



INTERNATIONAL DISARMAMENT CAMPAIGNS: A CURRENT STATE OF AFFAIRS

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INTRODUCTION

This study was commissioned by the Office for the Promotion of Peace and Human Rights and forms part of the collection of working papers that will serve as complementary material for the International Catalan Institute for Peace. The idea behind the study is to offer complete information on the international scale about various current conventional disarmament campaigns. As such, it is thus an analysis of the state of affairs on the international scale. Where appropriate, however, reference is also made to the context of Catalonia and/or Spain, as for example in the case of the entities that form part of international networks.

In order to obtain the empirical material, the author participated in international meetings, such as the Small Arms Review Conference (New York, June-July 2006) and the Oslo Conference on Cluster Munitions (February 2007), and held semi-structured meetings with several of the main actors in these processes.

A presentation is first made of various theoretical concepts that are useful for understanding this type of initiative by civil society, both from the point of view of social movements and collective action and that of several schools of international relations. A unifying element in these campaigns is the references to international humanitarian law. Another is the concept of human security applied to the new diplomacy, developed, for example, by the United Nations Institute for Disarmament Research (UNIDIR).

The four cases analysed in detail in this research are: international campaigns to ban anti-personnel mines, cluster munitions, child soldiers and small arms proliferation (transparency and control of the arms trade). More specifically, the issues are described, an explanation is given of the evolution of the international process and the aims of each campaign, and an assessment made of their level of success. All of them are inter-related cases instigated since the 1999 The Hague call (except for cluster bombs, where the campaign as such started later) that can be interpreted both from the point of view of disarmament and that of human rights, and they also stem from the common aim of achieving a new international treaty.

A recap of the figures given is made in the conclusions of the study and consideration is given to a series of questions in order to go more deeply into both the synchronic (between campaigns) and diachronic (over time) analyses. The intention is to provide information on these campaigns and to show how they work. Are they similar or different? Does this have any impact on their goal? What real influence do they have in negotiations? What happens when the main goal has been achieved, i.e. the international treaty? Do they change, do they get extended, do they come to an end and get wound up? What does success mean in this context? Is the signing of a treaty sufficient? How important is its application?

In addition, an attempt is also made to show how greater coordination between these campaigns could contribute to an increase in their effectiveness. In this respect, various cases of good practices are given in which this type of cooperation has been productive.

The paper was written during the summer of 2007. This was the time limit for the research, and the analysis of the ongoing development of the campaigns therefore has a time line of September 2007.

1. VARIOUS THEORETICAL CONCEPTS

1.1. The campaign idea

Unlike a social movement, a campaign involves an *ad hoc* mobilisation for a specific issue, and it therefore has a certain message and aim and – at least to begin with – a clear beginning and end. The level of formal structure can vary. Sometimes, as we will see, there is particular coordination between various entities concerned about a mutual problem. In other cases, a new organisation is set up with its own headquarters and legal personality that serves as a coalition for all of the organisations involved. Between these two extremes, there are often different types of flexible networks that facilitate communication and the management of the members' resources.

Campaigns are initiatives that come into being in civil society, although they may have official or governmental support. At the international scale, this may involve, for example, receiving the support of one or various government departments or ministries of Scandinavian countries, which are known to take part in these networks, partly because of tradition and their pacifist vocation and partly because of a rational reckoning on the prestige in being recognised as a humanitarian power.

Although campaigns may be based on different action repertoires, at the present time, and especially at the international scale, in the group of entities that, in one way or another, make up the global movement for peace and human rights, they increasingly tend to be activities with a low visibility profile. This does not mean that protest actions, such as demonstrations and boycotts, for example, have been totally abandoned although there would seem to have been a trend towards political pressure as being a more effective action. Ideally, the best solution is the combination of both, and in fact most of the coalitions studied manage to create a plural grouping of organisations that allows for specialisation in various profiles in order to deal with both lobbying and protest actions, according to each organisation's capabilities and willingness, and the objectives set by the coalition relative to the specific campaign being supported. For example, while some NGOs have gained high level access to certain official authorities, others, such as Amnesty International, explicitly refuse to participate in governmental delegations in forums like UN international conferences, the aim being to maintain a certain distance and a critical awareness of discourse.

In any case, a fundamental element in any campaign is the necessary mobilisation of public opinion as a way of furthering democratic progress.¹ Prominent actions, which are amplified and boosted by the media, reach the general public, and go even further. All of the diplomats who were interviewed agreed that they felt they had been influenced by the way in which the media deal with a particular issue.

The cases studied here are not unique. There are other precedents of effective mobilisation by international civil society, such as the mobilisation for the International Criminal Court.² Without taking things too much further, one could also include the movement to abolish slavery, which, once it began in Great Britain, spread throughout the Western world.³

1. See Sampedro (2000).

2. For extensive research on the participation of civil society in the setting up of the International Criminal Court, see the study by Marlies Glasius (2005).

3. For a good recent study on the anti-slavery movement in the British Empire, see Hochschild (2006).

1.2. Perspectives from the social sciences

The international campaigns of social movements and their interactions with international organisations have been studied by various disciplines in the social sciences. In spite of this, dialogue between the two sides has in many cases developed very little. One common element in all of these lines of research is the emphasis on the growing importance of non-governmental actors and the increasingly ambiguous distinction between the state and global spheres in politics, especially active at the so-called *transnational level*.⁴

To begin with, the academic literature on NGOs, which is largely empirical, is extremely diverse and heterogeneous. Various examples that stand out in the environment sector are given here. For Lipschutz (1992), Greenpeace plays a fundamental role in global civil society networks. Wapner (1995) stressed that its impact on the policies of governments only represented a small part of its political and ideological impact on global policies. The work of Raustiala (1997) confirmed two things: a) states continue to have control over the political process, and the ways that NGOs participate are systematically linked to the resources they possess; and b) states benefit from the participation of NGOs. On the other hand, in Princen and Finger's ambitious research (1994), NGOs are conceived as agents of social change that develop an essential function in social learning and in the connection of world policies with changes in international regimes. Jacky Smith (1997b) showed that EarthAction helped to sustain pressure on governments so that they gave their support to the declarations made on the occasion of the UN Conference on the Environment in 1992, which increased both public and governmental awareness of global environmental issues. These authors postulate that the processes of change will not be led by states; on the contrary, they predict that the fundamental actors in the development of international regimes will be scientific and epistemic communities, individuals and NGOs, although they do not precisely identify what the roles of these actors will be. In this respect, they show that NGOs have had a certain level of success through their influence on negotiations and in decision-making processes, as well as in the content and drawing up of different international treaties.⁵ Nevertheless, one should not overestimate the importance or impact of these efforts (see Rucht, 1997, for the case of environmental policy for the European Union).

For example, the study of transnational mobilisation in connection with the special UN sessions on disarmament held in 1978, 1982 and 1988 concluded that NGOs were not capable of exerting very much influence during the course of the negotiations (see Atwood, 1997).⁶ Nevertheless, other authors have been able to show the direct influence of various NGOs – especially the Quakers – on the UN Commission on Human Rights in relation to progress made towards the right to conscientious objection (see Hovey, 1997).

After comparing a broad series of case studies, various experts concluded that there was significant evidence to affirm that, together with states, NGOs have now become participants in international conferences, although the protagonists in the decision-making and implementation processes within the context of the UNO continue to be government representatives (Gordenker and

4. In this research, collective action is considered to be transnational when it involves "conscious efforts to build transnational cooperation around shared goals that include social change" (Smith, Pagnucco and Chatfield, 1997: 60). In contrast to national entities, transnational NGOs "incorporate members from more than two countries, [they] have some form of formal structure and coordinate strategy through an international secretariat" (Smith, Pagnucco and Chatfield, 1997: 61).

5. Amongst others, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Antarctic Environmental Protocol, the Vienna Convention and the Montreal Protocol on Ozone Depleting Substances, the Framework Convention on Climate Change, the PNUMA Convention on Biological Diversity, Agenda 21, the Convention to Combat Desertification, the North American Agreement on Environmental Cooperation, the legislation on dolphin protection measures in tuna fishing and the Biosafety Protocol, linked to the PNUMA Convention on Biological Diversity. For a good review of these treaties, see Arts and Mack (2003).

6. It should be pointed out that the same research concluded that the participation of NGOs in these sessions had important indirect consequences, regarding both their influence in the national and inter-governmental discussions on these issues and the NGOs learning about politics, as cooperation was fostered between the organisations working for peace and disarmament (Atwood, 1997).

Weiss, 1995). Their presence varies according to the specific issue being dealt with. It appears that international conferences on matters like AIDS, the environment, human rights, the situation of women and humanitarian aid offer an opportunity for closer contact between NGOs, and between NGOs and the UN. The results are however incomplete and therefore inconclusive, above all at the transnational scale.

Secondly, the literature on international relations has historically expounded that states are the main actors in the international system. From a realist perspective, studies of military power and international political economy have been carried out. International treaties are thought of as being created by powerful states with the aim of protecting their interests. Realist authors believe that states only cooperate with the new regime if they improve or, at least, maintain their position relative to other states. There will therefore only be cooperation when there is willingness on the part of powerful states. As matters concerning security are intimately connected with arms regulation, Realists predict that, in negotiations to regulate the arms trade, the arms-producing nations will resist interference from other states, whereas NGO coalitions should play an insignificant role in the development of international regimes. Other authors consider that the approach based on states being the sole actors in the international system has been over-estimated. The analysis of other actors – both governmental and non-governmental – in negotiation processes is therefore necessary for certain issues to be adequately explained. This study follows the perspective of other authors, such as those of the transnational school (e.g. Keohane and Nye, 1972), who have emphasised the role of non-state actors in international politics.⁷

Thirdly, the normative perspective, exemplified in the debates on global governance and civil society, has had a growing influence in recent years (see, for example, Held, 1995; Held et al., 1999). For these authors, the driving force of global civil society is the moral concern about creating a better world by defending a global order that is more just, free and egalitarian. This literature has focused on the transnational sphere and the dynamics of civil society, and has been criticised for using the concept of *global civil society*, often with an excessively normative content.⁸ On the other hand, some versions of this approach have only been developed in a descriptive way (see Salamon et al., 2000).⁹

One of the more sophisticated analyses, by now considered to be a classic study, is the book by Margaret Keck and Kathrin Sikkink (1998), *Activists Beyond Borders*. In this work (and in other more recent ones, such as Risse and Sikkink, 1999 and Khagram, Riker and Sikkink, 2002) the authors argue that the success of transnational advocacy networks is based on the boomerang effect of networking, where international norms and rules are developed by domestic NGOs and their relations with the media and international NGOs, which are more persuasive and effective in exerting pressure in the country where domestic NGOs have no access to institutions (Keck and Sikkink, 1998: 12-13).¹⁰ In some cases, international criticism leads to a spiral

7. There are at least three classical schools in international relations that have tried to explain the creation and modification of international regimes. Firstly, the idealists or liberals, who focus on the actors' values and interests, including the interests of the organisations themselves, which need to act in order to stay in existence. For example, republican liberalism (Moravcsik, 1999) suggests that the creation of the European Convention for the Protection of Human Rights and Fundamental Freedoms is a product of stakeholder efforts by new democracies to consolidate democracy itself through international commitments. Secondly, the neo-Marxists have attempted to adapt the construction of class at the international scale. Lastly, knowledge-based theories put the emphasis on the importance of scientific convergence and epistemic communities (see Haas, 1992).

8. See, for example, Wapner, 1995; Waterman, 1998; Munk, 2002. See a defense of the term in M. Shaw (2001) and also in the first *Global Civil Society Yearbook*, London School of Economics and Political Science (Anheier, Glasius and Kaldor, 2001).

9. In a similar way, Taylor argues that "To present the sum of discrete country-by-country descriptions of civil society around the world is not homologous to global civil society" (2002: 342).

10. Putnam (1988) examined this dynamic with the *two-level game* concept, in which national and international decision-making contexts are affected by interdependent national and multilateral processes. Other authors have pointed out that Putnam's model exaggerates the independence of multilateral decision-making processes as regards the pressures of non-state actors (for example, Risse-Kappen, 1995: 16; Smith, Pagnucco and Chatfield, 1997: 76).

effect, in which states that contravene international norms are driven to make democratic concessions (Risse and Sikkink, 1999: 18-32). For example, during the nineties, and because of the blackout in the political opportunity structure in Argentina, social movements and local NGOs worked with international NGOs and transnational social movements to pressure the UN and other states, such as Italy, to force the Argentine government to improve the situation of human rights in the country.¹¹

Lastly, collective transnational action has also been studied in terms of the sociology of social movements. In order to find points of contact between the tradition of international relations and that of social movements, the importance of concepts such as *political opportunity structure* (Keck and Sikkink, 1998) and *framing* (Olesen, 2005) has been emphasised. Other classical perspectives are the study of identities (Melucci, 1982), the repertoire of actions or of contention (Tilly, 1984) and the various resources that NGOs can mobilise for collective action (McAdam, 1983).

There are at least four weak points in this body of literature. Firstly, the search for social movements that operate beyond the state-nation is still limited, i.e. this type of research has customarily been “myopically domestic” (Khagram, Riker and Sikkink, 2004).¹² Secondly, in general, it is too descriptive and does not deal sufficiently with the theoretical issues (for example, Cohen and Rai, 2000). Thirdly, this area suffers from serious problems of specification and the poor use of concepts, as in the case of the expression *social movement*.¹³ Lastly, most comparative analyses have explored the differences between countries, and the global content has been left aside (for example, Kriesi, 1996). Generally speaking, these works attempt to analyse organisations and movements that operate beyond the state-nation by using descriptive case studies of organisations or individual campaigns, and they often conclude that they are specific cases that cannot be extrapolated to other political situations or other national civil societies (for example, Florini, 2000; Edwards and Gaventa, 2001).

In a recent work, experts in this sector attempted to establish the state of the matter of transnational collective action (Della Porta and Tarrow, 2004). This book represents an attempt to broaden the limited idea of the “real world” that scholars of social movements have, exemplified in a previous work – *Social Movements in a Globalising World* (Della Porta, Kriesi and Rucht, 1999) – which describes a period of NGO specialisation on single issues, a generalised “retreat from politics” and the hope that “epistemic communities” of experts can work with international institutions to create a new world order.

This approach is presented as an alternative to the “macro” theories of social change (globalisation) and the “micro” perspectives that stress technological innovations (Internet) as a main agent of social change. The authors propose a new, medium range perspective for the study of transnational collective action focused on various different concepts: complex internationalism,¹⁴ the

11. It should be pointed out that the influence of these transnational advocacy networks varies according to region (Risse-Kappen, 1995: 4, 30-1). Various studies have shown that transnational movements for democracy and human rights were more influential in Central Europe and Latin America during the nineties than in other regions of the world (Sikkink, 1993: 435-6; Sikkink, 1996: 166; Risse and ORP, 1999: 240). Moreover, organisations in the Middle East and Sub-Saharan Africa are “severely under-represented” in transnational networks (Florini and Simmons, 2000: 7). This approach has been criticised as being too restrictive, in the sense that it only deals with certain issues and forms of political action (Nelson, 2002), and also because it is biased towards middle class activism (Waterman, 1998).

12. John McCarthy (1997), for example, in an article titled *The globalisation of social movement theory*, proposes that studies of transnational social movements should adapt six central concepts from the tradition of social movements: strategic framing processes, the identities of activists, mobilisation structures, resource mobilisation, the political opportunity structure and contention repertoires.

13. One of the commonest errors is to consider one single organisation as if it were the social movement as a whole. For example, Greenpeace is an NGO that forms part of a broader environmental movement.

14. “The expansion of international institutions, international regimes, and the transfer of the resources of local and national actors to the international stage, producing threats, opportunities and resources for international NGOs, transnational social movements and, indirectly, grassroots social movements” (Della Porta and Tarrow, 2004: “Introduction”).

varying levels of political opportunity structure¹⁵ and citizens as rooted cosmopolitans¹⁶ with multiple belongings¹⁷ and flexible identities.¹⁸ According to this model, structural and cultural variables, filtered by relational variables, affect the end strategies of non-governmental actors and their influence on the international political process. For example, one logical application of the model in this study could be that, because of the diminishing power of parliaments and the growing power of international organisations, the non-state actors that participate in collective transnational actions classify or identify international organisations as being “the enemy” and, working in networks, choose to lobby or put political pressure on international organisations, instead of calling for massive street demonstrations to maximise their political influence when the signing of a disarmament treaty is being discussed. In one of the chapters of the book a multi-level typology for the dynamics of governance is proposed (Sikkink, 2004). The idea is that, in order to understand transnational collective action, a distinction has to be made between different levels of political opportunities, which shows the existence of at least one domestic structure and an international one, and, therefore, of varying levels of political opportunity structure. In addition, both can be divided into different sub-levels, such as the local and regional (for the state), and the European and global (internationally).¹⁹

In addition to the different levels of strategy and context, research into national social movements has shown that there are different ways that NGOs can organise, which may have an influence on the action capability of organisations (see, for example, Gamson, 1990; McCarthy and Wolfson, 1996 and Smith, Pagnucco and Chatfield, 1997).²⁰ The same thing occurs in international coalitions. Research on the campaign to ban anti-personnel mines (Price, 1998), environmental campaigns (Ringius, 1997) and the international Zapatista solidarity network (Olesen, 2005) shows that the form of organisation is a factor that (in a certain way) explains the type and level of success that different NGOs can obtain. This element is crucial for this study in that the coalition model is among those that proliferate most in the world of NGOs (Smith, 1997). It has also been suggested that NGOs with different forms of organisation vary in the way that they attract transnational networks and how their members are geographically spread out, which are two measures of interconnection closely associated with an organisation’s success (Smith, 1997). Nevertheless, there are still no conclusive figures on these matters in the specialised literature. It is therefore still unclear the degree to which the differences have an influence on belonging to organisations in political activities, and if so how, and the same can be argued in relation to issues like funding and leadership.²¹ For example, we still do not know why public funding is of key importance in the ongoing evolution of large development NGOs operating in humanitarian emer-

15. “If complex internationalism represents obstacles to political participation, it also offers resources and opportunities for non-state actors to challenge elites and – on occasion – to collaborate with *insiders* or individuals within the system” (ibid.).

16. “People and groups who are rooted in specific national contexts, but who engage in regular in activities that require their involvement in transnational networks” (ibid.).

17. “Presence of activists with overlapping memberships linked within loosely structured polycentric networks” (ibid.).

18. “Identities characterized by inclusiveness and a positive emphasis on diversity and cross-fertilization, with limited identifications that develop especially around common campaigns on objects perceived as ‘concrete’ and nurtured by the search for dialogue” (ibid.).

19. Nevertheless, there are also problems with this idea. On the one hand, as with any typology, it works best with ideal models. In other words, one is actually more likely to find mixed models or combinations of these categories. This typology must therefore be a simplification of reality, based on just one variable. In this case, the author has chosen access to the political system as a way to find the openness of the political opportunity structure, which is a debatable decision. On the other hand, the same non-state transnational actor may have various levels of openness in different matters. In any case, it seems to work fairly well for understanding cases of the boomerang and spiral effects, as in issues of human rights in Argentina and the transnational networks supporting Argentinian NGOs. The use of a political structure on various levels should thus be assessed as an innovation and an improvement in the literature on collective transnational action.

20. These fundamental structures which support and condition citizen mobilisation are sometimes called *mobilisation structures*. McCarthy (1997) gives a classification of the various mobilisation structures that can contribute to NGO activities.

21. As far as the characteristics of leaders is concerned, Young argues that their emergence is a necessary condition (although not sufficient) for success in achieving institutional agreements at the international scale. In his multi-dimensional conception of leadership, the author distinguishes between structural leaders, intellectuals and entrepreneurs, and concludes that “much of the real work of regime formation occurs in the interplay of different types of leadership” (1991: 307).

gencies, whereas feminist movement organisations seem to be effective with funding that is fundamentally private.

1.3. International humanitarian law²²

The issues associated with the law of war are often delicate. Many states consider that they should not be dealt with as they are internal matters of countries that affect their sovereignty and security, and this includes the cases analysed in this study, even the issue of the involvement of children in armed conflicts. One should bear in mind that these are not laws to prevent war, but to regulate it.

The age-old principles that regulate the conduct of war were codified into legal rulings and agreed to for the first time by states in the first Geneva Convention in 1864 for the for the Amelioration of the Condition of the Wounded in Armies in the Field. The Geneva Conventions were the attempt to regulate international humanitarian law for the purpose of minimising the effects of war on soldiers and civilians. They were the result of the efforts of various citizens of Geneva, in particular Jean Henri Dunant, the creator of the International Committee of the Red Cross (ICRC), the organisation with the international mission of serving as guarantor of international humanitarian law.

Part of this legal corpus regulated and prohibited the use of certain arms that cause unnecessary pain and suffering. The Saint Petersburg Declaration, signed in 1868 at the proposal of the Russian czar Alexander II, prohibited the use of a bullet invented by Russian military authorities which exploded on contact with a soft substance and, as such, would have been an inhumane instrument of war.²³ It was the initiative of another Russian czar, Nicholas II, that led to The Hague Peace Conference in 1899 (and another in 1907), in which, amongst other things, two declarations were adopted prohibiting the use of different types of projectiles and explosives from balloons, the use of asphyxiating gases and the use of expanding bullets.

It should be pointed out that these regulations were adopted by majority rule and not by consensus. In fact, countries like the United States did not sign these two declarations, and the main military power at that time (United Kingdom) only accepted the declaration concerning asphyxiating gases, and then only eight years after it was adopted. Nevertheless, agreement by the majority made it possible to convert a series of principles into a legal text as they had already been in existence for a long time as common law, i.e. as rules of law repeated over time but uncoded in any explicit way.

Historically speaking, many of the attempts to “humanise” war have been a consequence of important conflicts that, by challenging humanitarian principles with the use of new methods of war and technological innovations, have revealed existing loopholes in the laws. For example, the Geneva Conventions of 1949 were the product of the experience of the Second World War. The war in Vietnam also served as a catalyst for the Additional Protocols of 1977 and the Inhumane Weapons Convention in 1980.²⁴

During the context of the Cold War, a series of neutral countries led by Sweden attempted to bring about international restrictions in the use of certain arms with serious consequences for the population, and the UN General Assembly was used as a platform to express their ideas.²⁵ Faced with

22. An extensive collection of material on international humanitarian law can be found on the website of the International Committee of the Red Cross: http://www.icrc.org/web/spa/sitespa0.nsf/iwpList2/Humanitarian_law?OpenDocument

23. The banned weapon was defined as “any explosive projectile of less weight than 400 grams or one charged with fulminating or inflammable substances”.

24. The full name is the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects .

25. The head of the Swedish negotiators at that time was Hans Blix. In 2000, he was designated by Kofi Annan to be head of the UN disarmament inspectors to verify whether Iraq possessed weapons of mass destruction or not.

the opposition of the countries belonging to the two blocs, the ICRC tried to reach a compromise and offered practical solutions to improve the protection of civilians, bearing in mind the military utility of weapons as well. This led to technical discussions, the results of which were very limited and insufficient restrictions regarding anti-personnel mines and incendiary bombs. In retrospect, however, the establishment of the Inhumane Weapons Convention as an institution should be assessed positively because discussions can in fact be restarted on weapons that cause serious harm and injury to the population, and the stakeholders can focus their efforts on continuing to develop international humanitarian law.

More recently, action against anti-personnel mines was preceded by the effects of the conflicts in the Cold War that had theoretically come to an end. As will be seen further on, the process of negotiating the optional protocol on children in armed conflict coincided with situations of conflict or armed post-conflict in countries like the Congo and Sierra Leone, with a large presence of child soldiers. Lastly, there was international pressure against cluster bombs following criticism of NATO as a result of the intervention in Kosovo and Serbia, firstly, and the war between Israel and Hezbollah in the Lebanon in the summer of 2006. At the national scale, measures have been taken on many occasions to control the possession and trade in small and light arms as a reaction against massacres that have had a far-reaching effect in the media.

1.4. Human security and new proposals for analysis

There is no agreed definition for the concept of human security, aside from the fact that it constitutes a “people-centred view of security”. One way or another, the aim is to go beyond the conception of security from the point of view of the classical military security that involves an external threat to states and includes issues like human rights, development and the environment.²⁶

It is thus assumed that peace and disarmament are intimately linked to other dimensions of security, such as development, respect for the environment and, perhaps in a way that is particularly important, human rights. For this reason, this study includes cases that can be interpreted from both sides, such as, for example, that of child soldiers. In the case of anti-personnel mines and cluster bombs, their being classified as a matter of human rights was precisely what enabled progress to be made in processes in international forums on security, which are often closed and rigid, and for alternative, more creative and flexible processes to be developed. In the case of small arms and light weapons, the uncontrolled proliferation of this type of weapon represents a factor that increases the possibility and intensity of human rights’ violations in many countries.

