

**'Global Civil Society' and Hegemonic Global Governance:
A Gramscian Analysis of the NGO Campaigns to Ban Landmines and
Cluster Munitions**

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Declaration

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Abstract

This thesis uses a historical materialist Gramscian framework to develop an alternative, critical analysis of two post-Cold War international arms control campaigns by non-governmental organisations (NGO) – the International Campaign to Ban Landmines (ICBL) in the early to mid-1990s and the Cluster Munitions Coalition (CMC) a decade later. Dominant liberal and liberal-constructivist narratives portray the campaigns as indicative of a broader ‘power shift’ in the international system towards traditionally less influential actors, including NGOs as representatives of an emerging ‘global’ or ‘transnational’ civil society, small and middle power states, and intergovernmental organisations (IGOs). This is seen to have arisen from the decreased polarisation of the international system since the end of the Cold War and the globalisation of the information revolution, which are said to have enhanced the salience of soft or communicative power and contributed to an emergent, more multi-actor and more democratic system of global governance networks in which NGOs, small and middle powers and IGOs can increase their influence by working in ‘partnership’ – yet all concerned maintain their fundamental autonomy and independence.

By contrast, drawing on Gramsci’s understanding of civil and political society as integral components of capitalist states that are dominated by elite interests and interact in the reproduction of capitalist hegemony, this thesis shows how both campaigns were driven by large, professionalised Western NGOs despite their ‘global civil society’ appearance; depended on likeminded sections of the Western donor community of Western governments, IGOs and private foundations for support; and ultimately exerted international influence through reconstructing the legitimacy of existing Western-dominated international military and economic power structures on an alternative ‘humanitarian’, more pluralistic, and ostensibly more democratic basis. This reflected the normally hegemonic, non-autonomous role of civil society from a Gramscian perspective in generating consent to states’ monopoly of force and the class interests this protects, but also the neoliberal restructuring of states since the 1980s towards privatisation and outsourcing of governance functions to NGOs, including at the international level. This has increased the resources available to NGOs and their international influence, while simultaneously reducing their autonomy from the Western donor community and integrating them more tightly into international governance structures and the increasingly transnationalised interests of Western states.

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Glossary, Abbreviations and Acronyms

Amended Protocol II	Protocol On Prohibitions Or Restrictions On The Use Of Mines, Booby-Traps And Other Devices As Amended on 3 rd May 1996 (Amended Protocol II to the Convention On Prohibitions Or Restrictions On The Use Of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects)
APLC	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction (Anti-Personnel Landmine Convention)
ANZCMC	Aotearoa New Zealand Cluster Munitions Coalition
APMs	Anti-Personnel Mines
AVMs	Anti-Vehicle Mines
CD	United Nations Conference on Disarmament
CCM	Convention on Cluster Munitions
CCW	Convention On Prohibitions Or Restrictions On The Use Of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects (1980)
CMC	Cluster Munitions Coalition
Core Group	Group of states that led the diplomatic processes on landmines and cluster munitions outside the UN
CSOs	Civil Society Organisations
DFAIT	Department of Foreign Affairs and International Trade (Canada)
DFID	Department for International Development (UK)
Diana Fund	The Diana, Princess of Wales Memorial Fund
ECOSOC	UN Economic and Social Council
ERW	Explosive Remnants of War

EU	European Union
G7	Group of Seven Finance Ministers from US, Japan, France, Germany, Italy, UK, and Canada
GICHD	Geneva International Centre for Humanitarian Demining
HI	Handicap International
HRW	Human Rights Watch
IANSA	International Action Network on Small Arms
IASC	Inter-Agency Standing Committee
ICBL	International Campaign to Ban Landmines
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IED	Improvised Explosive Device
IGO	Intergovernmental Organisation
IHL	International Humanitarian Law
INGO	International Non-Governmental Organisation
IPPNW	International Physicians for the Prevention of Nuclear War
LSN	Landmine Survivors Network
LSE	London School of Economics
MAC	Mines Action Canada
MAG	Mines Advisory Group
MCPA	Mine Clearance Planning Agency
MI	Medico International

MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
NIEO	New International Economic Order
NORAD	Norwegian Agency for Development Cooperation
NNGO	Northern Non-Governmental Organisation
NPA	Norwegian People's Aid
NSM	'New' Social Movement
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OECD-DAC	OECD Development Assistance Committee
OSI	Open Society Institute
Oslo Process	Diplomatic process leading to the CCM
Ottawa Process	Diplomatic process leading to the APLC
PCI	Italian Communist Party
PHR	Physicians for Human Rights
Protocol II	Protocol On Prohibitions Or Restrictions On The Use Of Mines, Booby-Traps And Other Devices (Protocol II to the CCW)
Protocol V	Protocol on Explosive Remnants of War (Protocol V to the CCW)
R2P	Responsibility to Protect
SIPRI	Stockholm International Peace Research Institute
SACBL	South African Campaign to Ban Landmines

SNGO	Southern Non-Governmental Organisation
TANs	Transnational Advocacy Networks
UN	United Nations
UNDHA	United Nations Department of Humanitarian Affairs
UNDP	United Nations Development Programme
UNDP-BCPR	UNDP Bureau for Crisis Prevention and Recovery
UNDPKO	United Nations Department of Peacekeeping Operations
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIDIR	UN Institute for Disarmament Research
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
UNOPS	UN Office for Project Services
USAID	United States Agency for International Development
USCBL	US Campaign to Ban Landmines
UXO	Unexploded Ordnance
VVA	Vietnam Veterans of America
VVAF	Vietnam Veterans of America Foundation
WMD	Weapons of Mass Destruction

Introduction

The idea actors other than states can play a significant role in world politics (Kaiser 1971; Nye and Keohane 1971a, 1971b; Skjelsbaek 1971; Warwick 1971; Young 1972; Huntington 1973; Feraru 1974; Forsythe 1976; Strange 1976) is a core tenet of the liberal literature on civil society and global governance, in which the increasing prominence of non-state actors is seen to indicate a shift from an 'old' realist interstate system to a 'new' multi-actor governance system (Risse-Kappen 1995; Rosenau 1995, 1999, 2000; Sikkink 1998; Khagram *et al.* 2002a; Risse 2002; Karns and Mingst 2010a). This new system is seen as qualitatively different in terms of organisation and power. Rather than being composed solely of centralised and internally hierarchical states and dominated by great powers defined by their command of material power resources and hard power, global governance is said to be at least partly organised through decentralised, informal and horizontal communication networks that facilitate the exchange of information and ideas across a broader range of state and non-state actors (Rosenau 1995, 1999, 2000; Mathews 1997a; Keck and Sikkink 1998; Stoker 1998; Khagram *et al.* 2002a).

This is said to have enhanced the efficacy of soft or ideational power, so that expertise or moral authority can endow historically less powerful actors, such as non-governmental organisations (NGOs), intergovernmental organisations (IGOs), and small and middle powers more influence. For much of the liberal literature, these developments contain the seeds for a more norm-based global order and democratisation of world politics (Held 1997; Scholte 2002, 2004; Archibugi 2004; Van Rooy 2004, pp.128–160), especially as all these actors are seen to be more effective when they work in 'partnership' (Maslen 1998; White and Rutherford 1998; Cameron 1998, 1999; Cameron *et al.* 1998; Dolan and Hunt 1998; Thakur and Maley 1999; Anderson 2000; Hubert 2000; Bleicher 2000; Brem and Rutherford 2001; Atwood 2002; Hampson and Reid 2003; Hansen 2004; Davis 2004; Cave 2006).

Often cited as evidence for this shift is the growing involvement of NGOs at all levels of governance – from community-level service provision to national-level lobbying to international policy-making. From a liberal standpoint, globalisation and improvements in information and communications technology (ICT) substantially account for this, allowing NGOs to share information, network and coordinate their activities transnationally (Salamon 1994; Salamon *et al.* 1999, p.4, 2003, p.2; Carothers 2000, p.27; Warkentin and Mingst 2000; Anheier *et al.* 2001a, p.6; Florini 2001, p.36). In

the optimistic 1990s, this was said to have sparked a 'global associational revolution' (Salamon, 1994), laying the basis for a transnational or global civil society, with NGOs its most prominent representatives. In a widely cited article entitled 'Power Shift', Mathews (1997a, p.51) identified 'a novel redistribution of power among states, markets and civil society' so that governments were 'sharing powers...with businesses, with international organizations, and with a multitude of citizens groups, known as nongovernmental organizations'. More recently, a popular undergraduate textbook on global governance (Karns and Mingst 2010b, p.25) reaffirms the view that transnational civil society undermines state sovereignty, while a leading United Nations (UN) expert has claimed 'NGOs are the dominant influence upon new items being added to the agenda' and 'have been the leading actors in transforming the nature of global politics' (Willetts 2011, p.134; 144). The result, for Risse, has been 'a growing consensus' that NGOs 'make a difference in world politics', so that most analysts no longer dispute their influence, but investigate the conditions under which they are influential and 'the significance of...intervening factors' (2002, pp.262–3). While even its strongest exponents admit interest in NGOs and global civil society has 'waned' since the early 2000s (Kaldor *et al.* 2012, p.3) and may even be "passé" (Edwards 2009, p.16), the belief civil society and NGOs play a progressive, democratising and even potentially transformative, role in global governance has been remarkably resilient.

The International Campaign to Ban Landmines (ICBL) is probably the most frequently cited example of this apparent 'power shift' and is referenced by virtually every prominent author in the liberal and liberal-constructivist¹ literature on global civil society and global governance (Mathews 1997b; Finnemore and Sikkink 1998; Sikkink 1998; Keohane and Nye Jr. 1998; Florini 2000a; Scholte 2002; Kaldor 2003a, 2003b; Price 2003; Held and Koenig-Archibugi 2004; Nye 2004; Edwards 2009; Willetts 2011). Combining an international civil society campaign with a multi-actor partnership involving UN agencies and a 'Core Group' of small and middle powers led by Canada and Norway, NGOs helped achieve an international ban on a conventional weapon within five years of establishing the campaign in 1992, despite opposition from the US and other major military powers. The landmine ban rapidly became an emblem of a claimed evolution of world politics towards a more multi-actor, norm-based system after the end of the Cold War and has acquired totemic status in the global governance and global civil society literature as 'a standard case of the power of NGOs vis-à-vis states, and a testament to a transformation of the dynamics of global politics' (Sending and Neumann 2006, p.664). On a more practical level, it has been presented as a 'benchmark' (Grillot *et al.* 2006, p.68) or model for other campaigns, with *modus operandi*, in particular the reframing of

¹ 'Liberal-constructivist' is used throughout this thesis as shorthand for liberal and/or 'idealist constructivist' (Chandler 2004a, chap.3) perspectives.

issues in a humanitarian context, replicable in a range of other contexts (Williams 1999; Bleicher 2000; Hubert 2000; Brem and Rutherford 2001; Laurance and Stohl 2002; GCAP 2004; Behringer 2005; Goose 2008a; Williams and Goose 2008). This was tested in the Cluster Munitions Coalition (CMC), launched in 2003, which involved many of the same NGOs and a similar multi-actor partnership, and also produced an international ban treaty, in 2008. In addition to providing an apt comparison on 'most like' grounds, its timing under the less propitious geopolitical conditions of the War on Terror facilitates identifying durable features of the new multi-actor governance and its evolution since the 1990s. The model of civil society organisation and influence derived from the two campaigns therefore provides a useful means of investigating the nature of NGOs and 'global civil society' more broadly, and the nature and conditions of their influence under the new multi-actor system of global governance posited by liberal-constructivist theorists.

This thesis elaborates an alternative, more critical interpretation of the two campaigns, and by extension of the role of 'global civil society' in global governance generally, which attributes their success, not to a power shift from states to non-state actors, or increased influence of historically less powerful actors, but a reconfigured relationship between civil and political society in capitalist states arising from the increasing outsourcing of governance functions as part of neoliberal privatisation processes and the growth of transnational relations in line with the accelerated globalisation of capitalism since the end of the Cold War. Drawing on Gramsci's understanding of civil and political society as integral components of capitalist states, it argues the campaigns achieved their aims based on dependent, insider relationships with sections of Western states and of the elites whose interests they represent – in particular government agencies, IGOs, and foundations concerned with development, humanitarian and human rights issues and legitimising Western military and economic power. This problematises liberal-pluralist understandings of the state and suggests Gramsci's concept of the integral state as a dialectical unity of civil and political society (Buttigieg 1995; Forgacs 2000a; Fontana 2008; Thomas 2011) may be more insightful in theorising the increased prominence of NGOs in international relations. The focus of the thesis is therefore the nature of the campaigns and the conditions and implications of their success for the relationship between civil society and states in the international system and the role of 'global civil society' in global governance.

Theoretical Framework

The nature of civil society, the very existence of 'global civil society' and the character of the new global governance are all contested, so the choice of theoretical approach will shape the answers to

these questions. Although, in theory, there is universal agreement that civil society is a broad concept irreducible to NGOs and their activities, empirically the liberal-constructivist literature has concentrated heavily on NGOs. The terms are also virtually interchangeable for the 'donor community' of Western governments, IGOs and private foundations that funds much of the research into civil society and has helped to shape the reality of civil society in developing countries (Howell and Pearce 2002) as well as domestically in the West.

This liberal-constructivist and donor literature generally assumes NGOs are autonomous, non-governmental and non-profit actors and that global civil society is a largely independent sphere, discrete from state and market, and characterised by the disinterested promotion of 'principled ideas'. These notably include humanitarianism (Keck and Sikkink 1998; Florini and Simmons 2000, p.7; Anheier *et al.* 2001a, p.16; Edwards and Gaventa 2001, p.2; Pianta 2001, p.171; Heinrich 2004, pp.13–14; Kaldor 2007a, pp.148–149), which was the central normative framework of the two campaigns. As we shall see, this dematerialised, ideational approach reifies NGO values and goals by detaching them from material and historical conditions, including the socio-geographical organisation of 'global civil society' in ways that mirror hierarchies of power in the interstate system and global market and the frequently dependent relationship of NGOs on the 'donor community'.

By contrast, an alternative approach based on Gramsci's (1971) understanding of civil society as integral to the production and maintenance of hegemony and as largely part of, rather than separate from, integral capitalist states suggests the autonomy of NGOs and civil society should be assessed rather than assumed, points to the historical and material context in which 'principled ideas' such as humanitarianism are produced, and generates quite different conclusions as to the nature of NGOs, 'global civil society' and global governance and the nature and conditions of their influence. In light of Gramsci's insistence on the necessity for independence from elites in order to build alliances capable of transforming society, using his ideas can redress the under-problematisation of autonomy in the liberal literature. Applying them to global civil society focuses attention on NGOs' relationships with elites, which shape them as actors and constrain their autonomy.

At the core of Gramsci's approach is the contention that civil societies and states are embedded in global capitalist socioeconomic relations, dominated by capitalist interests, and in general reproduce capitalist hegemony. However, whereas the 'state proper' or government, which Gramsci refers to as 'political society', is seen as entirely an 'organ' or representative of capitalist interests (Gramsci 1971, p.12; 170 n71; 264–264; 182; Thomas 2011, p.222), civil society, while dominated by capitalist

interests and normally reinforcing them could also directly represent subordinate class interests. It therefore has the potential for independence from capitalist interests and is a site of class contestation. This implies the autonomy of NGOs must be assessed on a case-by-case basis to comprehend their class nature, the conditions and significance of their influence, and how this relates to broader conflicts between dominant and subordinate actors in the global system.

Gramsci's ideas form the theoretical core of this thesis and although elaborated mainly in various 'national' situations were always situated in a wider 'international' or global context (Ives and Short 2013), in line with his revolutionary internationalism. While neo-Gramscians have done much to translate his ideas to contemporary global politics (Gill 1993a, 1993b; Cox and Sinclair 1996; Murphy 1998b; Rupert 1998; Showstack Sassoon 2001; Cox 2002, 2007), their most influential work has been on 'international political economy' issues like economic globalisation and neoliberalisation, including their impact on the state (Gill and Law 1989; van der Pijl 1989, 2004; Cox 1992, 2002; Gill 1995a; Overbeek 2005), rather than security or liberal political norms (Neufeld 1995, 2004; Cox 1996; Beier and Denholm Crosby 1998; Conteh-Morgan 2002; Pugh 2004, 2005; Beier 2011). The neo-Gramscian literature on civil society is also relatively small and rather generalised (Gill 1995a; Robinson 1996; Cox 1999; Demirovic 2000, 2003; Hirsch 2003; Showstack Sassoon 2005; Katz 2006). As a result, there has been a strong emphasis on the hegemonic role of neoliberal *economic* ideas, while hegemonic liberal *political* ideas like humanitarianism and human rights have been overlooked. Another is that while neo-Gramscians and other critical theorists have frequently mentioned the question of NGO autonomy (Smillie 1993; Hulme and Edwards 1997; Hudock 1999; Demirovic 2000; Pouligny 2000; Pinter 2001; 2007; Wallace 2003a; Rieff 2003; Roelofs 2003; Van Rooy 2004, pp.117–9; Zaleski 2006; Chikoto 2007, 2009; Hearn 2007; Stavrianakis 2010), methodologies for assessing it are vanishingly few (Chikoto 2007; 2009), creating the need for a novel holistic methodology in this area.

An additional issue in applying Gramsci's ideas to contemporary world politics is that 'Gramsci in International Relations' has been influenced by a particular interpretation of the *Prison Notebooks* (Thomas 2011, pp.44–6; 137–140), derived from his introduction to academia via post-Marxism (Mouffe 1979; Bobbio 1979; Cohen & Arato 1992; Laclau & Mouffe 2001) and the associated 'retreat from class' begun in the 1970s (Meiksins Wood 1998). This has informed neo-Gramscian and contemporary liberal understandings of global civil society (Anheier *et al.* 2001a, p.14; 2003a, p.584, 2003b, p.20) and created a "'soft" Gramscianism' (Thomas 2011, p.11) entailing a post-Marxist, social democratic, or straightforwardly liberal politics. Characteristics include portraying opposition

to neoliberalism and economic globalisation, rather than capitalism *per se*, as ‘counterhegemonic’; eliding Gramsci’s class-based approach to hegemony with statecentric realist understandings that identify it with the dominance of particular states (Cox and Sinclair 1996); and dispensing with his insistence on working class autonomy and leadership in the construction of an alternative hegemony. In the process, concepts of emancipatory politics have travelled a considerable distance from Gramsci’s Marxist, anti-capitalist and class-based approach and a very broad range of oppositional civil society activities have been labelled as ‘potentially’ ‘counterhegemonic’, so long as ‘subaltern groups’ are involved, and even when they ally with elites (Gill and Law 1993, p.122; Katz 2006). This occludes the *normally* hegemonic role of civil society in reinforcing capitalist dominance and inverts Gramsci’s ideas entirely if alliances with capitalist elites seeking to reconstruct capitalist hegemony through reforms are portrayed as ‘counterhegemonic’.

This thesis seeks to remedy these problems through an original re-reading of Gramsci’s writings, both in his *Prison Notebooks* (1971, 1977a, 1977b, 1977c, 1992, 1996, 1999a, 2000) and *Letters* (1988) and his oft-neglected pre-prison output (1975a, 1977d, 1978, 1994a). This draws on the numerous scholars, mainly from other disciplines, that rightfully situate Gramsci in the Marxist tradition (Merrington 1968; Harman 1977; Buci-Glucksmann 1979; Buttigieg 1995, 2005; Anderson 2002; Donaldson 2007, 2009; Saccarelli 2008; Callinicos 2010; Fusaro 2010; Coutinho 2012). Other recent Marxist writings on civil society (Meiksins Wood 1990; Hearn 2001, 2007), the capitalist state, and the liberal separation of economics and politics were also useful in developing Gramsci’s ideas in a contemporary globalised context, as were critiques of post-Marxism and the ‘retreat from class’, neo-Gramscianism, and global governance theory (Miliband 1965, 1969, 2004; Poulantzas 1969, 1976; Harvey 1976; Meiksins Wood 1981, 1990, 1998; Burnham 1991; Cammack 2003, 2004, 2006).

Following Gramsci, class relations are seen as fundamental to civil society’s hegemonic role, rendering autonomy from capitalist interests of central importance, both analytically and politically. An important empirical implication is that NGO autonomy needs to be assessed, not from the state *per se*, but from *hegemonic elites* whose control of the state and IGOs and domination of civil society reproduces capitalist class relations. Although Gramsci does not use that phrase himself, it is coined here to refer to the capitalist class and allied ‘intellectuals’ – a hegemonic alliance he discusses repeatedly in his work. In Gramsci’s (1971, pp.3–23) extended sense of the concept, the term ‘intellectuals’ denotes all those who play directive, leadership, educative, ideological or organisational roles in political or civil society, or the economic base, such as government officials, politicians and civil society organisations (Gramsci 1971, p.16; 97; Forgacs 2000b, p.300), or NGOs.

In the case of intellectuals objectively allied with the capitalist class, this includes individuals and organisations that are not necessarily capitalist themselves, but fulfil intellectual functions in ways that continually reconstruct, (re-)legitimise and reproduce capitalist social relations and capitalist hegemony on ever-evolving bases.

This a process that seldom occurs monolithically, but instead through the theorisation, organisation and competition of diverse hegemonic governance projects and alliances that disproportionately represent the particular interests of different fractions of the capitalist class and differentially appeal to different support bases among the subordinate classes, while coercing other subordinate groups. Within this framework, one of the main ways hegemony is constructed is through the activity of intellectuals, which link political and civil society with the economic base by 'intellectualising' in universal, ideological terms the material interests of classes and class fractions rooted in the economic base (Gramsci 1971, pp.115–6), through processes of political and ideological competition.

At the national level, this occurs through competition between political parties, associated capitalist elites and allied civil society groups, such as religious groups, trade unions or NGOs, which articulate alternative governance projects or hegemonic strategies. Internationally, such processes and articulations are increasingly organised transnationally, reflecting ongoing trends of economic globalisation and involving competition between formal and informal transnational hegemonic alliances or coalitions. Mediated through the interstate system, IGOs, and/or transnational multi-actor networks, these are potentially composed of the central foreign policy organs of states, other state and intergovernmental agencies, corporations, business groups, private foundations and NGOs. This argument owes some inspiration to Keohane (1971), Nye and Keohane's (1971a, 1971b), and Keohane and Nye's (1974) work on transnational and transgovernmental relations and Keck and Sikkink's (1998) on transnational advocacy networks, but is adapted here to a class-based rather than pluralist ontology of the international system.

Applying this updated development of Gramsci's to the contemporary global context of the case studies, the relevant subgrouping of hegemonic elites from which NGO autonomy is assessed are those sections of Western capitalist states, IGOs, political parties, the foundation sector and individual elites that support international development, humanitarian, human rights and arms control activities, both financially and politically, and play significant material and ideological roles in maintaining capitalist hegemony and Western dominance internationally. They include: foreign affairs and aid departments of the member states of the Development Assistance Committee (DAC)

of the Organisation for Economic Cooperation and Development (OECD), particularly small and middle powers; UN agencies concerned with these issues; many private foundations and wealthy philanthropists; and supportive political parties, politicians, and other elites. In general, such elites tend towards more liberal-social democratic than conservative governance strategies or hegemonic projects and so appear as natural allies for likeminded NGOs.

Assessing NGO autonomy from these hegemonic Western elites is essential to understanding the nature and conditions of their influence, in particular the extent to which it depends on elite connections and compatibility with elite perspectives and interests and can be considered part of the capitalist class' hegemonic apparatus – or represents fundamentally different social forces and the interests of subordinate groups. If the campaigns are better understood as instances of hegemonic civil society activity, their primary significance from a Gramscian perspective would be as ameliorative, consensual-hegemonic practices that reproduce a fundamentally unjust hegemonic capitalist world order through incrementally reforming and (re-)legitimising it. This would represent a significant departure from the overwhelming majority of analyses, which see them as indicating a progressive, democratising power shift in the global system. The multi-layered transnational political environment in which INGOs operate makes this assessment a complex task and necessitates a theoretical approach and methodology that can apply Gramsci's ideas to contemporary global politics, situate the campaigns in their historical and material context, assess their autonomy from hegemonic elites and evaluate their overall impact on global power relations. The structure of the thesis and how it went about achieving this are now outlined.

