10th Anniversary of the Mine Ban Convention

Background Paper to the Conference on the 10th Anniversary of the Mine Ban Convention
18 September 2007, Oslo Conference Center

Introduction
The campaign to ban anti-personnel (AP) mines is often posited as the quintessential example of the strength of civil society-state partnerships in promoting normative and institutional reform. The 1997 Mine Ban Convention brought together a unique partnership between international and national civil society actors and committed states, working in unison to achieve what has been described as producing the possible from the “implausible.” In the time since the convention was signed, the promise of civil society organizations, acting in partnership with states has, become increasingly seen as a viable means through which to forge multilateral agreements in arenas such as peacebuilding, human rights, democratization, cluster munitions, and child soldiers, to name but a few examples.

This has entailed a shift in roles for both states and civil society. Rather than civil society being actors who simply channel new issues onto the political agenda, the experiences over recent years point to a much more active participatory role. From their perspective, states have come to see civil society actors as necessary contributors in shaping reform. Civil society actors are vested with a unique mix of knowledge and resources, being instrumental both as campaigners and implementers of international agreements. One of the real strengths of civil society groups is that they are the actors that have first-hand knowledge of issues and problems, and are often those who can provide information, evidence, and data. Together, civil society and states have effectively opened a path for a legitimate alternative political process to traditional diplomacy. It is a process that seeks to draw on the knowledge and experience of civil society actors and states in elevating humanitarian concerns to the political level; it is a process that attempts to utilize the skills of states and civil society in negotiating and implementing multilateral agreements, as well as redefining the normative underpinnings of such agreements. The partnership between states and civil society thus carries with it a great deal of potential for enacting lasting reform.
In the ten years since the Mine Ban Convention came into being, there has been much consideration as to the viability of alternatives to forging change on the part of policymakers, practitioners, and academics. One such alternative is the engagement of committed states, working in cooperation with civil society organizations in the interest of enacting multilateral agreements. For all its promise, it is nevertheless necessary to approach such cooperative arrangements critically as well as optimistically, looking not only to its promise, but also to its potential limitations.

New Issues – a New Agenda
On the cusp of the 21st Century, a host of new issues and challenges have presented themselves. Apart from the on-going need to follow up the provisions of the Mine Ban Convention, there have been efforts aimed at similar treaties in the context of small arms. Perhaps even more importantly, there is the current State-civil society effort working towards a ban on cluster munitions by the end of 2008. As with the effort to ban AP mines, these are processes that entail cooperation at both the international and national levels; they are processes that are at once political, and entail the mobilization of financial and ideational resources. The success of the Mine Ban Convention points to the potentials of such arrangements. At the same time, a number of fundamental questions and issues form the core discussion as to what the future holds, and the challenges that lie ahead.

- At the most basic level, there is the question of how emerging global concerns have been addressed by states, acting in partnership with civil society. Quite fundamentally, there needs to be an assessment of successful efforts such as the Mine Ban Convention, understanding the pivotal junctures and circumstances that facilitated success. In the case of the campaign to ban AP mines, it is clear that the effort was the beneficiary of a strong organizational network, the effective communication of a moral imperative, and a sound overall strategy. At the same time, political factors beyond the control of the campaign itself, such as the willingness of small and medium states to engage, were also crucial. It is, however, not necessarily a given that this mix will repeat itself or that it can easily be reproduced. In other words, we need a broader understanding of the mechanisms and processes that may facilitate success, learn new ways of working, while remaining aware of the applicability of the lessons of one campaign for others.

- A further issue regards the challenge of attempting to mobilize at both the national and international levels. One of the lessons learned in recent years is that successful campaigns must be able to straddle both the international and domestic arenas. They must be highly coordinated at the international level, while remaining flexible enough to allow for the pursuit of strategies that have the potential to yield gains at the national level. In the process that culminated in the Mine Ban Convention, it was this two-tiered approach that proved successful. Negotiating the intricacies of multi-level campaigning, however, is not necessarily an easy balance to strike, and the extent to which it will succeed is
dependent on a host of factors. It is therefore vital that these variables be identified so we can gain a better grasp of how the international and national arenas intersect and impact efforts at reform.

• What have been the experiences of civil society in working with states? While the idea of partnerships between State and civil society actors has an immediate appeal, there are also a number of potential problems. For instance, do civil society actors risk losing their autonomy through such cooperation? Do civil society actors risk cooptation through partnerships with the State? Furthermore, there needs to be sensitivity to different traditions of working with civil society in respective nations. While certain inclusive states may have a long-standing history of incorporating civil society groups into decision-making processes, this does not hold true for all nations.

• What is the role of NGOs working in partnership with the State in the developing world? Clearly, states vary tremendously in terms of the access provided to civil society groups, their capacity to act, along with the strength of civil society itself. In parts of the developing world, civil society may be inherently underpowered, and may lack the resources needed to engage in State-civil society cooperation. This is a concern since even global campaigns are dependent on action at the domestic level in order to bring about change, and there is a particular need to engage actors from the developing world.