A recent survey of twenty-one researchers in the field of human security revealed a very broad range of ideas about how it should be defined.²⁷ In this context, it was described as a call to action, a political pressure campaign, a series of beliefs about the roots of violent conflicts, a new way of understanding security, and as a guide for politicians and academics (Paris, 2001: 102).

As a slogan, it is undoubtedly quite effective and has made it possible for members of certain NGO networks to minimise their individual differences and adapt a wide variety of participants and interests to a specific campaign.

From this point of view, it is a strategy that is still effective nowadays. For example, Jody Williams, the Nobel Peace Prize winner in 1997 for her work in coordinating the campaign to ban anti-personnel mines, repeated various times in her speech to governments during the Oslo Conference

26. In fact, Amnesty International, Oxfam and Greenpeace, which are three of the most important NGOs in these areas, all often participate in campaigns against the effects of certain weapons and they define them in terms of “human security”. Levy (1995) and Græger (1996) carry out a more in-depth analysis of the relationship between security and environment.
27. Various examples are “a bridge between the interconnected challenges confronting the world”, “psychosocial well-being over time” and “a concept in search of relevance”. See also the special “What is Human Security”, in the journal *Security Dialogue* (2004).

on Cluster Munitions (February 2007) that the centre of the discussions should be “human security” and not “(cluster) bomb security”. Even the academics who are most critical about the term end up making proposals to use it one way or another.²⁸

Bearing in mind analytical objectives, one of the major divergencies occurs between the so-called “limited” and “broad” conceptions of human security. The original definition of the United Nations Development Programme (UNDP) was a concept with seven dimensions: economic security, food, health, environmental, personal, security in the community and political security (see the 1994 *Report on Human Development*). It is true that this type of definition is not of any help for making political proposals or in specific analyses. Those who have proposed more pragmatic and “limited” conceptions have focused on evaluating the effects of violent threats as the basis for political response, and they have argued that the parameters of human security have turned into initiatives that have been highly successful. Various cases in this research are examples of this idea.²⁹

Nonetheless, even though it is accepted that these cases have achieved certain results, it cannot automatically be inferred that it was the perspective of human security that, during the negotiations, “guided” the government representatives, who probably had more prosaic concerns. In this regard, one diplomat who participated in the Anti-personnel Mine Ban Convention follow-up process and also in the negotiations of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (established in 2001) argued that the ideas of human security only “informed the opinions of negotiators who were already predisposed”.³⁰

Nevertheless, it appears that these ideas would have shaped a more coherent intellectual approach to defining the issues and negotiating the substantive content of these meetings. The same diplomat (who headed the New Zealand delegation) disclosed that the perspective of human security “enabled a shared analysis between donor and mine-affected countries to develop and consequently generate money and resources for mine action assistance” (Borrie, 2005: 24).

In addition, consideration should be given to the potential of the perspectives based on work developed in the field by the humanitarian community in multilateral disarmament and arms control processes. In fact, the people who work in post-conflict settings frequently express their concern about the indiscriminate and disproportionate effects of certain types of weapon, which could motivate other actors (such as the International Committee of the Red Cross) to gather data on the wounded and dead caused by these arms. If the case can be put forward in an empirical way, a negotiation process can be started to regulate, or even abolish, a specific type of arms. This would explain the reason for the existence of a series of initiatives in civil society to gather empirical data on issues like light weapons, child soldiers, anti-personnel mines and explosive remnants of war.

As explained in the following pages, this perspective has been applied effectively in the case of anti-personnel mines, and there has been a series of attempts to copy this in other related spheres. The argument or framing of the issue, confirmed by the symbiotic relationship between workers in the field and negotiations in multilateral forums, can be summarised as follows: the presence and use of these weapons causes insecurity and hinders development, in addition to worsening the situation of human rights and the environment.

Be it as it may, human security adopts the perspective of the individual and the community, not of the state-nation. Applied to this field of study, the idea is that concepts created in the humanitarian

28. For example, Roland Paris concludes his article with: “human security could provide a handy label for a broad category of research – a distinct branch of security studies that explores the particular conditions that affect the survival of individuals, groups, and societies – that may also help to establish this brand of research as a central component of the security studies field”. See Paris (2001).

29. See Owen (2004).

30. See Borrie (2005: 24).

sector may serve to effectively focus the challenges of disarmament and to act as a broker or intermediary and thereby help to reduce the distance between different political alignments – often between North and South – and between the (soft) humanitarian perspective and the (hard) perspective of national security.

In short, the concepts of human security can be useful for conceiving how to match the benefits for the individual and the community, especially if the humanitarian community working in the field can be involved in the negotiations. In this paper, I argue that a certain group of NGO representatives has understood this dynamic and is trying to develop these ideas in coalition with a group of graduates with similar opinions, which as a whole form what some authors call a “practice community”, with the aim of making progress on certain issues in the area of disarmament and human rights.³¹

The concept of practice community recognises that the interactions between its members are dynamic and evolve over time. Exploitation of these interactions may therefore facilitate negotiation and multilateral commitments to achieve political objectives. For example, diplomats coming from the humanitarian world often belong to various communities at the same time, with the possibility of exercising a very effective role of linkage or as an intermediary. All in all, “as anyone who has participated in a multilateral negotiation instinctively knows, the inherited structures and working methods of a negotiation juxtaposed with the attitudes, personal style, experience and personal judgment of its participants have a major influence in creating the conditions for success or failure, through the iterative dynamics that develop” (Borrie, 2005: 24).

2. THE INTERNATIONAL CAMPAIGN AGAINST ANTI-PERSONNEL MINES

2.1. What are anti-personnel mines?

Anti-personnel mines are a type of weapon that is very cheap to produce and has particularly cruel effects, on the one hand, because they last for such a long period over time, and, on the other, because they are necessarily indiscriminate in that, as a result of their design, they are weapons that do not distinguish between civilians and soldiers. Mines remain buried until a person or animal steps on the mine and activates the detonator, normally badly wounding or killing the person or animal. Survivors in many cases require amputation, and the majority are civilians in countries that are no longer at war. Whole communities are affected and the return of refugees and the displaced is obstructed. The countries most contaminated are Afghanistan, Angola, Burundi, Bosnia-Herzegovina, Cambodia, Chechnya, Colombia, Iraq, Nepal and Sri Lanka. It is suspected that the situation is just as serious in other countries that do not provide sufficient information on the matter, such as Myanmar (Burma), India and Pakistan.

Anti-personnel mines were used on a large scale for the first time during the Second World War. They have been used in many conflicts since then, including the Vietnam War, the Korean War and the first Gulf War.

31. Communities of practice are social groups set up to develop specialised knowledge that share information and practical experiences and are aimed towards a common social objective. Some of these practices are formal rules for negotiation; others, for example, never-ending coffee, lunchrooms at work and working dinners, and the art of avoiding dull colleagues at diplomatic receptions, are informal. The fact of understanding what they are, how they work, and the roles and responsibilities of the people who participate are shared implicitly by their members. When applied to the field of disarmament negotiations, there are certain characteristics that are specific and exclusive to the community of disarmament negotiators, as they are usually guided by legal and diplomatic precedent, and the same people usually work in different negotiations (see Borrie, 2005).

The negotiation of the treaty prohibiting this type of weapon five years after the founding of the NGO International network's campaign for the International Campaign to Ban Landmines (ICBL) represents one of the most significant cases of success of humanitarian mobilisation. Other coalitions, particularly the Cluster Munition Coalition, have made explicit use of it as a model and have endeavoured to adapt it for their campaigns.

2.2. The actors that make up the international network

Attention was first paid to this problem by the International Committee of the Red Cross (ICRC) and NGOs working in the regions most affected, which began to publish reports on the terrible indiscriminate and long-term effects of landmines and their consequences in specific countries, such as Cambodia, Iraq, Mozambique and Afghanistan (e.g. Human Rights Watch and Physicians for Human Rights, 1991).

These publications all had something in common: they spoke of the existence of a "humanitarian crisis" (Boutros Ghali, 1994; Cahill, 1995; United States Department of State, 1994).³² At the same time, various NGOs coordinated their efforts to deal with this crisis. In November 1991, the Vietnam Veterans of America Foundation (VVAFA) and Medico International, in Germany, agreed to launch a joint campaign to bring together other NGOs in a coordinated effort to ban landmines. In May 1992, Handicap International launched its campaign, together with the Mines Advisory Group and Physicians for Human Rights. These five organisations and Human Rights Watch created the International Campaign to Ban Landmines (ICBL) in October 1992, with Jody Williams (VVAFA) as the first coordinator.³³

Although the main objective right from the start was to obtain a mine-ban treaty, a more short term initial goal was to get the matter on the agenda of the media, governments and international institutions.³⁴

Since its creation, the ongoing development of the ICBL has been accompanied by a constant increase in coordination by NGOs at the international scale. At the first international conference of NGOs on mines organised by the ICBL in London in May 1993, there were 50 representatives from 40 entities. The second, held in Geneva in May 1994, brought together 110 people from 75 NGOs. At the third, held in Phnom Penh (Cambodia) in June 1995, there were 400 representatives from 42 countries, amongst which, in addition to NGOs, there were members of governments, UN agencies, de-mining organisations and mine victims. At the fourth, held in Maputo (Mozambique) in February 1998, there were more than 450 participants from 60 countries.

At the same time, national campaigns were set up in many countries.³⁵ During the first few years, a large part of the work was concentrated on expanding the ICBL in North America, Europe, Australia and New Zealand (Williams and Goose, 1998: 24). In a second stage, especially following the Cambodia Conference in 1995, work was carried out in the countries most affected by landmines, mostly in the Third World.

32. In 1994, US Senator Leahy organised the first conference on landmines in the United States Congress, with the title *The Global Landmines Crisis*.

33. The first Management Committee of the ICBL was made up of Handicap International (France), Human Rights Watch (United States), Medico International (Germany), Mines Advisory Group (United Kingdom), Physicians for Human Rights (United States) and Vietnam Veterans of America Foundation (United States).

34. In addition, the London Conference in May 1993 set two more objectives: a) the establishment of an international fund, administered by the UN, to promote aid programmes for landmine victims, awareness of the dangers that they represented, and the clearance and eradication of mines disseminated everywhere in the world; and b) the endeavour to ensure that countries supplying and exporting anti-personnel mines contribute to this fund.

35. For example, in 1992 campaigns were launched in Germany and Sweden; in 1993, in the United Kingdom, Australia, Italy and New Zealand; in 1994, in Belgium, Ireland, Cambodia and Canada; in 1995, in Kenya, Spain, South Africa and Afghanistan; in 1996, in Zambia and Zimbabwe; in 1997, in Japan, Greece and Thailand, and in 1998, in Georgia.

The ICBL began with a very flexible organisation, with no formal structure, secretary or budget. The entities freed up their own staff in order to specifically take care of the international campaign (see Goose, 1998 and Huberts, 2000: 32).³⁶ From an organisational point of view, a distinction should be made between, on the one hand, the Management Committee, which is responsible for strategic planning and decisions, and, on the other, the broad coalition made up of the national networks and links with organisations in the field. The formal members of the committee were the six founders, and during the Ottawa Process it was extended with several national campaigns by countries in the Third World and also with the Swedish section of Save the Children.³⁷ In addition, specific people from other organisations regularly took part in the committee meetings (Huberts, 2000: 32).

Dozens of NGOs were involved in the coalition itself, to the extent that more than a hundred activists were sent to the main governmental meetings in the process. National campaigns coordinated by umbrella groups bringing together organisations and networks were set up. In all cases, the national campaigns were set up with the two-fold aim of informing public opinion about the mines crisis and pressuring the government itself to commit to banning them. In several countries, changes in the government led to a closer working relationship between the government and NGOs (e.g. in Canada, Norway, Belgium and Netherlands).

Mention should be made of the relation between NGOs and specific individuals with a highly specific profile (celebrities) and first-hand experience of the effects of landmines, who have played a very important role in several countries: for example, the Senator Patrick Leahy, in the United States; Diana, Princess of Wales, in the United Kingdom; the minister Lloyd Axworthy, in Canada, and Nelson Mandela and the Archbishop Desmond Tutu in South Africa. This gave credibility to several of the national campaigns and provided them contacts at government level.³⁸

The national campaigns offered information and resources to these people so they would become involved in the issue of landmines and pressure states to change their policy.³⁹ Their work also helped close relationships to be established between two dozen activists committed to the ICBL and people who were members of different governments. This fact has often been underlined in academic studies as one of the main characteristics of a new way of constructing an international negotiation process. Some have even talked about “global transnational elites” (Anderson, 1999); another, of a “community of practice” made up of people in the NGO sector and governments, together with academics and other members of international organisations who coexist in the physical and thematic spaces of international negotiation forums and who learn from their shared experience and apply it in future interactions (Borrie, 2005).

The first decision of the ICBL in the strategic field was a pragmatic one: to choose just the single issue of isolating landmines as a specific problem with an identified solution in the sense of a total ban. During the negotiations process, the objective was worked out more specifically and the treaty concentrated solely on anti-personnel mines, thereby excluding anti-tank mines. This implied not only the choice of mines out of all of the different small arms, but also the choice of the treaty out of all of the associated aspects. In this respect, several authors have pointed out that the issue of landmine victim assistance was secondary until 1996 (White and Rutherford, 1998).

36. At the present time, the ICBL has an Administrative Committee made up of four members and an Advisory Committee formed of twenty-one organisations. The four employees are based in Geneva (central office), Paris and Rome.

37. The nine members included in the ICBL Management Committee between 1996 and 1997 participated in the campaigns in Afghanistan, Cambodia, Kenya and South Africa, and the Swedish NGO Rätts Barnen.

38. Several authors have studied the role of key people as a driving force behind regulatory changes who are in a position to make decisions and can be persuaded by activists to raise the standing of an issue on the national or international agenda, and even to decide in favour of a certain issue because of moral convictions (see Lumsdaine, 1993).

39. Other pre-eminent people who added their voices to the call made to ban landmines are the UN Secretary-General, Boutros Ghali; the Pope Juan Pablo II and the Dalai Lama. The ICBL explicitly recognised the importance of the “celebrity” factor when asked about the future: “The magic and prestige associated with certain people, such as Jody Williams, Princess Diana and Lloyd Axworthy, have helped to attract people’s attention to the issue of mines. How could we ever reproduce this magic?” (see Mine Action Canada, 2003: 35).

The dual role of the ICBL (to mobilise public opinion and work closely with the group of friendly states) shows that protest and lobby activities are not necessarily incompatible, but that a combination that takes into account the possible spheres favourable for collective action is often the most effective strategy in this type of international campaign. For example, when it could not accede to the Inhumane Weapons Convention, the ICBL focused on sensational actions coordinated to draw the attention of the media.⁴⁰ In addition, and as is explained below, a large of part of the efforts in the negotiations of the Ottawa Process consisted of putting direct pressure on the government delegates in order to bring the Austrian draft as close as possible to the NGOs' treaty proposal. This was partially achieved after horrifying statistics on the problem were released.⁴¹ We now know that some of these estimates were exaggerated.⁴² In fact, many of the original sources and data gathering techniques are unknown. In spite of this, they achieved wide coverage in the media and reached a highly numerous public, which did not begin to question the data until the second half of 1997 (Rutherford, 2000: 87-90). At all events, even though nobody could say for sure that there were 100 or 200 million landmines in over sixty countries, these figures were accepted the world over and they did help to create a feeling of humanitarian crisis.⁴³

In relation to governments and armies, the fundamental challenge was to reshape how the actors conjectured their interests in the direction of opening up space and freeing up resources for impartial and effective humanitarian action (Huberts, 2000). In this regard, the ICBL's framing strategy concentrated on the horrifying effects and disproportionate consequences of this weapon on the civilian population.⁴⁴ These were difficult arguments to challenge, and it was hard for the actors who were against the landmine ban to develop political and military counter-arguments to take into consideration the humanitarian concern for mine victims.

As a result of the emphasis on the indiscriminate effects of mines and the fact that they continue to explode a long time after the end of the conflict,⁴⁵ the ICBL got many people to include mines in the category of weapons of mass destruction, together with nuclear, chemical and biological weapons.⁴⁶ The tragic personal histories of mine victims also helped to create the impression that it was a fight between "David and Goliath" (Williams and Goose, 1998).⁴⁷

40. In Williams and Goose (1998), the authors present a detailed summary of these activities aimed at the public.

41. Some of the statistics produced by the NGOs and reproduced by the media were as follows: mines kill or mutilate more than 26,000 people every year (500 every week), 80% of which are civilians; it is calculated that there may be 200 million mines buried in at least 64 countries; it is more likely that mines will kill or wound civilians after a conflict than a combatant during the hostilities; more children die because of mines after a war than soldiers during the armed conflict; the countries where there are most mines are the countries with the highest number of mutilated people in the world (e.g. Cambodia, with more than 30,000 of its 8.5 million inhabitants; see HRW, 1991); de-mining activities have removed 100,000 mines since the mid-nineties. At this rate, it will take a thousand years to clear the areas where mines are buried, assuming that no more are buried. In spite of this, for each mine cleared twenty more are buried. Most of these figures come from the US Department of State, 1994, and the ICRC, 1994 and 1996.

42. To be precise, the first statistics made public on Afghanistan, Angola and Iraq were partially exaggerated (Rutherford, 2000: 88-89). Other studies however were extremely rigorous, such as the one presented by Graça Machel before the UN General Assembly on the impact of armed conflict (including mines) on children.

43. In fact, many authors spoke of the "mines crisis". See, for example, Boutros Ghali, 1994; US Department of State, 1994; Cahill, 1995, and ICBL, 1999-2006.

44. In the words of Jody Williams: "We must continue to educate the people, our governments and our military about our perspective: the social costs of mines are much higher than any military utility they may have; this is why they must be banned" (Williams, 1995: 11).

45. As for the indiscriminate effects of mines, "disproportionate" harm was soon added (see De Larrinaga and Sjolander, 1998).

46. In the words of Jody Williams: "The military must consider the weapon's life cycle. It is not enough to observe the mines in combat; the soldier must understand its impact over time" (Williams, 1995: 11). Those who compared mines with chemical and biological weapons included the keynote address by the Belgian Minister of Foreign Affairs at the Brussels Conference, 23 June 1997.

47. Goliath, in this case, was basically the governments who were against the mine ban treaty, while David was the pro-ban coalition.

2.3. Developments in the international process

An initial factor to take into account when analysing this campaign (and successive ones) is the post-Cold War geopolitical context in which it began.⁴⁸ After fifty years of East-West policy, states could undertake unilateral actions in international policy. As for international efforts for disarmament, the loss of the primacy of nuclear weapons on the international agenda allowed for the effects of the campaign to ban anti-personnel mines and other small arms to be given full consideration.⁴⁹ In addition, as will be seen, ideological differences were overcome by the humanitarian discourse.

The first real attempt to restrict the use and transfer of anti-personnel landmines was in 1995, at the Review Conference of the Inhumane Weapons Convention. In preparation for this conference, four meetings of experts, which operated on the basis of consensus, were held from the beginning of February 1994 onwards. NGOs tried to participate in these, although they came up against the total refusal of certain countries, in particular, China.⁵⁰

At that time, the negotiations focused almost exclusively on assessing the “military utility” of mines and their legitimate use in protecting a country’s sovereignty and security. NGOs were in fact excluded from a plenary meeting because the members of the Inhumane Weapons Convention considered that discussions were being held solely within the sphere of disarmament and therefore of national security (Price, 1998: 624). In spite of this, there were admittedly some countries, like Sweden, that advocated the total prohibition of mines. This helped NGOs that were following the negotiations to lobby diplomats to introduce the discourse of the “human costs” of mines.

In principle, the Inhumane Weapons Convention should have lasted three weeks, beginning in September 1995. However it soon became evident that there was a clear division between the governments that wanted specific restrictions and those that opposed them. In order to avoid this dead-end, a technological solution was proposed jointly by the UK and the US. A ban was presented on conventional anti-personnel mines, or “dumb” mines, together with their replacement by “intelligent” mines incorporating self-destruct mechanisms. Leaving aside the fact that this idea represented a very important reduction in the aspirations of the NGOs, the less industrialised countries effectively argued that the high cost of this prevented it from being put into practice, and in the end it was rejected.

The negotiations were restarted in January 1996 with a technical session and concluded in April 1997 with the approval of a new protocol in the Inhumane Weapons Convention that, however, did not involve an absolute ban. For this reason, the ICBL and others denounced the failure that this represented from the humanitarian point of view.⁵¹

48. Amongst the authors who stressed the importance of the post-Cold War context for the success of the ICBL, mention can be made of Axworthy (1998), De Larrinaga and Sjolander (1998), Peters (1996), Williams and Goose (1998), Williams (1999) and Huberts (2000). Nevertheless, Rutherford (2000) criticised the use of the end of the Cold War as an explanation for the introduction of the issue of mines on the international agenda, as this would not explain why it was not fully achieved in other matters, such as environmental degradation (at least until the recent documentary by Al Gore). Bas Arts also pointed out the international context at the beginning of the nineties as a factor facilitating the political influence of NGOs and, in particular, Greenpeace, in international forums (Arts, 1998).

49. In spite of this, since the sixties the ICRC and several NGOs had begun to put pressure on governments against weapons that produce unnecessary and indiscriminate suffering.

50. NGO members of the ICBL participated in the first two meetings but boycotted the other two in protest at not being able to attend. In fact, few countries included representatives from the social movement sector among the members of their delegations. All in all, more than 100 representatives from 70 NGOs turned up at the meeting of the Inhumane Weapons Convention to follow the negotiations and engage in lobby discussions.

51. In the text, the definition of anti-personnel mines was watered-down so that it only included ordnance designed specifically to explode with the presence or proximity of a person or their contact with it. Anti-tank mines were therefore excluded from the process. In addition, “most provisions would not come into effect for at least a decade, no restrictions were made on anti-handling devices, and implicit encouragement was given to self-neutralizing and self-destructing mines.” (Huberts, 2000: 16). See also Price (1998), Williams and Goose (1998) and Rutherford (2000).

In spite of this, the review of the Inhumane Weapons Convention (Convention on Certain Conventional Weapons, CCW) constituted a decisive moment as regards the evolution of the ICBL towards the future treaty, because it strengthened those who defended the ban (both NGOs and states) and were increasingly better coordinated. From the end of 1995 until the middle of 1996, the number of countries that embarked on unilateral actions and established moratoria on the export of mines or directly prohibited their production increased from 15 to 40 (see Huberts, 2000: 13-17 and Atwood, 1999).

Although matters relating to security are highly resistant to pressure from civil society, after the Inhumane Weapons Convention the ICBL carried the day in its efforts to attract the attention of public opinion to the consequences of mines for the population. The campaign was presented as a humanitarian issue, with hair-raising statistics on the disproportionate effects of mines, and emphasis being put on the stories of the victims in a more graphic and immediate way than in other campaigns (Price, 1998: 622). In addition, the involvement of the International Committee of the Red Cross (ICRC) increased the moral legitimacy of the anti-mine cause, and it seriously questioned the supposed military utility of mines.⁵² In the spring of 1996, there was a majority support for the ban in the public opinion of many countries in the world, and the group of governments that explicitly declared themselves in favour continued to increase in number.⁵³

The Ottawa Process

These countries decided to start an alternative process, in spite of the fact that continuous pressure was being put on governments to obtain unilateral measures and work was being done at the regional scale to achieve mine-free zones. Meetings were held in January, April and May 1996, in which, amongst others, this group of states and the ICBL participated. In October 1996, the Canadian minister for Foreign Affairs, Lloyd Axworthy, declared that Canada would host a conference at which a treaty would be signed that started what became known as the Ottawa Process.⁵⁴ At the Ottawa Conference in 1996, 50 states fully participated, including the United States, the United Kingdom and France; 24 attended as observers, and there were also representatives from the ICRC, UN agencies and NGOs. The deadline set by the Canadian government set in motion a fast track process for the treaty negotiation, although the Conference on Disarmament (CD) was not formally excluded as a forum to develop part of the multilateral negotiations.⁵⁵

52. The ICRC's call to ban landmines was fundamental because it was an international organisation with a reputation as a neutral humanitarian entity that did not usually get involved to this degree in political pressure campaigns. It organised a meeting of experts to discuss the military utility of mines and called on Patrick Blagden, a retired British Army officer with the Royal Engineers and later a de-mining expert for the United Nations (CIRC, 1996), to draw up a report. On the other hand, this debate had spread to the United States. In April 1996, the US commander in the Gulf War, General N. Schwarzkopf, and fourteen other retired officers wrote an open letter to president Clinton (published in the *New York Times*) in which they argued that the limited military utility of mines did not compensate for the enormous human costs that they cause.

