

ASSERTING AUTHORITY IN INTERNATIONAL SECURITY: THE MID-SIZE STATE ROLE IN BANNING LANDMINES

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A. INTRODUCTION

the International Campaign to Ban Landmines (ICBL), a coalition of more than 1,300 NGOs from 70 countries, as a example on how to work with mid-size states on security issues and in opposition to major powers, such as the United States, China and Russia.¹

With the ICBL's encouragement and support, the Canadian Government and other pro-ban states called for the creation of a new regime to be negotiated outside the consensus based format of UN multilateral arms control forums. As main distinguishing features, these negotiations were guided by majority voting procedures and NGOs were welcome participants. The treaty negotiations, more commonly know as the Ottawa Process, eventually culminated in the Ottawa Treaty banning antipersonnel landmines signed by 122 states in December 1997.² It entered into force March 1, 1999 – faster than any other major treaty in the world's history.

The ICBL's role in achieving the Ottawa Treaty is significant because in less than one decade, it helped create and sustain a profound and rapid change in state perception

¹ Unless otherwise noted, the use of the term "landmines" refers to antipersonnel landmines and not other types of mines, such as anti-tank or sea mines.

² Officially known as The Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

toward landmine use.³ The ICBL worked with a core group of mid-size states, such as Austria, Belgium, Canada, Norway, South Africa and Switzerland, in a unique partnership atypical for most weapon issues .

This article examines the mid-size state role in future arms control and disarmament negotiations. In the first section, I provide a background to the landmine issue and the ban landmine negotiation process. I also discuss why the major states were not influential players in this process. In the second section I specifically examine the roles of the four states influencing the ban landmine negotiation process: Belgium, Canada, Norway and South Africa. The final section provides lessons for the future role of small- and mid-size states in other issue areas.

The article concludes that the landmine ban process resulted from the following factors:

1. Inter-state negotiations led by a core group of mid-size states;
2. Mid-size states work closely with NGOs interested in banning landmines;
3. Mid-size states took the mine ban negotiations outside traditional security negotiating forum structures.

B. LANDMINES CASE

1. INTRODUCTION

In launching and sustaining the landmine ban issue on the international political agenda, the ICBL utilized their networking skills to recruit mid-size states to not only ban landmines but also to actively encourage other states to do so as well. The NGOs created the landmine issue in the early 1990s and then “governments began seriously to address the deepening humanitarian crisis.”⁴ The resultant increase in the high profile of the ban landmine issue gave added credibility and legitimacy to NGOs in their interactions with

³ Ken Rutherford, “The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes?” *Nonproliferation Review*, Spring-Summer 1999, Volume 6, Number 3, pp. 43-44.

⁴ For more information on how NGOs successfully placed and controlled the landmine ban issue on the international political agenda see Ken Rutherford, “The Evolving Arms Control Agenda: Implications

states and international organizations because states are more likely to react to issues on the international political agenda than those that are not.⁵

But to get the states to address the landmine problem, it was necessary to take it out of the consensus based negotiating arena of the CCW>>>>>MORE

The landmines case reveals the critical role that mid-size states played in facilitating the landmine ban, which, in turn, changed international behavior in an area traditionally at the heart of state sovereignty – weapons and controlled by major states.

Table One: Founding ICBL members and their expertise areas.

ICBL Founding Members	Landmine Expertise Area	Home State
Handicap International	Physical Rehabilitation	France
Human Rights Watch	Human Rights	USA
Medico International	Physical Rehabilitation	Germany
Mines Advisory Group	Demining	United Kingdom
Physicians for Human Rights	Medical Support and Human Rights	USA
Vietnam Veterans of America Foundation (VVAF)	Physical Rehabilitation	USA

2. THE ROLE OF MID-SIZE STATES

CHANGE In the group of like-minded states that promotes action on small arms, we can find some sort of division of labor and burden sharing. Doing so, the expected collective action problem could be dampened by the complementary contributions of the different

⁵ of the NGO Role in Banning Antipersonnel Landmines,” *World Politics*, October 2000.
Ibid.

states.⁶ The individual contributions optimally complement each other since they can not be easily substituted due to the specific advantage and know-how of the contributors. The list of the following states and their respective activities are only illustrative and not conclusive.⁷ To varying degrees, each of these states has embraced the Ottawa model of government–NGO collaboration. They are ordered by the date of their contributions. In addition to the activities mentioned here, they organized and participated at other different regional and international meetings and workshops and financially supported NGOs in their practical work, such as reintegration of former combatants and collection of weapons.

