Transnational Civil Society Advocacy a Decade After the Landmines Convention
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(Note: Remarks in italics are additional parts of analysis that time did not permit to be stated in the presentation)

I) Introduction

Thanks indeed to the Norwegian Government / Foreign Ministry / PRIO for the generous invitation. It is always humbling to be asked to speak before practitioners who are engaged in bringing about such remarkable change in world politics, since it would be a bit presumptuous at one level to entertain expectations that I will actually say something that you haven’t already thought of and had to deal with on a daily basis in your work. But what I can still at least entertain is the hope that there might be some useful lessons to be drawn by analyzing your current efforts in the broader context of many other initiatives with which you all may not have had the same kind of detailed experience and knowledge. So what I will do in my remarks today is synthesize and draw out some of the lessons drawn from a tremendous amount of scholarly research which has been done over the last decade¹ on a question that goes to the heart of why we are all here: why do some advocacy efforts by ‘moral entrepreneurs’ to establish new international norms succeed in some places on some issues, but at other times fail? In the short time I have I will draw out a few key ingredients of success from the landmines campaign but also other advocacy campaigns and reflect upon international changes in the ensuing decade and how all this may impact contemporary efforts at normative change, specifically reflecting these lessons back upon ongoing efforts to ban cluster bombs. I only have time to highlight but a few things within a couple of general areas: first, the characteristics of the norm entrepreneurs and techniques they use; and second, factors affecting the receptivity of such efforts, which include features of their targets and of the international environment more generally; and the nature of the issues themselves.

II) Activists and Techniques

To give the abbreviated version, key steps to success in the landmines campaign included: agenda setting, establishing networks/coalitions, techniques of socialization.

¹ To mention but a few, debt relief, land mines, corruption, dams, MAI, HR, chemical weapons, anti-apartheid, slavery, nuclear weapons, child soldiers, seals, whales, and so on.
1) Agenda-setting – simply generating **information to create an issue** where there was none before (because no data, no knowledge), but not just any issue, but a particular kind of issue:

   a) an issue for which activists are reliable **experts**; this is a key source of **authority and thus influence** of actors who may be otherwise relatively **underpowered** (when compared to the sources of power of large states and corporations).

   Depending upon how cluster munitions are defined in a ban, this crucial resource could be significantly undercut and civil society activists put in a position with notably reduced authority— that is, if prohibited cluster munitions are defined according to reliability rates, then it is governments who will be in a strong position to claim the authority of knowledge and it will be comparatively more difficult for civil society or even strong norm supporting governments to challenge. A strong oversight role by civil society and strong pro-ban states which would reverse the burden of proof would be better achieved by a definition which revolved around the prohibition of a weapon producing indiscriminate effects rather than failure rates as such.

   b) Issues with simple/clear message / solution lend themselves to successful campaigns. One can compare the power and success of the landmines message in this regard with difficulties in attributing simple causes to complex issues like poverty or situations raising calls for humanitarian intervention. Cluster-bombs generally have the potential to compare very favourably with landmines here on the surface at least – ban cluster bombs! - much more so than small/arms light weapons, which is why I’ve always thought cluster bombs were a potentially much better candidate to gain traction. But the devil is in the details on the cluster munition issue; that is to say, in the definition of just what it is that it is to be prohibited. The difficulty here is that the problem of duds can be extended to all explosive ordnance – it is hardly just a problem with cluster bombs even if brought to extremes with cluster bombs due to high concentration of munitions in cluster attacks, tough again, this is hardly foreign to artillery and the like.² A cluster ban campaign at a basic level practically begs its own question: if cluster bombs, why not all bombs? The point here is that it is easier to make a case about the intrinsic qualities of a weapon being nefarious (such as with landmines) when it causes its problems when it works as designed, rather than with a weapon whose failure creates such problems, since technical solutions and addressing human error through better targeting practices and the like will always present themselves as very tempting for governments as an adequate response. To date this presents itself as a significant obstacle to a ban, at least a ban **comparable in form** to the absolute ban of AP landmines, but with several provisos as to how problematic this may prove from the point of view of the objective of a treaty (namely, to reduce innocent casualties). First, every weapon ban has had its very tricky definitional details, whose resolution may seem obvious only well after the fact when the contours of the ban have been settled. But even in the case of chemical weapons,

