concessions were offered. The withdrawal period was reduced to six months, but the prohibition on withdrawal during armed conflict within the draft text was retained. The US agreed to accept the new formulation if it was further modified to ensure the prohibition on withdrawal during armed conflict would not apply if the withdrawing state or its ally "was the victim of armed aggression in violation of the UN Charter."⁸⁹ This change was not accepted. This was, after all, a treaty dealing with the laws of war. Why the war may have started in the first place was secondary to the fact that the use of AP mines was now judged to be unacceptable under 'any circumstances.'

Other Key Issues

While the US was clearly the primary challenger to the draft Austrian text, other, albeit less profound challenges, were launched by the ICBL itself. The efforts of LSN and other

⁸⁸ICBL, "Nations Show Commitment to a True Ban Treaty," *BAN TREATY NEWS*, 5 September, 1997, pp. 1-3.

⁸⁹US Delegation, "US Proposal," 13 September 1997.

mine survivor assistance groups such as the ICRC and Handicap International, were rewarded with language in Article 6 (International Cooperation and Assistance) that mirrored that already provided on mine clearance, specifically, “each state in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs.”⁹⁰ With less success, the ICBL had questioned the need for language in Article 3 (exceptions) that would allow states to retain “a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques.”⁹¹ The ICBL argued that no state had really explained why it was essential to use real mines for training and was concerned that some states, such as Italy, were reportedly planning to keep up to 200,000 AP mines for training purposes.⁹² In its closing address to the Oslo conference the ICBL noted that it wanted to repeat, for the diplomatic record, that a number of states had indicated that they believed that the minimum number necessary for training “should be hundreds or thousands, not tens of thousands or more.”⁹³

The End-Game That Never Was

By the second week of Oslo it appeared that the inability of the US team to break open their negotiating package in any substantive way was more of a reflection of the policy

⁹⁰Article 6, paragraph 3, Mine Ban Treaty.

⁹¹Article 3, paragraph 1, Mine Ban Treaty.

⁹²ICBL, “The ICBL’s Main Issues of Concern,” *BAN TREATY NEWS*, 1 September, 1997, p. 3.

⁹³ICBL, Statement to the Closing Plenary of the Oslo Diplomatic Conference on a Treaty to Ban Antipersonnel Landmines, 18 September 1997.

stalemate in Washington than of the challenges in Oslo. Significant proportions of the US media and public, along with a bipartisan congressional team led by Senator Leahy, were calling on President Clinton to “seize the moment” to provide “moral leadership” in the drive for the ban.⁹⁴ At the same time, Clinton received an ‘Open Letter’ from 10 retired four-star American generals urging Clinton to reject the emerging ban convention.⁹⁵ Senator Jesse Helms also weighed in with a letter complaining that the negotiations had become a “soap box forum for anti-American rhetoric” calling on Clinton to recall the US delegation if the other delegations failed to “recognize that the US position in Oslo is our *bottom line.....not a starting point* for debate.”⁹⁶

As the Oslo Conference reached the end of the second week, Selibi announced that unless there were significant new proposals to put before the conference, he expected the group to reconvene the following Tuesday to informally adopt the revised draft text. Throughout the weekend, negotiators looked to Washington for signs of flexibility on the US package. On Tuesday morning, much to the horror of the ICBL and ICRC, the US delegation asked for a 24-hour delay in the conference closure to provide the US with more time for additional ‘consultations’ with other states. President Clinton as well as Secretary Albright and National Security Adviser Sandy Berger reportedly used the extra

⁹⁴Senator Patrick Leahy, “Seize the Moment,” *BAN TREATY NEWS*, 9 September 1997, p. 1.

⁹⁵Robert Barrows, et al., “An Open Letter to US President Clinton,” 11 September, 1997.

⁹⁶Senator Jesse Helms, “Letter to the White House,” 8 September, 1997.

time to lobby a number of other states through a series of late-night calls and faxes.⁹⁷

Attracting criticism from the ICBL and ICRC, Canada attempted to facilitate this process, hoping that the prospect of US isolation on the issue, coupled with the direct engagement of the President in the Oslo end-game, would bring the US on-side. However, there was no real end-game. On 17 September, the US team announced that it had no further proposals to make to the Oslo conference. The following day Ambassador Selebi brought formal closure to the Oslo conference against the backdrop of a prolonged standing ovation.

Notwithstanding the views of Jesse Helms, there was little that was genuinely anti-American about the Oslo negotiations. A US delegation, hostage to a divided administration in Washington, was simply unable to reverse the political momentum that had been building behind the ban agenda for years. Over the course of the Ottawa Process, this momentum had yielded a set of widely consulted 'second wave' AP mine ban norms, that were not only internally coherent (mutually reinforcing) but were also highly consistent with the broader demands of the more general socially codified mine ban norms. The notion of reclassifying US AP mines as anti-handling devices presented a fundamental challenge to the coherence of both of these two sets of norms—a challenge that pro-ban states and civil-society organizations had no real choice but to resist.

An indication of what went wrong in Washington was provided by President Clinton

⁹⁷Mary Wareham, pp. 232-233.

himself on 17 September when, visibly upset, he defended his decision to recall the US delegation, stating that the US could not sign the mine ban treaty because it failed to provide an adequate transition period to develop alternatives to AP mines for use in Korea and that the new treaty would prohibit the use of US anti-tank mines!⁹⁸ There were, of course, several models of US anti-vehicle mines that would not be affected by the mine ban treaty. With an annual defence budget of almost US300 billion per year, the challenges of redesigning those anti-vehicle mines that would be affected seemed somewhat trivial. Critics of the US decision to withdraw from Oslo would point to the President's vulnerability on defence issues given his position vis-a-vis the Vietnam War.⁹⁹ VVAF's Bobby Muller would later argue that the Pentagon's aggressive opposition to the ban was less about technical details than it was about the desire not to create the precedent of being forced to give up weapons systems in response to pressure from civil society groups.¹⁰⁰ Senior Pentagon officials had reportedly made this point in writing as early as 1994.¹⁰¹ For US Lt. General (retired) Robert Gard, the parallels between US military opposition to the landmine ban and the 1925 Geneva Protocol banning poison gas were striking. In both cases the military would argue that the risks to US soldiers of giving up these weapons would outweigh the humanitarian benefits of the new treaty—a judgement Gard notes that generals could be expected to reach. Which is

⁹⁸*Ibid.*

⁹⁹*Ibid.*, pp. 237-238.

¹⁰⁰Bobby Muller, interview, Canada, "Ban Landmines: Canada and the Global Movement to Ban Landmines," CD-ROM.

¹⁰¹Interview with Jody Williams and Stephen Goose, Fredericksburg, Virginia, 13 February 2002.

why he notes that “in democratic societies, that judgement is an appropriate responsibility of elected civilian leadership.”¹⁰²

Conclusion—Landmine Norms, Identities and Interests in the Ottawa Process

The ICBL described the new Ban Treaty as “a gift to the world” that demonstrated that “smaller states and non-governmental organizations can work together to speedily respond to global crises.”¹⁰³ While noting that the treaty was not perfect, the ICBL was clear in stating that “it is a treaty that every government of the world should sign in Ottawa in December, and ratify as rapidly as possible.”¹⁰⁴ The ICRC claimed the new ban treaty as “a victory for humanity. It shows that it is possible, with determination and perseverance, to make significant improvements in the international humanitarian law.”¹⁰⁵

In assessing normative developments within the Ottawa Process, it is worthwhile recalling an assessment of the Canadian role in setting a deadline for the Ottawa Process provided by Brian Tomlin:

¹⁰²Robert G. Gard, Jr., “The Military Utility of Anti-Personnel Mines,” *To Walk Without Fear*, p. 139.

¹⁰³ICBL Press Release, “A Gift to the World in Oslo—Treaty Banning Antipersonnel Mines Adopted,” Oslo, 17 September, 1997.

¹⁰⁴ICBL, “Statement by Jody Williams to the Closing Plenary of the Oslo Diplomatic Conference on a Treaty to Ban Antipersonnel Landmines,” 18 September 1997.

¹⁰⁵Louise Doswald-Beck, ICRC Press Release, “Oslo Conference: Landmines Banned,” 17 September 1997.

It may be tempting to conclude, in hindsight, that there was an inevitability to the launch of the Ottawa Process, that it was driven by inexorable forces behind an idea whose time had come. A careful analysis reveals that this simply was not the case... If there is a lesson from this Canadian policy process, it is this: substantial changes in agendas and policies occur neither comprehensively or incrementally; instead, they result from the alignment of a complex array of conditions associated with problems, policies, and politics and the associated actions of knowledgeable players who are lucky and skillful enough to be able to exploit these opportunities to bring about change.¹⁰⁶

To some extent the same assessment could be made of the Ottawa Process as a whole.

The ‘inexorable force’ behind the Ottawa Process was clearly the mine ban norms and the thousands of ways in which they had been socially codified within the NGO community, the media, and civil society more generally. Dozens of Track Two meetings had further codified these norms within multilateral declarations. Regional organizations had codified the new norms within resolutions. United Nations resolutions suggested that an AP mine ban had become more a matter of when, not if. Finally, states had, over the course of three years of negotiations, and through two separate processes, begun the process of codifying a second wave of ban norms which defined the behavioural boundaries of the AP mine ban norms. However, as ‘inexorable’ as the political momentum of these social and state ban norm codifications may have become, in the end, these pressures clearly needed to be matched with favourable diplomatic process norms. The task of developing these process norms largely fell to the Ottawa Process Core Group and its ICBL and ICRC allies.

¹⁰⁶Brian Tomlin, p. 207.

The phenomenon of state officials actively seeking leadership roles within the Ottawa Process suggests that many of these officials had either ‘internalized’ the ban norms or were responding to the positive political incentives that public support for the ban agenda had generated in several states. In either case, the motivation of state officials, combined with sound strategic as well as tactical judgement, obviously played a role in changing the rules of the diplomatic game during the Ottawa Process. Minister Axworthy’s bold gamble illustrated the degree of risk officials were prepared to take to advance the ban agenda. To be sure, the sound judgement and risk taking by the Ottawa Process coalition was matched by a degree of good luck. General elections in the UK and France swung those states into the pro-ban camp. The politics of the ban issue within Washington tended to undermine the effectiveness of the US attack on the draft ban treaty at least as much as the multilateral dynamics that develop in Oslo.

In the end, what was remarkable about the Oslo negotiations was the high degree of coherence that emerged between these second wave mine ban norms and the initial normative demands of the nascent ICBL in 1992. The ICBL joint call for “an international ban on the use, production, stockpiling, and sale, transfer or export of antipersonnel mines,” had been faithfully codified within international law.¹⁰⁷ The clarity of the new ban norms, itself a significant asset to the ‘cascade’ of the norms, was significantly advanced by the rejection the ‘smart mine’ agenda, little over 16 months

¹⁰⁷HI, HRW, MAG, HI, PHR, and VVAF, A Joint Call to Ban Antipersonnel mines, December 1992.

after it appeared to have been legitimized by the CCW Process. Moreover, the new Ban Treaty definition attempted to address the potential anti-handling device ‘loophole’ identified by the ICBL and ICRC. The ICBL’s 1992 call for action on mine clearance also found its reflection within the Mine Ban Treaty, as did the later call for attention to victim assistance issues. The verification/compliance issues that had animated the mine issue since the CCW Process appeared to be resolved, even to the satisfaction of the US.

The Ottawa Process also marked the continued expansion of the number of states supporting the new ban norms. In the 16 months between the end of the CCW Process and the Oslo negotiations themselves, the number of states that were considered to be pro-ban roughly doubled from 41 to the 87 which remained to the end of the negotiations as full participants (see chart 5.1 below). On a regional basis, the largest number of states were from Europe/Central Asia (31), followed closely by Africa (25) and the Americas (20). Less well represented is Asia-Pacific (6) and the Middle-East/North Africa (5), although the growth in the number of states from these regions was considered to be a sign of the early penetration of the new ban norms in these regions. There were also a number of states that did not participate in Oslo but are considered pro-ban, such as some of the smaller CARICOM states that were satisfied with being represented at the table by Antigua and Barbuda.

Participation in the Oslo Negotiations – as of 18 September 1997

Participants-87	Dominican Republic	Mauritius	Uganda	Lithuania
		Mexico	United Arab Emirates	Malta
Algeria	Ecuador	Monaco		Morocco
Angola	El Salvador	Mozambique	United Kingdom	Nepal
Antigua and Barbuda–(CARICOM)	Ethiopia	New Zealand		Oman
	France	Netherlands	Uruguay	Pakistan
Argentina	Gabon	Nicaragua	Venezuela	Panama
Australia	Germany	Norway	Yemen	South Korea
Austria	Guatemala	Papua New Guinea	Zambia	Romania
Barbados	Guinea	Paraguay	Zimbabwe	Saudi Arabia
Belgium	Holy See	Peru	Observers-43	Singapore
Bolivia	Honduras	Philippines		Sri Lanka
Bosnia	Hungary	Poland	Albania	Thailand
Botswana	Iceland	Portugal	Bangladesh	Yugoslavia
Brazil	Ireland	Qatar	Belarus	Tunisia
Burkina Faso	Italy	San Marino	Brunei-	Turkey
Cambodia	Japan	Senegal	Darussalam	Ukraine
Cameroon	Jordan	Seychelles	Bulgaria	United States
Canada	Kenya	Slovakia	Egypt	UNDDA
Cape Verde	Kuwait	Slovenia	Estonia	UNDHA
Chile	Lesotho	South Africa	Finland	UNDPKO
Colombia	Liechtenstein	Spain	Georgia	UNHCR
Costa Rica	Luxemburg	Sudan	Greece	UNICEF
Cote D'Ivoire	Macedonia	Swaziland	India	OAU
Croatia	(FYROM)	Sweden	Indonesia	ICRC
Czech Republic	Malaysia	Switzerland	Iran	IFRC
Denmark	Mali	Tanzania	Latvia	ICBL
	Malta	Turkmenistan	Lybia	
	Mauritania			

(Chart 5.1) Source: List of Delegates, Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines, Oslo 1-19 September 1997, APL/CRP.4, 17 September 1997.

When compared to the 41 states considered to be pro-ban by the end of the CCW Process a number of trends become apparent. Of the 41 all but 6 are full participants at the end

of the Oslo negotiations (Afghanistan, Congo, Fiji, Haiti, Jamaica and Laos). Of this group only Afghanistan, Congo and Laos would fail to sign the Mine Ban Treaty in Ottawa in December, suggesting their absence in Oslo may have been linked to genuine concerns about the ban agenda. Fiji, Haiti and Jamaica are not assessed to be states with a history of mine possession—a likely explanation for their absence in Oslo. Thus, there would appear to have been a very high degree of concordance between the pro-ban status of states as of May 1996 and those states' willingness to negotiate and support a genuine ban treaty. The growth in support for the ban treaty was greatest in Africa (from 5 to 25 states), the Americas (from 9 to 20 states), and Europe/Central Asia (from 19 to 31 states). The Africa and Americas results tend to suggest that the 'cascade' of the new mine ban norms was positively affected by efforts to build political will for the ban in mine affected regions and states through the numerous Track Two regional conferences. There was also a high degree of concordance between the 50 supporters of the Ottawa Declaration and the Oslo participants. Of the 50, all but 5 are participants at the end of Oslo (Finland, Greece, Iran, Trinidad and Tobago and the US). Of this group only Finland, Iran and the US would fail to sign the Mine Ban Treaty—each of which would claim the new treaty would undermine their national security. Trinidad and Tobago did not possess mines. Greece would provide a reluctant signature on the Ban Treaty in Ottawa.

As the 'norm cascade' metaphor implies, it was the speed with which a large number of states changed their policy positions with respect to mines that, itself, became a factor in

influencing the conversion of other states to the ban cause both during and subsequent to the Ottawa Process. As it became clear that a significant shift in international norms was underway, holdout states became increasingly concerned that they would be left in the wrong company on the wrong side of history. However, in the wake of Oslo it was not clear what impact the apparent US isolation on the issue would have on some of its closest allies such as Australia and Japan. The lack of engagement of several other significant states in the Ottawa Process, such as China, India, Pakistan and Russia, also represented a potential constraint on later efforts to universalize the new ban norms. The tough new norms were negotiated without their input—a fact they frequently underscored with ban supporters in the months and years to follow. For some who might otherwise be convinced of the wisdom of supporting the new ban treaty, there were also concerns about the cost and technical challenges associated with the tight deadlines for stockpile destruction (within four years) and mine clearance (within ten years). The ‘instant mythology’ generated by the US that the new treaty would effectively ban anti-vehicle mines also presented new challenges. As we will see in the next chapter, the challenges associated with the universalization, ratification and implementation of the new ban treaty were already the subject of intense debate and detailed planning by pro-ban forces in Oslo.

CHAPTER SIX—YEARS NOT DECADES—THE SIGNATURE, RATIFICATION AND IMPLEMENTATION OF THE MINE BAN TREATY

For the first time, those who fear to walk in their fields, those who cannot till their lands, those who cannot return to their homes—all because of landmines—once again can begin to hope.¹

Introduction

The conclusion of the Oslo negotiations on 18 September 1997 marked a decisive turning point in the 6 year-old effort to ban anti-personnel mines. The new mine ban norms had been faithfully and clearly crystalized within an international treaty that appeared to enjoy the support of over 80 states. However, as clear and compelling as the Treaty appeared, it represented little more than a set of moral and, to some extent, political obligations until it was formally signed by states in Ottawa. With the US withdrawal from the Ottawa Process, and the potential for US allies to follow, it remained an open question as to whether the Oslo negotiations actually marked the highest level of potential support for the ban treaty, or the kind of critical mass that would continue to attract new converts to the ban cause. To the great relief of pro-ban forces, the mine ban norm cascade that began to build prior to the Brussels conference turned into a virtual waterfall following the Oslo negotiations. A total of 122 states, 35 more than participated in Oslo, would the sign the Mine Ban Treaty in Ottawa in December 1997.

¹Prime Minister Jean Chrétien, Ceremony to mark the signature of the Mine Ban Treaty, Ottawa, 3 December 1997.

The all important 40 state ratifications, widely expected to take about 18 months to reach, would be achieved in half that time, making the new Mine Ban Treaty the most rapidly ratified large multilateral treaty in history. The Treaty would become international law on 1 March 1999, immediately prohibiting any new production, use or export of anti-personnel mines as well as starting the count-down on key obligations such as stockpile destruction and mine clearance. Little more than two months later, the first Meeting of States Parties (MSP) in Maputo in May 1999 would put in place many of the mechanisms that would facilitate rapid treaty implementation. Maputo would be followed by the second MSP in Geneva in September 2000 and the third MSP in Managua in September 2001. By Managua there would be 140 states committed to the Ban Treaty, widely credited as already having a concrete impact on the mine problem. The use of mines had declined dramatically, the trade in mines had all but disappeared. Mine clearance, mine awareness and victim assistance programs were expanding and the numbers of new mine victims each year was declining significantly in several severely mined states.

To account for the rapid growth in adherence to the new landmine ban norms following the Oslo negotiations, the following Chapter will argue that the Oslo to Managua period can be viewed as a distinct 'third wave' of issue generation and normative development within the ban agenda. What clearly distinguishes this third wave from previous waves is the existence of the Mine Ban Treaty itself. With a set of ban norms now 'institutionalized' within the Mine Ban Treaty, the central issue within the ban agenda became *who* would sign and then ratify the Treaty and *when*. How quickly would the

new ban norms be provided with an entirely new quality of international legitimacy and political/legal influence via international law? For pro-ban forces, the *who* and *when* issues of signature and ratification immediately raised the question of process norms. Here again, ban advocates were forced to forge their own path forward, since the formal processes and procedures of the Ban Treaty could not be activated until the Treaty had entered into force and a first MSP could be convened. Even after treaty signature in Ottawa, experience in such matters suggested that the ratification effort could take between 12 and 24 months—at a potential cost of some 26,000 to 52,000 new mine victims.

Processes were needed to dramatically accelerate the process of treaty ratification and, not surprisingly, the ban leadership began the search for the right set of processes by reflecting on the lessons learned from the Ottawa Process. In the end, this effort yielded a renewed commitment on the part of the ban leadership to reproduce, as much as possible, the key process norms that are assessed to be factors behind the apparent speed of the Ottawa Process—genuine state/IO/NGO partnership coupled with aggressive deadline-driven plans for collective action. As argued below, these processes can be usefully understood as forming “two tracks” of action similar to those developed during the Ottawa Process. Track one was largely comprised of relatively large scale multilateral processes aimed at developing a broad consensus and corresponding actions on the key elements of the ban agenda. Between Oslo and Maputo this process is structured around a series of informal meetings (Ottawa, 97, Ottawa 98, Washington 98), culminating in a

UN General Assembly Resolution in the fall of 1998 and subsequent preparatory meetings (Geneva March 1999 and April 1999) for the Maputo Conference in May 1999. Between Maputo and Managua this process is formalized by the annual MSPs themselves as well as the ‘Committee of Experts’ that undertake work through the ‘Intersessional Work Program.’ Track two of the post Oslo process was very much like track two of the Ottawa Process in that it was primarily designed as a series of regional and national meetings (e.g. Budapest 98, Moscow 98, Amman 98 etc.) designed to build political will behind the broad objectives defined by track one efforts—in this case the rapid ratification, universalization and implementation of the Ban Treaty.

As in previous Chapters, one of the primary objectives of the following analysis is to link this third wave of issue generation and normative development to the agency of specific actors. Here the following Chapter will attempt to make two points. First, in the period between Oslo and Maputo, the established constellation of Ottawa Process ‘veterans’ is largely successful in drawing upon its historical moral authority and expert status on the mine issue to directly and significantly influence the development of post Oslo landmine process as well as substantive norms. Secondly, over the longer term, between Maputo and Managua, this norm grafting phenomena is supplemented by ongoing ‘socialization’ efforts through which a declining number of Ottawa Process veterans undertake to manage the process of leadership change within the mine action community while attempting to ensure a high degree of continuity with respect to process as well as substantive ban norms. On the state side, this meant significant initial process leadership

by a number of former Ottawa Process Core Group states, most notably Austria, Canada, Belgium, France, Mexico, Norway, South Africa and the United Kingdom. Over time these state leadership roles are increasingly shared, through the Committee of Experts process, with representatives from the broader donor community as well as representatives of mine affected states. On the civil society side, a high degree of initial leadership continuity was provided by the ICBL and ICRC. Over time, however, the nature of ICBL participation changes to include significantly new levels of engagement and issue specific leadership from field-based NGOs—for example through the ICBLs various working groups and their engagement with the Committees of Experts. It is within the UN that one finds the most significant shift in the actors engaged on the mine issue, largely as a result of the creation of the UN Mine Action Service and the expansion of the UNDP's role in supporting the development of indigenous mine action capacities.

The chapter will also argue that the 'third wave' mine ban norms can be usefully understood as falling into two categories—each with its own unique dynamic. While the negative obligations within the Ban Treaty appeared to clearly ban the production, stockpiling, export, and use of anti-personnel mines, they continued to be the subject of some ongoing debate and adjustment. For example, what types of anti-vehicle mines were banned under the treaty and how many mines would be retained for training purposes. The positive obligations within the Treaty were less clear and in need of more debate and definition. For example, while Article 5 obliged states to clear mined areas within ten years, it was possible to obtain an extension to this deadline under

circumstances that remained to be defined. Article 6 called upon State Parties “in a position to do so” to provide support for mine victim assistance as well as mine awareness programs, but did not establish specific objectives in terms of levels of support to be provided or the types of outcomes that such support would be seeking to achieve. Finally, this Chapter also examines issues related to the compliance provisions within the with Ban Treaty, in particular, the development of a civil-society based monitoring system by the ICBL known as the Landmine Monitor.

The Journey Back to Ottawa

There was much to celebrate in the wake of the Oslo negotiations. While the Ottawa Process coalition was clearly relieved, if not somewhat surprised, at the stunning victory for the ban agenda, it did not take long for the enormity of the challenges that still lay ahead to pull the ban leadership back down to earth. With the core mine ban norms ‘institutionalized’ within the Ban Treaty, the new and pressing landmine ‘issue’ had become *who* would sign the new Treaty in Ottawa? The number and type of states that would decide to sign the Treaty would provide an important indication of the legitimacy the community of states attached to the new landmine norms. Would there be a price to be paid for the isolation of the US in Oslo? Would the US convince others to turn their backs on the Ban Treaty. A lower number of signatories in Ottawa could actually stall if not reverse the political momentum behind the ban that Ottawa Process partners had been trying to generate since the spring of 1997. A high number of signatories held the

potential to create the type of ‘norm cascade’ that would carry even more states into the Mine Ban Treaty community. The number of signatories achieved in Ottawa would also provide a general sense of the difficulties likely to be associated with later efforts to ratify and universalize the Treaty—again, the higher the number the better.

Joint initiatives with regional Ottawa Process Core Group partners were launched to sell the Oslo text to the reluctant and previously indifferent. These efforts were combined with aggressive public advocacy efforts on the part of the ICBL, ICRC and key UN agencies. One of the first significant tests of the perceived legitimacy of the new Ban Treaty was provided by the UN fall General Assembly where a Canadian resolution calling on states to sign the ban convention formed the centrepiece of an intensive lobbying effort on behalf of the Treaty. While the actual vote on Canada’s resolution would not take place until after the Ottawa Conference, early consultations indicated a high degree of support for the resolution.² The final regional conference within the Ottawa Process was held in Sana’a Yemen on 3-4 November, 1997. Organized by Swedish Save the Children, the meeting was focused upon raising awareness of the mine issue within the Middle East. While the meeting would fail to generate an explicit declaration of support for the Mine Ban Treaty, Yemen and Qatar would sign the Treaty in Ottawa, providing the first ‘toe-hold’ for the ban in what would continue to be a difficult region for the treaty for years to come. The final stage of the Ottawa Process

²UNGA Resolution 52/38 of 9 December 1997. The vote was 142 yes, 0 no, and 18 abstentions.

public diplomacy campaign was launched through a range of government as well as civil-society sponsored media activities and letter, fax, and poster campaigns. A highly effective series of one minute ICRC video-based public service announcements that tracked the journey of a young female mine victim from her hut in Cambodia to the site of the signing conference in Ottawa declared that “the people of the world want a ban on AP mines, now it’s the governments’ turn.”³

Within the ICBL, planning for the post Oslo period began in Oslo itself at an NGO Forum held from 7-10 September 1997 and attended by more than 225 representatives from 130 NGOs.⁴ Jody Williams urged the NGO Forum to think beyond Oslo and Ottawa, calling on campaigners “to work closely with our key government allies to ensure that the treaty is implemented, monitored and universalized.”⁵ The central objective of the “ICBL Plan of Action” that emerged from this meeting was the achievement of the entry-into-force of the Ban Treaty before the year 2000. The immediate goal of the plan was to ensure a high number of treaty signatories in Ottawa by focusing on ICBL advocacy efforts on Oslo state participants as well as states which had signed the Brussels Declaration but did not attend Oslo. National ICBL campaigns were urged to call for meetings with their governments to ensure their signature in Ottawa. The ICBL also planned to send a

³ICRC, “Journey,” ICRC video, 1997.

⁴ICBL, “Report on the NGO Forum on Landmines, Oslo Norway, 7-10 September, 1997,” January 1998, p. 1.