53. "Would you be for or against our government signing the treaty to ban anti-personnel mines?", *Ban of use landmines in favour or against*, Gallup International Opinion Research. Cited in Rutherford (2000: 106). The author relates that, out of the 21 countries in the survey, Japan (58%) and the United States (60%) had the lowest percentages of approval, whereas Spain (91%) and Denmark (92%) had the highest. The study also included citizens of regional powers, like Russia (83%) and India (82%).

54. The Conference was named *Towards a Global Ban on Anti-Personnel Mines* (Ottawa, 3-5 October 1996).

55. The arguments of those who advocated the CD (United States, France, United Kingdom, Australia, Germany, Spain and Finland, among others) were: a) the mine ban must be negotiated in one "sole forum for multilateral disarmament negotiations"; b) this would enable the most important producers and users of mines to be present; c) if work was done through already established channels the legitimacy of the process would be increased, and d) success in several recent issues dealing with chemical weapons and nuclear tests confirmed its effectiveness. On the contrary, the advocates of the Ottawa Process pointed out that: a) consensus rule in the CD's rules of procedure allows the most reticent of states to block serious efforts to ban the weapon; b) in the CD there were no representatives from several of the states most affected by mines; c) the CD had been negotiating for decades without any visible results, and d) anti-personnel mines were a humanitarian problem, not a matter of security.

Nonetheless, from the moment that the issue began to be discussed in the CD, those who advocated a more rapid and effective process understood that the only real possibility in the short term was the Ottawa Process, which consisted of: a) a closer relationship between states and NGOs; b) a coalition of small and medium-size states with similar ideas and the will to move forward,⁵⁶ which divided up the work on a functional and geographical basis,⁵⁷ and c) negotiations undertaken outside of the usual multilateral channels, with the aim of creating a favourable setting for dialogue and agreement. This involved participation through the process of self-selection,⁵⁸ a two-thirds majority rule for decision-making, the selection of a chairperson accepted by NGOs (the South African ambassador Selebi) and the full participation of the ICBL in meetings.

In this intensive period of meetings, the group of states managed to move the negotiations away from the customary disarmament forums, which avoided the logic of arms control measures, such as the need for agreement by the great military powers and the emphasis on verification mechanisms. They were also assured that the issue of mines would not be dealt with in unfavourable forums, such as NATO and also, on occasions, the European Union. Furthermore, there were declarations by the UN that urged legislative action on the issue of mines, which had been dealt with in other multilateral forums, such as the G-8 meeting in Denver, the meeting of the Commonwealth heads of government in Edinburgh and the Francophonie meeting in Vietnam. The result was that the number of states committed to the Ottawa Process increased from 30, in January 1997, to more than 70, by the end of May.

The final negotiations took place in Oslo in September 1997. In view of the presence of the United States, most of the debates were focused on its demands, which were rigidly set as non-negotiable. In the end, the advocates of there being no exceptions in the treaty were more efficacious and the United States ended up on its own.

The anti-mine treaty was signed in record time by 122 countries. Several signed after the Nobel Peace Prize was awarded to the ICBL and its coordinator, Jody Williams. The leaders of some of the more reluctant states, such as Greece and Poland, signed as a result of a process known as shaming and their fear of being left out of the group of responsible international citizens. Japan and Australia also signed for this reason.

As for the factors of success, special mention is made of the idea pointed out in the theory section of varying levels of political opportunity structure, namely, the fact of using the different contexts and levels favourable to collective action. In this regard, the ICBL decided to work in all spheres right from the beginning: global (international meetings); regional (mine-free zones), and national (national campaigns). It also used the local sphere to reach public opinion and show the magnitude and consequences of the problem. This strategy was necessary to adapt the campaign to different countries. National campaigns were sometimes the key factor in assuring a position that was favourable to the ban (as in Italy); in others, the decision was made from a more regional perspective (as in the countries in southern Africa), and some states felt obliged to sign because of international pressure (such as Poland). Finally, the driving force behind the political innovation that the Ottawa Process in Canada represented was a university president-cum-Minister of Foreign Affairs.

56. Austria, Belgium, Canada, Denmark, Mexico, Norway and Switzerland were the group of states that met in in January 1996. South Africa, Germany, the Phillipines and Netherlands joined in February, which extended the group's geographical diversity.

57. It was the task of Austria to draw up the first draft of the treaty. Belgium, Germany and Norway organised important conferences. The others had to work regionally in Africa, Latin America, Asia and the European Union to assure broad support for a complete ban in the future. For example, in February 1997 South Africa (the largest producer and user of mines in Africa, and partially responsible for the region of southern Africa, the most affected area in the world) announced its unilateral ban, which led to many other African states supporting the Ottawa Process.

58. The process of self-selection means that the participants had to commit to a series of principles that in the first meeting were summarised as follows: "the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines". The countries that did not formally accept this principle could participate in the meetings, but only as observers.

The United Kingdom was one of the most important opponents of the treaty until mid-1997. When Tony Blair came to power, the banning of mines was one of the major issues of his campaign.⁵⁹ This encouraged other states to join the group advocating a ban.⁶⁰ A similar case is that of France; in spite of its initial interest and the work of certain specific individuals in the French government, pressure from the arms industry could not be countered until there was a change in government in the spring of 1997. Other states (such as Belgium) were in favour of the ban from the beginning because they did not use these weapons and the ban therefore did not affect their interests (Price, 1998: 614). However, this argument does not explain why other states like Angola, Cambodia and Afghanistan also formally agreed to it.

On occasions the United States took the role of leadership in the process, in spite of the fact that it did not sign the treaty in the end.⁶¹ Presidential Decision Directive on National Security (PDD) 64 was the result of a long and tortuous process in which Clinton's government tried to get agreement between a series of influential actors in the White House, such as the National Security Council, the Department of State, the Department of Defense, the two chambers in Congress, various stakeholder groups and several foreign governments. Finally, the opposition of the Department of Defense, with the help of several Congressmen and the army en bloc, managed to convince Clinton to write PDD 64, a complex and dynamic commitment which was one third-humanitarian, one third-military and one third-disarmament.⁶² It was interpreted by some that the absence of the United States represented the treaty's lack of legitimacy, which would be reflected in a lack of efficacy.⁶³ In practice, the opposite has occurred, and almost all of the non-member states to the treaty have restricted their policy relative to the landmine ban campaign.⁶⁴ With the

59. Mention should also be made of the trips by Lady Diana as guest of the British Red Cross, which helped to transform the issue into a problem that was more humanitarian than political: "I am not a political figure, ... my interests are humanitarian, ... That is why I felt drawn to this human tragedy. This is why I wanted to play down my part in working towards a world-wide ban on these weapons" (cited in Rutherford, 2000: 100). Several days after her death, on 31 August 1997, the Norwegian prime minister declared in the keynote speech at the Oslo Conference that the treaty should be titled the Diana, Princess of Wales Treaty, and pointed out the fact that the media coverage of her trips to Angola and Bosnia helped NGOs attract public attention to the issue of mines, it helped obtain aid for the victims and it reinforced the process that led to the mine ban (see Rutherford, 2000: 101-102).

60. Interview with John Borrie, UNIDIR and former leader of New Zealand diplomacy in disarmament matters, in Geneva, 7 February 2007.

61. The complex and ambiguous role of the United States relative to landmines started in October 1992, when the Senator Patrick Leahy and the member of Congress Lane Evans managed to impose a one-year moratorium on the sale, transfer and export of landmines. With the support of the Vietnam Veterans of America Foundation, the same Senator introduced two resolutions in the UN General Assembly, in 1993 and in 1994, requesting a landmine export moratorium and making a call for "the eventual elimination of landmines". The publication of *Hidden Killers* was also highly influential in the increase in funding for aid to mine victims (in US Department of State, 1994 and 1998, there is a list of the most important donors in this aspect, led by the United States). These figures are absolute however. If one observes the relative data (taking into account each country's population), the most important donors are Luxembourg and the Scandinavian countries, and the position of the United States is rather secondary. See the 2005 *Landmine Monitor*.

62. Presidential Directive (an executive order of the president with the consent of the National Security Council) 64, signed in the spring of 1998, was the third and last PDD dealing with the Clinton government's policy on mines. With this document, the United States undertook to sign the Ottawa Treaty, at the latest, by 2006 if alternatives to anti-personnel mines were developed. See Snyder, 2004.

63. In spite of this, in a survey of 201 participants in the Ottawa Conference in December 1997 only 16% of those who responded felt that the fact that some countries had not signed the convention would have an important negative effect on its application, and 81% affirmed that the Ottawa Process had been very effective in dealing with the issue of landmines (Ekos survey, 1997). I'm very grateful to Bob Lawson for his kindness in sending me a copy of the report with the results.

64. The effectiveness of the mine ban movement and the treaty is reflected in the fact that "there had been a de facto global ban on the (legal) trade of anti-personnel mines since the mid nineties, with only a very low level of illicit trafficking. Moreover, out of the 50 countries that were producing anti-personnel mines, only 15 did not formally renounce their production" (Steve Goose, chief editor of the *Landmine Monitor*, in ICBL, 2005). In fact, the treaty's effectiveness had already been demonstrated a year after it came into effect, and many states had unilaterally adopted measures. "In the last few years, the number of mine-producing countries has gone down from 54 to 16. Among the 38 that have stopped producing them are the majority of what were the large producers from the seventies to the nineties. 8 out of the 12 main landmine producers and exporters in the last thirty years have signed the treaty and have stopped producing them" (ICBL, 1999: Major Findings: 5). Nevertheless, although the treaty cannot guarantee that non-signatory states will respect it, it does seem that the political and economic cost of using this type of mine has increased.

current president, George Bush Jr., the policy of the United States has been aimed at protecting its national interests, and it has opposed any treaty on mines and rescinded the restrictions adopted by the previous government.⁶⁵

The actors in favour of banning mines in part created their collective identity on the basis of their opposition to the arguments of their adversaries, one of which was that the ban constituted a utopian goal. The ICBL counter-argued that it was “more utopian to trust in the existing legislation to deal with the mine problem in a more effective way”. Moreover, from the practical point of view, “a total ban would be easier to verify than any other type of agreement, as occurs with other biological and chemical weapon bans, and would make it more difficult for governments to co-opt the ICBL” (Jackson, 2000).⁶⁶ Pragmatically speaking, it was argued that “without the articulation of the ban as an objective, even agreement on other smaller steps is more unlikely”.⁶⁷ Legally, it was argued that “the ban on the use of mines already had its place in customary international law”. Finally, an appeal to ethical motivation was made: “Even though it may be difficult, the magnitude and horror of the problem oblige society to agree to a ban”.⁶⁸

On the other hand, shaming strategies helped to emphasise the difference between the public position of countries and their lack of willingness to correspondingly adapt their foreign policies in a coherent way.⁶⁹ In this regard, the ICBL created a list of “The Good, the Bad and the Ugly” during the conferences at the Inhumane Weapons Convention (see Williams and Goose, 1998: 31).⁷⁰ Shaming also helped to inform governments that their actions set them outside of the international community.⁷¹

The ICBL allied itself with key actors on the international scene who filled gaps in its capabilities, such as the ICRC and several UN agencies (with a presence in regions where the NGO campaign was weaker, such as Asia). The ICRC could also work with members of the military community⁷² that did not want to associate with the ICBL (Maslen, 1998). On the other hand, UN involvement in the process was slower and was not complete until 1997, with the establishment of the Mine Action Service (UNMAS) in the Department of Peacekeeping Operations. The objective was to set up the focal point for mine action and ensure UN assistance in the setting up of national capabilities and the application of mine action programmes in the field.

65. Mention is made of the fact that, since 2000, the *New York Times*, the *International Herald Tribune* and other large circulation newspapers in the United States have published more than twenty editorials and opinion pieces that have criticised the new Bush mine policy and shown support for the ban by US public opinion. In this regard, see the American campaign news archive at: http://www.banminesusa.org/news/965_news.htm and http://www.banminesusa.org/news/921_times.htm. For other associated news articles, see: *New Poll Shows 80% of Americans Want US to Join Mine Ban Treaty* (http://www.banminesusa.org/news/895_poll.htm) and *Mine Ban Advocates Denounce White House Decision to Retain Landmines and Abandon Mine Ban Treaty* (http://www.banminesusa.org/news/928_bush.htm).

66. The citations in this paragraph were originally transcribed in the Minutes of the Third Working Group in the Second NGO Mine Conference, ICBL, 1994: 82-86.

67. In the Working Group’s Minutes on Strategy Issues, mention is made of the discussion between those who preferred a call for a ban and those who wanted to go step-by-step: “Some people – a minority – argued that we should concentrate on improving the landmines protocol” (ICBL, 1994: 82-86). See also Lawson, Gwozdecky, Sinclair and Lysyshyn (1998).

68. This was in fact the factor most mentioned in the Ekos survey (80%) by people who had some influence in the decision to sign the treaty.

69. The Canadian Minister of Foreign Affairs, Lloyd Axworthy, also spoke of the “mobilisation of shame” relative to the Ottawa Process (Tomlin, 1998).

70. In specific terms, the strategy of the media in the review conference of the Inhumane Weapons Convention included the twice-weekly production of the *CCW News* bulletin. The bulletin’s “The Good, The Bad and The Ugly” column forced some governments to try to “align their public discourse with the realities of their negotiating positions, or vice-versa” (Williams and Goose, 1998: 31).

71. The leaders of countries often care about what leaders of other states think about them (Risse, 2000). James Fearon argues that norms have a different quality to other rules or maxims. For example, while rules take the form “Do X to get Y”, norms take a different form: “Good people do X”. Thus people sometimes follow norms because they want others to think well of them, and because they want to think well of themselves (Fearon, 1997, cited in Risse and Sikkink, 1999). The reaction of the governments of states that were not especially supportive of the ban, such as Poland and Greece, after the Nobel Peace Prize was awarded to the ICBL, can be understood from this perspective.

72. (Translator’s note) Professional military officers working with armed forces on humanitarian law issues.

The ICBL also benefitted from events that were beyond its scope of control. Firstly, the landmine industry was not as economically powerful as others (for example, that of light weapons). In addition, military leaders lacked convincing evidence to support the argument of the military utility of the weapon. On the other hand, changes of government in both France and Great Britain in the spring of 1997 affected the correlation of forces in the UN Security Council in favour of the ban. Finally, the ambiguity of the United States in the process left its allies in an unsustainable position, and some of them signed to avoid the public pressure that the United States had to endure in its isolation.

A new stage for the ICBL: after the international treaty

After the signing of the treaty, the ICBL became institutionalised, its structure was decentralised (up until then a certain authority had been exerted by the UK and the US) and a highly functional website was set up.⁷³ New objectives were also designed and a big effort put into producing an instrument to verify the Convention (see Wareham, 2005). The *Landmine Monitor* reports are an annual reminder of the large amount of work that has been done, but also that there still remains a lot to do.⁷⁴ Each *Landmine Monitor Report* is more than a thousand pages long, and between 60 and 100 people are involved in producing the publication in the six official UN languages (English, Arabic, Russian, Portuguese, Spanish and French). It is presented each year during the meeting of the states that form part of the Anti-personnel Mine Ban Convention.

In addition to these annual meetings, an important event was held in Nairobi at the end of 2004 (from 29 November to 3 December): the first Revision Conference of the member states of the Anti-personnel Mine Ban Convention. 135 states participated, together with the ICBL, the ICRC, international organisations such as the International Monetary Fund, the World Bank, the European Parliament and the African Union, ten United Nations agencies and dozens of NGOs.

At the Nairobi Summit on a Mine-free World, the member states reached an agreement to adopt the Nairobi Action Plan, which was to guide international efforts in the five-year period (2005-2009) following the summit. A set of specific action points were established to renew political commitment, with the promise of achieving four main objectives: universalisation of the convention, the destruction of existing stockpiles, the clearance of mined areas and assistance to mine victims.⁷⁵

Special attention was paid in this stage to the non-state actors. As in other treaties and conventions, forming part of the Anti-Mine Treaty is an exclusive process for states. Non-state actors cannot participate in treaty negotiations nor can they sign them, although it is calculated that anti-

73. "We had no structure or headquarters, neither was there any specific budget. Everything changed after 1998 because the ICBL received the Nobel Peace Prize. It was the first group that had to tell the committee: "Can you hang on to the cheque, please?". [...] Then we made progress and became a formal entity, opened a current account in a bank and did the kind of institutional things that NGOs had avoided doing for so long because they want to focus on their members. But finally the group became so big that we had to do it" (interview with Mary Wareham, 5 July 2006 in New York. Wareham coordinated the US anti-mine campaign from the Vietnam Veterans of America Foundation, and after 1998 she worked in Human Rights Watch, where she was one of the founders of the *Landmine Monitor*. She currently works for Oxfam New Zealand).

74. Amongst the success stories on the ground in terms of implementation, there were six that stand out: a) The production of anti-personnel mines has reduced considerably and the trade has practically stopped; b) A large part of the stockpiled mines has been destroyed; c) Large areas of land have been de-mined and prepared for productive use; d) at the global scale, there are fewer and fewer mine victims; e) the use of mines has stopped in countries like Angola and Sri Lanka, where it used to be very common, and f) the treaty has been reinforced with the inclusion of new countries, and even non-signature states and non-state actors are responding to international pressure and behave in accordance with the spirit of the treaty. See the ICBL's *Landmine Monitor*, 1999-2006.

75. In the Ekos survey, the majority considered that, in the new stage subsequent to the treaty, NGOs should give priority to maintaining public awareness of the issue of mines and aid for the victims, more than maintaining relations with governments, watching over compliance with the treaty and attending to de-mining, although the positive response rate for these possibilities was still over 66% (Ekos survey, 1997).

personnel mines are currently a weapon used mainly by non-state armed groups (Geneva Call, 2004: 9). For this reason a specific document was created for them, the Geneva Call's Deed of Commitment for adherence to a total ban on anti-personnel mines and for cooperation in mine action. The first signing of the Deed of Commitment took place in March 2000.⁷⁶

Several days before the meeting in Nairobi, the Geneva Call organised a parallel meeting for non-state actors in Geneva, the first meeting of signatories to the Geneva Call's Deed of Commitment, to reaffirm that non-state actors represented one of the most significant spheres of activity for the NGOs working on mine action in the current stage. These in turn are aware of the impact in terms of credibility and international legitimacy that this commitment represents.⁷⁷

The case of mines made it clear that competition in the NGO sector exists not only in the sphere of resources, but also with regard to the struggle to be placed high on the political agenda and to get coverage by the media. After the treaty, the ICBL wondered, "How can we keep mine action on the public agenda when there are so many humanitarian priorities, such as HIV/AIDS?" (Mine Action Canada, 2003).

The success of this campaign has been transformed into an "exportable model" (see, for example, Rutherford, 2000; Huberts, 2000; Laurance and Stohl, 2002; Small Arms Survey, 2002). In spite of this, other authors consider that, due to the context and characteristics of mines, this campaign is a unique case (e.g. De Larrinaga and Sjolander, 1998; Peters, 2000).⁷⁸ At all events, some of the lessons learned from this campaign have had an important influence on subsequent ones. Worthy of mention is the importance of there being favourable conditions for negotiation (for example, NGOs need to have access to meetings, and the decision-making procedure must be by majority vote); of creating a coalition among NGOs and also with governments and international organisations; and of establishing a clear message and a specific objective in an explicit humanitarian discourse.

2.4. The panorama in Spain

The Spanish campaign formed part of the campaigns for transparency in the arms trade during the nineties sponsored by the big NGOs operating in Spain, such as Greenpeace, Intermon, Médicos Sin Fronteras and Amnesty International. This had the technical support of the Autonomous University of Barcelona's School of Peace Culture⁷⁹, and, to a certain extent, was based on the structure, relationships and willingness of previous campaigns.⁸⁰

In 1995, organisations like Manos Unidas, Intermon, Acadica, Comision Española de Ayuda al Refugiado, Médicos Sin Fronteras, Greenpeace, UNICEF and the Servicio Jesuita a Refugiados launched the "Ban Mines" campaign and thereby became the representation in Spain for the international campaign (ICBL).⁸¹ On 29 July 1995, the European Parliament passed a resolution in

76. Currently, armed groups in Burma, Burundi, India, Iraq, the Philippines, Somalia, Sudan and the Western Sahara have agreed to ban mines because of this mechanism. For the complete text of the deed, see: <http://www.genevacall.org/resources/deed-of-commitment/f-deed-of-commitment/doc.pdf>

77. Interview with Habuba Braika (person responsible for Mine Action with the Polisario Front) in the context of For a Mine-Free World: Analysis, Action and Commitment, organised by Moviment per la Pau, Barcelona, 5 April 2007.

78. In this regard, 51% of the respondents to the Ekos survey stressed that the Ottawa Process established a new model for negotiating other matters concerning international disarmament.

79. Escola de Cultura de Pau

80. Interview with Daniel Luz, former member of the School of Peace Culture and the IANSA Steering Committee (International Action Network on Small Arms), New York, 6 July 2006, in the context of the Review Conference of the Action Programme on Small Arms and Light Weapons.

81. "In the case of mines, the countries of the EU were producers and exporters, but not buyers! It was therefore easier to convince certain governments (not all, Greece and Finland still have not ratified the Ottawa Treaty) that there was nothing to be gained from the issue of mines and, on the contrary, there was a lot for them to gain if they joined the campaign." Interview with Raül Romeva, former member of the Escola de Cultura de Pau/School of Peace Culture and currently a

which member countries were requested to ban the manufacture, use and export of anti-personnel mines. In February 1997, the lower house in the Spanish Parliament (Congreso de los Diputados) unanimously endorsed a request to the Government to present a draft bill banning the production, stockpiling, commerce, export and transfer of all types of anti-personnel mines, cluster bombs and weapons with similar effects. The law was passed in 1998.⁸²

There were at least five companies producing anti-personnel mines at that time (Bressel, Explosivos Alaveses/Expal, Explosivos de Burgos, Fabricaciones Extremeñas and Unión Española de Explosivos). All of them formed part of the Defex group (Defensa y Exportación), controlled by the Instituto Nacional de Industria,⁸³ which received public funding. Spanish mines have been found in places like Iraq, Mauritania, the Falkland Islands and Morocco.

As a result of the pressure by civil society and the work of several members of parliament, Spain signed the Mine Ban Treaty on 3 December 1997, which was ratified on 19 January 1999, and becoming a signatory state on 1 July 1999. During subsequent years, Spain attended all of the preparatory meetings in the Ottawa Process, although it has not been considered one of the leaders of the process. In this regard, Spain continues to attend the annual meetings of the signatory states and participate in the intersessional work programme, although not in a particularly outstanding way.

Once the treaty was signed and the law passed through Parliament, the Spanish campaign ran out of steam. At the present time, the Spanish mine ban campaign still formally exists, although it has no active role in society. Mention should be made of the activity of Moviment per la Pau, one of the few NGOs that continues to focus on the problems stemming from mines (and cluster bombs).⁸⁴

3. THE INTERNATIONAL CAMPAIGN AGAINST THE USE OF CHILD SOLDIERS

3.1. What are child soldiers?

In many conflicts, the leaders of armed groups believe that children are cheap, compliant and effective fighters. They get recruited to become soldiers, labourers or sex slaves. In situations where families and social and economic structures have broken down, some may enlist voluntarily as a means of survival in regions affected by armed conflict. Many try to escape situations of poverty, unemployment, domestic violence, abuse or exploitation. Others say they decided to enlist after witnessing family relations being tortured or murdered by members of one of the parties in conflict (see Brett and Specht, 2005).⁸⁵

European M.P., New York, 28 June 2006, within the context of the Review Conference of the Action Programme on Small Arms and Light Weapons.

82. Law on the total ban of anti-personnel mines and weapons with similar effects, Act 33/1998, Official Spanish State Gazette/*Boletín Oficial del Estado*, no. 239, 6 October 1998. The act also banned all systems for the transfer of mines.

