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Small States and New Norms of Warfare

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## **Abstract**

The paper focuses on the influence of small states on the development of new international norms regulating the conduct of warfare. It examines the role of two small European states – Belgium and Norway – in two cases of developing new prohibitions on weapons with severe impact on the civilian population – antipersonnel landmines and cluster munitions. The paper argues that Belgium and Norway played leading, though different, roles in those two processes and emphasizes the importance of several interrelated factors for obtaining a better understanding of the role of small states in shaping new international norms: first, domestic actions on these issues were achieved as a result of the active involvement of individuals, the creation of effective partnerships between policymakers and NGOs, and media interest; second, once domestic actions lay the ground for international norm development, factors such as national identity and diplomatic traditions influenced the roles small states played on the international stage.

## **Keywords**

Small states, norm development, norms of war, weapons restrictions, non-governmental organizations.



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**Introduction: Norm development and small states**

Over the last ten years, the study of norms has moved to the center stage of International Relations (IR). Research in this area has focused both on the influence of norms on state interests and policies (e.g. Katzenstein 1996) and on the processes of norm development and adoption (Keck and Sikkink 1998; Finnemore and Sikkink 1998; Risse et al. 1999; Tannenwald 1999, 2005; Price 1997). Regarding the process of norm creation, on which the current paper focuses, authors have underlined the importance of two types of factors – characteristics of the norm and actor-related factors linked to norm promotion. In the first category, the success of a new norm is related to the specificity and clarity of the norm injunctions (Legro 1995, 1997; Finnemore and Sikkink 1998), content-specific

features of the new norm such as a focus on “bodily harm to vulnerable individuals” or “legal equality of opportunity” (Keck and Sikkink 1998), and resonance with already established international or domestic norms (Price 1998, 2003; Crawford 1993, 2002; Finnemore 1996, 2003; Cortell and Davis 1996, 2000). In the second category, norm creation is attributed to promotion by powerful states benefiting from a new norm (e.g. Thomas 2001; Krasner 1999), active advocacy by committed norm entrepreneurs, be they individuals or nongovernmental organizations (NGOs) (Finnemore 1996; Keck and Sikkink 1998), or creative coalition building between the latter and a number of middle powers and small states (Cooper et al. 2002; Rutherford et al 2003; McRae and Hubert 2001). However, the latter two factors regard above all the process of norm development and “norm cascade” at the international level after the first phase of “norm emergence” has been passed (Finnemore and Sikkink 1998).

Whereas I focus on the same category of actor-related factors for norm creation, I pay attention to the prior domestic processes in different countries that set the stage for “norm cascades” at the international level – in particular, the domestic processes within small states that first give expression to new norms and lay the ground for their international take-off.

Until recently, small states have largely been seen as norm followers that have to comply with norms created and imposed by others or as like-minded members of a coalition supporting international norms. The few exceptions focusing on the norm promoting role of small states (Ingebritsen 2002, 2006; Moolakkaattu 2005; Herman 2006; Björkdahl 2007) detail the activities through which those states have made a difference in certain issue areas, but provide few explanations as to why they were able to play those roles and what features of smallness could be linked to successful norm entrepreneurship.<sup>1</sup> The existing hypotheses in this regard mention the ability of small states to concentrate their attention and efforts on a few important issues and influence their course, as well as their smaller number of policymakers that helps overcome bureaucratic politics and streamline the decision making process (Lindell and Persson 1986: 84-5; East 1973: 559; Thorhallsson 2000; Ingebritsen 2002: 18).<sup>2</sup>

This paper seeks to add to the above hypotheses and highlight the importance of three interrelated factors for obtaining a better understanding of the role of small states in shaping new international norms – the role of individuals, the media, and the creation of effective partnerships between policymakers and NGOs. The latter partnerships are facilitated by the fact that, as NGOs and officials have pointed out, “in a small country everyone knows everyone” and communication between policymakers and NGO members is easy and direct. In addition, the two studied countries – Belgium and Norway – are corporatist, consociational democracies that have institutionalized practices and cultures of consultation and dialogue between different interest groups and the government, which enable the creation of partnerships between NGOs and policymakers. The small size of the countries also means that compared to large ones, there are fewer issues on which small states could play a central international role and those that have this potential mobilize public and media attention more easily. NGO messages directed at a smaller number of national and local media have better chances

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<sup>1</sup> Knudsen (2002: 185) also highlights the general lack of a “small-state theory” that would identify the effects of smallness on policy outcomes.

<sup>2</sup> However, Ørvik (1973: 35) argues that although in small countries as a whole fewer people are involved in foreign policy decision-making than in large ones, the actual number of people behind a concrete policy decision might be greater in practice because of the stronger need for consensus in small states.



of getting through and reaching their target audiences, especially when the messages concern issues of national interest linked to larger international developments.

By examining the above factors, the paper contributes to the understanding of norm formation and sheds light on two aspects that have received less attention in the IR literature – the role of small states and domestic processes in initiating new norm creation. I focus on the norms of warfare, and specifically on new restrictions on the use of two types of indiscriminate weapons – antipersonnel landmines and cluster munitions<sup>3</sup> – and the contributions of two small states – Belgium and Norway – to the process of norm emergence and international law development. Thus small states with relatively limited resources and international leverage have given impetus to international norm development through their domestic action and work in tandem with NGOs. As a result, two militarily weak states have managed to reshape the norms of warfare and limit the use of militarily effective weapons because of their humanitarian impact.<sup>4</sup> Even though most of the big military powers have stayed out of the negotiation process for new international treaties on landmines and cluster munitions that the small states have initiated, the emerging norms codified in the treaties have nevertheless come to constrain their practices (see Price 2004; Petrova 2007).

However, Belgium and Norway played different roles at the early stages of norm development. In Belgium, a partnership between NGOs and parliamentarians resulted in the first two national laws prohibiting landmines and cluster munitions that gave a significant boost to the respective international NGO campaigns and legislative actions in other countries that emulated the Belgian example. Thus Belgium blazed the trail to norm formation through domestic action. Internationally, it also played significant but less prominent roles in the creation of like-minded coalitions aimed at negotiating international treaties banning these two types of weapons. In contrast, the partnerships established by Norwegian NGOs were primarily with middle and high-level officials in the Ministry of Foreign Affairs. Norway was among the first countries that led the way on the two issues but it chose to do so through international action rather than domestic measures. To the extent that national steps restricting landmines and cluster munitions were taken, this was done as a way of spurring the international process forward. Innovative partnerships with NGOs campaigning on landmines and cluster munitions have helped Norway extend its international clout and channel attention to the issues it was advocating. In this sense, Norway played the role of a genuine norm entrepreneur,

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<sup>3</sup> A cluster munition or a cluster bomb represents a rocket/dispenser that contains and releases great numbers of small bombs – submunitions – over a large area. Cluster munitions pose immediate dangers to civilians during attacks due to their inaccuracy, big numbers, and wide dispersal patterns. In addition, a significant percentage of cluster submunitions (from 2 to 50%) fail to detonate upon impact as designed and leave numerous unexploded duds, which function as *de facto* landmines when touched or moved later.

<sup>4</sup> Landmines can be used both in defensive and offensive modes for area denial and channeling the enemy forces. After the Mine Ban Treaty was adopted in 1997, they have often been described as obsolete weapons, even though the military around the world initially defended their military utility. Cluster munitions on the other hand, can be used against a large set of targets – troops, soft-skinned vehicles and heavy armor, antiaircraft weapons, artillery, or airfields. Their ability to strike numerous targets dispersed over large areas makes them especially useful against moving targets or targets whose exact location cannot be determined. As a rule, military officials have evaluated highly their military effectiveness. For example, US and British officials have claimed that “on the military side, it appears... uncontroverted that ... the cluster munition[s] - serve extremely valuable and important military objectives” (USA 2001) and “against certain targets, are the best and most effective weapons” (UK Defense Secretary Hoon cited in Russell 2001).

taking risks and strategizing about ways to develop new international norms and supportive coalitions of states, whereas Belgium has made great strides toward weapons prohibitions without investing so much effort in making sure that others would follow.

Thus, while smallness and consociationalism provide some insight into the mechanisms through which small states consolidate their policies on the two questions, they alone do not account for the specific roles the two countries played. The differences in their approaches could be attributed to their different diplomatic traditions, resources, and national identities. Belgium has anchored itself in the European community from which it tends to derive a sense of identity and unity and thus in many ways has chosen to work internationally as part of the larger EU group. In contrast, Norway has sought to leave its mark in international relations and create a distinctive identity that would both make it visible on the international scene and distinguish it from its European neighbors. Even though the smallness of Norway is widely stressed in the self-perception of Norwegians, its activist foreign policy on a range of issues linked to peacemaking, humanitarian assistance, and development has arguably conferred upon it a middle power status. Belgium, on the other hand, has rarely enjoyed a similar status despite its progressive (but not activist) stances on a range of similar issues.<sup>5</sup> Where the approaches of the two states meet, is in their consensual policy-making processes that have tried to work out schemes that would satisfy the various actors with a stake in the issue of weapon bans – NGOs, the military, and the arms industry. The achieved consensus shaped Belgium and Norway's national policies but state ambitions and identity were key in defining their international roles.

### **Belgium: raising the stakes domestically**

#### *Domestic Structure*

Traditionally, the Belgian political system is defined as “consociational democracy,” characterized by a balance in the relationship between the executive and legislative branches of government and executive power sharing in coalition governments (Lijphart 1980: 4-5). Social interest representation is concentrated in strong intermediate organizations and political parties, in particular, play a key role in political and social life, so much so that the Belgian system is said to be a “partitocracy” (De Winter 1998; De Winter et al. 1996; Deschouwer 1999; Walgrave et al. 2006). Belgian political culture and policy networks heavily emphasize the need for consensus and compromise in order to keep together a highly heterogeneous society, divided along religious and linguistic lines. Thus, many politicians see the de-escalation of conflict as a priority over problem solving. The emphasis on reaching consensus has impacted not only the political culture of the country but also the individual style of politicians and diplomats – as has been argued, “[p]olitical leadership and statesmanship do not come naturally in Belgium” (Houben 2005: 33; also Willame 1999: 252-55).<sup>6</sup>

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<sup>5</sup> Similarly, the Dutch activist foreign policy has often led to the Netherlands' inclusion in the middle power group despite its relative comparability to Belgium in terms of size and domestic structure.

<sup>6</sup> In Willame's words, Belgian foreign policy is one of “followership” (“suivisme”), which is characteristic not only of the executive but also of the parliament and political parties. Another of its features is the lack of integrative political figures (“‘permanent personalities’ capable d’être des éléments intégrateurs des forces politiques dans la société”) (Willame 1999: 252).

In Belgium, foreign and security policy is claimed to be “the classic story of a very small group of people that shape it” (cited in Houben 2005: 36). The policymaking power is concentrated in the hands of the Prime Minister (PM) and a “core cabinet” composed of the PM and four vice-prime ministers from different parties, whereas civil servants do not play a significant role in the decision making process. The Ministry of Defense consists of a very small civilian administration and the military follows a strictly non-political line in its dealing with policymakers, its efforts being traditionally concentrated on Belgium’s role as a “loyal ally” within NATO’s integrated structure (Houben 2005: 33-39).