⁵Jody Williams, “Points to Consider for an ICBL Post-Oslo/Ottawa Action Plan,” *Ibid.*, p. 3.

delegation to the UN for bilateral meetings with key states during the fall general assembly.⁶

The moral authority and political influence of the ICBL was provided a dramatic boost by the announcement on 10 October 1997 that Jody Williams and ICBL were the co-recipients of the 1997 Nobel Peace Prize. In its announcement, the Nobel Committee cited the fact that the ICBL and Williams had turned a “vision” of a mine ban into “feasible reality” in a remarkably short time frame. The Committee also expressed its hope that “Ottawa Process will win even wider support,” and that “as a model for similar processes in the future, it could prove of decisive importance to the international effort for disarmament and peace.”⁷ From a norm development perspective, the Peace Prize was clearly a dream come true. An indication of the impact the Prize had on state decision-making is provided by the unexpected Japanese decision to reverse its support for US landmine policy during the fall of 1997. Japan’s Foreign Minister Keizo Obuchi, explicitly referred to the Nobel Prize as a new factor in his decision to review Japanese landmine policy with a view to signing the Mine Ban Treaty. Not only would Japan sign the Ban Treaty in Ottawa, but it would also place the mine ban issue at the centre of its Peace Appeal for the Nagano Winter Olympics, asking the ICBL’s Chris Moon, an ex-deminer and mine survivor to carry the Olympic torch into the Olympic stadium during

⁶ICBL, “Entry Into Force Before the Year 2000 Plan of Action, Oslo, 18 September 1997,” *Ibid.* pp. 62-65.

⁷The Norwegian Nobel Committee, Press Release, “The Nobel Peace Prize for 1997,” 10 October, 1997.

the Nagano opening ceremonies.⁸

The Ottawa Conference

The Ottawa Conference, 2-4 December 1997, attracted a total of 2,400 participants, including more than 500 members of the Canadian and international media. It had been 424 days since the first Ottawa Conference and Minister Axworthy's bold challenge to the international community. Through a combination of good luck and good management, the Ottawa Process coalition had navigated a complex and high profile diplomatic initiative to a successful conclusion that attracted the support of 122 governments (see Chart 6.1 below). It was a stunning victory for the landmine issue as well as the Ottawa Process model. Among the signatories one could find almost every significantly mine affected state. Every state within the Americas had signed with the exception of Cuba and the US. Every NATO nation had signed except Turkey and the US. Also noteworthy was the number of observer states that attended the Ottawa meeting, 37 in all including China and Russia. It was also a huge step towards the universalization of the ban norms. By way of comparison, the Ban Treaty started out with more than twice the number of states that initially signed the Nuclear Non-Proliferation Treaty.

⁸Williams and Goose, p. 46.

State Participation in the Ottawa Signatory Conference, 3-4 December 1997.

Signatories (122)	Cook Islands	Hungary	Paraguay	Thailand	Kenya
	Costa Rica	Iceland	Peru	Togo	Kuwait
	Cote d'Ivoire	Indonesia	Philippines	Trinidad and	Kyrgyzstan
Algeria	Croatia	Ireland	Poland	Tobago	Laos
Andorra	Cyprus	Italy	Portugal	Tunisia	Latvia
Angola	Czech	Jamaica	Qatar	Turkmenistan	Lebanon
Antigua and	Republic	Japan	Romania	Uganda	Libya
Barbuda	Denmark	Lesotho	Rwanda	United	Lithuania
Argentina	Djibouti	Liechtenstein	Saint Kitts	Kingdom	Macedonia
Australia	Dominica	Luxemburg	and Nevis	Uruguay	(FYR)
Austria	Dominican	Madagascar	Saint Lucia	Vanuatu	Mongolia
Bahamas	Republic	Malawi	Saint	Venezuela	Morocco
Barbados	Ecuador	Malaysia	Vincent and	Yemen	Nepal
Belgium	El Salvador	Mali	the	Zimbabwe	Oman
Benin	Ethiopia	Malta	Grenadines		Palau
Bolivia	Fiji	Marshall	Samoa	Observers	Republic of
Bosnia	France	Islands	San Marino	(37)	Korea
Botswana	Gabon	Mauritania	Senegal		Russia
Brazil	Gambia	Mauritius	Seychelles	Armenia	Saudi Arabia
Brunei,	Germany	Mexico	Slovakia	Bangladesh	Singapore
Darussalam	Ghana	Moldova	Slovenia	Belarus	Sri Lanka
Bulgaria	Greece	Monaco	Solomon	China	Syria
Burkina	Grenada	Mozambique	Islands	DRC	Turkey
Faso	Guatemala	Namibia	South Africa	Egypt	Ukraine
Burundi	Guinea	Netherlands	Spain	Eritrea	United Arab
Cambodia	Guinea-	New Zealand	Sudan	Estonia	Emirates
Cameroon	Bissau	Nicaragua	Suriname	Finland	Vietnam
Canada	Guyana	Niger	Swaziland	Georgia	
Cape Verde	Haiti	Niue	Sweden	Iran	
Chile	Holy See	Norway	Switzerland	Israel	
Colombia	Honduras	Panama	Tanzania	Jordan	

Chart 6.1. Sources: *To Walk Without Fear*, pp. 460-463, and "Mine Action Networks," *An Agenda for Mine Action*, pp. 1-67

Reflecting the state-civil society partnership that had become a defining feature of the Ottawa Process, the key note speeches of the main conference were delivered by Canada,

the United Nations, the ICRC and the ICBL. Canadian Prime Minister Chrétien described the results of the Ottawa Process “without precedent or parallel in either international disarmament or international humanitarian law.”⁹ While noting that the new treaty represented a victory for “the cause of humanitarian values in the face of cruelty and indifference,” ICRC President Sommaruga reminded the conference that “the ban itself will provide little comfort to some two thousand people whose lives will be forever shattered this month by mines currently in the ground. In some respects banning anti-personnel mines was the easiest of our challenges. Mine clearance and the provision of adequate assistance to victims will require enduring engagement and will certainly be more costly.”¹⁰ Jody Williams used her address to emphasize the fact that Canada “had challenged the world to work openly with civil society... to work together for change.”¹¹ She also noted that the Ottawa Conference was about much more than signing the new Treaty, “We will come out of this conference with a clear, defined plan of action to carry this treaty forth to reality. It will not fail.”¹²

⁹Prime Minister Jean Chrétien, Statement at the Signing of the Treaty Banning Antipersonnel Landmines, 3 December 1997.

¹⁰President Cornelio Sommaruga, “ICRC Statement to the Ottawa Treaty Signing Conference,” 3 December 1997, reproduced in Maresca and Maslen, pp. 587-590.

¹¹Jody Williams, “Statement to the Ottawa Treaty Signing Conference and Mine Action Forum, 3 December 1997.

¹²*Ibid.*

Partnership Pays—Lessons Learned from the Ottawa Process

The third wave of landmine issue generation and normative development was similar to the second wave in that it was initially dominated by issues related to process norms.

What set of strategies and tactics would yield the most rapid progress in expanding the number of States Parties to the new Treaty and ensuring its timely implementation on the ground? Where and when would first meeting of States Parties take place, and what would happen at that first and subsequent meetings of States Parties? Would there be changes in the relative roles played by state/IO/NGO actors in these meetings? How would the Treaty's processes relate to the broader ongoing efforts of the global mine action community? However, in contrast to the second wave Ottawa Process, the construction of the third wave of landmine process norms was informed by a conscious reflection on what had worked during the Ottawa Process as opposed to what had failed during the CCW Process. Moreover, this process of reflection was more systematic than was the case in the early months of the Ottawa Process. While these efforts were still primarily led by Canada, the number of actors consulted was significantly larger and the methodology developed to capture the lessons learned from past experience more sophisticated.

With an eye on the future, Canadian officials had begun in June 1997 to put into place the elements of a comprehensive 'lessons learned' program designed to assess the determinants of the apparent success behind the Ottawa Process. The first element of this

program was an edited book project that would bring together the views and practical experiences of key government and civil society actors within the Ottawa Process with the more theoretically informed views of a number of academics.¹³ The end-product of this effort was *To Walk Without Fear: The Global Movement to Ban Landmines* published in August 1998. In the introduction to the volume, the editors argued that there were three key lessons to be learned from the Ottawa Process:

First, partnership pays. Governments working together with global civil society can achieve diplomatic results far beyond what might have been possible in the Cold War era... Second, small and medium-sized states can, in partnership with global civil society, overcome great power opposition; the US does not always have to lead in the new post-Cold War environment. Finally, traditional diplomatic fora and mechanisms can and should be subverted where they represent an obstacle to the achievement of policy goals that are widely demanded by world opinion.¹⁴

The second component of the lessons learned exercise was a number of survey instruments designed for use at the Ottawa December conference itself.¹⁵ This effort was

¹³This project included 11 ICBL representatives, ranging from its international coordinator to a number of its national campaign coordinators, 10 academic contributors, 1 ICRC representative and 9 government officials, including then Foreign Minister Lloyd Axworthy.

¹⁴Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, "To Walk Without Fear," *To Walk Without Fear*, p. 13.

¹⁵Canadian officials approached a firm with a strong reputation for deliberative polling techniques to design and administer two types of surveys, a general written survey completed by about ten percent of Conference participants (201 individual surveys), and two interactive survey groups and two focus groups of between 7 and 15 representatives of governments/IO/NGOs from every major region to obtain more specific quantitative and qualitative data. The first Interactive Survey Group included 15 NGOs and the second 9 government officials plus 4 representatives of international organizations, mostly from the ICRC and UN system. The first Focus Group included 7 government participants and the second 7 IO/NGO representatives. More detail on methodologies can be found in Canada, DFAIT, *Lessons Learned from the Ottawa Process*, Ottawa, 23 March 1998.

complemented by a full day “Ottawa Process Forum” which brought together approximately 60 key ICBL/ICRC/UN representatives and officials from several of the Core Group states to reflect on the Ottawa Process experience. The results of these efforts were cross-checked with an analysis of the official statements delivered by state delegations during the Ottawa Treaty Signature Conference.

The lessons learned exercise produced a wealth of insights, among which a few key points related to process norms are worth highlighting. In examining the influences on state decisions to sign the mine ban treaty, it was the “humanitarian merits” of the anti-personnel mine issue that were clearly “fundamental” to the decision by states to sign. NGOs were considered “highly influential” in this process while international institutions such as regional organizations were considered to be “very important positive influences”—particularly in regions where civil society organizations were less developed.¹⁶ The most notable conclusion one could draw from national statements was the existence of a high degree of consensus that international public opinion was behind the ban, and that genuine state/IO/NGO cooperation was critical in ensuring that the full force of public opinion was effectively brought to bear on the treaty making process.¹⁷

¹⁶General survey respondents were asked to rate a total of 10 possible influences on states decisions to sign the treaty. A total of 80 percent cited the “merits of the issue,” understood in humanitarian terms, as the strongest positive influence. The influences of NGOs and International/Regional organizations were ranked second and third respectively. *Ibid.*, pp. 4-5

¹⁷A total of 78% of national statements noted that public opinion favoured the ban. More than 60% attributed the success of the ban to state/IO/NGO cooperation.

In general terms, this lesson learned exercise tended to recommend a trajectory for future advocacy efforts consistent with those of the past. The humanitarian merits of the ban versus the marginal military utility of the weapon appeared to remain one of the strongest arguments for the rapid ratification and universalization of the ban treaty. Moreover, the level of state/IO/NGO partnership achieved during the Ottawa Process was clearly a key element of success and worth building on. This view was explicitly supported by every survey instrument, as well as discussion during the Ottawa Process Forum. Government-civil society cooperation was widely and overwhelming believed to be one of the critical ingredients of success in the Ottawa Process and that continued cooperation would be the key to the success of the ban treaty over time.¹⁸ On compliance issues, survey participants expressed “cautious optimism” that signatories would comply with the Mine Ban Treaty but noted that maintaining public awareness of the mine issue would be critical to deepening the moral force behind compliance.¹⁹ There was a high degree of support for active NGO efforts to monitoring compliance with the Ban Treaty.²⁰ While the lessons learned study may have produced few surprises for Ottawa Process ‘veterans,’ that was not, necessarily, the group that needed to be convinced of the value of partnership on the mines issue.

¹⁸*Ibid.*, pp. 10-11.

¹⁹*Ibid.*, pp. 8-9.

²⁰*Ibid.*

The Human Factor

The period between Oslo and Maputo witnessed a fairly significant transition in the 'human factor' within the landmine issue. During the Ottawa Process, officials representing states at the negotiating table were for the most part diplomats, lawyers, defence officials, and disarmament, arms control and humanitarian affairs experts. By the Maputo Meeting in May 1999 it was not uncommon for most states to have experienced a near 100 percent turnover in the officials handling the landmine file. While this was largely due to the turnover common in most government departments, it was also related to the fact that responsibility for the landmine file was increasingly being handed over to officials responsible for mine action programs in the field, most often in overseas development agencies in donor states and national mine action and development authorities in mine affected states. As the UN became more involved in Treaty implementation issues, they also brought new players and institutional interests to the table. For example, the new UN Mine Action Service was created in October of 1997 as the new focal point for all mine action activities within the UN system. In addition to announcing its willingness to work on the ratification and universalization of the Ban Treaty, UNICEF would also begin assuming a role of one of the sector leaders on mine awareness issues. The UN Development Program (UNDP) would begin emerging as a major player in mine clearance sector as it began assuming responsibility for the development of sustainable and indigenous mine action capacities at the national level in mine affected states. In contrast, the majority of senior ICBL and ICRC representatives

remained with the issue. Some of the more junior members of the ICBL during the Ottawa Process moved on to join the senior leadership of the ICBL and the Landmine Monitor Initiative. Others, representing organizations such as Handicap International, Mines Advisory Group, Norwegian Peoples Aid, and the Landmine Survivors Network would assume roles commensurate with the growing influence of their respective organizations on operational mine action issues.

In short, there was a general sense amongst Ottawa Process veterans that new additions to the “Mine Action Community” needed to be socialized to the general commitment to urgent action on the mine issue and the corresponding value of partnership and cooperation that been the key to rapid success of the ban agenda.²¹ Although lessons learned studies clearly helped in this regard, there could be no substitute for simply getting the key players together to work on practical treaty implementation problems as a means to forge new partnerships as well as strengthening existing working relationships. However, until the new treaty was ratified, there were no provisions for meetings of the Treaty community as such. This process vacuum was filled by a series of ad hoc meetings that tended to resemble the early Track One meetings of the Ottawa Process, in so far as they attempted to build consensus around the core process and substantive norms that would structure action on the landmine issue until the formal Treaty mandated processes could be activated. Indicative of the sense of urgency that animated these efforts was the fact that the first meeting in this series was held in Ottawa at the same

²¹This was theme common to several interviews with Ottawa Process veterans.

time as Foreign Ministers were signing the Mine Ban Treaty.

In Years Not Decades, An Agenda for Mine Action

The Ottawa Mine Action Forum, 2-4 December 1997 was structured around a series of 21 mine action ‘round table’ consultations animated by 91 of the world’s mine action experts from 21 States, 12 IOs, and 43 NGOs/others.²² Reflecting the growing integration of the mine action community, the roundtables featured Foreign Ministers, senior UN officials, parliamentarians, diplomats, journalists, researchers, mine clearance experts, medical professionals, landmine survivors, legal experts and, of course, a diverse range of IO/NGO ban advocates. The stated objective of the Mine Action Forum was to facilitate the development of a renewed vision for the global mine action community related to the challenges associated with the ratification, universalization, and implementation of the Ban Treaty. It was also hoped that the roundtables would inform the thinking of the mine action donor community, which collectively pledged over a half-billion dollars (US) to the landmine effort over the course of the Ottawa conference. While the Mine Action Forum dealt with a range of issues, three are highlighted here as being key to the third wave of issue generation and normative development—treaty ratification and universalization, the development of a treaty monitoring capacity and the transformation

²²These 91 experts included a significant number of Ottawa Process leaders, including states from the Ottawa Process Core Group, ICBL Steering Committee members, as well as representatives from the ICRC as well as UNICEF, UNMAS, and UNDP. The roundtables also included over 2,000 other participants with each roundtable attracting between 40-150 persons.

of mine action programming on the ground.

The Ratify in 98 Coalition

A total of 8 of the 21 Ottawa Mine Action Forum roundtables were focused on issues related to the ratification and universalization of the Mine Ban Treaty—most featuring representatives from the Ottawa Process leadership. Specific efforts were also made to engage Parliamentarians on ratification issues, in particular those that were active within international parliamentary associations, such as the Inter-Parliamentary Union, that could be used as a outreach vehicle for ratification efforts.²³ As noted earlier, the ICBL had begun planning for the ratification campaign in Oslo, where it had announced that it would be focusing its efforts on states with political will to ratify early, those with relatively quick national legislative processes, and those states whose early ratification was expected to encourage others to do the same. In Ottawa the ICBL announced its *Entry into Force During 1998* campaign, which in practical terms meant the achievement of 40 state ratifications by July 1998.²⁴ The ICRC also used the Ottawa Mine Action Forum to announce that it would also be making the ratification of the new Mine Ban Treaty one of its highest priorities in the months ahead. It announced that it had

²³Canadian Senator, The Honourable Sheila Finestone, pressed the Inter-Parliamentary Union to develop a survey for its members on what they would do to support treaty ratification and implementation.

²⁴Canada, Department of Foreign Affairs and International Trade, *An Agenda for Mine Action: A Global Ban on Landmines*, Ottawa, 2-4 December, 1997, p. 2.

developed a comprehensive ratification strategy which included the global distribution of 'ratification kits' in seven languages which provided guidelines for state ratification procedures, a 'layman's guide to the Ottawa treaty' and an offer from the ICRC to provide legal advice and models of national legislation to interested states.²⁵ Stephen Lewis, Deputy Executive-Director for UNICEF, pledged his organization's full support for the ratification campaign and challenged states to ratify before 1 July 1998--Canada Day.²⁶

With a number of states and organizations publicly committing themselves to tackle the immediate challenge of treaty ratification, the logical next step was to develop a mini-coalition behind the 'ratify in 98' objective. Canada agreed to act as an ad hoc coordinator of what would become known as the Ratify in 98 Contact Group, a group animated by the efforts of Austria, Canada, Norway, South Africa, the ICBL, the ICRC and UNICEF. Canada's task was to ensure that any information obtained on national ratification time-lines and procedures would be quickly circulated to all other members of the group, providing a basis for coordinated action at the national level. Canadian officials assessed that, like the Ottawa Process itself, each state would require a somewhat unique mix of collective effort. For example, Canada, Ireland and Mauritius were actually able to present their instruments of ratification to the UN Secretary-General

²⁵Ibid.

²⁶Ibid., p. 3.

at the Ottawa Conference itself—each for slightly different reasons.²⁷ Thus, supporters of the ratification effort were encouraged to tackle national ratification challenges on the basis of their own relative strengths, while keeping other members of the Contact Group informed of their efforts. Government officials would launch *demarches* while ICBL member organizations would build upon national advocacy capacities and strategies developed during the Ottawa Process. UNICEF, with its extensive network of national resident representatives, was able to access the highest levels of power within many states and was also able to draw upon its considerable experience with the highly successful effort to ratify the Convention on the Rights of the Child.²⁸ The ICRC with its legal expertise and extensive access to national authorities through its regional delegations and affiliated national societies, would also prove to be a formidable ally at the country level. As we will see below, this state-civil society mini-lateral coalition once again demonstrated the value of partnership on the landmine issue—its success further reinforcing the legitimacy of post-Oslo process norms based on practical state/IO/NGO cooperation.

²⁷The rapid Canadian ratification appeared to be driven by the desire to demonstrate continued leadership on the landmine issue—the necessary domestic legislation to ratify the Ban Treaty was passed in little over 48 hours. Ireland appeared to responding to its leadership role within the Ottawa Process Core Group and had put in place a legislated landmine ban in June 1996. Mauritius relied upon the executive authority of its Prime Minister and did not pass new domestic legislation prior to the Ottawa meeting.

²⁸For example, in many countries the UNICEF resident representative enjoys direct access to Presidents and Prime Ministers. Interview with Stephen Lewis, former Deputy Executive Director, UNICEF, 27 February 2002.

A Civil Society-Based Monitoring System?

A second noteworthy development during the Ottawa Mine Action Forum was related to the issue of a monitoring system for the new Ban Treaty. As noted in Chapter 5, the compliance articles of the Treaty represent a hybrid of disarmament and humanitarian law approaches. Reflecting its IHL roots, Article 9 of the Treaty obliges states to undertake measures, “including the imposition of penal sanctions,” to prevent and suppress actions prohibited by the Treaty.²⁹ Thus, violations of the mine ban treaty henceforth became a criminal offence, and those individuals who commit such acts would be stigmatized as criminals. An additional input from the IHL sector can be found in the concept of ‘fact-finding’ mission found in Article 8. While such missions would be launched under the auspices of the UN Secretary-General, the decision to launch such a mission would be taken by the States Parties themselves—suggesting that the threshold for taking such a decision would be quite high. However, more in keeping with disarmament and arms control approaches, once an agreement is reached to launch such a mission, there is no right of refusal on the part of the party that will receive the mission. The influence of disarmament/arms control can be also found in Article 7, which obliges states to provide annual reports to other States Parties on the steps they have undertaken to implement the convention.

There were, however, those who felt that more would be needed to encourage compliance

²⁹Article 9, Mine Ban Treaty.

with the new Treaty. For example, in his statement to the Oslo NGO Forum Foreign Minister Axworthy urged the ICBL to consider a significant new role for itself in monitoring compliance with the new norms of the ban treaty:

There is the question of a “watch-dog” role for civil society in evaluating the compliance of states to the obligations they have signed. Canada, the ICBL, the ICRC and several of our core partners have consistently argued that a humanitarian treaty without traditional forms of arms control verification can be an effective response to the anti-personnel mine crisis. This implies civil society can and will play an effective role in deterring and detecting willful non-compliance. I understand you have begun exploring here in Oslo how such a capacity can be developed. Canada is ready to work closely with you on this important issue.³⁰

Put less diplomatically, a “watch-dog” role for civil society was really about the need to establish a capacity for the evaluation of compliance with the Treaty that would be completely independent of the state-dominated Treaty structures themselves. Years of experience within the UN human rights regime had clearly indicated that states were frequently reluctant to name other states as violators of human rights conventions. How could one effectively maintain the stigmatization of a weapon if its use by state authorities would not be consistently and forcefully condemned by other states?

To stimulate debate on this issue, the Ottawa Mine Action Forum included a panel entitled “Cooperative Compliance: Building Capacities to Monitor the Ban Treaty.” One of the key outcomes of this panel was a renewed Canadian offer to work with states and NGOs to build the capacities of civil society organizations to monitor treaty

³⁰Lloyd Axworthy, “Statement to the Oslo NGO Forum on Landmines,” 10 September 1997.

implementation, ideally “to produce annual progress reports for the international community regarding the implementation of the Treaty in all of its dimensions.”³¹ To further this effort, it was announced that Ireland was willing to host an international meeting of compliance experts in the fall of 1998. The ICBL leadership left the Ottawa Conference with a clear understanding of the opportunity that existed to build a civil-society based monitoring system for the Treaty—an initiative that appeared to enjoy the support of a number of Ottawa Process allies such as Canada and Ireland. At the ICBL General Meeting in Frankfurt on February 1998 it was agreed that the coalition would “explore a role for its members in monitoring the treaty.”³² In June 1998 in Oslo Norway, the ICBL formally decided to develop the concept as an ICBL initiative. Ireland’s offer to host a meeting on compliance issues was quickly turned into the first ICBL *Landmine Monitor* meeting held in Dublin in September 1998. An indication of the renewed commitment to partnership in the post Oslo period is provided by the fact that by the time the first Landmine Monitor report was completed in May 1999, a total of eight states were providing financial assistance to the initiative.³³ This particular partnership is even more noteworthy when one considers that, in practical terms it meant states providing financial support to an initiative explicitly designed to monitor state compliance with the Ban Treaty.

³¹Bob Lawson, “A Cooperative Compliance Regime,” *An Agenda for Mine Action*, p. 30.

³²ICBL, Final Statement of the General Meeting of the ICBL, Frankfurt, Germany, 22 February, 1998.

³³Specifically, Austria, Belgium, Canada, Ireland, Norway, the Netherlands and the UK.

Mine Clearance, Mine Awareness and Victim Assistance and the Mine Ban Treaty

From the perspective of those forced to live or work in mined communities every day, the signature of the Ban Treaty appeared to have fairly remote connection to their lives. Yet for a combination of reasons, the signature of the Treaty would mark a decisive transition in the global mine action effort, in part at least, because of the some US\$500 million pledged for mine action programs by states during the Ottawa Conference. More directly, Article 5 of the Treaty obliged states to clear mined areas within ten years, and Article 6 called upon State Parties to provide support for mine victim assistance as well mine awareness programs. The Treaty also contained some two dozen references to functions the UN and the UN Secretary-General would be called upon to perform related to the implementation of the Treaty, primarily as the treaty depository, but also with respect to mine clearance and mine awareness programs. For example, paragraph 7 of Article 6 (International Cooperation and Assistance) of the Treaty notes that State Parties may “request the United Nations...to assist its authorities in the elaboration of a national demining program to determine, inter alia: a) The extent and scope of the anti-personnel mine problem; b) The financial, technological and human resources that are required for the implementation of the program; c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party; d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths; e) Assistance to mine victims; f) The relationship between the Government of the concerned State Party and the relevant governmental,

intergovernmental or non-governmental entities that will work in the implementation of the program.³⁴

While the Treaty provided what appeared to be fairly clear political if not legal obligations and suggested that the UN, regional organizations and other State Parties were prepared to provide assistance to mine affected states—this was not necessarily the case. The ten year deadline for mine clearance had provisions for extensions, and one could easily find other regimes where international assistance, provided on the basis of who was “in a position to do so” was clearly a bit of a joke. Beyond its involvement on the advocacy side, UN engagement in mine action issues was distinguished more for its famous ‘turf wars’ than as a potential source of technical leadership, resource mobilization or international coordination. Indeed, as the following overview of these issues demonstrates, it was an open question as to whether the global mine action community as a whole was prepared to tackle the operational mine action challenges presented by Mine Ban Treaty.

By the late 1990s, most humanitarian mine clearance operations were carried out by five medium to large sized international NGOs: HALO Trust (UK); Handicap International (France/Belgium); Mines Advisory Group (UK); Stiftung Menschen Gegen Minen (MGM-Germany); and, Norwegian Peoples Aid (Norway). Together, these organizations were fielding about 10,000 mine action personnel, the overwhelming majority of whom were

³⁴Article 6.7, Mine Ban Treaty.

indigenous to the mine affected states.³⁵ The NGO effort was also notable for several technical innovations, for example NPA's use of mine detection dogs. HALO and MGM had developed new methods which integrated manual teams with mechanical assistance. MAG, HI and NPA had also pioneered community participation techniques in efforts to ensure the integration of mine action efforts into local community development priorities. Finally, in addition to the UN/Military, UN/NGO, and pure NGO efforts, there were also a number of commercial companies involved in mine clearance. Dominated by about 10 international companies, largely from the US, UK, and South Africa, these organizations were largely run by former military officers, and tended to specialize in the use of mechanical equipment coupled with dogs and manual demining to tackle infrastructure clearance projects such as roads, dams, and power-lines.

The emerging mine awareness sector aimed to use educational approaches to reduce the threat of landmines to mine affected communities. The objective was to reduce risk-taking behaviours and increase safety around mined areas, typically through mass media efforts at the community level or posters, leaflets, school materials or small group participatory activities geared to specific age/gender groups assessed to be at risk. Since there were few technical skills required for mine awareness, a large number of organizations had become involved in providing mine awareness programs. Most of the major mine clearance NGOs had integrated mine awareness into their programs, in

³⁵Christopher Horwood, *Humanitarian Mine Action: The First Decade of a New Sector*, Overseas Development Institute, London, 2000, p. 17. It was believed that these organizations fielded between 30-40 percent of the total mine clearance capacities.

particular HI which undertook to develop and expand its capacities in this area. One of the largest organizations specializing in mine awareness was UNICEF, which had active programs in many countries. Other large organizations which became involved included the ICRC, World Vision, CARE, and Save the Children.