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² The other source of the problem is the use of cluster munitions in indiscriminate ways, but that is an issue of how the weapon is used, and not an intrinsic property of the technology as such, which also detracts from the perceived need for a total ban as solution in the way that weapons are most often dealt with in the laws of war, total prohibitions being the exception.
controversies persisted for 50 years over whether, e.g., tear gas was to be prohibited; similarly, controversies were tense in the landmines negotiations over, among other things, anti-handling devices. It is to be noted in this regard that the landmines institutional design of “no reservations” removes the kind of possibility of flexibility in this regard that is often used by states to permit them to join international treaties, and its not clear that this strategy from the landmines issue recommends itself as strongly for a cluster munitions treaty unless these definitional issues are overcome. Second, all this isn’t to say that a cluster munitions campaign can’t have comparable positive achievements even if the form of the ban isn’t as unambiguous a total ban as might ideally be desired. This is so particularly in view of fact that much progress on landmines has been achieved not solely with states parties living fully up to the absolute ban per se, but rather implementing other kinds of measures that do have a palpable humanitarian impact – the non-use of persistent mines, for example. This is a typically way in which international norms have effects even if strict legal obligations are not formally incurred.

c) Research demonstrates that often the most effective trigger for significant change in world politics and the adoption of new norms are environments of unusual uncertainty and in particular the onset of the widespread perception that a crisis is at hand (cf. ozone or partial test ban treaty, e.g.); which produces sense that old approaches have failed and/or motivated to be open to new information). The production of information about the extent of landmine infestations and casualties in 1990s did exactly this, and was a crucial ingredient for the campaign’s success.

I would argue that this key ingredient is not as prominent in cluster case; while this robs the campaign of an often crucial impetus for change, we might reflect that the good news is that the problem isn’t as dauntingly drastic in scale and scope (without downplaying the tragedies that have, do still and could in the future occur of course). As well, the relatively more circumscribed nature and scope of problem – to date at least – does have implications for the possibilities of a ‘norm cascade’ occurring which I address below.

2) A 2nd crucial element in the landmines campaign was the establishment of networks and coalitions among necessary constituencies to spread the message. I don’t have time to say anything more about this than to note that the coalition of almost 80 or so states (and counting) supporting the Oslo process of course parallels very favorably to similar stages in the landmines and other (ICC) campaigns, so will turn instead to techniques used by activists to get those and more allies on board.4

3) Besides usual techniques of politics - coercion, arm-twisting, mutually profitable deal-making and the like - moral entrepreneurs have to rely to a great extent upon the techniques of socialization (persuasion, grafting, framing, imitation, shaming,

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3 Which it now is by virtue of the CWC, though only prohibited when used ‘as a method of warfare,’ language designed to permit its use in domestic policing, riot control and the like.
4 This importantly includes a number of major players – UK, France, Italy, Germany, half of the world’s 34 producer nations, one third of the world’s stockpiling states, 6 users or former users, 6 affected states.
etc), which the landmines campaign and others have used to tremendous effect. What worked in these cases?

a) Research shows that initiatives to generate new norms tend to lend themselves to broader appeal when they involve (bodily) harm to the vulnerable / innocents (ozone, nuclear test ban, baby seals, landmines, female genital cutting, and so on). Indeed it was the very personal, ‘in your face’ presence of landmine victims (whether through participation at all the landmine conferences, or arranging visits of decision makers to landmine infested locales, and pervasive imagery of victims) that clearly had a vital role in persuading new allies into that campaign. While this clearly isn’t news to most here today given the continued and vitally important presence of victims at such diplomatic meetings, what we have found out in the last decade or so is that this phenomena is being increasingly supported by psychological research which suggests that personal exposure to the trauma that victims have suffered can be effective trigger for empathetic physiological reactions.