On the other hand, in contrast to Lijphart’s emphasis on the sharing of power between the executive and the parliament (composed of the Senate and the Chamber of Deputies), other authors suggest that corporatist arrangements result in a process of direct bargaining between organized interests and the government and thus bypassing and weakening of parliament (Schmitter 1979: 21; Rokkan 1966: 107). In Belgium, the latter has been described as “a rubber-stamp for decisions effectively taken elsewhere” (Fitzmaurice 1996: 114; also Magnette 1999: 93). The core cabinet in consultation with organized interests and the political parties work out the details of legislative proposals that are then transmitted to parliament for adoption. Thus, the corporatist structure leads to parliament’s marginalization (Magnette 2004: 97-99). In addition, the complexity of the field of foreign policy “has tended to reduce the real influence of Parliament” in this area (Fitzmaurice 1996: 113), whereas on security policy its involvement has been very low or nonexistent (Houben 2005: 55).

However, motivated individuals matter, and I argue made a difference even working through an institution generally marked by “impotence” and lack of initiative.<sup>7</sup> NGOs in partnership with influential senators were able not only to set the tone of Belgium’s national policies on landmines and cluster munitions, but to a large extent also of its foreign policy on these issues. NGO campaigns in both cases brought the problems to the attention of senators whose agendas gave priority to human rights and humanitarian issues and the partnership built between the NGOs and the senators reinforced the positions and furthered the interests of both sides. The processes of law making and adoption in the two cases unfolded in a typical consociational fashion aimed at reaching a compromise among the various stakeholders. Political culture also explains the lack of Belgian initiative at the early stages of forming international processes on landmines and cluster munitions that would break with the established diplomatic practices and consensus-oriented negotiations.

#### *Belgium and landmines – the first national step toward an international process*

Belgium was among the countries with one of the strongest public landmine campaigns (interview 20050302) that combined close work with parliamentarians at its outset and later with government officials during the so-called Ottawa Process launched by Canada to negotiate an international ban out of the consensus-based forum of the Convention on Conventional Weapons (CCW) that had previously dealt with the issue of landmines without adopting strong restrictions on their use. One of the first actions by the Belgian

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<sup>7</sup> As (Magnette 2004: 92) states, “[q]uiconque a pu observer la vie politique belge n’a pu qu’être frappé par l’impuissance des parlementaires.”

NGOs was to encourage the urgent ratification of the 1980 CCW so that Belgium could actively participate in the review conference in 1995 – an effort which met with success in February 1995 when the country ratified the Convention. This step was quickly followed by the adoption of a law prohibiting the production, procurement, sale, export, use and custody of landmines in March 1995, which made Belgium the first country in the world to adopt a total ban on landmines (Landmine Monitor 1999). The ban was the result above all of the cooperation between Handicap International, Belgium (HIB) and senators Roger Lallemand (Socialist Party) and Martine Dardenne (Green Party).

Early on HIB decided to focus its efforts on creating awareness of the problem of landmines among parliamentarians. In the summer of 1993, it sent to Senator Martine Dardenne a letter accompanied by the book, *Hidden Death: Antipersonnel Mines in Iraqi Kurdistan*, which was followed by a meeting. The cooperation between the Senator and HIB resulted in the distribution to all the members of the Senate and the Chamber of the same publication *Hidden Death*, accompanied by a cover letter from Dardenne (Handicap International 1997; HIB undated). Parallel with work with parliamentarians, HIB started organizing a national landmine campaign that was launched in January 1994.

The idea to put forth a law proposal to ban landmines came first from Dardenne, and independently from the leader of the Socialist Party Group in the Senate Roger Lallemand in February 1994. The involvement of the latter was of crucial importance for the successful passing of the legislation, because of his political stature and influence in the Senate.<sup>8</sup>

In March 1994, the Belgian NGO network held a press conference under the motto “Time for a total ban on the production and use of antipersonnel landmines” with the participation of the two senators who publicly announced for the first time their parliamentary initiative. The press conference, and for the first time the landmine campaign, received wide media coverage, which the NGOs tried to sustain thereafter by feeding a continuous flow of information on the issue to the media, a visual campaign of posters and spots in movie theaters, as well as a signature gathering campaign. In the Senate an informal division of labor between Dardenne and Lallemand was established. On HIB’s suggestion, Dardenne worked primarily on convincing women-senators to support the legislation, while Lallemand prepared the law proposal text that was passed in the Senate due in large part to his political skills, contacts, and influential position in the Socialist Party that was a coalition partner in the government at the time (interview 20060331).

Even though the military was initially opposed to a total landmine ban, it did not mobilize to fight against the legislation in the Senate. During discussions of the law proposal in June 1994, the Minister of Defense expressed reservations and insisted that it should allow the Belgian military “to keep their mines for defense purposes, within international organizations, such as NATO or UEO,” for fear that the original legislation would isolate Belgium from its allies (HI 1997: 53). Nevertheless, several months later the Defense Minister announced his support for a ban on antipersonnel landmines (APLs) and pledged to destroy Belgian stocks instead of selling them to third parties. He also explained that a further decision not to sell mine launchers was “justified by a

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<sup>8</sup> Besides being the leader of the French speaking Socialist Party in the Senate, Lallemand is also a poet and writer and an emblematic figure in Belgian cultural life. He had left his mark working for the legalization of abortion in Belgium and later stimulated the debate on euthanasia.

clear ethical choice” despite the resulting loss of ten million francs (quoted in HI 1997: 53).

Despite those decisions and public pronouncements, in October 1994 the Defense Minister introduced an amendment that provided for the use of APLs “in case the military needs to defend themselves under exceptional circumstances, and when there are no other means available.” The NGO response was active lobbying of parliamentarians to stick to the original proposal coupled with a large-scale public campaign advocating a total landmine ban. After this lobbying and some skillful maneuvering by Lallemand, the bill was passed by the Senate without changes in January 1995. On 2 March 1995 it was unanimously voted by the Chamber as well, making Belgium the first country in the world to adopt a ban on the production, use, export and transfer of landmines. Even though both at the time and ever after, the legislation has been hailed as a total ban, in fact it didn’t prohibit the stockpiling of landmines and covered only a 5-year period after which it could be extended by the Council of Ministers.<sup>9</sup> These two provisions were key in gaining support from certain MPs and assuaging military opposition, thus making possible the achievement of consensus on the issue.

Thus, the NGOs in Belgium served as catalysts by stirring interest in the problem of landmines in two prominent senators sharing the NGO concern about the humanitarian cost of those weapons and willing to stake their political capital on passing a law banning them. The NGOs were also able to generate significant media interest and maintain it through conferences, public demonstrations, and signature gathering campaigns. The degree of HIB involvement in lobbying and its effects on parliamentarians is less clear, however – whereas according to senator Dardenne, “civil society played a crucial lobbying role with Parliament,” senator Lallemand saw the legislation as a result of “parliamentary initiative rather than a popular movement” (cited in Mekata 2000:150). In a later statement Lallemand acknowledged that, “Handicap International was the decisive inspirer (“l’inspirateur determinant”) of laws that banned antipersonnel landmines in many countries” (HIB 2002), but it is true that the Belgian law itself was achieved thanks to the initiative and work of senators, supported by the Belgian NGOs (interviews 20060323, 20060331). Among the latter, HIB played a key role and relied almost entirely on its own expertise and connections to develop the campaign in Belgium at an early point when the International Campaign to Ban Landmines (ICBL) had just been launched (Mekata 2000: 151).

Indeed, the NGO success and the new law in Belgium had more important consequences internationally than domestically.<sup>10</sup> Although it was not technically speaking “a total ban,” it was depicted as such and had a huge symbolic significance that imparted momentum to NGO campaigning and similar national laws were soon tabled in other states among which were France, Denmark, the Netherlands, New Zealand, and Switzerland. The legislation also provided the Belgian government with a strong position from which to promote an international landmine ban. It participated in the meetings of like-minded countries organized by the NGOs in January and April 1996 with the aim of finding alternative ways to achieve a comprehensive ban given the inability of states to agree on meaningful restrictions of landmine use within the CCW.

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<sup>9</sup> A year later in May 1996, a law prohibiting the stockpiling of APLs was adopted as well.

<sup>10</sup> Belgium had not used landmines since 1951 in Korea and had already stopped producing them in 1990 (HIB undated; ICBL 1995).

After the CCW failure, encouraged by the interest in a landmine ban shown by countries like Belgium, Norway, and several other small states, Canada decided to hold a meeting of interested countries to strategize about possible further steps toward an international ban.<sup>11</sup> At the end of the meeting that took place in October 1996, the Canadian Foreign Minister Lloyd Axworthy surprisingly made an appeal to states to come and sign a treaty in Ottawa within a year. Thus a Belgian proposal for a follow-up conference in Brussels suddenly appeared just as a part of the Canadian initiative and what would later become the Ottawa Process. Indeed, it has been argued that following Axworthy's call, "[t]here was some dismay from the Belgians that their particular campaign had been hijacked by the Canadians, as Belgium and Canada had for some time been rivals for leadership of the intergovernmental aspect of the landmines campaign" (Long 2002: 434). Other authors have also made the case that the Canadian decision to take the initiative on landmines was dictated by the fear that, "if it did not do so, chances were that someone else would [and] [t]he most likely candidate to usurp Canadian leadership was Belgium" (Tomlin 1998: 203). It is true that the Belgian position on landmines was strong (especially in view of the momentum the adoption of its domestic legislation created) and it left the impression of leadership ambitions on the issue that motivated the Canadian steps. However, there are no indications that Belgium was planning anything significant on the international level or remotely comparable to the Canadian initiative (interviews 20060323, 20060331).<sup>12</sup> Something of similar proportions would have required the dedication of considerable financial resources, and more importantly, active and enterprising diplomats willing to take risks. It is far from clear that Belgium was in a position to offer either.<sup>13</sup>

In fact, even though in principle Belgium supported a global landmine ban, the position it took at the CCW Review Conference was far from ambitious, limited to the rather weak EU common policy.<sup>14</sup> Throughout the period (from early 1995 and throughout the whole Ottawa Process), Belgium has supported dealing with the issue of landmines also at the go-slow, consensus-based Conference on Disarmament (CD) where prospects for any real progress were rather dim or nonexistent. Despite being aware of how much time it would take before any result could be achieved at the CD, Belgium did not mind following that routine path, nor did it see a contradiction between

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<sup>11</sup> Only countries subscribing to the goal of achieving a comprehensive ban on landmines were invited to the conference in an attempt to keep opponents that had prevented progress at the CCW away from this alternative process. On the Ottawa Process and the Canadian role, see for example, Tomlin (1998) and Lawson et al. (1998).

<sup>12</sup> Tomlin (1998: fn. 41) himself acknowledges that were the Belgians to take the lead, the process would have probably gone to the Conference on Disarmament, which was a routine forum and most probably would have become a dead-end venue for the landmine issue.