They were also aware of the fact that governments bear the primary responsibility for addressing the small arms issue. The international organizations could only act within the framework they were given by the member states. The participants also acknowledge the importance of NGOs in conducting and disseminating research, educating the public, providing advice to governments on small arms issues and in delivering humanitarian relief to war-torn societies.⁸ It is therefore in the hand of a group of like-minded states to strengthen the collaboration with interested NGOs to build a solid coalition to situate the light weapons crisis at the heart of the international agenda. In that respect, the 2001 UN conference on small arms could be a watershed event. If the conference remains to be badly prepared it will be a politically expensive failure, but it could also identify and tackle the most pressing problems and release new resources.

A. CANADA

⁶ These activities and initiatives have the features of weakest link technology as described by Sandler. The institutional structure is more effective when based upon a technology of public supply. Todd Sandler. *Collective Action: Theory and Application*. New York: Harvester Wheatsheaf, 1992, pp. 36-7, 95, 105-6.

⁷ Lora Lumpe mentions Belgium, Canada, Japan, the Netherlands, Norway, South Africa, Sweden, and Switzerland as participants in the core group of states. Lora Lumpe. "Curbing the Proliferation of Small Arms and Light Weapons," in *Security Dialogue* vol. 30, no. 2, June 1999, p. 152.

⁸ Final communique of the Oslo Meeting on Small Arms, 13-14 July 1998.
(http://www.nisat.org/export_laws-regs%20linked/norway/oslo_meeting_on_small_arms_13.htm)

The Mine Ban Treaty development process began during the Review of the 1980 United Nations Convention on Conventional Weapons (CCW) meetings in Geneva in January 1996.⁹ At that time, protocol II to the CCW was the only existing international law regarding anti-personnel landmines.¹⁰ The review was originally called by the UN General Assembly to explore other international legal mechanisms for controlling the use of landmines in a way to reduce harm to innocents and in post-conflict societies. The review CCW conference negotiations were limited strictly to restricting the use of landmines. The delegates believed that by addressing issues of scope, duration of unmarked mines, anti-detector mines, and transfer restrictions the gravity of the problem would be reduced.

The review conference ended with the adoption of the amended landmines protocol in May 1996. The amendment included “extending its scope of application to cover both international and armed conflicts, by prohibiting the use of non-detectable APMs (albeit with a nine-year deferral period from entry into force) and their transfer, and by prohibiting the use of non-self destructing and non-self-destructing mines outside marked areas.”¹¹ While the amended protocol was the best that could be achieved under consensus rules, the ICBL decided that a non-consensus negotiating forum outside the UN auspices provided a better avenue to achieving a global ban quickly.¹² Stephen Goose of Human Rights Watch and one of the major ICBL leaders stated “[y]ou don’t have to follow or work through the traditional rules and become a “slave” to UN negotiations. It

⁹ The Convention on Conventional Weapons is officially known as the 1980 United Nations 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. It was created to codify and develop “specific rules on the use of weapons, either by totally prohibiting the use of certain weapons, or by regulating their use.” *Report to the International Committee of the Red Cross for the Review Conference of the CCW, International Committee of the Red Cross*, February 1994, p. 127.

¹⁰ The Landmines Protocol was attached to the CCW as Protocol II is officially known as the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices. The two other Protocols were Non-detectable Fragments (Protocol I) and Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). The CCW Review held in Vienna in September 1996 adopted Protocol IV that called for restrictions on the use of laser weapons. The four protocols are regulated by the provisions of the Weapons Convention. This essay will only address the Landmines Protocol. U.N.G.A. Document A/C.1/48/L.42.