Of all of the elements of the mine action sector, it was the victim assistance side that was the most developed. The ICRC had decades of experience in providing emergency medical care to war wounded as well as post-operation care, physical rehabilitation and prosthetics support to amputees. By the late 1990's the ICRC was providing surgery and physical rehabilitation programs in 13 countries. HI was operational in a total of 48 states and had been working with mine victims since 1982.³⁶ Other key groups in this sub-sector included Medico International, World Vision, British Power and VVAF. A key addition to this group was the Landmine Survivors Network, formed in 1995. Although the technical aspects of this area were well developed through years of field experience, there was clearly a need for a significant increase in overall resources as well as the extension of programming in the areas of psychological rehabilitation and efforts to return mine survivors to economic productivity, for example through vocational training.

Paying the bills for the mine action sector were the donors, a highly diverse group which, by the late 1990s, included states, (largely the Scandinavian countries plus Canada, Germany, Japan, the US the UK), the UN, the European Union, the World Bank, the

³⁶*Ibid.*, pp. 21-22.

Organization of American States, private corporations and public charities. Most donors were on a steep learning curve, prompting one mine action expert to observe, “donors pay the piper but, in the field of landmine eradication, have rarely been clear about what tune they are paying him to play.”³⁷ A more charitable assessment would have emphasized the confusion that is almost inevitable with rapid expansion in any new sector of international programming. For example, it was clearly a sector lacking any systematic examination of what was or was not actually working on the ground.³⁸ The first effort to address this particularly glaring sector wide knowledge gap was the 1996-98 UN Department of Humanitarian Affairs multi-country (Angola, Cambodia, Mozambique and Afghanistan) study focused on examining ‘lessons learned’ from early efforts to establish indigenous mine action capacities in the study’s target countries.³⁹ The results of this study were, to some extent, used to inform a significant reorganization of the UN’s role in mine action, announced in October 1997 in the wake of the Oslo negotiations.

³⁷Rae McGrath, *Landmines and Unexploded Ordnance: A Resource Book*, London: Pluto Press, 2000. P. xxiii.

³⁸This point has been made repeatedly by some of the longest serving mine action experts in the field such as George Focsaneanu and Paddy Blagden. See for example, Paddy Blagden, “The Evolution of Mine Clearance Operations Since 1991” and George Focsaneanu, “Demining Land Clearance Operations: A Methodology and a Solution,” both in Dennis Barlow et al. eds., *Sustainable Humanitarian Demining: Trends, Techniques, and Technologies*, Humanitarian Demining Information Center, James Madison University, 1998.

³⁹Robert Eaton, Chris Horwood and Norah Niland, *The Development of Indigenous Mine Action Capacities*, UN Department of Humanitarian Affairs, 1998. This study was undertaken with the financial support of Canada, Denmark, Germany, Sweden and the United Kingdom.

By the fall of 1997 the UN had launched major mine clearance programs in seven states, Afghanistan, Angola, Bosnia, Cambodia, Croatia, Laos, and Mozambique.⁴⁰ By October 1997 more than 40 countries and organizations had contributed a total of US\$32.5 million and pledged an additional US\$10 million to the UN Voluntary Trust Fund for Assistance in Mine Clearance.⁴¹ There were, however, fairly widely recognized problems with a number of UN mine action programs. The UNDHA, 'Lessons Learned' exercise had revealed a number of problems with UN mine action programming, not the least of which was a general lack of understanding within the UN system of who exactly was responsible for what aspects of mine action both in New York and in the field. Presented as part of the UN's broader reform effort to "narrow the gap between aspiration and accomplishment," in October 1997, responsibility to act as the focal point for all mine action issues and activities was moved from DHA to the Department of Peacekeeping Operations which would support a new unit entitled the United Nations Mine Action Service (UNMAS).⁴² In consultations with other partners, UNMAS was charged with establishing priorities for assessment missions in mine affected states, facilitate a dialogue with international community on mine issues and coordinate mobilization of resources for the UN Voluntary Trust Fund. UNICEF was charged with becoming the UN lead on mine awareness programs, in addition to continuing its active advocacy

⁴⁰ UN Department of Public Information, "Fighting Landmines: The Ottawa Process and the United Nations Role." November 1997. P. 3.

⁴¹ *Ibid.*, p. 5.

⁴² United Nations General Assembly, Assistance in Mine Clearance: Report of the Secretary-General, 14 October 1998, p. 3.

efforts in support of the Mine Ban Treaty. The United Nations Development Program (UNDP) was provided the mandate to work closely with mine affected states to develop their capacities to address the socioeconomic consequences of landmine contamination. The capacities of the UNMAS were enhanced by the development of a strategic partnership with the new Geneva International Centre for Humanitarian Demining (GCIHD), established by the Swiss government in April 1998, primarily as a service provider to UNMAS and the wider mine action community. The GCIHD would soon emerge as the primary international focal point for advanced theoretical as well as applied research within the Mine Action sector.

From an issue generation and norm development perspective, the relationship between the Treaty and the operational mine action sector would never reflect the same sort of direct linkage found between Treaty obligations and the core mine ban norms. As noted above, reasons for this state of affairs flowed from the lack of specificity of the treaty obligations in this area as much as from the nature of the operational mine action challenges on the ground. Put differently, states sought 'wiggle room' within the Treaty in these areas precisely because they knew that it was more or less impossible to predict, much less control, the trajectory of developments in such a vast and diverse sector that was so heavily influenced by factors completely beyond their control—UN and NGO politics and the frustrations of building capacities in developing countries, to name but a few. What the ban leadership could do, and what they began during the Ottawa Mine Action Forum, was to place their moral authority and practical expertise in process and

partnership management squarely behind the Treaty's deadlines and moral/political obligations in an effort to mobilize resources and pressure operational mine action actors into greater cooperation, systematic learning and accelerated action on the ground.

A total of 11 of the 21 Ottawa Mine Action Forum roundtables were devoted to issues related to the changing nature of mine action in the field. Perhaps the most significant outcome of these roundtables was the development of momentum behind what amounted to a complete paradigm shift within the operational mine action sector. The most dramatic evidence of this shift was provided by the UN itself, the author of the issue generating '100 million mines' and the 'demining deficit' statistics during the drive for the ban. Repeating what a number of NGOs had argued for some time, Bernard Miyet, the UN Under-Secretary General, DPKO, argued in Ottawa that mine action "is not simply about mines. It's also about people and their interactions with mine-contaminated environments."⁴³ Put differently, operational mine action priorities should not be driven by concerns over number of mines, but rather their actual social and economic impacts, regardless of the numbers. Of course, this begged the question of what the socio-economic impacts of mines actually were—a question not easily answered since only a

⁴³Mr. Bernard Miyet, Under-Secretary General, UNDPKO, "Statement to the Opening Plenary of the Ottawa Mine Action Forum," *An Agenda for Mine Action*, p. 1. This was the underlying rationale behind the "Bad Honnef Guidelines" developed by a number of NGO mine action organizations in June 1997 at a meeting in Bad Honnef Germany. The guidelines argued that mine action programs needed to be designed with the needs of mine affected communities as the primary concern.

few NGOs had actually tackled the problem from that angle.⁴⁴ Existing UN mine clearance standards called for a level one survey as the first step toward establishing clearance priorities, but it was not based on socio-economic impacts as such. The survey issue would be revisited at the March Ottawa meeting (see below).

As the above sampling of issues and initiatives that animated the Ottawa Mine Action Forum tend to illustrate, the signature of the Ban Treaty was clearly a watershed for the ban agenda. New issues were facing the ban coalition and new actors were bringing new interests to the table. If nothing else, the Ottawa meeting provided a venue for this expanded community to gather and take stock of the challenges ahead. In more practical terms it yielded a virtual blizzard of initiatives that would structure action on the landmine issue for months to come. A summary of the discussions within the Mine Action Forum were included in a 114-page French/English final report of the conference—*An Agenda for Mine Action*—which was provided to participants immediately following the close of the conference.⁴⁵ As an extension of the process norms developed during the Ottawa Process, this report also included a section entitled *A Program for Mine Action*, which provided details on dozens of concrete initiatives that states/IOs/NGOs would undertake over the months to follow to advance progress on the

⁴⁴Notable early leaders in shaping this different vision of mine clearance included MAG, NPA and HI.

⁴⁵Canada, Department of Foreign Affairs and International Trade, *An Agenda for Mine Action: A Global Ban on Landmines*, Ottawa, 2-4 December, 1997.

landmine issue.⁴⁶ Reflecting the desire of Canadian officials to remain inclusive in building support for mine action on the ground, the *Program for Mine Action* also contained several action items to be undertaken by non-signatory states such as China, Finland, Ukraine, and the US. Similar to the many action plans developed during the Ottawa Process, the *Program For Mine Action* also contained a detailed *Calendar of Mine Action Events* for the coming year to assist the mine action community in the planning and coordination of their collective efforts.⁴⁷

On the Road Again with the Second Ottawa Process

While not officially known as such, a number of Ottawa Process veterans would refer to the blizzard of meetings that would structure the post-Oslo negotiation ban agenda as the Second Ottawa Process. As noted in the introduction to this Chapter, these processes tended to form two tracks of action similar to those within the first Ottawa Process. Track One included relatively large scale multilateral processes aimed at developing a broad consensus and corresponding actions on the key elements of the ban agenda. Following Ottawa, this process included informal meetings in Ottawa in March 98 and Washington in May 98. With the achievement of the necessary 40 ratifications by September 1998, action on this track shifted to the UN General Assembly in the fall of the 1998 and subsequent preparatory meetings for the Maputo MSP held in Geneva in

⁴⁶“A Program For Mine Action,” *Ibid.*, pp. 1-8.

⁴⁷“Calendar of Mine Action Events,” *Ibid.*, pp. 9-11.

March and April 1999. Between Maputo and Managua this process was formalized by the annual MSPs themselves as well as the 'Standing Committee of Experts' that undertake work through the 'Intersessional Work Program.' These Track One meetings were paralleled by a series of regional meetings that were even more closely reflective of the Track Two Ottawa Process. The initial objective of these meetings was to support the rapid ratification of the new Ban Treaty.

The Ratification Campaign

Developed and supported by ad hoc mini-coalitions of states/IOs/NGOs,⁴⁸ the Track Two meetings of the second Ottawa Process closely resembled the formula developed during the first Ottawa Process.⁴⁹ Diplomacy, NGO advocacy and ICRC led military-to-military dialogues were combined with media outreach and local cultural events. Opening plenaries were carefully planned to combine local leaders with the now famous representatives of the ban movement, such as Jody Williams and Lloyd Axworthy. For example, the Budapest Conference in March 1998 brought together Williams and Axworthy with Hungarian President Arpad Goncz, a hero of Hungary's 1956 uprising. Not surprisingly, such a combination tends to generate action. President Goncz signed

⁴⁸For example, the Budapest March 1998 meeting was co-hosted by the government of Hungary in cooperation with the ICRC and the ICBL with financial support from Canada, Norway, Sweden, HI, HRW, the Lutheran World Federation and the Open Society Institute.

⁴⁹For example, Budapest 98, Moscow 98, Amman 98, Mexico 99, Beirut 99, Zagreb 99, Tbilisi, 99.

Hungary's instruments of ratification during the conference itself, calling anti-personnel mines "the most cynical and wicked weapons of all times."⁵⁰ At the Moscow conference in May 1998, Williams would share the stage with Mary Robinson, UN High Commissioner for Human Rights and Aleksii the Second, Patriarch of Moscow and All-Russia.⁵¹ An additional similarity with the Ottawa Process was the focus the meetings provided on the relationship between the ban agenda and mine clearance and victim assistance programs in the field. Finally, these meetings also provided an important opportunity for states to announce steps towards the ratification and universalization of the Ban Treaty. For example, in addition to Hungary's ratification mentioned above, the Amman meeting in July 1998 provided the venue for Jordan to announce that it would sign the Treaty.

Other key meetings on the initial ratification and universalization trail included a parallel NGO landmine conference at the OAU Summit in Ouagadougou, Burkina Faso (1-8 June 1998), Chachoengsao, Thailand (12-14 June 1998), Amman, Jordan (11-12 July 1998), and Vienna, Austria (6-7 July 1998). Each of these meetings were regional in scope. Thus, with the exception of the Americas, every region of the world would be pressured on treaty signature/ratification within 6 months of the Ottawa conference. These

⁵⁰Michael Roddy, Reuters, "Anti-landmine activist Williams puts pressure on Eastern Europe," 26 March 1998. Participation in the Budapest conference included 19 states from the Baltics to the Balkans and dozens of IOs/NGOs including the ICBL and ICRC. Hungary became the 8th state to ratify the Treaty.

⁵¹Participation in the Moscow Conference included representatives from 21 states and 105 IO/NGO's.

meetings were supplemented by a vast number of national initiatives and meetings, some of which featured the participation of key ban advocates, that tended to focus more narrowly on national ratification/signature challenges. While a comprehensive examination of these Track Two efforts is beyond the scope of this work, it is important to note that these efforts continued well past the initial ratification campaign. Indeed, they become one of the primary instruments of action on the part of the ICBL, forming the back-bone of the ban campaign outside of the MSP process.⁵² By late 2000 these meetings tended to be structured around regional meetings of *Landmine Monitor* researchers.

In addition to the regional conference track, the post Oslo period also witnessed a dramatic expansion in the breath and depth of the “advocacy tool-kit” available to ban supporters. Understood in general terms as communications products that could be used as a basis to inform and influence public as well as official views on the landmine issue, prior to the Ottawa Process this tool-kit included some of the following items: books, booklets, pamphlets, newsletters, posters, videos, documentaries, CD-ROMs, stickers, bookmarks and displays. These products were produced by a small number of

⁵²A more or less complete list of regional Track Two meetings includes: Budapest Mar 98, Moscow May 98, Johannesburg May 98, Chachoengsao (Thailand) Jun 1998, Ouagadougou (Burkina Faso) Jun 1998, Amman Jul 98, Vienna Jul 98, Durban Aug 98, Phnom Penh Oct 98, Mexico Jan 99, Tunis Jan 99, Beirut Feb 99, Denpasar (Indonesia) May 99, Zagreb Jun 99, Wadduwa (Sri Lanka) Aug 99, Tbilisi Dec 99, Yalta Oct 00, Djibouti Nov 00, Tokyo Nov 00, Lomé Nov 00, Beirut Jan 01, Johannesburg Jan 01, Bangkok Jan 01, Bamako (Mali) Feb 01, Kathmandu Feb 01, Warsaw Jun 01, Kuala Lumpur Aug 01.

organizations, most frequently the leaders of the ban campaign such as the ICRC, HRW, VVAF, MAG and HI, and most often in a limited number of language formats (English and French).⁵³ This began to change as the ICBL expanded and the Ottawa Process began to generate momentum. Local campaigners began translating and adapting these materials for local use. Dozens of local cultural events on the margins the Ottawa Process and related meetings also generated a range of new products such as photo exhibits, sculptures and music. By the ratification campaign, the communications resources available to campaigners were vastly more diverse, and thus, arguably more effective in addressing the advocacy challenges within any given country. More actors were producing more materials in a wider variety of languages and in a wider variety of formats. Moreover, high quality research produced within the *Landmine Monitor* initiative ensured a constant flow of current and very credible mine action statistics that could be incorporated into new products. These materials were also supported by a series of sophisticated “do it yourself” guides to landmine ban campaigning.

On 16 September, Burkina Faso became the 40th state to ratify the Mine Ban Treaty, establishing 1 March 1999 as the entry-into-force date for the Treaty. As the list (Chart 6.2) of first 40 ratifications indicates, there was an interesting relationship between the

⁵³Perhaps the most comprehensive collection of print and video based landmine communications products can be found in the ICBL resource center in Sana’a Yemen. While there are likely products missing, and not all products listed provide details on dates of production, a sampling of some 370 products that are dated indicate a dramatic increase in the production of new products over the course of the Ottawa Process from 11 products in 1996 to 67 in 1997. A total of 74 are listed for 1998 and 119 for 1999.

First 40 States to Ratify the Mine Ban Treaty (by 16 September 1998)

Andorra	Denmark	Malawi	South Africa
Austria	Djibouti	Mali	Switzerland
Bahamas	Equatorial Guinea	Mauritius	Trinidad and
Belgium	Fiji	Mexico	Tobago
Belize	France	Mozambique	Turkmenistan
Bolivia	Germany	Niue	United Kingdom
Bosnia	Grenada	Norway	Yemen
Bulgaria	Holy See	Peru	Zimbabwe
Burkina Faso	Hungary	Qatar	
Canada	Ireland	Samoa	
Croatia	Jamaica	San Marino	

Chart 6.2. Source: "Ratification Updates," www.icbl.org/ratification

strategy adopted by the ICBL in Oslo and the ultimate composition of this group. As expected, this group included several members of the original Ottawa Process Core Group (Austria, Belgium, Canada, Germany, Ireland, Mexico, Norway, South Africa and Switzerland) who were clearly motivated to ratify a treaty that they worked so hard to create. This group also included a number of important regional states whose early ratification had the potential to spur others towards action such as France and the United Kingdom. Finally, there was also a number of states for which ratification was most likely a fairly quick process, either because they did not possess mines, or because their national legislative procedures were somewhat streamlined (e.g. Andorra, Belize, Holy See, Niue, Qatar, Trinidad and Tobago). In short, the ratification campaign went more or less as planned. There were sufficient numbers of regionally representative larger states to provide the ratification drive with normative credibility, mixed with enough other

states to push the ratification effort over the 40 mark in a remarkably short period of time. Once the initial forty ratifications had been achieved, the next obvious deadline for ratifications was 1 March 1999, the point at which the Treaty would enter into force. By then an additional 25 states had ratified the Treaty and the number of signatories had reached 134. The ICBL celebrated the Treaty's entry-into-force with a coordinated series of church bell ringing and public events in 32 countries.

Back on Track One...

The next significant Track One event was the Ottawa Mine Action Coordination Workshop (23-24 March 1998), which brought together over 200 representatives from 33 states, 10 IOs, and 29 NGOs/others.⁵⁴ Like other Track One meetings, the Ottawa Workshop was focused on the larger issues of land term vision and international cooperation. To facilitate greater cooperation across the various Mine Action sub-sectors by organizing the meeting around four working groups with cross-cutting themes: Resources and Implementation; Data; Standards and Evaluation; and Technology.⁵⁵ Like the December Mine Action Forum, the results of the Ottawa Workshop were integrated

⁵⁴Here again these numbers included a significant number representatives from the old Ottawa Process Core Group, the ICBL, ICRC, UNICEF, UNMAS, UNDP as well as donors states (Australia, Denmark, Japan, the Netherlands and Sweden), mine affected states (Angola, Bosnia, Mozambique, and Nicaragua) and non-signatories (Cuba, Finland, South Korea and the US).

⁵⁵Canada, *Years, Not Decades: Agenda for Mine Action II*, Mine Action Coordination Workshop, Ottawa, 23-24 March, 1998, p. i.

into a conference report which noted who was taking responsibility for advancing which initiatives, as well as an updated *Calendar of Mine Action Events*, provided to participants by the end of the conference and later published.

The Ottawa Workshop provided some 11 pages of concrete recommendations, a number of which were related to the central arguments of this Chapter. From the perspective of process norms, the Ottawa Workshop was most notable for the consensus that emerged from the meeting that “with sustained funding and well coordinated implementation activities which maximized cooperation between donors, mine affected states and international and non-governmental organizations, the humanitarian crisis created by anti-personnel landmines can largely be resolved in a matter of years, not decades.”⁵⁶ This was a fairly bold vision for the mine action community when compared to the decidedly more negative assessments that had animated the landmine debate just a few years earlier. If nothing else, it signaled the mine action community’s commitment to the type of accelerated process norms that had driven the Ottawa Process. For example, based on data from the ratification campaign, it was assessed that the 40 state ratification threshold would be reached by the fall of 1998. Accordingly, the Workshop’s report called for the first MSP to be held shortly after entry-into-force “to maintain political momentum and foster greater mine action coordination.”⁵⁷ The ICBL used the meeting to announce that it

⁵⁶*Ibid.*, p. 5.

⁵⁷*Ibid.*, p. i. The First Meeting of States Parties would ultimately be held just two months following entry-into-force.

would work to establish “a civil society-based monitoring system aimed at monitoring implementation of and compliance with the AP Mine Ban Convention.”⁵⁸

One of the more noteworthy mini-lateral initiatives to emerge from the Ottawa Workshop was the Survey Contact Group—an initiative designed to address the lack of reliable information on the actual socio-economic impact of landmines in mine affected states.⁵⁹ Over a series of meetings in Ottawa and Brussels in April and June, and under the initial leadership of VVAF, the Survey Contact Group worked to establish a sector wide consensus on the principles and technical standards for a standardized socio-economic landmine/unexploded ordnance survey.⁶⁰ Much like the *Landmine Monitor*, the origins of what would become known as the Global Landmine Survey initiative can be traced to the dynamic partnership between state/IO/NGO fostered by the Ottawa Process norms of working together in practical ways to solve concrete problems. By the spring of 2001 the Global Landmine Survey was being actively supported by a large and growing donor community that had clearly recognized the importance of the initiative and its relationship to the goals of humanitarian mine action.⁶¹ It had supported, directly or indirectly, survey

⁵⁸*Ibid.*, p. 10.

⁵⁹*Ibid.*, pp. 10-11.

⁶⁰By the fall of 1998 the Survey Working Group included representatives from Handicap International (Belgium and France), Landmine Survivors Network (US), Medico International (Germany), Mines Advisory Group (UK), Mine Clearance Planning Agency (Afghanistan), Norwegian Peoples' Aid (Norway), Vietnam Veterans of America Foundation (US), the Geneva International Centre for Humanitarian Demining (Switzerland), and the UN Mine Action Service.

⁶¹Specifically, Australia, Canada, the EC, Finland, Germany, Japan, Norway, the UK, the US, the UN Foundation, the World Bank, the Rockeller, J & C MacArthur and

work in 17 mine affected states. The initiative was explicitly committed to the goals of the Mine Ban Treaty and the US 2010 Demining initiative (see below) noting that the international community has learned that the terror of landmines can be controlled in a relatively short period of time, “if the international community improves its capacity to prioritize resources of personnel, time and money.”⁶²

An additional, frequently overlooked, important contribution to the development of the Track One vision for mine action was provided by the 20-22 May 1998 Washington Conference on Global Humanitarian Demining. Announced as a practical expression of the 31 October 1997 announcement of the US Demining 2010 initiative, the objective of the Washington meeting was to “build on and consolidate the considerable achievements of earlier conferences and set the stage for action.”⁶³ The agenda for this conference was developed in consultation with key states/IOs/NGOs and participation in the meeting also appeared to reflect a genuine commitment to Ottawa Process style partnership.⁶⁴ In fact, many of the same players that had attended the March Ottawa meeting could be found in Washington, providing for a high degree of continuity of discussion on a number of key issues. Moreover, consistent with the Demining 2010 theme, this was a meeting with a

Compton Foundations, Handicap International France and VVAF itself.

⁶²Survey Action Center, *Global Landmine Survey: May 2001 Update*, p. 1.

⁶³United States, “Conference Record of the Washington Conference on Global Humanitarian Demining May 20-22,” 1998, p. 1 (Preface).

⁶⁴With 142 participants from 21 states, 13 IOs, and 27 NGOs the Washington Conference was almost the mirror image of the Ottawa Mine Action Coordination Workshop. In fact, a close examination of each participants list reveals a significant overlap in participants. Participants list, *Ibid.*

degree of focus on deadlines for action similar to those found within the Ban Treaty itself. Seeking to “eliminate the threat to civilians of uncleared AP mines by 2010 through effective international co-ordination involving close interaction among governments, non-governmental organizations, and international organizations.”⁶⁵ While critics of US landmine policy would argue that Demining 2010 was designed to relieve the political pressure on US ban policy, there was clearly a positive angle behind explicit US support for an aggressive deadline on mine clearance, as well as apparent US legitimization of close cooperation between states and civil society organizations in the post Oslo period.⁶⁶ Moreover, the 2010 US deadline for mine clearance was reportedly chosen by Mine Ban Treaty allies within the US administration in an attempt to bring US landmine policy, as much as possible, into line with the anticipated time-lines of the Mine Ban Treaty.⁶⁷ Ironically, the rapid entry-into-force of the Mine Ban Treaty set the general deadline for clearance of mined areas for the Ban Treaty community at 2009. In the wake of the successful ratification campaign, the ad hoc nature of the Ottawa/Washington meetings soon gave way to processes more closely aligned with the provisions of the Ban Treaty.

⁶⁵Karl Frederick Inderfurth, U.S. Special Representative, Global Humanitarian Demining, “U.S. 2010 Initiative: The Importance of International Co-ordination,” in Canada, DFAIT, *AP Mine Ban: Progress Report*, Number 7, September 1998, p. 5.

⁶⁶In fact, the US Department of State would form an Office of Mine Action Initiatives and Partnerships. This was the second large dedicated teams of state officials tasked with managing mine action issues—the first being Canada’s ‘Mine Action Team’ established in early 1998.

⁶⁷Background interview with US official.

From Maputo to Managua, The Meetings of States Parties to the Mine Ban Treaty

As an unprecedented treaty developed in unusual circumstances, the Mine Ban Treaty tended to evoke strong reactions from supporters and critics alike. Ottawa Process veterans were justifiably proud of their treaty, both as a substantive achievement, as well as possible model of effective and efficient diplomatic activism in other areas. Unlike some other large multilateral treaties in the disarmament/arms control sector, the Mine Ban Treaty did not anticipate the creation of a treaty secretariat to manage, via a permanent staff of experts, the day-to-day operations of the treaty.⁶⁸ In face of a desperate need for resources to tackle the existing landmine problem, the notion of creating a permanent treaty secretariat, complete with UN style salaries, tended to attract more criticism than support from the Ottawa Process leadership.⁶⁹ It would be up to the States Parties themselves, as well as their IO/NGO partners, to generate the political will necessary to turn this open invitation for cooperation into a genuine road-map for treaty implementation. The down-side of this approach was the requirement to maintain a consistent level of activism and coordination on the part of the ban coalition. The positive side of this approach was that the maintenance of this intensity of coordination and cooperation could pay off in terms of more coherent efforts on the ground.

⁶⁸For example, the Nuclear Non-Proliferation Treaty is supported by the enormous International Atomic Energy Agency and the Chemical Weapons Convention gave rise to the massive Organization for the Prohibition of the Chemical Weapons.

⁶⁹Article 11 (Meetings of States Parties), paragraph 1, Mine Ban Treaty.

To underscore the Treaty's commitment to action on the ground mine affected states, as well as to remind the world of the origins of the ban movement in the minefields, it was agreed, via an UNGA resolution 53/77 that the first meeting of States Parties to the Mine Ban Treaty would be held in Maputo, Mozambique in early May 1999, just two months after the entry-into-force of the Treaty. While this was clearly a decision of some symbolic importance, it did not sit well with a UN bureaucracy charged with supporting to the meeting and more accustomed to working in Geneva and New York. Recognizing the challenges ahead both in Maputo and in New York, Canada worked with Mozambique to develop an ad hoc "Friends of Maputo" mini-lateral coalition charged with pulling together all of the necessary pieces for the Maputo conference. Indeed, there were considerable challenges in hosting a very large meeting with dozens of Foreign Ministers in an impoverished and mine affected state.⁷⁰ In the end, the Maputo conference managed to run on time and came in under budget, but only after a relatively significant commitment of human resources from the 'Friends of Maputo.' Thus, it was agreed that it might be more efficient to return to mine affected states every second year, in between which the meetings would be held in Geneva in established UN conference facilities. Thus, following Maputo the next two Meetings of States Parties are held in Geneva in September 2000 and Managua in September 2001.

⁷⁰For example, it was necessary to build a conference center almost entirely with tents, complete with translation/interpretation capabilities in all UN languages. Almost every single piece of technical equipment needed to be shipped in from South Africa. Most of the heavy lifting, so to speak, was undertaken by Canada, Mozambique, Norway, South Africa and the ICBL. An additional group of donors was formed to help Mozambique meet its host country costs.