<sup>13</sup> Similarly, during discussions on the subject in 1998, Jody Williams reacted to the suggestion that in October 1996 Canadian officials feared that Belgium would take the initiative if they didn't move, stating that, "Belgium could never have taken the lead. In the landmine campaign... Canada's resources and relative influence were the most impressive. There was no other choice" (quoted in English 2000: 32).

<sup>14</sup> The announced position was: "We have a two-pronged political position which is namely in international matters, we would like to push every initiative towards a total ban on antipersonnel mines but regarding the conference here which was the finalizing of new regulations on the use, the production and certain technical aspects of the use of mines, we have aligned our position with the Joint Action of the European Union (Joint Action 12 May 1995) with a specific focus on the extension of the scope of the protocol in internal conflicts and on detectability. The third point which was extremely important for Belgium and the European Union was the ban on transfers, that is to say, the international trade of mines" (quoted in Landmine Monitor 1999).

the Ottawa Process and the CD and was willing to follow both.<sup>15</sup> At the time of the Brussels meeting in June 1997 it declared that, “the only true objective is the ban of antipersonnel mines. The paths that we take to achieve this objective are a matter of indifference to us” (quoted in Landmine Monitor 1999). In view of this position, one could hardly say that Belgium was prepared to offer much leadership on landmines in an alternative international process. The Belgian conservative diplomatic culture and national consensus-oriented politics made it hesitant to assume international leadership and predisposed it to seeking consensus on the international level as well.<sup>16</sup>

The Belgian progressive domestic policy, however, was highly acclaimed and vigorously promoted by the NGOs as a spearheading national action toward an international ban. As a consequence, it spurred similar parliamentary initiatives in several countries and gave momentum to the NGO campaigns in other European states as well as internationally. Ultimately, it prompted more activist inclined states such as Canada to take the lead in launching an international process motivated by the momentum created by small states such as Belgium. Once the international process got underway, the Belgian government closely cooperated with NGOs and like-minded countries and played an active and important role in the implementation of the Ottawa Process which led to the signing of the Mine Ban Treaty in December 1997.<sup>17</sup>

#### *Cluster Munitions – a replay of the landmine process*

In Belgium, developments regarding the problem of cluster munitions largely followed the lines of the landmine issue. After cooperation between Handicap International Belgium (HIB) and a prominent senator, a law banning cluster submunitions was adopted by the Senate and the Chamber. Despite the surprising ease with which the national legislation passed in the Senate, the law ran into some difficulties in the Chamber and its passage required accompanying legislation to specify its scope of application. Although the law was not a total ban since a certain type of advanced munitions were arguably excluded from it, it was hailed by the NGOs as the first breakthrough national legislation that would lead the way to similar laws in other countries as had earlier happened in the case of landmines.

In March 2003, HIB launched an online petition “No to mines. No to cluster munitions!” which asked for the prohibition of the use, production, stockpiling, and transfer of cluster munitions (HIB 2003), but until early 2005 it had not developed a particularly strong or systematic public campaign on the issue. In February 2005, the sections of Handicap International decided to call for a ban on cluster munitions and in

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<sup>15</sup> At the closing session of the CCW review conference in May 1996, the Belgian delegation declared: “We are prepared to devote several years to putting in place a system totally banning antipersonnel mines first by passing a resolution (at the General Assembly of the United Nations) and if possible by obtaining a mandate which would lead to the negotiation of a worldwide ban treaty at the Disarmament Conference in Geneva. This takes time but it is possible, we did it for chemical weapons, we will finish by doing it for nuclear tests, we believe that it is possible for mines. But this would not be done tomorrow. It is a long-winded issue which requires a great deal of assiduity and which requires continuity in the political willingness of which, in Belgium, there is no doubt” (quoted in Landmine Monitor 1999).

<sup>16</sup> In the words of an NGO member – whereas Canada and Norway had good resources and diplomats to take on the issue, Belgium lacked good and entrepreneurial diplomats (interview 20050601).

<sup>17</sup> A representative from HIB was part of the official Belgian delegation at each of the conferences of the Ottawa Process (interview 20050302; Landmine Monitor 1999).

March HIB asked the Belgian Senate to work on the issue (interview 20060317). The next step was to organize on 7 April 2005 two briefings together with Human Rights Watch (HRW) and Netwerk Vlaanderen aimed at the media and Belgian banks. The briefings focused on HRW's research on countries and companies producing cluster munitions and Netwerk Vlaanderen's investigations of bank investments in production of controversial weapons, and in particular, cluster munitions.<sup>18</sup> The three NGOs called for ending investment in producers of cluster munitions and gave as positive examples in this direction the ING and KBC banks and the Norwegian Government Petroleum Fund that had instituted restrictions on investment in such companies (interview 20060317; HRW 2005).

The briefings received a very strong media response that was additionally stoked by denials of cluster munitions production by the Belgian industry. The credibility and stature of the NGOs together with the fact that Belgian banks were involved in investment and Belgian companies in production of cluster munitions made the topic newsworthy and the media interest proved to be the key factor prompting Senator Philippe Mahoux (President of the Socialist Party Group in the Senate) to approach HIB a week later with the intention of introducing a law proposing the banning of cluster munitions (interviews 20060317, 20060322). Senator Mahoux had previously worked as a doctor in Médecins Sans Frontières, had a strong interest in humanitarian issues and had already sponsored legislation banning investment in companies producing landmines. Thus he had a strong motivation to work on the issue of cluster munitions together with HIB and his involvement proved very important for the ultimate success of the Belgian legislation.

After the law proposal was introduced in April, it encountered no opposition in the Senate and was passed unanimously in July 2005. HIB participated in a briefing of the Senate Foreign Affairs and Defense Commission in June, but senators did not require a lot of lobbying to be convinced of the need to pass the law and showed support for a total ban of cluster munitions from the very beginning (interviews 20060317, 20060322).<sup>19</sup> At the same briefing, the Ministry of Defense proposed a definition of submunitions that would exclude those with self-destruct or self-neutralization mechanisms. It argued, in much the same way as it had done on landmines, that the narrower definition would allow Belgium to meet its international commitments, especially within NATO (Belgian Senate 2005a). Despite these suggestions of limiting the scope of the legislation, as a whole the Ministry of Defense did not mobilize to lobby against the law and maintained a position of noninterference with the work of the Senate (interview 20060322).

Representatives of the defense industry were not even invited to brief the Senate and only after it had passed the law, did the industry ask to be heard. However, by the time the law came up for discussion in the Defense Commission of the Chamber of

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<sup>18</sup> As part of its campaign, "My Money. Clear Conscience?", aimed at making public bank investment decisions and giving savers and investors a say in choosing where their money is invested, Netwerk Vlaanderen had produced two reports, "Cluster Bombs, Landmines, Nuclear Weapons and Depleted Uranium Weapons: A report on the financial links between banks and the producers of controversial weapon systems" (April 2004) and "Banks Disarm(ed)" (April 2005).

<sup>19</sup> The law had the strong support of the Green Party whose leader Isabelle Durant was very active and had also contacted HIB with a proposal to table a law a little later than Mahoux. If anything, some other senators were much too active, placing amendments to the law that would have prohibited not only cluster munitions, but also anti-vehicle mines (AVMs) with anti-handling devices and depleted uranium weapons (see, Belgian Senate 2005b).



Deputies in November 2005, the industry had fully mobilized in opposition to a comprehensive ban of cluster munitions. The issue at stake was a specific contract under which the company Forges de Zeebrugge had to develop a new, advanced type of cluster munitions, as well as, fears from the arms industry at large that the law would put a break on research and development activities, undermine Belgian industry's competitiveness, and divert high-tech production and development to its foreign competitors. Soon, the arms industry was using the argument of employment and job losses for the whole region of Wallonia, where it is based (see, HIB 2006a; Jean-Claude Lacroix in Belgian Chamber of Deputies 2006a). Its opposition was very strong – it sent letters to all MPs, lobbied the government, and finally mobilized the unions, which organized workers' protests against the adoption of the new law in front of the parliament (interview 20060322).

In contrast, the Ministry of Defense did not even participate in the briefings of the Chamber Defense Commission and its representatives just stated that “it was up to the wisdom of the representatives to make the decision” about the new law (interview 20060322).<sup>20</sup> Keeping with its role of a non-political institution, the military did not get involved in political debates and was ready to do whatever was necessary to comply with the new law (interview 20060513).

HIB, on the other hand, had prepared well for the debates in the Chamber. Just before they began, it organized a media trip to Kosovo to show the horrendous effects the use of cluster munitions had on the civilian population. As debates heated up, in December it participated in the briefing of the Defense Commission where it urged Belgian deputies to take the initiative and let Belgium lead the way on cluster munitions as it had done in the landmine campaign – a refrain that was often repeated in the media coverage of the issue. HIB also underlined the fact that similar parliamentary actions were already underway in numerous other countries that were ready to follow Belgium's example (Belgian Chamber 2006a). It intensively lobbied MPs to support the law, and just ahead of the vote in the plenary, in a show of international support for the Belgian process, held a press conference together with HRW, Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP), and the Swedish Peace and Arbitration Society.

As the controversy around the new law heightened, so did media coverage and public awareness of the issue. The NGO campaign thus gathered force and HIB could include evidence of public support in its lobbying of parliamentarians by showing the extensive media coverage (over 90 media reports from April 2005 till February 2006, of which 46 alone were in February 2006) and the increasing number of signatures in favor of the cluster ban that went from 100,000 at the time of the Senate vote in July 2005, to 200,000 in December 2005 when the Chamber Defense Commission started deliberations, to 300,000 in February 2006 when the original law was adopted in the Chamber (HIB 2006b).

The NGO mobilization was highly instrumental in maintaining parliamentary support for the law and resulted in voting down a couple of amendments, aimed at excluding from the original definition of cluster munitions those with self-destruct or self-neutralization mechanisms and containing less than 10 submunitions (Belgian

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<sup>20</sup> The Chairman of the Defense Commission of the House decided who would brief it, but the lack of participation by the Defense Ministry could be explained not only by the line of non-involvement it was following, but also by the fact that in practice its positions were voiced by the arms industry.

Chamber 2006b).<sup>21</sup> In the end, the Commission, and later, the Chamber adopted the Mahoux legislation, but the price for that was an all-party agreement to pass a second, complementary piece of legislation that would exclude from the definition of cluster munitions non-explosive submunitions and new types of cluster munitions that pose no humanitarian problems.

The wording of the second law still sounded quite strong,<sup>22</sup> allowing only the employment of anti-tank munitions that “can only be used ... without any possibility to indiscriminately saturate combat zones, including by the obligatory control of their trajectory and destination, and that if applicable, can only explode at the moment of impact, and in any case cannot explode by the presence, proximity or contact of a person” (Belgian Chamber 2006c). This definition gave HIB grounds to declare that “such a weapon does not exist” (interview 20060317) and congratulate parliamentarians on having resisted pressure from the arms industry. The latter, on the other hand, announced its satisfaction with the new law, which in its view showed the efficacy of the mobilization of the industry, workers, and unions (Rogeu 2006). Finally, representatives of the Ministry of Defense felt that the second law did not cover the newest types of submunitions being developed by Forges de Zeebrugge (interview 20060513).