¹¹ *The United Nations Disarmament Yearbook*, pp. 105-106.

¹² Final Report, Review CCW Conference, p. 11, U.N. Document CCW/CONF./16 1 (Part I) (1996).

is possible to step outside the boundaries of traditional diplomacy.”¹³ The ICBL did not want to be held to the UN consensus based rule system, which holds “treaty negotiations to the lowest common denominator.”¹⁴

The new negotiating format as devised by the Canadian Government with ICBL support is important because it allowed for those states supporting a ban to join together and sign a convention without being blocked by veto of other states. Ironically, the UN stepped in to support the Ottawa Process rather than its own negotiating fora and in contravention of a majority of the permanent members of the UN Security Council. In fact, UN Secretary-General Boutros Boutros Ghali’s surprisingly strong statements during the CCW Review conferences in fall 1995 and spring 1996 condemning the conference’s slow pace of discussions helped add a sense of legitimacy and urgency to creating a non-UN track to ban landmines. In strong words he stated clearly that he desired a comprehensive ban to eminent from the conference:

“I wish to state again that we must eliminate land-mines once and for all! We must ban their use! We must ban their production! We must destroy those that are stockpiled!”¹⁵

In early January 1997, the ICBL Steering Committee began a series of discussions among its members to draft their own landmine ban treaty to see what it wanted in such a

¹³ Statement by Steve Goose, Human Rights Watch, to the Regional Conference on Landmines, Budapest, Hungary, March 27, 1998. Report: Regional Conference on Landmines, International Campaign to Ban Landmines, Budapest, Hungary, March 26-28, 1998, p. 52.

¹⁴ Ibid., p. 52.

¹⁵ Statement by UN Secretary-General Boutros Boutros-Ghali to the Review Conference of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious Or to Have Indiscriminate Effects, Vienna, Austria, September 1995.

treaty.¹⁶ The ICBL continually used this draft as a basis for discussions with states drafting the official treaty version. ICBL leaders also shared the ICBL draft version with diplomats at the UN mission in New York. A core group of mid-size states joined Canada in supporting this alternative negotiating process by hosting treaty negotiations meetings (see Section 4 below).

Eventually, those states not supporting the treaty, either through the continued opposition to a ban or their support for an alternative forum such as the CCW or CD, were isolated by the “self-selection” process developed by the ICBL, Canada and other pro-ban states. According to Axworthy’s Special Advisor on Landmines, John English, to prevent ban treaty opponents from sabotaging the conference “organizers developed a process of ‘self-selection’ whereby a Final Declaration was circulated prior to the conference... [t]hose who could sign on were invited as participants: those who would not come as observers.”¹⁷ In order to combat state opposition to the process, the ICBL, Canadians and International Committee of the Red Cross (ICRC) formed a group of core partners “to rally support for the ban.”¹⁸

After its May 1996 announcement that it wanted to discuss banning landmines outside the CCW, the Canadian government hosted a landmine international strategy conference in Ottawa in October 1996. The conference was attended by more than 50 states all of whom recognized “the urgency of halting all new deployments of APMs; increasing resources for mine-awareness, clearance and victim assistance programs and concluding as soon as possible a legally binding international agreement to ban APMs, the first draft of which Austria undertook to produce.”¹⁹ The conference was also attended by the ICBL, whose members were welcomed by the Canadian government to the negotiating table. The Canadian government's commitment to the NGO community was emphasized

¹⁶ Williams and Goose, p. 36.

¹⁷ John English, “The Ottawa Process: Paths Followed, Paths Ahead,” in *Australian Journal of International Affairs*, Volume 52, Number 2, 1998, p. 123.

¹⁸ *Ibid.*, p. 123.