Chapter Outline

Chapter 1 elaborates the theoretical framework outlined in this Introduction, through an in-depth critique of the liberal-constructivist literature on civil society and global governance and the origin narrative it provides of 'global civil society''s apparent emergence in the 1990s. This dominant narrative has attributed this sudden appearance primarily to new possibilities for transnational activism opened up by the end of the Cold War (Cameron *et al.* 1998; English 1998; Finnemore and Sikkink 1998; Lawson *et al.* 1998; Cameron 1999; Rutherford 1999a, 2003; Thakur and Maley 1999; Bleicher 2000; Warkentin and Mingst 2000; Williams 2000; Hubert 2000; Kitchen 2002; Hampson and Reid 2003; Davis 2004) and the globalisation of the information revolution (Salamon 1994; Mathews 1997b; Keohane and Nye Jr. 1998; Salamon *et al.* 1999; Rutherford 1999b, 2000a; Warkentin and Mingst 2000; Anheier *et al.* 2001a, 2012; Florini 2001; Brem 2003; Nye 2004, pp.90–91; Albrow and Glasius 2008; Shawki 2010; Willetts 2011).

Chapter 2 develops an alternative Marxist interpretation of Gramsci's ideas that emphasises the *inextricable combination* of coercion and consent in capitalist hegemony and hegemonic power and the similarly dialectical integration of political and civil society within integral capitalist states. It then translates this understanding to the contemporary global political context of the case studies via the development of an alternative 'global civil society' narrative. This attributes the growing international prominence of NGOs to the accelerated globalisation of neoliberal models of capitalism following the end of the Cold War, within which the outsourcing of governance functions to NGOs has been an integral, constitutive element. The result has been a rapid transnationalisation of the consensual-hegemonic functions of NGOs, in line with a contemporaneous reduction in reduced their independence from Western donor and hegemonic elites.

Chapter 3 elaborates the methodology used to analyse the two campaigns and explains how the research was carried out. Briefly, this involved an analytical framework that: situates the campaigns in a wider historical-material context; examines their material base in terms of their financial and personnel basis and internal organisation and the discourses and tactics that emerged in that context; assesses the autonomy of each of these aspects from the Western donor community; and, finally, evaluates both their direct and wider, or indirect, political outcomes.

Chapters 4 and 5 critique conventional liberal interpretations of the ICBL and put forward an alternative Gramscian interpretation, by examining the material basis, discourse and tactics of the campaign and the nature and conditions of its influence. This builds on the comparatively small critical literature on the campaign (Beier and Denholm Crosby 1998; De Larrinaga and Turenne Sjolander 1998; Short 1999; Anderson 2000; Latham 2000; Pouligny 2000; Kitchen 2002; Beier 2003), but is primarily based on an original application of the Gramscian analytical framework developed in the preceding chapters. Chapter 4 begins by reviewing conventional liberal-constructivist narratives of the campaign and shows how changes in geopolitical conditions, the economic and military significance of anti-personnel mines (APMs), and the outsourcing of governance functions to NGOs, contributed to a shift in the interests of Western states, IGOs and other hegemonic Western elites in this area. This facilitated a more prominent role for IGOs, middle and small powers and NGOs and a new 'humanitarian' approach, in contrast to the overt North-South politicisation of the issue in the 1970s and 1980s. It then examines the financial, personnel and organisational basis of the ICBL and

concludes it was dominated by a small core of Northern NGOs² (NNGOs) with limited Southern input and limited financial and personnel autonomy from the Western donors.

Chapter 5 examines the campaign's discourse and tactics in the context of the material base and historical-material conditions elaborated in Chapter 4 and assesses its discursive and tactical independence from the donor community. This shows how NGOs depoliticised the landmines issue by framing it in terms of hegemonic humanitarian and international humanitarian law (IHL) norms and demonising APMs as aberrant, unsophisticated weapons that deviated uniquely from civilised Western military norms and so could not be used 'responsibly'. This pandered to Western interests by ignoring the similar humanitarian impacts of more useful and profitable weapons, and by situating the issue within a voluntary humanitarian aid framework undercut Southern demands for user/producer responsibility that would place heavy financial liabilities on several major Western powers. These discursive choices are then linked to the campaign's reliance on insider tactics, particularly its partnership with the UN, ICRC and a Core Group of mainly Western middle and small powers. All these factors contextualise the assessment of the direct and indirect *outcomes* of the campaign on the landmine problem, the world military order and global governance, and the nature and conditions of the ICBL's influence in the concluding section. This argues that the campaign's broader political effects in reinforcing Western hegemonic humanitarian and IHL norms; discursively (re-)legitimising the world military order through contributing significantly to the construction of an emerging alternative hegemonic human security paradigm; and supplying an exemplar of multi-actor 'partnership' in the new system of global governance hailed by liberal-constructivists suggest a hegemonic role for 'global civil society', rather than a 'power shift'.

Chapters 6 and 7 examine NGO campaigning on cluster munitions, beginning in the late 1990s following NATO's 'humanitarian' cluster bombing of Kosovo and concluding in 2008 with the agreement of the Convention on Cluster Munitions (CCM). This case study represents a substantial contribution to the limited literature on the campaign, which to date has been analysed almost exclusively from a liberal-constructivist perspective (Wiebe 2003; Cave 2006; Petrova 2007, 2010; Borrie 2009; Bolton and Nash 2010; Breitegger 2010a; Garcia 2011; Moyes and Nash 2011a; Nash 2012; Rappert *et al.* 2013) and predominantly by participants in it. The same analytical framework of examining the campaign's discursive and tactical practices in terms of its material basis and historical-material context is used to highlight similarities and differences between the two cases.

² For the purposes of this thesis, NNGOs are defined as national or international NGOs (INGOs) that originated in the North and are headquartered there.

These include: an even lower level of autonomy from supportive elites; learning from the earlier campaign and the institutionalisation of partnerships with supportive states and international agencies developed during it; as well as changes in the geopolitical context, from the heady liberal optimism that characterised the immediate post-Cold War period of the landmines campaign to the more national-security dominated environment of the War on Terror, and how these affected NGOs' humanitarian and human security framings. Overall, contrary to the globalising expectations of the liberal-constructivist literature on civil society and global governance, this later campaign was even more concentrated in the North and generally involved even less NGO autonomy, including a more marked reproduction of hegemonic discourses and an increased reliance by NGOs on professionalised insider tactics to exert influence.

The Conclusion revisits the theoretical issues raised in the first two chapters, finding that the model of NGO campaigning pioneered by the ICBL and reproduced by the CMC exhibits durable features of the nature and conditions of NGO influence within contemporary multi-actor systems of global governance. In short, rather than representing a power shift in the international system from states to civil society, or governments to NGOs, the campaigns represent an internationalised form of hegemonic civil society activity that reproduces hegemonic power relations within a Western-dominated world capitalist order, through helping to reconstruct them on an ostensibly more 'humanitarian' and 'democratic' basis. In contrast to liberal-constructivist approaches, then, NGO influence in these cases does not reflect a general increase in civil society influence or a transformative power shift, but is limited to international NGOs (INGOs) based in the North, whose autonomy from Western states and elites is severely limited and which promote approaches to issues compatible with hegemonic governance discourses and Western elite interests. This clearly has major implications for the political significance of 'global civil society' and its growing role in global governance.

Chapter 1 – ‘Global Civil Society’ and Global Governance in the Liberal Tradition

Increased attention to NGOs in the 1990s emerged alongside a burgeoning literature on globalisation, ‘global civil society’ and global governance. This literature was dominated by both liberal and constructivist approaches that situated NGOs in an emergent transnational or ‘global civil society’, whose autonomous soft or ideational power was seen to contribute to a more pluralistic, democratic global governance compared to the formerly statecentric international system (Rosenau 1995, 2000, 2002; Mathews 1997a; Keck and Sikkink 1998; Willetts 2000, 2011; Price 2003; Van Rooy 2004). This chapter examines how the literature within a liberal tradition conceptualises NGOs and ‘global civil society’ as part of a theorisation of a system of global governance.

Civil society in the liberal tradition

The dominant portrayal of civil society is as an autonomous sphere in a tripartite civil society/state/market model. Although this pluralist perspective is alien to holistic Marxist approaches, liberals and constructivists habitually attribute it to Gramsci (Habermas 1998, p.367 n55; Edwards 2009, p.8). The first *Global Civil Society Yearbook*, published by the London School of Economics (LSE), claimed that Gramsci ‘rescued’ this understanding of civil society ‘for modern use’ (Anheier *et al.* 2001a, pp.13–14). However its origins date back much further and this section discusses how liberal perspectives on civil society developed, up until the 19th century, through to its separation from the ‘market’ in the 20th. It then explains how ‘new’ social movement theory and a parallel NGO literature merged with civil society discourse in the late 20th century in an increasingly idealised account of civil society, distanced from material interests.

Civil society in the liberal tradition up to the end of the 19th century denoted a free, pacific zone of private, individual, economic and social interests and relations, distinct from the state, whose monopoly of force enabled it to maintain a ‘civil’ peace and adjudicate conflicts of interest, while civil society reciprocally prevented the state from sliding into despotism. It had thus been strongly distinguished from the state, though not yet from the market as it remained strongly identified with economic interests. This bifurcation was consistent with the characteristic liberal separation of economics from politics (Meiksins Wood 1981), but presaged the future incompatibility of liberal concepts of civil society with Gramsci’s concept of the ‘integral state’ as a dialectical unity of civil society and state (Buttigieg 1995). Moreover, as Locke, Ferguson, de Tocqueville and most other classical liberals supported colonialism and implicitly or explicitly limited civil society to the middle and upper classes (Seymour 2008, pp.27–28; Losurdo 2011), their liberal-democratic ideas about the

proper relationship between civil society and state were largely inapplicable outside the 'civilised' upper echelons of the capitalist West.

Marx also discussed and critiqued the liberal concept of civil society, principally in his earlier work (1954, 1970, 1977, 2000; Marx and Engels 2004). On the one hand, he resembled his liberal antecedents in distinguishing civil society from the state, but not from economic relations. On the other, he radically re-interpreted and reduced that distinction by conceptualising both civil society and the state as dominated by capitalist interests, rather than representing 'individual' or 'general' interests. Civil society was thus a bourgeois civil society, or the type of civil society that had emerged in tandem with the capitalist mode of the production, just as the state that had emerged was a capitalist state (Marx and Engels 2004, p.16). This highlighted the class bias of contemporary liberal notions of civil society and the state – which were particularly glaring in an era of property-based censitary discrimination. Marx's most mature view on civil society is summarised in his *1859 Preface to A Contribution to the Critique of Political Economy*. This equates Hegel's concept of civil society with the 'totality' of 'the material conditions of life', from which Marx argues 'legal relations' and 'political forms' 'originate', but concludes 'the anatomy of this civil society, however, has to be sought in political economy' (1970, p.20). This anticipates Marx's move away from the term in his later work towards a holistic, base-superstructure model of society incompatible with the liberal separation of economics and politics, or civil society and state. The term civil society subsequently fell into relative disuse for much of the 20th century (Meiksins Wood 1990, p.62), before re-emerging in the 1980s and 1990s with an additional and equally strong distinction between civil society and 'the market'.

In theoretical terms, this novel trifurcation grew out of new social movement theory, a post-war literature on NGOs or the 'voluntary', 'non-profit', or 'third' sector, and post-Marxist and liberal readings of Gramsci. What they all had in common was an ideational approach to civil society and the actors within it that distanced it from the economic interests central to classical liberal and Marxist theory.

New social movement (NSM) theory

NSM theory emerged in the 1980s as an alternative to Marxist theories of collective action and resource mobilisation and relative deprivation theories (Cohen 1985; Buechler 1995, pp.441–442) that had emphasised material resources, conditions and/or class experiences of grievance as factors in movement formation and impact. Reacting against this, it focused on the role of ideational factors like collective identity formation, culture and framing in what it saw as a qualitatively new type of

social movement that had emerged in the late 1960s and early 1970s, organised around non-economic issues and non-class based identities and values, including the environment, peace, human rights, women's rights, and gay rights movements and identity politics generally (Shaw 1994, p.650). Its central premise that 'The common denominator of all of them would be their differentiation from workers' struggles, considered as "class" struggles' (Laclau and Mouffe 2001, p.159), or as Cohen (1985, p.667) put it, 'Unlike the Old Left, actors involved in the new social movements do not see themselves in terms of a socioeconomic class' and while 'they come primarily from the "new middle classes", 'class background does not determine the collective identities of the actors or the stakes of their action'.

NSM theory framed these developments as a response to the 'crisis' or 'failure' of the 'old' labour movement (Cohen 1985, pp.667–668; Buechler 1995), whose trade unions and political parties were portrayed as hierarchical, exclusionary and insensitive to gender, race and sexual orientation. In contrast, the 'new' movements were said to emphasise democracy, internal processes and 'non-hierarchical', horizontal, decentralised, and networked forms of organisation (Cohen 1985, p.667; Buechler 1995) and to eschew state power in favour of alternative democratic spaces and lifestyles outside the state (Melucci 1980; Cohen 1985). Moreover, whereas the 'old' labour movement had emerged from the industrialisation and modernisation which had created the working class, the 'new' movements were said to have developed in 'post-industrial', postmodern societies, or 'informational capitalism' (Touraine 1971; Castells 2010a, 2010b), which had created an educated, professional middle class freed from immediate material concerns, with sufficient income and leisure to devote to 'post-material' values (Inglehart 1971, 2008), cultural issues and altruistic causes. Meiksins Wood (1998) connects these tropes to a 'retreat' from the working class, beginning in the 1970s, which accelerated with the end of the Cold War and the collapse of revolutionary socialist movements around the globe.

Many of the same themes are reflected in liberal 'global civil society' theory (Shaw 1994) and in Keck and Sikkink's influential analysis of values-based 'transnational advocacy networks'³ on humanitarian, human rights, women's rights and environmental issues, which are similarly portrayed as responding to a crisis of the left (1998, pp.32–33; 15; 27; 130). The LSE's *Global Civil Society* yearbook thus asserts that the 'new social movements' addressed 'emancipatory issues...excluded from the compact with labour' and entailed 'a new kind of horizontal form of organisation and a

³ These can include likeminded sections of states, IGOs, foundations and the media (Keck and Sikkink 1998, p.9), but NGOs are the authors' main focus.

commitment to a radicalisation of democracy. They were not anti-state; they wanted to change the relationship between state and civil society' (Kaldor *et al.* 2012, p.15). Moreover, the depiction of the revolutions in Eastern Europe as the 'culmination' of the NSMs and NGOs as their 'tamed' incarnation draws a direct line to the 'activist' "global civil society" of the 1990s (2003a, pp.588–589, 2003b, pp.85–86, 2008, p.42; Kaldor *et al.* 2012, p.15).

Civil society and the NGO literature

The second theoretical impetus for separating civil society from class and economic relations was a parallel post-war literature on NGOs (Feld 1972, 1979; Willetts 1982), or the 'voluntary', 'non-profit', or 'third' sector (Weisbrod and Long 1975; Weisbrod 1978; Kramer 1981; Brenton 1985). In tandem with trends in donor discourse that saw the OECD (1993, 1996), World Bank (Willetts 2011, p.25), USAID (1996, 1998), UN (ECOSOC Secretariat 2003; Panel of Eminent Persons on United Nations–Civil Society Relations 2004; UN Security Council 2004; UN Global Compact 2009) all begin to shift from NGO to civil society language from the mid-1990s, so too did the academic literature, as prominent researchers switched from examining NGOs (Edwards and Hulme 1996, 1998; Hulme and Edwards 1997; Edwards 2000a) to civil society (Edwards 2000b, 2003, 2009; Edwards and Gaventa 2001). Institutionally, this was reflected in the absorption of the Comparative Nonprofit Sector Project at John Hopkins' University into the Center for Civil Society Studies in 1997 and the London School of Economics' (LSE) Centre for Voluntary Organisation evolution into the Centre for Civil Society in 1999 (LSE Centre for Civil Society 2006, p.4) These two academic centres strongly influenced liberal 'global civil society' theory, with John Hopkins 'mapping' its empirical dimensions cross-nationally (Salamon *et al.* 1999; Salamon and Sokolowski 2004) and the LSE producing the *Global Civil Society* yearbooks. The yearbook contributors sometimes criticise John Hopkins for equating civil society with the non-profit sector (Anheier *et al.* 2001a; Kaldor 2003a, 2007a; Salamon *et al.* 2004, p.3), yet do the same themselves in also empirically 'measuring' 'global civil society' by counting NGOs and NGO resources (Salamon *et al.* 1999; Anheier *et al.* 2001b; Anheier and Katz 2003; Anheier 2004; Heinrich 2004; Salamon and Sokolowski 2004; Katz 2006). Moreover, their conceptualisation of 'global civil society' is broadly compatible with the 'Four Nons' that define NGOs and civil society for international donors (ECOSOC 1968, 1996; World Bank 1989, 1997) and from pluralist liberal perspectives (Willetts 1996a, 2001; Keck and Sikkink 1998; Uvin and Weiss 1998; Khagram *et al.* 2002b; Martens 2002, pp.277–278), that delink them from state and market by portraying them as *non-governmental, non-violent, 'non-political' and non-profit*.

NGOs are usually defined as non-governmental based solely on their formal separation from government. This is the approach taken in UN procedures for consultative status and by the Union of

International Associations (UIA 2004, p.2911), which is the main source of data on NGO numbers. It regards any self-described NGO as non-governmental, provided it was not established by an intergovernmental treaty, while the UN allows NGOs with 'members designated by governmental authorities, provided that such membership does not interfere with the free expression of views of the organization' (ECOSOC 1996, para.12). Salamon et al. (2004, p.9) similarly assert that NGOs – and civil society organisations (CSOs) in general – are 'not part of the apparatus of the state, even though they may receive support from governmental sources', while the *Global Civil Society Yearbook* proclaims NGOs 'are not instrumentalities of government' (Anheier et al. 2001a, p.4); and Willetts avers they 'must be independent from the direct control of any government' (2001, p.5). Few analysts have investigated if this coincides with autonomy in practice (Steen 1996; Hulme and Edwards 1997; Chikoto 2007, 2009), meaning formal separation is generally assumed to correspond to substantive independence, as in liberal civil society theory.

Defining NGOs as non-governmental is linked to the second 'non' of non-violence (ECOSOC 1968, 1996; 1996a, p.4, 2001; Uvin and Weiss 1998, p.213; Martens 2002, p.277). This reinforces the differentiation of NGOs and civil society from the state, seen as the monopolist of legitimate force that ensures the conditions for peaceful 'civil' communication and association in civil society (Diamond 1994, p.6; Anheier et al. 2001a, p.15; Keane 2001, pp.23–24; Kaldor 2003b; Albrow and Anheier 2006). Moreover, it portrays 'the formal restraints imposed upon the use of force...by the governmental apparatus of the state as a boundary line that demarcates the separation between the state and civil society' (Buttigieg 1995, p.27). This contrasts with the Gramscian perspective outlined in the next chapter, which argues that rather than being benignly 'protected' in by the state's monopoly on force as in liberal pluralist approaches, NGOs and civil society are constituted by the latent, structural coercion embedded in the capitalist state, which they internalise in their own organisational forms, discourses and objectives. Ironically, this includes the four 'nons' that structure liberal-constructivist concepts of NGOs and civil society, all of which are drawn from national and international regulations of NGOs and their activities by capitalist states and IGOs.

The third, rather paradoxical 'non', given their claimed status as important political actors relates to the depiction of NGOs and civil society as 'non-political' through dissociating them from political parties and depoliticising them as values-based actors, or a value-based ideational sphere. The latter is examined in detail later, but the former means that in accordance with national law and IGO rules, political parties are never classified as NGOs (ECOSOC 1968, 1996; World Bank 1989; Willetts 1996a, p.4; Uvin and Weiss 1998, p.213), which are also often situated normatively as an alternative to

‘traditional forms of political participation, such as voting, party affiliation and union membership’ (Salamon 1994, p.110). Keck and Sikkink (1998, p.27) exemplify this in conceding single-issue NGO activism is ill-equipped to tackle structural problems, but claiming that ‘with the decline almost everywhere of mass parties of the left, few alternative agendas remain on the table’.

A similar anti-party orientation is evident across the civil society literature, with analysts alternately including political parties theoretically but concentrating empirically on NGOs and/or social movements (Shaw 1994; Donini 1995, p.435 n30; Uvin and Weiss 1998, p.213; Salamon *et al.* 1999; Edwards 2001, p.3; Kaldor 2003a; Heinrich 2004, p.14; Salamon and Sokolowski 2004); explicitly excluding political parties (Cohen and Arato 1992, p.ix; Diamond 1994; Scholte 2002) and/or identifying civil society with ‘non-party’ or ‘anti-politics’ (Kaldor 2003a, p.588). This reflects the ongoing malaise surrounding party politics in the West, which has led neo-Gramscians, post-Marxists and liberals to portray political parties in general as outmoded, hierarchical, ‘increasingly obsolete’ (Gill 1995a, p.96) and ‘losing their vibrance’ (Keane 1998, p.164). This is said to necessitate a ‘new politics of resistance’ rather than ‘conventional electoral politics’ (Falk 1997). Cohen and Arato’s (1992) *Civil Society and Political Theory* exemplifies this anti-party meme, which was already evident in NSM theory’s hostility to Western left-wing parties, but is attributed in the first *Global Civil Society* yearbook to Eastern European dissidents ‘more interested in ‘reclaiming’ space that the authoritarian state had encroached upon than in taking over the reigns [sic] of power’ (Anheier *et al.* 2001a, p.14). Such generalised anti-party sentiment tends to exclude political parties from civil society analysis, not only as objects of enquiry in themselves, but in terms of their relationship to ‘non-political’ NGOs – which the liberal dichotomy of civil society and government/party politics renders conceptually awkward – so that even when they are present in empirical analyses, they still tend to be situated as ancillary.

The fourth and final ‘non’ is that NGOs are non-profit, which is a condition of UN consultative status and favourable tax treatment in many states (ECOSOC 1968, 1996; World Bank 1989; Uvin and Weiss 1998, p.213; Anheier *et al.* 2001a, p.4; Willetts 2001). Technically, this only distinguishes them from corporations, but in practice it also tends to occlude their own economic role as employers, service providers and competitive bidders for contracts and grants, and coincides with the broader disassociation of civil society from the ‘market’ and economic relations generally. This is exemplified in the Panel of Eminent Persons on United Nations–Civil Society Relations’ report (2004, p.13), which defines civil society as

the associations of citizens (outside their families, friends and businesses) entered into voluntarily to advance their interests, ideas and ideologies. The term does not include profit-making activity (the private sector) or governing (the public sector).

In a similar vein, Scholte (2002, p.283) argues that “‘pure” civil society activities involve...no pursuit of pecuniary gain (so excluding firms and the commercial mass media)”, while Kaldor describes civil society as ‘forms of social interaction that are distinct from both the state and the market’ (2003b, p.20) – an insight she and her colleagues attribute to Gramsci (Anheier *et al.* 2001a, pp.13–14).

Liberal and Post-Marxist interpretations of Gramsci

A final theoretical influence on the conceptual separation of NGOs and civil society from economy and state derives from liberal and post-Marxist readings of the *Prison Notebooks* (Bobbio 1979; Cohen and Arato 1992; Laclau and Mouffe 2001), which rehabilitated Gramsci for academia by eviscerating him of class and revolutionary content (Saccarelli 2008). A seminal example that strongly influenced the LSE’s *Global Civil Society* yearbooks⁴ is Cohen and Arato’s (1992) ‘post-Gramscian’ *Civil Society and Political Theory*, which draws on an earlier influential idealist reading of Gramsci by Bobbio, and on Cohen’s work on declassified ‘new’ social movements. This study explicitly situates itself in a “‘discourse of civil society”” that ‘focuses precisely on new, generally non-class-based forms of collective action...differentiated not only from the state but from the capitalist market economy’ and that makes its idealism equally explicit, declaring bluntly that ‘Political and economic society generally arise from civil society’ (1992, pp.164–174; 2; ix).

Published in 1992, Cohen and Arato’s study was heavily influenced by the perceived role of civil society in the revolutions in Eastern Europe, which as Buttigieg (1995, pp.2–3) puts it, had become ‘a magical explanatory formula’ for a complex multi-causal historical process. As he also points out, this focus deflected attention from ‘The main value of Gramsci’s concept of civil society’, namely ‘its exposure of the mechanisms and modulations of power in capitalist states that purport to be democratic’ and its ‘forceful, demystifying critique of the liberal/capitalist state’. Against this backdrop, the absence of a capitalist market in Eastern Europe accentuated pre-existing liberal tendencies to de-emphasise the constitution of civil society by class and economic relations and depict it as separate from the market and predominantly in conflict with ‘the state’, rather than

⁴ Kaldor (2003b, p.19) describes it as ‘monumental’; Albrow and Glasius (2008, p.4) call it ‘seminal’; and several editions of the yearbook cite it as a major influence (Anheier *et al.* 2001a; Glasius *et al.* 2005).

contesting or supporting class interests rooted in the economy and represented in the state (Meiksins Wood 1990; Buttigieg 1995).