Who is this Steve? Landmine Process Norms between Maputo and Managua

The substantive outcomes of the MSP process are discussed below. With respect to process norms, an indicator of the degree to which the MSP process is able to institutionalize state/IO/NGO cooperation is provided by patterns of participation in these meetings. The Maputo meeting put to rest concerns about the inclusive nature of the meetings of State Parties by rapidly approving rules of procedure that invited the active participation of international and non-governmental organizations in the meeting as well as non-signatory observer states. As Chart 6.3 below illustrates, Maputo and subsequent meetings of States Parties attracted a consistently high level of participation on the part of states as well as international and non-governmental organizations. Even in the week immediately following the attack of September 11 in 2001, the Managua conference was attended by more or less the same number and relative mix of states and organizations as previous meetings. In short, the annual MSPs emerged as important fixtures on the international agenda that became ‘must attends’ for the global mine action community, as well as a number of important non-signatories such as China, Russia and the US. Efforts to recruit prominent spokespersons for the ban movement yielded Princess Astrid of Belgium and Sir Paul McCartney and his partner Heather Mills.⁷¹

⁷¹Queen Noor of Jordan also became engaged in the campaign visiting Ottawa in December 1999, lending her support to the victim assistance issues through her engagement with the Landmine Survivors Network.

Meetings of States Parties to the Mine Ban Treaty 1999-2001			
	Maputo, 3-7 May 1999	Geneva, 11-15 September 2000	Managua, 18-21 September 2001
Treaty Status	Signed 135 Ratified 77	Signed 138 Ratified 101	Signed 141 Ratified 119
State Participants	State Parties 43 Signatories 53 Observers 12 Total 108	State Parties 62 Signatories 16 Observers 22 Total 110	State Parties 67 Signatories 17 Observers 11 Total 95
International Organizations	EU, ICRC, IFRCRCS, OAU, OAS, OIF, UNICEF, UNDP, UNMAS, UNOPS, WFP, UNHCR, UNIDIR, WHO	EU, ICRC, IAEA, GICHD, OAS, OIC, OIF, LAS, UNICEF, UNDP, UNMAS, UNOCHA, UNOPS, UNIDIR, World Bank	EC, ICRC, IFRCRCS, GICHD, OAS, PAHO UNICEF, UNDP, UNMAS, UNOPS, UNIDIR, WHO
Non- Governmental Organizations	ICBL Delegation 18 ICBL Participants 140 members from 60 states	ICBL Delegation 19 ICBL Participants 162 members from 53 states	ICBL Delegation 17 ICBL Participants 97 members from 43 states
Prominent Participants	Joaquim Chissano, President, Mozambique Jody Williams, ICBL Louise Fréchette, Deputy Sec-Gen, UN Foreign Ministers or Deputy FMs from 33 states	Adolf Ogi, President of Switzerland HRH, Princess Astrid of Belgium Jody Williams, ICBL Sir Paul McCartney and Heather Mills, UK 18 mine survivors from 14 states	Arnoldo Aleman, President of Nicaragua Jody Williams, ICBL 4 mine survivors from 3 Latin American States

Chart 6.3. Sources: Final Reports of the Meetings of States Parties to Mine Ban Treaty, UN Documents APLC/MSP.1/1999/1, APLC/MSP.2/2000/1, and APLC/MSP.3/2001/1.

Ostensibly, the stated objective of each MSP was to “consider any matter with regard to the application or implementation” of the Ban Treaty, including issues of compliance and issues arising from the implementation of the convention on the ground.⁷² Short of allowing states to re-negotiate the provisions of the Treaty, this sort of broad mandate provided a fairly flexible vehicle through which to advance the ban agenda. However, a week long MSP once a year populated by well over 100 delegations did tend to place some restrictions on what could be accomplished. Thus, one of the most significant developments, from both a process and substantive norm development perspective, was the decision in Maputo to supplement the MSP process with meetings of Standing Committees of Experts (SCEs) within what became known as the intersessional work program.

An explicit recognition of the degree to which third wave landmine process norms were grafted upon the Ottawa Process norms is provided by the official mandate of the SCEs, described as follows:

The work of the SCEs should build on the approach and spirit of inclusivity and engagement present in the informal Ottawa Process, the Oslo negotiations and the First Meeting of States Parties in Maputo. SCEs should provide an informal setting in which experts representing all States, international and regional organizations and NGOs, might have an opportunity for substantive discussion and work to ensure that the global community continues to improve and make more efficient its collective Mine Action efforts in support of the objectives of the Convention.⁷³

⁷²Article 11 (Meetings of the States Parties), Mine Ban Treaty.

⁷³United Nations, “Intersessional Work,” *Final Report, First Meeting of the States Parties to the Mine Ban Treaty*, UN Document APLC/MSP.1/1999/1. P. 28.

It was also decided that each SCE would be co-chaired and provided with two rapporteurs on a rotating basis with the condition that each team of two states assuming these roles would include one mine-affected state. An overview of the substantive issue areas and state leadership roles within these SCE is provided below in Chart 6.4. Between Maputo and Geneva the SCEs would meet for a total of 5 weeks of work spread over meetings in September and December of 1999 and January, March and May of 2000. Each of these meetings was held in Geneva, with administrative support being provided by the new Geneva International Centre for Humanitarian Demining. In the wake of the first year of operation of the SCE model, it was agreed in Geneva to reduce the number of SCEs from 5 to 4 and reduce the total meeting times to two sessions of one week each.

Given the technical nature of the meetings, as well as the fact that states that did not possess mines, were not mine affected, nor active in the donor community were not generally involved, there was a very high level of state/IO/NGO participation in the SCE process. For example, in the first year state participation ranging from a low of 47 states (stockpile destruction) to a high of 69 states (mine clearance). In the second year state participation did not drop below 70 states for any one SCE, most likely because of efforts to establish a sponsorship program for developing states.⁷⁴ It is also noteworthy that state participation in the SCE process also included a number of non-signatories. The ICBL

⁷⁴This numbers of drawn from the Final Reports of the SCEs to the Meetings of States Parties, specifically UN Documents APLC/MSP.1/1999/1, APLC/MSP.2/2000/1, and APLC/MSP.3/2001/1.

was well represented at each and every SCE meeting, with the leadership of its various mine action working groups generally taking the lead in organizing the substantive interventions of the coalition. It was also decided within the ICBL to establish a more or less permanent ICBL presence in Geneva in light of the intensity of mine action activities around the SCE process as well as the periodic preparations for the annual MSPs. For its part the ICRC also attended each meeting participating most actively on legal issues related to the general operation of the Treaty as well as in the victim assistance SCE. A significant number of representatives of UN agencies such as UNICEF, UNMAS, and UNDP were also consistent and influential participants.

Although state co-chairs/rapporteurs tended to bring their own unique style to their posts, there were a number of elements that were common to all SCE meetings. While the SCE meetings did take place in Geneva, they were hosted outside of the UN facilities, and significant efforts were undertaken to foster a working atmosphere of informality and practical cooperation between all participants. IO/NGOs were closely consulted on almost all substantive as well as process related issues. Country and organization name plates were not used and nor was there an established seating arrangement in accordance with UN rules. Working papers submitted for consideration were provided in almost equal measure from state and non-state participants. New comers to the process were frequently pleasantly surprised, if not somewhat disoriented by the informal atmosphere of the meetings. In one meeting where the use of first names had become common practice, a state representative from Italy felt compelled to intervene to ask “who is this

Steve?” That “Steve” was Steve Goose of Human Right Watch— a key representative within the ICBL since 1994. The exchange prompted laughter throughout the meeting—an interesting contrast with one of the first ‘informal exchanges’ in Ottawa in October 1996 with Jody Williams providing her frank assessment of the new French landmine policy.

As we will see below, there was much more to the SCE process than informality. The SCEs and MSPs were charged with turning the formal obligations and deadlines for action within the Mine Ban Treaty into concrete coordinated action on the ground. Getting state officials and representatives from key IOs/NGOs to take direct action for advancing the ban agenda tended to generate sense of collective pride in what could be done outside of the normal ways of doing multilateral business. The intensity of the effort also tended to identify problem areas sooner rather than later, providing opportunities for SCE participants to take on discreet problem solving tasks. The results of each years’ SCE efforts were reported to the annual MSP which provided a venue for authoritative decision-making where that was necessary, as well a mechanism through which to seek the diffusion of emerging mine action ‘best practices and standards.’

Mine Ban Treaty Intersessional Committees of Experts From Maputo, Geneva and Managua			
Expert Group	Maputo	Geneva	Managua
General Status and Operation of the Convention	Co-Chairs Canada/South Africa Rapporteurs Belgium/ Zimbabwe	Co-Chairs Belgium/ Zimbabwe Rapporteurs Norway/Thailand	Co-Chairs Norway/Thailand Rapporteurs Austria/Peru
Mine Clearance (and Related Technologies 2000-2001)	Co-Chairs Mozambique/UK Rapporteurs Netherlands/Peru	Co-Chairs Netherlands/Peru Rapporteurs Germany/Yemen	Co-Chairs Germany/Yemen Rapporteurs Belgium/Kenya
Victim Assistance and Mine Awareness	Co-Chairs Mexico/Switzerland Rapporteurs Japan/Nicaragua	Co-Chairs Japan/Nicaragua Rapporteurs Canada/Honduras	Co-Chairs Canada/Honduras Rapporteurs Columbia/France
Stockpile Destruction	Co-Chairs Hungary/Mali Rapporteurs Malaysia/Slovakia	Co-Chairs Malaysia/Slovakia Rapporteurs Australia/Croatia	Co-Chairs Australia/Croatia Rapporteurs Romania/Switzerland
Technologies for Mine Action	Co-Chairs Cambodia/France Rapporteurs Germany/Yemen	Moved to Mine Clearance	Moved to Mine Clearance

Chart 6.4. Sources: Final Reports of the Meetings of States Parties to Mine Ban Treaty, UN Documents APLC/MSP.1/1999/1, APLC/MSP.2/2000/1, and APLC/MSP.3/2001/1.

Third Wave Substantive Landmine Norms

As indicated in Chart 6.3 the ratification and universalization efforts launched following the Ottawa signature conference were largely successful in encouraging the rapid growth in the number of states that would become legally bound by the new landmine norms of the Ban Treaty. By Maputo a total of 135 states had signed or acceded to the Treaty and by Managua this number had reached 141, of which 119 had completed ratification procedures.⁷⁵ At the Geneva MSP it was decided to institutionalize the existing ad hoc group of actors working on Treaty universalization through the creation of an informal ‘Universalization Contact Group.’⁷⁶ From a norm development perspective, the most obvious and direct way in which to further expand adherence to the new mine ban norms was to seek more state signatures and accessions. However, similar to the dilemma facing the ban movement during the rapid expansion of support for the Ottawa Process before the Brussels Conference in 1997, there was also the risk that as the number of State Parties to the Ban Treaty grew, so did the potential for instances of non-compliance with the Ban norms. As the scholarly literature on norms indicates, the ultimate strength of international norms is significantly influenced by international reactions to instances of

⁷⁵The 19 new signature/accessions since Ottawa were Albania, Bangladesh, Belize, Chad, Congo-Brazzaville, Equatorial Guinea, Eritrea, Jordan, Kiribati, Liberia, Lithuania, Macedonia, Maldives, Nauru, Sierra Leone, Sao Tome and Principe, Tajikistan, Ukraine, Zambia.

⁷⁶Initially chaired by Canada, this group also included Argentina, Australia, Belgium, Hungary, the Netherlands, Norway, South Africa, Switzerland, the UK, the ICRC and the ICBL.

non-compliance.

As argued in the introduction to this Chapter, the third wave of landmine norm development was stimulated by a number of ‘issues’ that emerged surrounding the implementation of the Mine Ban Treaty itself. First, there were issues related to the negative obligations of the treaty—those issues related to the core ban agenda such as the prohibitions on the production, stockpiling, export, and use of anti-personnel mines. While these new ban norms were fairly clearly articulated within the Ban Treaty, there remained a few unresolved issues, such as what types of anti-vehicle mines were banned under the treaty and how many mines would be retained in stockpiles for training purposes. However, it is important to note that neither the MSP or SCE processes were legally empowered to reach specific decisions on such matters. Any informal consensus reached on these issues would have to wait for the Treaty’s review conference in 2004 before it would be possible to entrench such consensus within the legal structure of the treaty. Thus, it can be argued that what emerges from the MSP/SCE processes are really a set of informal ‘compliance norms’ which begin defining the acceptable boundaries of behaviour with respect to Treaty obligations.

Similar to previous waves of normative development, these compliance norms were shaped by two sets of related phenomena—efforts to define what is considered acceptable coupled with efforts to define what is considered unacceptable. It is the relative mix of these ‘norm disciplining practices’ on any given issue that speaks volumes about the

relative importance various actors place on specific compliance norms. For example, allegations of the use of anti-personnel mines by treaty signatories and State Parties tend to evoke fairly strong reactions from most ban supporters. On the other hand, concerns over what are believed, by some actors, to be excessively large stockpiles of mines retained by some states under the guise of training are treated in a somewhat more dispassionate manner. While the challenges related to developing compliance norms related to the positive obligations within the Treaty were somewhat different, the mechanisms for doing so were the same. However, given that these obligations were significantly less clear than the core ban norms, the mix of norm disciplining practices tended to be heavily weighted in favour of more positive efforts. For example, one of the most significant outcomes of the MSP/SCE processes between Maputo and Managua is the development and dissemination of a number of best practices and technical standards for operational mine action programs. Of course, there were also incentives for cooperation within this normative framework, particularly between mine affected states and the donor community. With the above in mind, the final section of this chapter briefly examines the development of compliance norms with respect to the two packages of Treaty obligations, the negative ban obligations and the operational mine action obligations.

The Maputo meeting was noteworthy for three key developments with respect to compliance norms. The first key development was related to the disposition of implementation reports States Parties were obliged to provide to the UN Secretary-

General under Article 7 (Transparency Measures) no later than 180 days following the entry-into-force of the Treaty.⁷⁷ Here the MSP approved a reporting format, developed by the UN to ensure standardized and readily comparable reports would be provided to meet the Article 7 obligations. Significantly, supported by a number of Ottawa Process veterans and encouraged by the ICBL and ICRC, a President's Paper on Article 7 reports recommended that these reports be made publically available, arguing that "it would run counter to the humanitarian purpose of the Convention to prevent non-States and NGOs from having access to what will be current and accurate information which could be used for mine action purposes."⁷⁸ The meeting accepted this recommendation, not an insignificant step forward for compliance norms, given that a number of military authorities in signatory states were arguing that information on operational stockpiles of anti-personnel mines remained an issue of national security and thus should not be widely shared.

A second noteworthy development with respect to compliance norms was the publication of the first *Landmine Monitor* report by the ICBL and the corresponding reaction by the Maputo MSP. Prepared by over eighty researchers gathering information on more than 100 countries, the 1,080 page report was a incredible accomplishment, given the time pressures facing the initiative's steering committee and the fact it was the first-ever effort

⁷⁷For the first 40 State Parties, this deadline would fall in August 1999.

⁷⁸UN, "Circulation of Article 7 Reports," Annex III, APLC/MSP.1/1999/1, p. 25. The President's Paper was simple a proposal drafted under the authority of the President of the Confernce.

of its kind.⁷⁹ The objective of the Landmine Monitor was described as the following:

Landmine Monitor is not a technical verification system or a formal inspection regime. It is an effort by civil society to hold governments accountable for the obligations that they have taken on with regard to anti-personnel mines; this is done through extensive collection, analysis and distribution of information that is publicly available...It was created in the spirit of Article 7 and reflects the shared view that transparency and cooperation are essential elements to the successful elimination of antipersonnel mines. But it is also a recognition that there is a need for independent reporting and evaluation.⁸⁰

Not surprisingly, a 1,080 page report on state behaviour with respect to the Mine Ban Treaty had the potential to make more than a few state officials nervous. After months of close cooperation between states and the ICBL on a range of Treaty related initiatives, there was clearly a risk that the *Landmine Monitor* could inject a decidedly adversarial tone into state/ICBL relations. What was remarkable about the *Landmine Monitor* phenomena, therefore, was the relative calmness with which it was received by the Maputo MSP, as well as the fact that its allegations of serious non-compliance (e.g. mine use by treaty signatories) motivated individual as well as collective state action. For example, a number of states whose compliance behaviour was called into question actively sought out *Landmine Monitor* representatives to seek explanations and offer clarifications—thereby establishing the kind of positive and transparent dialogue on compliance matters the ICBL had hoped to generate. This pattern was repeated in Geneva and in Managua with the release of subsequent *Landmine Monitor* reports.

⁷⁹The Landmine Monitor Core Group responsible for leading this effort included Human Right Watch (US), Handicap International (Belgium and France), the Kenya Coalition Against Landmines, Mines Action Canada, and Norwegian Peoples' Aid.

⁸⁰Landmine Monitor Report 1999: Toward a Mine-Free World, preface, p. 1.

In reaction to the 1999 *Landmine Monitor*'s claim that a least three treaty signatories had used mines during 1998, a number of states condemned these states by name during their national statements.⁸¹ Perhaps more significantly from a compliance norm perspective, the Maputo Declaration, adopted by the meeting as a whole, was blunt in condemning such activities, stating "to those few signatories who continue to use these weapons, this is a violation of the objective and purpose of the Convention that you solemnly signed. We call upon you to respect and implement your commitments."⁸² To drive home the point, the Maputo Declaration went on to make a thinly veiled threat, "know that, as community dedicated to seeing an end to the use of anti-personnel mines, our assistance and cooperation will flow primarily to those who have foresworn the use of these weapons, forever through adherence to and implementation of the Convention."⁸³ This clear condemnation of alleged non-compliant activities backed by the financial muscle of the mine action donor community was largely what one would expect given the nature of the alleged violations on the part of signatories (not actually States Parties) to the Ban Treaty. More or less word for word, these key passages from the Maputo Declaration would be repeated in the Geneva and Managua MSP Declarations.

However, over the course of the next two years the pattern of allegations of non-

⁸¹They were not, however, States Parties to the Treaty, although under Article 18 of the Vienna Convention on the Law of Treaties, "a state is obliged to refrain from acts which defeat the purpose of a treaty when...it has signed the Treaty."

⁸²UN, "Maputo Declaration," Part II, APLC/MSP.1/1999/1, p. 9.

⁸³*Ibid.*

compliance by the *Landmine Monitor* changed. While the 2000 Landmine Monitor report failed to find any “credible, verifiable evidence of any State Party violating the core prohibitions in the Mine Ban Treaty,”⁸⁴ it did call upon States Parties to “make a detailed request for clarification from Rwanda, Uganda and Zimbabwe,”⁸⁵ three State Parties that had been alleged to have used anti-personnel mines in the conflict in the Democratic Republic of the Congo. Moreover, there was evidence to suggest that at least three treaty signatories had used mines during 1999.⁸⁶ In contrast to Maputo, these allegations failed to convince any State Party in Geneva to name any other state by name during national statements as a possible violator of the norms of the Ban Treaty. In fact, in a move that shocked some Ottawa Process veterans, Zimbabwe was confirmed as the incoming co-chair of the Standing Committee on the General Status and Operation of the Convention—the very group charged with addressing implementation issues related to the core obligations of the Treaty. The lack of action on the part of State Parties in the face of these types of allegations prompted the ICBL to argue during its official statement to the meeting that “with some exceptions, Mine Ban Treaty States Parties and signatories have not condemned instances of use regularly or forcefully enough.”⁸⁷

The 2001 edition of the *Landmine Monitor* did not contain any further allegation of use

⁸⁴ICBL Press Release “Landmine Monitor Report 2000: Toward a Mine-Free World, Key Findings,” p. 2.

⁸⁵ICBL, *Landmine Monitor Report 2000: Toward a Mine-Free World*, pp. 4-5.

⁸⁶Angola, Burundi and Sudan, none State Parties, *Ibid.*

⁸⁷Stephen Goose, “Statement of the ICBL to the Second Meeting of States Parties to the 1997 Mine Ban Treaty,” Geneva, 12 September 2000, p. 2.

by Zimbabwe but did contain allegations of anti-personnel mine use by Ugandan forces operating in the Democratic Republic of the Congo in June of 2000.⁸⁸ It also contained continued allegations of use by Burundi, Ethiopia, Rwanda and Sudan—all signatories but not State Parties. The ICBL's Statement to the Managua MSP also noted that the Russian government had admitted to the *Landmine Monitor* that its forces in Tajikistan (a State Party since April 2000) had deployed anti-personnel mines inside Tajikistan along the border with Afghanistan.⁸⁹ An additional point raised by the ICBL was that more than one-third of the Treaty's State Parties had failed to provide the mandatory Article 7 reports. The ICBL went on to make the point that "there should be no higher priority for States Parties than dealing in a meaningful fashion with compliance issues."⁹⁰

Once again State Parties failed to name any other states by name during national statements, although the Declaration of the Managua MSP did contain the usual language calling on states to respect their obligations. A decidedly positive turn of events in Managua with respect to compliance norms and the *Landmine Monitor* was the announcement by the Ugandan representative that it was willing to work with the ICBL to clarify matters regarding the allegations against it, including accepting an informal fact

⁸⁸ICBL, *Landmine Monitor Report 2001: Toward a Mine-Free World*, p. 4. By this time the *Landmine Monitor* initiative included 122 researchers from 95 countries. Donors to the initiative included, Australia, Austria, Belgium, Canada, Denmark, France, Germany, the Netherlands, Norway, Sweden, Switzerland, the UK, the EC and the Open Society Institute Landmines Project.

⁸⁹Stephen Goose, "Statement of the ICBL to the Third Meeting of States Parties to the 1997 Mine Ban Treaty," Managua, 19 September 2001, p. 3.

⁹⁰*Ibid.*

finding mission. Also on a more positive note, for the third year in a row, *Landmine Monitor* research indicated that overall trends in mine ban norms were clearly positive. There had been a dramatic drop in the number of mine producers down to 14 from a historic high of 55. There was no evidence of any significant trade in the weapon.⁹¹ On stockpiles, a total of 27 million AP mines had been destroyed by more than 50 states. A total of 29 State Parties had already met their stockpile destruction obligations.⁹² A more detailed analysis of the status of the new mine ban norms is provided in the final Chapter.

As noted above, given that the positive obligations within the Ban Treaty related to operational mine action were less clearly obligatory, the norm disciplining practices in this area tended to be structured by more positive approaches. A case in point is the Article 5 obligation to clear mined areas within ten years—an obligation with a provision for a 10 year extension where it was not entirely clear under what conditions extensions would be provided. To be fair, Article 5 raised a dilemma recognized by even the most committed ban advocates. How much effort should be expended to clear mines when it was becoming widely recognized that what mattered most was the real social and economic impact of mines and not their existence as such? There were mines left over from the Second World War in the western deserts of Egypt that were not having a significant impact on populations. In a world of competing demands for scarce resources was it ethical to suggest that the last mines be found and cleared within any given country

⁹¹ICBL, *Landmine Monitor Report 2001: Toward a Mine-Free World*, p. 8.

⁹²*Ibid.*, p. 12.

at the expense of support for HIV/AIDs work or programs treating preventable childhood diseases?

Article 5 provided some guidance on this point by suggesting that any state seeking an extension needed to provide an explanation of the reasons for the proposed extension, including the status of mine clearance programs, the financial and technical resources available to the state and the humanitarian implications of the extension.⁹³ In keeping with the spirit of cooperative compliance articulated by the Treaty, it was assumed that some developing mine affected states would be justified in not meeting their mine clearance obligations if they did not receive sufficient international assistance. There was also the concern that if such assistance was provided, the receiving state needed to provide some degree of assurance that resources would be used wisely. Thus, a deeper sub-text to Article 5 was the growing recognition by 1997 that all future mine clearance work needed to be undertaken using widely recognized best practices and on the basis of clearly established priorities based on a state-wide level one social and economic impact survey. Given that Treaty was justifiably silent on such operational matters, it would fall to the MSP/SCE processes to build momentum behind a range of emerging mine action best practices, such as the Global Landmine Survey initiative.

⁹³See Article 5.4.

Compliance Norms: Selected Best Practices, Technical Standards and Initiatives from the MSP and SCE Processes, 1999-2001	
General Status and Operation of the Convention	<p>Anti-vehicle mines—ICRC expert meeting (Mar 2001) to build consensus on which types of such mines pose risks to civilian populations.</p> <p>Mines Retained for Training—Managua Co-Chair report recalls Oslo understanding that mines retained for training should be the “minimum number absolutely necessary and should be calculated in hundreds or thousands, and not in tens of thousands.”</p> <p>Article 7 Reports—Belgium led <i>Article 7 Contact Group</i> formed to develops methods to encourage high quality and timely Article 7 Reports.</p>
Mine Clearance and Related Technologies	<p>Technical Standards for Mine Action—GICHD led initiative to review and revise <i>UN International Standards for Mine Action</i>.</p> <p>Guidelines for Mine Action—ICBL Mine Action Working Group to revise and disseminate HI/MAG/NPA and Bad Honnef guidelines</p> <p>Transparency in Mine Action Funding—Canadian led initiative to develop UNMAS web-based database of donor activity.</p> <p>Improving Quality of Mine Action Information—Geneva and Managua Co-Chairs reports endorse work of the <i>Survey Action Centre</i>.</p> <p>Increase Use of Socio-Economic Analysis in Mine Action—UNDP and GICHD complete <i>Study of Socio-Economic Approaches to Mine Action</i></p>
Victim Assistance and Mine Awareness	<p>Guidelines on Victim Assistance—ICRC, WHO, UNICEF, ICBL and UNMAS led dissemination of guidelines on victim assistance.</p> <p>Promoting Victim Assistance Programs—ICBL Working Group on Victim Assistance facilitated production and dissemination of <i>Portfolio of Victim Assistance Programs</i>.</p> <p>Guidelines on Mine Awareness—Geneva and Managua Co-Chairs reports endorse <i>UNICEF Guidelines for Mine Awareness</i>.</p>
Stockpile Destruction	<p>Stockpile Destruction Training—Switzerland developed an <i>Anti-Personnel Mine Stockpile Destruction Management Training Course</i>.</p> <p>Facilitating Best Practices in Stockpile Destruction—Canada assisted UNMAS in developing a web-site to facilitate exchanges of information on best practices in stockpile destruction.</p>

Chart 6.5. Sources: UN, “President’s Action Programme” Annex V APLC/MSP.2/2000/1, 19 September 2000 and UN, “President’s Action Programme” Annex IV APLC/MSP.3/2001/1, 10 January 2002.

In the absence of space to undertake a detailed analysis of this particular phenomena,

Chart 6.5 below provides an overview of selected results from the various subject areas

covered by the MSP/SCE process as well as the actors engaged in developing these best practices and technical standards. The items listed in Chart 6.5 represent but a fraction of the concrete outcomes from the 1999-2001 MSP/SCE processes. In terms of process, it was the Geneva MSP that first set the pattern for subsequent work. Each SCE forwarded a report to the MSP which would form the basis for a more concentrated summary of initiatives and activities within the “President’s Action Programme.” Similar to the various conference reports from the Ottawa Process, this action program provided details on concrete initiatives being undertaken by specific actors, supported by an updated “Mine Action Calendar of Events.” Thus, while the compliance norms these technical standards, guidelines and initiatives sought to generate were entirely voluntary, they did tend to reflect the moral authority and expert credibility of the MSP by virtue of being reproduced in the final documents of each meeting. Moreover, while it is too early to fully assess the impact of these efforts, there is evidence to suggest that they generated some of patterns of behaviours across various actors that one would expect such norms to generate. For example, a number of states have revised downwards the number of stockpiled mines they expect to retain for training purposes, and have attributed these actions to the MSP/SCE process.⁹⁴

There were also technical and operational incentives for adherence to this compliance norms. For example, both mine affected as well as donor states stood to benefit from adherence to UN technical standards for mine action. Demining operations would

⁹⁴Background interview with Canadian official.

become more cost effective and safer. Enhanced quality control measure meant some clearance tasks did not need to be repeated, as had been the case in the past. The use of socio-economic analysis in planning mine action operations meant donors could be assured that their funds were being effectively targeted at communities in greatest need. Guidelines for mine awareness held the potential to reduce numbers of new mine victims, and corresponding impacts on victim assistance programs. The death of a number of personnel tasked with stockpile destruction underscored the need for training and sharing of best practices in this area.