Cluster bombs obviously compare favourably in this regard, which in no small part accounts for whatever traction it has already had to date. But it’s certainly a very crowded field these days with lots of other candidates for priority humanitarian action. How can one make an issue stand out in crowded field? Certainly celebrity endorsement can help for certain issues by providing an issue with 1) access to a huge audience to raise the public salience of an issue, which in turn may boost political profile for parliamentarians; and 2) access to decision makers typically difficult for private citizens. While there is no single magic bullet that guarantees success, in combination with what I’ve already mentioned, we do know some additional factors that tend to facilitate greater likelihood for acceptance of normative change.

b) Another key feature of persuasion of successful campaigns including very notably the landmines case is what I call ‘grafting’ – that is, piggy-backing a new norm upon already accepted Int. norms; and strategically framing them so that they mesh with local culture (rather than clash with it) to ease potential controversies over their uptake. The landmines ban was made possible by 1) the immediate connection to the long-standing norm against indiscriminate techniques of war; 2) particularly among states, its ready association with weapons that had been previously banned on similar grounds – namely, the chemical weapons taboo, which showed the international society of states that weapons bans were not only possible (instead of naïve utopian ideal) but could be very effective. That is – ‘this had been done before, and worked well enough, so why not again’?

A key lesson here is to note that while many today understand the CW taboo as deriving from the weapons inherently indiscriminate nature, this understanding is a political construction that was both important for its prohibition at the Hague in 1899 and then again Geneva in 1925, despite the fact that chemical weapons themselves as a category need not be inherently indiscriminate, particularly with modern delivery systems. That is, even if cluster bombs themselves similarly need not always be indiscriminately used, this does not mean that an understanding that they too easily lend themselves to such use and thus present an unacceptable danger to civilians cannot form the core for a prohibition.
While the cluster campaign draws powerfully upon this important norm of protection of civilians from indiscriminate means, simply attempting to graft a cluster ban on the landmines taboo does potentially raise its own issues of credibility. That is, an important argument by some in landmines movement to persuade governments and their militaries in 1990s was that this was not a wedge to eventually try to ban other or all weapons, or war itself, or ‘have people in the street’ dictating security policy and telling militaries how to run their business. Rather, it was just a discrete issue on a particularly horrific and curable humanitarian problem, with very deliberate and controversial decisions made at that time to not include other weapons (namely, anti-tank mines and cluster bombs.

Now, one of the blessings of democracy in this regard is that most ruling governments have short memories, and the turnover of people in ruling governments, bureaucracies, and the NGO community has often meant that people who did invest so much in original landmines efforts are no longer involved, so I don’t want to exaggerate this. This does in turn create its own potential problems of momentum and ownership. The academic literature supports the notion of how important interpersonal contact and relationships are in the transmission and socialization of international norms, thus it is important that the likes of Jody Williams and Susan Walker and Steve Goose among so many others are involved in the cluster campaign. Still, I mention it since the more powerful transnational activist networks become and the more permanent a fixture a movement becomes, and the more their interests extend to other issues (not just single-issue organizations), the more they have to pay an even higher premium in being sensitive to the kinds of commitment and credibility problems for other future agreements on other issues than governments who have to worry about such things (but don’t rely as heavily upon the one type of power).

I say this since techniques of persuasion are such precious assets for otherwise relatively underpowered civil society activists, and the perception of credibility problems - if pervasive and extensive enough to cast a pall on the legitimacy of NGOs in view of public and in institutional memories of government bureaucracies - can undermine the very basis for normative change in the 1st place, which is the power of legitimacy and the authority of NGOs which is derived from that power.