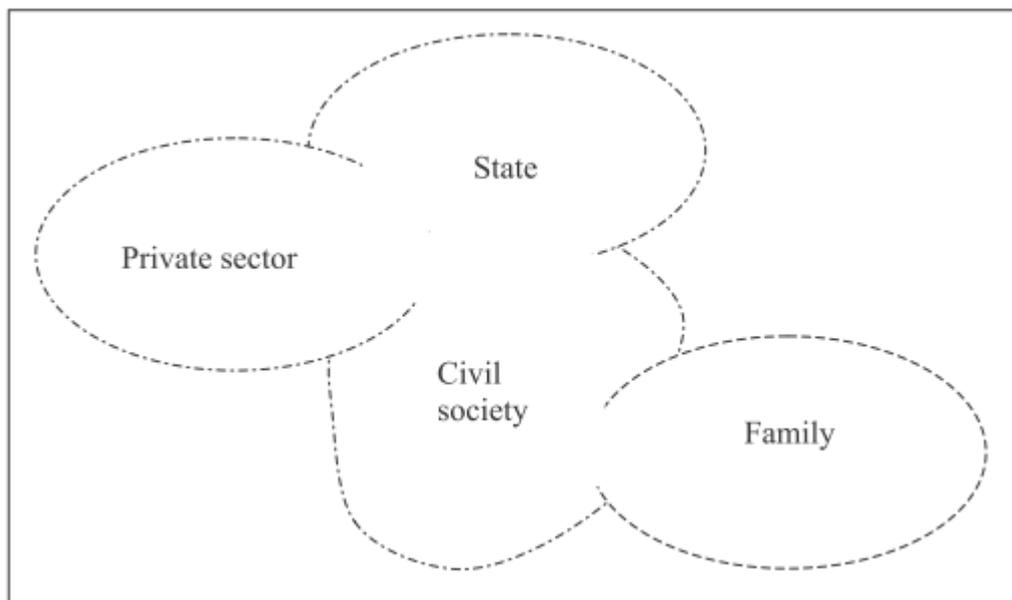
Cohen and Arato's central claim, which the next chapter refutes, was that Gramsci focused 'on the problem of civil society as independent of economic development and state power', asserted 'the independence and even the primacy of the superstructure' and even propounded 'two "declarations of independence", one from the economy and the other from the state' (1992, pp.143–146). This inspires their 'radically reformist' yet 'self-limiting' vision of civil society as 'a new terrain of democratization' that can expand democratic space under capitalism, but never overthrow it. According to them, learning the lessons of capitalist restoration meant forever abandoning the goal of democratic socialism, which they disparagingly allude to as 'fundamentalist projects of suppressing bureaucracy, economic rationality, or social division', and accepting instead the impossibility of 'total democratization' while renouncing 'the utopia of the revolution' (1992, p.149; 16–17; 72). This approach was consistent with the post-Cold War consensus that liberal democracy of one form or another was the only show in town after the 'end of history' (Chandhoke 2002, p.52).

Drawing on Cohen and Arato, Bobbio and a similar interpretation of the *Prison Notebooks* by Shaw (1994, pp.648–649), Kaldor (2003a, p.584, 2007a, p.135) and the other editors of the *Global Civil Society* yearbooks, Anheier and Glasius (2001a, p.13), also attribute the contemporary conceptual separation of civil society from state and market to Gramsci. This leads to a series of misleading claims about his views on civil society, including that he believed 'the "theatre of history" is not the story of economic development, but of ideological and cultural struggles' (Kaldor 2003c, p.8) and 'divorces the notion of civil society from economic interactions', 'as the non-state and the non-economic area of social interaction' (Anheier *et al.* 2001a, pp.13–14). The glaring incongruity of these statements with Gramsci's historical materialism is dispensed with by complaints that his concept of civil society is 'notoriously confusing', inconsistent, 'contradictory' and 'ambiguous' (Cohen and Arato 1992, pp.143–146; Shaw 1994, p.647; Anheier *et al.* 2001a, pp.13–14; Glasius 2005, p.245; Katz 2006, p.334). As Buttigieg (2005, p.38), the *Prison Notebooks'* English translator, points out, the real origin of this confusion is their inability 'to break free from the binary State/non-State opposition that resides at the heart of classical liberal theory', leaving them 'totally baffled by Gramsci', who they 'woefully misread'.

The separation of NGOs and civil society from state and market that results from the four 'nons', the distancing of new social movements from class, and idealist readings of Gramsci is typically

articulated via a spatial metaphor of a ‘third’ ‘realm’ or ‘sphere’ that exists ‘between’ (Cohen and Arato 1992, p.ix; Anheier *et al.* 2001a, p.16, 2005, p.2; Anheier 2004, p.20), ‘outside’ (Salamon *et al.* 1999, p.3; Pianta 2001, p.171; Kaldor 2003a, p.584; Heinrich 2004, p.13; World Bank 2007, p.1), or ‘beyond’ (Anheier *et al.* 2001a, p.17) them. This necessitates drawing ‘boundaries’, dividing lines or ‘borders’ (Shaw 1994, p.649; Scholte 2002, p.283; Heinrich 2004, p.13; LSE Centre for Civil Society 2004) between them (Figure 1.1) and leads to boundary problems, particularly in the case of political parties which become ‘a borderline case between civil society and government’ (Heinrich 2004, pp.13–15). Caveats that these distinctions are ‘fuzzy’ (Heinrich 2004) or ‘complex, blurred and negotiated’ (LSE Centre for Civil Society 2004) preserve their essential separation and misleadingly depict civil society as a ‘bounded space’ (Amoore and Langley 2003, p.92).

Figure 1.1 A Spatial Representation of Civil Society (Heinrich 2004, p.14)



Anheier’s research for CIVICUS makes one of the most concerted efforts to overcome this and articulate civil society’s relationship to other spheres, insisting civil society ‘is an analytic category and does not typically exist as a separate identifiable element like a physical infrastructure or a geographic feature’ (2004, p.31). However, his pluralistic liberal approach limits him to a series of abstract descriptions, rather than explanations, of how civil society is simultaneously distinct from, yet somehow connected to other spheres. Civil society is thus ‘between’ the family, the state and the market; ‘outside the stricter realms of state power and market interests’; has ‘many relations and intersections’ with the family, state and market’; and is ‘grounded in different components of economy, polity and society’, while simultaneously ‘permeating’ the state and market (2004, p. 20–22; 31). The empirical limitations of this is demonstrated by the methodology he chooses for

‘measuring’ civil society, which simply excludes the ‘market’ and the state and largely equates civil society with the non-profit sector.

Related to their lack of any clear general theory of how the ‘spheres’ of society interrelate, the liberal tradition also lacks a general theory of inequality to explain disparities of power within civil society. An underlying reason is their ontological and methodological individualism (Anheier *et al.* 2001a, p.17; Kaldor 2003b, p.20; 79, 2008, p.42; Anheier 2004, p.20), evident in the definition of civil society in the 2004/5 *Global Civil Society* yearbook as ‘the medium...through which a social contract is negotiated and renegotiated between *individual* citizens on the one hand and the centres of power and authority on the other’ (Kaldor *et al.* 2004, p.2). A subsequent edition simply extends this definition to ‘global civil society’, duly defined as ‘the medium through which one or more social contracts are negotiated by individual citizens and the various institutions of global governance (national, international and local)’ (Anheier *et al.* 2005, p.31). As Meiksins Wood (1998, p.68) has argued in relation to liberal democratic discourse in general, this serves ‘to mystify and legitimate the relations of class domination and exploitation, indeed to deny their very existence by redefining them as relations between free and equal individuals’.

Where inequality among ‘individual’ global citizens is addressed, various, sources of inequality such as ‘gender, race, class, education or income’ and North-South relations are simply listed (Albrow and Glasius 2008, p.11), or at best vaguely causally related to a pluralist account of ‘globalisation’ (Kaldor *et al.* 2003; Glasius and Timms 2006). Often, they are simply ignored, as much liberal civil society theorising is concerned with the normative ideal of civil society rather than civil society as it actually exists, or remarked on in passing almost as a natural fact. Hence Kaldor (2007a, p.150) expounds her normative ideal of civil society as ‘*a genuinely free conversation, a rational critical dialogue*’ before briefly commenting that such debates ‘are never, of course, genuinely free, and the rich and privileged always dominate them’. This appears to be an inherent problem with ‘public sphere’ approaches to civil society, as according to Albrow and Glasius (2008, p.11) they proceed from the premise that ‘Inequalities in status based on gender, race, class, education or income are...”bracketed”, i.e. for the purposes of the dialogue they are to be treated as if they did not exist’. Against this backdrop, Colas’ (2005, p.182) criticism that Kaldor’s work contains no ‘clear sociological conception of the socio-economic and political inequalities that attend to civil society as a domain of capitalist social relations’ has a wider applicability, as liberal approaches seem to have an inherent difficulty in analysing the material basis of civil society or explaining its relationship to other

'spheres'. This can also be linked to the idealisation of civil society in the liberal literature as an autonomous sphere of ideas and values, discrete from state, market and material or class interests.

Idealising civil society

The idealisation of (global) civil society in the liberal literature involves portraying it as a discrete communicative or ideational realm of 'principled ideas' and post-material values, characterised by the exercise of ideational and soft, rather than material and hard power, and separable from economic, class interests. This approach can be discerned even in the phraseology and ordering of attributes in the definition in the inaugural *Global Civil Society* yearbook of 'global civil society' as

the *sphere of ideas, values*, institutions, organisations, networks, and individuals located *between* the family, the state, and the market and operating *beyond* the confines of national societies, polities, and economies (Anheier *et al.* 2001a, p.16 my emphasis).

A communicative or ideational sphere

While most definitions of civil society to some extent conceive it in ideational or communicative terms, Kaldor (2007a) and Heinrich (2004) explicitly define it in terms of the communication and promotion of ideas and values in preference to identifying it with particular organisations. Heinrich (2004, pp.13–15) thus asserts that civil society is a 'distinctly different' 'space' 'where people come together to debate, discuss, associate, and seek to influence broader society' and that 'membership' depends on "'function...rather than organisational "form"'. Consequently, the same actors can 'belong' simultaneously to different spheres, depending on the activities they are carrying out, so that firms make profits in the market but are philanthropic in civil society. The same approach is implicit in UN criteria for consultative status, which exclude corporations but permit business associations (Willetts 2001), and Edwards' (2009, p.29) distinction between 'profit-seeking activities by individual enterprises and the civic or political role of business associations'. While this entails a broader concept of civil society than NGO-centred approaches, because it takes the separability of economic, 'civil' and political "functions" as a starting point, lacks any analysis of class, and assigns no priority to any function, it merely rearticulates the separation of spheres and is no more useful in conceptualising their interrelationship.

Kaldor (2007a, pp.148–9) ultimately falls into a similar trap, despite beginning her latest reconceptualisation of civil society by arguing 'the tendency to think of civil society, the state and the market as separate spaces or spheres is misleading' and suggesting 'It would be better to think in terms of processes, in which these terms refer to different ways of coordinating activities, even

though they are intermeshed'. Drawing on Habermas' 'public sphere', she identifies the respective coordinating processes as 'communicative action', 'authorized power' and 'money' and later editions of the *Global Civil Society* yearbooks similarly suggest "'global civil society" can be defined as "communicative power" as opposed to the power of force or money' (Kaldor *et al.* 2008; Anheier *et al.* 2012, p.3). This establishes another equally sharp conceptual distinction, however, inferring neither 'force' nor 'money' coordinates civil society. As Fontana (2008, p.88n6) points out, the end product of such public sphere approaches is 'an idealized and romanticized version of civil society, within which rational discussion and deliberation define democratic practice', so that 'Shorn of the struggle for power and conflict for competitive advantage democratic politics is reduced to a philosophical contest over ideas'. In empirical terms, it also appears to preclude analysing CSOs like private foundations whose influence is overwhelmingly financially based, or the 'coordination' of civil society in practice by the 'authorized power' and 'money' of states, IGOs and other donors. Moreover, it reproduces the tendency to ignore CSOs' economic role as employers and service providers associated with defining NGOs as 'non-profit', or 'spatially' separating civil society from the economy.

A sphere of 'values'

An additional dimension of idealising civil society is the normative sense it should, or actually does, represent 'principled ideas', or values separable from individual or collective economic self-interest. This is a significant departure from the 19th century identification of civil society with economic interests and is influenced by NSM theory, the conflation of civil society with NGOs and the general separation of civil society from the economy. The influence of NSM theory is evident in Kaldor *et al.*'s (2012, p.15; 22) argument that 'global civil society' involves a shift towards 'post-material', non-economic and non-class-based issues and the use of 'post-material' values in the *Global Civil Society* yearbooks as an indicator of civil society strength (Kaldor *et al.* 2008, p.344; Anheier *et al.* 2012, p.22). Keck and Sikkink also cite NSM theory as influencing their values- and networks- based analysis of humanitarian, human rights, women's rights and environmental 'transnational advocacy networks', asserting transnational civil society activists are 'Motivated by values rather than by material concerns' (1998, pp.32–33; 2). Occasionally, a 'middle class' (Risse and Sikkink 1999, p.37; Kaldor *et al.* 2003, p.18; 29; Albrow and Glasius 2008, p.11) and/or Western basis is mentioned for all this, but few political inferences are drawn, aside from a presumed predilection for disinterested cosmopolitan, liberal or post-material values (Anheier *et al.* 2001b).

Willetts was one of the first NGO theorists to make a similar distinction between 'sectional groups', which 'seek to protect the interests of a particular section of society' like trade unions or employers' federations, and 'Specific Issue Promotional Groups' or NGOs, which 'come together solely for the purpose of promoting social change on a particular issue' (1982, p.2; 8). Sikkink (2002, p.313) similarly dichotomises class or collective self-interest against altruism in the service of single issues or the 'public' interest, arguing NGOs,

must be perceived as not self-interested. That is, they need to be seen as not personally interested in acquiring political and economic power, or as too linked to government or industry. It is exactly because these groups are neither political parties nor interest groups in the classic sense of the word, or representing the political or economic interests of a particular group, that they acquire moral authority.

Sikkink's phraseology demonstrates a characteristic slippage between analytical and normative criteria, as in the first two sentences, NGOs 'must be perceived' or 'need to be seen as' not self-interested, but by the third they simply 'are'.

In a similar vein, Florini and Simmons' (2000, p.7) claim transnational civil society actors 'are bound together more by shared values than by self-interest' and contrast 'purely self-interested' trade unions to NGO activists 'with no discernible selfish interests'. According to Tvedt (2006, p. n20), donors have shaped such normative conceptualisations, through constructs such as the World Bank's (1995, p.13) definition of NGOs as 'typically value-based organizations', characterised by 'principles of altruism and voluntarism'. A similar dichotomy between collective economic self-interest and values appears in Edwards' (2000b) definition of civil society – and the World Bank's (2000, p.5) while he worked there – as 'the arena in which people come together to advance the interests they hold in common, not for profit or political power, but because they care enough about something to take collective action'. All of this feeds into propositions about civil society influence that focus on ideational and soft power in isolation from the material resources at NGOs' disposal and the material conditions in which 'principled ideas' and persuasive power are produced. Clark (1995, pp.510–513) thus equates NGO influence with an abstract 'power of principle' and for Risse (2000, p.20), NGOs rely on the "power of the better argument".

A Sphere of soft and ideational power

Nye's concept of soft power, or 'the ability to get what you want through attraction rather than coercion or payments' (Nye 2004, p.x), is widely cited in the liberal civil society literature (Florini and Simmons 2000, p.10 n22; Sikkink 2002; Albrow and Anheier 2006, p.4; Alqadhafi 2007), where NGO

power is generally understood in compatible terms, as relating primarily to ideas, communicative power and moral or expert authority. Nye and Keohane (1998, p.3) conceive soft and hard power as forms of 'behavioural power' that respectively use power resources to attract, persuade and co-opt, or coerce and induce, whereas 'resource power' denotes 'the possession of resources that are usually associated with the ability to reach outcomes you want'. Nye initially equated hard power solely with coercion, but subsequently expanded it to include economic inducement (1990, pp.167–168, 2004, p.31) – an afterthought reflective of his implicit conflation of coercion and economic resources, delinking of soft power from money, and underestimation of the *primary importance* from a Gramscian perspective of *economic resources* fungible into hard or soft power.

Nye asserts 'the general association between the types of behaviour and certain resources is strong enough to allow...shorthand reference to hard- and soft-power resources' (2004, pp.7–8), producing a neat taxonomy, wherein force, sanctions, payments and bribes are the 'most likely resources' of hard power and institutions, values, cultures and policies the 'most likely resources' of soft power. The same rationale underlies his aforementioned dichotomous definition of soft power relative to hard power ('the ability to get what you want through attraction rather than coercion or payments'), and summary of ways to affect the behaviour of others ('You can coerce them with threats; you can induce them with payments; or you can attract and co-opt them to want what you want'). These formulations conflate economic resources and hard power and occlude the primary, structural role of economic resources in attraction and co-option, *as well as* coercion and inducement. Indeed, Nye states explicitly that soft power uses 'a different type of currency (not force, not money)', but 'an attraction to shared values and the justness and duty of contributing to those values' (2004, p.7). Consequently, some ideas are just *intrinsically* attractive, like the 'universal values', 'attractive' culture and policies that 'promote values and interests that others share' of the US, as compared to the "Narrow values and parochial cultures' of other countries, which according to Nye is what accounts for the superior soft power of the US (2004, p.11) ignoring the role of American economic power in shaping what appear as 'universal' values. Sikkink and her co-authors similarly assume humanitarianism and human rights are innately transculturally appealing, asserting they speak 'to aspects of belief systems or life experiences that transcend a particular cultural or political context' (Keck & Sikkink 1998, p.204; Finnemore & Sikkink 1998, p.907).

Such under-theorisation of the interrelationship of hard, soft and economic power is reinforced by Nye's occasional non-explanatory equivocations that hard and soft power and economic resources sometimes mutually reinforce each other and sometimes do not (2004, pp.7–10). He thus

acknowledges that 'sometimes the same power resources can affect the entire spectrum of behaviour from coercion to attraction', implying hard and soft power can coincide. Nye is more interested in the opposite scenario, however, generalising that 'soft power does not depend on hard power' (2004, p.9) and citing the Pope's influence without an army as an example. This ignores how the Church's enormous monetary resources (derived in part from a history of conquest and vestigial state power) both enable its ideational influence and 'induce' adherence through educational and other social services (2004, p.2; 9; 94). Consequently, how Nye poses the issue again glosses over the centrality of economic resources as the ultimate source of soft and hard power.

Delinking soft power from material resources is problematic enough in Nye's original US foreign policy context, but when applied to externally dependent CSOs that lack an autonomous economic base becomes even more misleading. Whereas US economic power means it can decide how to wield its soft power relatively free of external constraints, NGOs usually have to consider which activities will attract grants and political support, subjecting them to the agenda-setting power of donors and other elites before they can exercise soft power, or reducing their resource power altogether. This has not deterred liberal theorists from simply extending Nye's concept of soft power to NGOs (Risse 2000; Nye 2002, p.67, 2004, pp.90–96; Sikkink 2002) and Sikkink exemplifies the evasion of the implications of external funding dependency this involves in asserting NGOs have 'significant degrees of autonomous soft or communicative power on some issues' and dismissing concerns about autonomy as an unhelpful 'fixation', before acknowledging 'the continued dependence of the non-profit sector on the state' (2002, p.304; 313–314).

Even where soft power terminology is not used, NGOs' influence is understood in compatible terms as emanating primarily from the 'principled' ideas they promote and/or their expertise, which are seen to endow them with moral and expert authority (Keck and Sikkink 1998; Van Rooy 2004, pp.77–91). These attributes are often *opposed* to economic power, rather than connected to it, as in Keck and Sikkink's (1998, p.16) argument that 'Since they are not powerful in a traditional sense of the word, they must use the power of their information, ideas and strategies'. Flowing from this, both Willetts and Keck and Sikkink see NGO influence as 'predominantly an explanatory process' (Keck and Sikkink 1998, p.16), involving 'rational argument', with the potential to alter 'normative or analytical perceptions of the world', prompt states to reconceptualise their interests and identities and thereby effect transformative change (Keck and Sikkink 1998, pp.214–217; Willetts 2011, p.5; 116; 138–142).

NGOs are seen to achieve this primarily through strategic deployment of information and ideas. Keck and Sikkink's (1998, p.16) schema of information, symbolic, leverage and accountability politics demonstrates this, as leverage politics is the only category to foreground the material support of powerful elites, while the other three presuppose adequate material resources and/or elite support for NGOs to communicate effectively. As Tarrow (2001, p.13) argues, this sidesteps whether Transnational Advocacy Network (TAN) 'operations depend – incidentally or fundamentally – on the power of the states they come from?' Moreover, even where material power is considered, its relationship to ideational influence is treated as extrinsic. Hence, in summarising their constructivist analysis of the internationalisation of human rights norms, Risse and Sikkink (1999, p.36) claim that

Only if it can be shown empirically that pressures generated by great powers and/or international financial institutions are the most significant factors in...sustainable human rights improvements, or if any changes in state human rights practices end as soon as material pressures end, would this constitute a challenge to our model.

This overlooks the influence of economic power on the *content* and very existence of human rights norms, meaning it is not limited to *post hoc* pressures.

However, because liberal-constructivists tend to treat existing norms as independent variables (Neumann and Sending 2007, p.688), they fail to account for the historical-material conditions under which they were produced or their substantive content, and, ultimately, why demands framed in terms of some norms appear more feasible than others. Instead, norms simply exist and linking NGO demands to them is the key to success (Finnemore and Sikkink 1998; Price 1998a). Keck and Sikkink's brief history of the internationalisation of human rights norms (1998, pp.79–88) exemplifies this, merely setting the scene for NGO efforts to ensure compliance, rather than analysing their actual content or the historical reasons for their emergence. Likewise, Risse and Sikkink (1999, p.31) can see 'no obvious reason' for the simultaneous adoption of human rights norms across a swathe of developing and transition countries from 1985-1995, despite its coincidence with the collapse of both the Eastern bloc and Third World demands for a New International Economic Order (NIEO) (Augelli and Murphy 1993), the debt crisis and the related emergence of disciplinary neoliberalism as an integral part of North-South relations (Abrahamsen 2000).

Keck and Sikkink (1998, p.27) do specify that norms around 'legal equality of opportunity' and 'against practices involving bodily harm to populations perceived as vulnerable or innocent' – which broadly correspond to human rights and humanitarianism – are the most promising frames for transnational advocacy, but while they acknowledge more structural issues are less amenable to

NGO advocacy and the contemporaneous decline 'of mass parties of the left', these correlations are not investigated. Moreover, even when they mention in passing that the resonance of NGO demands is connected to the internalisation of liberal values in the West, they offer no political or economic explanation for this or for the content of liberal norms (1998, pp.205–206). Indeed, Finnemore and Sikkink reject evidence that 'norms about issues congruent with capitalism and liberalism will be particularly powerful' as 'too vague to be useful', arguing many norms are compatible with capitalism, but only some are transnationally effective (1998, p.907).

This makes sense when the objective is to identify *which* liberal-capitalist norms are transnationally persuasive, as opposed to problematising the limitations and hegemonic logic of a politics circumscribed by liberal-capitalism, but it also undermines the central purpose of liberal-constructivist analyses, as 'bracketing' existing norms as de-historicised, depoliticised, independent variables without explaining their content renders any analysis of how new norms are constructed superficial. This is especially problematic given the attribution of causal primacy to ideas involved in contending that 'ideas and communicative processes define *in the first place* which material factors are perceived as relevant and how they influence understandings of interests, preferences, and political decisions' (Risse and Sikkink 1999, pp.6–7).

The end result is that both the emphasis that is placed on soft and ideational power and how these forms of power are interpreted leads to an idealisation of civil society as a sphere of ideas and norms, which is autonomous from and coordinated by a different logic to state and market. In the process, NGOs are presented as disinterested, moral actors, whose legitimacy derives from 'universal' – or hegemonic – standards or values (Van Rooy 2004, pp.77–91), In a contemporary global context, this also coincides with an equally idealised and Western-biased understanding of 'global civil society', accompanied by a normative 'bottom-up' origin narrative.