Indeed, the second piece of legislation seemed to satisfy everyone and the government coalition partners from the Socialist and the Liberal Party that were bitterly divided over the first law finally reached consensus with this compromise formulation (RTBF.be 2006; L’Echo 2006). Thus the definition in the second law catered to the interests and demands of a diverse group of stakeholders including NGOs, the arms industry, unions, and the military, but this consensus was obviously built upon its vagueness and the ability of each to interpret it as they saw fit. Despite (or rather because of) this vagueness, the new law made possible the achievement of consensus on the issue of cluster munitions nationally in a way consistent with Belgian domestic political culture. Importantly, it also provided NGOs with the opportunity to project internationally the image of Belgium as a trailblazer in banning cluster munitions, whose example would ineluctably be followed by other states (while obscuring details and nuances in the Belgian legislation).<sup>23</sup>

By advocating a total ban and securing one in Belgium, Handicap International was also able to influence the dynamics within the Cluster Munition Coalition (CMC) that was set up in late 2003 by NGOs to work on the issue. Until the Belgian ban, due to the lack of agreement about the goals of the coalition among the different CMC members, it had stuck to a circumspect call for a moratorium on cluster munitions until their humanitarian problems had been resolved and for a couple of years CMC had hardly made any difference in terms of campaigning or policy impact. HIB’s success in Belgium reinvigorated the NGO movement and inspired other CMC members to develop more publicly oriented campaigns and work on national bans or moratoria to be used as stepping-stones to a future international agreement. Following the Belgian

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<sup>21</sup> At a crucial point in the debates, the contribution from GRIP, another NGO respected for the quality of its independent research and analyses, also provided strong backing for the law advocates (interview 20060322).

<sup>22</sup> The new definition was formulated mainly by the Socialist Party sponsoring the first law. Even though HIB was consulted on this matter, the definition came from parliamentarians (interview 20060324).

<sup>23</sup> Indeed, whereas NGOs announced with enthusiasm that Belgium was the first state to adopt a total ban on cluster munitions, they did not mention the second law redefining the scope of the ban (e.g. HI France 2006; HIB 2006b; HI Switzerland 2006).

developments, French parliamentarians became active on the issue and proposed three new laws banning cluster munitions, the Belgian law was emulated in a legislative proposal in Switzerland, and NGOs in Norway intensified their lobbying on cluster munitions, while Landmine Action in the UK started calling for a ban in early 2006.

Senator Mahoux also lent a helping hand to the NGO mobilization through his contacts on the issue with parliamentarians in several European countries and the European Parliament (interview 20060322) and shared his experience in passing the Belgian law with his French colleagues in a public education event organized by Handicap International in the French Senate in October 2005 (CMC 2005c).

Whereas the Senate led the way in formulating the Belgian position on cluster munitions and NGOs sought to popularize the new law internationally, the Belgian government remained passive during the debates on clusters and took a cautious wait-and-see position. In his statement during the briefing of the Defense Commission, the government representative did not comment on the Belgian law proposal and limited himself to highlighting the work of the CCW. He indicated that any international attempts to regulate cluster munitions would run into the kind of difficulties encountered in the process on anti-vehicle mines where states such as Russia and China opposed measures on self-destruction due to economic concerns (Huynen in Belgian Chamber 2006a). Basically, the government had no position regarding the parliamentary initiative and refrained from interfering with it (interview 20060330). When the Belgian delegation had to make a statement at the CCW session in March 2006 after NGOs and other state delegations congratulated Belgium on its bold domestic steps toward banning cluster munitions, it confined itself to describing the parliamentary process and emphasizing the fact that it had not been concluded and it was difficult to predict when the law would enter into force (Belgium 2006a).

Even on the day when the final law was adopted in plenary session and had already been voted in the Chamber Defense Commission, government officials preferred to talk about it only in hypothetical terms and their position regarding any international steps remained one of caution and non-commitment. Given the attitude of states such as Russia and China, they felt there was little chance of achieving a global agreement on the problem.<sup>24</sup> An explicit instruction from Parliament requesting that the government work toward an international ban remained a prerequisite for the definition of the future government position in this regard (interviews 20060330, 20060513).

The cautious position of the Belgian government changed only slowly after an increasing number of states pledged support for a negotiating mandate on cluster munitions at the CCW Review Conference in November 2006. Initially, the Belgian delegation pointed out that it saw in the growing number of national legislative initiatives on cluster munitions the development of propitious conditions to address the problem multilaterally as well. However, it argued for an effective and inclusive approach that should advance step-by-step, guided by a clear objective but also aimed at

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<sup>24</sup> There were a host of other factors that made Belgian diplomats wary of assuming any international engagements: lack of strong leadership by other countries (such as Canada on mines) and a critical mass of supportive states at that point; existing expectations of a repetition of the successful Ottawa Process – a scenario deemed highly unlikely given the differences between the issues of cluster munitions and landmines (thus even a moderate success on clusters would be viewed as a failure compared to Ottawa); preoccupations that an alternative process out of the CCW would undermine the UN conference credibility and usefulness at a moment when it had been reinvigorated (interview 20060330).

attracting a “solid consensus” around that objective. The way to do so, Belgium suggested, was to continue the discussion mandate of the group of governmental experts on explosive remnants of war, possibly by adding to it the examination of the question of cluster munitions from the perspective of compliance with international humanitarian law (IHL) (Belgium 2006b). Only on the last day of the conference, did Belgium decide to join the group of countries that called for an international agreement “to prohibit cluster munitions that pose a serious humanitarian hazard.” Following the conference, the Belgian foreign minister finally took a position on the issue announcing “that Belgium would play a leading role in the efforts to achieve a new international treaty on cluster munitions,” but again stressed the need to include the major players and key users in such a treaty (CMC 2006c).

As NGOs gathered in February 2007 in Oslo for the first meeting of the alternative negotiating process on cluster munitions launched by Norway (the so-called Oslo process), they still didn’t know what to expect from Belgium. When in its initial statement Belgium made reference to the role of the CCW in the negotiating process, NGOs and the media were quick to criticize the government stance. As a result, in the course of the two-day negotiations Belgium shifted its official position from a reticent and somewhat reserved support of the process to a more active role by proposing to hold a follow up regional meeting for the EU countries and subscribing to the final declaration of the conference that outlined the future steps toward finalizing in 2008 a treaty banning “cluster munitions that cause unacceptable harm to civilians.”

While the Belgian government carefully watched its steps on the international stage, awaited the crystallization of other state positions on the cluster issue, and finally decided to assume a more active role in the Oslo process within the EU context, parliamentarians made further bold strides. In March 2007, the Belgian Chamber passed a new law, initiated again by Senator Mahoux, that banned investment in and credit issuance to companies involved in the production, trade, storage, or transport of cluster munitions.

### **Conclusion: bold domestically, moving in a pack internationally**

There are striking similarities between the processes that led to the two Belgian laws banning landmines and cluster munitions for the first time in the world. In both cases the NGOs served as catalysts in highlighting the issues and stirring media attention but prominent senators assumed the major role in drafting and passing bans in the Senate. Several characteristics of the Belgian political system also come to the fore. The importance of parliament and, particularly, of the Senate as a body that not only took the lead in legislating new norms with international resonance, but also set the course of Belgian foreign policy in an area of arms control is a striking exception to its otherwise limited role in Belgian politics that underscores the importance of motivated individuals in bringing about normative change. In comparison, the military had limited political leverage in the Belgian system and avoided getting involved in political debates even on issues that directly affect military capabilities and strategies. Legislating a ban despite important industry interests at stake shows that this was not an entirely low cost decision for Belgium to make or for senators to advocate. In order to secure consensus on the issue, compromise formulas in both the landmine and the cluster munitions bans

were included, without however diluting their humanitarian focus. Finally, the government and the Ministry of Foreign Affairs maintained neutrality and non-involvement in the parliamentary process regarding both landmines and cluster munitions. In tune with the state's political and the Foreign Ministry's organizational culture, Belgian diplomats shied away from taking up bold leadership roles either on landmines or cluster munitions despite the fact that their national position was the most progressive compared to that of other countries. Instead, they preferred the well-established negotiation fora in the area of arms control. It appears that Belgian diplomats lacked both the resources and confidence to assume risks in leading the way, even though they worked actively within a coalition of like-minded states on landmines and after some hesitation got involved in efforts to build a similar group on cluster munitions.

As a small country, Belgium was not a natural leader even if it was a leader domestically and one of the "like-minded" internationally. Public diplomacy has rarely been a source of national prestige and identity for it. Rather, Belgium has tried to achieve a degree of national cohesion by anchoring itself firmly in the European Union and NATO and becoming also the center where those institutions are based. Blazing a trail for new norms internationally was not on the mind of Belgian foreign policymakers despite the domestic embrace of such norms banning indiscriminate weapons of war. Instead, they saw their country's role primarily in working within the EU and within a like-minded group where they could be influential without standing out and taking risks. Nevertheless, NGOs and their parliamentary allies have managed to project the image of Belgium leading the way through the promotion of its progressive domestic laws. Where Belgian diplomats preferred a low-key profile and blending with the group, enthusiastic NGOs sought to create the impression of Belgium as a leader to be followed.

## **Norway: making a difference in the world through NGO partnerships**

### *Domestic Structure*

Norway is another example of "consociational democracy" in which consensual policy-making is emphasized (Matthews and Valen 1999: 31; Houben 2005: 99, Neumann 2002: 108). It is also one of "the most thoroughly organized societies in the world" with powerful interest organizations and voluntary associations (Matthews and Valen 1999: 29) including a plethora of NGOs, among which four big organizations with humanitarian and aid agendas stand out – the Norwegian Red Cross, Norwegian Church Aid, Save the Children, and Norwegian People's Aid – that also make up an umbrella organization, the Norwegian Refugee Council. Many of the NGOs in the field of development have relationships with the government and especially with the Norwegian State Directory for Aid that channels a good part of the Norwegian developmental assistance through the NGO sector. In addition, some of the NGOs such as Norwegian People's Aid (NPA) have a historically close relationship with the Labor Party (Neumann 2002: 109-110). The large and powerful interest organizations have regular

contact with the government through a network of commissions, advisory boards, councils, and similar bodies, characteristic of corporatism (Matthews and Valen 1999: 30).

In terms of balance of power between the executive and the parliament, the situation in Norway is somewhat different from the one encountered in Belgium despite the similar features of corporatism and the consensual policy process. Traditionally, Norway has had a strong executive (Houben 2005: 103) and at least until the mid-1980s scholars described the role of the Norwegian parliament in policymaking as limited and supplanted by the public administration and interest organizations (Rommetvedt 2003: 2-3; Shaffer 1998:2-5; Matthews and Valen 1999: 58).<sup>25</sup> The role of parliament has changed since 1985 from which point on minority governments, lacking support from the parliamentary majority, have been in power. This change, together with an increasing heterogeneity of Norwegian society, has been credited as the cause of greater leverage of parliament over government decision-making in subsequent years (Shaffer 1998: 34). The shift in parliament's role has also been reflected in the growing number of interest organizations that establish contacts with parliamentarians in contrast to the earlier period when the prevailing view was that legislation was shaped within the administration (Christiansen and Rommetvedt 1999).