83. (Translator's note) An approximate English translation would be the National Enterprise Board.

84. "Once the treaty was signed, there were various tendencies. We said: 'One stage has come to an end, but another, that of applying the treaty, is just beginning'. And it turned out that we were practically the only NGO in Spain dealing with mines as the main issue [...]. For us it was more like a beginning and a new approach to dealing with the problem, because there was still an enormous amount of work to do in the three set areas of support: assistance to mine victims, universalisation of the treaty and mine risk education." Interview on 10 April 2007 in Barcelona with Maria Josep Parés, director of Moviment per la Pau and, since 1999, contact person for the ICBL in Spain, who replaced Raúl Romeva, the UNESCO Chair for Peace and Human Rights and currently a European M.P. Other Catalan organisations, such as Fundació per la Pau, were also members of the ICBL when it was awarded the Nobel Peace Prize.

85. For an extensive bibliography on various issues concerning child soldiers, see <http://www.child-soldiers.org/library/solereport-jan05.pdf>.

The question could be asked, why include a campaign against the use of child soldiers in a paper on disarmament campaigns. The truth is that, sadly, children and adolescents are a legitimate weapon in many places in the world and, therefore, there is a fundamental dimension of disarmament in negotiations to bring this practice to an end for many countries, in addition to the obvious aspect of the problem of human rights and children's rights. Many of the representatives who attend international meetings are in fact officials from Ministries of Defence or they fill important positions in the army or non-state armed groups. The reason for this is because many people view the issue of children participating in armed conflicts as being something that should not even be referred to as it is an internal matter of countries. One fundamental problem recognised by the majority of those interviewed is that governmental forces in many countries, the people who actually sign the treaties, still recruit children, and even if they don't, they think that they may need to do so at some point.⁸⁶

On the other hand, the analysis of this case in the context of this study allows for the examination of a campaign in which the main actors are not the entities that work strictly for peace or in the humanitarian field, but human rights NGOs. From this point of view, this campaign would be more linked to that of the International Criminal Court, another paradigmatic example when referring to cases of success in international initiatives by civil society.

One last factor making it advisable to include this matter in the study are obvious interrelationships between the problem of child soldiers and problems associated with other campaigns. This was understood by the Special Representative of the UN Secretary-General for Children and Armed Conflict (Olara Otunnu), who insisted on speaking of "children and armed conflict" and not "children in armed conflict", thereby broadening its legal scope, which includes references to the problems stemming from light weapons and abandoned explosive ordnance from armed conflict, which includes amongst other things anti-personnel mines.

One of the first books to deal with the matter of child soldiers in an exhaustive and multi-disciplinary way in Spanish made numerous references to the relation between the matter of the campaign to ban anti-personnel mines and the effects of armed conflict on children, as well as the issue of small arms and light weapons.⁸⁷ Graça Machel also concluded her global report with the mention on various occasions of these relationships. The main link is the fact that children are often the main victims of these weapons, which is particularly evident in the case of cluster bomb submunitions. This should enable NGOs that deal with these issues to collaborate more closely.

According to data from the UN Mine Action Service (UNMAS), approximately half of the 15,000 to 20,000 victims each year of mines and ordnance in ninety countries are children. In Colombia, around 40% of mine victims from 1990 until 2003 were children. At the present time, in Iraq and the Lebanon, the figures for the statistics are even higher, partly because of the effects of abandoned submunitions and mines in schools and residential areas.

The relationship between child soldiers and light weapons is increasingly evident. In most present-day conflicts, the fighting involves small arms and light weapons, and their availability is directly connected with the dramatic increase in violence, the aggravation of conflicts and the phenomenon of child soldiers.

3.2. The actors that make up the international network

The Coalition to Stop the Use of Child Soldiers (CSC) started out at the international scale and over time has become a national phenomenon. The idea emerged in May 1998 from the interna-

86. It is not only in situations like those in Burma or the Congo, where the armed forces have overwhelmingly recruited children. Other countries, like Great Britain and the United States, which at certain times have had a great need to fill the ranks of their armed forces, refuse to renounce the possibility of using children (the under 18s) at any given time.

87. See Sedky-Lavadero, 1999.

tional secretariats of a series of organisations that subsequently formed the CSC's Executive Committee, based mainly in London, New York and Geneva. Its main objective was to obtain an optional protocol at the Convention on the Rights of the Child by influencing the United Nations to introduce a new treaty. Since then, its work has broadened and become more decentralised to obtain demobilisation programmes and persuade governments to prevent child enlistment. There is a very high level of collaboration in the sharing of information by the NGOs that make up the international network, and they normally delegate lobbying and political pressure to the international coalition.

Once the CSC was set up, the fundamental research work was publicised by the coalition and, on occasions, certain member NGOs, such as Human Rights Watch, which has a specific department on children, and the Quakers. These organisations have produced very detailed reports on specific countries, although it was the coalition that produced the first and only global report.⁸⁸ It should be pointed out that the CSC obtains a large part of the information from its members, like expert organisations on human rights, such as Amnesty International and Human Rights Watch, on the one hand and, on the other, humanitarian and development organisations, such as Save the Children and World Vision, which have this information because of their high profile presence in the field. It is precisely for this reason that they sometimes lack the ability or interest to publish these data because of the danger of this jeopardizing their operations on the ground. In this respect, they use the CSC to say what it is impossible for them to say as individual organisations.

As mentioned above, the legitimacy of the CSC was enhanced when it was capable of presenting rigorous and high quality global research work that was better than any produced by governmental organisations, which would often be exposed to extensive political pressure. Up until then, many governments only paid attention to what UNICEF and other international organisations were saying. From the moment when the CSC presented a report that was not watered down by political considerations, several actors in the international sphere realised that, in order to know what was really going on, it was better to contact the coalition that to rely on the reports of the Office for the UN Special Representative for Children and Armed Conflict, which "to please everybody, end up saying nothing of substance".⁸⁹

The CSC does however maintain a very close relationship with the UN Office for Children and Armed Conflict and UNICEF, which are members of the Coalition, and this does not occur with any of the NGOs that are members of the Coalition. For example, although Amnesty International has representatives in the UNO, they are often considered to be "adversaries" and encounter obstacles. The CSC, on the other hand, has never been thought of as an enemy, and the UNO has always been open to it, i.e. it has always had the possibility of knowing what was going on there. This is partly due to the fact that the issue of children is somewhat marginal in the sphere of human rights, which contributes to an image of it being a "less dangerous" issue than others.

In terms of the CSC's structure, there have been various changes since it was first set up. On the one hand, World Vision has left the Executive Committee because it forms part of another broader coalition in terms of subject matter, Watchlist on Children and Armed Conflict, which was based on the CSC to deal with the human rights situations of children aside from those recruited as soldiers in armed conflict, namely, in the torching of schools, the death of civilian children, etc. The CSC forms part of the Steering Committee of this organisation, which has its headquarters in New York.⁹⁰ Non-voting and non-executive members of the Committee include UNICEF, the International Committee of the Red Cross, as well as the UN Office for Children and Armed Conflict, which regularly attends the twice-yearly meetings. One of these biannual meetings includes

88. A third report is to be presented in 2008. Available at: <http://www.child-soldiers.org/>

89. Interview with Enrique Restoy, head of the CSC programme, Madrid, 21 November 2003.

90. The International Secretariat of Watchlist on Children and Armed Conflict is made up of CARE International, the Coalition to Stop the Use of Child Soldiers, the International Save the Children Alliance, the Norwegian Refugee Council, the Women's Commission for Refugee Women and Children, and World Vision International. See <http://www.watchlist.org>.

members of each regional coalition (workers and/or advisers) who fully participate in the meeting. The Steering Committee thereby gains first-hand knowledge of the situation in the field of projects handled by the CSC.

Another small management committee exists within the Steering Committee, which is made up of members of the Steering Committee, who, together with the Coalition's director, deal with accountancy matters, the presenting of reports and the day-to-day work of management and administration of the CSC. The members of the Coalition's International Secretariat work as an executive committee, a section that changes considerably according to funding and specific short-term activities. In general, these are people with extensive experience in human rights and in many cases they have worked for the international secretariat of Amnesty International, which, with more than 300 people, is the source of staff for many organisations in this field and therefore has a considerable degree of influence. In the case of the CSC, there are four regional programme directors, and in 2005 one of them assumed the responsibilities of coordinator of all of the regional directors. In addition, there is a director of research for the global report, which is to be published in 2008 (the third, following the two previous reports in 2001 and 2004), and a head of funding and fund-raising. One person is in charge of editing the CSC's psycho-social web section. There was previously a director of programmes for Latin America, but this part is currently run by a programme in Brussels that is also responsible for relations with the European Union. The remaining members of the International Secretariat are based in London.⁹¹

In recent years there has also been a change with regard to the relationship of the CSC with staff working in the field. The presence of the CSC in countries in conflict is insufficient to effectively help people who directly work for it. For this reason, even though they are *de facto* CSC workers, for legal purposes they are referred to as advisors, and the only person formally employed by the CSC is the person in charge for South-East Asia, who was recently based in Bangkok and subsequently relocated to Manila. There are also advisers in the Great Lakes (Uganda) and West Africa, in Senegal.

There are currently national coalitions in almost all countries in conflict where there are child soldiers (Africa, Latin America, South-East Asia and, to a lesser degree, in the Middle East). Some have a contractual relationship with the CSC; these are organisations in themselves, set up within the national context, with legally established statutes, etc., such as the coalitions in Colombia, Burundi and the Congo. Other coalitions are more like networks that meet as a coalition, but they do not really exist from the legal point of view.

The relationship between the national coalitions and the CSC is quite flexible and is based on collaboration. The coalitions in Europe tend to be much more independent from the work of the International Secretariat, and contacts consist mainly of the exchange of opinions. Sometimes they work jointly on specific projects, but there is no relationship of dependence or hierarchy. Each national coalition has its own work plan and decides on its own priorities.

A second section takes in the national coalitions from countries in conflict, where the relationship is more hierarchical and based on dependence. The CSC carries out training and technical support work in many countries in conflict, which enables these coalitions to survive. For example, it is the international coalition that manages projects in the Great Lakes and West Africa and sub-contracts them out to the national coalitions. In Colombia, on the other hand, the national coalition is totally independent of the CSC and the relation is one of more collaboration at the international

91. The headquarters of the CSC are currently in London, although this has not always been the case. At a certain point in time, the coordinator decided to move to London for personal reasons. It must be said that the presence of NGOs like Amnesty International and Save the Children in London helps to make the work a lot easier in terms of coordination. Nevertheless, the fact of being located in a country that is hostile to the subject of child soldiers (the British army uses under 18s in armed conflicts, although not in hostilities) is thought of as a handicap. In this respect, and for an organisation with political lobbying objectives at the international scale, Geneva and New York are both better places for exerting more effective influence.

scale, given that the CSC has the capability to facilitate contacts with institutions like the UN Security Council and the European Union so they can express their concerns and present the research they have done in international forums. For each collaboration project, this relationship is expressed in a memorandum of understanding, which may contain a series of *ad hoc* contracts.

As a way of concluding this section, the story of the heads of the CSC reflects the difficulties of bringing together different skills in just one individual in terms of the knowledge and understanding of the issues and content and, at the same time, matters of day-to-day management.⁹² On the other hand, and as can be seen in other coalitions, the influence of the coordinator or director in a small organisation like the CSC should be emphasised, in that it could be said that the person in the top post establishes the line of action to be followed by the Coalition. For example, Stuart Maslen was the CSC's first coordinator, and he focused the issue from the perspective of international humanitarian law.⁹³ He was replaced by Rory Mungoven, a highly charismatic individual but with little training in NGO management, who acquired influence and presence in the political and international media agenda, and placed the CSC in international forums soon after it was set up. On the other hand, Casey Kelso, an expert in financial matters and fund-raising, managed to bring about financial stability for the organisation, which was very important. After participating in the negotiations on the optional protocol, the CSC went through a transition period. The current CSC director is Victoria Adams, a director of regional programmes for the last four years with considerable experience in human rights, and she was also an executive with the UNO. The fact of having first-hand knowledge of many situations on the ground and the ability to expound highly complex issues and of seeing all the ramifications of the problem represents a necessary balance for someone in their position in the present-day context, which demonstrates the process of sophistication that the CSC's message has gone through.

3.3. Developments in the international process

The Coalition of NGOs to Stop the Use of Child Soldiers (CSC) was set up in 1998 by seven international human rights and humanitarian organisations: Amnesty International, Human Rights Watch, Save the Children, Defence for Children International, the Religious Society of Friends (the Quakers), World Vision International and the International Federation Terre des Hommes. The CSC was established because of the need for a specific treaty banning the recruitment and use of people under 18 in armed conflicts. There was a legal loophole at that time in that, on the one hand, the Convention on the Rights of the Child laid down that any person under 18 was a child whereas the Geneva Conventions and the law of war in general laid down that children over 15 could be recruited. There was therefore a loophole between 15 and 18, but also a lack of legal protection, because the fact that the law of war enabled people under 18 and over 15 to be considered as soldiers implied that they could also be considered military objectives, which made the protection of children extremely difficult. There was a void of attention, interest and understanding, which resulted in a legal loophole, because "if there is no interest or understanding, nobody puts any laws in place".⁹⁴ For this reason, the CSC gave priority, right from the very beginning, to the importance of influence at the international scale, and national coalitions were set up in a second stage to work on the specific issue of national legislations.

92. Thought should thus be given to the possibility of international coalitions of NGOs having a collective form of management, which is shared and divided between two people: one specialised in management (resources and personnel) and another, in the entity's strategic management. This idea seemed to be well accepted by those interviewed in this study, bearing in mind the difficulty of carrying this out in practice.

93. Stuart Maslen was one of the researchers in the UN study on the impact of armed conflicts on children. He was also a Member of the UNICEF delegation to the First Review Conference of the 1980 Convention on Certain Conventional Weapons, 1995-1996, and a Member of the International Committee of the Red Cross delegation to the Diplomatic Conference on a Total Global Ban on Anti-Personnel Landmines, in Oslo, September 1997.

94. Interview with Enrique Restoy, head of the CSC programme, Madrid, 21 November 2003.

As far as the international agenda is concerned, the issue of children affected by armed conflicts has become increasingly forceful in UN discussions over the last twenty years. In 1989 the Convention on the Rights of the Child was adopted, which created the Committee on the Rights of the Child, the mission of which is to monitor compliance with and the effective application of the rights recognised in the Convention. In its first meeting in 1992, NGOs and representatives from UN agencies were invited to make recommendations to improve the Convention on the situation of children in armed conflicts. At the Committee's initiative, the General Assembly passed resolution 48/157, on 20 December 1993, in which the Secretary General was recommended to appoint an independent expert to undertake a comprehensive study on the consequences of armed conflicts for children. Graça Machel, former Minister of Education in Mozambique, was appointed expert of the Secretary General, and she was entrusted with the mission of carrying out the study that, after two years of intense inquiries, consultations and visits in the field, was presented to the UN General Assembly in 1996.⁹⁵

This report had a great impact. Amongst other things, it contributed to resolution 51/77, which recommended that the Secretary-General appoint a Special Representative on the issue of the repercussions of armed conflict on children. In September 1997, Kofi Annan appointed Olara A. Otunnu to this post, whose initial three-year mandate was extended until April 2006, when he was replaced by Radhika Coomaraswamy.⁹⁶ The Special Representative's main function has consisted of ensuring that the matters emerging as a consequence of the Machel Report continue to figure on the agenda of the international community. Leaving aside certain criticisms concerning the way the post has functioned and the political pressure it has been subjected to regarding the inclusion or not of certain countries in its reports, a highly positive assessment must be made of the fact that an office specifically dedicated to the children affected by armed conflicts has been set up and which deals practically exclusively with child soldiers.⁹⁷

In a parallel way, the UN Commission on Human Rights designated a workgroup to draw up an optional protocol to the Convention on the Rights of the Child to increase the age of child soldiers from 15 to 18. The workgroup held its first sessions in 1994, and from then on it met annually in Geneva. The last meeting was held in January 2000. Finally, in May 2000 the Optional Protocol on the Involvement of Children in Armed Conflicts was adopted, which came into force on 12 February 2002. This is one of the optional (or non-compulsory) protocols to the UN Convention on the Rights of the Child added to the two legal international instruments that deal with the use of child soldiers: the International Criminal Court and Convention 182 of the International Labour Organisation.⁹⁸

Negotiation of the treaty

The CSC led the campaign to adopt, ratify and implement the Optional Protocol using an intensive political lobbying process: it organised top-level regional conferences, it documented the practices and policies on child recruitment in the entire world, it put pressure on the UN Security Council and other international actors and supported regional networks working towards ending

95. See Graça Machel (1996): *The repercussions of armed conflicts on children* (A/51/306 and Add.1).

96. The 2006 report sets out the key priorities of the Office of the Special Representative in the new stage of the mandate, which include the strategies to be used to ensure an "era of application" of international child protection standards and norms. The report also highlights some significant areas of progress in the efforts of the international community to deliver tangible protection for children affected by armed conflict. See <http://www.un.org/children/conflict/english/home6.html>.

97. Interview with Massimo Toschi, Office of the Special Representative for Children and Armed Conflict (between 2002 and 2004), 7 March 2006, in Florence.

98. In June 1998, one hundred and twenty governments adopted the Rome Statute of the International Criminal Court, which defines the enlistment and/or use in hostilities of children under 15 as a war crime. In June 1999, the member states of the International Labour Organisation acted to ban the forced recruitment of children under 18 in armed conflict as part of the Convention against the Worst Forms of Child Labour. This convention became the fastest labour convention to be ratified in history. Lastly, the African Charter on the Rights and Welfare of the Child, November 1999, was the first regional treaty in which the minimum age of 18 was established for any voluntary military enlistment and to participate in hostilities.

the use of child soldiers.⁹⁹ In a partially coordinated and partially spontaneous way, the national coalitions launched awareness campaigns, pressure was brought to bear to bring about changes in national practices and policies, and, in many countries, they helped governments make the move towards ratifying and implementing the Optional Protocol.

From the point of view of the treaty, the CSC's campaign was a clear success because it brought about the signing of the treaty, which also met most of the NGOs demands. The fundamental idea referred to a *straight-18* standard, namely, that the minimum age had to be 18 for everything: for voluntary and involuntary recruitment, for the recruitment of armed governmental forces and non-state armed actors, etc.

The CSC had a very clear cause that was difficult to refute. Made up mainly of legal experts, its strategy was to approach the issue from a technical point of view and as a problem of law, i.e. the legal vacuum existing between the Convention on the Rights of the Child and the Geneva Conventions, or between international humanitarian law and international human rights law. In this sphere, even the countries that were most pragmatic and legalistic and least sensitive to the issue had to agree. Given that children do have their rights, other strategies focusing on concepts that were more ambiguous or open to political manipulation would have presumably been more difficult to defend internationally, and they would have required a much broader consensus concerning the problem represented by the participation of children in armed conflicts.

From the legislation point of view, many countries have adapted their national legislations to make them compatible with the Optional Protocol. South Africa, Portugal, Denmark, Finland, Afghanistan, Colombia and Sierra Leone were the first to do so, but countries like the United States, which had used 17-year olds in operations in Somalia, Bosnia and the 1991 Gulf War, also stopped doing so once they ratified the treaty in December 2002. In a similar way, it would seem that the United Kingdom changed its practice when it announced that it would not send any under-18s to the invasion of Iraq, a fact which contrasted with the 200 British soldiers aged under 18 who participated in the 1991 Gulf War, two of whom died during the conflict.

Among the reasons for this success, both activists and government representatives agree that an important factor was the rigorous and complete work of investigation into the situation on the ground. In particular, the first *Child Soldiers Global Report* was presented in 2001, which was something that had never been done before. This had a great impact as it was the first time that the situation was shown for all countries in the world, and an initial figure was released of 300,000 children who were being used by armed groups at that time. With this figure established, along with actual faces and personal accounts that humanised the numbers, the work of framing the problem was much easier and effective. This was an alarming, yet conservative, figure that made it possible to go one step further than had been possible up until that time; instead of arguments like "I can assure that there are many, but...", it was now possible to say, "I can assure that there are at least 300,000 children in armed conflicts".¹⁰⁰ In this regard, it should be pointed out that when the CSC writes up and publishes reports it does not have the political limitations of international bodies, such as UN agencies. The result is that the CSC's reports are more rigorous and objective than the official reports produced by the UNO, which often have to deal with political pressures that limit their potential for analysis.¹⁰¹

This documentation work has been fundamental in giving credibility to a coalition that, up until that time, was more well known for the prestige of its members (like Amnesty International, Save the

99. Attention to child soldiers also emerged in many other forums, for example the OSCE, the European Parliament, the Organisation of American States, the European Community and the African, Caribbean and Pacific Group of States (ACP-EU) and ECOWAS, where several joint resolutions and strategies were adopted dealing with the issue of children and armed conflicts, and regional mechanisms to protect children were established.

100. As a matter of fact, it was the lack of complete information on the use of girls in armed conflicts that slowed down lobbying by NGOs in this regard (see Alfredson, 2001; Brett, 2002a).

101. A paradigmatic case in this regard is everything associated with the Israel-Palestinian conflict.

Children and Human Rights Watch) than for itself. Knowledge, understanding and information that had been completely unknown to the states up until that time were thus provided. At all events, the fact of having a steering committee in which practically all the stakeholders (in the matter of children's rights) participated gave the CSC a very high level of legitimacy right from the beginning.¹⁰²

A second factor refers to an international context (or structure of political opportunity, in the vocabulary of the sociology of social movements) that was highly favourable to the high profile nature of this issue. At a time in which there were armed conflicts in the Congo, Angola, Mozambique, etc., images of children with weapons began to appear that shocked public opinion, and in the political sphere awareness was raised, including that of the UN Security Council, which, in the last ten years, has passed five resolutions regarding children affected by armed conflicts. Amongst other things, it brought about the request by the Security Council to the UN Secretary General to draw up and publish an initial list of all the conflicts in which child soldiers were involved and a list of all groups and armed forces recruiting child soldiers, including non-governmental groups. This was highly difficult to achieve in a body as politicised as the UN Security Council.¹⁰³

Making best use of the media's interest, the CSC attempted on a daily basis to give some news on the issue of children, with the atrocities that they were made to commit or that were committed against them, until all the attention reached a saturation point. Journalists no longer made do with a child's photograph and a story about how he or she had become a child soldier. More information is now needed so that the news has an impact, and some media have begun to talk more of children as being perpetrators than victims, a factor that has hindered the work of NGOs in this sphere as they see there is a need to reeducate the media. In other cases, the media has a pre-conceived and limited agenda that is sensitive to possible political use being made of information on this issue. This is the case with the Middle East and other places, like Colombia.¹⁰⁴ The role of the media in a matter as delicate and sensitive as the involvement of children in armed conflicts therefore needs to be qualified.

The NGO members of the CSC consider that the work of lobbying regarding the wording of the Optional protocol was fairly effective and that 80% of what was intended was achieved.¹⁰⁵ The limitations of the treaty include: *a)* in certain situations, the treaty allows for the voluntary recruitment of minors by governmental forces,¹⁰⁶ and *b)* The mechanisms to ensure its implementation are insufficiently developed.¹⁰⁷

102. "If organisations like Amnesty International or Human Rights Watch hadn't been involved, it would have been much more difficult to explain what the CSC was." Interview with Enrique Restoy, Madrid, 21 November 2003. As will be seen, this was a practically identical situation to the Control Arms campaign, in which the prestigious Oxfam International and Amnesty International provided the contacts and public image for the International Action Network on Small Arms (IANSA).
103. This was in November 2001 and only included countries from the Security Council agenda. By the following year, it already included more countries and it has become an annual list. In any case, the main problem is that no sanctions are imposed on the actors in the list that do not improve the situation.

104. In this regard, in the presentation of the Spanish campaign (Madrid, 20 November 2003), various Colombian journalists repeatedly asked the representative of the *Coalición Latinoamericana contra el Uso y el Reclutamiento de Niños Soldados* (Latin American Coalition against the Use and Recruitment of Child Soldiers) whether it was true that it was only the FARC that was recruiting children in Colombia, without showing any deeper or broader interest in the structural problem of the involvement of children in armed conflicts.

105. Interview with Enrique Restoy, head of the CSC's programme for West Africa and the Middle East, 23 November 2003, in Madrid. A good analysis of the improvements represented by this text (and also its deficiencies) is made in the article by Felipe Gómez Isa (2001).