'Global civil society' from the 'bottom-up'

At least three conceptualisations of global or transnational civil society exist in the literature in the liberal tradition. The first equates it with *all* civil society activities, regardless of whether they involve transnational communications or cross-border issues (Salamon *et al.* 1999; Salamon and Sokolowski 2004). The second restricts it to 'global' practices involving transnational linkages, cosmopolitan values and/or global relevance (Anheier *et al.* 2001a, p.17; Anheier and Katz 2003; Kaldor 2003b; Kaldor *et al.* 2004; Albrow and Seckinelgin 2011), and the third prefers to call it 'transnational' because linkages, practices and values may not be global in scope (Keck and Sikkink 1998, p.33;

Florini and Simmons 2000, p.7; Price 2003). Notwithstanding these differences, all these liberal approaches tend to construct 'global civil society' in a manner biased towards liberal Western values and the concerns of international elites, arguably generating a contemporary counterpart of the exclusion of the working class, trade unions, colonised peoples and other subordinate groups from civil society in the classical liberal sense.

This is exemplified in the inaugural *Global Civil Society Yearbook*, which reports 'one of the most striking findings...is that 'global civil society' is heavily concentrated in north-western Europe', having measured it according to factors including: 'the growth of global consciousness as evidenced by the absence of human rights violations'; ratification of human rights, arms control and environmental treaties; 'outward tourism'; 'Internet usage' (Anheier *et al.* 2001a, p.7), overseas development aid (ODA), the UN's Human Development Index and the number of English-speakers (Anheier *et al.* 2001c, p.233; 276–279; 251). Significantly, neither trade union density nor religious adherence was measured, despite ostensibly being included in "global civil society".

All three liberal approaches to global or transnational civil society also recount similar origin narratives that, attribute its apparently sudden appearance predominantly to 'bottom-up' rather than 'top-down' processes (Reimann 2006). The *Global Civil Society* yearbooks' metanarrative is globalisation (Anheier *et al.* 2001a, p.7), which according to Kaldor is 'what is new about the concept of civil society since 1989' (2003b, p.1), and although not all liberal accounts foreground globalisation to this extent, the range of bottom-up factors they identify are compatible with a pluralist, 'transformationalist' understanding of globalisation in terms of increasing global interconnectedness across all spheres (Held *et al.* 1999) and 'growing global consciousness' (Anheier *et al.* 2001a, p.7; Kaldor *et al.* 2009, p.3). The main 'bottom-up' factors identified are:

- transnational communication between activists enabled by the globalisation of information and communications technology (ICT) (Salamon 1994; Commission on Global Governance 1995a; Salamon *et al.* 1999, p.4, 2003, p.2; Warkentin and Mingst 2000; Carothers 2000, p.27; Anheier *et al.* 2001a, p.6, 2012, p.1; Florini 2001, p.36; Castells *et al.* 2006; Albrow and Glasius 2008, p.1; Willetts 2011, pp.84–113);
- an account of the end of the Cold War that emphasises the development of civil society in Eastern European and transnational networking with Western civil society activists (Salamon 1994, p.111; Carothers 2000, p.19; 27; Lipschutz 2000, p.398; Anheier *et al.* 2001a; Florini 2001; Kaldor 2003b; Edwards 2009, p.2; 7; 11);

- the spread of post-material, cosmopolitan liberal values, especially democracy, human rights and environmentalism (Kaldor 2003b; Kaldor *et al.* 2003);
- improved education and skills (Lipschutz 1992, p.411; Salamon 1994, p.118; Commission on Global Governance 1995a; Rosenau 1995, p.19; Boli *et al.* 1999; Kaldor *et al.* 2003, p.18), sometimes associated with a burgeoning global middle class;
- organic *reactions* to ‘globalisation from above’ and the ‘decline’ or ‘failure’ of the state (Cohen and Arato 1992, p.71; Lipschutz 1992; Shaw 1994, pp.649–650; Salamon 1994; Commission on Global Governance 1995a; Falk 1997; Salamon *et al.* 1999, p.4; Anheier *et al.* 2001a, 2012, p.19; Pianta 2001; Edwards 2009, p.2; 11) through ‘globalisation from below’ (Falk 1997; Kaldor 2003b, p.8) demanding a reformed global governance, so that ‘The emergence of ‘global civil society’ can be seen both as a response to the globalisation of state power and a source of pressure for it’ (Shaw 1994, p.650).

All these ‘bottom-up’ explanations foreground ‘global citizen action’ (Edwards and Gaventa 2001) and situate financial and political support from governments, IGOs and other elites as ancillary. The inaugural *Global Civil Society Yearbook* accordingly puts the funding chapter last, an order of priority characteristic of the literature (Salamon 1994, pp.112–114; Florini 2000b, p.217, 2001, p.36; Anheier *et al.* 2001a, p.6; Willetts 2011, pp.150–151). Or as Salamon *et al.* (2003, p.3) put it, ‘a variety of external actors have helped to move the process along’ but ‘The most basic force is that of ordinary people who decide to take matters into their own hands’ (Salamon 1994, p.112). Likewise, Willetts (2011, p.150) asserts that ‘NGO demands have been the major driving force’. ‘Global civil society’ for Kaldor (2008, p.42) is therefore ‘a process of management of society that is ‘bottom-up’ rather than ‘top-down’, which Salamon (1994, p.109) imagined amounted to ‘a global “associational revolution”’, potentially ‘as significant to the latter twentieth century as the rise of the nation-state was to the latter nineteenth.’

Arguably the most significant ‘bottom-up’ factors from a liberal perspective relate to the globalisation of information and communications technology (ICT), which for Mathews (1997a, p.51) is ‘The most powerful engine of change in...the rise of nonstate actors’. ICT is seen as important

not only for communicating and organising transnationally, but for its perceived democratising effects, which include freer access to information formerly monopolised by states (Mathews 1997a, p.51; Florini 2000b, p.220; Kaldor *et al.* 2012, p.3) and easier participation by marginalised groups (Florini 2000b, p.221; Anheier *et al.* 2001a, p.6). On top of this is its facilitation of transnational networking, which Rosenau (2002, pp.76–77) connects to ‘the growing relevance of NGOs...the possibility that a global civil society may be emerging’ and a putative power shift from states to ‘small, non-state actors’ that he sees as ‘one of the most important’ contributory factors in the perceived decline of the state.

Post-Marxist theorist Manuel Castells, whose work on the ‘Network Society’ has influenced the liberal literature in this area, has argued that ICT means ‘the traditional limitations of networking forms of organization to manage complexity beyond a certain size’ can be transcended, so that transnational networks can ‘keep their flexibility and adaptability’ while continuously expanding. Consequently, hierarchical organisations are being displaced as relics of a bygone ‘industrial’ age and networks have become ‘a superior social morphology for all human action’. The result is ‘a new form of social interaction, mobilization, and decision-making...a new political culture: networking means no center, thus no central authority (2000, p.15, 2004, p.156, 2010a, p.xviii).

Drawing in part on Castells, liberal theorists typically describe networks as horizontal, voluntary, reciprocal, informal, decentralised and less hierarchical than other forms of organisation (Keck and Sikkink 1998; Khagram *et al.* 2002a, p.11; Kaldor 2003b, pp.22–23; Karns and Mingst 2010b, p.29) and generally portray them as new and exciting, in contrast to older, vertical, authoritative, formal, centralised and hierarchical states, political parties and trade unions. In this vein, Khagram *et al.* (2002a, p.11) argue that in the non-governmental sector, ‘the characteristic form of relation is neither authority or hierarchy (as in government and bureaucracy), nor the market, but rather the informal and horizontal network’, which for Keck and Sikkink (1998, pp.8–9) is inherently ‘characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange’. Such language imputes networks with normative egalitarian and democratic characteristics, albeit usually without saying so directly, and contributes to a sanguine view of the information revolution as ‘spreading power among more people and groups’, disrupting hierarchies, and fostering ‘more broadly participatory (transnational) political processes’ (Warkentin and Mingst 2000).

Despite frequent references to Castells, his view of NGOs as ‘neo-governmental organisations’ internal to the ‘network state’ (Carnoy and Castells 2001, p.14) and networks *per se* as ‘value-free or

neutral' (2000, p.16) and frequent pessimism about their effects on inequalities of power and wealth are largely ignored in the liberal literature. As well as the benign qualities ascribed to networked organisation in general, this derives from a presumption that civil society and transnational advocacy networks are value-based and so can be understood ideationally as networks of *information, communication and values* (Keck and Sikkink 1998; Karns and Mingst 2010b, p.29), rather than *also* networks of *economic power, coercion and inducement*. Viewed ideationally, transnational networks involving donors and NGOs can appear horizontal if communications flow easily in all directions, but this becomes incongruous if the same networks are viewed from the perspective of funding, which travels vertically from donor to recipient. Moreover, such vertical flows of money also structure seemingly horizontal flows of information, as NGOs' capacity to communicate necessitates access to the material resources to carry out research, attend conferences, set up websites and hire staff. Only some of those costs are falling in the information revolution and focusing solely on the benefits of ICT occludes vast disparities of access.

Notwithstanding this, the significance accorded to ICT and other bottom-up factors in liberal 'global civil society' origin narratives reinforces its depiction as a benign, communicative and ideational sphere, discrete from economic, class interests and populated by disinterested, altruistic actors exercising influence through the soft power of moral authority or expertise and the innate attractiveness of liberal or post-material values.

'Global Civil Society' and Global Governance

The centrality of civil society organisations and NGOs to liberal accounts of global governance is evident from the Commission on Global Governance's (1995a) view of them as 'vital and flourishing contributors to the possibilities of effective governance' that 'greatly increase the capacity of the governance system' and more recently in Willetts' claim in *Non-Governmental Organizations in World Politics: The construction of global governance* that 'NGOs have created global governance' (2011, p.150). While most liberals would not state this quite so crudely, NGOs are generally seen to have been centrally involved in a perceived shift from an international system analytically reducible to states, towards a multi-actor global governance that increasingly resembles pluralist policy-making at the national level. As Sending and Neumann (2006, p.654) argue, 'The increased influence and power of actors representing "civil society" and its implications for the power and authority of the state are at the core of what global governance is all about'.

While in the 1990s the liberal literature predicted, or reported, a 'power shift' in the international system as a result, the dearth of major change attributable to 'global civil society' since has forced something of a rethink. Edwards now admits (2009, p.24) 'scholars cannot agree on what the broader implications of these trends might be. An "associational revolution" or "power shift" would surely signal structural changes in politics, economics and social relations'. Similarly, the introduction to the 2012 *Global Civil Society* yearbook belatedly concedes that perceived 'global civil society' successes on human rights, humanitarian intervention and 'new treaties like the Land Mines Treaty' 'effectively' displaced 'an earlier discourse about social justice' and coincided with the 'triumph' of neoliberalism (Anheier *et al.* 2012, pp.15–17). Yet despite such admissions, this literature has been unable to explain this coincidence between the perceived blossoming of 'global civil society' in the 1990s and 2000s and neoliberalism. The vagueness and explanatory poverty of liberal civil society theory in this respect is equally evident in the liberal global governance literature.

At its broadest and most general, governance denotes 'systems of rule' or 'control mechanisms' (Rosenau 1995) and 'the exercise of authority within a given sphere' (Hewitt de Alcántara 1998, p.105) and so relates to the pursuit and attainment of order (Stoker 1998; Biersteker 2010). 'Government' is therefore a subcategory of governance (Smouts 1998, p.81) involving formal hierarchical authority derived from the state's monopoly of legitimate force; but a multitude of other governance forms exist that involve a range of non-state actors and 'layers' of governance above and below the state (Hewitt de Alcántara 1998, p.111) and interact with government to create 'global governance'. Rosenau, who is probably the most influential global governance theorist, duly explains that a governance approach 'is not in opposition to the statecentric perspective; rather it encompasses and extends beyond the governance sustained by states' (2000, p.188).

This combination of government and other forms of governance is encapsulated in Weiss' (2009, p.257) description of governance as 'the range of both informal and formal values, norms, practices, and institutions that provide better order than if we relied purely upon formal regulations and institutions', so that 'Global governance encompasses an extremely wide variety of cooperative problem-solving arrangements. Likewise, the influential Commission on Global Governance (1995a) defined global governance as

the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and

regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.

In distinguishing a new field, however, governance theorists generally focus on forms of governance *other* than government, such as private governance by self-regulating networks of corporations or NGOs, multi-actor public-private partnerships, such as Keck and Sikkink's transnational advocacy networks, and informal rule systems. Rosenau and Czempiel (1992) dubbed this *Governance without Government*, which Stoker (1998, pp.17–8) describes as 'governing mechanisms which do not rest on recourse to the authority and sanctions of government' and are 'about autonomous self-governing networks of actors'. Linked to this is a growing emphasis on non-state, non-governmental or civil society organisations and a dichotomisation of government and 'governance without government' based on a similar series of oppositions as the 'global civil society' literature.

Rosenau thus typologises governance processes along two dimensions, corresponding to 'the degree to which authority is formally established' and 'flows in vertical or horizontal directions' (2002, pp.80–81) and emphasises 'the shifting balance between hierarchical and network forms of organization, between vertical and horizontal flows of authority' (2005). He also distinguishes 'institutionalized' from 'nascent' governance – including civil society networks, which he assumes are 'not state-sponsored' (1995, p.22) – and argues the former 'tend to be marked by explicit hierarchical structures' and are epitomised by states, whereas the latter are 'self-organizing systems, steering arrangements that develop through the shared needs of groups' (1995). All of this bears strong linguistic and thematic similarities to the liberal 'global civil society' literature, particularly Keck and Sikkink's work on 'transnational advocacy networks'.

Adjectives like horizontal, voluntary, informal, networked and decentralised are now so intermingled in liberal governance and 'global civil society' discourse that these quite distinct qualities have come to appear as natural, inevitable and even interchangeable ingredients of 'governance without government' that imply a more egalitarian and democratic system of global governance than the previous statecentric international one. The qualities thereby ascribed to governance are implicitly normative and work off a series of positive comparisons with the vertical, formal, hierarchical and centralised state – in much the same way as the communication, association, altruism, soft power and post-material, liberal values of 'global civil society' contrast positively with characteristics associated with state and market. An additional similarity is that ideational and soft power are assigned greater significance. Willetts (2011, p.150) thus argues that 'Global governance

implies...power is not just the ability to exercise coercion. It is also achieving influence by mobilizing support for the endorsement of values and the adoption of norms' and he focuses primarily on these 'soft' aspects of persuasion, socialisation and institutional pressure.

The upshot is that 'governance without government'/government and civil society/state and market are constructed to impute implicitly positive characteristics to the former term and implicitly negative characteristics to the latter and to dichotomise them in ways that hinder identifying, let alone analysing, how vertical, formal, hierarchical and centralised processes, material self-interests and material or hard power shape 'governance without governance' and civil society and interact with putatively horizontal, informal and decentralised processes and ideational or soft power. Moreover, because 'global civil society' and 'governance without governance' are the main empirical focus of liberal analyses of 'global governance', their presumed positive characteristics tend to get transferred onto global governance in general, which is then situated as normatively preferable to the previous state centric international system.

Reinforcing this are two assumptions or orientations that divert attention from hierarchies of power in global governance: a pluralist understanding of power as limited and issue-specific; and approaches to governance as a cooperative, consensual 'system' or 'process'. The first assumption is characteristic of liberalism in general, and contrasts with realist and Marxist approaches that foreground overarching (or underlying) power structures. The classic debate between Dahl (2005) and Mills (1979) on power in America illustrates the unbridgeable chasm between the two. In relation to global governance, such assumed pluralism accentuates the construction of civil society, state and market in the 'global civil society' literature as discrete realms, characterised by different modes of power and (at least implicitly) different power structures, by emphasising issue-area variations in actor influence over general patterns of dominance (Nye and Keohane 1971a, 1971b; Young 1972; Keohane and Nye 2001).

For Rosenau, it means global governance involves 'a disaggregated array of actors whose power is limited to a particular expertise or set of issues', producing discrete 'spheres of authority' not arranged in any broader hierarchy (1999, p.297; 295). Consequently, global governance comprises 'multiple, disaggregated, distinct and overlapping rule systems' that form a 'crazy quilt' rather than a coherent whole, and

any effort to trace a hierarchical structure of authority that loosely links disparate sources of governance to each other is bound to fail. In terms of governance, the world is too

disaggregated for grand logics that postulate a measure of global coherence (1995, pp.15–16).

Likewise, Shaw (1994, p.650) describes the contemporary interstate system as ‘inherently incoherent and “messy”, while Held and McGrew also perceive that the ‘geometry’ of global governance varies ‘from issue to issue’ (2002a, p.9) and that ‘policy outcomes are not readily controlled by the dominant powers, whose interests and influence may vary from issue to issue’ (2007, pp.151–152). In contrast to realist and Marxist approaches that foreground the hierarchical and/or class-based nature of the international system as a whole, this downplays overarching and underlying power structures and tends both to exaggerate the geopolitical significance of actors like NGOs or middle powers, whose influence appears limited to particular issues, and to decontextualise it from the function it serves in the wider Western-dominated international capitalist power structure.

The second assumption, whereby governance is approached as a cooperative, consensual ‘system’ or ‘process’, rather than from an actor- or conflict-oriented perspective, also diverts attention from disparities of power and additionally depoliticises them (Jaeger 2007). This is evident in Weiss’ (2009, p.257) identification of global governance with ‘cooperative problem–solving arrangements’ and the Commission on Global Governance’s (1995a) perception of ‘a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken’ so as to enable diverse actors to ‘manage their common affairs’ through arrangements they ‘either have agreed to or perceive to be in their interest’. Overbeek (2005, p.39) criticises the ‘normative bias’ inherent in such conceptions of global governance as ‘a consensual process of accommodation’ that ‘eliminates any possible connotation of domination or force’, while De Senarclens (1998, p.98) criticises the Commission on Global Governance (1995) for tending ‘to mix together all those involved on the international scene, without ranking their functions, the lines of authority and force that connect them, their political influence, or the nature of their specific contribution to the regulatory structures’.

The same approach is evident from Keck and Sikkink, who examine the influence of multi-actor transnational advocacy networks as a whole, rather than internal power dynamics or the relative influence of their members. They justify this on the basis that networks’ agency ‘is not reducible to the agency of their components’, ‘leading members’, or ‘most powerful node’ and that their voice represents the product, rather than the sum, of their interactions. So although they concede networks are ‘asymmetrical or lopsided’ and ‘Stronger actors...often drown out the weaker ones’,

their systemic or processual approach – and faith in the benignity of networks – leads to the assertion that ‘because of the nature of the network form of organization, many actors (including powerful northern ones) are transformed’ (1998, p.5; 216; 207).

Such issued-based approaches to power and inattention to the relative power of the different actors involved in seemingly cooperative governance processes often coincide with narratives of a ‘decline of the state’. Typically, this is linked to a particular interpretation of the impact of globalisation, the information revolution, and increasing interdependence (Wendt 1992, p.424; Ohmae 1996; Mathews 1997a; Rosenau 1999, 2000, 2005) on the state, whereby it is claimed that “power is migrating to small, non-state actors who can organise into sprawling networks more readily than traditionally hierarchical nation-state actors” (Arquilla and Ronfeldt, quoted in Rosenau 2002, p.77). Rosenau (1999) and Mathews (1997a) thus interpret undoubtedly significant *organisational* changes in governance – including decentralisation to sub-state and local governments, outsourcing to non-state actors, supra-state pooling of authority in IGOs and the growth of informal networks – as a fundamental, and welcome, redistribution of power or ‘power shift’ away from states to non-state and civil society actors, rather than a mere re-organisation of governance or shift in governmentality (Sending and Neumann 2006, p.658). Several commentators criticise the ‘zero-sum conception of power’ this implies, whereby apparently increased power and influence for nonstate actors is assumed to correspond to reduced state power (Sending and Neumann 2006, p.652; Soederberg 2006, p.28; Zaleski 2006, p.116).

The idea that the international system contains a form of ‘governance without government’ and that the increased prominence of non-state actors necessitates a ‘decline of the state’ has been challenged from a liberal perspective. Held and McGrew (2002a), Nye and Keohane (1971a, 1971b; Keohane and Nye 1974) and Slaughter (1997) agree states are ‘disaggregating’ into components that increasingly engage in transnational governance relatively autonomously and that non-state actors have become more prominent, but dispute that this inevitably results in increased power for non-state actors at the expense of states. On the contrary, states are seen to have become ‘increasingly crucial as *strategic sites* for suturing together...various infrastructures of governance and legitimizing regulation beyond the state’ (Held and McGrew 2002b, p.9). Likewise, Neumann (2002) argues states increasingly seek to become central nodes in governance networks, as multi-actor governance networks can increase the influence of some states. This argument is central to the liberal middle powers literature, which imputes similar qualities and behaviours to middle powers as the ‘global

civil society' literature associates with NGOs and sees them increasing their international influence for similar reasons.

Global Governance and Middle Powers

Despite its common currency, there is no generally accepted definition of a middle power. Chapnick (1999, p.73) describes the term as 'deceptively ambiguous' and for Neufeld (1995, p.12) it is an "essentially contested concept". Clearly, a middle power is 'neither a great power nor a small power' (Chapnick 1999, p.73), but the appellation can entail varying material, behavioural and normative attributes and encompass different states. The trend in the 'global civil society' and global governance literature towards emphasising soft and ideational power as modes of international influence also appears in the middle powers literature in the 1990s and 2000s, resulting in a similar downplaying of material and hard power resources and a gradual de-emphasis of economic and military prerequisites for middlepowerdom.

State power has traditionally been ranked in terms of material attributes, so that 'great' or 'major' powers combine large economies and populations with advanced militaries (particularly nuclear weapons), enabling them to 'exercise international influence regardless of circumstance' (Handel 1990, pp.12–21; Chapnick 1999, p.77; 74; Bolton and Nash 2010, p.173). Gramsci (1971, p.264) concurs, believing it 'necessary to distinguish: between great powers, with relative international autonomy, and other powers' and arguing "'permanent" attributes, especially "economic and financial potential" and population' are particularly important in this context. Since the Second World War, the US, USSR/Russia, China, the UK and France have generally been recognised as great powers, a status reflected and reinforced by their permanent membership of the UN Security Council. At the other end of the scale, small powers with small economies arising from small populations and/or underdevelopment and weak military capabilities (Handel 1990, pp.12–21) were seen as 'incapable of exercising real influence' (Chapnick 1999, p.74).

In between are middle powers, including a wide variety of developed and developing states with relatively large economies and military expenditures that are often regional powers and/or major aid donors, but lack the great powers' military dominance (Wood 1987; Correlates of War Project 2008). Although Germany and Japan have increasingly been recognised as great powers since the end of the Cold War and India and Brazil appear to be moving in that direction (Correlates of War Project 2008, pp.2–3), the vast majority of middle powers are significantly weaker economically and militarily than the great powers and only a minority can aspire to great power status. A generous estimate, based on states that regularly appear in the top quintile in terms of GDP and military

expenditure⁵, plus five additional states included for their regional power, high military expenditure, GDP or aid contributions, produces a diverse list of forty middle powers (Table 1).

Table 1.1 Middle Powers (UN, SIPRI and OECD data, 1988 to 2011)

<i>Thirty-Five Middle Powers, based on GDP & military expenditure</i>	Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Denmark, Finland, Greece, India, Indonesia, Israel, Iran, Italy, Malaysia, Mexico, Netherlands, Norway, Poland, Portugal, Pakistan, Saudi Arabia, Singapore, Spain, South Africa, South Korea, Sweden, Switzerland, Thailand, Turkey, UAE, Venezuela
<i>Additional Five Regional Middle Powers:</i>	Egypt, Nigeria, North Korea ⁶ , Kuwait, Taiwan

In recent decades, however, the middle powers literature has increasingly de-emphasised such material prerequisites in favour of defining ‘middlepowerdom’ in terms of behavioural and normative criteria, or ‘middlepowermanship’ (Evans and Grant 1991; Cooper *et al.* 1993; Cooper 1997; Michaud and Belanger 2000; Rutherford *et al.* 2003; Behringer 2005; Brysk 2009; Bolton and Nash 2010). Middle powers are thus said to be ‘avid multilateralists’ (Brysk 2009, p.39), ‘mediators and problem solvers’ (Matthew 2003, p.5), who favour ‘multilateral solutions to international problems’ and ‘compromise positions in international disputes’ (Cooper *et al.* 1993, p.19). This is seen to help counteract their relative lack of material and hard power, so that middle powers ‘compensate for a lack of structural power through the exercise of bargaining and negotiating skills directed at bringing competing interests together’ (Hampson and Hart 1999, pp.41–42).