Perhaps the best measure of the utility of these compliance norms was the fact that they were actually being applied. Some donor states have made compliance with the *UNICEF Guidelines for Mine Awareness* a condition of funding for mine awareness programs they support. Support for the *Global Landmine Survey* initiative continues to grow. Mine Action Centers around the world are beginning to adopt the *UN International Standards for Mine Action*. In theory, therefore, these collective efforts should, over time, improve the speed, effectiveness and efficiency of operational mine action programs—bringing closely to reality the objective of addressing the most serious humanitarian impacts of landmines in ‘years not decades.’

Conclusion—Landmine Norms, Identities, and Interests and the Signature, Ratification and Implementation of the Mine Ban Treaty

The objective of this Chapter was to account for the rapid growth in adherence to the mine ban norms in the period between the Oslo negotiations and the Managua MSP. It argued that this period can be understood as generating a distinct ‘third wave’ of issue generation and normative development within the ban agenda. With the ban norms ‘institutionalized’ within the Mine Ban Treaty, the central issue became one of compliance with the new norms. How many states would sign the Treaty, how many would ratify it, and how many would faithfully implement its provisions.

A total of 122 states signed the Mine Ban Treaty in Ottawa in December 1997, a forty percent increase over the number of states that had completed the Oslo negotiations less than three months earlier. International peer pressure in the form of a norm ‘cascade’ may well have been a factor behind the unprecedented speed which the new Treaty was ratified, as well as its steady progress in attracting new signatories. A brief look at which states decided to join the Ban Treaty between Oslo and Ottawa tends to support that argument. For the most part they are smaller, regionally diverse states, such as Andorra, Bahamas, Benin, Fiji, Haiti, Madagascar, Niger, Niue, Tunisia and Vanuatu. The fact that states such as Bulgaria, Greece, Moldova, and Romania joined the ban community at this point may also suggest that fairly strong regional peer pressure was generated by the phenomenon of Europe going almost totally pro-ban. Other key regional states that may have been influenced by the ‘ban-wagon’ effect were Indonesia and Thailand. Some of

the momentum behind the norm cascade was also, arguably, generated by the Ottawa Process coalition itself. The fact that one of the members of the coalition had been awarded the 1997 Nobel Peace Prize was also likely a factor. Moreover, this entirely new quality of moral authority behind the ban agenda was shared by the more than 1,000 ICBL member organizations in over sixty countries—certainly a helpful addition to their domestic advocacy efforts.

The Ottawa conference witnessed the formation of the *Ratify in 98 Contact Group* a mini-lateral group animated by the efforts of Austria, Canada, Norway, South Africa, the ICBL, the ICRC and UNICEF. The work of this group represented a new round of social codification efforts linked explicitly to the Ban Treaty—the call to ‘ban landmines, join the Ottawa Process’ had been replaced by the call to ‘ban landmines, sign/ratify the Ottawa Treaty.’ Coupled with a process patterned on the Track Two efforts within the Ottawa Process, it was probably the effective combination of ‘motivation plus opportunity’ that generated much of the unprecedented momentum behind the ‘Ratify in 98’ campaign. If states were motivated by concerns related to conformity and self-esteem generated by the norm cascade phenomenon, then Track Two conferences provided an ideal opportunity to press state leaders to publically announce their willingness to ratify/sign the Ban Treaty, as well as to call upon other states to follow their lead. Regional meetings in Austria, Burkina Faso, Hungary, Jordan, Russia and Thailand within the first six months of the ratification drive certainly helped to bring social and well as peer pressures to bear on states. On 16 September, Burkina Faso became the 40th

state to ratify the Mine Ban Treaty, establishing 1 March 1999 as the date it would become international law. The composition of the first 40 group of states was remarkably similar to that targeted by the ICBL's Oslo ratification strategy. While the large number of Ottawa Process Core Group members within this group suggested the internalization of the ban norms may well have been a factor, the broader influence of the social ban norms, supported by post Oslo Track Two efforts was also a likely contributor to this particular outcome.

In total some 27 significant regional Track Two conferences would take place between January 1998 and the Managua meeting in September 2001, forming the back-bone of the ban campaign during this period. This period also marked the dramatic expansion of 'advocacy tool-kit' available to ban advocates. More pro-ban communications products were being produced by more individual actors in more languages and formats than ever before. At the Geneva MSP it was decided to institutionalize the existing ad hoc group of actors working on Track Two treaty universalization efforts through the creation of an informal 'Universalization Contact Group.' Initially chaired by Canada, this group included the ICBL, the ICRC, Argentina, Australia, Belgium, Hungary, the Netherlands, Norway, South Africa, Switzerland, the UK. By Managua a total of 141 states had signed or acceded to the Treaty, of which 119 had completed ratification procedures. The group of 19 new signing/acceding states was quite diverse in its composition. Some such as Albania, Chad, Eritrea, Jordan, Liberia, Sierra Leone, Tajikistan, Zambia were, to various degrees, mine affected. Thus, in addition to the general compliance pull of peer pressure

and humanitarian considerations, they may have been attracted by the international cooperation in mine action being offered by the Ban treaty. The same could be said of states such as Albania and Ukraine which faced significant challenges associated with stockpile destruction.

It was the institutionalization of two distinct categories of obligations within the Mine Ban Treaty that significantly shaped normative developments during this period. The Treaty's negative obligations prohibiting the production, stockpiling, export and use of AP mines were the clearer of the two categories, but still needed some interpretation, particularly with respect to anti-vehicles mines with anti-handling devices and quantities of mines that could be retained from training purposes. The Treaty's positive obligations related to mine clearance, mine awareness and victim assistance were less clear and in need of greater elaboration. Both categories of obligations raised questions about compliance norms. How could compliance be most effectively encouraged and non-compliance discouraged? Article 7 of the Treaty, which obliged State Parties to submit annual reports on their mine action undertakings, provided one part of the puzzle, but non-compliant behaviour, as identified by such reports raised the difficult 'what then' scenario. It was widely understood that the Treaty's Article 8, which provided procedures for seeking formal clarification of potential instances of non-compliance, was really an option of last resort. Something else needed to be added to the compliance equation.

The Ottawa Process Lessons Learned exercise revealed a high degree of support for ongoing NGO monitoring of treaty compliance, and the ICBL *Landmine Monitor* initiative responded to the challenge. Providing careful documentation on state landmine policies and practices explicitly linked with international legal obligations, the *Landmine Monitor* held the potential to generate ‘compliance issues’ that would stimulate debate about the boundaries of the Treaty compliance norms. The scope and technical sophistication of the *Landmine Monitor* also ensured that patterns of state compliance behaviours became more transparent, providing the potential for the generation of peer pressure around instances of non-compliant behaviours. As an ICBL initiative, *Landmine Monitor* also provided grass roots advocacy tools geared towards the social ‘mobilization of shame and persuasion.’ The release of *Landmine Monitor* reports had become newsworthy events in their own right. More suited for the persuasion side of the norm discipline equation, there was the Global Landmine Survey initiative. Designed to address the lack of reliable information on the actual socio-economic impact of mines in mine affected states, this initiative provided a legitimate response to the challenges of implementing Article 5 of the treaty which called for the clearance mines within mine affected states within ten years. Further complementing the documentation, shame and persuasion tool kit was the decision taken at the Maputo Meeting of States Parties to make Article 7 (Transparency) reports available to the public. Both the *Landmine Monitor* and the Global Landmine Survey initiatives were well launched by the time states gathered for the Maputo meeting.

The Meetings of State Parties attracted a consistently high level of participation on the part of states as well as international and non-governmental organizations. The fact that these meetings generally became ‘must attends’ for the global mine action community, including important non-signatories such as China, Russia and the US, suggest a number of normative factors at play—the most obvious being the institutionalization of the ban norms within the Ban Treaty. An additional factor may have been the way in which the MSP process developed into a dynamic instrument of international mine action coordination—largely as a result of the creation of the Standing Committee of Experts (SCEs) and the intersessional work program. Building on the Ottawa Process model of cooperative leadership shared among a core group of states, the SCE process provided a range of potential leadership roles combined with conscious efforts to engage mine affected states on implementation issues. What emerged from the MSP/SCE processes was a set of informal compliance norms which began defining the acceptable boundaries of behaviour with respect to specific treaty obligations. Trends in compliance behaviours were revealed and efforts launched to discourage unacceptable behaviours and encourage positive behaviours.

Beyond the more explicit documentation, shame and persuasion efforts there were other sources of compliance pressures. Advanced as a collective response to the global landmine crisis, the Mine Ban Treaty, through its MSP processes, offered access to more or less one stop shopping to the global mine action community. Donors, mine affected states and implementing organizations such as MAG, NPA, HI, UNDP and UNICEF

could work together within a normative framework that suggested the mine action efforts would not be wasted by the continued use of AP mines. This was the irony of the continued US engagement with the Treaty community. Knowing that others would continue to pressure states on the mine use issue, the US could develop its mine clearance programs, more or less secure in the knowledge that incidents of mine use would continue to decline in many of its programming countries. Moreover, for those states that continued be concerned about the security implications of the ban agenda, the transparency surrounding Treaty implementation provided some degree of assurance that defections from the new ban norms would be rapidly identified and condemned.

As in previous Chapters, the one of the primary challenges was to link this phase of issue generation and normative development to the agency of specific actors. Here it was argued that in the period between Oslo and Maputo, Ottawa Process ‘veterans’ are largely successful in drawing upon their historical moral authority and expert status on the mine issue to significantly influence the development of post Oslo landmine process as well as substantive norms. Between Maputo and Managua, this group remains active in the leadership of the ban agenda, but is forced to deal with leadership changes within the mine action community— most significantly on the part of states and within the UN system. One of the primary mechanisms through which the Ottawa Process veterans seek to maintain continuity of process and substance on the ban agenda is the MSP/SCE process put into motion in Maputo. In summary, it was the dynamic interaction of third wave process and substantive norms that accounts for much of the rapid progress in

universalizing and implementing the Mine Ban Treaty, and behind these norms, one can readily detect the influence of many of the key actors from the Ottawa Process. The task of providing an overall assessment of the impact of these third wave, as well as previous waves of issue generation and normative development, is taken up in the concluding chapter of this dissertation.

CHAPTER SEVEN—CONCLUSION—THE SOCIAL CONSTRUCTION OF THE INTERNATIONAL BAN ON ANTI-PERSONNEL MINES 1991-2001

Norm shifts are to the ideational theorist what changes in balance of power are to the realist.¹

Introduction

On 18 September 2001, over 100 delegations representing states, international and non-governmental organizations gathered in Managua, Nicaragua for the third meeting of States Parties to the Mine Ban Treaty. Overshadowed by the business on hand was the fact that the meeting marked ten years, almost to the day, since the publication of a report that set in motion a weapons ban movement without precedent in its scope and success.

Land Mines in Cambodia: The Cowards War carefully documented the slow motion massacre of thousands of Cambodian civilians at the hands of landmines. It told the story of six year old Chok Chuon who lost her left leg doing what all children should be able to do—playing. It told the story of Ken Kop, a mother of seven children who lost her right leg doing what mothers should be able to do—providing food for her family. Following the stories and the documentation of the widespread human carnage caused by landmines, *Land Mines in Cambodia* unleashed an idea. It called for an unconditional ban on the manufacture, possession, transfer, sale and use of landmines.

Robert (Bobby) Muller, President of the US based VVAF, read *Land Mines in Cambodia* and took action, hiring an activist named Jody Williams to explore the idea of a campaign

¹Finnemore and Sikkink, p. 894.

around the landmine ban idea. Rae McGrath, one of the authors of *Land Mines in Cambodia*, would use his experience in the mine fields of Cambodia and Afghanistan to plant the ban idea in Europe. By the fall of 1992 the idea of a ban had grown into a joint call by six NGOs from the US, UK, France and Germany to ban the production, stockpiling, export and use of anti-personnel (AP) mines and for financial assistance for mine awareness and clearance programs. The idea of a ban also caught the attention of US Senator Patrick Leahy and Congressman Lane Evans, who worked to generate the first material manifestation of the ban idea in the fall of 1992—a one year moratorium on the export of all AP mines and a call for the US administration to seek a further limits on the production and use of AP mines. In short, the mine ban idea motivated people to take action. From church basements to the United Nations, and just about every possible place in between, the idea of a landmine ban motivated countless personal and collective efforts to seek international change. Through almost every possible communications medium, and in dozens of languages, the mine ban idea spread like wild-fire. In just a few short years, the ban idea became a global social phenomenon—attracting a degree of international moral support and political engagement on a scale not seen since the struggle against apartheid.

What then is a student of international relations to make of such a phenomenon?

Scholarly efforts thus far, from a variety of perspectives, have all acknowledged that something remarkable has happened that undermines conventional wisdom about the relative autonomy of the state in security affairs. Neo-Realists appear to be in denial that

such an blatant intrusion of ethical considerations into foreign policy could have prompted such a misguided response on the part of so many states.² Neo-liberals are fascinated by the inter-state negotiating dynamics of the Ottawa Process, but apparently little else.³ Of all of the scholarly examinations of the ban movement thus far, social constructivists appear to have the most to offer, recognizing that its success speaks unexpected volumes about the power of socially constructed ideas within international affairs. They have encouraged us to examine the mine ban movement as a struggle over international norms.⁴ This dissertation has been a conscious effort to extend this trajectory of analysis, not only to cover more historical ground in more detail, but also to cover this ground in more analytical depth. It set out to account for the apparent success of the AP mine ban movement in the period 1991-2001 through an analysis of the ways in which a number of key identities (states, international and non-governmental organizations) contributed to the development and rapid multilateral acceptance of a new set of landmine norms—a comprehensive ban on the production, stockpiling, trade and use of AP mines. It attempted to trace the common trend that linked church basements to the halls of power, the bumper sticker to the Mine Ban Treaty.

²Lenarcic 1998, Oliver 1997, Frum 1997, Gaffney 1997.

³Lloyd 1997.

⁴Price 1998a, Price 1998b, Finnemore and Sikkink, 1998, Latham 1999.

Norms and Landmine Norms

Defined as a “standard of appropriate behaviour for actors with a given identity,”⁵ norms can be found at the nexus of knowledge practices (discourses that define appropriate behaviours) and material practices (behaviours). The fact can present methodological problems for the researcher. As norm researchers have argued, to avoid tautological research traps, one must operationalize norm research in a way “that is distinct from the state or nonstate behaviour it is designed to explain.”⁶ This has prompted norm theorists to argue that we must search for evidence of normative development that pre-dates large scale behavioural changes—we should look back in time to the beginning of the norm life cycle within the efforts of norm entrepreneurs.⁷ The study of international norms also presents the challenge of developing a research methodology capable of accounting for international change that does not require a detailed comparative analysis of dozens of domestic policies and processes.⁸ Thus, this dissertation set out to provide an explanation for landmine norm development as a systemic phenomenon, the primary evidence of which can be found within knowledge practices of landmine norm entrepreneurs that pre-date actual changes in state behaviour with respect to landmines. The influence of the new international landmine norms was revealed through the careful documentation of correlations between the normative demands of landmine norm entrepreneurs and

⁵Finnemore 1996, p. 158.

⁶Finnemore and Sikkink, p. 15. See also Legro 1997.

⁷Finnemore and Sikkink, p. 896.

⁸Price 1998a, p. 616.

patterns of similar norm related behaviours among dissimilar international actors.⁹

Equally important to the integrity of landmine norm research was the effort to demonstrate that these patterns of behaviours were not being generated by the distribution of power within the international system—that they are not being imposed on the system by powerful actors. In this respect, I have also attempted to examine the relationship between several powerful states within the international system and the ongoing development of the landmine norms.

The Identities and Interests of Norm Entrepreneurs

While norm theorists point out that norm creation requires agency on the part of actors that have “strong notions about appropriate or desirable behaviour in their community,”¹⁰ they offer few insights into why these strong notions develop within specific actors in the first place. Drawing upon more general constructivist arguments about the ways in which norms “constitute” identities,¹¹ I have argued that norm entrepreneurs emerge because their identities and interests have been engaged by previous norms (patterns of knowledge and material practices). Most landmine researchers have drawn a clear link between the activism of the ICBL and ICRC and their concern over the carnage being caused by the

⁹Finnemore 1996, pp. 157-158.

¹⁰Finnemore and Sikkink, p. 896.

¹¹Jepperson, Wendt, Katzenstein, 1996, p. 54.

widespread indiscriminate use of AP mines.¹² However, a more detailed analysis of how the landmine norm entrepreneurs ‘constructed’ their vision of the landmine problem and its normative solution reveals the importance of understanding how the specific identities and interests of these actors shaped their normative agenda.

As noted in Chapter Three, the initial normative trajectory of the ICBL was challenged by Medico International that viewed the landmine problem as being part of a larger disarmament and peace challenge. Addressing the landmine issue as a disarmament issue might well have taken the ICBL on a different course. However, it was the presence of human rights and medical relief organizations within the nascent ban campaign that encouraged the framing of the landmine issue as a humanitarian issue to be addressed within the framework of IHL.

This argument can also be made of the ICRC. Its identity as the protector of the victims of war, guardian of IHL, and its historical relationship to the CCW, also predisposed it to view the landmine problem as an IHL problem rather than a disarmament/security issue.

As a threat to children, the landmine problem engaged UNICEF’s identity as the custodian of the human rights structured Convention on the Rights of the Child. By threatening the UN’s identities/interests as a peace-builder, peace-keeper and humanitarian relief organization, landmines also evoked a largely humanitarian

¹²Price 1998a, Finnemore and Sikkink 1998, Hubert 2000, Williams and Goose 1998, Rutherford 1999.

interpretation of the landmine problem.

As the brief genealogy of early landmine norms (knowledge and material practices) and broader developments within IHL undertaken within Chapter Two demonstrates, the scope for norm entrepreneurs to develop their normative demands is shaped by the constraints and opportunities provided by history. Examining these constraints and opportunities reveals the ways in which they influence the specific content of the normative demands and norm grafting tactics of norm entrepreneurs. For example, the call within *Land Mines In Cambodia* to ban AP mines and “stigmatize them in much the same way that chemical weapons are now vilified,”¹³ is unintelligible without an understanding of why this normative demand resonates so effectively with other actors whose identities are influenced by IHL practices. But as the difficulties encountered by Latham’s analysis demonstrates, focussing too exclusively on discursive practices leads to analytical blind spots. Despite Latham’s claims to the contrary,¹⁴ there were significant changes in patterns of material practices with respect to landmines during the 1970s and 1980s that clearly engaged the identities and interests of the landmine norm entrepreneurs and prompted them to take action.

Norm Emergence and Resonance

The mine ban norms emerged and began their ‘life cycle’ as a set of knowledge practices

¹³*Land Mines in Cambodia*, p. 103.

¹⁴Latham 1999, p. 7.

generated by the ‘norm entrepreneurs’ aimed at communicating that there was a ‘problem’ with existing material and knowledge practices with respect to landmines. The documentation of the problem with landmines began with *Land Mines in Cambodia* (1991), continued with *Hidden Death: Landmines and Civilian Casualties in Iraqi Kurdistan* (1992) and *Hidden Enemies: Landmines in Northern Somalia* (1992), and culminated in the ground breaking *Landmines: A Deadly Legacy* published in 1993. From a social ‘pedagogical’ perspective, these initial issue generation efforts were quite efficient. They ‘taught’ the reader about a problem and their recommended solution in one lesson—landmines were causing unacceptable human carnage and they should be banned. But for these nascent ban norms to emerge as potential international norms they needed to gain support from other international actors and, ultimately, from states themselves.

As argued in Chapter One, the movement of normative demands through society has much in common with the physical characteristics of waves. What gives socially communicated waves of normative demands the power to influence is the phenomenon of ‘resonance.’ Social communications (direct speech, print, radio, video etc.) that seek to shame/persuade multiple social actors to take action, are able to do so because the normative demands they present resonate with the identities and interests of those actors. This normative resonance is generated by factors related to the normative demands themselves as well as the characteristics of the actors (their identities and interests) that they encounter.

As Price argues, characteristics of normative demands had a great deal to do with the degree to which they resonate with other international actors.¹⁵ Here one of the most important factors seems to be the degree to which the new norms resonate with existing norms. For example, as we saw in *Land Mines in Cambodia*, efforts were undertaken to consciously ‘graft’ the new mine ban norms onto the existing social taboo surrounding chemical weapons. However, for this to be effective, there needed to be a number of levels on which the comparison between the mine ban and the chemical weapon ban seemed logical and appropriate. This is where the documentation of the relationship between the material impacts of landmines and deeper IHL prohibitions became important. As we saw in Chapter Two, landmines, like chemical weapons, represented a particularly egregious violation of the IHL principles of *proportionality* and *discrimination*.

The process of ‘issue generation’ by the norm entrepreneurs was, therefore, primarily about pointing out that the social and economic impacts of landmines demanded the attention of the international community because they presented a threat similar to other weapons which the community had banned. Why were other civil-society and institutional actors receptive to this message? For many of the same reasons that compelled specific civil-society actors to become norm entrepreneurs in the first place—the specific ways in which the characteristics of these normative demands resonated with their identities and interests. This was also true of states, but in a slightly

¹⁵Price 1998a, pp. 628-629.

more complex way.

Landmines and State Identities and Interests

Social constructivists generally agree that state identities and interests are variable.¹⁶

Understanding variations in state identities and interests is, therefore, critical to understanding how and why norms resonate with states—they do so because they resonate with specific state identities and interests. As argued in Chapter Three, landmines as an issue had the potential to engage at least four state identities. First, there was the military state as the identity with a theoretical monopoly over the means of violence. This was the state identity, which by virtue of this monopoly, enjoyed a degree of autonomy with respect to its discursive and material practices with respect to AP mines. Second, there was the state as a sovereign international identity with legal and political obligations associated with global citizenship. This identity implied respect for human rights and IHL (i.e. the CCW). This was also the identity responsible for the state's participation in a web of global, regional and bilateral organizations, regimes, and relationships with potential relationships to the landmine issue (e.g. the UN, the ARF, EU, NATO, OAS, OAU, etc.). Thirdly, there was the state as the provider and receiver of humanitarian services such as disaster and development assistance, peace-building resources, peacekeeping forces and support for mine clearance and victim assistance. Finally, there was also the state as the domestic social and economic manager, balancing

¹⁶Jepperson, Wendt, Katzenstein, 1996, p. 52.

the interests of domestic identities such as defence industries producing landmines, interest groups advocating on behalf of peace and disarmament as well as those urging greater defence preparedness.

In the landmines case, the relative mix and power of these various state identities within each state tended to influence the degree of resonance that the mine ban norms were able to generate. For example, as a general rule, states with a history of support for human rights, IHL and humanitarian activities combined with relatively modest military establishments (e.g. Austria, Belgium, Canada, Denmark, Germany, Ireland, Norway, Mexico, South Africa, Sweden and Switzerland) tended to be among the first states to support the mine ban norms. States with strong military establishments (China, France, India, Pakistan, Russia, the UK and the US) tended to be hostile to the ban agenda, or reluctant converts. The emergence of the debate over the military utility vs human impact of AP mines underscores this admittedly simplified vision of the cleavage that the ban norms was able to exploit between the humanitarian and security identities of the state. Early US and French leadership within the landmine issue also highlights the kind of mixed signals that can be generated when one identity (humanitarian) attempts to exert international leadership without fully resolving the basic conflict with a rival (security) identity.

The Social Codification of the Landmine Norms

While *Land Mines in Cambodia* suggested that an international landmine ban would, like the chemical weapons experience, effectively “stigmatize” AP mines, history would prove the reverse course of action to be the more successful strategy. Only by first stigmatizing AP mines within the public conscience was it possible to then secure an international ban on landmines. From the vantage point of 1991, this stigmatization/norm grafting strategy raised the question of how AP mines could be effectively stigmatize AP mines on a global scale. How could the ban norms be most effectively and rapidly reproduced in dozens of states in dozens of languages and cultural contexts? Landmine norm researchers have tended to address this question by exploring network development,¹⁷ and organizational platforms.¹⁸ To be sure, these norm transmission mechanism were critical, and this dissertation has attempted to trace them in some detail. However, it is also worth noting that the social codification of the ban norms was greatly assisted by the relative absence of organized opposition to these norms within civil-society. The autonomy that the state’s military identity enjoyed also tended to manifest itself in a detachment of the military from the civil-society debate over landmines. Wendt refers to this phenomenon in more general terms as a lack of density of social relations around the security identity of the state.¹⁹ In short, the fact that few civil society actors

¹⁷Price 1998, pp. 623-627.

¹⁸Finnemore and Sikkink, pp. 899-900.

¹⁹Wendt 1999.

rushed to defend the use of AP mines, tended to leave the discursive terrain within civil society solely to ban supporters, at least for the first few years of the ban campaign. The degree of social stigmatization that became attached to AP mines also assisted in this regard. The absence of significant opposition, coupled with what appeared to be a widespread, almost morbid, social appetite for graphic descriptions of the landmine problem, ensured the more or less faithful reproduction of their knowledge claims within the media. For example, through print articles such as “Land Mines: The Devil Seed” (*Time International* 1993), and “Mass Murder in Slow Motion” (*The Economist* 1993).

Hundreds of civil society organizations also became convinced of the veracity of the ban campaigner’s knowledge claims. From church newsletters in Australia to protest marches in Italy, one could find hundreds if not thousands of ways in which social groups undertook to speak with one voice in favour of banning AP mines. The support of the global faith communities added yet another significant dimension to this cultural linkage phenomenon. Having priests, ministers and mullahs calling for a ban was of singular importance to the social codification of the ban norms. In short, the material manifestations of the social codification of the ban norms became as diverse as the membership of the ICBL. Local activists turned the ban norms into local languages and images to match local cultural norms—ranging from brutal pictures of human carnage to satirical cartoons of military officials in denial about the real impact of their weapons. Further extending the ‘reach’ of these efforts into civil society were later successes in linking the AP mine ban issue with widely recognized global and regional cultural icons

such as Batman, Superman or Brussel's *Mannekenpis*.

Handicap International contributed to the internationalization of these knowledge practises through the translation and distribution of *Land Mines in Cambodia* within Europe. United Nations Secretary-General Boutros Boutros-Ghali noted that landmines had become a significant obstacle to UN peace-building objectives in his 1992 *Agenda for Peace*. The ICRC further contributed to the generation of the landmine problematic with its 1993 report *Mines: A Perverse Use of Technology*. The further internationalization of these social codification processes was consciously sought by the ICBL through its decision, taken at the 1994 Geneva conference, to work to expand the campaign beyond Europe and North America. The ICBL's 1995 Phom Penh conference accelerated this trend, not only by holding a major ICBL event in a mine affected state, but also by initiating efforts to transfer advocacy skills to emerging campaigns in a more systematic fashion. In this regard, the early decision to avoid the formalization of the ICBL's structure, beyond the minimal structures required to organize its annual meetings and maintain campaign communications, proved to be prescient. Joining the campaign was neither technically complex or bureaucratically cumbersome. All one had to do to join was to agree to support the ICBL's joint call. The simple act of joining the ICBL contributed to the social codification of the new mine ban norms. And join they did. The ICBL grew from a membership of 6 NGOs from four countries in 1992 to 350 organizations in 20 countries by the fall of 1995. The more legitimacy the ban agenda gained from the participation of other prominent organizations and individuals, the more

the ICBL grew, and so on. The internationalization of the ban effort was also greatly facilitated by the engagement of IOs such as the ICRC and UNICEF, as well as internationalized NGOs such as the Lutheran World Federation, the Jesuit Refugee Service, Care, Oxfam, World Vision, and Pax Christi. Once the leadership of these organizations agreed to support the ban agenda, they could draw upon a network of member organizations throughout the world to generate additional social codification activities.