106. For example, the treaty establishes that states must make a formal declaration why they recruit children under 18. On the other hand, if children have to participate in armed conflicts, they must be the last ones to do so.

107. These were measures to put into practice and reinforce control mechanisms and to ensure that states really comply with the rules and provisions that they have signed. The Optional Protocol (as with other conventions) set up a committee in which the different states have to submit reports, although the only authority it has is to make recommendations about the efforts made by each state.

In general, the NGOs were supported by a group of countries during the entire negotiation process of the treaty, which included Belgium, Canada, Denmark, Ethiopia, France, Finland, Netherlands, Ireland, Norway, the Czech Republic, Sweden, Switzerland, Uruguay and China.¹⁰⁸ In some cases, these were countries with a clear pacifist calling, and in others, as in the case of France, it was the particular commitment of a determined individual (specifically, a high-ranking official in the Ministry of Foreign Affairs). Another case of support for children in this context is that of China, an unusual fact that contrasts with the position maintained by the Chinese authorities in other areas concerning human rights, such as torture.¹⁰⁹

In relation to the two most conflictive points during the final negotiations, there were discussions on the age of 18 as the minimum to both participate in hostilities (which was achieved in the end) and for voluntary recruitment (which remained the treaty's main weakness).¹¹⁰

A group of countries were against the issue of participation in hostilities on principle. Cuba, the United States, Egypt, Kuwait, Pakistan, Singapore and the United Kingdom. The US and the UK, amongst others, stood out in this group. In the end, they changed their positions and supported the age of 18 as being the minimum to participate in hostilities, although both states were very hard adversaries for the CSC as they insisted on diluting the wording regarding the issue.¹¹¹

In relation to the second point, the countries that defended 17 as the age limit were those with legislations that allowed (and in some cases still allow) for voluntary enlistment from this age onwards. These countries included Germany, Australia, Brazil, the Republic of Korea, Cuba, Egypt, France, Netherlands, Italy, Japan, Luxembourg and New Zealand. In contrast, India, Singapore and the United Kingdom defended the age of 16 in this matter. In the end, the solution was a proposal by the United States – which also proposed 17 as the limit – that included a series of safeguards and conditions so that the voluntary enlistment of 17-year old males was legal and that it was clear that no coercion was involved.¹¹²

A new stage for the CSC: after the international treaty

Once the treaty was signed, the founders of the CSC considered whether it was necessary to wrap up the coalition and decided not to, because the treaty had to be ratified and implemented. In the end, the international treaty was really just a means to an end, namely, the Coalition's "mission": no boys or girls in armed groups or forces, and no more recruitment, as the United Nations has repeatedly stressed (see Annan, 2004; Otunnu, 2004). This was a very long-term objective and why intermediate objectives, like the Optional Protocol, are necessary.

The ratification of the treaty was therefore a new and very quick stage (the treaty was signed less than three years after the setting up of the CSC). At the present time, 122 countries have signed the Optional Protocol and 116 have ratified it.¹¹³ In spite of this, mention is made of the fact that among the signatories are countries that in theory would be against signing a treaty of this type, such as the Congo and Rwanda-Burundi, countries in which use is made of child soldiers and that

108. This information was checked with different experts and participants in the negotiations, including Jo Becker, Felipe Gómez Isa, Casey Kelso and Enrique Restoy, as well as the representatives of four states who asked to remain anonymous.

109. Bearing in mind that China has no problem with recruiting soldiers over 18, its support can be interpreted as being a strategic decision as it suits them to talk more about this issue and less about others, such as torture.

110. Amongst others, Germany, Argentina, Australia, Austria, Belgium, Canada, the Republic of Korea, Cuba, the Czech Republic, Slovakia, Slovenia, Ethiopia, Finland, France, Georgia, Netherlands, India, Iran, Israel, Italy, Japan, Latvia, Malaysia, Mexico, New Zealand, Norway, Poland, Portugal, South Africa, Sri Lanka, Sweden, Switzerland, Turkey, Uruguay, The Vatican, Chile and China.

111. Interview by e-mail with Jo Becker in February 2004. Jo Becker was the president of the CSC's Steering Committee during 1998 and 2001.

112. See footnote no. 106.

113. These figures are from June 2007. For the current figures, see: <http://www.child-soldiers.org>.

signed and ratified the treaty very quickly, probably because of international pressure. In these cases it was not a question of that the documents were worthless because the signing has a series of effects; however, work is still necessary for states to comply with the commitments that they made. The task of lobby is therefore now down to the UN Security Council and the international criminal courts, and it is also a direct responsibility of governments, which put the emphasis on the implementation of and compliance with the signed treaty.

This ongoing development has also affected the CSC itself. From the time when the treaty was adopted, the objective had been to expand and create as many national coalitions as possible. Nowadays the strategy, which has been embodied in a new strategic plan and seeks to prioritise certain situations, is more sophisticated. This document, which was designed between 2004 and 2005, and agreed to with the consensus of all parties to the Coalition, states that, for member organisations of the CSC at the national and local scale and for other organisations that are not members and other UN actors, the added value of the CSC is the work of lobbying and political pressure. For this reason, it was decided to enhance this function of the Coalition.

The priority is therefore no longer one of expanding or being present in all conflicts, but of being effective in bringing about change. Much more work is therefore done now on the matter of prevention, "attention loopholes" are looked for in places where changes are necessary and there is insufficient support to do so. For example, in the aspect of investigation and research, "It reaches a point in which, in certain countries, everything that there is to be known becomes known. There is nothing new to discover in the Congo, Burundi or Côte d'Ivoire."¹¹⁴ Nevertheless, in countries like the Central African Republic, Chad and the Lebanon there is no proof that there are child soldiers, although it is believed that there are. In fact, since the time when studies first began to be made on situations of armed conflict, minors of under 18 have been found in all cases. [...] Compared to before when it was a reactive issue, it is now much more proactive. It's a question of drawing attention at the beginning of the conflict, because we know that, if there aren't any, there will be, and preventive work needs to be done right away".¹¹⁵ This is the classic example of the work in human rights of denouncing a situation and working on prevention at the scale of the community and armed groups at the same time.

The NGOs call for an effective system of rewards and punishments for recruiters according to their behaviour (Becker, 2004), i.e. as children are very cheap and efficient fighters, in order to demobilise them it is necessary for recruiters to perceive that the benefits of doing so exceed the military advantage, or that the costs of continuing to do so are too high. The benefits could include the increased reputation and international legitimacy of the armed actors and specific support to rehabilitate child soldiers, and the costs, a negative image in the media and international forums, restrictions in access to armament, exclusion from future government or amnesty agreements, and processes by the International Criminal Court and other judicial mechanisms. This is the theory, although in practice the efforts to reward or punish attitudes in terms of aid or sanctions are still very limited.¹¹⁶

The most recent large event on child soldiers at the international scale was the Paris Conference, organised jointly by UNICEF and the French State in February 2007. The subject was a fundamentally institutional one with an objective of adapting the Cape Town principles (which are the

114. Ivory Coast

115. Interview with Enrique Restoy, head of the CSC's programme for West Africa and the Middle East, 9 February 2007, in London.

116. The problem is even more difficult with regard to non-state actors, as the possible pressure points are more limited and, even though commitments have been achieved, most of them have not been maintained, mainly because of the difficulties of systematic monitoring and control, and partly because of the lack of resources. On the other hand, in cases where there have been problems with demobilisation and rehabilitation, these have only been made available for a reduced number of children, there has been too much delay in aid arriving and, significantly, girls have been excluded from these processes. See Jo Becker (2004).

programmatical principles on child soldiers) in line with current times and the rest of the world, as these were principles that were applicable to Africa and had emerged from a UNICEF symposium and a series of organisations with no universal character. These were the underlying principles regarding what a child soldier is, what kind of programme to use for working with child soldiers, etc. Many things are now known about reintegration that were not known before and what can be done and what can't. For example, demobilisation programmes must be long term. Another example is, "They used to say, 'They need to be given money'. Now we know that there is no way that they should be given money."¹¹⁷ This is therefore a conference for fund raising and also an exercise in public relations for governments; on the other hand, and in principle, it will not be for donor states to decide how to condition development aid in relation to the behaviour of countries regarding child soldiers.¹¹⁸

Mention must also be made of the work of the Geneva Call organisation, which emerged to involve non-state actors in the struggle against anti-personnel mines (one aspect that was absent from the Ottawa Treaty) and is currently studying the possibility of making best use of its contacts and the experience acquired in recent years to include the issue of child soldiers in its work with non-state actors.¹¹⁹

3.4. The panorama in Spain

Although no mention is made in the 2004 global report of cases of children or adolescents collaborating with the Spanish army, there was a press conference in Madrid on 20 November 2003 to announce the setting up of the *Coalición Española para Acabar con la Utilización de Niños y Niñas Soldados* (Spanish Coalition to Stop the Use of Child Soldiers, CSC Spain), which was finally presented in February 2004.¹²⁰ CSC Spain endeavours to follow the international model.¹²¹ The national sections of the main international organisations form part of the Steering Committee, which include Amnesty International and Save the Children (which were the founders) and two other organisations that are involved in development cooperation. As the Jesuit Refugee Service international agency does not have a formal section in Spain, it was decided that it would be represented by two closely related entities, Alboan and Entreculturas. *Fundación El Compromiso* is also a collaborating member, although in practice it attends meetings and participates in activities in the same way as the others. Meetings were initially held to carry out ad hoc activities; an increase in the level of organisation and coordination, however, has now led to the existence of a work schedule and an action plan over different time periods.

CSC Spain does not have a legal personality nor any full-time staff, and the representatives of the member organisations meet on a periodic basis (once a fortnight). If any action implies the involvement of the media, the organisations' communication departments also participate in a coordinated way.

117. Interview with Enrique Restoy, head of the CSC's programme for West Africa and the Middle East, 9 February 2007, in London.

118. As an exception and a model of good practices, mention can be made of two cases. In 1999, the UK government agreed to provide £10 million in aid to Sierra Leone to promote stability and reconciliation in the country. Among the conditions that were laid down was to end the use of child soldiers. Human Rights Watch controlled the process and, after new conversations between both governments, by 2004 there were no indices of the use of child soldiers. On the other hand, the Belgian Parliament adopted legislation in March, 2003 barring arms transfers to forces that use child soldiers.

119. Interviews with Gustavo Laurie, coordinator of UNMAS, in Geneva in February 2007, and Mehmet Balci, programme director of Geneva Call, in Barcelona, April 2007.

120. The specific text on Spain is as follows: "There have been no reports of the participation of any under 18s in government forces. There was information on the involvement of minors in violent activities linked to the armed group ETA" (Child Soldiers Global Report, 2004).

121. Telephone interview with Almudena Escorial, member of Save the Children and spokeswoman for CSC Spain, 15 June 2007.

It is expressly based in Madrid because the majority of its members have their headquarters there, except for Alboan, which is in the Basque Country. Nevertheless, the organisations do encourage decentralisation; for example, Amnesty International works with groups of volunteers, whereas Save the Children and Entreculturas have offices in various other cities and provinces. These networks are used to mobilise people in different activities nationwide, and this leads to flexibility which enables each group to adapt action in the most appropriate way according to local conditions.

CSC Spain does not receive any subsidies as such, although the members do individually apply for public and private grants for activities that are then carried out through the coalition. At all events, the coalition's resources are provided by the organisations. Although the coalition as a network does not carry out projects in the field, some of the organisations that form part of it do.

CSC Spain's current regulations are being revised at the present time. The intention is to enhance the relationship between CSC Spain and other European coalitions and establish a more formal link. It is currently formally independent from the international coalition, although activities are coordinated and programmes adapted to the context in Spain according to international priorities. The main aim continues to be to bring an end to the recruitment of child soldiers through awareness, investigation and political science. In this regard, cordial relations exist with the Spanish Ministry of Foreign Affairs' Human Rights Office¹²² and also with the Cooperation Office.¹²³ Amongst other activities, this involves lobbying for the right of those who have been child soldiers to request asylum.

4. THE INTERNATIONAL CAMPAIGN AGAINST LIGHT WEAPONS

4.1. What are light weapons?

Nowadays, the fighting in most conflicts involves small arms and light weapons. Their availability is directly connected with the sharp increase in violence, conflict exacerbation and the phenomenon of child soldiers. In conflicts like those in Côte d'Ivoire, Liberia and Sierra Leone, the illicit trafficking of small arms and light weapons is financed partially with the profits obtained from the illicit exploitation of natural resources. Furthermore, a consequence of the transnational dimension of the illicit trade in small arms and light weapons has been new outbreaks of conflict in many places, such as the Great Lakes region.

In addition to hindering the provision of humanitarian aid, the proliferation of small arms and light weapons also obstructs peace-building efforts to reinforce security and the state of law in situations of conflict and post-conflict, such as Afghanistan, Iraq and Central America.

According to figures from the *Small Arms Survey* (2005 and 2006) and *Human Security Report* (2005), there are at least 640 million small arms and light weapons in circulation, of which approximately 60% are in the hands of the civilian population, 35% the army, 4% the police and 1% non-state armed groups. In the United States alone there are 260 million weapons, i.e. 40% of the total, and approximately two thirds of the firearms in the entire world are in the hands of civilians. Most of the production is concentrated in the United States, Russia and China, although around a hundred states and 700 companies have the capability to produce them. There are enormous reserves in many countries – largely a consequence of the legacy of the Cold War – that often cause bigger problems than the production of new arms. In economic terms, the light weapons

122. Oficina de Derechos Humanos.

123. Oficina de Cooperación.

and ammunition business moves around 4,000 million dollars a year, which represents 10% of the entire conventional arms trade (Krause, 2007). The paradox is that small arms and light weapons are the cause of the great majority of the victims of armed violence. The main exporters are Russia, United States, Italy, Germany and China, although other producers, like Austria and Belgium, sometimes export significant quantities.

The figures that show the effects of small arms are very high. It is calculated that at least 300,000 people die every year because of armed violence, one third of these in wars and the rest in criminal situations or non-conflictive contexts. In terms of the socio-economic costs that are involved, mention must also be made of the direct medical costs as well as non-medical costs (police, prisons, legal services and costs of post-war reconstruction); indirect tangible costs (loss of productivity, production and security costs, insurance and loss of investment), and indirect intangible costs (quality of life). Using cost models similar to those used for tobacco consumption, road accidents and HIV/AIDS, the Inter-American Development Bank has estimated that the direct and indirect costs of violence in Latin America are around 140 billion dollars a year. In some countries like Colombia, this may be around 5% of GDP.¹²⁴

4.2. The actors that make up the international network

Control Arms is a campaign led by three large organisations with one common aim: a global, legally binding conventional Arms Trade Treaty. On the one hand, the International Action Network on Small Arms (IANSA) is a network of hundreds of NGOs that work in the field all around the world and, on the other, both Amnesty International (AI) and Oxfam have great international prestige and contacts with the press and international organisations, and also many members that can be mobilised in actions coordinated at the international level. In the words of Michael Cassandra, from the UN's Department for Disarmament Affairs, "The people with IANSA have to explain what IANSA is, whereas those from AI and Oxfam don't have to explain who they are. That's very good for IANSA".¹²⁵ In a similar way, the representative of AI's International Secretariat, Mark Neumann, pointed out that, "Together we have things that no organisation has on its own. For example, IANSA doesn't have the experience or the reputation that we have regarding human rights. Each one provides something, and between the three of us we're stronger".¹²⁶

IANSA was set up in 1998 within the context of the success of the mine ban treaty. Sally Joss, from the UK and the disarmament section of Oxfam, was its first coordinator. Rebecca Peters, the leader of the Australian arms control campaign, is the director. The fundamental objective initially was to extend the network, especially in countries in the South, for which it received economic support from the British government's International Aid Department.¹²⁷ With the change in leadership, there was a restructuring of the objectives, and the section dealing with the control of civilian arms possession was reinforced (this was apparent in discussions with the leaders of the pro-gun movement in the United States). In part because of the success of the Control Arms campaign, the arms transfer control also became one of its priorities. As for its structure, there has been an important change towards the International Secretariat becoming more important in terms of staff and the influence of the headquarters in London, whereas the steering committee, which was set up at the beginning of IANSA by people of renowned prestige and credibility in the world associated with disarmament, today carries less weight.¹²⁸

124. For other similar data, see Krause (2007).

125. Interviewed by the author in New York, 1 July 2006, within the context of the Conference to Review Progress made in Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (RevCon).

126. Interviewed by the author in New York, 5 July 2006, within the context of the RevCon.

127. Interview with Geraldine O'Callaghan, founder and member of the first IANSA steering committee, and also expert in small arms and light weapons for the British government. London, February 2007.

128. Interview with Sally Joss, first coordinator of IANSA. Oxford, February 2007.

In general terms, what is often referred to when talking about IANSA is the hundreds of small organisations that it is comprised of, but not necessarily the largest ones, which are sufficiently important and play a leading role on their own. IANSA is the umbrella organisation that coordinates them, especially during international negotiations, one aspect which is highly positively assessed by the United Nations. "Since IANSA created its coalition, they've always set up exhibits and other activities in international conferences, and that's made life much easier for us as before we had to deal with ten or fifteen different NGOs. [...] One of the most important jobs they've done for us is to organise the NGOs' speeches in each conference, which has often created tension among themselves. I know it's not an easy task".¹²⁹

On the other hand, Oxfam is a development organisation and AI works fundamentally in human rights-related issues. Both are formally part of IANSA. The fact that individually they are thought of as being more important than other members of IANSA, like Saferworld in the UK (which is also a founding member of IANSA), is related to the level of resources that these organisations have allocated to Control Arms. Other organisations are in the campaign because they form part of IANSA, and they consider their role to be complementary to that of the other larger organisations; "AI has a million members worldwide, Oxfam also has an enormous number of members, whereas Saferworld is not a member-based organisation. We have people who support us but no members paying any monthly fees. Our work has to do more with lobbying, political pressure and investigation, and less with campaigning [...]. With regard to the Control Arms campaign, Oxfam and AI are the two organisations that have taken the initiative and have the possibilities of providing more resources and, at least in theory, million of members in the world. This is the reason why their names stand out in the campaign materials".¹³⁰

The secretariats of AI, Oxfam and IANSA exchange information and jointly coordinate actions. The three organisations are based in the United Kingdom, and this simplifies contacts and cooperation. Nevertheless, this geographical coincidence can also lead to a series of consequences, even in terms of campaign priorities. This is an aspect that, together with the financial dependency on the UK government (especially for the IANSA, in the first few years), has been highly criticised, especially by members from underdeveloped countries.¹³¹

In any case, the main organisations share tools and reports, and they jointly plan each step in the strategy and how the campaign is to develop. Ricardo Magán, from Intermon Oxfam, summarised it as follows, "In terms of the organisation, there are minimum guidelines that are much more specific in the sphere of political science and more flexible in that of mobilisation, which are shared by the three organisations. Ultimately, national capabilities are adapted to campaign re-

129. Michael Cassandra, from the then UN Department for Disarmament Affairs. Interviewed by the author in New York, 1 July 2006, within the context of the RevCon.

130. Bernardo Mariani, from Saferworld, interviewed by the author in New York, 2 July 2006, within the context of the RevCon.

131. In this regard, the coordinator of the Bangladesh Development Partnership Centre, Sharif A. Kafi, pointed out: "It is very difficult to have a good, transparent relationship with members from so many countries. IANSA has been accused of lack of transparency in decision-making. [...] The leadership needs to democratise the decision-making process, the leadership. This must be representative. The leadership of IANSA is sometimes dominated by certain Western and European governments, and the impression that people sometimes have is that IANSA is an instrument in their hands. The position of the British government is very surprising; if the British government is one of the main producers and exporters of light weapons, why put so much money into IANSA? Maybe it feels that IANSA is favourable to its objectives. Right from the beginning, the work of IANSA has been acceptable, but more things could be done. [...] There are issues in South and East Asia (with very little representation in IANSA) that should be given more importance. A lot of effort is dedicated to Africa and Latin America, but Asia is the most populated part of the world!". Interviewed by the author in New York, 29 June 2006, within the context of the RevCon. Other interviewees also criticised the lack of transparency in IANSA's current management, shown in the absence of any defined criteria for staff selection and in the progressive loss of power of the IANSA Board relative to the International Secretariat based in London. The body that was initially set up to strategically manage the network and that in 2000 consisted of twelve people is currently made up of four, of which only one was at the RevCon. This situation has led to a process of reflexion in the international network, which began in July 2006 in New York and again in August 2007 in Geneva, which should lead to a transition towards the redefining of IANSA's objectives and structure.

quirements. [...] After this the tools are shared. For example, within the sphere of political science, 80% of all reports are produced jointly. We reach agreement to decide on what is to be published and when. According to the issue and our possibilities, we decide whether AI or Oxfam will take the initiative (or, to a lesser degree, IANSA, but it always receives the support of all the members anyway). There are sometimes limits, for example, in some cases, AI is freer to talk about certain countries in which Oxfam is more limited because it has people working there, etc.”¹³²

As mentioned already, the main objective of Control Arms is the Arms Trade Treaty (ATT), but it is not the only one. One of the reasons why it was chosen has to do with its marketing potential, in that the idea of the ATT is easy to understand and reminds one of other initiatives, like the mine ban treaty. In the words of one of the campaign’s spokespersons, “It isn’t limited exclusively to one sole objective, although I believe the ATT is the clearest and most specific objective that can be adopted by all those who support us”.¹³³

Lastly, the main coordinating body of Control Arms is the ATT steering committee, a body that works specifically towards the goal of the ATT and includes people from other NGOs like Saferworld and the Fundación Arias, which do not necessarily form part of the Control Arms campaign.

4.3. Developments in the international process

Broadly speaking, there are two main processes taking place at the international scale to deal with this problem: on the one hand, initiatives relative to the UN’s Programme of Action on Small Arms and Light Weapons (SALW), which includes different issues, such as regulation of the arms market, ammunition, intermediaries, arms transfer, civilian possession of arms, etc.;¹³⁴ and on the other, the future Arms Trade Treaty (ATT), which will include not only small arms and light weapons, like hand-guns and rifles, but also heavy weapons, like tanks, cannons and aircraft. This initiative (Control Arms) should therefore not be confused with efforts to control the proliferation of light weapons; they are two related, yet distinct, processes.

The SALW is a declaration in the political sphere approved in 2001 that is legally non-binding and only affects small arms.¹³⁵ The ATT is a proposal by a group of Nobel Peace Prize winners led by the president of Costa Rica, Óscar Arias, that was adopted in October 2003 by the international Control Arms campaign. This proposal, in which Oxfam, Amnesty International and IANSA all participate, will lead at some point to the adoption of a legally binding international treaty, which will include not just light weapons, but also conventional weapons. The two processes are different although they are clearly connected, as the SALW process includes attempts to introduce clauses and articles that improve the controls over the transfer of light weapons as a further step towards achieving the ATT.

Bearing in mind that the intention of this study is to set out a brief current state of affairs of the question of present-day disarmament campaigns, the deliberate focus in the following pages is on the analysis of the two main events that have recently taken place: firstly, the UN Review Confer-

132. Interviewed by the author in New York, 5 July 2006, within the context of the RevCon.

133. Mark Neumann, representative of AI in Control Arms. Interviewed by the author in New York, 5 July 2006, within the context of the RevCon.

134. It should be pointed out that there has been a change in the demands made by civil society regarding the approaches to the problems caused by light weapons. What was initially a series of first-generation demands associated with the control of arms supply has become a new series of second-generation demands structured around the control of the demand for arms. Interview with David Atwood, director of the Quaker United Nations Office, New York, 2 July 2006, within the context of the RevCon.

135. A series of regional agreements on light weapons (some of them binding, such as the CEDEAO-ECOWAS Convention, in West Africa) should be added to SALW, as well as the UN Firearms Protocol, which have come into force in recent years. Nevertheless, the analysts all agree that the complete application of the UN’s SALW programme could have a big impact on reducing the problems associated with light weapons.

ence of the Programme of Action on Small Arms and Light Weapons (RevCon), held in the summer of 2006 in New York, which ended without any agreement, and, secondly, the resolution approved in the first committee of the UN General Assembly, also in New York, in November 2006, which, with the setting up of a group of experts on the ATT, formally started the international process that should lead to an arms trade treaty.