In addition, whereas great powers can influence virtually all international issues and small powers few, if any, middle powers’ are said to exercise significantly more influence on some issues than others and to practice ‘niche diplomacy’ (Potter 1996; Cooper 1997; Michaud and Belanger 2000; Behringer 2005; Henrikson 2005). This entails concentrating ‘resources in specific areas best able to generate returns worth having, rather than trying to cover the field’ (Evans and Grant 1991, p.323), which is often seen to involve substantial contributions to international institutions, development assistance and multilateral peace operations. As a result, such behavioural-normative criteria tend to restrict middlepowerdom mainly to Western states, imputed with particular ‘soft’ power characteristics, that present development, humanitarian and human rights programmes as central

⁵ Excluding the great powers i.e. the US, China, Russia, France, the UK, Germany and Japan.

⁶ Egypt and Nigeria are regional powers that regularly or intermittently appear in the top 40 military spenders and top 40 economies respectively. Taiwan and Kuwait both regularly rank in the top 40 military spenders and are major aid donors. No SIPRI data is available on North Korea’s military spending, but it has nuclear weapons and a huge army and a think tank estimated its expenditure at \$8.77bn in 2009 (Reuters 2011), placing it in the top thirty globally.

planks of their foreign policy – such as Canada, Norway, Sweden, the Netherlands or Australia (Cooper *et al.* 1993; Cooper 1997; Matthew 2003; Behringer 2005; Brysk 2009; Bolton and Nash 2010).

Whereas from a realist or Marxist perspective, such behaviours might appear as pragmatic influence-maximising strategies dependent on substantial albeit limited material resources, from the perspective of liberal preferences for cooperation and consensus, they acquire positive normative connotations. Soft, cooperative, legalistic behaviours are thus frequently linked to normative, and at times hagiographical, characterisations of middle powers as states that ‘generally favour peace, law, and trade, each of which militates towards moral universalism’ (Brysk 2009, p.39), have ‘a legacy of moral stewardship in the global arena’ (Matthew 2003, p.5); and ‘embrace notions of “good international citizenship”’ (Cooper *et al.* 1993, p.19). Behringer makes this deontological component even more explicit, claiming the so-called ‘likeminded middle powers’ – Canada, Denmark, Sweden, the Netherlands and Norway – are ‘guided in their foreign policies by a “humane internationalist” orientation’ that accepts transnational moral responsibilities towards the suffering and indigent (2005, p.307). Similarly, Bolton and Nash (2010, p.174) characterise middle powers as supporting ‘the development of international law, strengthening of global justice, respect for human rights, environmental conservation and expansion of access to development’.

This resembles how, despite also theoretically including a much broader variety of actors, ‘global civil society’ is empirically constructed in the liberal literature as predominantly composed of Western organisations that concentrate on single issues or issue areas where they possess expertise or moral authority (Willetts 1982; Clark 1995; Keck and Sikkink 1998), particularly development, humanitarianism and human rights. This suggests synergies between middle powers and “global civil society” that Thomas Nash (Bolton and Nash 2010), who coordinated the CMC, and Lloyd Axworthy, the Foreign Minister behind Canada’s leadership of the landmine ban, have repeatedly articulated. Against this backdrop, Michaud and Belanger (2000, p.97) distinguish ‘routine’ middlepowermanship involving quiet diplomacy that emphasises multilateralism and strengthening existing international institutions without necessarily involving novel normative content, from ‘heroic’ middlepowermanship, a newer phenomenon associated with multi-actor global governance that also utilises public diplomacy, including collaboration with NGOs, to promote new norms and which presents itself as ‘presumably disinterested, for the common good’. The ICBL is seen as a quintessential example of this more normative, multi-actor middlepowermanship that has caught the imagination of liberal theorists (Cooper 1997; Behringer 2005; Brysk 2009).

Both types of middlepowermanship are seen to have been facilitated by a more cooperative post-Cold War international environment and the globalisation of ICT and networked organisation, which have increased the salience of soft power (Nye 1990; Axworthy and Taylor 1998), including middle powers' talent for coalition-building and the attractiveness of the liberal norms they espouse in their foreign policies (Axworthy and Taylor 1998; Dolan and Hunt 1998; Lawson *et al.* 1998; Brinkert 2003; Hampson and Reid 2003; Behringer 2005). This helps justify emphasising soft and ideational power as the primary bases of middlepowerdom, just as in the liberal 'global civil society' and global governance literature it substantiates NGOs' increased international influence. As Behringer (2002: 307) puts it in a passage that could have NGOs as its subject,

The soft power resources possessed by middle powers, such as their capacity to persuade through the use of information, communications, and multilateral institutions, are becoming increasingly more useful for effective leadership in a post-Cold War world that features greater interdependence and transnational cooperation.

Significantly, this behavioural and normative turn has encouraged extending the middle power label to states that lack its material prerequisites – even according to the generous standard above. As Chapnick (1999, p.76) points out, this means 'any state, great or small, could be—or could at least behave like—a middle power'. Brysk (2009) duly identifies Costa Rica, which has no army and was then the 88th largest economy, as a middle power, while Bolton and Nash (2010, p.173) include New Zealand and Ireland, then the 52nd and 44th largest economies and further outside the top 40 largest military spenders. This denudation of the material content of middlepowerdom is also reflected politically in the inclusion of Ireland and New Zealand in the multi-actor 'Middle Powers Initiative' (2011) on nuclear weapons. Brysk (2009, p.223) justifies this by arguing that

In some ways, the "middle power" label and literature is misleading, because it refers more to a cosmopolitan power projection strategy than a structural niche (albeit a strategy historically developed by countries that often passed through that niche).

Hence, in extending middlepowerdom to smaller states that seem to behave like *some* Western middle powers and profess similar normative aspirations, their cooperative, soft power strategies or *middlepowermanship* become equated with *middlepowerdom* itself. Ergo, if small states practice such *middlepowermanship*, they are middle powers, implying they must also have increased their influence to that of a middle power. Chapnick (1999, p.79) sees such behavioural approaches as 'politically motivated', as 'By ascribing to a smaller state "middle power" attributes...scholars and

politicians enhance the status of that state.’ This glosses over the differential influence of small and middle powers, similar to how the liberal ‘global civil society’ and global governance literature exaggerates civil society’s independent influence by emphasising NGOs’ soft and ideational power in isolation from their material underpinnings. The overall effect is to reinforce claims of the increased salience of soft and ideational power in the international system and link middle powers and NGOs, as actors apparently dependent on soft and ideational power as their primary means of influence.

Conclusion

The normative assumptions and commitments of the ‘global civil society’, global governance and middle powers literature produce an optimistic vision of multiple actors working together to bring about progressive, democratic change in the global system, exploiting the enhanced opportunities for multi-actor transnational networking and cooperation flowing from the end of the Cold War and the globalisation of the information revolution. The potential of ‘global civil society’ and multi-actor governance to progressively reform and democratise the international system is a key normative claim and the construction of ‘global civil society’, global governance and middle powers all point in this same optimistic direction.

First, as a multi-actor system, global governance is assumed to be inherently more democratic than an international system dominated by great power states. Second, states and ‘government’ are constructed as vertical, formal, hierarchical and centralised actors defined by a monopoly of force or hard power, in contrast to the horizontal, informal, non-hierarchical and decentralised networks of ‘global civil society’ and ‘governance without government’, which exert influence through soft or ideational power. Third, networks are exalted, implicitly or explicitly, as inherently more modern, egalitarian and democratic forms of organisation, associated with the information revolution and soft and ideational power. Fourth, as the primary means through which civil society actors and middle powers exercise international influence in multi-actor global governance, soft and ideational power are seen as becoming more important and are frequently idealised as working through the ‘power of the better argument’ and the intrinsic attractiveness of universal liberal ideas, discrete from class interest and the hard and material power of those promoting them. Finally, because the liberal ‘global civil society’, global governance and middle powers literature share pluralist, issue-based approaches to international influence, significant international influence appears more attainable for NGOs and smaller states than from realist or Marxist perspectives focused on overarching interstate hierarchies and/or capitalist dominance. All these factors combine to portray meaningful global democratisation as plausible, so that the emergence of ‘global civil society’ and its growing role in global governance is predominantly situated in this optimistic perspective.

Chapter 2 advances an alternative view to this liberal perspective that is based on a Marxist reading of Gramsci, which updates his ideas by translating them to the global level in order to theorise NGOs' role in global governance in terms of hegemonic processes.

Chapter 2 – A Gramscian Perspective on Civil Society, Hegemony and States

This chapter applies Gramsci's ideas to contemporary global politics by theorising the role of "global civil society" in global governance in terms of hegemonic practices, as opposed to liberal frameworks of democratic reform, or post-Marxist and neo-Gramscian 'counterhegemony'. Contrary to citations of Gramsci as inspiration for conceiving of civil society as a discrete ideational and cultural sphere separate from state and market (Cohen and Arato 1992, pp.143–146; Kaldor 2003a, p.584, 2007a, p.135), his historical materialist ontology actually precludes separating ideas or culture from the capitalist system in which they are embedded. For Gramsci, the economic base, and civil and political society which together form 'the State proper' (Gramsci 1971, p.170 n71), are integral components of a dialectical social totality that can only be temporarily, methodologically distinguished as 'levels' or 'moments' of analysis (Gramsci 1971, p.160; 12; 180–185). This is because all aspects of society are linked and delimited by class relations rooted in the economic structure (Marx 1970, p.20) and interwoven by hegemonic class power 'which spilling over arbitrary boundaries underpins the whole' (Chandhoke 2002, p.35).

Gramsci's understanding of the economic base or structure is a much broader concept than the commonplace liberal notion of the market or economy, as it not only includes 'economic' transactions as commonly understood, but more importantly the *social relations of production* or class structure that enable economic transactions and which are the social context in which they can take place. It thus denotes the entire material or productive basis of human existence. Gramsci's main reference point for this is Marx's *1859 Preface to A Contribution to the Critique of Political Economy*, which he describes as 'the most important authentic source for a reconstruction of the philosophy of praxis' (1971, pp.459–460) and references over and over throughout the *Prison Notebooks* (1971, p.106; 114; 138; 162; 177; 336; 365; 367; 371–2; 410; 432, 1999a, p.461; 548–560).

In using this as the starting point for his entire politico-theoretical project, Gramsci proceeds from the fundamental historical materialist premise of *economic primacy* (Miliband 2004, pp.8–9), which is in no way synonymous with economic determinism or economism, but means rather that "The mode of production in material life determines *the general character* of the social, political and spiritual processes of life" (Marx, as quoted in Gramsci 1971, p.459) – but never their exact content (Gramsci 1971, p.162; 427; 437, 2007, p.176). These can take a panoply of 'legal, political, religious,

artistic or philosophic...forms' (Marx 1999, p.4) , which in turn react back onto the economic base. In other words, class relations and class conflict rooted in the mode or production or economic structure of society permeate and delimit the political and ideological 'superstructures' (Gramsci 1971, pp.459–460; 160), but are reciprocally shaped by the diversity of politics, culture and ideas that can develop within those broad parameters.

Flowing from this, Gramsci believes 'expressions of political and intellectual will, action or initiative...emanate organically from economic necessity, and indeed [are] the only effective expression of the economy' (Gramsci 1971, p.161) and that 'it is on the level of ideologies that men become conscious of conflicts in the world of the economy' (Marx cited in Gramsci 1971, p.162; 365; 371–372), and 'fight it out' (Marx 1999, p.4). This is the overarching ontological and theoretical context in which he develops his key concepts of hegemony, civil society, the integral state (Buttigieg 1995; Forgacs 2000a; Fontana 2008; Thomas 2011), and intellectuals and in which he consistently connects them to class interests. This understanding of Gramsci's approach is by no means widely accepted, however, as while he is one of the most influential thinkers of the twentieth century, he is also among the most contested.

Gramsci never completed his *Prison Notebooks* or arranged them into a holistic argument and at times used deliberately ambiguous phrasing to elude the prison censor. Against this backdrop, it is generally agreed that they are unusually open to interpretation, although the impact of this has probably been exaggerated (Thomas 2011, pp.102–108; Ives and Short 2013). As Thomas (2011, p.45) puts it, 'Deformed, distorted and over-determined by the perceived needs of particular political conjunctures, Gramsci's work has been invoked to justify diverse and even diametrically opposed political strategies'. Foucault observed nearly thirty years ago that Gramsci is "an author more often cited than really known" (quoted in Buttigieg 2009, p.21) – and this problem has since been exacerbated by habitual usage of influential readings of the *Prison Notebooks* (Bobbio 1979; Cohen and Arato 1992; Laclau and Mouffe 2001) as though they were those of Gramsci himself. In this respect, an accurate observation in Germain and Kenny's (1998, p.8) critique of the neo-Gramscian literature is that 'Gramsci comes to IR at a third remove: abstracted from the debates which sparked his thinking, from the interpretive difficulties surrounding his ideas, and from the contending interpretations which his thinking has ignited'. A brief outline of influential interpretations is therefore necessary, before elaborating a Marxist re-reading of his work.

The first major influence on interpretations of Gramsci's ideas was the Communist Party of Italy (PCI), whose framing of their former leader's work evolved according to changing political exigencies: first of Stalinist orthodoxy and later its long rightward drift towards Eurocommunism, 'historic compromise' with the Christian Democrats and self-immolation in 1991 (Morton 2007a, p.80; Saccarelli 2008, p.13; Thomas 2011, pp.105–106). As Saccarelli (2008, p.76 n138) observes, the latter set of imperatives placed it 'in the unenviable position of having to concoct a democratic, liberal-pluralist interpretation of Gramsci's texts', consistent with its 'retreat from class' and revolutionary politics towards cross-class alliances and culturalist reformism (Harman 1977; Meiksins Wood 1983, 1998; Germain and Kenny 1998, p.13; Saccarelli 2008, p.27; 39–45). Its success is evident in the widespread misconception that Gramsci advocated a 'long march through the institutions' (Buttigieg 2005, p.50 n21), or never-ending 'war of position' involving the infinite deferral of revolution, or 'war of manoeuvre'. Kaldor (2007a, pp.135–136) reiterates this, claiming Gramsci's 'strategy for the Italian Communist Party, which, in fact, was followed right up until the 1980s, was to gain positions in civil society – in universities, in the media, and so on – so as to challenge the hegemony of the bourgeoisie'.

Eurocommunist (Buci-Glucksmann 1979), liberal (Bobbio 1979) and post-Marxist readings (Cohen and Arato 1992; Laclau and Mouffe 2001) contributed to this reformist re-interpretation, incrementally eviscerating the class and revolutionary core of Gramsci's work (Saccarelli 2008; Thomas 2011). One of the earliest and most influential came from Bobbio, a leading Italian intellectual and friendly critic of the social democratic Italian Socialist Party (PSI), who was encouraging the PCI's move to the right and seeking a compromise between liberalism and socialism (Anderson 1988, pp.8–11; Bellamy 2004; Johnson 2004; Magri 2011, p.179). His reading of Gramsci, first published in 1967 (Boothman 1999, p.70n70), laid the groundwork for the subsequent delinking of his ideas from class. On the one hand, Bobbio (1979, pp.30–34) recognised, more or less correctly (Thomas 2011, p.72; Coutinho 2012, pp.77–78), that Gramsci had 'moved' civil society from Marx's 'material conditions of life' to the political and ideological superstructures (Marx 1970, p.20). On the other, he extrapolated from this that Gramsci had inverted the relationship between base and superstructure and was effectively an idealist (Bobbio 1979, pp.30–34). Coutinho (2012, pp.77–78) points out this was a logical leap, as 'if Gramsci's concept of civil society is not the same as Marx's', there is no reason to assume it has 'the same function' in this thought.

Nevertheless, this idealist Gramsci proved attractive to liberals, post-Marxists (Cohen and Arato 1992; Khilnani 2001, p.16; Kaldor 2003c, pp.7–8; Glasius 2005, p.245) and many neo-Gramscians

(Murphy 1998c, pp.417–420) and shaped the theory and practice of civil society across Europe in the 1980s and 1990s. Much as in the 1970s Gramsci's writings had been re-interpreted to justify the PCI's move to the right, after the fall of the Soviet Union re-interpreting them gave 'permission to the left and radical activists to reconsider the concept of civil society, which many then used to extricate themselves from Marxism yet justify remaining active in politics' (Howell and Pearce 2002, p.245). This process is evident in Cohen and Arato's work, which acknowledges the largely negative function of civil society for Gramsci in the 'stabilization' or 'social integration of capitalist domination', only to dismiss it as an outmoded 'totalitarian-revolutionary' dimension of his thought in need of 'radically reformist' transcendence (1992, pp.149–155). In essence, this meant replacing the working class as an agent of change with civil society, or NSMs and NGOs, as the explicitly 'self-limiting' (Cohen and Arato 1992) 'surrogate for a revolution that might never happen' (Cox 1999, p.4). This substitution accelerated the 'retreat from class' begun in the 1970s (Meiksins Wood 1983, 1990, 1998) and built on earlier post-Marxist work on declassed social movements (Cohen 1985; Buechler 1995). Cohen and Arato (1992, pp.71–72) can therefore claim with some justification that 'The contemporary discourse of civil society was internationally disseminated, at least initially, by the circulation of post-Marxist ideas'. A cornerstone of this particular appropriation of Gramsci is his depiction as a groundbreaking idealist standing alone against the tide of so-called 'orthodox Marxist' 'economism' or 'iron economic determinism' (Bobbio 1979; Mouffe 1979a, p.177; Laclau and Mouffe 2001; Glasius 2005, p.245). Hence, Cohen and Arato (1992, p.146) assert that Gramsci 'burst the bounds of historical materialism', while the inaugural *Global Civil Society* yearbook contrasts his supposed idealism to the straw man of 'a purely economic, Marxist view of society' (Anheier *et al.* 2001a, p.13).

Given this contested legacy, a prerequisite for understanding what Gramsci actually said and translating it to contemporary global politics is to examine his ideas in their original context. The *Prison Notebooks* (Gramsci 1971, 1977a, 1977b, 1977c, 1992, 1996, 1999a, 2000) and letters (Gramsci 1988) are the main source for Gramsci's ideas on hegemony, civil society, intellectuals and the integral state and are read here in conjunction with his pre-prison writings (Gramsci 1975a, 1977d, 1978, 1994a), which reformist liberal, post-Marxist and neo-Gramscian readings typically ignore. As Thomas (2011, p.37 n114) argues, 'Despite the long-standing legend, there is little evidence that Gramsci "revised" his precarcer positions, and much that suggests he instead sought to deepen them', while Germino and Fennema (1998, p.183) can also find 'no justification for the all too common practice of largely ignoring the pre-prison notebooks'.

Thomas' (2011) seminal interpretation of the *Prison Notebooks* is invaluable in reconstructing Gramsci's ideas, as are elements of the analysis of other authors that examine them in their historical materialist framework (Buci-Glucksmann 1979; Texier 1979; Buttigieg 1995, 2005; 2002; Donaldson 2007, 2009; Saccarelli 2008; Callinicos 2010; Fusaro 2010; Coutinho 2012). Aspects of neo-Gramscian adaptations of Gramsci's thought to global politics have also been useful, although many tend towards idealist and/or reformist readings incompatible with his historical materialist ontology and revolutionary politics. Reading Gramsci in this way contests several commonly held beliefs about his ideas and reveals theoretical solutions to problems in liberal 'global civil society' and global governance theory, including the relationship between civil society, state and market, through his concept of the integral capitalist state and the interconnection of hard and soft power in hegemony. Before Gramsci's views on civil society can be explained, however, his conceptualisation of hegemony must be elaborated, as the concept of class power and social order that pervades, structures and links civil society, state and the economy and all 'levels' of world politics from the local to the global.

Hegemony

The concept of hegemony is probably Gramsci's best known contribution to political theory and has been aptly described as 'a conceptual bundle in which are woven several highly complex and interrelated notions' (Fontana 2008, p.95). It is simultaneously a three-dimensional, relational understanding of power that incorporates its economic basis in class relations and expression through coercion and consensual economic and ideological practices and discourses; a radical theory of order, or governance; and a political strategy for social transformation derived from it (Buttigieg 2009, p.28). Moreover, Gramsci's understanding of capitalism as a holistic, 'world historical phenomenon' (Gramsci 1977d, p.69) means hegemony pervades, structures and links the three 'spheres' of liberal theory and national, international, global and world politics, while assuming diverse and ever-changing forms at different levels of analysis and in different historical contexts.

While 'national' societies were Gramsci's primary 'level of analysis', Thomas argues hegemony was his way of theorising the links between national and international politics, the domestic and international class struggle (2011, pp.213–232). Similarly, for Morton (2007a, p.101), it 'can sustain explanatory power beyond the "national" context in relation to "the international" because this was already how Gramsci developed the concept'. This reciprocal, iterative interaction of national, transnational and international class relations was thus at the heart of hegemony and how to challenge it. Indeed, for Gramsci,

This form of relationship exists throughout society as a whole and for every individual relative to other individuals. It exists between intellectual and non-intellectual sections of the population, between the rulers and the ruled, elites and their followers, leaders [*dirigenti*] and led, the vanguard and the body of the army. Every relationship of “hegemony” is necessarily an educational relationship and occurs not only within a nation, between the various forces of which that nation is composed, but in the international and world-wide field, between complexes of national and continental civilisations (1971, p.350).

Consequently, Gramsci uses the concept to analyse diverse countries at different historical junctures and many other levels of analysis, including international (1971, p.118; 176–177, 1999a, p.152; 333–339; 368, 2007, p.5; 40; 43; 55; 59) and transnational relations and relations among CSOs (1978, p.164; 194; 200, 1999a, p.199). This permits extending it to contemporary global governance and ‘global civil society’, but first a working general concept of hegemony applicable at different levels of analysis must be sketched. This is elaborated over the course of the chapter and entails the following elements:

- A structure of power and governance in the interests of a *fundamental class* central to the prevailing mode of production.
- *Consensual leadership* of some subordinate groups, characterised by *hegemonic compromises* and *hegemonic ideas*, which reinforce the fundamental class’ dominance.
- *Coercion* of some subordinate groups in the dominant class’ interests and a capacity for generalised coercion.
- *Competing hegemonic alliances* that represent the interests of the dominant class in different ways through varying *hegemonic projects*, or strategies of class dominance combining coercion and consensual leadership. Each consists of a core, or ‘directive grouping’ of dominant class fractions and allied elite ‘intellectuals’ and a wider support base of different subordinate groups.
- *Continually shifting combinations* of coercion and consent, *evolution* of *hegemonic compromises* and *hegemonic ideas*, and expansion and contraction of *hegemonic alliances*, according to: elite competition and class struggle against subordinate groups.

Conceiving hegemony in this way means it combines economic, ideational and coercive dominance (Gramsci 1971, pp.181–182, 1999a, pp.548–549, 2000, pp.260–261); is in constant flux (Gramsci 1971, pp.181–182); and is fundamentally ‘a form of class rule’, ‘not primarily...a hierarchy of states’ (Overbeek 1994, p.368; Morton 2007a, p.117).

Class hegemony

Gramsci stresses that hegemony operates in the interests of a 'fundamental' class, (Gramsci 1971, pp.181–182; 161; Mouffe 1979a, p.183; Augelli and Murphy 1993, pp.130–132), whose centrality to the prevailing mode of production provides the necessary, but not sufficient, economic basis for hegemony. He thus argues that 'though hegemony is ethical-political, it must also be economic, must necessarily be based on the decisive function exercised by the leading group in the decisive nucleus of economic activity' and that consent to it is at least partly 'caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production' (1971, p.161; 12). Consequently, Gramsci (1971, p.285) says of the particular historical form of capitalism he identified as 'Americanism and Fordism' that 'Hegemony here is born in the factory'.

Under capitalism, Gramsci specifies that the two fundamental classes and contenders for hegemony are capital and the working class (1971, p.116), which in accordance with Marx's labour theory of value mutually constitute each other through the exploitation of wage-labour by capital in the production process. This means they have fundamentally opposed interests and cannot independently exist. Given capitalism has not been superseded, the working class in the broad Marxist sense of wage-labourers who do not own or control their means of production and so are directly or indirectly exploited by capital (Meiksins 1986) (as opposed to the commonplace narrow sense of industrial or manual workers) remains the co-constitutive fundamental class alongside capital and the only possible alternative hegemonic class in Gramsci's framework.