The social codification of the ban norms continued throughout the CCW and Ottawa Processes and beyond. In fact, as argued in Chapters Four and Five, normative development within these processes tended to reinforce the wider social codification efforts, and the reverse was also true. By placing the ban issue on the international political/media agenda, the CCW and Ottawa Processes contributed to the further growth in the density and geographic scope of the social codification phenomenon. For example, by February 1996 the ICBL could claim representation in 33 countries, by May 1997 this had risen to 49 countries. The density of domestic representation on the issue also increased within a number of states over the same period. For example, within Switzerland, the number of domestic organizations working for the ban was 25 in 1996 and 44 in 1997. The Australian campaign grew from 63 to 85 pro-ban organizations. The Cambodian campaign grew from 38 to 60, and the US campaign grew from 64 to 211. By generating widespread normative resonance within civil-society, mine ban norm entrepreneurs were able to overcome the power imbalance that often constrains the

abilities of non-state to influence international processes. However, as the CCW process demonstrated, there were limitations on this strategy.

Social Norms Meet State Norms—Round One, the CCW Process

By late 1993, the issue generation efforts of the ICBL, ICRC and the UN had firmly established the global AP mine crisis as an international ‘problem’ looking for a multilateral solution. The 1993 UN General Assembly provided state officials with a menu of international actions that provided a number of plausible responses. If the aim of the exercise was to address the humanitarian impact of landmines, supporting an UNGA resolution calling for more mine clearance seemed an obvious step that would attract support from all quarters—which it did. The mobilization of shame and persuasion, coupled with the engagement of Senator Patrick Leahy, had begun pressuring Washington into action. The US put its diplomatic muscle behind a UN General Assembly (UNGA) resolution calling for a moratorium on the export of AP mines. The export moratorium approach had the potential to impact domestic landmine production interests, but only those geared toward export markets. It also raised the question of how states which imported mines for their military forces would be able to do so in the future. On the plus side, the export moratoria clearly responded to the apparent dynamics of the landmine phenomenon, imported mines were causing the carnage. It also helped to address domestic concerns about the mine issue, thereby potentially reducing the political pressure to go further. Of course, there was also the fact that the US had put its muscle

behind the idea, and had identified 44 states it was targeting to change behaviours in this regard.

France, concerned that the Americans would seize the leadership on the landmine issue, and under domestic pressure from its own domestic ban forces, called for a Review Conference of the CCW, again through an UNGA resolution. This seemed like a fairly attractive option to most state decision-makers. It provided a good fit with the military argument that mines themselves didn't kill civilians, it was the indiscriminate use of mines that was causing the problem. Seeking greater restrictions on mine use through established IHL instruments also seemed a fairly logical step forward from a legal/diplomatic perspective. The CCW route also had the advantage of demonstrating action on the issue to humanitarian actors and domestic audiences. If state managers could be accused of favouring military interests in this regard, it was in failing to fully understand and/or communicate the significance of the US/Russian decision to abstain from the CCW UNGA resolution on the grounds that it appeared to support the objective of eliminating AP mines. Partial steps legitimizing the continued use of AP mines were more likely within consensus-bound CCW negotiations—partial steps with the potential to dramatically undercut political support for the more radical ban agenda. By 1994 it was also clear that there was another landmine agenda in play. American opposition to the CCW track was also apparently motivated by its desire to turn its progress on the AP mine export moratoria into leadership on an AP mine export control regime with the aim of banning the export of 'dumb' mines while legitimizing the proliferation of a new

generation of US ‘smart’ mines.

However, as the ban agenda first reached the multilateral negotiation stage, it became clear that the scholarly understandings of the norm ‘life cycle’ needed some elaboration to fully capture what was going on. The CCW was clearly an ‘institutionalization’ process of the sort Finnemore and Sikkink suggest are integral to the phenomenon of the ‘norm cascade.’ However, accounting for the variations between normative inputs and the negotiated outputs suggested a slightly different conceptualization of what was happening within the norm ‘life cycle.’ In normative terms the CCW negotiations began the process of development of what I argued was the second wave of normative development within the landmine issue—state codification of the detailed behavioural boundaries of the mine ban norms. As the landmine case demonstrated, under certain conditions, the state codification of norms can be decisively influenced by the social norm codification phenomenon. The high degree of continuity between the original normative demands of the ICBL and the normative obligations of the Mine Ban Treaty are instructive in this regard. This was not the case within the CCW process.

By the time the CCW process was well advanced, outside observers could have been forgiven for believing there were really two sets of negotiations underway. Throughout 1994 and 1995 the ban movement was steadily gaining state converts while the consensus governed CCW process appeared to alienating states in equal measure. By late 1995 a total of 18 states had declared their support for an AP mine ban, and as the CCW

negotiations ground to an unsatisfying conclusion, the ban camp grew to include 41 states. The social codification of the mine ban norms was advancing in a number of countries to the extent that the primary reference point for state landmine policy was increasingly becoming domestic in orientation. For example, by early 1996 an organized ICBL presence could be found in a total of 20 of the 41 pro-ban states. Perhaps a better indication of the ICBL's growing influence was the fact that of the 18 European states in which the ICBL had developed national campaigns, all but four had declared themselves pro-ban. In short, the CCW process had, to a significant extent, become irrelevant to states, such as Belgium, which were prepared to go much further and faster than where the search for the lowest common CCW denominator appeared to be heading.

The composition of the first 41 pro-ban states provided further indications of what was happening outside of the CCW process. The geographic diversity of this group suggested that the social codification of the ban norms was already generating the kinds of patterns of consistent behaviour across state actors that norm theory would have predicted. Of this group of 41 states, 19 were from Europe, 9 were from the Americas, 8 were from Asia-Pacific, and 5 were from Africa. A total of 20 of these states were assessed to be mine-affected. Of the 18 major international donors to UN mine clearance programs, 12 had declared themselves pro-ban. A total of 8 of these states had no history of possessing mines. These patterns of normative development suggested humanitarian concerns were beginning to prevail within domestic decision-making processes in a wide range of states. The humanitarian costs of mine use were acutely apparent to both mine affected states

and those committed to providing assistance to those states. As argued in Chapters Four and Five, it may also have been the case that military interests were being increasingly discounted in the face of mounting evidence that the military utility of AP mines had been oversold by defence officials. The ICRC's famous 1996 *Anti-Personnel Landmines: Friend or Foe?* study may well have played significant role in any policy debate in this regard. A related argument was that such a debate had simply never taken place until the social codification of the ban norms attracted the attention of political champions who pressed the military to defend their landmine policies. As Richard Price argues, this reversal of the burden of proof provided a distinct advantage to ban advocates by forcing military officials to open their otherwise secret deliberations to public and moral scrutiny. From a broader constructivist perspective, the military utility/humanitarian impact debate advanced by the ban norms and began to transform state conceptions of their interests with respect to AP mines.

Within the CCW process, the ICBL's Phnom Penh/Vienna conference advocacy formula could be seen as a conscious effort to bring the material force of the socially codified ban norms directly to bear on the negotiations. Media outreach, interfaith prayer services, petitions, cultural events, technical briefings, displays, and the engagement of mine victims all carried the message that society at large supported the ban agenda and so, therefore, should state officials. The ICRC's 1996 21 country public opinion poll that showed support for the ban ranging from a low of 58% (Japan) to a high of 92% (Denmark) certainly carried the same message. An even more explicit effort to appeal to

the humanitarian identities of the states was provided by the ICBL's "Good List" and its "The Good, the Bad and the Ugly" columns within the *CCW NEWS*. To further pressure CCW negotiators, both the ICBL and ICRC undertook to document the human price of failure through their mine victim clock and '20,000 mine victims a year' assessment. The UN's 'mine clearance deficit' analysis was also helpful in underscoring the need for rapid action.

How successful were these efforts to bring the disciplines of these social codification efforts to bear on the CCW process? The storm of criticism that surrounded the CCW outcomes would suggest that these efforts were largely unsuccessful. However, as noted in Chapter Four, the conscious construction of the CCW process as an outrageous failure by pro-ban forces was part hard truth and part useful fiction. With the admitted benefits of hindsight, the CCW experience should be judged in a less harsh light. It compelled participating states to develop formal negotiating positions, generating domestic policy processes that both provided openings for pro-ban advocacy efforts, as well as placing existing landmine policies under the scrutiny of the various state identities engaged by the issue. It provided a venue for a large scale exchange of information on state landmine policies, generating valuable political intelligence for pro-ban forces on the status of landmine policies in dozens of states. As the negotiations began to take shape around a number of key issues, pro-ban states began to develop a greater self-awareness of their common interests in the specificities of the mine ban norms. States working together and, increasingly, in cooperation with the ICBL and ICRC on issues such as scope of

application, verification/compliance, and the technical definition of an AP mine facilitated the development of the nascent Ottawa Process coalition.

In substantive terms, initial progress achieved in developing these second wave ban norms provided a significant head-start on the negotiation challenges facing the Ottawa Process. The extension of the scope of application within the CCW provided an element of multilateral consensus worth keeping. The apparent legitimization of smart mines would attract considerable criticism from pro-ban forces, helping to define what behavioural norms were considered to be unacceptable and incompatible with the ban agenda. This was normative development in its ‘disciplinary’ sense—the policing of socially developed behavioural boundaries, the transgression of which evoked decidedly negative social responses. Smart mines ‘were a dumb idea.’ In the view of some NGOs the failure of the CCW negotiators to find the political courage to ban AP mines tainted their hands with the blood of some 13,000 mine victims. States which wished to remove the stain of CCW failure were welcome to join the ICBL’s Good List simply by calling for a comprehensive ban and undertaking concrete steps in that direction. Fortunately for the Ottawa Process, the willingness of the international media to provide highly sympathetic coverage of the ICBL, ICRC and the UN declaring the CCW outcomes to be “woefully inadequate” and “a shame” greatly facilitated the stigmatization of the CCW results as well as the process norms that had led to those results.

Social Norms meet State Norms—Round Two, the Ottawa Process

By the spring of 1996, a growing numbers of states found caught themselves between a public opinion ‘rock’ and a dysfunctional CCW ‘hard place.’ Making the ICBL’s Good List was certainly an honour. But there was domestic pressure to do more, and there was a genuine desire on the part of many pro-ban state officials to play a more active role in advancing the ban agenda. On the final day of the CCW negotiations, Canada invited states to journey to Ottawa in the fall to restart the multilateral drive for the AP mine ban. That 74 states chose to accept Canada’s invitation was a clear indication of the growing strength of the social codification of the mine ban norms. There were plenty of reasonable arguments against launching another round of diplomatic efforts on the landmine file. It had just been done. The alleged shortcomings of the new landmine protocol had yet to be demonstrated on the ground. Ottawa sceptics were not hard to find, even within the ICBL.

As noted in Chapter Four, Canadian motivations for convening the October 1996 Ottawa meeting were not overly complex. Canada had been pro-ban since January 1996. The combination of an activist Minister, activist officials and an activist Canadian NGO community, had yielded what appeared to be a modest initiative consistent with Canada’s identity as an international ‘helpful fixer.’ Canada’s ‘self-selection’ norm governing participation in the Ottawa meeting raised a few diplomatic eyebrows, but in the wake of the discredited CCW process such an approach seemed justified. In any case, participant

states believed they were agreeing to support a declaration calling for the 'earliest possible' conclusion of a negotiated AP mine ban agreement. This was hardly radical stuff given the fact that the 1994 UNGA resolution called for the eventual elimination of the AP mines. Nevertheless, the fact that the Ottawa meeting did attract such a diverse range of states suggested that it was becoming politically difficult to appear to be at odds with the ban agenda. The Canadian decision to fully integrate the ICBL, ICRC and UN into the Ottawa meeting indicated that they saw a distinct advantage in exposing state officials to the kind of moral and political force the 'mobilization of shame' around the mine issue was capable of generating.

The incredible political and diplomatic risks associated with Minister Axworthy's decision to set a deadline for the negotiation of a mine ban treaty provide additional evidence of the growing influence of the ban norms. Setting the deadline was risky enough. Doing so while informing the ICBL/ICRC/UN and failing to inform states was an egregious breach of diplomatic norms. Canadian officials had their reasons for this tactical manoeuvre. However, it may well be a comment on the quality of the moral high ground that ban forces had occupied that neither Canada nor the ban issue itself were forced to pay a significant diplomatic price for the Canadian gambit. Just two months following the Ottawa conference, 156 states would vote for an UNGA resolution that only thinly disguised the Axworthy December 1997 challenge with language calling for the negotiation of a ban agreement 'as soon as possible.' Even the US, which had secured the removal of the year 2000 deadline from the Ottawa Declaration in exchange

for its participation, felt compelled to return to the Ottawa Process, albeit late in the game.

Another indication of the influence of the new ban norms could be found in the Ottawa Agenda for Action on AP Mines and the commitment within the Ottawa Declaration to work at the regional and sub-regional levels to support the global ban objective. The phenomenon of state officials actively volunteering for roles in the Ottawa Process certainly suggested growing domestic pressures on the issue. However, an equally plausible explanation was that some state officials had begun to actually internalize the values of the ban agenda. They had become moral entrepreneurs within their own governments, recommending activism on the landmine file. In fact, there were most likely a mix of motivations at play. Appearing to do nothing risked political punishment. Overwhelmingly positive reaction to Canada's gamble suggested that active leadership held the potential for domestic political rewards. Thus, as argued in Chapter One, the social codification of the ban norms did generate domestic winners and losers. However, once the battles between the humanitarian and military interests of the state had been decided in favour of the pro-ban forces, there was also the potential for a long-term positive payoff for the winners. There was even the potential for the losers to become winners over the longer term—images of military deminers risking life and limb to combat the scourge of landmines helped the public to forget that military officials were part of the problem long before they were part of the solution.

As the genesis of Track Two within the Ottawa Process, the Ottawa Agenda for Action also signalled a conscious effort by the ban coalition to blend the ICBL's 'Phnom Penh formula' with the kind of multilateral activism officials knew would be needed to expand state support for the ban agenda. With the aim of 'building political will' behind the treaty making efforts within Track One, these meetings provided further evidence of the political momentum the social codification of the ban norms had developed. Each meeting was designed to directly expose state officials to international, regional as well as national social manifestations of support for the ban. Each meeting provided an 'event' around which a series of social codification efforts would be generated—stickers, posters, statements, declarations, as well as the engagement of local political leaders. Cities became mine-free zones. Each meeting addressed the military utility versus humanitarian impact debate. Each meeting reviewed the draft Austrian treaty text. From Stockholm to Maputo, each of these meetings developed explicit links between local support for the ban and the global march toward a ban treaty. The engagement of prominent supporters such as Archbishop Desmond Tutu, Graca Machel, Jimmy Carter, UN Secretary-General Kofi Annan and Princess Diana provided two clear normative advantages to these Track Two efforts. First as widely recognized public figures, their pro-ban interventions on the mine issue were almost guaranteed to be newsworthy, facilitating the rapid, and in many cases, global dissemination of the core messages of the ban campaign and the Ottawa Process. Secondly, to the extent that they were recognized as such in their individual capacities, lending their spiritual, moral, political and/or celebrity authority to the ban agenda greatly assisted the effort to 'teach' the public about the mine issue. Travelling

with the ban campaign, one was continually surprised at the number of people who claimed they knew nothing about the ban issue until Princess Diana's trip to Angola in January of 1997.

The imprint of the social ban norms could also be found in the declarations that emerged from various regional and functional organizations such as CARICOM, the Asian Regional Forum and the Commonwealth. Not surprisingly from a social constructivist perspective, working to make the ban issue the subject of countless social and mini-lateral codification efforts tended to encourage others to generate their own interpretations of what constituted a genuine ban agenda. As noted in Chapter Five, these Track Two efforts witnessed growing calls for the ban treaty to address mine clearance and victim assistance concerns. There were also other changes in the social ban norms. The ICBL and ICRC decision to back the Ottawa Process turned the public call of 'ban landmines' into 'ban landmines, join the Ottawa Process.' A related phenomenon were the efforts by the ICBL leadership to 'stigmatize' the rival Conference on Disarmament (CD) forum by associating its process norms with the discredited CCW outcomes.

A remarkable 111 states participated in the February 1997 Vienna meeting to begin discussions on the Austrian text. Despite the fact that the US, UK, France and Germany had all lined up behind the CD option, it failed to attract much additional support. What was truly astonishing in Vienna from a normative perspective, was the fact that only four states (Cuba, Ecuador, Sri Lanka, and South Korea) were prepared to openly defend their

CCW sanctioned right to use AP mines. The already impressive levels of state participation in Track One meetings continued to grow as the Ottawa Process gathered momentum in the spring of 1996. A total of 120 states attended the Bonn meeting in April and 155 states were present in Brussels in late June. A total of 97 states signed the Brussels Declaration that put into place the substantive as well as diplomatic infrastructure for the Oslo negotiations.

As argued in Chapter Five, there were four ways in which to view the influence of the socially constructed ban norms on the Oslo negotiations. First, in the broadest sense, years of domestic and international social codification efforts had begun to influence behaviours with respect to AP mines in dozens of states. While this was not nearly a universal phenomenon, dozens of states had declared their support for the ban and several had taken specific unilateral steps to halt their export and use. Of the 87 states that completed the Oslo negotiations 31 had domestic ban campaigns associated with the ICBL. A total of 11 states had already put in place moratoria or bans on their use of AP mines. In short, social codification efforts had created a fairly weighty critical mass of what pro-ban states. Secondly, largely through the Core Group, pro-ban forces had been effective in using social demands for action on the mine issue to legitimize a fundamental shift in the multilateral process norms surrounding the issue. The construction of the Ottawa Process itself, and the inclusion of the ICBL in that process as well as the Oslo negotiations, coupled with the shift to voting based decision-making had clearly provided new advantages to pro-ban forces. With the Austrian text in hand and the voting option

in place, it would have been fairly easy to mobilize a blocking vote to stall significant departures from the comprehensive ban vision.

A third manifestation of the influence of the social ban norms in Oslo were ICBL efforts to shape the environment within and immediately surrounding the negotiations themselves. Enabled by the shift in process norms mentioned above, this was the famous ‘Phnom Penh’ formula which had been further refined over the course of numerous Ottawa Process meetings. Numerous cultural events combined with aggressive and imaginative advocacy efforts were designed to put direct pressure on state negotiators. With the *BAN TREATY NEWS* tracking detailed developments inside and surrounding the negotiations the ICBL leadership had positioned themselves as a highly authoritative source for the international and domestic media. With the call for ‘No Exceptions, No Reservations, No Loopholes,’ the ICBL had worked to publicize the standard of behaviour they had expected from the negotiations, deviations from which became almost immediately newsworthy. Using its extensive network of national campaigns, the ICBL was able to conduct media outreach efforts in a number of languages across a number of time-zones. These efforts enabled the social disciplines of rewards (praise) for leadership and punishments (the mobilization of shame) for back-tracking could be brought to bear more rapidly and more precisely.

Finally, there was the human factor—the internalization of the ban norms by a number of state officials, particularly within the Core Group. As noted above, the sense of

commitment state officials brought to the Ottawa Process suggested that some officials were no longer motivated by external pressures as much as by their own beliefs in the humanitarian objectives of the ban agenda. This internalization of the humanitarian values underpinning the ban agenda was not surprising. The social codification of the ban norms implied that countless other individuals had been ‘converted’ on the issue—why would state officials be any different? Meeting mine victims, visiting mine affected countries and working closely with ban activists on the road with the Ottawa Process certainly had the potential to shape one’s views on the ban agenda. This was the social transmission of the ban norms in a personal sense. Moreover, once their country had officially gone pro-ban, there were obvious domestic as well as international incentives to encouraging ongoing state leadership on the issue. Working to fix a widely recognized humanitarian problem appeared to be public service at its finest for public sector leaders of all political stripes and beliefs. For a Core Group populated by small and middle sized states, there was even a sense of national pride fostered by their ability to diplomatically out-manoeuvre the weighty UN permanent five.

From a social norm perspective, US participation in the Oslo negotiations, without fully resolving its own domestic contradictions with respect to the ban, can be viewed as a useful test of the underlying strength of the new ban norms. While the inability of the US to break their package prevented a genuine exploration of what exactly pro-ban forces may have been willing to do to secure US support for the Treaty, a few arguments can be advanced. The most problematic of the five US ‘red-line’ proposals appeared to be their

call for a revision to the definition of what constituted an AP mine. Widely understood as opening a loop-hole within the treaty, this was the proposal where the US appeared to be almost completely isolated. Only Japan supported the US position, while most other governments, particularly Canada and Norway, offered determined resistance to the US proposal. The second most problematic US proposal was, arguably, their call for an exception for continued mine use in Korea. Here again, what made this proposal so unacceptable was the fundamental threat it appeared to pose to the integrity/coherence of the ban norms. One exception, on the basis of security concerns, potentially opened the doors for others. Moreover, the notion of a security motivated exception ran counter to the military utility versus humanitarian impact debate that had become so fundamental to the social construction of the ban norms. An alternative test of the strength of the social norms was the generally positive reaction to US efforts for improvements in the compliance and verification provisions of the draft treaty. In short, it was the potential impact of US proposals on the ban norms that appeared to be more the determining factor in the type of reaction they elicited. States which had already accepted the ban would not have been placing material interests at risk in supporting concessions to the US. Most were US allies and the reverse was most likely true. What was at stake was the very integrity of the ban ideal, and the determined resistance to US diplomatic arm twisting in and around Oslo tells us something about the political power of that ideal.

The more general patterns of outcomes in Oslo also provide an indication of the strength of the social ban norms. The Mine Ban Treaty emerged remarkably free of the kind of

loop-holes the ICBL had feared would appear as a result of the deal-making that tends to distinguish large multilateral undertakings. Mine clearance and victim assistance did find their place in the treaty—generating an unprecedented mix of disarmament and humanitarian obligations. As noted in Chapter Five, the high degree of continuity between the original 41 pro-ban states of May 1996, the 50 Ottawa Declaration supporters, and the Oslo participants, suggested the strength of the social norms may have worked against the potential for defection from the norms.

Social Norms Meet State Norms—Round Three, The Ratification and Implementation of the Mine Ban Treaty

Between Oslo and Ottawa the number of states supporting the Mine Ban Treaty jumped significantly, from 87 to 122. The required 40 state ratifications would be secured in a record-breaking ten months. The Ban Treaty would continue to forge its own unique path well into the implementation phase. With some modifications, the Ottawa process norms, including the dynamic two-track process that had served the ban agenda so well, would be reproduced in the post-Oslo era. By the time the mine action community gathered in Managua in September of 2001 for the third Meeting of States a total of 141 states would be committed to the Ban Treaty. The use of AP mines had declined significantly and the international trade in mines had all but disappeared. Operational mine action programs were receiving more funding than ever and they appeared to be having a demonstrably positive impact within mine affected communities. As argued in

Chapter Six, the Oslo to Managua period could be characterized as a distinct ‘third wave’ of issue generation and normative development within the ban agenda. With the second wave of detailed ban norms ‘institutionalized’ within the Ban Treaty, third wave norms were essentially compliance norms—who would sign the Treaty and agree to comply with its obligations, when would these obligations become international law, and how faithfully would the Treaty’s provisions be implemented over time.

In the wake of the Ottawa Process ‘lessons learned’ exercise, the ban leadership was convinced of at least one thing, partnership had paid off. Intensive and extensive government civil-society cooperation was widely believed to be one of the key ingredients behind the success of the ban agenda to that point. The Mine Ban Treaty stated as much in its Preamble. The Nobel Committee mentioned the phenomenon in its announcement of the 1997 Peace Prize. Countless speeches throughout the Ottawa Process had made the same point. From a normative development perspective, what was important about this particular form of cooperation was how it enabled the socially codified ban norm to more effectively discipline the Ottawa Process and the Oslo outcomes. While perhaps not understood in quite those terms, third wave ban norms owed much of their dynamism to the fact that ban supporters consciously undertook to reproduce key elements of the Ottawa Process. That is they generated post-Oslo process norms capable of maximizing the impact of the social codification of the ban norms on state behaviours. They were aided in these efforts by the Mine Ban Treaty itself, which included normative echoes of the Ottawa Process norms. The Ban Treaty provided tight

deadlines for action, institutionalized the participation of IO/NGOs in subsequent Treaty meetings, and encouraged the mine action community to maintain the intensity of state/IO/NGO cooperation through its annual meetings of States Parties for the first five years of the Treaty's life. But these mechanisms could only be initiated following the signature and ratification of the Treaty.

Ban Landmines! Sign the Ottawa Treaty!

Inter-state peer pressure in the form of a norm cascade appeared to have grown in the period immediately following Oslo—partly as a result of the efforts of the Ottawa Process Core group. The ICBL, bolstered by the award of the 1997 Nobel Peace Prize has also been cited as a factor behind the decision of some states to sign the Ban Treaty at this point. There were also elements of self-interest related to the promise within the Treaty of enhanced international cooperation on operational mine action issues. The *Ratify in 98 Contact Group*, attempted to maintain the political momentum of the Ottawa Process through the reproduction of the Track Two model in the post Ottawa period. Regional meetings in Austria, Burkina Faso, Hungary, Jordan, Russia and Thailand within the first six months of the ratification drive certainly helped to bring social and well as peer pressures to bear on states. As noted in Chapter Six, the continuity between the ICBL's ratification strategy and the composition of the first 40 group of states suggests that at least some of the credit for the success of the ratification effort should be attributed to pressure from non-state actors. This may not have been the case with Ottawa Process

Core Group members who were early ratifiers, where the internalization of the ban norms may have been a more significant factor.

As noted in Chapter Six, developed and supported by ad hoc mini-coalitions of states/IOs/NGOs, the Track Two meetings of the second Ottawa Process closely resembled the formula developed during the first Ottawa Process. Diplomacy, NGO advocacy and ICRC led military-to-military dialogues were combined with prominent participants, media outreach and local cultural events. These efforts continued beyond the initial ratification campaign and well into 2001. Some 27 significant regional Track Two conferences took place between January 1998 and the Managua meeting in September 2001. The creation of the 'Universalization Contact Group' in Geneva in September 2000 facilitated the ongoing coordination of these Track Two efforts. Initially chaired by Canada, this group included the ICBL, the ICRC, Argentina, Australia, Belgium, Hungary, the Netherlands, Norway, South Africa, Switzerland, the UK. By Managua a total of 141 states had signed or acceded to the Treaty, of which 119 had completed ratification procedures. The composition of the group of 19 new signing/acceding states, which included a number of states with mine clearance and stockpile destruction challenges, suggests that they may have, in some measure, been attracted to the Ban Treaty community by the promise of international cooperation in mine action.

Documentation, Shame, and Persuasion

As argued in Chapter Six, it was the institutionalization of two somewhat unique categories of obligations within the Mine Ban Treaty that significantly shaped normative developments during this period. The Treaty's negative obligations, prohibiting the production, stockpiling, export and use of AP mines, needed some interpretation as did the Treaty's positive obligations related to mine clearance, mine awareness and victim assistance. Both categories of obligations raised questions about compliance norms. The ICBL's *Landmine Monitor* initiative provided careful documentation on state landmine policies and practices explicitly linked with international legal obligations—adding a new and important element to the compliance norm equation. The scope and technical sophistication of the *Landmine Monitor* also ensured that patterns of state compliance behaviours became more transparent, providing the potential for the generation of peer pressure around instances of non-compliant behaviours. As an ICBL initiative, *Landmine Monitor* also provided grass roots advocacy tools geared towards the social 'mobilization of shame and persuasion.' More on the persuasion side of the norm discipline equation, there was the Global Landmine Survey initiative. The decision taken at the Maputo Meeting of States Parties to make Article 7 (Transparency) reports available to the public was also a positive development with respect to compliance norms.