The Review Conference of the Programme of Action on Small Arms and Light Weapons

The UN Review Conference on Small Arms (RevCon) came to an end without any agreement. This was due to the intransigence of a small yet powerful group of states, while the others were incapable of overcoming the difficulties of the negotiations. Six years earlier, the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects had been held in New York from 9-20 July 2001. At that conference, the states agreed to a programme of action that for the first time established at the global level a series of measures that countries had to take in order to deal with this issue in an effective way (UN document A/CONF.192/15). This document was not legally binding and did not include several points considered by many states and NGOs that had come together around IANSA to be fundamental. Among these points were transfers to non-state actors, control of the civilian possession of arms, the regulation of specific categories of light weapons (in particular, man-portable air-defense systems or shoulder-launched surface-to-air missiles/MANPADS or MPADS) and the problems deriving from the excessive demand for arms.

At the RevCon, states had to reaffirm their commitment to eradicate the illegal trade in these arms, which every day end the lives of a thousand people. This commitment was to be embodied in a document adopted by consensus that would serve to complement the SALW and establish the guidelines regarding the subject of light weapons that countries would have to follow in the following years, including new mentions to the relationship between the proliferation of light weapons and the difficulties for socio-economic development, and the relationship with systematic violations of human rights.

The result was a failure as after two weeks of intense negotiations no consensus was achieved. Out of the four sections in the first draft of the final document, not one remained.¹³⁶ It was, in part, a foreseeable result because the PrepCon (in UN terminology, the conference in preparation for the RevCon, which was held in New York on January 2006) also came to an end without consensus. On that occasion the states could not reach agreement about establishing the agenda of matters to be dealt with in the RevCon, which already made it foreseeable that the results of the actual conference would be minimal.

The role of the NGOs in pressing for all these proposals to be included in the final document was appreciable and it was recognised by many governments, including Spain. Through the Control Arms campaign (led, in addition to IANSA, by Oxfam and Amnesty International), more than a million photographs of the faces of people who supported the campaign were presented to Kofi Annan on the day of the inauguration of the RevCon, a fact which had considerably far-reaching effects in the media. In addition, forty-five delegations included representatives from civil society amongst their members, although the Mercosur states refused to do so at the request of Venezuela.

The RevCon failed for various reasons. Firstly, the handling of the process was criticised because the negotiation stage had been very short. The preliminary speeches by states went on

136. One should bear in mind that, on the last day, it was speculated that the wording would be greatly reduced, with just two sections: section one (preamble or introduction) and section four (mechanisms for the monitoring and supervision of the process). In fact, over the previous days the following question had been raised (as empty rhetoric): "So what is it that's going to be supervised, if the text is devoid of any content?", in reference to sections three and four, the true substance of the document. Nevertheless, the majority of the voices affirmed that it was better to have a new opportunity to deal with the matter in the future than to not conclude any type of new commitment. In the end, they could not even agree on this.

for four entire days, another day was taken up by the local 4 July holiday and, moreover, it coincided with the World Cup (football) in Germany. The lack of negotiating skill by the representatives of the European Union (who presumably were meant to lead the negotiations) was also criticised, as well as some of the facilitators of each of the sections in the final document, which possibly was made worse by the weak position of the RevCon chairperson, who avoided making any enemies before a possible election of a compatriot as the new UN Secretary General in October 2006 (the diplomat from Sri Lanka and ex-head of the UN's Department of Disarmament, Jayantha Dhanapala). Mention must also be made of the fact that the informal negotiations of the last few days were carried out solely in English and without any translators. This led to several countries, in particular the French-speaking ones, condemning on various occasions their marginalisation from the process.

What ultimately counted in the RevCon however was consensus rule. For this reason, an attempt was made from the beginning to reach an agreement with the states that were less in favour of regulating light weapons. To find who was guilty of the blockade, with the exception of transfer control, mention must inevitably be made of the US delegation and its constant communications between Washington and New York.¹³⁷ As for the sphere of transfer control, countries like Cuba, India, Iran and Pakistan were inflexible. In others, Venezuela, Egypt and Israel, for example, maintained positions that were non-negotiable. On the other hand, China and Russia, two of the main small arms producers, maintained hard-line positions without standing out, and they toyed with the rule of unanimity, in which just one vote is sufficient to block negotiations.

The European Union (EU) is one of the regions that has made most progress in regulating various dimensions of the problem of light weapons, for example, with the Code of Conduct on Arms Exports, which was passed in 1998. However, it was unable, or did not know how, to defend its positions. On the one hand, there were important internal divergences; while the delegations of the presidency of the EU during the two six-month terms in 2006 (Austria and Finland) held the formal leadership, effective leadership by the United Kingdom was not agreed with by all of the EU members, particularly France, which on various occasions demonstrated its disagreement. In addition, its position was not transmitted with the necessary clarity.¹³⁸

The result of the RevCon calls for in-depth reflexion. The repeated failures of negotiations within the framework of the United Nations perhaps makes it necessary to reappraise the need for a reform of the institution that addresses, firstly, consensus rule for decision-making. While it was criticised in the majority of the speeches by government representatives at the end of the RevCon, a large number did recognise, however, the importance of dealing with this issue in a multi-lateral way. It could be summed up as, "We want to negotiate in the UNO, but with consensus rule modified".

Given the uncertainty that the result of the RevCon represented, at the end of 2006 the UN General Assembly's First Committee – which deals with security and disarmament – approved a resolution providing for continuity of the SALW monitoring process. According to the text, a new biennial meeting of the states that form part of the SALW is to be held in 2008. In any case,

137. The reticence on the part of the Bush government regarding participation in multi-lateral commitments was demonstrated in the speech on 28 June, in which the US categorically expressed its refusal to deal with the issue of munitions, to question the civilian possession of arms and arms transfers to non-state actors that could be considered allies, and to make possible new review processes for the SALW. They did however leave the way open to a possible coding (not legally binding) of general principles regarding arms transfers. In this regard, the influence of the gun lobby, in particular, the National Rifle Association, stood out as being the only members of civil society who were present in the US delegation. In addition, thirteen other associations participated in the speeches on Friday 30 June, a space that the organisers had set aside for NGOs (see Alcalde, 2006a).

138. In this regard, several of the non-aligned countries, including the Caribbean countries, grouped in the CARICOM, vetoed all mention of development in the wording, although they could have benefited from this. The reason for this could be summarised as follows: "We don't want money from the development aid programme being set aside for light arms control programmes". As various donor countries have repeatedly expressed, the proposal was not to divert funding, but to set up new funds to deal with two problems that, as is recognised in the SALW, are intimately connected.

in order for new agreements to be reached, it is very likely that an issue as complex as light weapons should not be dealt in overall terms, but rather one single dimension at a time. A positive result was achieved at the first meeting with the approval, in December 2005, of a non-binding instrument on marking and tracing that did not however regulate ammunition. Other parallel processes dealt with subjects like intermediaries or brokers (due partly to the work of Dutch diplomats) and light weapon transfers. In this regard, 135 states (according to the British delegation present at the RevCon) at some point expressed their desire for some type of regulation dealing with the illegal trade in this kind of arms to be adopted. In addition, Canada announced at the end of the RevCon that it would organise an informal meeting on the matter of transfers of small arms and light weapons in Geneva in August 2007, from which more specific results may emerge.

Nevertheless, the biennial meetings in 2003 and 2005 had no effective results, which was used by countries less in favour of regulations, like the United States, to criticise the SALW monitoring process. For this reason, several organisations based in Geneva tried to modify the negotiating conditions of the next biennial meeting, with the awareness that a new failure could definitively condemn the SALW monitoring process.¹³⁹ In this regard, the next step will depend on the resolution to be voted in the next session of the General Assembly's First Committee at the end of 2007, which, in addition to specific dates, should specify the matters to be dealt with in the biennial meeting with a view to achieving specific commitments that are acceptable to states in the new biennial meeting in 2008.

Towards the Arms Trade Treaty

The second international process taking place in this sphere is the future conventional Arms Trade Treaty (ATT). As explained by the governments of the United Kingdom, Finland, Argentina, Australia, Costa Rica, Japan and Kenya in their proposal, the real reason for the ATT is the loopholes, ambiguities and contradictions that exist in national laws and regional agreements on arms transfers, which all leads to the absence of any effective control over irresponsible arms sales. The moral and humanitarian motivation to effectively regulate the dissemination of arms as a factor that contributes to fundamental challenges for the international community deserves special mention, as do the response to international terrorism, the promotion of development in Africa and stabilisation of the Middle East. The resolution approved in November 2006 contends that the lack of international regulations in the conventional arms trade is a factor that increases the negative consequences of conflicts, the mass displacement of people, crime and terrorism. As we have seen, the uncontrolled proliferation of arms prolongs wars and increases their cost in terms of human lives and also the opportunity for potential progress in developing countries. The current situations in Iraq and Afghanistan are examples of conflict intensification with acts of resistance and terrorism carried out by an over-armed civilian population.

The opponents of the ATT based their arguments on the assertion that the treaty would have negative socio-economic consequences for labour markets, due to the loss of jobs and the drop in the profits of the arms industry. Nevertheless, a binding global agreement would protect the

139. These entities, like the Quakers and UNIDIR, together with various academics who are experts in international relations, are organised around the Geneva Process on Small Arms, and they already have sound experience in providing informal contacts between diplomats and other fundamental actors in international disarmament processes. "For the next biennial meeting to be held in 2008, attempts are being made to creatively solve the problems of how the negotiations are handled that were observed in the previous biennial meetings and also in the RevCon, by bringing together the matters to be dealt with and providing the space and conditions for the negotiations." Patrick McCarthy, coordinator of the Geneva Process, interviewed in April 2007 in Geneva. In this regard, it has to be recognised that the context of Geneva, which is far from the political pressures of New York, is a noteworthy element regarding the holding of multilateral negotiations in different spheres of disarmament. When asked for their opinion on what would have happened if the RevCon had been held in Geneva instead of New York, the majority of the interviewees agreed that the results would quite probably have been different.

legal arms trade because it would create a homogenous situation that would prevent exporting countries that compete in the market from sending arms illegally to conflict zones. This would neutralise the reason often given by irresponsible exporters, who state that, "If I don't sell them, somebody else will". In the age of global terrorism and with the aim of reinforcing the security of the international community, several people within the arms control movement thought that the new priorities of governments would signify more support for regulation of the arms trade. After the attacks of 9/11 (September 11 2001), however, several countries reduced the control over arms exports even further to supply "friendly" forces (both governmental and non-governmental) in the name of the "war on terrorism".

Moreover, some states see the treaty as a threat to national security and the right of self-defense. The individual right of self-defense is precisely one of the main arguments of influential groups, such as the National Rifle Association (NRA), regarding application of the Second Amendment of the US Constitution, which is interpreted as guaranteeing the right of civilians to own a firearm in contexts of both individual self-defense (to protect one's life and property) and collective self-defense (based on the classic vindication of the right to resist tyranny).¹⁴⁰ The NRA is a lobby with one million members in the United States, who are organised in a structure similar to the system of multi-level political institutions in the US. They can easily act in a coordinated way and respond to any control initiative that emerges anywhere in the country. Its leaders, on the other hand, are comfortably off and in the highest political circles, and they have many contacts in the UN.¹⁴¹ Moreover, its members are highly likely to participate in protests; for example, Goss (2006) has shown that pro-gun activists are twice as likely to send letters to their local members of Congress than arms control activists, at least in the context of the United States.¹⁴²

In any case, the promoters of the ATT point out that the signing and application of a treaty could serve as a deterrent for stakeholders in the illicit trade and improper use of arms, because there would be sanctions for any violations of the treaty, which would help to promote respect for the ATT and its application. Moreover, the treaty would reduce the need for many other regional and international agreements, and it would provide for the coordination and application of common regulations for different countries.

140. Unlike other campaigns, in this case there is an organised counter-campaign that uses strategies similar to those of IANSA and Control Arms. This means that in each international conference the two opposing sectors of civil society share the same space. "Obviously the NRA has a big influence in the US delegation. They've done what we have always recommended NGOs to do: 'Influence your governments!'" Michael Cassandra, UN's Department of Disarmament Affairs, interviewed on 1 July 2007, within the context of the RevCon. The fact that there is no type of constructive dialogue between these two groups means that many shooter clubs and associations have moved closer to the arms lobby than IANSA's. In this regard, some of the people interviewed pointed out that one of the issues that will need to be improved in the future is to build bridges and channels for dialogue with non-extremist associations in the arms lobby (for example, hunters associations) that share part of their objectives (see the interview with Marc-Antoine Morel, from the UNDP, in Geneva, February 2007). The idea is that the explicit support of these types of organisations for the objectives of IANSA could increase its credibility in the eyes of certain countries and international organisations, given the confusion of a large part of the public opinion (especially in the US) as a result of the action of two different (and opposed) sectors of civil society.

141. "In the international conferences they keep a low profile, but they are there and we know they're there. Wayne Lapiere is registered, he has access, but you won't see him round here even though he has a pass to be here. The NRA has tremendous influence in the US delegation, but it keeps a low profile. In this regard, they are much more effective than IANSA. They also have more money. They want us to put them with the other NGOs and we put them together, here in the UN. This is clearly pure propaganda. I believe they are very effective because they play a home game. When they play away from home they're not so successful [...] They have a very good representative here. He's a very intelligent man who understands how things work in the UN. And although there is some absurd stuff on their website, you'll never hear him say anything like that here." Michael Cassandra, UN's Department of Disarmament Affairs. Interviewed 1 July 2007, within the context of the RevCon.

142. The World Forum of Sport Shooting Activities is the umbrella association that represents the interests of the arms lobby in the international context. It is believed to have helped the arms lobby in Brazil (one of the states with the most problems due to the proliferation of light weapons) in the referendum that was held in 2005 regarding a ban on the civilian population's possession of firearms, with resources, guidance and a very powerful slogan: "This is the first right they're taking away from us. What will be the next?", which has traditionally been very effective in the US (Goss, 2006). Contrary to what the surveys predicted, the citizens finally voted against a ban.

Many of the participants in negotiation processes have underlined the need for firm and plural leadership. Theoretically, there has often been talk of the middle power countries and of their role in new forms of diplomacy.¹⁴³ For example, regarding nuclear weapons, “Middle power countries are politically and economically significant, internationally respected countries that have renounced the nuclear arms race, a standing that gives them significant political credibility.” (see <http://www.middlepowers.org/>). Several countries that have participated in this network are Australia, Belgium, Brazil, Canada, Egypt, Germany, Greece, Ireland, Italy, Japan, Mexico, Netherlands, New Zealand, South Africa and Sweden. However, the theory of what defines these countries as being possible leaders is not very clear: is it size, population, per capita income? Mary Wareham, one of the collaborators closest to Jody Williams in the landmine ban coalition, offers a possible answer, “The leadership is very important. [...] It needs somebody with the ability to go out and get the support of governments to negotiate an ATT. This is why countries with a good reputation in diplomacy are needed, like Canada, Norway, Netherlands, Sweden, New Zealand, etc. You don’t need to be a super-power, if you are willing to allocate the resources and you’re smart enough to do so, you just go out and do it!”¹⁴⁴

In the vote on the resolution in November 2006, 139 countries voted in favour, 24 abstained and 28 did not participate. The US was the only country that openly opposed the proposal presented by a plural group of seven countries. First there was the UK, which was a key country in the setting up of IANSA because of its financial support (a fact that partially conditioned its objectives and the development of the coalition over the first few years) and which exercised a certain leadership, without actually taking on the role of, for example, Canada in the campaign to ban anti-personnel mines or Norway in the case of cluster bombs. Kenya has also been a regional leader in various international disarmament negotiations, as in the campaign to ban anti-personnel mines and light weapons. Finland, which currently holds the Presidency of the EU, had a more active role in this case than in others (for example, it did not sign the Ottawa Treaty). Costa Rica, a small Central American state without an army and a Nobel Peace Prize winner as prime minister, fostered the idea from the beginning. Australia, Argentina and Japan have assured fairly effective representation up until now. However, there was again the lack of any country from the Middle East, a region characterised by the absence of an organised civil society to put pressure on its governments, which were amongst the group of those that abstained.¹⁴⁵

Among the countries in favour of the resolution, special mention is made, in addition to the countries most affected by armed conflicts, of the United Kingdom, France and Germany, three of the six main world producers, and also important exporters such as Brazil, Ukraine and Bulgaria. Other important arms producers, however, like China, Russia, India and Pakistan, abstained.

The United States continues to take advantage of the importance of the rule of unanimity in the context of the United Nations. In the words of Richard Grenell, spokesman for the US delegation in the UNO, “The only way for a global arms trade treaty to work is to have every country agree on a standard”.¹⁴⁶ The truth is that, according to the SIPRI Yearbook for 2007, the United States is the main world arms exporter, accounting for almost half of the total and way ahead of European countries, Russia and China. Spain remains in a discrete fifteenth position.¹⁴⁷

143. See, for example, Stokke (1989), Cranford Pratt (1990), Cooper *et al.* (1993), Hurrell *et al.* (2000) and Begrubger (2003).

144. Mary Wareham currently works for Oxfam New Zealand and was coordinator of the US anti-mine campaign. Interviewed by the author in New York, 7 July 2006, within the context of the RevCon.

145. In this regard, an editorial in the English language newspaper *Arab News* on 28 October 2006 said that: “Only a cynic would claim the UN’s planned treaty to regulate and limit the international arms trade is an absurdity”. Nevertheless, it did not mention the position of its governments, many of which had formed part of the ad hoc alliances that had blocked the RevCon in the summer of 2006.

146. See the articles in *Der Spiegel* (<http://www.spiegel.de/international/0,1518,445129,00.html>) and *The Guardian* (<http://www.guardian.co.uk/armstrade/story/0,,1933807,00.html>), 28 October 2006, that give these quotes.

147. See also the texts by Alcalde (2007b), Font (2000 and 2007), González (2007), Alcalde (2007b) and the second chapter of the study presented by Greenpeace, Intermón Oxfam and Amnesty International in February 2007. For a full analysis of the arms industry in Spain, see Ortega (2007).

On the other hand, the role of NGOs in this matter has been more outstanding and effective than in the case of the RevCon. In fact, Prasad Kariyawasam, President of the UN Small Arms Review Conference/RevCon, was quite pessimistic about the possible success of the resolution that was finally approved.¹⁴⁸ With initiatives like visits to the headquarters of the 192 governments in 192 minutes, the activists managed to noticeably increase the number of countries in favour of the resolution: the figure of 60 in the summer of 2006 went up to 139 in November 2006, in a marathon of *lobbying* by the Control Arms campaign, which had begun in October 2003 and in July 2004 only had the support of 10 countries: Costa Rica, Mali, Cambodia, Finland, Iceland, Kenya, Slovenia, Brazil, Netherlands and Macedonia.

As far as the future is concerned, the role of the United States and its renewed legislative chambers, and still the only super-power in the international relations, will be fundamental in the ongoing development of this process and in the multilateral approach. This, together with the result of the US presidential elections in 2008, may have a decisive influence on the increase in the legitimacy and role of the UN in international negotiations, particularly in the field of security and disarmament.¹⁴⁹

In any case, even though large states like the United States, China and Russia may not support the ATT, which would make it difficult for it to be adopted, the process of approving a treaty may serve to stimulate discussion on this issue in public opinion and in the position maintained by governments. The rules of the game that are adopted to develop this process will be fundamental, for example, if the intention is to adopt an initiative by consensus within the framework of the UN (as in the light weapons process) or whether a more rapid and effective procedure will be sought after (as in the case of the campaign to ban anti-personnel mines and the cluster bombs campaign). Interestingly, the Control Arms campaign carries out a popular inquiry worldwide to gather different demands by civil society, which will be passed on to the group of experts responsible for drawing up the treaty.

4.4. The panorama in Spain

The involvement of NGOs in coordinated nationwide campaigns is based on a productive experience that spans more than a decade. It began with the “Hay secretos que matan” campaign,¹⁵⁰ which formally started with a press conference in Madrid on 12 December 1994 and was attended by the presidents of the three organisers (Amnesty International, Greenpeace and Médicos Sin Fronteras). Intermon Oxfam joined later on, which contributed to the recognition of the link between disarmament and development. Coordination between the organisations was channelled by the UNESCO Centre/Catalonia and, later on, by the UNESCO Chair on Peace and Human Rights (currently, the School of Peace Culture) at the Autonomous University of Barcelona.

Previous efforts were again taken up and given form to by this campaign, like the Anti-arms Trade Campaign at the end of the eighties (currently reorganised as the J. M. Delàs Centre for Peace Studies), which had already specified in the press release announcement the following objectives, amongst others: to instigate the formulation of more restrictive legislation for Spanish arms

148. See the interview with Prasad Kariyawasam, just after the RevCon, in which he talks about the possibilities of the resolution on the ATT being successful: http://www.armscontrol.org/interviews/20060727_kariyawasam.asp.

149. Special mention is made of the possible impact of the rise of the Democrats in US policy since the last elections at the end of 2006. From the arms control point of view, it was an election between candidates who were for and against more rigid legislation on arms possession and transfer, between the Brady Campaign, the name given to the activist network that seeks to reinforce its regulation, and groups like the National Rifle Association (NRA), known worldwide for its defense of the rights of gun owners, which, they argue, is based on the Second Amendment of the US Constitution. A positive trend towards stricter regulation can be seen, due to the Democratic majority in the two houses. Nothing can be ruled out in terms of forthcoming legislation, however, as NRA sympathisers still hold important positions in the US government. See Alcalde (2006b) and Goss (2006).

150. Secrets that kill.

exports, a call for parliamentary control over these issues, and for the figures on arms exports (quantity, use and type of material), the list of countries under embargo and all records of misappropriation to be made publicly available.

Since then there was the “Adiós a las Armas (ligeras)” campaign,¹⁵¹ presented in October 1999; the anti-landmines campaign, and the European Code of Conduct campaign. The anti-landmines campaign “worked in parallel with the transparency in the arms trade campaign and was mostly led by the same organisations, especially in Spain” (Fisas, 1998: 18). As for its effects, progress has been made over the last ten years regarding the information provided by government reports on defense and dual-use exports, partly as a consequence of the mobilisation of civil society.¹⁵² A draft bill on the arms trade is currently being discussed and is expected to be passed in the current parliamentary session.¹⁵³

In relation to the European context, mention must be made of the Spanish campaigns for the approval of the Code of Conduct in 1998, which were recognised internationally. In an interview last February, Geraldine O’Callaghan, co-founder of IANSA and a light weapons expert for the British government, pointed out that, “[The Spanish campaign], together with the British and the French, was the most intense and coordinated at the time and was very important in bring about approval of the European Code of Conduct”.¹⁵⁴

In the case of Catalonia, the Anti-Arms Trade Campaign (C3A) was launched in Barcelona in 1988 as a reaction to the increase in Spanish exports since the beginning of the term in office of the government of Felipe González. Promoted by Justícia i Pau, Fundació per la Pau and Coordinadora pel Desarmament i la Desnuclearització Totals, the C3A was used to make various formal complaints against the Spanish arms trade. In 2001 it was transformed into the J. M. Delàs Centre for Peace Studies, as part of Justícia i Pau. The C3A (and subsequently the Delàs Centre) has been an active part of the European Network against Arms Trade (ENAAT) and has carried out coordinated actions against the arms trade in most European countries.¹⁵⁵ Fundació per la Pau is currently the IANSA representative in Catalonia, and it also represents Control Arms, together with the national section of Amnesty International and Intermon Oxfam.

In these processes, the position of the Spanish State has been ambitious in its eloquence, but prudent in the negotiations, and it has always sought to not distance itself from the official position of the EU. In any case, it is interesting to note the affinity between the Ministry of Foreign Affairs and NGOs particularly interested in the control of light weapons, an innovative and positive aspect that reveals the opening up of foreign policy to civil society on an issue that is highly sensible to the interests of states. Mention is made in this respect of NGO representatives being included as advisors to the Spanish delegation in the RevCon. This has been a general trend in international negotiations since the mid-nineties, with actors in civil society contributing their knowledge and understanding in the field to the sphere of security, in its broadest sense, with links to other aspects of foreign policy, such as development, the environment and the protection of human rights.

151. Goodbye to (light) Weapons

152. Defense material is for exclusive military use, whereas dual-use material can be for either civilian or military use. In 1997, total exports of dual-use products were included for the first time in the total for defense material exports. Up until that time, both figures had only been given according to country of destination. In 1998, a table was added with the disaggregation of the total exports of 6 basic product categories, which in 2000 was extended to 30. In 2001 a cross table of countries of destination and 7 export product categories was included, which in 2003 was extended to 23 for defense material and 10 for dual-use products. In 2004, information was given on the value of exported material according to each product category and country of destination. Information began to appear on the number of licences authorised every year according to country of destination and the sum total value. In 2005, military transport planes were included in official statistics. In the most recent report, presented in May 2007, information was given for the first time on the receiver (armed forces, arsenal or private) and also on product end use (public or private).