One of the main inspirations for Gramsci's class-based conception of hegemony is Marx's theorisation of the development of group consciousness from an occupation or trade, to a class, to political consciousness that challenges for leadership of society (Gramsci 1971, p.162; Marx 1977, pp.167–170). Marx explained the bourgeoisie's assumption of power during the French Revolution in terms of this process, arguing it had progressed from 'its narrow-hearted' to 'its magnanimous essence' to arrive at

a moment in which it fraternizes and merges with society in general, becomes confused with it and is perceived and acknowledged as its general representative, a moment in which its claims and rights are truly the claims and rights of society itself. Only in the name of the general rights of society can a particular class vindicate for itself general domination (2000, pp.9–10).

Drawing on Marx's writings, which he argues 'contained in a nutshell the ethico-political aspect of politics or the theory of hegemony and consent, as well as the aspect of force and of economics'

(Gramsci 1999a, p.553), Gramsci traces essentially the same three stages of group consciousness and concurs that the final, hegemonic stage involves transcending a 'narrowly corporate economic' view of 'immediate' group or class interests, or 'the immediate and narrowly selfish interests of a particular category', in favour of a long-term perspective, 'in their present and future development' of a class' 'general and permanent' hegemonic interests (1971, pp.181–182; 71, 1978, p.431).

A key characteristic of this phase is the presentation of a class' interests as universal, which involves disseminating ideas 'throughout society' that portray a class' interests 'on a "universal" plane', so that its 'development and expansion...are conceived of, and presented, as being the motor force of a universal expansion, of a development of all the "national" energies' (1971, pp.181–182). The same passage identifies this as a function of the state, suggesting a revolutionary hegemonic consciousness can exist *before* a class assumes control of the state, but that state power is necessary for hegemony to be fully realised and maintained. Indeed Fusaro (2010, pp.10–11) highlights that Gramsci refers elsewhere to 'the exercise of real hegemony over the entire society' as requiring 'the possession of the State' (Gramsci 1977c, p.1862), while Thomas (2011, pp.163–164) similarly argues that Gramsci differentiates between 'a hegemony that tends towards, or forms the preconditions of, a future position of dominance' and established hegemony, or 'achieved dominance', whose maintenance is assured through the integral state. It is this latter form of established capitalist hegemony rather than its revolutionary establishment that is the main focus here.

Hegemonic Compromises and Ideas

For the universalisation of a hegemonic class' interests to have wider resonance requires taking the interests of at least some subordinate groups into account, meaning 'hegemony presupposes that account be taken of the interests and the tendencies of the groups over which hegemony is to be exercised' (Gramsci 1971, p.161). This requires the dominant fundamental class to make some 'sacrifices of an economic-corporate kind' (Gramsci 1971, p.161) to secure its long-term dominance or hegemonic interests. The range of possible compromise may be broad, but is always circumscribed by the dominant class' economic interests. Hence, while 'stopping short of narrowly corporate economic interest' (1971, pp.181–182), 'such a compromise cannot touch the essential' (Gramsci 1971, p.161) and invariably 'the interests of the dominant group prevail' (1971, pp.181–182).

Gramsci identifies a wide variety of hegemonic compromises, including population-wide measures and concessions targeted at particular groups. The former can include: public services such as

welfare and education (1971, pp.258–262, 1994a, pp.23–5, 1999a, pp.180–181; Cox 1989, p.831; Buttigieg 1995, pp.12–13); social mobility (1971, p.56 n5; 260); and limited elements of equality, such as civil and political rights (Gramsci 1971, p.56 n5), legal equality or non-discrimination. More targeted measures include: employment opportunities in the public service (1971, p.13; 74; 94; 103–4), ‘transformism’ or cooptation of leading individuals from subordinate groups into governing elites (1971, pp.55–59; 94; 97–98; 128 n6, 1988, p.222); and charity for particularly marginalised subordinate groups (1999a, p.282; 148; 122–123), now including development and humanitarian aid.

Flowing from the above, hegemonic ideas typically distance themselves from dominant class interests by portraying themselves as ‘universal’ or ‘non-political’, thereby downplaying conflicts of interest, and legitimise hegemonic compromises with subordinate groups. The first set of ideas include notions of national (Miliband 1969, pp.72–73; Althusser 1971; Marx 1999, p.83; Bieler and Morton 2003, p.484) and public interest central to liberal democracy, the ‘utopian’ impartial Hegelian state that ‘stands above class conflict’ (Gramsci 1994b, p.21) and law in general, which Gramsci (1996, pp.83–84) argues ‘is falsely assumed’ to be ‘an integral expression of society as a whole’, but ‘rather, is an expression of the ruling class, which “imposes” on the whole of society those norms of conduct that are most tightly connected to its own *raison d’être* and expansion’. More cosmopolitan contemporary variants include notions of ‘human’ or ‘global’ interest, central to liberal theories of ‘global governance’ and “global civil society” and concepts of mutually beneficial ‘partnership’ (Fowler 2000; Hearn 2001; Howell and Pearce 2002, p.104; 117). Discourses of human rights, humanitarianism and human security that portray universal ‘human’ interests and moral imperatives (Finnemore and Sikkink 1998; Keck and Sikkink 1998; Rieff 2003, p.94; Nye 2004), divorced from geopolitical or economic context (Chandler 2001, p.693) could also belong in this category.

A second category of hegemonic ideas legitimise limited compromises with subordinate groups and can include discourses of charity, humanitarianism, development, economic and social rights, equality of opportunity, social mobility or the welfare state. Such ideas tend to legitimise the dominant class and allied elites by situating them – and the social order in general – as generous, fair or progressive, or at least aspiring to move in that direction. These dynamics are particularly evident in discourses of charity, philanthropy and international development and humanitarian aid, which in addition to presupposing poverty and wealth and responding with only a minimal safety net, through their voluntariness leave their structural distribution wholly intact; indeed, benevolence only increases the vaster the inequality of wealth. Gramsci thus regards charity as a hegemonic

‘element of “paternalism”’ that ‘implies the existence of poverty’ (Gramsci 1999a, p.282; 148) and ‘opposition to philanthropy is a consistent theme throughout his writing’ (Germino 1990, p.43).

Intellectuals as secondary hegemonic subjects

According to Gramsci, the actual articulation of hegemonic ideas and organisation of hegemonic compromises is carried out on a dominant class’ behalf by ‘intellectuals’, who in this sense are secondary hegemonic subjects. Intellectuals for Gramsci are an extremely broad category, encompassing ‘the entire social stratum which exercises an organisational function in the wide sense whether in the field of production’, ‘culture’ or ‘political administration’ (1971, p.97n) and on a formal or informal basis. Moreover, although he primarily applies the term to individuals, it can also refer to organisations as ‘collective intellectuals’ (Forgacs 2000b, p.300) and so can include conservative or socialist political parties as well as politicians; government officials; military officers; religious groups; trade unionists, prominent entrepreneurs; private associations or NGOs like the Freemasons and Rotary Clubs; and leading academic intellectuals like the Italian liberal philosopher Croce (Gramsci 1971, pp.5–6; 182; 286, 1978, pp.454–462, 1988, p.222, 1996, pp.269–271).

Contrary to the received wisdom at the time, Gramsci (1992, p.37) argued intellectuals *as a group* were not a separate, united or autonomous class but comprised individuals from many different class backgrounds and positions. Consequently, they included: ‘organic intellectuals’ of the working class like PCI activists (1971, p.15; 204; 340); ‘organic’ capitalist intellectuals, which included leading business people and their representative organisations (1971, p.60; 5–6; 8), but also professional intellectuals like economists, industrial technicians and managers that had developed alongside capitalism but apart from the ‘top urban intellectuals’ were not capitalists themselves (1971, pp.5–6; 14–15); and finally, ‘traditional’ intellectuals formally occupied in long-established intellectual professions that predated capitalism, such as clergy, doctors, politicians, teachers, academics, journalists, lawyers, civil servants and the military (1971, pp.6–14). As with organic intellectuals, there were many gradations within this group, ranging from the lower ranks of the army and administrative ‘jobs of a manual and instrumental character’ with ‘no apparent attribution of directive or organisational functions’, to elite ‘officials or functionaries’ and the actual ‘creators of the various sciences, philosophy, art’ (1971, p.13).

Gramsci is particularly interested in ‘traditional’ intellectuals and makes two main arguments about them. First, he argues many of them come from non-fundamental class origins and/or occupy those class positions themselves. At the time, this included the better off peasantry and landowning aristocracy (1971, pp.83–84; 18–19; 216 n6), but especially self-employed professionals and small

business people, the *petit bourgeois* or “saving” classes (1971, p.11). Gramsci (1971, p.60) believed that this meant traditional intellectuals were inevitably drawn towards representing and promoting, directly or indirectly and ‘whether consciously or not’ (Thomas 2006, p.77), the interests of either capital or labour as the only two fundamental classes with the economic power needed for hegemony.

His other argument is that, in addition to their class origins and/or position, professional norms of neutrality, objectivity and detachment (1971, p.7) encourage traditional intellectuals to ‘put themselves forward as autonomous and independent of the dominant social group’ and to see themselves as “independent”, autonomous, endowed with a character of their own’ (1971, pp.7–8). This can make them particularly effective at intellectualising the economic interests of a fundamental class into hegemonic ideas, so that ‘what is practice for the fundamental class becomes “rationality” and speculation for its intellectuals’ (1971, pp.115–6). Reinforcing this was their professional “*esprit de corps*” and ‘uninterrupted historical continuity’ (1971, p.7), which meant most traditional intellectuals were innately conservative and ‘delighted with any form of regularisation that prevented intense struggles and violent change’ (1996, p.11). The class position and origins of many of Gramsci’s traditional intellectuals has obviously changed significantly since the 1930s with the proletarianisation of ‘intellectual’ jobs such as teaching (Meiksins 1986) and the disappearance of the peasantry and aristocracy in many countries. On the other hand, many members of other professions, such as many doctors, lawyers and clergy, remain self-employed and continue to occupy intermediate class positions between capital and labour, while education and professional training shape the consciousness of all traditional intellectuals.

This latter point indicates how the defining characteristic of Gramsci’s intellectuals is not their objective class position or origins as such, but their *class identification*. Consequently, while intellectuals from particular class backgrounds or positions are more *likely* to identify with working class or capitalist interests, there is no inevitable correspondence between the two. Indeed, Gramsci repeatedly identifies reformist trade union leaders not as organic working class intellectuals but as representatives of hegemonic capitalist interests (1978, p.355; 164–165, 2007, p.170). He thus suggests determining the class identification of intellectuals from their ‘psychological attitude towards the fundamental classes’, positing that those identified with dominant class interests will have ‘a “servile” attitude towards the ruling classes’ or think of themselves as ‘leaders, an integral part of the ruling classes’, whilst having ‘a “paternalistic” attitude’ towards subordinate classes (1971, p.97). Hence, as Thomas (2006, p.74) argues, the class identification of intellectuals depends

on the extent to which they are 'fused with the political aspirations of a class, rather than deduced from their personal class origins'.

Notwithstanding this, Gramsci expected most intellectuals would gravitate towards the capitalist class (1971, p.10; 18–19, 1978, pp.460–462), given its "spontaneous" attraction or 'prestige' (1971, p.12; 60–61), control of the education system and dominance of intellectual life (1971, p.104), and the hegemonic compromises its economic power allows, including measures targeted at intellectuals like government jobs, transformism, or, nowadays, NGO funding. Another factor is what he terms a 'caste spirit' or *'esprit de corps'*, through which lower ranking intellectuals tend to follow the leaders in their fields, whether in education, academia or the military (1971, p.7; 13; 19; 104, 1992, p.153).

As a result of all this, the vast majority of intellectuals act as 'the dominant group's "deputies"', who as "functionaries" of the superstructures (1971, p.12) connect civil society and state to the economy and mediate and lead hegemonic alliances of subordinate classes on the dominant class' behalf (Gramsci 1978, pp.456–459). Consequently, they perform 'an essential mediating function in the struggle of class forces' (Hoare and Nowell Smith 1971a, p.3): 'exercising the subaltern functions of social hegemony and political government' by organising the "spontaneous consent" of the masses to capitalist dominance; and overseeing 'The apparatus of state coercive power which "legally" enforces discipline on those groups who do not "consent"' (1971, p.12). This points to the coercive basis of hegemony and its dialectical relationship with consent, which for Gramsci is at least as important and is inseparable from it.

The dialectic of hegemony

The importance Gramsci assigns to coercion is evident in his identification of 'the relation of military forces' as a third 'moment' or level' of the overall "relation of forces", alongside the economic and the political (1971, pp.180–183). Its dialectical relationship with consent appears in his advocacy of a 'far wider' understanding of military leadership, extending beyond 'military leadership in the strict, technical sense' to 'politico-military leadership' (1971, pp.85–89). The same logic defines his general concept of hegemony, so that, as Thomas (2011, p.164) argues, the 'dialectical integration of hegemony with domination, of consent with coercion, united in their distinction, was Gramsci's true "starting-point"'. Anderson (2002, p.21) similarly describes hegemony as a 'a dynamic equilibrium of force and consent', for Callinicos (2010, p.494) it is a 'synthesis of political domination and ideological leadership necessary for stable class rule', and for Fusaro (2010, p.1) it is a 'dialectical unity between leadership and domination, including both the moments of consensus and coercion'.

These Marxist readings of hegemony as *dialectically internalising coercion* conflict with the dominant view in IR, as neo-Gramscians, post-Marxists (Mouffe 1979a, p.179; Femia 1981, 2005; Cohen and Arato 1992, pp.143–144; Laclau and Mouffe 2001) and liberals (Anheier *et al.* 2001a; Kaldor 2003a) alike all conceive of hegemony as a *predominantly consensual order*, even if its necessary basis in economic, ideational and coercive dominance is acknowledged (Cox 1981, p.102 n24; Morton 2007a, p.95). Cox’s seminal adaptation of Gramsci’s ideas in the early 1980s, which introduced him to IR largely singlehandedly (Germain and Kenny 1998, p.3), set a precedent in this respect in asserting that “‘hegemony’ is reserved for a consensual order’ and that ‘a hegemonic structure of world order is one in which power takes a primarily consensual form’ (1981, p.102 n24). Although Cox initially stressed hegemony only *appeared* consensual, but that in reality ‘power’ remained ‘a necessary combination of consent and coercion’ (1983, p.52), a slippage between appearance and reality often occurs. Gill and Law (1989, p.476) thus assert that ‘For Gramsci...A hegemonic order was one where consent, rather than coercion, primarily characterized the relations between classes and between the state and civil society’, while writing from a liberal perspective, Kaldor (2007a, p.136) omits force altogether, declaring ‘It was Gramsci who drew the distinction between hegemony, based on consent, and domination, based on coercion’.

As Fusaro (2010, p.11) helpfully points out, the roots of such divergent interpretations lie partly with Gramsci himself, as he ‘uses the term hegemony both to characterise the unity of the two moments [of consent and force] and to label one of the two moments [consent]’. Hence, in the meaning preferred by consensual readings, hegemony denotes dominant class leadership and subordinate class consent (Gramsci 1971, p.161; 169–170; 239, 1999a, pp.127–128; 491), generated by hegemonic compromises, ideology and culture (1971, pp.420–421, 1988, pp.213–215, 1999a, pp.128–129; 285; 548; 637–639). However, what such readings occlude is that even when used in this consensual sense, hegemony remains part of a wider, *integral* exercise of hegemonic power that necessarily also involves coercion. This means *consensual-hegemony* (*hegemonic leadership* and its counterpart of *hegemonic consent*) already dialectically internalises coercion (Buttigieg 1995, p.7; Thomas 2011, Gerratana in 2011, p.227). At the root of this is a key ontological difference between Gramsci’s holistic, dialectical historical materialism and pluralist approaches, in the sense social phenomena are understood to be *internally* rather than *externally* related⁷.

⁷ ‘An internal relation is one in which each part is constituted in its relation to the other, whereas an external relation is one in which each part has an existence independent of its relation to the other’ (Robinson 2001, p.163).

Elsewhere in the *Notebooks*, 'hegemony' *directly* denotes the *integral* sense of hegemony as a *dialectical unity of coercion and consent*. This occurs when Gramsci describes foreign domination of Italy in the 16th century as having evolved from 'direct domination' to domination of a 'hegemonic character (or a combination of direct domination and hegemony)' (Gramsci 1977c, p.1962; based on translation in Fusaro 2010, p.11). A better known example appears in his 'Notes on French National Life' between the Revolution and the First World War, when he asserts that

the "normal" exercise of hegemony in what became the classic terrain of the parliamentary regime is characterized by the combination of force and consent variously balancing one another, without force exceeding consent too much. Indeed one tries to make it appear that force is supported by the consent of the majority (2000, p.261).

Likewise, in 'Americanism and Fordism', he writes:

it was relatively easy to rationalize production and labour by a skilful combination of force (destruction of working-class trade unionism on a territorial basis) and persuasion (high wages, various social benefits, extremely subtle ideological and political propaganda) and thus succeed in making the whole life of the nation revolve around production. Hegemony here is born in the factory and requires for its exercise only a minute quantity of professional political and ideological intermediaries (1971, p.285).

Finally, Gramsci generalises that 'to exercise political leadership or hegemony one should not count *solely* on the power and material force that is given by government' (1992, p.137), which again suggests force is *internal* to hegemony and, moreover, that force can predominate over consent. Consequently, hegemony as Gramsci understood it does *not* require a predominance of consent, but only a degree of consensual leadership.

This dialectical, integral interpretation of hegemony as involving some combination of force and consent is further supported by Gramsci's application of the terms 'hegemony' or 'hegemonic' to numerous blatantly coercive and/or undemocratic social orders with limited popular support, as well as to 'expansive' (Mouffe 1979a, pp.182–184; Thomas 2011, pp.141–145) or 'integral' (Femia 1981, pp.46–47) forms of capitalist hegemony generally recognised in both consensual and dialectical readings as hegemonic – in particular the mass popular consent enjoyed by the bourgeoisie during the French Revolution (Gramsci 1971, p.18; 77–84; 260; 421, 1992, p.155, 2000, pp.260–261).

At the other end of Gramsci's hegemonic scale are 'limited', 'minimal' (Femia 1981, pp.47–48) or 'restrictive' (Morton 2007a, p.63) forms of hegemony, such as: the various equilibria of force and

consent involved in the aforementioned 'parliamentary' regimes in France, in which 'attempts at insurrection alternated with pitiless repression, enlargements of political suffrage with restrictions, freedom of association with restriction or annulment of that freedom' (1977c, pp.1635–1650, 1992, pp.155–6, 2000, pp.260–261); and what Gramsci specifically calls the 'limited hegemony' of the bourgeoisie in Italy (1978, p.344), during and long after the *Risorgimento*⁸ (1971, pp.59–60; 76–77; 104–106; 115–120, 1999a, p.375), including under fascist dictatorship (1971, p.120; 255–256, 1978, pp.343–344)⁹. According to Gramsci (1978, p.344), this was grounded in a narrow capitalist hegemonic alliance, which by the mid-1920s still extended mainly to 'landowners and petty bourgeoisie', and was 'based on a solidarity of interests between certain privileged groups, at the expense of the general interests of production and of the majority of those who work'

It thus appears that Gramsci's concept of hegemony as a theory of class dominance is characterised by a continual quest for 'the "proper" balance or proportion between the two moments of force and consent' (Fontana 2008, p.95) that can satisfy the interests of competing fractions within the dominant class and its allies while also securing the compliance of subordinate groups. This means coercion and consent mutually reinforce each other, up to a point, and emphasises their *positive* interaction. Against this backdrop, two main types of coercion can be distinguished: the direct use of force, primarily against subordinate groups excluded from hegemonic alliances, and the structural or latent coercion that sets the limits within which all consent operates.

The first, active, form of force is connected to *hegemonic alliances* between the dominant class, allied elites and subordinate groups, which 'internally' appear characterised by consensual leadership, but 'externally' coerce excluded groups. Gramsci thus argues that 'a class is dominant in two ways', 'it is "leading" and "dominant". It leads the allied classes, and dominates over the adversarial classes' (1992, p.136). Hence, in general, 'leadership-hegemony...is the form of political power exercised over those classes in close proximity to the leading group, while domination is exerted over those opposing it' (Thomas 2011, p.163). In addition, Gramsci argues the capacity to coerce opposed groups outside a hegemonic alliance *depends* on maintaining consent inside it, producing "'coercion by consent" (Thomas 2011, pp.163–165), or *consensual coercion*. As he sees it,

⁸ The historical process of Italian unification, lasting roughly from 1815-1870.

⁹ Cox ignores this and attributes to Gramsci the view that 'the industrial bourgeoisie failed to achieve hegemony' in Italy, rendering it a 'nonhegemonic society, one in which no dominant class has been able to establish hegemony in the Gramscian sense' (Cox 1983, pp.54–55). Gill (1995b, p.401) and Zahran and Ramos (2009, p.19), follow Cox's example in this regard. This can be related to the incompatibility between consensual neo-Gramscian reading of hegemony and blatantly coercive and exclusionary hegemonic orders.

If the union of two forces is necessary in order to defeat a third...the only concrete possibility is compromise. Force can be employed against enemies, but not against a part of one's own side which one wishes rapidly to assimilate, and whose "good will" and enthusiasm one needs (Gramsci 1971, p.168).

Thomas argues this also works in the other direction, in the sense coercing excluded groups can *increase* consent inside hegemonic alliances, thereby producing *consent-by-coercion* or "*coercive consent*" (2011, p.145). This happens *directly* if, say, repressing 'out-groups' such as criminals, illegal immigrants or rogue states increases a government's popularity, but also indirectly, as routine oppression of excluded groups performs the dominant group's capacity for generalised oppression and focuses minds towards acquiescence through a 'deterrent effect'. Gramsci alludes to this in describing the court system as 'a repressive and negative educative function' of the state that forms part of 'the apparatus of the political and cultural hegemony of the ruling classes' (1971, p.258). Another aspect is that the perceived need to police out-groups justifies maintaining a coercive apparatus with the capacity for more generalised coercion that could in future be used against currently 'included' groups. Consequently, Gramsci argues:

The apparatus of state coercive power which "legally" enforces discipline on those groups who do not "consent" either actively or passively...is...constituted for the whole of society in anticipation of moments of crisis of command and direction when spontaneous consent has failed (1971, p.13).

This latter point is linked to the second, structural type of coercion in Gramsci's framework. This sets the limits within which consent operates and means hegemony presupposes force (Fontana 2008, p.95). From this perspective, the use of force both *succeeds* and *precedes* 'consensual' politics as well as continuously interacting with and shaping it. The same basic idea is latent in liberal notions of civil society as a peaceful zone of non-violence protected by the state's monopoly of force.

As a result of his dialectical understanding of the relationship between force and consent in hegemony, Gramsci places a strong emphasis on how the maintenance and use of force is legitimised. This accounts for his expanded concept of 'politico-military leadership' (1971, p.89; 98; 183), which he argues should ideally be 'capable of taking into account the deepest aspirations and feelings of...human masses' to 'prevent disintegration and defeat' (1971, p.88). The same logic is evident in his opposition to counterposing 'the levels of force and of consent, authority and hegemony, violence and civilisation' on the grounds that

the more the first “perspective” is “immediate” and elementary, the more the second has to be “distant” (not in time, but as a dialectical relation), complex and ambitious. In other words, it may happen as in human life, that the more an individual is compelled to defend his own immediate physical existence, the more will he uphold and identify with the highest values of civilisation and of humanity, in all their complexity (1971, p.170).

Internationally, the laws of war – comprising *jus ad bellum* or legal justifications for initiating war and *jus in bello*, or ‘international humanitarian law’ (IHL), governing its conduct (Bugnion 2002) – are particularly significant in this respect as, together with international arms control law, they define and thus legitimise acceptable use of force. A Gramscian perspective would therefore concur that they ‘have facilitated rather than restrained wartime violence. Through law, violence has been legitimated’ (Normand and Jochnick 1994, p.50) and that the ‘coincidence of apparent adherence to the laws of war and terrible civilian suffering’ (Jochnick and Normand 1994, p.409) is no coincidence at all. In other words, as Latham (2000, p.27) puts it, ‘the laws of war have more to do with legitimating the social institution of warfare than with actually humanizing or civilizing the battlefield’, by creating ‘the illusion that the institution of war – because it is governed by civilized rules of conduct – is itself civilized and thus legitimate’.