The military can play a rather independent and even political role in Norway. The Norwegian Chief of Defense is the principal military adviser of the Minister of Defense but has significant independence and a mandate to "speak freely" and inform the general public, which makes the office of the Chief of Defense the center of gravity within the government regarding the implementation of security and defense policy (Houben 2005: 104). NATO membership and concerns over Norway's border with Russia have been central for its armed force. During the Cold War the focus of Norwegian security policy was territorial defense of the country, but involvement in peacekeeping operations was also important for foreign policy and seen as a way of drawing "high political" gains from "low political" issue-areas" (Thune and Ulriksen 2002: 6).<sup>26</sup> Indeed, since the late 1990s, international humanitarian missions have become the predominant basis of legitimacy of the Norwegian armed forces (Friis 2005). The Norwegian military has also enjoyed relatively high and stable levels of public trust, together with the other Norwegian social and public institutions (Bondeson 2003: 52-4; Gulbrandsen 2005; Christensen and Peters 1999: 143).

Finally, in terms of domestic culture and diplomatic tradition, Norway has a humanitarian tradition linked to Protestant missionary work and humanitarian relief (Neumann 2002: 108; Heidar 2001: 149) that has become a "missionary impulse" in Norwegian foreign policy (Riste 2001). This, coupled with a social-democratic orientation, has made the promotion and contribution to developmental assistance and

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<sup>25</sup> In 1985, for example, Egeland (1985: 38) argued that Norwegian NGOs interact mainly with the Ministries of Foreign Affairs and Development Aid, and parliament was not a focus of their activities because of perceptions as to where real decisions were made. Others arguing about the weakness of parliament include, for example, Arter (1984) and Hernes (1983), cited in Matthews and Valen (1999: 56)

<sup>26</sup> The commitment to peace operations also shows in these figures – from 1949 until the early 1990s, from a population of 4 million, over 50,000 Norwegians have taken part in international operations (Nustad and Thune 2003: 154).

equitable economic development a central feature of Norway's foreign policy during (and after) the Cold War (Dolman 1979; Riste 2001: 263-5).<sup>27</sup>

As a small country, Norway has always been interested in the promotion of peace, the international rule of law, human rights and effective international institutions (Heidar 2001: 151; Østerud and Selle 2006: 40). For example, in 1998 the Norwegian Foreign Minister Knut Vollebaek stated that “[i]t is in the interest of a small state like Norway to maintain a strong UN and support the role of the UN and its ability to uphold a degree of peace and order in international relations.” His predecessor Bjorn Tore Godal similarly argued in 1996 that, “Norwegian society’s deep respect for humanitarian values had made the promotion of Human Rights a cornerstone of all our policy. This is of special importance to our work for peace, where it combines idealism and self-interest. *The more respect for Human Rights, the safer the World will be for all of us*” (quoted in Nustad and Thune 2003: 170, 173, emphasis in original). Thus both commitment to international norms and self-interest have motivated Norway’s support of UN peacekeeping missions, as well as its notable peacemaking efforts, among which its work for the achievement of the 1993 Oslo Peace Accord stands out.<sup>28</sup> In those initiatives it has relied on low-profile diplomacy and private negotiating channels that have produced high-profile results (Henrikson 2005: 79-82; Österud 1997). Based on such practices, Cooper (1997) characterized Norwegian diplomacy as quiet, low-key, consensus-oriented, and focused on a few distinct issues.

In contrast, I argue that Norwegian foreign policy on landmines and cluster munitions has followed a different path – it has been high profile and oriented toward the creation of strong international norms at the expense of achieving consensus, and indeed, in defiance of major military powers, such as the US and Russia. This activist diplomacy has been motivated by the Norwegian search for a visible international role and identity and made possible by a partnership between Norwegian policymakers and Norwegian and international NGOs. These partnerships have been enabled by certain features of the Norwegian political system. Norway has the highest score among West European countries on affiliation of ministers to interest groups (such as unions and employer organizations). The number of employees from interest groups in the cabinet has also been increasing and ministers, for specialized departments in particular, have been recruited from interest groups (Christensen and Peters 1999: 82-3, 91).

Following Neumann (2002), I argue that this trend has been extended to the recruitment of NGO members to governmental posts and has led to a degree of interpenetration of the NGO and governmental sectors in Norway with people moving from NGOs into government positions and vice versa. The shared background and outlook of key individuals in policymaking positions and NGO activists or academics also facilitates communication between the two sides and the creation of partnerships that can result in effective campaigns. Thus, the 1990 appointment of Jan Egeland, who had previously chaired Amnesty International, Norway and worked for the ICRC, as adviser to the Foreign Minister and then as Junior Foreign Minister, was crucial for shaping

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<sup>27</sup> Norway is the second largest donor country in terms of official development assistance as a percentage of GNP (Ingebritsen 2002: 18-9).

<sup>28</sup> During the 1990s Norway has also been involved in peace talks between Communist rebels and the Philippine government, Croatia and Yugoslavia, Colombia and the FARC rebel movement, as well as in Cyprus, Somalia and Sudan. In 2002 it brokered a power-sharing agreement between the Tamil Tigers and the Sri Lankan government (Henrikson 2005: 80; Moolakkaattu: 2005).

Norwegian policy on landmines in that period. Similarly, the 2005 appointments of Raymond Johansen (previously secretary general of the Norwegian Refugee Council) as Deputy Foreign Minister, and of Jonas Gahr Støre (previously Secretary General of the Norwegian Red Cross) as Minister of Foreign Affairs have been important factors in defining the Norwegian position on cluster munitions. The NGO domestic and international campaigns on both issues became a source of strength, harnessed by Ministry of Foreign Affairs (MFA) officials in their efforts to improve the Ministry's organizational capability, facilitate Norwegian foreign policy, and ultimately, enhance Norway's international position.

Norwegian active diplomacy on landmines, and especially the Norwegian initiative to launch an alternative negotiating process on cluster munitions could be seen as part of renewed efforts at enhancing Norway's image and influence in the world. After studies showed a lack of knowledge of the country among foreign audiences, in 2003 a new program was launched aimed at "branding" a distinct Norwegian image internationally. Whereas big countries such as the US, China, the UK, or France have to deal mainly with managing and reshaping their images, it was argued, "Norway's central public diplomacy problem is that of invisibility" (Leonard and Small 2003: 1). And in the words of then Norwegian State Secretary Thorhild Widvey, "[t]o gain influence, we have to be noticed" (Widvey 2003a), especially since "[a]s a result of globalisation there are ever more actors in the global market place battling for attention" (Widvey 2003b). Hence, the need for "carefully nuanced pictures of modern Norway to prevent [it] from being gradually marginalized" (Widvey 2003a).<sup>29</sup> The fear of marginalization flows also to a large extent from the increasing prominence of the EU as an international actor and the Norwegian decision to stay out of it.<sup>30</sup> Not only is the EU becoming an important actor in its own right, but it also takes on many of the characteristic features (such as development assistance, peacekeeping, human rights and the international rule of law), which Norway used to pride itself on. Hence, Norway's need to reposition itself vis-à-vis its European neighbors.<sup>31</sup> In fact, Swedish membership in the EU seems to have opened up a new niche for Norwegian diplomacy. Whereas during the Cold War Sweden was neutral and led a distinctive and highly visible foreign policy (e.g. Dahl 2006; Stenelo 1984), the end of the Cold War and Sweden's entry into the EU somewhat diminished its prior international activism (Österud 1997: 95-6). Norway, on the other hand, seemed ready for a more high profile diplomacy.

Based on its traditions and comparative advantages in development, peacekeeping and peacemaking, the central "brand" that emerged from an academic study of Norway's public diplomacy was that of a "humanitarian superpower."<sup>32</sup> The

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<sup>29</sup> Similarly, Thune and Ulriksen (2002: 4) argue that, "Norwegian foreign policy is about the creation, maintenance and enhancement of a role or an identity whose main function is to gain recognition, attention and contact in order to maximize international influence."

<sup>30</sup> Østerud and Selle (2006: 41) also argue that Norway engages in peace and humanitarian issues to earn diplomatic capital and compensate "for [its] peripheral *Sonderweg* in European affairs."

<sup>31</sup> See, Browning (2007) and Laatikainen (2003) on the "Nordicization" of the EU and the Europeanization of the Nordic model.

<sup>32</sup> "Humanitarian superpower" was presented in this way: "Norway might only be 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. This commitment goes far beyond the activities of the Norwegian state – infusing every aspect of Norwegian society from NGOs and business to ordinary citizens" (Leonard and Small 2003: 34-5).



other focus of the Norwegian approach to increasing its international leverage was the work with different partners in Norwegian society, including NGOs (Widvey 2003a; Båtora 2005). Indeed, it has been argued that Norway's globalization strategy has become a new "mode of *national corporatism* of nongovernmental organizations, consultancy firms, research institutions and the state in the formation and conduct of the policy of foreign engagement" (Østerud and Selle 2006: 33; Selle and Østerud 2006; Riste 2001: 264; Østerud 1997: 97; on NGOs also, Båtora 2005: 17). In the words of Norwegian foreign policymakers, the Norwegian model is based on a symbiosis between the Foreign Ministry and academic or nongovernmental organizations – as "a small country with a small foreign service, Norway's global ambitions [...] have forced it to outsource its diplomacy to nongovernmental organizations" (quoted in Ford 2000).

Thus, Norway's small size and domestic structure impact its foreign policy making in two ways. On the one hand, there is little distance between the government and its citizens, and hence the latter could influence policymaking more easily either individually or through organizations such as NGOs (Riste 2001: 274-5). On the other hand, the smallness and lack of a large foreign service and numerous diplomatic missions all over the world, have enabled the interaction and communication between the MFA and NGOs working on different issues and regions in the world and led to the MFA's reliance on the expertise and cooperation of academic and nongovernmental organizations to enhance its own international influence and positions. As will be shown, not only did the Norwegian MFA "harness" the power of national NGOs in projecting a distinct Norwegian role internationally (Neumann 2002). It also established similar links with NGOs from other states, supported them, and in turn leaned on their backing and active mobilization to formulate and implement its policies on landmines and cluster munitions.

Finally, given that peacekeeping and peacemaking make up part of Norwegian self-identification and its international image, these identity frames have influenced not only the purposes of the use of force by the military, but its organizational identity as well. With the end of the Cold War and the diminished priority given to defense against a major land invasion from Russia, the frame of peacekeeping or humanitarian soldiering has become more influential (Friis 2005).<sup>33</sup> Thus, one could argue that this humanitarian frame imposed limits on the ability of the military to argue against banning landmines and placing a moratorium on cluster munitions since such opposition would have undermined an important aspect of the military's basis of legitimacy in Norwegian society and gone against its own self-perception as a force for good and a force for peace in the world.