By Managua, it was clear that the Meetings of State Parties to the Ban Treaty had become more or less 'must attends' for the global mine action community, including important

non-signatories such as China, Russia and the US. The MSP/SCE processes had developed into a dynamic instrument of international mine action coordination that any major donor, mine affected state or implementing agency was reluctant to miss. These processes helped to shape the third wave compliance norms by collectively defining the acceptable boundaries of behaviour with respect to specific treaty obligations. Trends in compliance behaviours were revealed and efforts launched to discourage unacceptable behaviours and encourage positive behaviours. Norm disciplining practices related to the less clear positive obligations within the Ban Treaty tended to be heavily weighted in favour of more positive efforts. As noted in Chapter Six, one of the most significant normative outcomes of the MSP/SCE processes between Maputo and Managua is the development and dissemination of a large number of best practices and technical standards for operational mine action programs. While the compliance norms these technical standards, guidelines and initiatives sought to generate were entirely voluntary, they did tend to generate patterns of behaviours across various actors that one would expect such norms to generate. Some donor states have made compliance with the *UNICEF Guidelines for Mine Awareness* a condition of funding for mine awareness programs they support. Support for the *Global Landmine Survey* initiative continues to grow. Mine Action Centres around the world are beginning to adopt the *UN International Standards for Mine Action*.

A Cautionary Note

As the wave metaphor suggests, socially generated norm waves can suffer the same fate as their physical counterparts at the hands of the forces of friction. The process of norm generation in the landmine case had obviously generated winners and losers as well as the associated social frictions between the various state identities engaged by the mine issue. The debate over anti-vehicle mines with anti-handling devices provides an illustration of how some military identities sought to retake normative ground they appeared to have lost during the Oslo negotiations. Moreover, new norms, once initially ‘learned’ by international actors, need ongoing reinforcement against short-term as well as long-term ‘memory loss.’ The well known pedagogical techniques of repetition and reinforcement are instructive in this regard. As noted in Chapter Six, there was also the arguably more immediate concern about institutional memory within states that championed the ban cause during and immediately following the Ottawa Process. As some of the most committed ban supporters, the willingness of this group to press for the reproduction of the Ottawa Process norms was clearly a decisive factor in the trajectory of normative development following the Oslo negotiations. By Managua it was difficult to find more than one or two state officials who had played an active role in the Ottawa Process. Most states were on their third or fourth generation of state officials with responsibilities of the mine ban file. In contrast, many of the senior ICBL and ICRC representatives from the Ottawa Process were still working on the ban issue five years later. It was perhaps inevitable that some frictions would emerge as Ottawa Process veterans were forced to re-

socialize successive cohorts of new state officials.

Scholarly norm research also suggests that non-compliant behaviours do not fundamentally challenge the legitimacy of a norm if such behaviour is recognized and denounced as such. The Mine Ban Treaty suggested that violators of its core provisions should be placed in the same category as criminals. The ICBL's repeated warnings in Geneva and Managua that states should be dealing with compliance issues in a much more meaningful fashion, revealed a weakness within the general compliance model for the Mine Ban Treaty. As an instrument developed under intense social scrutiny it encouraged its authors to believe that such scrutiny would continue to discipline its implementation. However, while the social stigmatization of AP mines may be well advanced, there remained limits on the degree to which social norms are able to discipline state practices. The post-Oslo process norms and the *Landmine Monitor* initiative were conscious attempts to address this particular concern, but the ultimate responsibility for policing compliance norms still rested with the community of states which had signed the Ban Treaty.

The compliance provisions of the Ban Treaty recommended two paths forward with respect to policing compliance norms. The Article 8 notions of working cooperatively to facilitate compliance and clarify issues of non-compliance suggested that the first step on compliance issues was active engagement by states to prevent compliance issues from becoming serious political issues. If work at this level failed to generate results, the next

step within Article 8 represented a fairly significant and, arguably, unlikely political escalation to a decision point by State Parties to launch a compulsory fact-finding mission. All of this suggested that the health of the compliance norms surrounding the Ban Treaty rested upon the exhaustive development of a number of potential steps to resolve compliance issues at an informal level in the spirit of cooperation. If Article 7 reports or the *Landmine Monitor* raised allegations of non-compliance, states needed to take action to seek clarification, and when such efforts had failed, they needed find ways to generate additional compliance pressures. Ultimately this would mean states naming other states in public as violators of their treaty obligations. This was exactly what happened during the Maputo MSP. However, during the Geneva MSP this failed to happen. In what was arguably a very negative development from a normative development perspective, Zimbabwe was allowed to assume its role as the co-chair of the very group charged with addressing treaty implementation issues. Fortunately, by Managua there were no further allegations against Zimbabwe. Only time will tell if there will be a normative price to pay for state inaction in Geneva. How states handle the compliance issues surrounding Uganda, highlighted by the 2001 *Landmine Monitor* report, will provide an additional indication of how widely respected the core compliance norms of the Mine Ban Treaty will likely be over the longer term.

Conclusions

The Landmines Case and Norm Theory

Developments with respect to the landmine issue make a compelling case for a “return” to the study of norms within international relations.²⁰ International norms do matter, and the new AP mine ban norms matter a great deal to millions of people in dozens of countries. The objective of this dissertation was to account for the success of the AP mine ban movement in the period 1991-2001, through an analysis of the ways in which a number of key identities (states, international and non-governmental organizations) contributed to the development and rapid multilateral acceptance of a new set of landmine norms—a comprehensive ban on the production, stockpiling, trade and use of AP mines. It attempted to trace significant changes in international norms with respect to AP mines during this period, and it undertook the challenge of tracing these changes to the agency of specific actors.

Landmine Norms Did Change

The evidence of normative change within the landmine issue is clear, dramatic and somewhat surprising given the received wisdom regarding the relative autonomy of the state security sector. Nearly three-quarters of the community of states have signed,

²⁰Finnemore and Sikkink, p. 889.

ratified and/or acceded the Mine Ban Treaty. A number of observations can be made regarding the 53 states that have yet to sign the Mine Ban Treaty. First, there is considerable evidence of the impact of the new mine ban norms within these states. Most non-signatories have endorsed the notion of a comprehensive ban on AP mines and many have taken partial steps to comply with key provisions of the Ban Treaty. For example it remains US policy to sign the Treaty in 2006, and it has already destroyed large numbers of AP mines. Russia has stated its willingness to accede in the foreseeable future and has stopped production of some types of AP mines. China has stated that it supports the “ultimate objective of the comprehensive prohibition of anti-personnel mines” and had begun demining its border with Vietnam.²¹ India and Pakistan have both indicated that they remain fully committed to the “eventual elimination of anti-personnel mines.”²² Turkey announced in April 2001 that it was starting the process of accession to the Mine Ban Treaty.²³ While one can be cynical of such statements, the notion of *opinio juris* from customary international law suggests such statements are evidence that officials from those countries acknowledge the legitimacy of the new international landmine norms. When accounting for their reluctance to sign the Mine Ban Treaty, Ban Treaty hold-out states have consistently cited security concerns. On the surface at least, this would appear to be a common factor among a group of states as diverse as China, Cuba, India, Iraq, Iran, Israel, Libya, North Korea, Pakistan, Russia, Syria and the United States. Most of

²¹*Landmine Monitor* 1999, pp. 455-456.

²²*Landmine Monitor* 2001, p. 534 and p. 566.

²³*Ibid.*, p. 909.

these states would suggest they are under security pressures from regional or global competitors. However, given the degree to which the military utility of AP mines has been discredited, an equally plausible explanation is the significant degree of autonomy the military enjoys in each of these states. It has become an open secret within Washington that the reluctance of the Pentagon to support the Ban Treaty was not about AP mines as much as the negative precedent it would establish by allowing civil society groups to impose restrictions on the autonomy of the American military.

A total of 41 of the 54 original AP mine producing states have ceased production of such mines since the beginning of the ban campaign.²⁴ Evidence of the broader impact of the new ban norms is provided by the fact that there is no evidence to suggest that any of the mine producing states which remain outside of Mine Ban Treaty have undertaken to undercut its norms by exporting mines. A total of 48 States Parties to the Treaty have destroyed about 21 million mines from their national stockpiles and 29 of these states have already met their Article 4 obligations in this regard.²⁵ The destruction of some six million mines by non-signatory states provides additional evidence of the impact of these new ban norms, although some of these mines have also been destroyed because of non-compliance with CCW obligations.

The global use of AP mines has declined dramatically since 1991 and as of 2001 it

²⁴*Landmine Monitor 2001*, pp. 7-10.

²⁵*Ibid.*, pp. 12-13.

appears that AP mines are not being used on a massive scale in any conflict. While there have been allegations of the use of AP mine by some States Parties as well as treaty signatories, these incidents have been relatively isolated and have attracted the collective condemnation of the Meetings of States Parties via Conference Declarations. As noted above, more could and should be done in this area, suggesting the compliance norms surrounding this particular obligation could be strengthened. Nevertheless, there appears to be some significant stigma attached to the continued use of AP mines. The use of mines has become increasingly newsworthy. Within the US for example, the issue of potential AP mine use in Kosovo and Afghanistan became a political issue worthy of a formal response from administration officials. Prior to 1991 the use of AP mines was a decision that could be taken by the common soldier.

With respect to the operational mine action areas, the normative trends also appear to be generally positive. While the ICBL and ICRC have called for more resources, total funding being provided to mine action programs has increased every year since 1993, with a total of more than US\$1 billion being committed since that time.²⁶ A total of 30 countries have undergone assessments and/or socio-economic impact surveys since 1997, providing the basis for a more efficient allocation of scarce mine action resources.²⁷ Through the efforts of the Standing Committee of Experts of the Mine Ban Treaty, international technical standards and best practices for mine action are being adopted and

²⁶*Ibid.*, pp. 35-36.

²⁷*Ibid.*, pp. 28-29.

implemented, holding out the potential for more rapid advance for mine action programs on the ground. The number of new mine victims each year, while still horrifically high, has begun what appears to be a steady decline. In 2001 the ICBL estimated that the total number of new mine victims was now in the order of 15,000 to 20,000 per year, down from the widely used prior estimate of 26,000 per year.²⁸

Landmine Norm Changes Can be Traced to the Agency of Specific Actors

Almost as clear as the evidence of international normative change with respect to landmines are the linkages between this change and the agency of a number of international actors. Indeed, the consistencies between the original normative demands of the nascent ICBL and the norms of the Mine Ban Treaty are striking. The ban norms did indeed begin as the project of a small group of ‘norm entrepreneurs’ which drew upon pedagogical techniques such as ‘issue generation, norm grafting and reversing the burden of proof’ to generate normative resonance with other identities and interests within the international community. However, the landmine case suggests that norm researchers need to pay more attention to why norm entrepreneurs emerge in the first place. Careful examinations of the ways in which pre-existing normative structures engage the interests and identities of norm entrepreneurs tell us a great deal about why norm entrepreneurs may be successful in attracting other converts to their cause.

²⁸*Ibid.*, pp. 36-37.

Process Norms Matter

The mine ban norm entrepreneurs were out to make waves. But as the new ban norms appeared to reaching the second stage in their 'life cycle,' their institutionalization through the CCW process, these efforts were effectively stalled by unfavourable process norms, not something anticipated by norm researchers. The contrast between the CCW 'failure' and the Ottawa Process 'success' suggested that the differences in these two outcomes could be traced to important developments outside of these negotiations. What was clearly different about these two processes was the degree to which the ban norms had been codified within civil-society and the degree to which these social pressures were able to influence negotiated outcomes through two distinct sets of process norms. By the time the Ottawa Process was underway, ban supporters had undertaken countless efforts to facilitate the social codification of the ban norms through large scale advocacy and networking efforts—waves of social communication containing normative demands. These social codification efforts were explicitly aimed at disciplining existing state practices with respect to mines by attempting to directly link such practices with horrific impacts on innocent populations. As the landmine case demonstrated, under certain process norm conditions, the social norm codification phenomenon can exert powerful influences on the state norm codification/negotiation process. If this dissertation can be accused of paying too much attention to the details of these process norms, it was to make the point that process norms matter a great deal to the norm institutionalization process. They can enhance as well as disrupt the abilities of norm entrepreneurs to seek the

alignment of social and state norm codification processes. They are also, arguably, fairly sensitive to human agency.

Thus, what norm theorists had not discussed in any detail were the important distinctions and commonalities between social norms and state norms—a difference this work undertook to highlight through the concept of second and third wave normative development. Viewed as ‘resonance generated echoes’ of the original normative demands, the degree to which negotiated outcomes reflect the original normative demands tells us something about the potential social influence of these norms. In general terms, the greater the concordance between these two codification processes, the more influence these norms seem to have on state behaviours. I have also argued that there was a great deal at stake in the distinctions between specific waves of normative development. The speed and degree of universality with which states ratify international treaties was very important for the impact of new norms. Moreover, compliance with international treaties is rarely universal or absolute. Compliance behaviours are influenced by the degree to which earlier waves of normative demands continue to resonate with the identities/interests of parties to the treaty, as well as those pressing for such compliance. For example, the second wave normative demand that states clear mined areas is only as good as the number of states that will comply with the norm and to what extent they do so. The extent to which they do so could literally save lives and limbs.

This raises the final point to be made about the modest contribution of this work to the study of international norms. Viewing normative development as a socially constructed phenomenon places responsibility for the long term policing of international humanitarian norms where it belongs, with people and the social forces they animate. Under certain conditions, the dictates of the public conscious can be a positive force for change. But the objections of realists to the intrusion of ethical considerations into foreign policy remind us of the fragility of the social conditions that facilitate the genuine engagement of the public conscious. Humanitarian norms do matter, but they matter most when norm entrepreneurs and the social waves they generate motivate social action to defend humanitarian values.

What Lurks Beneath the Trees—Landmines and International Relations Theory

Whether one views ban activists as “norm entrepreneurs,”²⁹ “vigilantes”³⁰ or politically correct “do-gooders,”³¹ one cannot escape the fact that the landmine case challenges our understanding of the relationships between ideas, human agency and international structures in a number of respects. First, as the dynamic interaction between social and state codification practices within the landmines case demonstrates, criticizing state centric theories of international relations cannot be equated with “criticizing a theory of

²⁹Price 1998a, Finnemore and Sikkink 1998.

³⁰Fen Osler Hampson, et al., *Madness in the Multitude: Human Security and World Disorder*, Don Mills: Oxford University Press, 2002, p. 179.

³¹Lenarcic, pp. 85-86.

forests for being tree-centric.”³² As we all know, trees can often conceal what really makes the forest a forest—the soil and water that feed the trees. Viewing the landmine ban through the limited state optic would attribute far too much agency to state actors than this dissertation would support. The high degree of continuity between the discursive practices of the early norm entrepreneurs, their social codification efforts, and real changes in state behaviours, suggest that States were pressed into acting on the ban agenda by forces largely outside of the state. Even the Ottawa Process Core Group needed sustenance from the ‘soil and water’ of public opinion and civil society allies.

Secondly, a few points are worth making related to the debate surrounding the relative roles played by civil society, state and international institutional actors in the landmines case. Realists analysis have suggested that states, including Canada, had effectively been taken hostage by civil society ‘interest groups’ of the sort exemplified by the ICBL.³³ Others have suggested that it was the civil-society norm entrepreneurs that had effectively been co-opted by state forces.³⁴ In addition to the logical argument made by Cameron that “they cannot both be right,”³⁵ the results of this dissertation simply do not support either of these views. As regards the co-optation argument, it risks falling into the kind of tautological research trap that norm theory cautions us against. The normative demands

³²Wendt 1999, p. 9.

³³Lenarcic 1998, Oliver 1997, Frum 1997, Gaffney 1997.

³⁴Marshall Beier and Ann Denholm Crosby, 1998. Miguel de Larrinaga and Claire Turenne Sjolander, 1998.

³⁵Cameron 1998, p. 7.

of the ban coalition significantly pre-date changes in state behaviours. And nor is there any evidence that these normative demands sought to fundamentally challenge state authority in its broader sense, as this line of argument has also suggested. The ICBL called for a specific change in a specific behaviour, and that behavioural change has taken hold in the overwhelming majority of states. The realist concerns about the wisdom and legitimacy of states bowing to pressures from 'special interests' within civil society raise a broader issue about decision-making within international relations that I will address below.

A third concern raised about the landmine campaign suggests that the success of the landmine 'vigilantes' came at the expense of undermining international institutions such as the United Nations.³⁶ Here again there is little evidence to support this claim. A detailed examination of the NGO/IO interface reveals tremendous support for the ICBL's normative demands with the United Nations at almost all levels. Conscious efforts by the Ottawa Process coalition to legitimize their process norms through UN General Assembly resolutions also underscores the importance attached to the UN within the ban agenda. Moreover, it is worth recalling that there are several UN identities, each of which bears the imprint of state sovereignty to a greater or lesser degree. Ultimately, the Ottawa Process was a challenge to the consensus rule that had tended to structure UN decision-making within some UN identities. But such challenges can sometimes enhance the longer term viability and legitimacy of international institutions. As UN Secretary

³⁶Hampson et al., p. 179.

General Kofi Annan has noted recently “in an increasingly interdependent world, nations and peoples must think afresh about how we manage our joint activities, advance our shared interests, and confront our common threats.”³⁷

Constructivists have made a convincing argument that the security environments within which states operate are shaped by cultural as well as institutional practices.³⁸ Thus, diplomatic norms can and should be understood as being open to challenge when convincing arguments are made for doing so. If anarchy is indeed ‘what states make of it,’³⁹ then the range of process norms through which we address collective action problems should only be limited by the boundaries of human reason and imagination. The search for good global public policy must and should take priority over the defence of the autonomy of the state in matters of international security and sovereignty. As Cameron notes, the debate over who was co-opted by whom in the landmine case misses the more fundamental point. Healthy political communities are those where the powerful are obliged to provide sound reasons for their actions, and where they must be prepared to defend those actions from reasoned criticism.⁴⁰ This brings use back to realist concerns about the intrusion of ethical concerns into foreign policy. Of course there were clearly ethical issues at play within the landmine debate, largely related to the obvious ways in

³⁷Kofi Annan, Forward, Rob McRae and Don Hubert, *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, Montreal: McGill-Queen’s University Press, 2001, p. xx.

³⁸Jepperson, Wendt, Katzenstein, 1996, p. 51.

³⁹Wendt, 1999.

⁴⁰Cameron, 1998.

which a victim activated weapon violates basic tenants of IHL—itself an ethical/legal framework. But one should not allow the realist concerns about ethics to obscure the basic point that military officials in dozens of states had been pursuing what turned out, when exposed to scrutiny, to be very poor public policy.

This dissertation has not been able to reveal any substantial evidence that ban supporters suggested at any point in time that AP mines had no military utility at all. ICBL and ICRC research and documentation efforts undertook to test the military utility argument against the IHL tests of proportionality and distinction. The results of the ICRC *Friend or Foe* study, combined with tens of thousands of civilian mine victims and billions of dollars of operational mine action costs suggested that, on the balance, AP mines were a weapon of limited utility when compared to their humanitarian impact. The military and their political masters were, for a variety of reasons, pursuing the wrong landmine policy. The underlying question of the landmine case is why ban supporters had to go to such lengths to get a reasoned response to a reasonable public policy question. The visible irritation of realists over the exercise speaks volumes about the answer to this question. The extent to which the landmine experience is now seen as a model for foreign policy, informed by human security concerns, suggests that more tough global public policy questions are sure to follow.

BIBLIOGRAPHY

- Adler, Emmanuel and Peter Haas. "Conclusion: Epistemic Communities, World Order, and the Creation of a Reflective Research Program." *International Organization*. 46, Winter 1992.
- Africa Watch. *Landmines in Angola*. New York: Human Rights Watch. 1993.
- Akashi, Yasushi. "The Scourge of Landmines." *Landmines: Demining News From The United Nations*. Vol. 1.2, April 1996.
- Albright, Madeline. "Indiscriminate Terror." *Landmines: Demining News From The United Nations*. Vol. 1.2, April 1996.
- Americas Watch. *Landmines in El Salvador and Nicaragua*. New York: Americas Watch, December 1986.
- "An unacceptable weapon." *The Economist*. 23 March 1996, p. 15.
- Anderson, Kenneth. "The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations and the Idea of International Civil Society." *European Journal of International Affairs*. Vol. II, No. 1, 2000.
- _____. "Memorandum to Kenneth Roth, HRW" 19 May, 1994. Human Rights Watch Files.
- Asian Regional Forum. "Chairman's Statement." 28 July 1997. Human Rights Watch Files.
- Asia Watch and Physicians For Human Rights. *Land Mines in Cambodia: The Coward's War*, New York: Human Rights and Physicians for Human Rights, 1991.
- Atwood, David. "Further Thoughts on the Desirability of an International Conference Adopting a Ban on Anti-Personnel Mine." Quaker United Nations Office, Geneva. 7 July, 1996.
- Austria. Convention on the Prohibition of Anti-Personnel Mines (First Tentative Austrian Draft). October 1996. Human Rights Watch Files.
- Axworthy, Lloyd. "Notes for an Address by the Honourable Minister of Foreign Affairs at the Closing Session of the International Strategy Conference Towards a Global Ban on Anti-Personnel Mines." Ottawa, Canada, 5 October, 1996.

- _____. "Notes for an Address by the Honourable Minister of Foreign Affairs to the 52nd Session of the United Nations General Assembly," 1997.
- _____. "Statement to the Oslo NGO Forum on Landmines." Oslo, Norway, 10 September 1997.
- Barlow, Dennis et al., eds. *Sustainable Humanitarian Demining: Trends, Techniques, and Technologies*. Humanitarian Demining Information Center: James Madison University, 1998.
- Barrows, Robert, et al. "An Open Letter to US President Clinton." 11 September, 1997. Human Rights Watch Files.
- Beier, J. Marshall and Ann Denholm Crosby. "Harnessing Change for Continuity: The Play of Political and Economic Forces Behind the Ottawa Process," Cameron, Maxwell A., Robert J. Lawson and Brian W. Tomlin, eds. *To Walk Without Fear: The Global Movement to Ban Landmines*. Toronto: Oxford University Press, 1998., pp. 269-291.
- Belgium. "Final Declaration of the Brussels International Conference for a Global Ban on Anti-Personnel Landmines." Brussels, 27 June, 1997.
- Benesch, Susan et. al. "International Customary Law and Antipersonnel Landmines: Emergence of a New Customary Norm." International Campaign to Ban Landmines. *Landmine Monitor Report 1999: Toward a Mine-Free World*. New York: Human Rights Watch, 1999.
- Bonner, Raymond. "Pentagon Weighs Ending Opposition to a Ban On Mines." *New York Times*, 17 March, 1996.
- "Boutros-Ghali 'Disappointed' by Accord on Land Mines." *International Herald Tribune*, 4-5 May, 1996.
- Boutros-Ghali, Boutros. *An Agenda For Peace: Preventative Diplomacy, Peacemaking and Peace-keeping*. New York: United Nations 1992.
- _____. "The Global Landmine Crisis." *Foreign Affairs*. 73, No. 5, July/August 1994.
- _____. "Statement to the International Meeting on Mine Clearance." Geneva, 5 July 1995.
- _____. "Message to the CCW Review Conference." Vienna, 26 September 1995. In International Campaign to Ban Landmines. *ICBL Report on Activities: Review Conference of the Convention on Conventional Weapons, Vienna, Austria, 25 September – 13 October 1995*. November 1995. pp. 12-13.

- Canada. "Towards a Global Ban on Anti-Personnel (AP) Mines, International Strategy Conference—Ottawa, October 3-5, 1996, Criteria For Participation", June 1996. Human Rights Watch Files.
- _____. "Chairman's Agenda For Action on Anti-Personnel (AP) Mines." Ottawa, 5 October, 1996. Human Rights Watch Files.
- _____. "List of Participants in the Ottawa Conference, Towards a Global Ban on Anti-Personnel Mines." October 3-5, 1996. Human Rights Watch Files.
- _____. Department of Foreign Affairs and International Trade. *An Agenda for Mine Action: A Global Ban on Landmines*. Ottawa, 2-4 December 1997.
- _____. Department of Foreign Affairs and International Trade. *Lessons Learned from the Ottawa Process*. Ottawa, 23 March 1998.
- _____. Department of Foreign Affairs and International Trade. *In Years, Not Decades: Agenda for Mine Action II*. Mine Action Coordination Workshop, Ottawa, 23-24 March 1998.
- _____. Department of Foreign Affairs and International Trade. "Work Plan Concept." Ottawa Mine Action Experts' Meeting. 4 December 1998. Human Rights Watch Files.
- Cameron, Maxwell A., Robert J. Lawson and Brian W. Tomlin, eds. *To Walk Without Fear: The Global Movement to Ban Landmines*. Toronto: Oxford University Press, 1998.
- Cameron, Maxwell A. "Global Civil Society and the Ottawa Process: Lessons From the Movement to Ban Anti-personnel Mines." Conference Paper, The New Diplomacy: The United Nations, Like-Minded Countries and Non-Governmental Organizations, University of Waterloo, September 28-30, 1999.
- Cameron, Maxwell A. "Democratization of Foreign Policy: The Ottawa Process As A Model." in Cameron et al. 1998, pp. 424-447.
- Carstairs, Tim. Letter to Jody Williams. Handicap International, 19 June 1992. Jody Williams' Files.
- Chabasse, Philippe. "The French Campaign." in Cameron et al., 1998, pp. 60-67.
- Chretien, Jean, "Statement at the Signing of the Treaty Banning Anti-Personnel Landmines." 3 December 1997.

- Cortell, Andrew and James Davis Jr. "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms." *International Studies Quarterly* 40, 1996.
- Croll, Mike, *The History of Landmines*, UK: Leo Cooper, 1998.
- Dalby, Simon. *Environmental Security* Minneapolis: University of Minnesota Press, 2002.
- De Larringa, Miguel and Claire Turenne Sjolander. "(Re)presenting Landmines from Protector to Enemy: The Discursive Framing of a New Multilateralism." in Cameron et al., 1998, pp. 364-391.
- "Diana expands campaign against landmines." *Ottawa Citizen*. 13 June 1997, p. A-6.
- Dolan, Michael and Chris Hunt. "Negotiating in the Ottawa Process: The New Multilateralism." in Cameron et al., 1998, pp.
- Doswald-Beck, Louise and Peter Herby. "Land Mines: A Critical Examination of Existing Legal Instruments." *UNIDIR NEWSLETTER*, No. 28/29, December 1994.
- Doswald-Beck, Louise, ICRC Press Release, "Oslo Conference: Landmines Banned", 17 September 1997. In Maresca, Louis and Stuart Maslen, eds. *The Banning of Anti-Personnel Landmines: The Legal Contribution of the International Committee of the Red Cross 1955-1999*. Cambridge: Cambridge University Press, 2000, pp. 582-586.
- Dunant, Henry, *A Memory of Solferino*, ICRC Publications, Geneva, 1986.
- Eaton, Robert, Chris Horwood and Noah Niland. *The Development of Indigenous Mine Action Capacities*. New York: United Nations Department of Humanitarian Affairs, 1998.
- Eliasson, Jan. "End The Grim Harvest", *New York Times*, Op-Ed., 22 October, 1993.
- European Parliament, *Resolution on the Injuries and Loss of Life Caused by Mines*, B3-1744/92, December 17, 1992.
- Finnemore, Martha. "International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science policy." *International Organization* 47, Autumn 1993.