This can be seen as an international extension of the role of the national legal system in legitimating the capitalist state’s national monopoly on force by providing it with a supporting body of ‘norms’. From a Gramscian perspective, it fulfils essentially the same purpose of legitimising the maintenance of existing class relations through force. However, at the international level, the content of law additionally reflects the balance of power, or outcome of competition, among capitalist states¹⁰. Consequently, IHL, like other kinds of international law, disproportionately reflects the interests of the dominant Western bloc whose dominance of the world military order derives from the continuing concentration of capital in the West and the relative weakness of non-Western capital and non-Western capitalist states. The domination of the South by the North therefore remains a core aspect of the structure of capitalist domination internationally and of the world capitalist system as a whole.

¹⁰ In Marxist terms, since the collapse of the Soviet Union, virtually all states, including formerly Stalinist Russia, China and Vietnam, are now capitalist. North Korea and Cuba are arguably the only remaining exceptions.

Against this backdrop, the rules of IHL and their application have generally favoured stronger Western militaries by delegitimising lower cost military practices and weapons 'of the weak' like 'terrorism' and chemical weapons (Price 1998a, p.641), while ignoring or even legitimising the high-tech weapons disproportionately possessed by advanced military powers. The seemingly obvious illegality of nuclear weapons according to the core IHL principles of proportionality, involving the minimisation of 'unnecessary' suffering, and distinction between military targets and civilians, has therefore never resulted in an international ban, whereas those same principles have been used to legitimise the concept of 'collateral damage' and so-called 'smart' weapons developed by Western forces. Moreover, the increasingly humanitarian framing of the laws of war since the 1990s, exemplified in the landmine and cluster munitions treaties, has helped to displace the longstanding UN arms control framework of 'general and complete disarmament under international control' (UN General Assembly 1959, 1961), which was conducive to more radical critiques of Western military expenditure and the world military order generally.

In addition, this has also formed part of a wider process whereby conflicts in the South that would previously have been regarded as political have been reframed in depoliticised humanitarian terms. This has displaced earlier, more radical anti-imperialist frames, undermined anti-war movements, and led to a disproportionate emphasis on preventing weapons proliferation to the South (Cooper 2011) that structurally reinforces the existing, Western-dominated world military order. Related to this, humanitarianism has also provided perhaps the main justification for Western military interventions in the South since the end of the Cold War, according to the new consensual-hegemonic concepts of humanitarian intervention, since rebranded the Responsibility to Protect (R2P)¹¹, and human security (Chomsky 1993, 1999, 2008; 2003; Meiksins Wood 1999; Orford 1999; Chandler 2001, 2004b, 2008; Bricmont 2006; Seymour 2008; Chandler and Hynek 2011). In all these ways, the increased emphasis on humanitarian framings of the laws of war, arms control, and Western military interventions has served to reproduce a Western-dominated world military order for the post-Cold War era, by reconstructing its legitimacy on an altered humanitarian rather than anti-communist basis.

The legitimisation of force in the service of capitalist interests can thus be seen as a third core function of hegemonic ideas, alongside universalising dominant class interests and legitimising hegemonic compromises. Taken together, Gramsci sees these various hegemonic ideas as

¹¹ Thomas Weiss, who led the International Commission on Intervention and State Sovereignty (ICISS) research team that developed the concept, has explained that 'prevention and rebuilding were "tagged on" to R2P in order to make military intervention more palatable' (cited in Bellamy 2009, p.52).

comprising a *'Weltanschauung'*, worldview or 'particular system of moral life' (Gramsci 1971, p.381, 1977b, p.1084) that helps a class to become and remain hegemonic. He places Marxism, and religion under feudalism, in this category (Gramsci 1971, p.381, 1977b, p.1084) and identifies the hegemonic ideology of capitalism as liberalism in the broadest sense, encompassing political concepts like individualism, liberal democracy, liberal internationalism and its characteristic separation of economics and politics, as well as economic liberalism. He thus describes the 'doctrine' of the international capitalist class as 'liberalism in politics and free trade in economics' (Gramsci 1975a, p.105), equates 'democracy in the modern sense' with hegemony (1999a, p.282), and characterises Wilsonianism and the League of Nations as 'the proper ideology of modern capitalism' (1975a, p.114).

In contrast to Gramsci's holistic critique of liberalism, most neo-Gramscians concentrate on neoliberal economic norms like competitiveness, deregulation, liberalisation and privatisation (Gill and Law 1989; van der Pijl 1989, 2004; Cox 1992, 2002; Gill 1995a; Overbeek 2005), rather than political liberalism, while Laclau and Mouffe's post-Marxist 'counterhegemonic' project is not 'to renounce liberal-democratic ideology, but on the contrary, to deepen and expand it'. Robinson's (1996) neo-Gramscian critique of polyarchy promotion, Neufeld's (1999, 2004) of democracy promotion and human security and Beier's (Beier and Denholm Crosby 1998; Beier 2011) of IHL are exceptions in this respect. Consequently, there has been little consideration of how NGOs might contribute to capitalist hegemony by promoting liberal political discourses. Against this backdrop, the discourse of human security that has emerged since the 1990s acquires a particular hegemonic significance as a composite liberal paradigm that combines President Roosevelt's invocation of 'freedom from fear' and 'freedom from want' and is increasingly used to justify Western military interventions.

The differing functions of hegemonic ideas and their relationships to force and consent illustrate the dialectical unity, mutual constitution and inseparability of the economic, coercive and consensual elements of hegemonic power – even as they may be exercised by different intellectuals at different 'levels' of governance: from the economic base to the ideological and political superstructures of civil society and political society that comprise Gramsci's integral capitalist state (Buttigieg 1995; Forgacs 2000a; Thomas 2011) – and from within and without the state. Against this backdrop, civil society becomes a superstructural 'sphere of...hegemony' where class interests rooted in the economic base find ideological and political expression in competing hegemonic projects and 'fight it out' (Buttigieg 1995, pp.6–7) for influence over economy and state. With some modifications, these

concepts can be used to examine contemporary (global) civil society and global governance, given Gramsci's 'conception of civil society, far from adhering narrowly to the national, operates across domestic/international boundaries' (Ives and Short 2013, p.641). To do this, his understanding of the relationship between civil and political society at the national level must first be examined.

Civil Society, Hegemony and the Integral State

Gramsci's understanding of civil society differs radically from liberal approaches in two main ways. First, whereas liberal theory assumes civil society is a meaningfully autonomous sphere separable from state and market and the NGOs within it are non-governmental, non-violent, 'non-political' and non-profit, Gramsci stresses it can only be methodologically separated from the other "'levels'" or 'moments' of society, 'for the moment' (Gramsci 1971, p.160; 12; 180–185), so that any autonomy from hegemonic class interests is normally limited. Consequently, a Gramscian perspective problematises how independent NGOs actually are from the capitalist class and allied elites that dominate state, civil society and market, and highlights autonomy as 'an essential, yet frequently side-lined, feature of civil society' (Hearn 2001, p.44).

This is linked to Gramsci's second major divergence from liberal approaches in how he conceptualises civil society in terms of hegemonic processes, involving the economic basis and consensual and coercive dimensions of power, as opposed to a discrete communicative sphere of principled ideas and values, characterised by soft or ideational power and distanced from economic self-interests. Indeed, Gramsci's conceptualisation of civil society is so interlinked with hegemony that for Buttigieg (1995, p.26) 'scrutiny of civil society and the study of hegemony are virtually one and the same thing', and for Boothman (1999, p.70) 'the principal meaning of civil society is the place where hegemony is exercised'. This exaggerates the situation somewhat and also occludes the hegemonic role of political society, or 'the State proper' (Gramsci 1971, p.170 n71), but it highlights how the qualities Gramsci associates with consensual-hegemony also pertain to civil society and the conceptual parallel between the integral, dialectical meaning of hegemony as a 'a dynamic equilibrium of force and consent' (Anderson 2002, p.21) and the *integral state* as a 'dialectical unity between government power and civil society' (Gramsci 1999a, p.469; Thomas 2011, p.137; Coutinho 2012, p.83).

This correspondence is apparent in Gramsci's reference to 'the State (in its integral meaning: dictatorship + hegemony)' (1971, p.239) and in his citation of the 'claim that two things are absolutely necessary for the life of a state: arms and religion...force and consent, coercion and persuasion, state and Church, political society and civil society' (1999b, pp.427–248). Moreover, in

discussing what he calls ‘the “dual perspective” in political action and in the life of the State’, he identifies a specifically ‘dialectical relation’ between ‘the levels of force and of consent, authority and hegemony’ (1971, p.170). In all these formulations, Gramsci identifies civil society and consensual-hegemony as part of a wider integral state or hegemony in its integral dialectical sense, which also includes political society or coercion.

Political society

Within this framework, political society denotes ‘the State in the narrow sense of the governmental-coercive apparatus’, which according to Gramsci has the function of “direct domination” or command exercised through...“juridical” government’ (1971, pp.264–265; 12). Political society thus encompasses the formal ‘machinery of government and legal institutions’ (Thomas 2011, p.137), such as the police, military, legal system, parliament, government departments and the public service, which set the boundaries within which consent in civil society operates. Similar to the classic understanding of the state in terms of a monopoly of force, Gramsci believes political society primarily functions as a ‘dictatorship, or an apparatus of coercion to control the masses of the people in accordance with the mode of production and the economic system’ (1988, p.161). But notwithstanding this, he also argues that a political society ‘whose functions are limited to the safeguarding of public order and of respect for the laws...has never existed except on paper’ (1971, p.261) and discusses its role in propagating hegemonic ideas and organising hegemonic compromises.

Foremost among these is the universalising hegemonic idea of the impartial Hegelian state (Gramsci 1994b, p.21), including the perfectibility of its ‘democratic institutions’. According to Gramsci, this has led to the erroneous social democratic belief that the liberal-capitalist state ‘can be corrected, touched up here and there, but in fundamentals must be respected’ and that political ‘activity must consist of trying to become the majority’ in parliament (Gramsci 1977d, p.76, 1994b, p.23; Buttigieg 1995, pp.12–13). In addition, Gramsci also discusses the consensual-hegemonic role of public education (Gramsci 1971, pp.24–43; 258–259, 1999b, pp.180–181; 322–323), welfare (1971, pp.258–262, 1994a, pp.23–5; Cox 1989, p.831; Buttigieg 1995, pp.12–13), civil service employment (1971, p.13; 74; 94; 103–4) and transformism (1971, pp.55–59; 94; 97–98; 128 n6, 1988, p.222).

He thus recognises that the functions of political society are not *exclusively* coercive, indicating that ‘force and policies aimed at achieving consent can be applied in any of the three social realms’ (Augelli and Murphy 1993, p.130). However, he does not systematically analyse the consensual-

hegemonic role of political society to the same extent as with civil society. This likely reflects the relative underdevelopment of consensual government functions and the coercive, unstable atmosphere in the 1930s (Miliband 1969, p.183). Consequently, this is an aspect of Gramsci's thought that can be expanded, devoting particular attention to the ties between consensual arms of government and CSOs working in similar areas. In the particular context of this thesis, this means examining the relations between NGOs and overseas development, human rights and foreign affairs departments that have emerged as important consensual arms of the 'state proper'.

International political society

To further develop Gramsci's concept of political society, the political societies of different states can be seen to comprise a much looser *international political society* alongside IGOs and international law, the latter of whose functions are mainly 'consensual', but underwritten by the (selective) enforcement capacity of powerful states, particularly the US. Contrary to some neo-Gramscian approaches, however, this international political society is insufficiently integrated to form a 'transnational state' (Robinson 2001, 2004, 2007) or 'global extended state' (Zahran and Ramos 2009) alongside a transnational or 'global civil society'. This is partly due to the greater competitiveness of the capitalist class internationally, which is reflected and reinforced by the persistent division of the world into states and the absence of a global monopoly of force.

Against this backdrop, great, middle and small Western powers play at times competing, but on the whole complementary, roles in preserving Western dominance, and are influenced not only by their respective positions in the interstate hierarchy, but the varying forms of national capitalist hegemony that arise from class struggle and differing civil societies at the national level.

Civil society: a superstructure with a material structure

Compared to political society, Gramsci regards civil society as more exclusively concerned with consensual-hegemony. Hence, in delineating civil society as one of 'two major superstructural "levels"' alongside political society, he notes its correspondence 'to the function of "hegemony" which the dominant group exercises throughout society' (Gramsci 1971, p.12) and clarifies elsewhere that it is 'political and cultural hegemony...the ethical content of the state' he has in mind (2007, p.20). Civil society is thus conceived as a second 'level' of the superstructure alongside political society (Gramsci 1971, p.12; Anderson 1976, pp.34–35; Femia 2005, p.343; Thomas 2011, p.72) and is connected to the economic base through its ideological expression of the economic hegemony of a fundamental class and the class conflicts that arise in response. As Gramsci (1999a, pp.548–550) puts it, in language almost identical to Marx, 'men become conscious of their social

position and therefore of their tasks on the terrain of ideologies' so that 'there exists a necessary and vital nexus between structure and superstructure'. Clearly, then, civil society for Gramsci is not 'divorce[d] from economic interactions' (Anheier *et al.* 2001a, pp.13–14) or 'independent of economic development' (Cohen and Arato 1992, pp.143–4).

In addition to their roots in the economic structure, Gramsci argues that the superstructures of civil society also have their own 'material base' or 'social-institutional materiality' (Coutinho 2012, p.82), consisting of 'the ensemble of organisms commonly called "private"' (Gramsci 1971, p.12). Mouffe (1979b, p.199) highlights this as one of his major theoretical innovations, arguing he 'was the first to stress the material nature of ideology', 'its inscription in practices and its materialisation into apparatuses'. In Gramsci's day, the 'material structure' of civil society (Thomas 2011, p.96 n30) included 'Everything which influences or is able to influence public opinion, directly or indirectly', such as newspapers and other media, 'mass movements', political parties, trade unions, religious organisations, especially the Catholic church, charities, associations and proto-INGOs like the Freemasons and Rotary clubs (1971, p.52; 182; 188; 220–221; 286, 1978, pp.454–462, 1988, p.222, 1992, p.155; 259, 1999a, p.282, 2000, pp.380–381; 260–261). Just as the functions of political society are not exclusively coercive and aspects such as the court system combine coercive and consensual governance, civil society practices are not exclusively consensual. Gramsci thus refers to mass movements' involvement in 'repression' (Gramsci 1992, p.155) and discusses 'customs, ways of thinking and acting, morality' and 'public opinion' as forms of "coercion" in civil society (1971, p.242; 196).

Of course, Gramsci does not 'locate' *all* of civil society in the integral state, but only those ideational aspects and material organisations that 'tend to consolidate and stabilise a certain form of established power' (Cox 1987, p.409 n10)– or reinforce the hegemonic compromises, ideas and monopoly of force of the capitalist class and so form part of its 'hegemonic apparatus' (Gramsci 1971, pp.228–229; 246; 264–265; 365, 2000, p.261). Consequently, civil society is figuratively both 'larger' and 'smaller' than the integral state, so that when Gramsci writes that 'civil society...is "State" too, indeed is the State itself' (1971, p.261) and identifies it with the hegemony of a dominant class (1971, p.12; 261, 2007, p.20), it is civil society in this limited sense he means.

The fundamental reason for this is that civil society, like the economy of which it is an expression, represents the interests of conflicting classes, whereas the integral state – including political society and those parts of civil society that support it – is seen by Gramsci as irredeemably capitalist

(Gramsci 1971, p.182; 52; Thomas 2011, p.222; Coutinho 2012, p.78). He makes this crystal clear, explaining in elaborating his concept of hegemony that ‘the State is seen as the organ of one particular group, destined to create favourable conditions for the latter’s maximum expansion’ (1971, p.182) and averring elsewhere that ‘The historical unity of the ruling classes is realised in the State’, which ‘concretely, results from the organic relations between State or political society and “civil society”’ (1971, p.52). Consequently, Gramsci’s integral state *represents only* the interests of the dominant class and *reflects* those of subordinate groups only *indirectly* – or *hegemonically* – insofar as deemed optimal for maintaining class dominance. It can thus be described as a *hegemonic class state*, rather than a class state that represents the interests of capitalist class without regard to the combination of consent and coercion required to secure the compliance of subordinate groups.

Civil society’s transformative potential

The idea that not all of civil society ‘belongs’ to the integral state means it can be a ‘level’ of society where subordinate groups can theorise and organise the overthrow of the existing class hegemony the state embodies. This is the progressive Gramscian sense of civil society and has been heavily adapted by liberals, post-Marxists and neo-Gramscians. It appears overtly in several places, including Gramsci’s identification of civil society with the ‘struggle of political “hegemonies”’, which ‘take place...first in the ethical field and then in that of politics proper’ and his argument that ‘There can and there must be a “political hegemony” even before assuming government power’ (1971, p.333, 1992, p.137).

Such passages have inspired neo-Gramscians and post-Marxists to examine civil society *primarily* as a site of ‘counterhegemony’ or ‘counterhegemonic blocs’ (Gill and Law 1989; Cohen and Arato 1992; Cox 1999; Neufeld 1999; 2002; Gill 2000, 2002, 2009; Laclau and Mouffe 2001; Rupert 2003; Glasius 2005; Katz 2006; Morton 2007a), although Gramsci never actually uses those terms (Buttigieg 2009, p.31). This is because, in his view, the transformative potential of civil society can only be fulfilled by developing a coherent *alternative hegemony*, led by the working class with the support of other subordinate groups and the objective of socialism, rather than through ‘counter-hegemonic’ activity, in the sense of disparate opposition by a variety of subaltern groups to the current form of capitalist hegemony with no clear leading group or shared end goal.

Gill’s (2000) suggestion of the entire anti-globalisation movement of ‘multiple and diverse political forces’ as a ‘postmodern Prince’ exemplifies this latter approach, which has led neo-Gramscians to identify an eclectic miscellany of actors as potential members of a counterhegemonic bloc, including:

NSMs, environmentalists, feminists, local community groups (Gill and Law 1993, p.122; Cox 1999, p.15, 2002, p.186; Rupert 2003, pp.194–198; Katz 2006, pp.336–367); religious groups (Gill and Law 1993, p.122; Katz 2006, p.336); solidly reformist liberal INGOs like Amnesty International and Oxfam (Gill and Law 1993, p.122); ‘transnational advocacy networks’ that include foundations, governmental and IGO elites (Keck and Sikkink 1998, p.9; Katz 2006, p.337); and even Tony Blair’s ‘New Labour’ (Showstack Sassoon 2000, p.96; 91). From here it can be a short hop to the liberal position of assuming ‘global civil society’ in general is a progressive force, as exemplified by Lipschutz’s (1992, p.398 n41) hope that it ‘may be a reaction to the Gramscian hegemony of the state system’.

In contrast, owing to his more rigorous conception of an *alternative class hegemony*, Gramsci identifies two main characteristics of transformative civil society activity: autonomy from capitalist influence (1971, pp.160–161, 1975b, pp.100–101, 1977d, pp.73–874, 1978, pp.72–74; 355; 362–362) and a basis in active, critical and participatory mass consent. These qualities remain relevant to the progressive potential of ‘global civil society’ and international NGO campaigns. As Gebauer (2007, p.12) argues, ‘NGOs can only succeed as independent actors when like social movements they have their own constituency on which they are based’ and ‘are not part of the institutions of an extended state’. Unlike the liberal literature, Gramsci recognises the difficulty of achieving practical and intellectual autonomy under capitalist hegemony and so argues that achieving ‘Complete political independence’ is a ‘fundamental task’ (1978, p.362), which must be constantly fought for and defended to avoid cooptation through hegemonic compromises and ideologies (Buci-Glucksmann 1979, pp.212–214; 232).

The other, and closely connected, characteristic of transformative CSOs is a basis in active mass participation and critical, intellectually-engaged consent (Gramsci 1975a, pp.50–51, 1996, pp.48–52, 2000, p.244; Buttigieg 1995). According to Gramsci, such organisations should be characterised by ‘active and direct consent, the participation of individual members, even if this provokes an appearance of break up and tumult’ (Gramsci 2000, p.244). He saw this as necessary to develop an independent hegemonic consciousness that can critique and supersede the hegemonic ideas of the capitalist class. First, though, the overwhelmingly negative, hegemonic role of actually existing civil society in Gramsci’s framework must be addressed.

Civil society and capitalist hegemony

Those writing in a liberal framework tend to assume civil society is a discrete, predominantly 'bottom-up' progressive social sphere, while post-Marxists and neo-Gramscians' focus on identifying potentially 'counterhegemonic' civil society actors. Consequently, neither is centrally concerned with analysing the links between NGOs/civil society, state and market, despite often remarking on them in passing. Cox exemplifies this, acknowledging 'Many NGOs...are institutions of the established order integrated with the existing states and interstate system' (1989, p.836 n10), but concentrating on 'counterhegemonic' civil society actors (Cox 1999). Consequently, despite the many IR theorists claiming Gramscian inspiration, analyses of hegemonic civil society and the relations between civil and political society from a Gramscian perspective are rare (Robinson 1996; Demirovic 2000, 2003; Gebauer 2001, 2007; Hearn 2001; Ives and Short 2013) and Gramsci's ideas have seldom provided the theoretical framework for the many useful critical analyses of civil society that exist (Meiksins Wood 1990; 1997, 1999; 2002, 2006, 1998; Chandhoke 2002, 2005; Colas 2002; Mohan 2002; Wallace 2003a; 2005; Shivji 2007). This is unfortunate as Gramsci's approach to hegemonic civil society, in foregrounding the symbiotic relationship of civil and political society in the integral state and the role of intellectuals in mediating these two levels of the superstructure and linking them to class interests rooted in the economy can be very useful in addressing the oft-remarked lacunae in the NGO and civil society literature vis-à-vis the relationship of civil society and state and NGO autonomy from government interests (Tvedt 2002, 2006; Zaleski 2006).

For Gramsci, the central purpose in empirically analysing CSOs is thus to 'study...how the ideological structure of a dominant class is actually organized: namely the material organization aimed at maintaining, defending and developing the theoretical or ideological "front"' (Gramsci 2000, p.380) and to connect civil society organisations and ideas to capitalist interests (Ives and Short 2013, p.641). He thus identifies a broad range of hegemonic CSOs, including the Catholic Church, elite associations like the Freemasons and Rotary clubs, liberal, fascist and populist political parties, the leadership of the social democratic parties and the large trade unions, the mainstream media (Gramsci 1971, p.56; 286, 2000, pp.380–381), and charities, which for Gramsci are 'national nexuses between governors and governed...factors of hegemony' (1999a, p.282).

As well as lacking autonomy from capitalist interests, Gramsci argues this hegemonic civil society is characterised by passive, manipulated, fraudulent and coercive forms of consent (Gramsci 1971, p.203; 210; 228, 1999a, pp.127–128; 548–549, 2000, pp.260–261, 2007, p.213; Femia 1981, pp.45–47; Buttigieg 1995, p.7; Thomas 2011, pp.227–228). This is necessitated by the exploitative nature of the capitalist mode of production, which renders all concessions to subordinate class interests

inevitably limited and any depiction of capitalist interests as “universal” fundamentally false (Gramsci 1999a, pp.548–9).

This is facilitated by the uneven distribution of the power to ‘manufacture’ consent as a result of the uneven distribution of wealth (Buttigieg 1995, p.7), which enables elites to drown out alternative perspectives with the volume of their material and ideological resources.

The theme of manufacturing consent appears throughout the *Prison Notebooks* (1971, p.259, 2000, pp.380–381, 2007, p.213) and Gramsci generally ‘locates’ it predominantly in civil rather than political society. He thus argues that ‘The State...“educates”...consent, by means of the political and syndical associations; these, however, are private organisms, left to the private initiative of the ruling class’ (1971, p.259). Consequently, hegemonic consent *appears* “spontaneous”, “voluntary”, or “private” (1971, p.242; 12; 266, 1996, pp.48–52, 2000, p.260, 2007, p.317), as it seems to emerge from ‘below’ in civil society, rather than from ‘above’ in political society. However, according to Gramsci, there are two main ways in which this seeming spontaneity is false.

First, the dominant class’ ownership and control of the means of production and hence its superior resources and attractiveness to intellectuals means that it quite naturally produces a variety of hegemonic ideas and associations that represent capitalist interests in different ways: whether by promoting the particularistic interests of different capitalist economic fractions; and/or alternative hegemonic projects or political strategies within the confines of a broad pro-capitalist consensus. Because these ideas and the organisations and intellectuals that propagate them are dominated by capitalist interests, they correspond naturally with the broad contours of government policy, which for Gramsci represents the interests of the capitalist class as a whole, rather than individual capitalists – albeit while also disproportionately favouring the interests of particular capitalist fractions or particular hegemonic strategies over others.