153. See Alcalde (2007b), Caramés (2007), Greenpeace *et al.* (2007) and González (2007).

154. Interviewed by the author in London, 20 February 2007.

155. ENAAT is currently planning to start a European campaign to publicly denounce banking institutions and export credit agencies that finance the arms trade. See Prat, 2006.

5. THE INTERNATIONAL CAMPAIGN AGAINST CLUSTER BOMBS¹⁵⁶

The campaign against cluster munitions is the one most directly related to the mine ban campaign, to the extent that many of the protagonists at government level, and also many of the humanitarian associations, are the same in both cases. As will be seen, however, certain differences between the two cases have made it impossible for the mine ban campaign to be automatically reproduced in the case of cluster munitions. Nevertheless, it can be asserted that the campaign against cluster munitions is, at the present time, the international disarmament campaign with the most potential and possibilities of obtaining specific results on a worldwide scale in the short term.

5.1. What are cluster bombs?

Cluster bombs are free-fall or directed projectiles that can be launched from the ground, sea or air and which open during their trajectory to release hundreds of bomblets, or explosive charges. In theory, they explode on contact with the ground, but they have a margin of error in detonation of up to 30%. They can therefore remain buried and untriggered, converting the affected area into a large mine field. They are particularly dangerous for children, due to their shape and colour, which make them resemble stones, tennis balls or drink cans. While the great majority of the victims are civilians, they can also be a problem for soldiers. For example, this type of weapon represents the main risk for the UN blue berets currently posted in Southern Lebanon (including the Spanish contingent), as Israel dropped four million submunitions during the armed conflict in the summer of 2006, 90% during the last seventy-two hours of the bombardment, according to the figures of the UN office in the Lebanon.

Cluster bombs have effects that are indiscriminate and disproportionate to the damage they are meant to cause, and their use is therefore a breach of international humanitarian law. Firstly, limiting their impact to a specific objective is very difficult, and their effects are disseminated over a very extensive area. When they are used near a civilian population, they very likely constitute an indiscriminate form of attack because in large areas it is not possible to distinguish between civilian and military objectives. In addition, some of the munition fragments fail to explode and end up becoming a kind of anti-personnel mine, thereby turning into a hazard for the inhabitants of the area, both during and especially after an armed conflict has come to an end. The majority of the victims of the effects of cluster bombs identified up until now are civilians and, in a higher proportion than any other kind of known weapon, children.

This issue has aroused the interest of development cooperation organisations working in the field in places like the Lebanon, Kosovo and Cambodia. Recently, a group of development aid donor countries led by Norway highlighted the very close relationship existing between the use of cluster munitions and the difficulties for development in the affected communities. As a consequence, in part, of the news that broke in 2006 on the use of cluster munitions by Israel and the paralysis of the customary disarmament forum for discussing this type of weapon, the Convention on Certain Conventional Weapons (CCW),¹⁵⁷ Norway organised an international conference at the end of February 2007 to initiate a more rapid and effective process to specifically deal with cluster munitions.

156. The term *cluster bomb* refers to a bomb dropped by a plane that breaks into bomblets or submunitions upon impact with a target or on the ground. This section of the study is based on a text that deals solely with the international process concerning cluster bombs. See Alcalde (2007c).

157. Protocol V (Explosive remnants of war) of the convention, approved in 2003, only deals with the effects of the post-conflict use of cluster munitions and was not applied retroactively. This is why the supporters of the Oslo Process considered it to be insufficient.

5.2. The actors that make up the international network

The Cluster Munitions Coalition (CMC) was officially founded in The Hague in November 2003. The founding document contains a call to states to assume special responsibility regarding the clearance of unexploded ordnance after armed conflicts, known in the specific literature as explosive remnants of war (ERW). At the time, it was understood that the CMC had to be an “international campaign against (all) ERW”, not just against cluster munitions. The argument was that CMC had to fill the void left by the ICBL, which did not include submunitions within its scope.

Within the context of the stage subsequent to the signing and ratification of the landmine treaty, various activists used the meetings of states on the side of the mine ban convention, those of the Inhumane Weapons Convention and those of the Landmine Monitor, to meet up with other activists and spread the awareness of the issue of ERW and, in particular, cluster bombs.¹⁵⁸

The launching of the CMC took place just before the governmental meeting on the Inhumane Weapons Convention in 2003, in which Protocol V of the Inhumane Weapons Convention, which deals with ERW, was adopted. In spite of pressure by organisations like the ICRC, Landmine Action, UNMAS and Human Rights Watch (HRW), the result was a fairly lame document in relation to the initial aspirations: the text of the protocol contains numerous warnings, the technical appendices are not legally binding, the protocol was not retroactive and cluster munitions were not dealt with specifically.¹⁵⁹

As a consequence of Protocol V being adopted, the approach of the CMC began to change. The fact that states were willing to deal with the general problem of ERW, at the same time that they defended the right to use the vast quantities of cluster munitions stockpiled in their arsenals, convinced NGOs of the need to concentrate on getting a specific response to the problems caused by cluster munitions (Nash, 2006).

Moreover, the experience from other public pressure humanitarian campaigns suggested that a clear and specific message, like “Stop the use of cluster munitions”, was essential for the success of the campaign. The objective of the CMC thus became confined to the specific problems of cluster munitions, the extent of the affected area and the existence of ERW, and from the end of 2004 onwards, this idea was clearly set out in CMC documents.

Having reached this point, there were two possible ways of approaching the solution to the problems stemming from cluster munitions: by banning them or by defining strict requirements for their use.¹⁶⁰ Several researchers have pointed out that the difference between regulation and a ban is an artificial distinction, as a so-called *ban* can, from one point of view, be understood to be *regulation* from the other.¹⁶¹ On the other hand, the choice between a ban and restrictions depends partly on the definition of what has to be banned or restricted.¹⁶²

158. Moreover, Mines Action Canada published a document within the context of the Inhumane Weapons Convention in which it was argued that this issue needed to be dealt with in a specific way. Interview with Rosy Cave, at that time with Landmine Action and currently with UNIDIR. London, February 2007.

159. See a more optimistic interpretation of the possibilities of Protocol V in *Explosive remnants of war*, by Gustavo Laurie, UNMAS coordinator. In relation to the negotiation process, Laurie asserted: “The pragmatic approach of the negotiators, skillful leadership by the coordinator and, above all, the profound humanitarian inspiration of the work, promoted fundamentally by the ICRC, made it possible to conclude the negotiations of Protocol V faster and more effectively” (Laurie, 2007: 45).

160. One should bear in mind that there were similar discussions on anti-personnel mines in the early nineties, when the issue was whether it was all mines that should be banned or just landmines or anti-personnel mines, etc.

161. Interview with Brian Ruppert, from the University of Exeter, Oslo, 22 February 2006.

162. One definition proposal was made by Germany during one of the working group sessions of the Inhumane Weapons Convention on cluster munitions. The text of the definition is as follows: “a) Cluster munitions means a munition, which contains submunitions with explosives. These are deployed by means of delivery and are designed to detonate on impact with a statistical distribution in a pre-defined target area; b) Cluster munition delivery means include artillery shells, missiles or aircraft; c) The characteristics of cluster munitions are a lack of an autonomous target detection capability and a usually high number of dangerous duds that pose serious humanitarian concerns after the use, and d) The term “cluster

In the same way, human rights organisations like HRW, on the basis of a rigorous interpretation of international humanitarian law, have, for more than ten years, been proposing a moratorium on the use of cluster munitions and a series of reforms regarding prohibition of the use of this type of weapon near inhabited areas, together with all forms of ordnance without self-destruction or neutralisation mechanisms (see HRW, 1999). On the other hand, other organisations, such as Handicap International and the Menonite Central Committee, participate in the CMC on the basis of the experience of their people in the field in areas affected by cluster munitions, and they contend that a total ban is necessary because a series of limited reforms is not enough to prevent new victims.

An intermediate position is that customarily maintained by Norwegian People's Aid, the co-organiser entity of the Action Week Against Cluster Munitions in Oslo that is in favour of banning certain types of these weapons, which accepts restrictions to the ban affecting certain specific ordnance that does not represent a humanitarian threat. Nevertheless, this position is closer to a ban than regulation. Up until the middle of 2006, the collective position of the CMC was closer to that of HRW. In the words of the CMC coordinator, "It appears that the lack of public support for a ban will lead to a scheme of regulation for cluster munitions that limits the use of certain types with high percentages of error and in populated areas" (Nash, 2006).

The point of view of organisations in civil society has shifted more towards a ban as a consequence of a series of factors. Firstly, the success of the national campaign in Belgium was important, with new legislation prohibiting cluster munitions that came into force on 9 June 2006.¹⁶³ This led to influential organisations like Landmine Action, in the UK, deciding to modify their position and committing to a ban, and not just for a national moratorium, which is what they had been asking for up until that time. On the other hand, the correlation of forces within the CMC Steering Committee was modified with the incorporation of new organisations, such as Norwegian People's Aid, which was to the advantage of those in favour of the ban.

This diversity of points of view has been considered a sign of weakness that has been taken advantage of, amongst others, by the Belgian arms industry, which has attempted to insist on the differences between the members of the CMC as an argument against any effective action against cluster munitions (Nash, 2006: 36). In reaction to this, and especially from the Oslo Conference in February 2006 onwards, the NGOs in the CMC have made efforts to unify their message, with the optimistic aim of a total ban on cluster munitions, even though the exceptions in the Belgian national law are not considered to be at all a threat to this idea (see CMC, 2007).

NGOs now assign more staff exclusively to the issue of cluster munitions. New research was also published in 2006 and 2007. At the same time, the CMC has increased its number of members in both qualitative and quantitative terms, from some that belong to the ICBL to pro-peace groups, human rights groups and humanitarian groups. Relations with NGOs in affected countries have also improved and increased. In short, the CMC has developed a common strategy as far as international efforts are concerned, which focuses on public display and awareness of the problem and a growing interrelatedness with the bodies responsible for decision-making on the national scale, above all at the parliamentary level, in order to obtain measures coordinated within the national sphere of activity.¹⁶⁴

munitions" does not cover direct-fire munitions, flares and smoke ammunition, sensor-fused ammunition with an autonomous target detection capability, submunition without explosives and landmines".

163. This ban allows for two exceptions: on the one hand, weapons not containing explosive submunitions that are designed to give off smoke or light; and, on the other, weapons containing submunitions with individual target-specific mechanisms that leave no explosive remnants of war. These exceptions would be accepted by the CMC for a future international treaty. See CMC (2007).

164. In this regard, seminars have already been held to inform European MPs in Copenhagen (March 2004), Rome (October 2004), Paris (October 2005), Stockholm (May 2006) and Vienna (July 2006). Within the context of Spain, special mention is made of the work of Catalan MPs, like Joan Herrera and Carles Campuzano (interview with Maria Josep Parés, from Moviment per la Pau, April 2007, Barcelona).

5.3. Developments in the international process

There are many similarities between the Oslo Process and the Ottawa Process on anti-personnel mines. In the Review Conference of the Inhumane Weapons Convention in 1995 a ban on anti-personnel mines was not achieved, although a group of states did emerge from it with the intention of leading a new process that was finally very effective. In the case of cluster munitions there was a very similar process after the failure of a new Review Conference of the Inhumane Weapons Convention in November 2006 that saw new momentum for the future agreement, which was confirmed at the Oslo Conference in February 2007. Given the difficulties to reach a new consensus, Norway believed there was sufficient support to start a new alternative process to the Inhumane Weapons Convention to deal with the effects on the population caused by cluster bombs.

In any case, mines and cluster bombs are similar: on the one hand, there are technical similarities, in that both can be anti-personnel and anti-vehicle,¹⁶⁵ and, on the other, both have socio-economic effects on the communities affected that go beyond the harm and damage caused to the population. In both cases there is a coalition of NGOs that support the cause and in both cases they have ended up choosing non-traditional processes of diplomacy in the negotiations.

Anti-personnel mines, however, were a weapon with limited military utility and, to a certain point, technologically behind the times, an aspect that had even been recognised by most of the military since the mid-nineties. In addition, there was a humanitarian crisis of greater proportions than in the case of cluster munitions, the majority of which are stockpiled.

The links between the two issues are also frequent between the main actors in these processes, in both the diplomatic sphere and amongst the activists. National sections of the ICBL (such as those from Cambodia, Japan and Afghanistan) are members of the CMC. On the other hand, there are key countries in the Ottawa Process, such as Belgium and Norway, which also lead the negotiations on cluster bombs.¹⁶⁶ In fact, one of the figures behind the Norwegian initiative, Steffen Kongstad, head of the Norwegian delegation at the Oslo Conference in February 2007, was the Norwegian ambassador in Geneva and head of the negotiating delegation in the Inhumane Weapons Convention, and he also played a fundamental role in the Ottawa Process.¹⁶⁷

Norway does not just happen to be in charge of leading these negotiations. It is a country with a humanitarian tradition linked to Protestant missionary work and with a foreign policy focused on promoting humanitarian values, its contribution to development aid and participation in peace-keeping operations and conflict resolution processes, as well as the attempts to reach peace agreements between Israel and Palestine in 1993.¹⁶⁸ In addition, the number of people in the various departments of the Norwegian government who originated from organisations and associations in civil society is the highest in Western Europe.¹⁶⁹

165. In fact, the United Nations understands anti-mine action to be the series of measures against anti-personnel mines, anti-vehicle mines and explosive remnants of war. Interview with Gustavo Laurie, UNMAS coordinator, Geneva, February 2007.

166. In addition, even the CMC office is in the London offices of Landmine Action, a leading organisation in the struggle against anti-personnel mines. The Diana, Princess of Wales, Memorial Fund is one of the main donors to Landmine Action and also the CMC, and there are organisations like Human Rights Watch that are members of the steering committees of the ICBL and the CMC.

167. In fact, it has been said on occasions that the Ottawa Treaty should be known as the Oslo Treaty, as the bulk of the negotiations that led to the signing of the treaty in Ottawa took place in Oslo. The case of cluster munitions offered a new opportunity for Norway's international prominence, especially after Sweden, its next-door neighbour and rival as a humanitarian power, had shown its willingness in leadership at the last conference of the Inhumane Weapons Convention, in November 2006. In this regard, it is significant that Canada made explicit mention of the Oslo Process to refer to the alternative process of international negotiations when giving its support to the final declaration of the Oslo Conference.

168. In order to embody these principles in specific legal instruments, which were held in common by a group of small and medium-size countries, Norway was one of the founders of the Human Security Network that was established to reproduce the "new diplomacy" model of the Ottawa Process in other adjacent spheres, including disarmament, the environment, human rights and international development. See <http://www.humansecuritynetwork.org>.

169. Two examples: firstly, in 1990 the adviser to the Minister of Foreign Affairs (and subsequently State Secretary in the

Taking into account the characteristics of the political culture of Norway, the country's initiative to carry out an alternative process in the negotiations on cluster munitions can be understood as part of renewed efforts to increase Norway's influence in the world. The initiative actually forms part of a new programme launched in 2003 with the aim of changing the image of Norway at the international scale as a humanitarian power, in part as a response to the results of studies that have shown the lack of knowledge about the country among the general public outside of Norway.¹⁷⁰ In other words, while countries like the United States, China, the United Kingdom and France are concerned about improving their image, "Norway's problem is not so much one of 're-branding' as it is [...] of 'invisibility' " (Leonard and Small, 2003: 34).

Arguments and counter-arguments

It is interesting to observe the dialectic struggle to define the problem of cluster munitions. Both NGOs and the countries allied as advocates of the status quo know that it is fundamental for the future of these negotiations to assert their view of the problem. Are cluster munitions a risk for civilians? How useful are they in current military actions? Are there dumb weapons and intelligent weapons? Which is more democratic: an agreement within the context of the Inhumane Weapons Convention or an alternative process?

The countries most reluctant to accept the process started in Oslo argue that the Norwegian initiative outside of the Inhumane Weapons Convention will not have the support of the main producers of cluster munitions. This is why, they say, the natural forum for dealing with this issue should continue to be the Inhumane Weapons Convention, although only half of the member states of the UN belong to it, and in recent years it has proved incapable of coming up with effective solutions to the humanitarian problems caused by cluster munitions. It is also claimed that countries like the United States, Russia and China will never accept a total ban, meaning that more realistic solutions need to be found. Nevertheless, and as we have seen in the case of anti-personnel mines, the negotiation of a new treaty to ban cluster munitions could modify the practices of states that are non-signatory to the treaty, as happened with the Ottawa Treaty.

A more controversial argument is that of the military utility of a type of weapon designed principally during the Cold War for use against columns of armoured tanks. In present-day military conflicts, the use of this type of weapon often implies an added difficulty to political and military strategies, because it endangers the life of civilians and even of soldiers themselves. The problem is that there is still no cheap alternative and effective technology for attacking armour-plated tanks. In spite of this, the advocates of cluster bombs still haven't been able to come up with consistent proof of their supposed military effectiveness. This lack of certainty allows NGOs to assert that the damage caused by cluster munitions will always be greater than any military utility they may have.

States that are in favour of the status quo assert that legal requirements already exist that regulate the use of these weapons. Because of the weaknesses of international humanitarian law, however, ambiguous interpretations are often made of these requirements. Given this situation, NGOs claim that specific regulations on cluster munitions are needed to prevent indiscriminate attacks and force the users of these weapons to become responsible for their post-conflict effects.

Norwegian Ministry of Foreign Affairs) was Jan Egeland (who had previously chaired Amnesty International, Norway and also worked for the ICRC), a key individual in Norway leading the negotiations to ban anti-personnel mines and Undersecretary General for Humanitarian Affairs during the Lebanon crisis in 2006; and secondly, from 2005 the Minister of Foreign Affairs, Jonas Gahr Store, former Secretary-General of Red Cross Norway, who was in charge of initiating the speeches at the Oslo Conference.

170. "Norway might be only the 115th in the world in terms of its size, but it is leading the world as a humanitarian power, outperforming all other countries in terms of its contributions to aid, its role in peace-keeping and peace processes and its commitment to developing new kinds of global governance" (Leonard and Small, 2003: 34).

As in the case of anti-personnel mines, several states that have expressed their concern about the problem have affirmed their commitment to improving the reliability of cluster munitions. Nevertheless, this involves technical issues that, in the best of cases, increase the weapon's reliability in post-conflict situations, but they can never solve the problem caused by the extent of the area in which they produce their effects, which means that any military action using cluster munitions can only be indiscriminate. As someone has said, we are faced with a repetition of the discussions held in the mid nineties on the virtues of "intelligent" landmines. Ordnance with self-destruction or self-neutralisation mechanisms represent a lower risk than other types of cluster munitions, but in recent conflicts such as those in Iraq and the Lebanon it has been shown that the reliability of bombs with self-destruction mechanisms is not so clear. In the Lebanon, after the cease-fire, a large number of unexploded and intact submunitions were found, even though they had self-destruction mechanisms. Various experts considered this fact to be a gesture of goodwill by Israeli soldiers who did not approve of their actions, but this nevertheless shows the difficulty of finding rigorous statistics in this sphere.

Another point of conflict arises when there is talk of reducing the weapon's level of error and, consequently, banning the least effective ones. The CMC has argued solidly that the level of error cannot be dealt with just from the technical point of view, as there are many other factors that have an influence, such as the meteorological conditions, the terrain, the pilot's experience, etc. In any case, even assuming that the levels of error could be reduced, given the enormous quantity of submunitions ejected by cluster bombs, a minimum level of error would likewise mean in practice a clear risk for the civilian population. NGOs affirm that the solution lies not just in banning a specific type of subcluster munitions, due to the fact that there are large quantities of submunitions stockpiled that, without a complete approach to the problem, could be (re)sold at a lower price to governments and non-state armed groups.

Studies on the perception of the military utility of this weapon show that there would be insufficient support for a ban agreed to in a forum governed by the rule of unanimity. In spite of everything, there is a group of countries that is potentially in favour of an eventual treaty: first, the countries in Europe that have soldiers posted with peacekeeping missions which need reliable weapons that can distinguish between civilian and military objectives; second, countries in Latin America that do not face the threat of large quantities of armoured tanks, and third, the countries affected, which have a logical interest in a treaty being passed that, amongst other things, takes into account the clearance of contaminated areas and victim and survivor assistance.

The Oslo Conference and the Norwegian initiative

Norway met most of the costs stemming from the organisation of the Oslo Conference in order to create a relaxed environment for work and collaboration between the diplomats. The process started in February 2007 is an example of what, since the nineties, has come to be termed "new diplomacy", which is characterised by open, multilateral negotiation processes with flexible rules in which civil society plays a leading role. In these processes, leadership by a series of individuals who represent countries and international organisations with common ideas and interests gives impetus to alternative negotiation processes in view of the general paralysis of traditional forums, motivated in many cases by the rule of unanimity that must be complied with for decision-making. At the Oslo meeting, there was close collaboration between the CMC and the Norwegian government, with constant exchanges of information and with open meetings, which enabled many of those attending to socialise in both the official meeting and the activities organised by NGOs.

Furthermore, and as happened with the Ottawa Process for landmines, the involvement of states is governed by self-selection procedures; in other words, only those who have shown their willingness to take action and to deal with the problem in an effective way go to meetings, and they accept a series of principles that become more specific as the process makes progress. This is fundamental for avoiding negative positions by countries that can slow down and obstruct negotiations in the traditional forums. In addition, this obliges states to choose between being in the group of

countries that will effectively negotiate a new international disarmament process or remaining outside of it, i.e. they must take sides publicly, so that their behaviour can be controlled later on and they can be made accountable in case of inconsistency between the facts and what has been said.

The person in charge of presenting the Norwegian initiative in Oslo was the Norwegian Minister for International Development, and during his speech, he quoted the Nike slogan, "Just do it". After reminding the audience of other examples of effective collective action by civil society, such as the struggle against apartheid in South Africa, the civil rights movement of the Afro-American population in the United States and even the abolition of slavery, Erik Solheim made use of the well-known expression in the world of sport to illustrate the idea according to which the only thing that was needed to ban cluster munitions was precisely that, to just do it.

The seriousness of the problem was made known through the repetition of clear, specific messages by certain public figures. A series of statistics were also distributed among diplomats and the media present in Oslo that were "humanised" with the presence of survivors wounded by cluster munition explosions during the Kosovo conflict.¹⁷¹ Another example in this regard was the passionate speech by Jody Williams, who crudely explained the consequences for the population stemming from the use of these weapons in the Sudan.

Special mention should be made of the importance of events in the Lebanon, which accelerated the negotiation process on cluster munitions.¹⁷² Paradoxically, the bombardment had several positive collateral aspects. The response by the media, which was also very intense, focused on the difficulties of clearance and demining work and in the socio-economic problems that the presence of unexploded ordnance causes for the communities in the affected areas.¹⁷³

Among the signatories of the Oslo Declaration were half of the producers in the world (34), one third of which stockpile cluster munitions, 6 countries that use or have used them, 6 countries affected by them and 7 countries that do not belong to the Inhumane Weapons Convention.

The text of the approved declaration is deliberately ambiguous and open to different interpretations. First of all, it specifies that only cluster munitions that produce "unacceptable humanitarian consequences" are to be banned. Various countries, like Mexico and the Lebanon, consider that all of them do. For other states, like Germany and the UK, only a small proportion of the total should be banned. The second point refers to the possibility of this issue being dealt with at the same time within the context of the Inhumane Weapons Convention,¹⁷⁴ and the third, a time limit

171. The main messages expressed in Oslo were as follows: cluster munitions are out of control; this week is the start of the beginning of the solution; negotiation must be in a forum that overcomes the tyranny of consensus; it is the civilian population and, above all, children that have to be protected, not cluster munitions; there are thousands of millions of submunitions in arsenals in different countries around the world; cluster munitions are potentially much more destructive than anti-personnel mines; this is urgent, another humanitarian crisis has to be avoided; Just do it; technical improvements are not enough for doing away with the problem; this is a humanitarian problem and a problem for development; their use goes against international humanitarian law. See Alcalde (2007c).

172. In this respect, Jody Williams began part of her speech on 21 February in Oslo by ironically thanking Israel for using them: "Thankyou, Israel".