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<sup>33</sup> Whereas during the Cold War Norwegian security policy involved three core elements – "support of the UN, involvement in peacekeeping, and a strong territorial defense [...] all elements of the same policy – securing the Norwegian state (that is, its territory) and securing Norwegian national identity," since the 1990s the meaning of security has changed – "[f]rom taking as its object the nation/state/territory, its object has now become, at least at the level of rhetoric, redefined as universal human values" (Nustad and Thune 2003: 172). However, the relative importance of the humanitarian frame is time and context dependent. With the rise of new threats and missions emphasizing rapid deployment, specialist forces, or anti-terrorist operations peacekeeping may become less important for the military institution, and thus the frame might lose some of its legitimizing and constraining power.

*Landmines: second to the finishing line*<sup>34</sup>

In contrast to other “like-minded” countries with negligible security threats, such as Belgium and the Netherlands for example, Norway’s common border with Russia has always been a source of concern (Otterlei, 2002: 358). Yet, military and strategic arguments were sidelined and the military was basically faced with a *fait accompli* when the Norwegian government threw its weight behind the international landmine ban. Early on, the willingness to work on the problem of mines came from the government, whereas the Norwegian NGO campaign for a total ban was established only in the fall of 1994. Despite its later start, the NGO campaign was very successful in lobbying parties and members of parliament, creating public interest in the problem of landmines and pushing the Norwegian government towards full support of a total ban.

In 1992, the government offered funding to an NGO, Norwegian People’s Aid (NPA),<sup>35</sup> to organize a de-mining mission in Cambodia. The key person establishing the link between the MFA and NPA was Junior Minister of Foreign Affairs Jan Egeland, who before going into politics had worked in the NGO sector, particularly on developmental issues, and had been exposed to the ICRC work on landmines through his work for it in Geneva (Neumann 2002: 110-11).<sup>36</sup>

Whereas the problem of landmines appeared on the international agenda through the insistence of NGOs, once the process started with a series of preparatory sessions for the CCW Review Conference from the fall of 1993 to January 1995, the input of NGOs in the process had been minimal. Certainly, the Norwegian delegation proceeded with its work in the sessions without any NGO involvement. In fact, the initiative for a more active Norwegian involvement on landmines emanated from Geneva. According to Jorn Gjelstad, member of the Norwegian delegation at the CCW talks, “it was indeed this delegation which pushed the MFA into action” and “insisted that Norway had to do something, because this case might go off” (quoted in Neumann 2002: 115) and the Norwegian Ambassador at the Geneva Permanent Mission and negotiator at the CCW, Steffen Kongstad, was actively involved in the issue.<sup>37</sup> The other direction from which interest in the issue of landmines came was the ICRC, with which Junior Minister Egeland maintained his contacts (*ibid*: 116). Only later in the fall of 1994 did NGO pressure begin to materialize in Norway. However, it was the NGO call for a total ban that radically changed the terms of the debate, and together with the momentum

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<sup>34</sup> Most of the section on landmines is based on the excellent case study by Neumann (2002).

<sup>35</sup> NPA has its origins in the workers’ movement and strong ties to the Norwegian Labor Party. It became a large developmental NGO with 125 local divisions and projects in 33 countries (Neumann 2002:109).

<sup>36</sup> Before Egeland was asked to become the personal advisor (and later junior minister) of Foreign Minister Thorvald Stoltenberg, he was the head of the international department and media person at the Norwegian Red Cross. Prior to that he had also been Chair of Amnesty International, Norway and Vice-Chair of the International Executive Committee of Amnesty International. After leaving the Foreign Ministry he became the UN Secretary-General’s Special Adviser on Colombia, then the President of the Norwegian Red Cross, and finally Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (Irinnews 2006). Stoltenberg, who brought Egeland into the government, was previously the UN High Commissioner for Refugees and after leaving the MFA became President of the Norwegian Red Cross, which points to the rotation of NGO activists in and out of government (and international organizations) and the openness of the Norwegian political system to humanitarian issues and NGO people.

<sup>37</sup> Later, Kongstad was called by NGOs “one of the fathers of the Ottawa Convention” (interview 20060317).

gathering in other pro-ban countries, determined the Norwegian position in favor of a comprehensive international prohibition of APLs.

The stimulus for the creation of the Norwegian landmine coalition itself came from the ICBL and the Norwegian Afghanistan Committee (NAC) – an NGO involved in demining and humanitarian aid in Afghanistan. In the fall of 1994, the NAC activist Harpviken decided to organize a meeting of Norwegian NGOs that became the foundation of the Norwegian chapter of the ICBL and motivated the NPA to advocate a total landmine ban as well. Given its good institutional position and connections, the NPA then took over the political work to push for a ban. And it was at this point that relations between the NPA and Junior Minister Egeland, who first got the NPA to work on mine clearance and so far had been actively engaged in humanitarian problems, became more tense. In his words: “And then this circle... began to argue in favor of a total ban. Suddenly, I was on the defensive” (quoted in Neumann 2002: 117).<sup>38</sup> Nevertheless, Egeland sought to engage the NGOs in a dialog and initiated a series of meetings with them. However, he thought the idea of a total ban was unrealistic; it simply “had not existed as such.” Given Norway’s geostrategic situation, he thought the idea was not a feasible option. Moreover, he asserted that, “the MoD and the Department for Security Affairs were in the driver’s seat” in Norway and he had “no power of instruction over them” (p.118). Nevertheless, he personally supported the idea and saw the potential for a more active Norwegian role. Thus, the MFA provided funding to the NPA, officially for research and assistance work on landmines but with the unofficial expectation that a part of the money would be used for campaigning. At that stage, Egeland’s official position was not fully in tune with the NGOs (interview 20070323) despite his personal sympathy for their cause,<sup>39</sup> since his freedom of action was constrained by the interests of other institutional players and the lack of a very strong NGO campaign.

The ensuing campaign concentrated NGO efforts on winning the support of party groups in parliament and building momentum by targeting the media and getting the support for a total ban from as many organizations as possible. The result was that some 120 organizations, including influential church organizations and unions, signed a resolution calling for a ban and allowed the Norwegian landmine coalition to claim broad-based representation and support. The other two targets of the campaign were top politicians in parliament and the governing Labor Party. The breakthrough came in the spring of 1995 when the Working Group against Mines managed to convince its contacts in the Center Party to put forward a motion in favor of a total ban in parliament (Neumann: 118-19). The motion then went to the Foreign Committee where NGO representatives made presentations and tried to convince the committee members of the need for a ban. The work in parliament attracted growing media attention as debates got underway and eventually contradictions between the positions of the MFA and MoD became evident during the parliamentary discussions (p.121). Thus, the NGO campaign brought tensions between the MFA and MoD to the surface as the debate over

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<sup>38</sup> The circle Egeland refers to consisted of NPA, the Norwegian Red Cross, their Geneva office, Norwegian Church Aid, and their international branches – the Lutheran World Federation and the World Council of Churches.

<sup>39</sup> For example, Neumann’s interviews with certain NGO members that may not have been aware of Egeland’s “double play” report their feeling that “there was little point in trying to convince key politicians [i.e. Egeland] directly” (Svein Henriksen quoted in Neumann 2002: 118).

landmines unfolded, but also provided the MFA with a needed asset in its dealing with the military.

Both the NPA and Egeland focused their efforts on getting the support of the governing Labor Party. During its annual meeting in the fall of 1994, the NPA's attempt to do so failed because of opposition from the Defense Minister. Nevertheless, the NPA decided to turn to the annual meetings of the county chapters and have them pass resolutions in favor of a ban. Junior Minister Egeland for his part tried to sway the Labor Party's parliamentary faction for foreign policy. Witnessing activism on landmines in Austria, Belgium, and Canada in the spring of 1995, he argued that "either we could sit there and do nothing, which would mean that we eventually be forced to adopt the total ban by public opinion and international actors, or we could bite the bullet and go in for a total ban ourselves." He argued for the latter option "from an interest-based perspective" (quoted in Neumann 2002: 120). Another motivation to adopt a more progressive policy on landmines came from "a need to keep up with the Swedes" (Neumann: 117), who were staking out an active position in favor of a total ban at the preparatory session for the CCW review conference.<sup>40</sup>

In the end, the Labor Party group in parliament came about to support a total ban, consensus on the issue was reached in the *Storting* Foreign Committee, and on 2 June 1995 parliament adopted a binding resolution in support of a total ban on the production, sale, purchase and use of APLs and called upon the government to work for the achievement of such an international ban. This parliamentary decision marked an important point in defining Norway's position given its "consensus traditions and the way the enlarged committee of the *Storting* acts as a consensus-building clearing-house for difficult decisions" (Neumann 2002: 122). The parliamentary decision, namely a resolution calling on the government to work for an international ban and not a national law prohibiting landmines, highlights the difference in the Belgian and Norwegian approaches. Whereas Belgium gave an example by creating a new domestic norm, Norway was eager to focus its energies and leave its mark on the international stage.

The MoD did see landmines as "a central and legitimate part of the country's defense" (security division official, quoted in Neumann: 120) and offered some resistance to the general mood for a ban, but on the whole it was overtaken by the course of events. The strategic argument for the need of landmines was more or less lost in the debates and the MoD's policy was left in the hands of its juridical division (cited in Neumann: 120).<sup>41</sup> The public interest in landmines created by the NGOs and their pressure on parliamentarians were a strong counterweight to military arguments.

Indeed, the military had little to lose from a ban of old antipersonnel landmines. It had already started the destruction of parts of its mine stocks prior to the parliamentary decision, "simply because the mines were old, outdated and not usable" (Landmine Monitor 1999). Nevertheless, it came as a surprise to government officials at the CCW

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<sup>40</sup> Sweden had proposed a total ban at the third preparatory session for the review conference in August 1994 and the Swedish parliament was asking its government to take measures toward achieving the goal internationally and domestically (ICBL 1994).

<sup>41</sup> There were divergent opinions on the need for and utility of landmines within the MoD. From the military engineers' point of view, Norwegian mines were very old, of limited utility and could be dispensed with. On the other hand, from a strategic point of view, Norwegian defense strategy depended on the use of clusters of anti-tank and antipersonnel mines against attacking tanks and a ban meant the reshaping of this strategy at some cost (Neumann: 121).

talks when in September 1995 the MoD announced that it had started destroying its stocks of landmines, “the idea seemingly being to set a good example” (cited in Neumann: 122). By October 1996, just ahead of the first meeting that marked the beginning of the Ottawa Process to ban landmines, the Norwegian military had destroyed all their stocks of landmines (Landmine Monitor 1999).<sup>42</sup>

The military began to appreciate the implications of a total ban only when the definition of landmines in the new treaty clearly emerged in 1997 and indicated that a range of US smart mines on Norwegian territory would be banned. Then it tried to change the definition but its efforts came too late and were of no effect (Neumann: 125). By that time, the NGOs were working closely with the government and were part of the official Norwegian delegation at the negotiations. This insider access to information further helped the NGOs in their lobbying tactics toward state representatives at the Oslo conference where the final treaty text was negotiated (quote, *ibid*: 124).