¹⁹ *The United Nations Disarmament Yearbook*, The United Nations Disarmament Yearbook (Department

by the title of one of the conference's strategy sessions entitled "NGO and Parliamentarian Agenda for Action." Both the Canadian foreign ministry and Mines Action Canada highlighted how Governments and NGOs can take steps together to solve the global landmines problem.²⁰

At the conclusion of the October 1996 meeting in Ottawa, Canadian Foreign Minister Lloyd Axworthy called for a conference to be held in December 1997 in Ottawa that would conclude with a comprehensive treaty banning landmines. Those states favoring a ban were welcome to sign. In effect, the Canadian government took the landmine negotiations out of UN hands and developed a new negotiating process, which became known as the Ottawa Process. In the following paragraphs we illustrate some of the initiatives taken by Canada and other pro-ban states partnering with NGOs during the Ottawa Process.

Canada – December 3-4, 1997. "*Ottawa Treaty to Ban Anti-Personnel Landmines.*" In front of the diplomatic and NGO audience Canada, Norway and South Africa became the first governments to sign the treaty. NGOs were invited to give speeches and attend the celebration, signaling the close working relationship between states and NGOs

Other small state actions.....

Austria – February 12-14, 1997. "*Expert Meeting on Possible Verification Measures for a Convention to Ban Anti-Personnel Landmines.*" The 111 countries attending the Austrian government sponsored conference discussed the elements of a comprehensive ban treaty. An Austrian diplomat, Thomas Hajnoczi, had already drafted a landmine ban convention a few months earlier, and this meeting convened to review it and make

of Disarmament Affairs; New York, 1997) p. 106

²⁰ Mines Action Canada is a coalition of over 100 Canadian NGOs committed to banning landmines.

adjustments. For his hard work in drafting the original document, the ICBL leadership called Hajnoczi “the father of the treaty text.”²¹

Germany – April 24-25, 1997. “*Bonn Seminar on Compliance.*” The German government hosted a meeting of experts to discuss issues of verification and compliance measures related to the drafting of the landmine convention. The Bonn meeting attracted 130 countries – or 19 more than attended the Vienna Conference. The unexpected increase in governmental delegations illustrated that the treaty process was gathering support and that it was increasingly becoming desirable for states to be part of the process. As with the Austrian Conference, the German government contributed resources to supporting the conference and their diplomatic and arms control expertise in drafting the technical treaty provisions.

B. South Africa

South Africa – May 19-21, 1997. “*Conference Towards a Landmine-Free Africa: The OAU and the Legacy of Landmines.*” More than 41 African countries attended the conference, making it one of the better-attended non-annual OAU conferences in history. There was unanimous agreement among the governments to call on OAU members to ban landmines and establish Africa as a landmine-free zone.²² By the end of the meeting, more than 25 African governments were committed to signing the Ottawa Treaty. The South African government under Nelson Mandela lent their moral authority to the treaty, thereby bringing many southern governments to eventually support the treaty.

C. Belgium

²¹ Statement of Jody Williams, ICBL Coordinator, to the “A Global Ban on Landmines – treaty signing conference and mine action forum,” December 3, 1997.

²² Plan of Action of the First Continental Conference of African Experts on Landmines, “Landmines Free Africa: The OAU and the Legacy of Anti-Personnel Mines, Kempton Park, South Africa, May 21, 1997.

Belgium – June 24-27, 1997. “*International Conference for the Total Ban on Anti-Personnel Landmines.*” Supported by the Belgium’s commitment to achieving the treaty, pro-ban states and the ICBL drafted a declaration calling on all states to support “the objective of concluding the negotiation and signing of such an agreement banning anti-personnel land mines before the end of 1997 in Ottawa.”²³ Momentum toward a ban was greatly accelerated when 97 states signed the declaration, which affirmed [???!!*there is something missing here..???*]. In effect, the Brussels declaration signaled a commitment from 97 states to banning landmines and signing such a treaty in December. During this time, some major states joined the process, such as France, Italy, Spain and the United Kingdom.

D. Norway

Norway – September 1997. “*International Total Ban on Anti-Personnel Land Mines.*” In Oslo, the Norwegian government hosted the final treaty drafting conference, which was given a boost in international media coverage with the recent death of Princess Diana, who had championed a landmine ban during the last year of her life.²⁴ The Norwegian government gave the ICBL a seat at the negotiating table, which was the first time that NGOs had been given “official status in international negotiations of disarmament/arms control or humanitarian law treaty.”²⁵ Because of their status during the Oslo negotiations, ICBL members were able to keep a pulse on and participate in the convention drafting negotiations. At the conference closing, Axworthy acknowledged that the ICBL’s concerns could not be taken for granted by states negotiating the final convention.