173. One of most quoted figures was that, six months after the cease fire in the Lebanon, at least 200 civilians had died or been wounded by unexploded cluster bomb submunitions. For example, various articles appearing in the international press during the week of 8-14 January 2007 were the following: "Norway to Help Serbia Remove NATO's Cluster Bombs", *Serbianna.com* (Serbia), 10/01/2007; "Huge Bomb Disposal Task Lies Ahead", *Gisborne Herald* (New Zealand), 11/01/2007; "De-mining Official Expects South to be Clear of Cluster Bombs by Year's End", *The Daily Star* (Lebanon), 11/01/2007; "Both Hezbollah and Israel 'Broke Laws of War'", *The Daily Star* (Lebanon), 11/01/2007; "ATFL Campaign to Ban Cluster Bombs Endorsed by Ralph Nader", *PRNewswire-USNewswire* (United States); "Lebanese Ban Political Talk to Get Back to Work", *Sunday Telegraph* (United Kingdom), 14/01/2007. Moreover, the CMC coordinator, Thomas Nash, pointed out the notable increase in visits to the coalition's website www.stopclustermunitions.org as a consequence of the Lebanon crisis (Nash, 2006: 40).

174. In fact, a series of countries that voted in favour declared that they understood the second point in the declaration as referring explicitly to the Inhumane Weapons Convention. Amongst others, this included Germany, France, Netherlands, Italy, Latvia, the United Kingdom and Switzerland. Spain did not mention this when it voted, although it did express something similar during its first speech.

for the process, because, in spite of the fact that the text states that there will be a new treaty in 2008, countries like Germany, Switzerland and Canada interpreted this sentence as an “ambitious objective”, but not as a piece of information for a legally binding document.

The countries that, in addition to Norway, together lead the process and seek to improve the wording of documents resulting from conferences like Oslo are Austria, Belgium, Costa Rica, Ireland, Mexico, New Zealand and Peru. Mention must be made of the proposal by Costa Rica to convert Central America into a cluster munitions-free zone. Moreover, the supporters of the Oslo Process considered the positive response by countries that, within the context of the Inhumane Weapons Convention, had maintained positions contrary to an alternative process, like Canada, the UK, France, Italy, Germany and Switzerland, to be an important success. It is likely that this contributed to the vote of other countries with less well-defined preferences.¹⁷⁵

Moreover, it is essential to point out the existence in this process of important allies of the CMC among government actors in other spheres, the ICRC and different UN departments. In Oslo, the presence of NGOs that formed part of other networks and processes, such as the future ATT, was essential in influencing certain governments, as in the case of the UK.¹⁷⁶ In addition, the ICRC has regularly referred to the humanitarian concerns stemming from cluster munitions following the report on Kosovo that it published in 2000, and manifested its commitment in April 2007 to organise a meeting of experts in Switzerland to discuss the military utility of this type of weapon. Finally, various UN agencies, such as UNICEF, UNMAS, UNDP and OCHA signed a declaration in 2003 in which they called for a moratorium on the use of cluster munitions. The former UN Secretary-General, Kofi Annan, has also made various statements in which he stressed the humanitarian problem and asked states to include this issue on the agenda of priority matters for the Inhumane Weapons Convention.

The ICBL takes on major importance

For the first time, the International Campaign for the ICBL decided to become fully involved in a matter quite different from mines, which contributed the legitimacy conferred by the anti-personnel mines treaty and the Nobel Peace Prize in the eyes of governments, international institutions, public opinion and NGOs in the sector. Jody Williams, the long-serving leader of the ICBL and joint-winner of the Nobel Peace Prize in 1997, was in Oslo and Lima, as well as many former members of this network.¹⁷⁷ The credibility lent by people like Williams and Stephen Goose, head of the Disarmament section of Human Rights Watch and a key person in the Ottawa Process, is reflected in the way that “the myth, the living legend” of the movement was presented in Oslo.

175. In order to explain the change of position of certain countries, it is necessary to understand that states are not unitary or hermetic entities, but that they often conceal diverse opinions and interests, as well as frequent tensions between the ministries of Defense and Foreign Affairs (where these exist), especially with the Ministry for International Development. For example, the UK signed the Oslo Conference declaration, although it still advocates dealing with the issue within the context of the Inhumane Weapons Convention, a situation that the Secretary of State for International Development was reminded of in November 2006: “It is difficult to see how we can maintain such a preeminent position against anti-personnel mines and, at the same time, continue maintaining that the use of cluster munitions is acceptable”. On 19 March 2007, the UK announced the ban on “non-intelligent” cluster munitions, i.e. with self-destruction mechanisms.

176. The United Kingdom argued that consensus was necessary on the issue of definitions in order to start the process, a position that was contrary to what it had expressed several weeks earlier regarding the arms trade. In the words of Richard Moyes, from Landmine Action: “The treaty against the arms trade was important this time. Above all because the UK used arguments contrary to what it had used in that forum. Oxfam and Amnesty International were with us and they could remind the British diplomats. Although they hadn’t been too involved in this type of meeting up until Oslo, their broader perspective (and various personal relationships) were very useful for us. The people from UNIDIR also recalled the paradox of the British position in their speech”. Interview with Richard Moyes, 22 February in Oslo.

177. Jody Williams is also the founder of the initiative by various Nobel Peace Prize winner women who, on 15 November 2006, called for governments to start work on a new international treaty addressing cluster munitions. The group also consisted of Shirin Ebadi, Wangari Maathai, Rigoberta Menchú Tum, Betty Williams and Mairead Corrigan Maguire.

Several of the key organisations in the ICBL had already been involved in the CMC, such as Handicap International and Human Rights Watch, but the ICBL's decision to form part of the Steering Committee is more recent. This decision was somewhat opportunistic, and many consider that it was made at a late date, although it did have to overcome the opposition of various individuals in the ICBL who feared the loss of "concentration on the issue of landmines".¹⁷⁸

The ICBL gave its support when the process had already been set in motion and the possibilities of its success were therefore greater, namely, at the end of the Review Conference of the Inhumane Weapons Convention (November 2006), when Norway declared its intention of organising the Oslo Conference in February 2007. The ICBL did not participate as such in the process of setting up the CMC and it was not until December 2006 that it decided to form an active part of the CMC.¹⁷⁹ The result is that the CMC has received considerably more media coverage and its legitimacy and relations with different sectors of society and international politics have been greatly enhanced. For example, six of the countries present at the Oslo Conference do not form part of the Inhumane Weapons Convention, although they do maintain close links with the ICBL. Moreover, the ICBL went through the experience of a similar process ten years ago.¹⁸⁰

The reaction of the supporters of the Oslo Process to the involvement of the ICBL has been finitely positive – "Better late than never" and "Irrespective of their motivations, its involvement has been of great help", with their knowing full well that the delay in this involvement may have partly discredited or reduced the "moral authoritativeness" that has customarily constituted the main value of civil society in this type of negotiations. The ICBL has often been criticised in fact because of its excessive zeal and even a certain degree of arrogance regarding the astonishing success it achieved with the signing of the Ottawa Treaty. It has sometimes been said that the participants in the anti-mine network could have perhaps been more generous in sharing their experiences with other closely related networks, as Jody Williams herself has recognised recently.¹⁸¹

In any case, the ICBL is not just another NGO. It is a Nobel Peace Prize-winning entity, which is accorded a legitimacy and respect that are unique at the governmental level. Its role should therefore be understood as symbolic capital. In the words of Maria Josep Parés, "The ICBL must have a different role to that of other NGOs; it should do things at key moments and not wear itself out with small things, just give its symbolic support at certain times".¹⁸²

Like the ICBL, the objectives of other organisations such as the Geneva International Centre for Humanitarian Demining have varied over time. Although the GICHD was initially set up to deal with matters stemming from the threat of anti-personnel mines, other issues are now included in its mission, in particular, cluster bombs.¹⁸³

Following the Oslo Conference, the aims of the CMC now focus on ensuring that the treaty takes the form of a ban, not a restriction, and that cluster munitions with self-destruction mechanisms

178. Interview with David Atwood, Geneva, February 2007. In this regard, "several NGOs in the ICBL couldn't understand why they could be in favour of this without progress being made on anti-tank mines. There was a kind of controversy among those who were saying: Why are you getting involved in this when we still haven't solved the issue of landmines?" (Interview with Maria Josep Parés, Barcelona, April 2007).

179. Interview with Kasia Derlicka, coordinator of the ICBL and cluster munitions campaigns, 23 February, in Oslo. In the specific text of the declaration it says: "The ICBL decides to actively approve the international process to prohibit cluster munitions; in addition, the ICBL formally joins the Steering Committee of the CMC".

180. The NGOs working on the issue of landmines had to deal with and overcome both personal conflicts and conflicts in terms of objectives (one should bear in mind that the final treaty only bans anti-personnel mines).

181. She expresses this thought in a book to be published in the near future, coordinated by Jody Williams herself, in which she goes over what the Ottawa Treaty signified, from the perspective of the time that has passed since it was signed ten years ago.

182. Interview with Maria Josep Parés, Barcelona, April 2007.

183. Interview with Davide Orifici, from the GICHD, Geneva, April 2007.

are included in the legal wording. In addition, the group of forty-six countries has been opened up to include more, particularly from the affected regions, at the same time that pressure is being put on the signatory states of the Oslo Declaration – above all key states like the UK, France, Germany and Italy – so they take specific measures on a national scale to renounce this type of weapon through a ban or, at least, a moratorium. This was the main aim at the last meeting of the Norwegian initiative in Lima at the end of May 2007, together with obtaining the support of all the countries in the Latin and Central America region.

Just prior to the meeting in Lima, a meeting of experts organised by the ICRC was held in Switzerland in April in which various aspects concerning the military utility of this type of weapon were discussed.¹⁸⁴ It would appear that the material prepared by those in favour of cluster munitions at the meeting was not sufficiently rigorous enough, and they failed to present their case in a convincing way. This means that it is the supporters of this type of weapon who feel the responsibility of defending their arguments, i.e. that the activists' arguments are more powerful than those of the military, which has been interpreted by organisations like Landmine Action and the CMC itself as being the main result of the entire process up until now. In this regard, the solutions provided as a counter-proposal to the position of the NGOs was not based on sound analysis or research. For example, Germany, in its proposal to the Inhumane Weapons Convention, proposed that ammunition with a level of error greater than 1% should be considered dangerous, without basing this figure on any scientific analysis with any conclusion that, for example, this was an ideal level and not 2% or 0.5%, or that non-dangerous submunitions, if there are any, were really acceptable.¹⁸⁵

The ongoing development of the Oslo Process augurs well for the NGOs that have come together in the CMC and for the countries that are leading the process. The number of states that have signed the text approved in Oslo continues to grow. Nevertheless, it still remains to be determined in the negotiations aimed at achieving a legally binding document what exactly is to be banned, what is to be restricted and what is to be allowed. Forthcoming meetings in various places around the world, and particularly those in Vienna in December 2007 and Dublin at the beginning of 2008, should clarify these issues.

5.4. The panorama in Spain

The Spanish section of Greenpeace launched a nationwide campaign in Spain to ban cluster bombs in December 2006, which received a certain degree of coverage in the media. In Catalonia, Moviment per la Pau is a founder member of the CMC and Fundació per la Pau has been a member since April 2007. Representatives of these two entities attended the meeting in Oslo and maintained cordial relations with the Spanish diplomats. Coinciding with the Lima meeting, Fundació per la Pau started an online action in which citizens could request the Spanish Government, in accordance with the declaration signed in Oslo, to ban the use, production and stockpiling of cluster bombs.¹⁸⁶ Recently, five civil society organisations decided to join forces to work jointly towards the banning of these bombs, and a delegation from these organisations (Greenpeace, the Comisió Catalana d'Ajut Refugiat¹⁸⁷, Moviment per la Pau, Justícia i Pau and Fundació per la Pau) is expected to participate in the Vienna Conference, in December 2007.¹⁸⁸

184. The report on the meeting held between 18-20 April in Montreux, Switzerland, is titled *Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions* and is available at:

http://www.stopclustermunitions.org/files/ICRC_experts%20meeting%20report.pdf.

185. Communication by e-mail with Richard Moyes, Policy & Research Manager, Landmine Action, 11 June 2007.

186. http://www.fundacioperlapau.org/campanyes/dispersio/ciberaccio_dispersio.php

187. Catalan Refugee Aid Commission.

188. The manifesto titled *Diguem no a les bombes de dispersió*, which was publicly presented on the International Anti-Cluster Bomb Day (5 November), is available from the website of these entities.

Up until now, Spain has not been consistent with its position at the international scale. Although it participated at the first meeting in Oslo and the following one in Lima, the spirit of the Norwegian initiative is not reflected in Spanish legislation. As long as the international agreement remains unsigned, the Government has been asked by the Spanish NGOs to announce a total moratorium on the use of this type of weapon, and for Spain to thereby join countries like Belgium, Austria, Sweden, Norway, Bosnia-Herzegovina and Cambodia. In this regard, it is important to point out that, within the context of the recent discussions on the forthcoming legislation on the arms trade in Spain, the proposal was made to modify Spanish legislation on anti-personnel mines to also ban cluster munitions.¹⁸⁹

6. CONCLUSIONS: THE EFFECTS OF THE DISARMAMENT CAMPAIGNS AND POSSIBLE SYNERGIES

This study does not aspire to be exhaustive. On the contrary, we have deliberately focused on four international cases chosen for their importance, their similarities and their usefulness from the comparative point of view.¹⁹⁰

The analysis of these disarmament initiatives offered as an alternative by civil society allows for certain reflexions to be made regarding the concept of success as applied to the new diplomacy. First of all, and assuming that any initiative is, at the same time, a success and a failure in that something, but not everything, is always achieved, it can be hazarded that, without the pressure of NGOs throughout the campaigns run by the coalitions analysed above, these disarmament and human rights treaties would not have been possible or they would at least have not taken place as profoundly or as rapidly as they have. It is therefore undeniable that they have been successful to a certain degree. In other words, the influence of organisations in civil society can be really effective if a series of conditions exist that include rules of the game that are dynamic and sound, credible leadership by countries that are allied and willing to set aside resources and organisation for an issue that has humanitarian effects.¹⁹¹ Furthermore, the more effective NGO coalitions have known how to best use the different levels and contexts favourable for collective action, and also to adequately combine their resources (which include investigation and research, experience, the grass-roots members and use of the media); strategies (both political pressure and protest, as well as communication processes such as problem framing and the shaming of irresponsible politicians); flexible organisation; and the capabilities of international allies. Recognition should also be given to the existence, at certain times, of events that have made the work easier, such as changes of government in France and England during the anti-personnel mines process, and the massive number of cluster bombs dropped by Israel during the Lebanon crisis in the summer of 2006.

In spite of everything, the intention of the peace and human rights movement is to improve the situation on the ground. From the NGOs' point of view, success is defined by the application of the treaties. Other assessments over and above the signing of the document are therefore necessary.

189. This proposal was presented by the representative of the *Convergència i Unió* political party. See http://www.congreso.es/public_oficiales/L8/CNGO/DS/PL/PL_255.PDF

190. Other local and nationwide peace and human rights initiatives (with updated websites) are the following: War tax resistance campaign (<http://www.solidaries.org/ofiscal>); The Peace, not Military Research campaign (<http://www.prouinvestigaciomilitar.org>); Barcelona with Palestine campaign (<http://www.barcelonaxpalestina.org>); Preventive Boycott campaign (<http://www.boicotpreventiu.org>); Catalan Platform for Peace and Human Rights in Colombia (<http://www.taulacolombia.org>); Tarragona, the Heritage of Peace (<http://www.tinet.org/~tgnapau>); Stop the War platform (<http://www.aturemlawar.org>); the War isn't a Game campaign, for the army and all other armed forces to no longer appear in entertainment, games and other child-related trade fairs (such as Juvenalia) (<http://lawarnoesunjuego.blogspot.com>).

191. For lists of specific recommendations for NGOs to increase their political influence, see Arts, 1998; Fisas, 1998; Luz, 2006.

The problem, in this regard, is that it is difficult to assert whether the situation is better than prior to when the campaign was carried out. For example, in the case of human rights there is information that is very specific and sophisticated, but the comparison of situations is complicated, whether a person has been tortured a little or a lot, etc. It is therefore difficult overall to conclude whether, as a result of NGOs and campaigns like the ones studied here, the world is any better than twenty years ago, although it can be argued that without them the current situation would be worse. In any case, and from the analytical point of view, the key to evaluating whether a campaign has been effective is not so much a question of defining the parameters in terms of the end objective (for example, for there to be no more child soldiers in the world) but in terms of success in much more specific questions, such as the introduction of a new international instrument that improves the legal fight over this matter.

Another reflexion is associated with the time context of the success or effects of a campaign, which is often difficult to interpret. For example, the ICBL expected to initially obtain a total ban on landmines at the Review Conference of the Inhumane Weapons Convention in 1995. Although such a ban was not achieved, a group of states emerged that were willing to lead a new process that was finally very effective. The Review Conference can therefore be seen as a failure, but at the same time as a necessary step towards the anti-personnel mines treaty. Has such a development occurred in other campaigns? In the case of cluster munitions, a very similar process took place following the failure of a new Review Conference of the Inhumane Weapons Convention in November 2006, which represented a new impetus for the future agreement, which was confirmed at the Oslo Conference in February 2007.¹⁹² Even the process on light weapons and the future Arms Trade Treaty (ATT) can be interpreted from this perspective. In actual fact, the positive result of the resolution approved in the UN in favour of the ATT at the end of 2006 was based, at least partially, on what was the prior failure of the Review Conference of the Programme of Action on Small Arms and Light Weapons held in the summer of 2006. In this regard, what emerges from the analysis of the cases studied here is that the theoretical concepts in this field need to be developed and made more sophisticated.

Furthermore, bearing in mind that the activists' idea of success is associated with the application of international law, the fact that a treaty is achieved does not necessarily bring the international campaign to a close, but that it transforms it, as it creates new objectives and modifies its structure. Good examples of this are the case of the ICBL and its renewed interest in the issue of cluster bombs, the extension of the treaty's content to cover non-state actors and the continuous efforts to create an instrument of verification for the treaty.

We have seen the importance of alliances between different entities with common objectives and very different dynamics. In the case of child soldiers, several of the main members of the international coalition are development organisations for which, because of their presence in the field, it is not easy or beneficial for them to publicise figures that could endanger their activities in some countries. The international coalition, coordinated mainly by human rights organisations, has a fundamental role to play in terms of public opinion being made aware of these figures.

In addition to the collaboration among NGOs in different areas within the same coalition, one matter that has only been dealt with very little is the potential of synergies between different networks working on inter-related issues; in other words, there is a lack, at both the Spanish and international level, of effective coordination among campaigns with common aims. For example, regular exchanges of information, participation in joint actions and the exchange of effective strategies. In order to achieve this, it will be necessary to overcome mistrust and defen-

192. It was argued in fact that perhaps the optimum result of the Review Conference of the Inhumane Weapons Convention was that it was clearly a failure, which would offer the possibility of relaunching new efforts to deal with the issue outside of the UN conference rooms (Nash, 2006: 42). A similar idea was bandied about during the Review Conference of the Programme of Action on the Illicit Trade in Small Arms and Light Weapons, in the summer of 2006.

sive attitudes. Various examples have been given in this study of what should be seen as good practices, and certain potential areas for collaboration have also been identified.

In this regard, people who have held responsibilities in some of the campaigns analysed here claim that collaboration between the different networks would have positive effects in different spheres.¹⁹³ Special mention is made of a unique endeavour to give impetus to cooperation between representatives of these campaigns. In 2002, Kate Buchanan (from the Centre for Humanitarian Dialogue); Don Huberts (author of a highly influential study on the landmines campaign and its potential), and David Atwood (from the Quakers) organised a three-day meeting in Geneva between the leaders of the ICBL, the CSC, IANSA, the NGO coalition for the International Criminal Court and the NGOs grouped in the Kimberley Process to stem the flow of conflict diamonds. In spite of the fact that the organisers detected excessive amounts of zeal and mistrust among the participants, one of the main consequences of this meeting was reflected in what is known as the Kimberley Process. In fact, "a large part of the work on conflict diamonds was done in that meeting".¹⁹⁴

This type of cooperation is fundamental when engaging in dialogue with the diplomats, who are often the same people in different negotiations in the same sector, as in the case of disarmament. Specific effects of this idea could be seen in the negotiations on the regulation of cluster munitions. During the Oslo Conference, in February 2007, the collaboration of NGOs that customarily worked in other areas, such as light weapons, human rights and development, produced results in influencing the governments of several countries, including the UK. As we have seen, the presence of members of Oxfam, Amnesty International and the UNIDIR in Oslo helped to make the UK aware that its position was totally opposed to that which it had held just a few weeks earlier on the occasion of the UN resolution in favour of the future Arms Trade Treaty.

Fortunately, the speeches and approaches of governments are changing, and a large number of governments and UN agencies have begun to understand many of these issues as part of the same type of problem. At the same time, several organisations in the field are attempting to extend their initial goals in order to apply for funding from international donors. The truth is that many of the national sections of the ICBL are also members of IANSA, and some of them also belong to the CMC and the CSC, especially the countries affected by arms proliferation. This means that the same people carry out lobbying and political pressure work in the field on issues for which there are no mechanisms for coordination at the international level.

In Spain, a good example of this has been the campaigns for transparency in the arms trade and to ban anti-personnel mines, which happened at the same time and involved the same people in charge of each campaign, which enabled the efforts to be combined and costs reduced, with results that were quite positive.¹⁹⁵

Treaties on a certain issue can also have consequences in other matters. Although the signing and ratification of a legal instrument are not always accompanied by the necessary implementation process for it to be put into practice (as seen above, for example, in the case of child soldiers), it is true that the signing of a treaty does oblige governments to be more highly accountable, which can be done interactively between campaigns; i.e. the fact of mentioning a treaty that has been signed and ratified contributes to the work of campaigning and lobbying other countries.

193. See Atwood, 2002 and 2006. Also, the two interviews by the author with D. Atwood in July 2006, in New York, and in February 2007, in Geneva.

194. Interview with David Atwood in February 2007, in Geneva.

195. "The fact that the NGOs on the transparency campaign were just as involved in the landmines one created several situations of confusion, but a large part of the political dealings and parliamentary negotiation were done at the same time and by the same people, so that any dealing regarding transparency was used to make progress in the issue of anti-personnel mines, and viceversa. This produced good results and progress was made rapidly in both issues" (Fisas, 1998: 18-19).

In this regard, mention is made of the relationship between the issues of child soldiers and the arms trade. One of the positive effects of the fact that a state has signed the Optional Protocol against the use of child soldiers (even though it does not necessarily comply with it) is that other governments can be pressurised to not send weapons to this state. For example, it would be possible to say to a government, “Will you please not send arms to Rwanda, because Rwanda has signed the treaty against the use of child soldiers and it is not complying with it”. Obviously, it would be equally possible to talk with the government even though the state in question had not signed the treaty, although the risk of getting an answer like “If this country has not signed... the country is free to sign or not; therefore, it’s not our problem” is much greater. If the campaign’s success has positive effects on other campaigns in the same sector, then thought should be given to designing strategies that make for greater cooperation between networks with related objectives. The recent decision by the Geneva Call organisation to extend its work with non-state armed actors to add commitments regarding the non-use of child soldiers in declarations signed on anti-personnel mines represents a model for good practices that should be studied in greater depth.

A good example in Spain is the Coalición Española para Acabar con la Utilización de Niños y Niñas Soldados (Spanish Coalition to Stop the Use of Child Soldiers) and the Spanish section of the Control Arms campaign. There have been contacts, albeit in only a few isolated cases, to investigate the relationship between the proliferation of light weapons and the existence of child soldiers. It is likely that the fact that organisations like Amnesty International form part of both networks has made the relationship and exchange of points of view much easier. This presence should be viewed as an asset that both networks can benefit from and use.

Special mention must also be made of the importance of the involvement of Spanish NGOs in this type of network. On the one hand, because of their experience acquired over the past twenty-five years, which can be highly relevant for more recent civil societies, such as those in Eastern European countries, and on the other, because they can help balance out the frequent dominance by English-speaking nations in international coalitions and help build bridges with organisations in Latin America. The case of Moviment per la Pau, which contributed to the relationship of the ICBL with Colombia, is paradigmatic in this respect. The efforts made recently by Fundació per la Pau to give a voice to organisations in the South can also be interpreted as being a growing trend among Catalan entities to increase their influence in international disarmament networks.

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