Thus, the NGOs were able, on the one hand, to put pressure on the MFA, and on the other, when the latter came to embrace the idea of the ban, provide it with the necessary backing in its dealings with the MoD. The military was simply not skillful in the political game – in the words of a MoD official, “in the MoD, it is only Press and Information which has, or is supposed to have, contacts with the outside world” (cited in Neumann 2002: 126) and did not resist the flow once consensus was reached on the issue in the Labor Party and in parliament. Once the national position was consolidated, Norway could play an active role in the group of like-minded countries working for a total mine ban in the fast-track negotiation process launched by Canada. It funneled resources not only to the Norwegian NGOs but also to the entire International Campaign to Ban Landmines (Short 1999: 484) and hosted the key conference negotiating the final treaty text in Oslo in September 1997. That was the largest diplomatic conference ever to take place in Norway and the MFA saw hosting it as a high-profile opportunity for its country (Neumann: 123). The Norwegian generosity and organizational skill in hosting the conference also contributed significantly to the ultimate success of the Ottawa Process (Lawson et al. 1998: 171). Finally, the strength of the final treaty text owed much to Norwegian firmness in the face of US demands for the inclusion of certain exceptions in the treaty that would have weakened it significantly (and to which several like-minded countries were about to yield) (interview 20060514; Maslen 2004: fn 212).

Overall, several important factors regarding the Norwegian landmine case can be emphasized. First, the political system was open to government-NGO cooperation on humanitarian issues. Indeed, NGOs in Norway are an institutionalized part of the process of delivering humanitarian and developmental aid and some of them have close connections to Norwegian parties. The system was not only open to collaboration with NGOs, but importantly, key governmental posts were open to people linked to or from the NGO sector. Second, whereas momentum for the creation of the Norwegian landmine coalition came from the international level, NGO legitimacy lay in their expert knowledge of the problem from their field work. The tactics they employed were

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<sup>42</sup> Norway had produced in the past only very rudimentary landmines and its last mine imports dated back to the 1960s. Thus the destruction of old stocks was in line with military interests, given that the military could expect more advanced replacement systems. The total ban came into conflict with military interests in the case of Claymore mines imported in 1997 that had to be rebuilt to function only in a command-detonation mode (Landmine Monitor 1999).

a combination of a public media campaign and lobbying parliament and party officials, but arguably it was the latter that yielded best results. Third, despite its interest in the problem, initially the government was prevented from adopting a bold position toward banning landmines due to security concerns. Only after the NGOs had launched a strong campaign for a ban domestically, and internationally other states were showing interest in the issue, was the government able to adopt a more radical position in favor of a total ban. Fourth, key to the development of the Norwegian position was the building of consensus domestically, which was achieved by the efforts of both NGOs and the MFA to persuade the Labor Party group on foreign policy and the parliamentary Foreign Committee to support a total ban. Finally, the international competition for leadership on the issue did play an important role in defining Norwegian policy. In an apt sports metaphor, Junior Minister Jan Egeland describes the evolution of Norway's position: "We lagged behind on the mine issue. Then we came up with this mine clearance and caught up by initiating the work of the NPA. Then we lagged behind on the political front due to our defence considerations. We were not amongst the four or five front runners in spring 1995. Then we moved up front at the end and finish as a good number two right after Canada" (quoted in Neumann 2002: fn. 25).

### *The front-runner on cluster munitions*

The two nongovernmental organizations that have been active on the issue of cluster munitions in Norway are the Norwegian People's Aid (NPA) and the Norwegian Red Cross.<sup>43</sup> In 2000, the NPA was one of the NGOs attending the ICRC meeting on explosive remnants of war (ERW)<sup>44</sup> in Nyon that set the course for action on ERW at the CCW (ICRC 2000), but despite this early interest, for a couple of years the NPA did not get actively engaged on the issue internationally. Domestically, it was primarily the Norwegian Red Cross that advocated measures to restrict the use of cluster munitions and a more active role for the Norwegian government internationally.

The Norwegian Parliament got interested early on and in June 2001 adopted a decision that required the destruction of all air-delivered cluster bombs previously in stock, "because of their low level of precision and high dud rate" and prohibited the acquisition of munitions with no self-destruct mechanisms and a failure rate above 1% (Norway 2003). It also instructed the government to work actively for an international ban against cluster bombs. Pursuant to the decision, Norway has also foresworn the use of airdropped cluster munitions in international conflicts and prohibited their use in Afghanistan (HRW 2004). In addition, in 2003 it stated that existing IHL "obligations and restrictions d[id] not provide sufficient protection for the civilian population against the humanitarian consequences related to ERW" and called for further regulations on their use (Norway 2003).

Whereas Norway was a leader on the issue of cluster munitions within the CCW, NGOs and the Norwegian Red Cross, in particular, were pushing it to assume a more active role. However, there were not many opportunities to exercise leadership within the

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<sup>43</sup> Norwegian Church Air, the Norwegian Refugee Council, and Save the Children have been showing support on the issue (interview 20060704).

<sup>44</sup> "Explosive remnants of war" means unexploded ordnance and abandoned explosive ordnance.

CCW given the opposition of a large number of states even to discussions of the problem of cluster munitions separately from the issue of explosive remnants of war. Thus when in 2003 in media debates the Deputy Minister of Foreign Affairs, Vidar Helgesen, was pressed by NGOs for not doing enough, his response to the NGOs was, “What are *you* doing through your international networks?” (interview 20060704). And justly so since at that point NGO actions at the international level were weak and disorganized and no national campaigns on the issue existed. Yet, Norway needed the backing of a stronger international movement to be able to take bolder steps internationally. This prompted the Norwegian Red Cross to become more engaged in motivating interest in the issue among the Red Cross and Red Crescent societies and start attending the CCW meetings in Geneva. Throughout the spring of 2005 it also ran a large-scale advertising campaign on the issue of cluster munitions with popular events organized in several cities.

In June 2005, in a demonstration of engagement from international NGOs, the Cluster Munition Coalition (CMC) held a briefing on cluster munitions with the opposition Center Party, which was followed by a seminar organized in the Norwegian Parliament by the Center Party under the title “What role can Norway play in the fight against cluster munitions?” Speakers from HRW, NPA and the Norwegian Red Cross participated in the seminar, which concluded with a joint briefing by NGOs and the party. As a result of cooperation with the NGOs, the Center Party included a call for a ban on cluster munitions in its platform for the upcoming elections in the fall of 2005 (CMC 2005a,b). The NGOs concentrated their lobbying activities also on the other two opposition parties – Labor and the Socialist Left (interview 20060704).

As the international and national campaigns on cluster munitions mobilized, the Norwegian Ministry of Foreign Affairs also became more engaged and assumed leadership on the issue. Previously, the Netherlands was most active on the issue of ERW and had been gathering NGOs and government experts to an annual meeting prior to the CCW sessions. Now, Norway took up a leading role and in June organized a seminar for like-minded countries and NGO representatives on cluster munitions and possible ways of addressing the issue in the CCW.<sup>45</sup>

The lobbying of NGOs of the *Storting* parties over the previous period bore fruit when in October 2005 a new coalition government, including the Center, Labor, and Socialist Left parties, came to power on a “government platform” that stated, among other things, that it would “work for an international ban against cluster bombs.” In addition, the former Secretary General of the Norwegian Red Cross, Jonas Gahr Støre, became the new Minister of Foreign Affairs and the former Secretary General of the Norwegian Refugee Council, Raymond Johansen became the Deputy Foreign Minister – another enabling factor for the NGO campaign that paralleled the situation during the landmine campaign in the 1990s when Jan Egeland was Deputy Minister of Foreign Affairs and Thorvald Stoltenberg Minister of Foreign Affairs.<sup>46</sup> As the political leadership showed interest in the issue, the civil service was given the green light to pursue it more actively

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<sup>45</sup> Among the like-minded group were representatives from Sweden, Switzerland, Austria, Australia, Canada, the Netherlands and New Zealand. The NGOs included Human Rights Watch, the ICRC, Landmine Action, UK, Norwegian People’s Aid and the Norwegian Red Cross.

<sup>46</sup> Another figure sympathetic to the NGO work on clusters was the Minister of International Development, Eric Solheim – a prominent peacemaker and supporter of the landmine process in the 1990s who had worked for Handicap International in his youth.

– Steffen Kongstad, Deputy Director of the MFA’s Department for Human Rights and Humanitarian Affairs, who was previously very instrumental during the Ottawa Process, became more involved on cluster munitions. He started moving the issue forward, contending for setting the MFA policy on cluster munitions with the Security Affairs Department (interview 20070220).

In February 2006, the NPA decided to reinforce its domestic lobbying by hiring a fulltime staff member to work specifically on cluster munitions and saw this step as a way to contribute to the international campaign (interview 20060704). The NPA also stepped up its media campaign and lobbying of parliamentarians. A couple of days after the passing of the Belgian law, the NPA circulated a letter to MPs titled “Belgium has banned cluster bombs – why is Norway hesitating?” and called for the introduction in the Norwegian Parliament of a similar legislation banning “all cluster munitions with submunitions which are not individually guided/target seeking and which do not have empirically proven and reliable self-destruction mechanisms.” It also called on the government to live up to its election campaign promise and take concrete measures toward achieving an international ban (CMC 2006a). Due to opposition from the military to a “ban” on cluster munitions, the NGOs modified their call in March 2006 and asked instead for the adoption of a moratorium on cluster munitions use and the destruction of all old munitions that presented a humanitarian problem (interview 20060704).

Another breakthrough point for NGO lobbying came in mid 2006 when they discovered that Norway’s remaining stockpile of ground-launched cluster munitions contained the same type of munitions that the British forces had used in the Iraq War in 2003. Even though these were a new type of cluster munitions with a built-in self-destruct mechanism that had to ensure about 98% reliability, a HRW report documented that their use in Iraq had resulted in several dozen civilian deaths. In addition, British tests of the weapons had shown a dud rate slightly higher than 2%. However, Norway’s announced policy for its stock of cluster munitions allowed for a dud rate of no more than 1%. The NGOs used this discrepancy between policy and practice and the issue became the focus of intense debate in the media and discussions between the NGOs and the Ministry of Defense (MoD). In a small country like Norway, the NGO intervention targeted at a domestic issue with international implications (i.e. the Norwegian weapon stocks and international negotiations on cluster munitions), made a big impact on the media and coverage of the cluster issue jumped to over 40 reports in May 2006 (NPA information).