E. Switzerland

²³ Final Declaration for the Brussels Conference on anti-personnel landmines.

²⁴ Williams and Goose, p. 43.

²⁵ Ibid., p. 43.

Switzerland – November 1997. “*Establishing the Geneva International Centre for Humanitarian Demining (GICHD) and Information Management System for Mine Action (IMSMA).*” Until May 1996, Switzerland had supported the continued use of "smart" mines and long transition periods. Partly, due to pressure generated by public opinion combined with the critical campaign led by the Swiss Campaign to Ban Landmines and the ICRC the Swiss Parliament passed legislation in favor of a total ban on 6 December 1996.²⁶ Already in November 1997, Switzerland decided to strengthen its involvement in humanitarian demining by establishing the Geneva International Centre for Humanitarian Demining (GICHD). Part of this initiative is the development of an Information Management System for Mine Action (IMSMA) for the United Nation Mine Action Service. In January 1999, the UN approved the IMSMA Field Module as the international standard for collecting information in humanitarian demining.²⁷

Mid-Size State Relationships with NGOs

CONCLUSION

Table Two: Core Group of States and their Contributions to the Ban Landmine Process

Country	Contribution
Austria	Drafting Treaty and Hosting Conference
Belgium	Drafting Declaration and Hosting Conference
Canada	Hosting Treaty signing conference, drafting treaty and major financial contributor to ICBL and other state treaty drafting conferences.
Germany	Contribution of treaty technical drafting expertise and hosting conference.
Norway	Hosting final treaty drafting conference and major financial contributor to ICBL.
South Africa	Hosting Organization of African Unity Conference to encourage African states to sign treaty, and lending its moral authority to the Ottawa Treaty.
Switzerland	Supporting treaty drafting and establishing information management system

²⁶ Switzerland was the third country in the world to enact a domestic ban. The ratification process was astonishingly fast, too. Already in March 1998, three months after the signing ceremony in Ottawa, Switzerland ratified the treaty, even though ratification procedures in Switzerland usually last for several years. Landmine Monitor Report 1999, Human Rights Watch. New York, 1999, p. 667.

²⁷ Information Management System for Mine Action web site: <http://www.imsma.ethz.ch/>.

In commenting on the NGO role in banning landmines, Axworthy said

“[c]learly, one can no longer relegate NGOs to simple advisory or advocacy roles in this process. They are now part of the way decisions have to be made. They have been the voice saying that governments belong to the people, and must respond to the people’s hopes, demands and ideals.”²⁸

The Ottawa Process also created a non-UN centered partnership “built between states and NGOs [thereby] allowing ‘two-track diplomacy’ in which both states and NGOs participated in the development of the Convention.”²⁹ Nonetheless, the UN remains a major factor in the convention’s implementation, which calls for it to act as a depository. The convention also calls for the United Nations to oversee violations and reporting to be carried through the United Nations. One of the major reasons why the ICBL and states wanted to incorporate the United Nations into the post-convention framework was to take advantage of its bureaucratic power and prestige. Similarly, the United Nations itself seemed pleased with the convention even though it was the first arms control convention to be negotiated and created outside the United Nations since its foundation. At the signing of the Ottawa Treaty, Annan stated that “I am proud and privileged to assume the duties of depository of the Convention and pledge to carry out this responsibility with passion and care.”³⁰

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²⁸ Statement of Canadian Minister of Foreign Affairs, Lloyd Axworthy, at the Oslo NGO Forum, Oslo, Norway, September 7, 1997 in the *ICBL Report: NGO Forum on Landmines*, Oslo, Norway, September 7-10, 1997, p. 67.

²⁹ Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, “To Walk Without Fear,” in Cameron, et al., p. 5.

³⁰ Statement by Kofi Annan, United Nations Secretary-General, to the Signing Ceremony of the Anti-Personnel Mines Convention, December 3, 1997.