Absent sufficient state dissent on such grounds, the insights from II(1)a and II(3)b above might suggest a definition of prohibited cluster munitions as follows: “cluster munitions that produce indiscriminate AP landmine-like effects”. The advantage here is that the burden of proof is upon the upholders of the norm to demonstrate that weapon produces indiscriminate landmine like effects, which would be easily met in just the kind of cases that the ban is meant to address, and upon accused users of showing that the weapon does not produce such indiscriminate effects. “Landmine-like” might be defined with reference to the Landmine Convention, which might have the advantage of alleviating state anxieties that a cluster ban could be used as a wedge against any UXO and thus any bombs and shells. As well, such language might be particularly unobjectionable to the vast majority of states who have signed on to the landmine ban. The downside would be if this alienated any non-parties to the landmine Convention who might otherwise be sympathetic to a cluster bomb ban, but these seem few and far
The other advantage of this definition is it would move the relevant criterion away from the numbers of submunitions as such as constituting a relevant threshold (i.e., would a cluster bomb with only 9 submunitions not be acceptable under other potential definitions?), and by clearly stating sub-munitions it draws a line excluding artillery and conventional bombs even though duds from those pose harms as well.

III) Receptivity of Targets / Environment

Even if contemporary campaigns do everything right on the transmission side, and are focusing on issues most amenable to become successful initiatives, is the international environment likely conducive, and are targets likely to be receptive?

1) International System, then and now. The 1990s = incredible decade of multilateral institution building in area of war and violence, from the UN authorization of the Gulf War and subsequent inspections regimes, to the ad hoc I criminal tribunals leading to the ICC, Landmines Convention, CTBT, NPT extension, CWC, among yet others. While we haven’t had that same propitious configuration of conditions in a post 9/11 decade with an aspiring hegemon largely allergic to multilateralism, we could reflect on how many in the 1990s argued that conditions weren’t right then for such initiatives, and yet some of those initiatives famously went ahead nonetheless without a number of major powers. Key questions = how did it happen, and 2) looking back was it wise to design these regimes the way they were and go ahead without key powers?

A key element of that period was a fortuitous conjuncture of left-of-centre governments which came to power in 1990s among key states, with a remarkable array of influential and very talented officials including very activist foreign ministers or other sympathetic elites including heads of state. The energy and breadth of the 1990s coalition of “like-minded states” has ebbed in recent years, in no small part due to government change-overs in a number of key states. But with a number of important changes in government in many capitals around world already underway or possible, the likes of the Norways could again find themselves with an expanded coalition of additional and vigorous like-minded allies. For new governments wishing to distinguish themselves from predecessors, e.g., joining such initiatives with such good public appeal presents a good potential opportunity.

2) If we turn to the specific opportunity structure evident in the cluster munition campaign, cluster bomb use is an active issue for relatively small number of states as users in comparison to landmines or the numbers of countries deeply involved in many other issues. So I would argue the structure of the situation is a bit different from past initiatives like landmines or ICC when we consider how to answer the central dilemma of most multilateral treaties:

5 Only 13 identified as current users: Bosnia and Herzegovina, Eritrea, Ethiopia, France, Israel, Netherlands, Nigeria, Russia, Saudi Arabia, Serbia and Montenegro, Sudan, United Kingdom, United States. But 75 states stockpile, and obviously more could obtain and use them, so potential for use very significant.
Do we strive for a more demanding/stronger treaty (total ban) which will likely attract a smaller number of initial and key participants who can agree to stringent core norms, and hope for gradual greater participation by states parties over time, or accept a weaker treaty with more concessions (permit self-destruct) to attract larger number of parties? While I can’t present the evidence and substantiate the conclusion here, in other work I’ve concluded that the evidence 10 years on suggests that the gambles taken with the landmines convention (as well as ICC) were certainly worth it.