• There is the challenge of facilitating partnerships between states and civil society across regions and geographic localities. Developing cooperation across regional divides is important in terms of the legitimacy of the campaign, providing a sense of ownership of the process for those regions with most at stake, while avoiding the very real danger of having State-civil society cooperation be the exclusive domain of advanced Western democracies. The challenge, however, lies in finding ways of working with states at different stages of democratic development and civil societies that may be comparatively underpowered.

• More broadly, one can pose the question of how fleeting is the opportunity for this type of process. Are the successes of civil society and states over the past decade occasioned by temporary global upheavals such as the end of the Cold War, or is the balance of international power truly changing? Such a consideration goes hand in hand with the need for realistic assessment of the potential for a given effort to succeed or fail – understanding the social, political, and historical temporal circumstances that condition them.

• Quite fundamentally, how well can State-civil society cooperation work with regard to different issues? In the case of AP mines, it was possible to achieve consensus because of the conciseness and simplicity of the norm against their prohibition, and the clearly defined category of weapons that the convention would encompass. However, it may prove more difficult to attain a similar clarity with issues such as light weapons or small arms. The question thus remains as to
the potential of such approaches in other issue arenas, particularly those concerning arms control.

In light of these considerations, it is vital that one approaches discussions regarding the past success of State-civil society cooperation critically, and that the challenges such efforts face are recognized. Nevertheless, it is important to underscore its potentials, particularly in light of the Mine Ban Convention, and the promise this holds for the future.

**Looking Through the Past to the Future**

Understanding the success of past efforts such as the process that culminated in the Mine Ban Convention can help point a way to the future. One of the key factors in the success of the effort to ban AP mines – as well as the initial promise of the campaign to ban cluster munitions – was been the ability of each to build upon existing national and international organizations. The umbrella network of organizations encompassed by the ICBL and later the Cluster Munitions Coalition made it possible for each campaign to allow national organizations to campaign in the manner likely to yield the greatest success within respective nations, while still allowing for a coordinated overall effort. A further important factor was the way in which the campaign to ban AP mines was able to seize upon fortuitous political circumstances and shape alliances with committed states, as well as the way in which they were able to overcome political opponents.

What, then, does this mean for State-civil society efforts aimed at promoting human security, cluster munitions, or human rights? One significant lesson to be gleaned is that partnerships with national governments, working in the domestic arena, constitute the locus for action – even for highly coordinated transnational campaigns. In the effort to ban AP mines, the national levels were the decisive battlegrounds for political change.

A second lesson regards the way in which campaigns must be able to seize on new opportunities to act while developing strategies designed to overcome the efforts of opponents. Significant opportunities for civil society groups to enter into partnerships with states may include the self-identification of states as liberal or humanitarian, and historical traditions of concern for issues such as human rights, development, disarmament and so forth. From the perspective of the State, civil society groups must be in possession of the legitimacy, knowledge, and resources that allow them to function as cooperative partners. The extent to which a given situation may constitute an opportunity is dependent on the issue advanced and the intended reform. At various times, issues such as small arms control or human rights will have a greater chance of succeeding depending on traditions of concern for such issues within a country. In essence, opportunities to act vary over time and across intergovernmental institutions, which are in turn related to variation across issues, and across regions.

But perhaps the most significant lesson to be gleaned is that these efforts do in fact work. While some of the challenges and problems have been pointed out in this brief overview, there is nevertheless considerable untapped potential inherent to partnerships between states and civil society in promoting normative and institutional reform. The extent to
which these may yield success is, in turn, contingent on both states and civil society actors developing new ways of working with regards to emerging issues. It is these lessons and insights that can form the bridge for assessing future initiatives and campaigns.

**Concluding Remarks**
The 1997 Mine Ban Convention resulted from an unprecedented collaborative process between states and civil society. This process is often posited as the quintessential example of how powerful cooperation between states and civil society can be in generating new international norms. After the signature of the Mine Ban Convention, civil society organizations have also played a crucial role in promoting the universalization of this landmark agreement, and in monitoring the compliance of its signatories.

However, while the success of civil society generated initiatives in achieving such agreements as the Mine Ban Convention points to the potentials for civil society and State partnerships, it is evident that there are many challenges and unanswered questions. Thus, one of the main objectives of the conference jointly organized by the Norwegian Ministry of Foreign Affairs and PRIO is to identify and discuss fundamental questions regarding cooperation between State and civil society when negotiating and implementing multilateral humanitarian agreements.

With this objective in mind, the conference aims to engage a broad variety of experts in a common dialogue. The questions examined logically lend themselves to two thematic panel sessions. The first session will focus on reviewing the experience from State-civil cooperation before and since the signing of the Mine Ban Convention. The presentations will highlight the lessons learned from this process as well as its gaps or limits. The second session will invite the participants to consider the future of State and civil society cooperation. The presentations will put an emphasis on ways forward to address crucial humanitarian challenges through efficient state-civil society partnerships.