Finally, in May 2006 following the extensive media reporting on the cluster munition issue and debates about the future of Norway’s stockpiles, MPs from the three governing parties in the Defense Committee organized a closed parliamentary seminar for government officials and NGOs to discuss the issue. The latter asked for a national moratorium on cluster munitions until an international agreement was achieved and the MoD announced that such a moratorium was in fact in place until further testing of the reliability rate of stockpiled munitions (CMC 2006b). The NGOs demanded that the policy be made official so that it could serve as a concrete example of a national measure for NGOs campaigning in other countries (interview 20060704). At the June 2006 CCW meeting, the Norwegian delegation announced the moratorium officially and went on to state that “[i]t is imperative to start working, without further delay, towards an international ban on cluster munitions that cause unacceptable humanitarian



problems” and demand a clear CCW negotiating mandate to that end. It also emphasized that the Norwegian “government wishes to work closely with interested states, humanitarian organisations and other relevant actors in a concerted endeavour to meet the existing challenges and to prevent a new humanitarian disaster caused by certain types of cluster munitions” (Norway 2006).

In the meantime, the Israel-Hezbollah war that unfolded in July-August 2006 opened a window of opportunity for the advocates of a ban on cluster munitions and UN agencies and NGOs, helped by the Norwegian MFA, made the best out of the horrible humanitarian situation. Israel used a large number of cluster munitions targeted indiscriminately over Lebanon, including in civilian areas. UN mine action teams and NGOs on the ground quickly started gathering information on strike locations and civilian casualties and made the issue of cluster munitions front-page news around the world. Jan Egeland, the erstwhile moving force behind the landmine ban in Norway and then UN Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, lent a helping hand as well, decrying the use of cluster munitions as “shocking and completely immoral” (McCarthy 2006). The MFA also financially supported NGOs whose help it needed in generating international momentum on the issue. Two reports on the global and the Lebanese problems of cluster munitions by Landmine Action, UK and Handicap International, which appeared in time for the crucial CCW Review Conference in November 2006, were published with the support of the Norwegian MFA.

At the CCW Review Conference in November 2006, six states led by Sweden and Austria proposed a CCW negotiating mandate on cluster munitions in response to national developments featuring legislative proposals for cluster munitions bans in several countries, and especially the Israel-Hezbollah war. With each day of the Review Conference, the number of supporters of the proposal increased to reach 27 just ahead of its closing. Norway, however, made it clear that it did not regard the CCW as the appropriate forum for achieving a meaningful international agreement on cluster munitions in view of its record from the previous five years. It only joined a general call for an international agreement on cluster munitions on the last day of the conference when it was clear that the CCW negotiation mandate would be opposed by several countries including the US, Britain, and Russia. The failure of the CCW to take up the issue provided a justification for launching an alternative negotiating process to address the pressing problems of these weapons. Following the template of the Ottawa Process, Norway seized the moment and announced its initiative to “start a process towards an international ban on cluster munitions that have unacceptable humanitarian consequences” (Norwegian Ministry of Foreign Affairs 2006). If on landmines, it “finished second,” this time around Norway was determined to snatch the gold and have an Oslo Treaty banning cluster munitions.

### *Conclusion: domestic action steered abroad*

As in the landmine case, Norwegian NGOs brought up the question of cluster munitions at different levels of government and worked with parliamentarians and officials in the Ministry of Foreign Affairs and Defense. Their efforts to secure the support of parties in opposition ahead of the 2005 elections paid off when those parties came to power. In contrast to the landmine case, the Ministry of Defense has been more closely involved

in the issue from the beginning, and despite its opposition to a total ban on all types of cluster munitions, had been responsive to the demands of NGOs and concerned about the humanitarian effects of the weapons in its arsenal. Thus, in both cases the military accepted the humanitarian discourse and acted as a “force for peace.” As in the landmine case, the consensus policymaking process has also been at work and the NPA deemed it necessary to make a concession about the most advanced new cluster munitions types in order to win the support of the MoD for solving the humanitarian problem of old munitions. Finally, both the Norwegian cluster munitions and the landmine campaign were in a large measure conceived within the context of the respective international campaigns.

The partnerships between the MFA and NGOs have been the distinctive feature of the Norwegian approach. On landmines, Junior Foreign Minister Egeland was the first to direct the NPA towards taking up de-mining operations funded by Norway and he used the landmine issue to reallocate funds from parliament and boost the organizational capacity of the Ministry of Foreign Affairs to deal with humanitarian problems. When the NGO demands for a total ban got more vocal, he played a “double deal” – he tried “to mediate between the NGO pressure and those – inside and outside of the MFA – who insisted on framing the question of mines not as a humanitarian issue, but as one of state-to-state disarmament policy and Norwegian security policy.” In the process, the MFA “harnesse[d] the social power of NGO, and also the military sector” to enhance its own role (Neumann 2002: 128). As Norwegian NGOs became empowered by their international networks, the Norwegian MFA used this source of strength to maintain its centrality vis-à-vis its own polity as well as increase its leverage in dealing with other states and enhance Norwegian standing internationally (Neumann 2002: 129). Thus, there was a “symbiotic relationship” between the MFA and NGOs, with both sides having a stake in pushing the issue forward (e.g. Båtora 2005: 5, 17)

From this perspective, it is understandable why in 2003 the Deputy Foreign Minister sought stronger support from an international NGO network before Norway could contemplate a more ambitious policy on cluster munitions. As the domestic campaigns in several European countries and the international campaign on cluster munitions gathered force following the Belgian law, the Norwegian international position became more assertive and the MFA sought ways to increase NGO leverage through funding. The new Foreign Minister and especially the Deputy Foreign Minister who had been involved in the nongovernmental sector also made a difference. Finally, Sweden – Norway’s traditional rival on humanitarian issues and contestant for the title of “über-Scandinavian” and “humanitarian superpower”<sup>47</sup> – pushed for negotiations on cluster munitions within the CCW. Then Norway counted the countries that came to support the Swedish proposal, and when it deemed there was a sufficient number willing to follow, it decided to move into full gear and lead an alternative process on cluster munitions out of the CCW. Thus, Norway’s bold step allowed it not only to gain

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<sup>47</sup> “Über-Scandinavian” was discussed as one approach of “branding” the Norwegian public image, which emphasized the common associations of Scandinavia with “equality, peace, nature, or self-sufficiency” but on a higher level (Leonard and Small 2003: 43). However, the danger that this approach might result in Sweden’s “crowd[ing] Norway out of the picture” was noted. Till the early 1990s “moral superpower” was the self-ascribed Swedish brand that corresponds to the recently formulated Norwegian “humanitarian superpower” that came after Swedish activism declined following the end of the Cold War (see for example, Dahl 2006; Österud 1997: 95-6).

international visibility, but also to reposition itself regionally vis-à-vis a country with which it shares a lot in common.

### **Conclusion: small states and their agenda-setting roles**

In both Belgium and Norway support from key individuals in parliament or government has been critical for the promotion of the NGO cause and its ultimate success. In Belgium parliamentarians played the most important role. In Norway both parliamentarians and foreign affairs officials made a difference but the involvement of the latter was crucial in adopting a more active Norwegian posture internationally. The ability of NGOs to frame the issues of landmines and cluster munitions in unequivocal, humanitarian terms and generate public attention and strong media interest was also an important asset of their campaigns. Demanding a ban or a clearly formulated moratorium on the weapons had the potential of attracting more media attention than demands for some technical solutions to their problems. In addition, the smallness of the two countries and the NGO representation of their domestic actions as having important international repercussions have made landmines and cluster munitions newsworthy topics in their national media. The media coverage, in turn, has provided an additional impetus to policymakers interested in working on the problems.

In both countries the military have accepted the prohibitions of landmines and a ban or moratorium on cluster munitions without particularly strong, let alone public opposition. In both cases, however, the military concerns were addressed at least to some extent in the adopted laws and thus its support has been secured in a way characteristic of the working of those two consensus-oriented political systems.

Whereas features of smallness and consociational democracy have enabled NGOs to stir media attention, create partnerships with policymakers, and move their causes forward in the domestic contexts of the two countries, the international roles Belgium and Norway played could better be explained by their national identities. In a typical small state manner, Belgium has chosen to influence international relations by being part of a larger group, be it the European Union or a group of like-minded countries. Norway, on the other hand, has always been ambivalent about entering into tight unions and steered a more independent course in its foreign policy. Staying out of the EU has both allowed it to play an activist policy and necessitated that it distinguish itself from its European neighbors that have taken on many of the attributes that were part of the Norwegian image during the Cold War.

Although different, both countries played vital roles in setting the international agenda on landmines and cluster munitions and creating new international norms of warfare that would banish indiscriminate weapons which have a severe impact on the civilian population. Belgium was a leader in adopting strong national prohibitions on the two types of weapons but refrained from a leadership position internationally. It was left to NGOs to point to the example of its progressive national legislation and create an image of Belgium as a leader. However, without the Belgian breakthrough laws and the impetus they gave to NGO mobilization and legislative interest in other countries, the international processes on landmines and cluster munitions may have not started or taken much longer to develop.

Norway, on the other hand, was progressive both in terms of domestic and international policy, but concentrated its efforts on the latter. To be able to make a difference in the world, it actively supported the NGO campaigns that in turn provided a necessary backing to its own initiatives. On landmines, Norway was the second state to adopt a national position in favor of a total ban. Belgium's and Norway's actions were followed by domestic bans in several other European countries that together formed a like-minded group working for an international solution to the problem. Canada saw the emerging momentum and seized the moment to launch the Ottawa Process to ban landmines. Belgium and Norway were key countries in this process and hosted two of the most important negotiating meetings in June and September 1997. Norway funded the final negotiating conference and together with Belgium resisted pressure to weaken the landmine prohibition embodied in the treaty at a moment when the middle power leader of the process, Canada, was about to waver in the face of US demands. Thus, the two countries were among the leaders that laid the grounds for the landmine process, worked actively to move it forward, and finally ensured its success and the creation of a strong international norm banning landmines.

The Belgian roles on landmines and cluster munitions were similar although the country was more active internationally on the first issue. Norway, on the other hand, showed more entrepreneurship on cluster munitions. It decided to assume leadership and all its costs, risks, and eventual returns,<sup>48</sup> and launched an alternative process toward banning cluster munitions out of the routine, consensus-based forum of the CCW undeterred by the lack of support from the major military powers. Despite Norway's small size and Norwegians' self-perception of their country as a small state, these activist policies helped Norway achieve the status of a middle power,<sup>49</sup> and moreover, project the image of a "humanitarian superpower." As in the landmine case, the example set by Belgium and Norway on cluster munitions was followed by other countries that took domestic steps and joined the international process started by Norway.

Thus through their domestic actions and international involvement two small states have been able to set in motion two processes toward the prohibition of two types of militarily effective weapons. Despite the opposition met from military powers, these two militarily weak countries in coalition with other small and middle states have been able to create new international norms, reshape the laws of war, and impose limits on the use of deadly force even by the great powers that have resisted their efforts.

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<sup>48</sup> In addition to the financial costs associated with organizing international conferences on the issues of landmines and cluster munitions and expending resources on lobbying other states or contributing the lion's share of funding to clearance operations in order to match their rhetorical and financial supports, the leading states also take the risk of loss of prestige in the case of failure of their initiative, and the risk of punishment by the great power for going against its interests.

<sup>49</sup> In fact, Neumann and Gstöhl (2006: 8) opine that, "the category of middle power basically seems to serve the function of underlining that some small state has achieved greatness in one specific regard."

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