- _____. "Constructing Norms of Humanitarian Intervention." in Peter Katzenstein, ed. *The Culture of National Security: Norms and Identity in World Politics*. New York: Columbia University Press, 1996, pp. 153-185.
- _____. and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization*. 52, 4, Autumn 1998, pp. 887-917.
- Forini, Anne. "The Evolution of International Norms." *International Studies Quarterly*. 40, 1996.
- "From London, A Blitz With Glitz: Princess Diana Dazzles a Red Cross Benefit for Land Mine Victims." *Washington Post*. 19 June 1997.
- Gaffney, Frank Jr. "Vital Role of Land Mines for Military." *Washington Post*. 22 July 1997.
- Gard, Robert G. Jr. "The Military Utility of Anti-Personnel Mines." in Cameron et al., 1998, pp. 136-159.
- Geneva International Centre for Humanitarian Demining and the United Nations Development Programme. *A Study of Socio-Economic Approaches to Mine Action*. Geneva, 2001.
- Goose, Stephen, "Smart Mines?" *CCW NEWS*. 27 September 1995.
- _____. "Statement on Behalf of the ICBL, Final Plenary Session, CCW Review Conference." Geneva, 19 January 1996.
- Hajnoczi, Thomas, Thomas Desch, and Deborah Chatsis. "The Ban Treaty." in Cameron et al., 1998, pp. 292-313.
- Hampson, Fen Osler and Michael Hart. *Multilateral Negotiations: Lessons From Arms Control, Trade, and the Environment*. Baltimore: John Hopkins University Press, 1995.
- Handicap International, Human Rights Watch, Medico International, Mines Advisory Group, Physicians For Human Rights, and Vietnam Veterans of America Foundation, "A Joint Call to Ban Antipersonnel Mines." December 1992.
- _____. *Handicap International's Involvement in the Landmines Campaign*, 18 May, 1993.
- _____. "Antipersonnel Landmines: For the Banning of Massacres of Civilians in Time of Peace." 1997.

- Heininger, Janet. *Peacekeeping in Transition: The United Nations in Cambodia*. The Twentieth Century Fund Press, 1994.
- Helms, Senator Jesse. "Letter to the White House." 8 September, 1997. Human Rights Watch Files.
- Herby, Peter. "Third Session of the Review Conference of State Parties to the 1980 United Nations Convention on Certain Conventional Weapons (CCW)—Geneva, 22 April—3 May 1996." Maresca and Maslen, pp. 449-456.
- Hill, Stephen and Shahin Malik, *Peacekeeping and the United Nations*, Dartmouth Publishing, 1996.
- Horwood, Christopher, *Humanitarian Mine Action: The First Decade of a New Sector*, London: Overseas Development Institute, 2000.
- Hubert, Don. *The Landmine Ban: A Case Study in Humanitarian Advocacy*. Occasional Paper #42, The Thomas J. Watson Jr. Institute for International Studies, 2000.
- Hubert, Don. "The Challenge of Humanitarian Mine Clearance." in Cameron et al., 1998, pp. 314-339.
- Human Rights Watch and Physicians For Human Rights. *Landmines: A Deadly Legacy*, New York: Human Rights Watch, 1993.
- _____. *Landmine Monitor Report 1999: Toward A Mine-Free World*. New York: Human Rights Watch. 1999.
- _____. *Landmine Monitor Report 2000: Toward A Mine-Free World*. New York: Human Rights Watch. 2000.
- _____. *Landmine Monitor Report 2001: Toward A Mine-Free World*. New York: Human Rights Watch. 2001.
- _____. "Revising the 1980 Landmines Protocol: Draft of a "Total Ban" Protocol." Memorandum to the Delegates to the Conference of Government Experts, 6 May 1994.
- _____. "Letter to the Canadian Department of Foreign Affairs and International Trade." 1 August 1996. Jody Williams' Files.
- _____. Human Rights Watch Fact Sheet. November 1995.

Ignatieff, Michael. *The Warrior's Honour: Ethnic War and the Modern Conscience*. Toronto: Penguin Canada, 1998.

Inderfurth, Karl Frederick. "U.S. 2010 Initiative: The Importance of International Coordination." in Canada. Department of Foreign Affairs and International Trade. *AP Mine Ban: Progress Report*, Number 7, September 1998.

International Campaign to Ban Landmines. "Minutes of Landmines Campaign Meeting", 6 October 1992. Jody Williams' Files.

_____. NGO Conference on Antipersonnel Mines: Report of the Final Plenary Session, London, 26 May 1993. Jody Williams' Files.

_____. "Report to the Plenary Session –Working Group On Humanitarian Mine Clearance." Second International NGO Conference on Landmines, Geneva, 11 May 1994.

_____. "Report to the Plenary Session –Working Group On Victim Assistance." Second International NGO Conference on Landmines, Geneva, 11 May 1994.

_____. "Report to the Plenary Session –Working Group On Promoting the Ban." Second International NGO Conference on Landmines, Geneva, 11 May 1994.

_____. "Report to the Plenary Session –Working Group On Broadening the Campaign." Second International NGO Conference on Landmines, Geneva, 11 May 1994.

_____. "Letter to Johan Molander, Chairman, Expert Group, Preparatory to the Review Conference of the 1980 Conventional Weapons Convention." 19 May 1994. Jody Williams Files.

_____. "Letter to Sohrab Kheradi, Secretary of the Review Conference and Deputy-Director, Center for Disarmament Affairs, United Nations." 22 February, 1994. Jody Williams Files.

_____. "Final Statement of the 1995 Phnom Penh Conference, The Human and Socio-Economic Impact of Landmines: Towards an International Ban." 4 June 1995.

_____. *CCW NEWS*. 27 September 1995.

_____. "Landmines: A Moral Issue," in *Conference Daily Banner* (newsletter of the Phnom Penh Conference), Phnom Penh, 4 June 1995.

_____. *CCW NEWS*. 29 September 1995.

- _____. "Campaign Activities Taking Place Outside of Austria." *ICBL Report on Activities: Review Conference of the Convention on Conventional Weapons, Vienna, Austria, 25 September – 13 October 1995*. November 1995.
- _____. "Advocacy StepTwo: Review Conference on the 1980 Convention on Injurious Weapons, Vienna, Austria." Phnom Penh Conference Paper, undated. Jody Williams Files.
- _____. "Assessment of the Review Conference." *ICBL Report on Activities at the CCW Conference, Vienna Austria, 25 September—13 October 1995*.
- _____. "Minutes of Campaign Planning Meeting." New York, 12 December 1995. Jody Williams' Files.
- _____. "Ban Campaign Gathers Strength." *CCW NEWS*, 15 January 1996.
- _____. "Building the Wall of Remembrance: How Many More Will It Take?" *CCW NEWS*. 25 April, 1996.
- _____. "IFOR Bosnia Landmine Casualties." *CCW NEWS*, 22 April 1996.
- _____. *Landmine Update, #13*. July 1996. Jody Williams Files.
- _____. "Letter to the Honourable Lloyd Axworthy, Minister of Foreign Affairs." 10 October, 1996. Jody Williams' Files.
- _____. *Final Declaration of the 4th International Conference on Landmines: Toward a Mine-Free Southern Africa*. Maputo, Mozambique, 25-28 February, 1997.
- _____. Press Release. "No Exceptions, No Reservations, No Loopholes." Brussels, 24 June 1997.
- _____. Press Release. "United States Seeks to Undermine Landmine Ban Treaty." Brussels, Belgium, 25 June 1997.
- _____. *Report on Activities: Diplomatic Conference on an International Total Ban on Anti-Personnel Landmines*. Oslo, Norway, 1-18 September, 1997.
- _____. "Nations Show Commitment to a True Ban Treaty." *BAN TREATY NEWS*. 5 September, 1997.
- _____. "No Exception, No Transition for U.S. in Korea." *BAN TREATY NEWS*. 11 September, 1997.

_____. "The ICBL's Main Issues of Concern." *BAN TREATY NEWS*. 1 September 1997.

_____. Press Release. "When is an Antipersonnel Landmine not a Mine? – When it is American!" 9 September 1997.

_____. "Near Is Too Far." *BAN TREATY NEWS*. 16 September, 1997.

_____. Press Release. "A Gift to the World in Oslo—Treaty Banning Antipersonnel Mines Adopted." Oslo, Norway, 17 September, 1997.

_____. "Report on the NGO Forum on Landmines, Oslo, Norway, 7-10 September, 1997." January 1998.

_____. "Entry Into Force Before the Year 2000 Plan of Action, Oslo, 18 September 1997." January 1998.

_____. *Report on Activities: The Second General Meeting of the International Campaign to Ban Landmines*, Maputo, Mozambique, 8-9 May, 1999.

International Committee of the Red Cross. Press Release. "Antipersonnel Landmines – Who Bears Responsibility for the Long-Term Consequences?" Geneva, 5 May 1993.

_____. *Mines: A Perverse Use of Technology*, Geneva, 1993.

_____. "Results of the Montreux Symposium on Anti-Personnel Mines." *International Review of the Red Cross*, No. 299, Geneva, March-April 1994.

_____. "Symposium of Military Experts on the Military Utility of Anti-Personnel Mines." *International Review of the Red Cross*, No. 299, Geneva, March-April 1994.

_____. Report of the ICRC for the Review Conference of the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapon Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Geneva, March 1994.

_____. Informal Working Paper – Secretariat Functions to Support Effective Implementation of the 1980 Convention on Certain Conventional Weapons (CCW) and its Proposed Amendments. Third Session, Meeting of Government Experts, August 1994.

_____. *ICRC Campaign Against Antipersonnel Landmines*, Geneva: ICRC, 1995.

- _____. *Antipersonnel Mines: Friend or Foe?*. Geneva: ICRC, 1996.
- _____. Press Release. "Anti-Personnel Mines: Not an Indispensable Weapon of High Military Value." Geneva, 28 March 1996.
- _____. "International Poll on Anti-Personnel Mines." Geneva, 24 April, 1996.
- _____. "Letter to the Canadian Department of Foreign Affairs and International Trade," Geneva, 11 September, 1996. Jody Williams' Files.
- _____. Communication to the Press. "Ottawa Mine Conference: The Beginning of the End." Geneva, 6 October, 1996.
- _____. Communication to the Press. "First Meeting to Discuss a Treaty Banning Antipersonnel Landmines Opens in Vienna on 12 February 1997." Geneva, 10 February 1997.
- _____. *Landmines Must Be Stopped*, Geneva, August 1997.
- _____. "Journey." ICRC video, Geneva, 1997.
- Japan. "Tokyo Conference on Anti-Personnel Landmines, Chairman's Summary." Tokyo, 7 March 1997.
- Jepperson, Ronald, Alexander Wendt and Peter Katzenstein. "Norms, Identity, and Culture in National Security." *The Culture of National Security: Norms and Identities in World Politics*. New York: Columbia University Press, 1996.
- Keohane, Robert. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton NJ: Princeton University Press, 1984.
- Latham, Andrew. *Toward An Effective Verification Regime for the Convention on Certain Conventional Weapons: An Outline of an Incremental Approach*, Center For Defence and Security Studies, University of Manitoba, 15 December 1994.
- "Land Mines: The Devil Seed." *Time International*, 13 December 1993.
- "Land Mines Should Be Banned." *The New York Times*. 25 March 1995, Editorial Page.
- Latham, Andrew. "The Politics of Stigmatization: Global Cultural Change and the Transnational Campaign to Ban Landmines." Paper Presented at the International Studies Association Annual Convention, Washington, DC., 16-20 February, 1999.
- Lawson, Robert J. "The Ottawa Process, Fast-Track Diplomacy and the International Movement to Ban Anti-Personnel Mines." in Fen Osler Hampson and Maureen

- Appel Molot, eds. *Leadership and Dialogue: Canada Among Nations 1998*. Toronto: Oxford University Press, 1998.
- Lawson, Robert J., Mark Gwozdecky, Jill Sinclair and Ralph Lysychyn. "The Ottawa Process and the International Movement to Ban Landmines." in Cameron et al., 1998, pp. 160-184.
- Lawson, Robert. "A Cooperative Compliance Regime." *An Agenda For Mine Action*. 1998.
- Lawson, Robert. "Canadian Statement to the Press." Joint Press Conference with the ICBL, UNICEF, and UNHHA. Geneva, 3 May 1996.
- Leahy, Patrick. "Letter to US President Clinton." 23 December 1993. Jody Williams Files.
- Leahy, Patrick. "Seize the Moment." *BAN TREATY NEWS*. 9 September 1997.
- Lenarcic, David. *Knight Errant? Canada and the Crusade to Ban Anti-Personnel Land Mines*. Toronto: Irwin Publishing, 1998.
- Lloyd, Carolyn. "Understanding Change in the Landmine Regime." Master's Thesis, Dalhousie University, 1997.
- Long, David and Laird Hindle. "Europe and the Ottawa Process: An Overview." in Cameron et al., 1998, pp. 248-268.
- Machel, Graca. *Impact of Armed Conflict on Children*. New York: United Nations, 1996.
- Maresca, Louis and Stuart Maslen, eds. *The Banning of Anti-Personnel Landmines: The Legal Contribution of the International Committee of the Red Cross 1955-1999*. Cambridge: Cambridge University Press, 2000.
- Maslen, Stuart. "A View From the Vanishing Point: Anti-Personnel Mines on the Battlefield Under International Humanitarian Law." PhD Thesis, Tilburg University: The Netherlands, October 2000.
- Maslen, Stuart. "The Role of the International Committee of the Red Cross," in Cameron et al., 1998, pp. 80-98.
- "Mass Murder In Slow Motion." *The Economist*. 27 November, 1993.
- McCall, Jack H. Jr. "Infernal Machines and Hidden Death: International Law and Limits on the Indiscriminate Use of Land Mine Warfare." *Georgia Journal of International and Comparative Law*. Vol.24, 1994.

- McGrath, Rae. "Collateral Damage: Anti-Personnel Mines—A Human Rights Perspective." Lecture delivered at Handicap International. Brussels, Belgium, 6 March 1992.
- McGrath, Rae. *Landmines and Unexploded Ordnance: A Resource Book*. London: Pluto Press, 2000.
- "Mexico Blocks Conclave on World Land-Mine Ban", *Washington Post*, 13 June 1997.
- Middle East Watch. *Hidden Death: Landmines and Civilian Casualties in Iraqi Kurdistan*. New York: Human Rights Watch. 1992.
- Moher, Mark. "Statement of Ambassador Mark Moher, Representative of Canada to the United Nations for Disarmament at the First Committee of the 51st Session of the United Nations General Assembly." October 15, 1996.
- Molander, Johan. "Strengthening International Humanitarian Law: The Review Conference of the 1980 Conventional Weapons Convention." *Landmines and the CCW Review Conference*. UNIDIR Newsletter 28/29, December 1994 to May 1995.
- Monod, Jean-Michel. "Mines and Humanitarian Activities." *Report of the ICRC Symposium on Anti-Personnel Mines*. Montreaux, Switzerland, 21-23 April, 1993.
- Moorehead, Caroline. *Dunant's Dream: War, Switzerland, and the History of the Red Cross*, London: Harper Collins, 1998.
- Muller, Robert. "Comments." Minutes of the 6 October 1992 Landmines Campaign Meeting. Jody Williams Files.
- Muller, Robert. Video Interview (CD-ROM) "Ban Landmines: Canada and the Global Movement to Ban Landmines." Ottawa: Department of Foreign Affairs and International Trade, 1998.
- Norway. "List of Delegates, Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines." Oslo, Norway, 1-19 September 1997, APL/CRP.4, Norway, 17 September 1997.
- Norwegian Nobel Committee. Press Release. "The Nobel Peace Prize for 1997." 10 October, 1997.
- Neier, Aryeh. "Comments." Minutes of the 6 October 1992 Landmine Campaign Meeting, p. 6. Jody Williams Files.

- Ogata, Sadako. "Statement to the International Meeting on Mine Clearance." Geneva, 5 July 1995. Jody Williams' Files.
- Ogun-Bassani, Bilge, "Letter to Stuart Maslen, VVAF, from Bilge Ogun-Bassani, Deputy Director UNICEF, Geneva." 16 August 1993. Jody Williams's Files.
- Oliver, Dean. "Mine Treaty Simplistic and Emotional." *The Ottawa Citizen*, 1 October, 1997.
- Organization of African Unity. Resolution CM/RES 363 (LXVI). *Report of the Secretary-General on the Issue of Anti-Personnel Mines and International Efforts to Reach A Total Ban*. Harare, 5 June 1997.
- Organization of American States. General Assembly Resolution AG/RES.1411 XXVI-O/96. *The Western Hemisphere as Anti-Personnel Land Mine-Free Zone*. 7 June 1996.
- _____. General Assembly Resolution 1498 XXVII-O/97. *The Western Hemisphere as Anti-Personnel Land Mine-Free Zone*, 5 June 1997.
- "Pact on Land Mines Stops Short of Total Ban." *The New York Times*. 4 May, 1996.
- Philippines. "Anti-Personnel Mines: What Future for Asia, Final Declaration of Participants." Manila, 23 July 1997.
- Physicians for Human Rights. *Hidden Enemies: Land Mines in Northern Somalia*, Boston: Physicians for Human Rights, 1992.
- Pope John-Paul II, Message to the Phnom Penh Conference, undated. Jody Williams Files.
- Price, Richard, "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization*. 52, 3, Summer 1998, pp. 613-644.
- _____. "Compliance with International Norms and the Mines Taboo." in Cameron et. al., 1998, pp. 340-363.
- "Princess Diana calls for worldwide landmine ban." *Reuters News Service*. 12 June 1997.
- Prokosch, Eric. *The Technology of Killing: A Military and Political History of Antipersonnel Weapons*. London: Zed Books, 1995.
- "Removing land mines from the world's arsenal." *Globe and Mail*, 27 September, 1995.

- Roberts, Adam, and Richard Guelff. *Documents on the Laws of War*. Third Edition, Oxford: Oxford University Press, 2000.
- Roberts, Shawn and Jody Williams. *After the Guns Fall Silent: The Enduring Legacy of Landmines*. Washington: Vietnam Veterans of America Foundation, 1995.
- Roddy, Michael. "Anti-landmine activist Williams puts pressure on Eastern Europe." *Reuters*, 26 March 1998.
- Roethlisberger, Eric. "Statement to the Closing Session of the First Review Conference of the 1980 CCW." 3 May 1996. in Maresca and Maslen, pp. 445-447.
- Rousseau, Jean-Jacques. *The Social Contract (1762)*. Toronto: Penguin Books, 1968.
- Ruggie, John. "What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge," *International Organization*. 52, 4, Autumn 1998.
- Russbach, Remi. "Anti-Personnel Mines: A Disgrace for Humanity." *International Review of the Red Cross*. No. 292, January –February 1993.
- Rutherford, Ken. "The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes." *The Nonproliferation Review*. Spring-Summer 1999.
- Ryle, John. "The Invisible Enemy." *The New Yorker*, 29 November, 1993.
- Sandoz, Yves. "A New Step Forward in International Law: Prohibitions or Restrictions on the Use of Certain Conventional Weapons." *International Review of the Red Cross*. 220, xxx, January-February 1981.
- Sikkink, Kathryn. "Human Rights, Principled Issue-Networks, and Sovereignty in Latin America." *International Organization*. 47, 3, Summer 1993.
- Sommaruga, Cornelio. "A Total Ban on Anti-personnel Mines and Blinding Weapons is the Best Option." Geneva, 24 February, 1994, in Maresca and Maslen, pp. 264-265.
- _____. "Forward." in Maresca and Maslen, pp. xvii-xix.
- _____. "Statement to the UN International Meeting on Mine Clearance." Geneva, 6 July, 1995. in Maresca and Maslen, pp. 349-351.
- _____. "The ICRC and the Review Conference of the 1980 UN Weapons Convention." Geneva, 26 September, 1995, in Maresca and Maslen, pp. 356-358.

_____. "Statement at the ICRC Press Conference." Geneva, 22 November 1995, in Maresca and Maslen, pp. 404-406.

_____. "ICRC Statement to the Brussels Conference." Brussels, 26 June 1997, in Maresca and Maslen, pp. 541-544.

_____. "ICRC Statement to the Ottawa Treaty Signing Conference." 3 December 1997, in Maresca and Maslen, pp. 587-590.

Thakur, Ramesh and William Maley. "The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control." *Global Governance*. 5, 1999.

"The New Convert." *The Economist*. 23-29 August 1997, p. 14.

Tomlin, Brian. "On a Fast Track To A Ban: The Canadian Policy Process." in Cameron et. al., 1998, pp. 185-211.

Turkmenistan. "Final Communiqué of the Ashgabat Central Asian Regional Conference on a Global Ban on Anti-Personnel Mines." 12 June 1997.

Tutu, Desmond. "Letter from the Anglican Archbishop of Capetown, the Most Reverend Desmond Tutu to the Phnom Penh Conference." undated.

"UN Talks on Banning Land Mines Fail." *International Herald Tribune*. 13 October, 1995.

United Nations. *Assistance in Mine Clearance: Report of the Secretary-General*, New York: United Nations, 20 September 1994.

United Nations Children's Fund. *Landmines: A Scourge on Children*. New York: UNICEF House 1994.

United Nations Department of Humanitarian Affairs. *Afghanistan: The Development of Indigenous Mine Action Capacities*. New York: United Nations, 1997.

United Nations Department of Public Affairs. "The Scourge of Landmines: UN Tackles Hidden Peacetime Killers." New York: United Nations, October 1993.

United Nations Department of Public Information. "United Nations Secretary-General Calls High Level International Meeting on Global Land Mine Crisis." New York, 2 June 1995.

_____. "Fighting Landmines: The Ottawa Process and the United Nations Role." New York: The United Nations, November 1997.

United Nations. "Resolution XXIII, Human Rights in Armed Conflicts," International Conference on Human Rights, Tehran, 1968, UN Doc. A/Conf.32/41.

_____. "Progress Report of the Group of Governmental Experts to Prepare the 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, First Session." UN Document CCW/CONF.I/GE/4, 28 February–4 March, 1994.

_____. "Report of the Secretary-General, Assistance in Mine Clearance." New York, 1995.

_____. "Report of the Secretary-General, Moratorium on the Export of Anti-Personnel Landmines." New York, 1995.

_____. "Final Report on the Review Conference of The State 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, 1996.

_____. "Final Report, First Meeting of the States Parties to the Mine Ban Treaty." UN Document APLC/MSP.1/1999/1. P.28, New York, 1999.

_____. "Final Report. Second Meeting of States parties to Mine Ban Treaty." UN Document APLC/MSP.2/2000/1

_____. "Final Report. Third Meeting of States parties to Mine Ban Treaty." UN Document APLC/MSP.3/2001/1.

United Nations General Assembly. "Assistance in Mine Clearance: Report of the Secretary-General." New York: The United Nations, 14 October 1998.

United Nations General Assembly Resolution 3076. New York, 6 December 1973.

_____. 48/7. "Assistance in Mine Clearance. 19 October 1993.

_____. 48/75K. "Moratorium on the Export of Anti-Personnel Land Mines." 16 December 1993

_____. 48/79. "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." 16 December 1993.

_____. 51/45S. "An International Agreement to Ban Anti-Personnel Landmines." 10 December, 1996.

_____. 52/38 of 9 December 1997

United Nations Information Service. "Review Process of Convention on Certain Conventional Weapons will begin in Geneva on 28 February." New York: United Nations, 24 February 1994.

United Nations Institute for Disarmament Research. *Framework For A Mine-Free World, Disarmament Forum*. #4, New York, 1999.

United Nations Working Group on Mine and Munition Clearance. "Report to the Secretary-General." New York, 4 January 1993. Jody Williams' Files.

United States, Article 22, General Orders No. 100, Instructions for the Government of Armies of the United States in the Field, 24 April, 1863

_____. "Conference Record of the Washington Conference on Global Humanitarian Demining May 20-22." 1998.

_____. "US Proposal" Working Document, Oslo Negotiations, 13 September 1997.

_____. Department of State. *Hidden Killers: The Global Problem With Uncleared Landmines*. Washington, D.C.: US Department of State, July 1993.

_____. Department of State. *Hidden Killers: The Global Problem With Uncleared Landmines*. Washington, D.C.: US Department of State, 1994.

_____. Department of State. *Hidden Killers 1998: The Global Landmine Crisis*. Washington, D.C.: US Department of State, 1998.

_____. Office of the Press Secretary, The White House. "U.S. Policy on a Landmine Control Regime." 26 September 1994.

_____. "Twelve-Point Summary of the US/UK Anti-Personnel Landmine Control Regime" Cosponsors' Concluding Statement. Budapest, Hungary, 29-30 June 1995.

Vietnam Veterans of America Foundation. *Landmines Update*, #7, 4-94.

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

Vines, Alex. "The Crisis of Anti-Personnel Mines." in Cameron, et. al., pp. 118-135.

Walker, Martin. "Britain to Discuss Landmine Policy After US Hints At Ban." *The Guardian*. United Kingdom, 18 March, 1996.

- Wareham, Mary. "Rhetoric and Policy Realities in the United States." in Cameron, et. al., pp. 212-247.
- Warmington, Valerie and Celina Tuttle. "The Canadian Campaign." in Cameron, et. al., pp. 48-59.
- Webster, Donovan. "It's the Little Bombs That Kill You." *New York Times Sunday Magazine*. 23 January 1994.
- Wendt, Alexander. "Anarchy Is What States Make Of It: The Social Construction of Power Politics." *International Organization*. 46, 2, Spring 1992.
- Wendt, Alexander. "Collective Identity Formation and the International State." *American Political Science Review*, Vol. 88, No. 2, June 1994.
- Wendt, Alexander, *Social Theory of International Relations*. Cambridge: Cambridge University Press, 1999.
- White, Jerry and Ken Rutherford. "The Role of the Landmine Survivors Network." in Cameron, et. al., 1998, pp. 99-117.
- White, Jerry. "Statement of 12 mine survivors to the Brussels Conference." Brussels, Belgium, 26 June 1997.
- Will, George F. "Parchment and Pacification: A ban on anti-personnel land mines may be the next bad idea whose time has come." *Newsweek*, 21 July 1997.
- Williams, Jody and Stephen Goose. "The International Campaign To Ban Landmines." in Cameron, et. al., pp. 20-47.
- Williams, Jody. "The History of Medical Aid for El Salvador." undated. Jody Williams' Files.
- _____. "Thoughts/Questions on Land Mines Campaign." Memorandum to Bobby Muller, VVAF, 25 November 1991. Jody Williams' Files.
- _____. "Land-Mines Campaign-Update." Memorandum to Bobby Muller, VVAF, 2 December 1991. Jody Williams' Files.
- _____. "Untitled Memorandum to Bobby Muller, VVAF." 5 December 1991. Jody Williams' Files.
- _____. "Draft Background Paper." Memorandum to Bobby Muller, VVAF, 1 April 1992. Jody Williams' Files.

_____. "Update on Land Mines." Memorandum to Bobby Muller, VVAF, 25 January 1992.

_____. "Letter to Thomas Gebauer, Medico International." 20 July 1992. Jody Williams' Files.

_____. "Letter to HRW, PHR, MAG, HI and MI." 18 August 1992. Jody Williams' Files.

_____. "Letter to Stephen Lewis, UNICEF." 4 August 1993. Jody Williams' Files.

_____. "Address to the Opening Plenary of the CCW Review Conference." 22 April 1996, in *ICBL Report on Activities: Review Conference of the Convention on Conventional Weapons, Vienna, Austria, 25 September – 13 October 1995*. November 1995.

_____. "Statement of the ICBL to the Expert Meeting on the Text of a Convention to Ban Antipersonnel Landmines", Vienna, 12 February 1997. Jody Williams Files.

_____. "Opening Statement by the Coordinator of the ICBL", Brussels Conference, 24 June 1997.

_____. "Points to Consider for an IBCL Post-Oslo/Ottawa Action Plan", *Report on the NGO Forum on Landmines, Oslo, Norway, 7-10 September 1997*.

_____. "Statement to the Closing Plenary of the Oslo Diplomatic Conference on a Treaty to Ban Antipersonnel Landmines." Oslo, Norway, 18 September 1997.

_____. "Statement to the Ottawa Treaty Signing Conference and Mine Action Forum." Ottawa, 3 December 1997.

Zimbabwe. "Final Declaration of Participants in the Regional Seminar, "Anti-Personnel Mines: What Future for Southern Africa?" Harare, Zimbabwe, 23 April 1997.

"100 Million Infernal Machines." *The New York Times*. Editorial, 29 November 1993.