Following the success of the campaign to ban anti-personnel mines, a number of like-minded states and NGOs are engaged in bringing about a similar solution to the a range of security problems that major states are either unwilling or unable to address.

However, these issues are different and more complex problems than landmines. Even though, the simple policy of “no exceptions, no reservations, no loopholes”³¹ as used in the Ottawa process seems very attractive, strategies aiming to banning or curbing other forms of state behavior must be differentiated and multi-layered.

Other Issues.....

The cooperation with some like-minded states, especially Canada, was already very intensive from the start. In his speech at the BASIC’s Seminar on International Initiatives to Stop the Spread and Unlawful Use of Small Arms, the Canadian Minister of Foreign Affairs, Lloyd Axworthy, referred to the successful cooperation in the Ottawa process:

“Our joint efforts to ban anti-personnel landmines showed what could be accomplished in working together. I hope that we can create the same sort of synergy between government and civil society - even if the nature of the problem is quite different.”³²

³¹ Statement by Jody Williams, Coordinator, International Campaign to Ban Landmines, at the Brussels Conference on Anti-Personnel Mines, June 24, 1997.

³² Speech by Lloyd Axworthy, Minister of Foreign Affairs of Canada. Presented at BASIC's Seminar International Initiatives to Stop the Spread and Unlawful Use of Small Arms, New York, 25 September

“The UN fully supports the establishment of international and regional codes of conduct to regulate the legal and illicit trade in light and heavy weapons and welcomes the recently-launched international NGO campaign against small arms.”³³

But there are also critical voices that warn that IANSA has probably a too broad approach covering “virtually everything that comes under the umbrella of human security.”³⁴

Critics are certainly right in stating the initiative lacks certain cohesion. The landmine campaign could focus on only one issue, i.e. banning the mines, but a network such as IANSA has to organize and prioritize its campaign goals whereas at present it seems to be campaigning of everything at once.³⁵ But this diversity creates also a huge potential for coalition building and information exchange. Since the small arms and light weapons problem is much more complex than the landmine problem, the input of a larger variety NGOs is necessary. In that respect, IANSA can fulfill its own policy goals such as raising public awareness, establishing close coordination with interested governments, participating on governmental and international meetings and conferences, organizing own workshops, and providing expertise and know-how.

The creation and development of the Mine Ban Treaty and the ongoing discussion in other security issues, shows the important role of mid-size states and NGOs working together to move upstream in addressing security issues. The huge amount of financial and human resources that has gone into producing a landmine ban was significant, while other mid-size state and NGO campaigns, such as the International Campaign to Ratify the International Criminal Court and the International Campaign to Ban Child Soldiers is attempting to do the same. In the near future, there might be new weapons similar to landmines that cause the same and maybe more harm to civilians. Moreover, if the

1998. (<http://www.iansa.org/documents/gov/gov3.htm#axworthy>)

³³ http://www.iansa.org/news/1999/july_99/un_welcome.htm.

³⁴ Smith, The 2001 Conference, p. 41.

³⁵ Documents of ‘Policy Framework’ and ‘Programme of Action’ of IANSA can be found at <http://www.iansa.org>.

international community is going to go to the excess every time of calling for weapon prohibition regimes without major power support, then controlling weapons through the actions of coalitions of non-major states and NGOs, the international community might not be able to control or eliminate weapons.

The Ottawa Treaty entry into force does not signal closure for mid-size states on the landmine issue. Rather, it renewed its commitment to banning landmines by holding themselves and other states accountable to their convention commitments by encouraging quick ratification, and pressuring non-signatory states to sign and ratify. Mid-Size state leadership in hosting treaty drafting conferences, financially supporting mine ban activities and actually drafting the treaty proved invaluable to the treaty's success. In return, mid-size states were seen as international actors most likely to work with NGOs in addressing other security issues as they were seen as critical for giving the NGO ban landmine movement legitimacy, mobilizing other states, and financing conferences.

Whether the leading mid-size states in the mine ban movement will succeed in other issue-areas remains to be seen.