Looking forward to cluster bombs, I would conclude that proportionally speaking, going without key players in this case might be comparatively riskier. But having said that, there are important likely side-effects of even a treaty which leaves key players formally outside, which can vitiate some of the obvious costs of going ahead without key players - as long as there is enough participation to create something which translates as the social pressure of a new expectation of proper behavior. That is, some states who don’t formally join will nonetheless often engage in a variety of (less costly to them) norm compliant behaviors (seeking alternatives, self-deactivating weapons, contracted use and more careful use, and so on). This is already happening in cluster munitions. We might reflect, after all, upon the tremendous significance of the fact that for all the Bush Administration has done, it hasn’t created yet another reply of the nightmare of landmines in Iraq and Afghanistan.

The spread of such normatively constrained behavior by even non-participating states is more likely the more other states join to indeed create what we indeed call an international ‘norm’ – the new international standard of how to conduct oneself as a good global citizen. The relatively smaller number of players currently with a lot at stake in this issue means a good opportunity for more states potentially joining this movement than many other norm initiatives because they don’t at present have a lot of interests at stake and a lot to lose. But when and how does it happen?

In the development of new norms scholars have identified a common pattern, that at a certain juncture you see a “tipping point” when a critical enough mass of participants join to create a ‘norm cascade’ (rapid change with many new adherents in concentrated time). Research suggests that such tipping is rarely reached before one-third of the total states in the system are on board. Thus, there may be a trade-off involved with a cluster munitions treaty having a low number of ratifications for entry into force (20) insofar as pushing to reach that threshold often provides key focal point for momentum.

Cascades are usually bolstered by the joining of ‘lynchpin’ states (or corporations) – key actors with a significant stake and interest in issue (such as have been are using weapon in question) or who are otherwise diplomatically influential. Such states are important in getting to a tipping point because they foster the kicking in of a different mechanism of socialization – imitation. Here states join not so much because moral suasion worked domestically, but because of concerns over reputation and status: others whom decision makers (or publics, and thus it becomes the decision makers’ interest) like to identify with join, so you join to enhance your status and reputation (don’t want to be seen like a rogue).
In the landmines campaign, South Africa and then Mozambique were crucial lynchpin states for developing world, contributing in turn to a global emulation dynamic that later led otherwise unpersuaded states like Japan and Australia to join mostly for reasons of reputation and legitimacy and identity. Research has shown that persuasion techniques are more likely to be successful the more the targets actually do care about their reputation and are open to learning and redefining their interests. We know that not all decision makers are created equally here, which can help us identify particular targets of opportunity. Reaching such tipping points is also the stage at which shaming techniques then begin to gain greater traction and kick in as a key mechanism for change (can point to key states who had strong interests that were overridden by humanitarian imperatives: ‘if they did it, so can you’).

IV) Conclusions

In conclusion, then, we are in some ways a different set of circumstances from those in the 1990s that the ICBL and like-minded states fostered and exploited with such tremendous skill, as those efforts towards a global multilateral and human security architecture have been eclipsed in first part of this decade by those who skillfully took full advantage of their own opportunity – namely the crisis presented by 9/11 - for a different agenda. Now we can’t predict just what other shocks and crises of that kind will occur which in turn might provide additional decisive sparks for change. But what I can predict is that such opportunities will happen. In the case of cluster munitions we have had a recent mobilizing spur to greater action with the scale of recent use by Israel in particular, if not one that quite has the properties of creating a widespread global crisis. I think advocates of arms control and disarmament may have missed some such potential opportunities along the way if understandably so (anthrax attacks after 9/11 to create tremendous pressure for a BTWC verification protocol), but regardless, there are not sufficient grounds to think that either the structural conditions of the 1990s or the issue of landmines were so unique that conditions propitious for new initiatives that will make a humanitarian difference cannot be created and taken advantage of.

Skeptics are good at telling us about the limits of normative change, but it is moral entrepreneurs like the ICBL and their government partners that have proven that they – you - are the experts, the new realists when it comes to humanitarian possibility in world politics.