Consequently, the government often has no need to organise civil society hegemonically from the ‘top-down’, as this happens “spontaneously” from ‘below’ in any case. Indeed, Gramsci repeatedly identifies the privatisation of consensual leadership as characteristic of capitalist hegemony (1971, pp.258–259, 1992, p.137; 153) – and linked to the seeming separation of civil society (and the economy) from the state in the first place. In Italian history, this was exemplified by the Moderates, who according to Gramsci organised ‘their intellectual, moral and political hegemony’:

In forms, and by means, which may be called “liberal” – in other words through individual, “molecular”, “private” enterprise (i.e. not through a party programme worked out and constituted according to a plan, in advance of the practical and organisational action). However, that was “normal” given the structure and the function of the social groups of which the Moderates were the representatives, the leading stratum, the organic intellectuals (1971, pp.59–60).

The second way in which the apparent spontaneity of hegemonic consent is misleading is that the state-as-government also directly intervenes in civil society to organise it in particular directions consonant with its perception of the interests of capital-in-general. Gramsci thus observes that ‘When the state wants to embark on an action that is not popular, it starts to create in advance the public opinion that is required, in other words, it organizes and centralizes certain elements of civil society’ (2007, p.213).

The implications of all this for assessing NGO influence to a large extent depends on the attitudes of elites to NGO activities and their views of the optimum hegemonic strategies or projects to pursue. In general, differences in attitude towards NGO demands can be expected between more consensual arms of state, such as development and foreign affairs departments that have close relations with NGOs, and more directly coercive arms of the state such as defence departments. In addition, liberal and social democratic political parties appear generally to have closer relations with NGOs, both in personnel and ideological terms and to have similar outlooks vis-à-vis optimum governance strategies, generally favouring human rights and development discourses to a greater extent than conservative parties. Finally, elite preferences are also shaped by states’ positions in the international system in the sense smaller and middle powers will also often favour similar legitimising strategies to NGOs, as compared to larger powers. These raise the prospects of particular types of hegemonic alliances for moderate NGOs acting as part of hegemonic civil society within the broad consensual parameters established for ‘global civil society’ by Western donors.

Significantly for analysing ‘global civil society’, Gramsci links changes in the organisation of consent, or the balance between political and civil society in the integral state, to the historical development of the capitalist state and the expansion of international relations in the second half of the 19th century (1971, p.259; 220–221; 243). He thus contrasts the ‘relatively rudimentary State apparatus, and greater autonomy of civil society from State activity’ before 1870, to the ‘more complex and massive’ ‘internal and international organisational relations of the State’ and the accompanying

expansion of civil society to produce “civil hegemony” afterwards, and, further, connects this to the integration of national economies into the world market and ‘the colonial expansion of Europe’ (1971, p.243 my emphasis). In essence, what Gramsci articulates here is a 19th century model of hegemonic civil society growth, linked to globalisation, encouraged from ‘above’ by capitalist governments, and rooted in capitalists’ disproportionate control of ‘private’ resources from ‘below’, which is seen to have *reduced* civil society’s autonomy from the newly integral state and the capitalist class it represents.

Gramsci’s explanation of how these changes come about is intertwined with his concept of ‘passive revolution’ or ‘revolution-restoration’ (Forgacs 2000c; Gramsci 2000, pp.249–276), of which there are two types. Passive revolution originally denoted the initial establishment of ‘limited’ capitalist hegemonies through a combination of compromises with *ancien régimes*, transformism, gradual reforms, and foreign influence from more advanced capitalist countries, rather than active, indigenous mass popular revolutions of the French type. Gramsci’s prototype was Italian unification, which lacked a strong popular base, involved compromises with the landowning classes, particularly in the South, and was strongly influenced by imported liberal ideals from France and foreign military interventions (Gramsci 1971, pp.115–120, 1977d, pp.12–13, 1978, p.344, 1996, p.232; Hoare and Nowell Smith 1971b, p.46). As Morton (2007a, 2007b) has pointed out, passive revolution in this first sense is compatible with Trotsky’s theory of uneven and combined development (Trotsky 2000, pp.1–9; Rosenberg 2005, 2006) and can help to explain the establishment of capitalist hegemony and capitalist states in peripheral countries outside the Western core, as happened in the former Eastern bloc and parts of the South following the end of the Cold War.

Gramsci later extended the concept of passive revolution to the restructuring of established capitalist hegemonies (Showstack Sassoon 2001; Morton 2007a, 2007b; Fusaro 2010, p.12) in response to economic changes, the demands of competing elites and class struggle. Thomas thus argues that for Gramsci passive revolution in this second sense describes ‘the bourgeois hegemonic project for an entire historical period’ after 1848 – and possibly for modernity as a whole’ (2011, pp.145–157), while Forgacs also sees it as a ‘typical’ mode of capitalist hegemony (2000d, p.424). Gramsci thus describes 19th century ‘moderate and conservative liberalism’, early 20th century reformist trade unionism and fascism as passive revolutions in this second sense, as different means through which capitalist hegemonies were restructured, in more consensual, coercive, expansive, or limited directions (1971, p.106; 119–120, 2000, pp.260–265). As Morton (2007b, p.600) usefully summarises, what all the various types of passive revolution share is ‘the survival and reorganisation

of state identity through which social relations are reproduced in new forms consonant with capitalist property relations', or as Losurdo puts it, 'the persistent capacity' of the capitalist class 'to produce socio-political transformations, sometimes of significance, conserving securely in its own hands power, initiative and hegemony, and leaving the working classes in their condition of subalternity' (quoted in Thomas 2011, p.147).

'Global civil society' from the 'Top-Down'

Both senses of passive revolution and Gramsci's theorisation of the complementary manipulation of hegemonic consent in political society from 'above' and civil society from 'below' – and their essential unity in the integral state – can be used to analyse the apparent appearance of 'global civil society' in the 1990s. Whereas this is explained in the literature as a predominantly 'bottom-up' process, it is argued here that the apparent emergence of 'global civil society' has been elite-driven, from both 'above' and 'below'. This can be described as a 'top-down' model of 'global civil society' emergence, encompassing sponsorship of civil society, not only by governments and IGOs, but also by private capitalist elites, such as private foundations, corporations and wealthy individuals. The literature on civil society and development and alternative 'top-down' accounts of civil society growth have problematised this relationship, questioning the capacity of NGOs to be an autonomous voice if they are dependent on elite funding (Tvedt 1995, 2002, 2006; Abrahamsen 2000; Colas 2002; Hirsch 2003; Agg 2006; Reimann 2006; Zaleski 2006).

Two inter-related passive revolutions shaped this process. The first was neoliberal restructuring of capitalist states, a passive revolution in Gramsci's later development of the term (Thomas 2006, p.81; 2007a, 2010), which took hold in the West from the late 1970s under Thatcher and Reagan and was internationalised in the 1980s and 1990s through the foreign policies of Western states and the international activities of IGOs and US foundations (Augelli and Murphy 1993). This process accelerated after the end of the Cold War, which led to the establishment of capitalism and capitalist states in the former Eastern bloc and formerly proxy-war-torn parts of the South. The latter can be understood as a passive revolution in Gramsci's original sense, occurring via a combination of: foreign economic and/or military interventions in the form of 'shock therapy', structural adjustment, aid packages, peacebuilding and humanitarian interventions; accommodation of elites from *ancien régimes*; and elite-sponsored civil society activity. The result was an unprecedentedly rapid geographic expansion of capitalism, which Rosenberg (2005, p.2; 6) argues was largely responsible

for the globalisation¹² 'Zeitgeist' of the 1990s, creating 'an enormous', but transitory, 'sense of temporal acceleration and spatial compression'. This overlapped with the neoliberal passive revolution, as the type of capitalism globalised to developing countries and the former Eastern bloc reflected its ongoing restructuring in the West. How this 'top down' development of 'global civil society' unfolded is now examined, beginning with the impact of neoliberal capitalist restructuring on civil society in the West and then examining its projection abroad in Western foreign policies and the international activities of IGOs and US foundations.

Globalising Neoliberalism

Key characteristics of neoliberalisation that have altered the economic base and the relationship of civil and political society include privatisation, marketisation, the growth in services and a concomitant shift towards public-private partnerships and multi-actor governance (Cerny 1997, 2008; Hirsch 2003; Cammack 2006b; Harvey 2007a, 2007b). This has changed the shape of civil society, as hegemonic compromises like social welfare and development aid that during the post-war era of the 'welfare state' were predominantly organised in political society have been re-privatised through outsourcing to 'autonomous' NGOs in a sort of neoliberal 're-feudalisation' (Gebauer 2001; Hirsch 2003, p.252) of the state. Hirsch identifies a similar 'privatization of political processes of decision making and implementation' as aspects of foreign policy and international policy formation have also increasingly been outsourced, particularly from the mid-1990s onwards, in accordance with the shift towards 'regulatory neoliberalism', 'good governance' and the Post-Washington Consensus.

In the process, the role of government has been redefined in terms of creating an 'enabling environment' for civil society to carry out activities previously the domain of political society, much as neoliberalism deems it must do for the market (Cerny 2008, pp.24–26). This has changed the relationship between the 'economy', civil and political society in the integral state, strengthening ties between 'consensual' arms of political society and CSOs in similar areas, such as development and foreign policy. A similar process has also occurred internationally with the development of closer ties between CSOs, private foundations, IGOs and foreign (Western) governments, particularly vis-à-vis development and humanitarian aid. Two main empirical indicators of these shifts can be identified: increased 'top-down' funding of NGOs by OECD governments, private foundations and

¹² Showstack Sassoon (2001) examines economic globalisation as a passive revolution, although from a rather different political perspective.

IGOs; and the creation of an enabling environment through donor promotion of pro-NGOs norms, including enhanced NGO access to international governance processes (Reimann 2006).

These developments are evident in the substantial growth of the non-profit sector across the West from the 1980s onwards, including but not limited to the US, UK, Germany, France and Canada. In many cases, this was an integral component of neoliberal restructuring that correlated with stagnant economic growth, cutbacks in direct government social provision, but increased state funding of NGOs as well as in user fees for privatised services (Salamon *et al.* 1999, p.278; 184–185; 89; 114; Canadian Council on Social Development 2003, p.165). Zaleski (2006, p.22) terms this the ‘crisis and transformation of the welfare state’, Cerny (2008, p.36) identifies a shift to ‘the post-welfare contracting state’, while Gebauer (2001) argues,

The privatisation of states corresponds to the state-building of NGOs. The state divests itself of its caring responsibilities in proportion as it partially transfers them to non-state actors, which can be considered as part of an “extended state”.

Overall, government funding accounted for almost half the variation in non-profit sector size in twenty-two countries¹³ studied by John Hopkins researchers in the mid-1990s (Salamon *et al.* 2002, p.2; 10–14) and 48% of civil society revenue on average in sixteen Western states (Salamon and Sokolowski 2004, p.33). Yet despite these findings, Salamon and Sokolowski (2004, p.33) stick to the ‘bottom-up’ narrative, framing ‘global civil society’ growth as ‘A dramatic associational revolution’ and listing ‘external assistance’ as a fifth contributory factor.

Cutting government costs was a major driver of this shift (Zaleski 2006, p.122) and much of the savings accrued from ‘flexibilisation’, or lower wages and less job security for workers (Salamon 2002; Canadian Council on Social Development 2003, p.168; 2013a, 2013b, 2013c; Skills – Third Sector, NVCO, *et al.* 2013). This is facilitated by the sector’s moral, values-based image, which encourages staff to regard poor pay and conditions as worth the sacrifice, in a neoliberal example of how economic, political and ideological hegemony ‘arises in the ownership and control over the labour-process’ (Buci-Glucksmann 1979, pp.226–228).

While this was happening, there was also a marked increase in foundation grants arising from cuts to marginal and corporate tax rates and ‘unprecedented’ wealth accumulation in the US (Anheier and Toepler 1999, p.5), where most of them are based. This paralleled rising inequality, which by 2007

¹³ This included four Central and Eastern European countries, five Latin American countries and thirteen developed countries.

had reached its highest level since 1928 (Inequality.org 2013). Foundations represent capitalist interests more directly and particularistically than states, as they 'receive most of their resources from one source and are as such considered to be donor-controlled' (Anheier and Toepler 1999, p.11), are based on accumulated profits, their ongoing revenue derives from equity and financial investments and, like charities in general, they enable the rich to divert profits from taxation to favoured causes. Most foundations are controlled by individual capitalists (1998, p.210), but even some of the longer-established internationally-active foundations with independent boards, like Ford and Carnegie, remain bound 'by the donor's will, as laid down in the charter' (Anheier and Toepler 1999, p.15). Roelofs (2003, p.20) sees this as 'an example of mortmain, the dead hand of past wealth controlling the future'. Just as in the early 1900s foundations were established by the owners of growth industries like automotives (Ford), steel (Carnegie) and mining (Rockefeller), in the 1980s, 1990s and 2000s, 'new foundations based on fortunes in technology, media, and finance', such as the Gates and Soros foundations, appeared (Spero 2010, p.8).

The increase in donor funding of domestic civil society in the West was paralleled by a simultaneous massive increase in funding for international activities by NGOs by nearly all Western donors (UN Secretary General 1994, p.6; Donini 1995, p.426; Hudock 1999, p.3; Pinter 2001; Agg 2006; Reimann 2006). In the 1990s, this coincided with cuts in Overseas Development Assistance (ODA) overall¹⁴, paralleling cuts in social provision in the West. The result was an estimated increase in the financial dependency of development/humanitarian NGOs on Western governments from 1.5% in 1970 to 30.8% in 1980, 35% in 1992 and 40%-plus by the mid-1990s (UN Secretary General 1994, p.6; Donini 1995, p.426). This was a structural shift and as of 2009 remained at around 43% (OECD 2011, p.10; 55). At the same time, there was also a substantial increase in foundation grants. This was particularly significant for human rights NGOs, many of which avoid government funding (Lopez *et al.* 1998). Adding government and foundation funding together, Pinter (2001) estimates that by the late 1990s around \$10bn in donor NGO funding was available to NGOs, four-fifths of it from Western governments and a fifth from US foundations. Reimann argues such funding increases fuelled 'the growth of NGOs and their spread to non-Western parts of the globe' and concludes that 'given the billions of dollars of international funding...available...it would have been more surprising if there had been no explosive growth of NGOs in the 1980s and 1990s' (2006, p.48; 63). It thus appears that the increase in NGO numbers cited as evidence of global civil society's emergence was largely due to increased donor funding.

¹⁴ OECD statistics. Available at: <http://stats.oecd.org/qwids> (accessed 8/10/2013).

Aside from directly funding NGOs, Western donors have also encouraged the development of civil society by promoting pro-NGO norms (Howell and Pearce 2002, pp.89–122; Reimann 2006). This has included funding academic research on civil society to create a legitimising discourse; improving tax incentives for charitable giving; pressuring developing countries to create legal structures conducive to NGO growth; and increasing NGO involvement with IGOs. Examples of donor funding of influential academic research include the financing of the Center for Civil Society Studies at John Hopkins University (Ford 1999, p. 250; Carnegie, 2002: 206) by the Ford and Carnegie foundations and the funding of the LSE's Global Civil Society programme (LSE Civil Society and Human Security Research Unit 2012) by Soros' Open Society Institute (OSI) and the MacArthur, Rockefeller and Ford Foundations. As for tax incentives, Roodman and Standley (2006) found them in eighteen out of twenty-one OECD countries, funnelling billions of dollars in foregone tax to the NGO 'shadow state'. This 'tax bonus' has increased significantly since the early 1990s, as states, such as Norway and Japan, introduced tax incentives for the first time (Smillie 1993, p.29), while other states, such as Canada and UK have substantially increased tax relief to NGOs through regulatory changes (Canadian Council on Social Development 2003, p.172; Directgov 2005).

The third aspect of the pro-NGO norm relates to states' decision to increase NGO involvement in IGOs, first in service provision and field activities and then in policy processes. This reflected the shift to 'Third Way', "regulatory", "managed", "social" or 'embedded' neoliberalism from the mid-1990s (Cerny 2008), which was embodied internationally in the shift from the Washington Consensus to Post-Washington Consensus policies emphasising 'good governance' (Chandhoke 2002; Howell and Pearce 2002, pp.89–122; Cammack 2004, 2006a). In addition to encouraging NGO involvement in its humanitarian, development and newly expanded peacebuilding missions, the UN also actively encouraged NGO attendance at its topical mega-conferences, accrediting nearly 1500 *new* NGOs to the UN Conference on Environment and Development (UNCED) in 1992 and 2500 new organisations at the Fourth World Conference on Women in 1995 (ECOSOC Secretariat 2003, pp.4–5), and designating them as "partners" in implementing the resulting programmes of action (Reimann 2006, p.60). This encouragement of NGO participation was institutionalised in the UN's review of Consultative Status procedures from 1993-6, which extended eligibility to national NGOs (ECOSOC 1996) and produced a large increase in NGO numbers. Similar processes occurred in other IGOs (Howell and Pearce 2002, pp.89–122), with NGO participation in World Bank projects peaking in 1999 (Pinter 2002). Colas (2002, p.152) points out all of this was dependent on government support, particularly from the major Western donor states.

'Global civil society' with Western characteristics

The civil society that emerged from these top-down interventions has been highly uneven and can be seen more as an internationalisation of Western civil society (Tvedt 1995, p.2) than the development of indigenous civil society in the South, or a truly 'global civil society'. This partly reflects donor efforts to globalise capitalist markets through promoting supportive social structures similar to those in the Western core, but is also a result of more traditional foreign policy concerns related to individual donor interests. As Tvedt (1995, p.101) argues, 'Foreign policy makers in most countries have long regarded NGOs or voluntary organisations as potential instruments in conducting a foreign policy the state cannot so easily do', as they enable donors to bypass potentially obstructive local governments by intervening 'from below' and allow greater flexibility and deniability in politically charged situations.

Against this backdrop, despite the global rhetoric, donors have overwhelmingly favoured NGOs based in their own countries (Pouligny 2000, 2001; Agg 2006), which accounted for 76% of OECD-DAC core support to NGOs from 1980-2008 and 60-70% of international funding by US foundations (Spero 2010, p.2). These ratios have changed little over time (OECD 2011, p.7), despite rhetorical shifts towards supporting SNGOs (Agg 2006). According to Pouligny, similar dynamics prevail at IGOs and international conferences, where NGOs' main interactions are with their own governments (2001, p.15), on whose political support they largely depend for influence. Consequently, 'each national delegation works in close collaboration with 'their NGO' during international negotiations (2001, pp.15-17).

The same can be said of Western donor support of NNGO activities in the South more broadly and helps to account for the widespread scepticism towards NGOs among Southern governments, which 'have often viewed the rise of NGOs in their own nations as a phenomenon promoted from "above" them by wealthy, democratic countries and IGOs' (Reimann 2006, p.65). This also applies where significant amounts of donor funding have been made available to SNGOs, which are widely estimated to be 80-90% dependent on foreign funding in many cases (Uvin 2000, p.16; Risse 2002, p.260). All but nine of 120 NGOs established in Kenya from 1993-6 received all their income from foreign sources (The Economist 2000), while research in Uganda has found foreign funding is the 'main determinant' of NGO survival (Burger and Owens 2011, p.1). Likewise, Chandhoke (2005, p.362) suggests SNGO involvement in 'global civil society' is largely a means of connecting to Western NGOs and through them to powerful Western donor states, while Tvedt (2002, p.371) argues SNGOs' limited leverage in the international aid system derives from their hegemonic

function as the needy beneficiaries that legitimise it. Cheru (2000, p.260) argues that such foreign dependency of African NGOs 'influences their priorities and agendas' and leads to 'accountability to foreign interests and external ideological direction'.

These patterns are not confined to developing countries or the international development sector, as the 'global civil society' clustered around IGOs is also heavily Western-dominated. European and North American NGOs accounted for two-thirds of NGOs with UN consultative status in 2007, a drop of only thirteen percentage points since eligibility was expanded in 1996 (Global Policy Forum 2009). Moreover, SNGOs are represented mainly in the lowest category with fewest rights, while the top two categories are reserved for INGOs, disproportionately based in the North. This is confirmed by Katz's network analysis of INGO distribution, which finds 80% based in high-income countries and nearly three-quarters in Western Europe or North America. Contrary to the horizontal, egalitarian expectations of liberal network theory, 'A clear core/semi-periphery/periphery structure' also emerges in network nodes and links, with more than half in the US, UK, Belgium, France or Germany. In fact, 'differences between core, semi-periphery, and periphery are considerably more pronounced in the INGO network' and 'its core is also more biased to the north than that of the inter-state and trade networks', so that it reproduces 'hegemonic networks of states and global capitalism' (2006, pp.340–344).

Accentuating all these inequalities is the fact that even among NNGOs, revenue is concentrated in a small number of large organisations. The top 20% of European development NGOs received over 90% of funding in 1993 (Woods 2000, p.17), while in the US the nine largest development NGOs accounted for nearly half of revenue in 2008 (OECD 2011, p.11). This obviously affects NGO capacity at the global level, where the costliness of international lobbying makes it 'simply inaccessible to the vast majority of organizations', creating 'a real hierarchy between them (which is often simplified as a north/south cleavage, [which is] revealing but very clearly insufficient, [as] inequalities and hierarchies reproduce themselves at all levels)' (Pouligny 2001, pp.10–12).

Hegemonic 'Global Civil Society'

From a Gramscian perspective, top-down support of global civil society activities appears as a hegemonic manufacturing of consent and while significant differences may exist between individual states on particular issues, in general there is a shared discourse among Western states and a broad consensus on the general parameters of international development (Tvedt 2002, 2006), humanitarian and human rights policy. This is illustrated by the shift of all the major donors towards

supporting NGOs and civil society in the 1980s and 1990s and also by the contemporaneous shift towards reduced aid overall and increased humanitarian assistance by many donors (Development Initiatives 2000, p.1; 4; 9–10; 60).

This is reinforced by donor efforts to coordinate, harmonise, and standardise funding criteria through hegemonic projects such the Millennium Development Goals, the Monterrey Aid Compact, the OECD's Paris Principles and the Accra Agenda (OECD 2008); increased collaboration among foundations and Western governments and the general ideological compatibility of their activities (Pinter 2001, p.205; Anheier and Daly 2004, p.159; Roelofs 2007, p.480; Spero 2010) and personnel circulation between governments, IGOs, foundations (Spero 2010, pp.2–6) and NGOs, which also generates similarities of outlook.

Against this backdrop, NGO strategies to protect their autonomy by spreading financial dependency across a range of individual donors (Pinter 2001, p.212) appear insufficient from a Gramscian perspective if the end result is dependency on a broader variety of capitalist elites. While the substantial increases in civil society financial dependency on donors indicate a probable loss of autonomy in this class sense, this is reinforced by the numerous 'control mechanisms', or modes of governance, that have accompanied the outsourcing or 'disaggregation' of governance functions to NGOs. It is argued here that this is largely responsible for the new forms of apparently cooperative multi-actor governance networks and partnership observed in the liberal literature, so that 'The shift from government (state power on its own) to governance (a broader configuration of state and key elements in civil society) has...been marked under neoliberalism' (Harvey 2007a, p.76).

The increased significance of these control mechanisms manifests itself in various ways. First, the exigencies of applying and accounting for funding from donors have encouraged NGOs to engage in corporate behaviours, re-shaping them as actors. Numerous scholars have shown how neoliberal management techniques like log-frames and performance management have become embedded in NGO practices (Donini 1995, pp.429–430; 2003a, 2003b; Shivji 2007, p.33), which Donini attributes to 'donor pressure to conform to established norms and standards'. Contractual incentives and competitive pressures in the state-subsidised NGO 'market' (Cooley and Ron 2002) encourage other corporate behaviours too, from competition for market share and oligopolisation (Uvin 2000, p.20; Woods 2000, p.17), to professionalisation, 'institutional isomorphism' (Tvedt 2002, pp.369–370) and inflated executive pay (Charity Navigator 2010; Devex 2013). Another aspect is that donor preferences for channelling funds to SNGOs via their 'own' NGOs have situated NNGOs as

intermediaries that monitor and control the behaviour of their Southern NGO partners on behalf of Western donors. This has created lasting hierarchies of power among Northern and Southern NGOs (Uvin 2000, p.16; 2003, p.256; Agg 2006, pp.24–26) and reinforced patterns of power in global civil society that reflect those in the interstate system and global market.

Second, even though donor funding often accounts for a minority of NGO resources, it can structure the locations, types of activities and discourses chosen by NGOs. Research by Koch et al. finds the three strongest predictors of the geographic location of NGO aid are: location choices of official “backdonors”; ‘herding’ effects related to whether other NGOs are already in the country; and shared colonial history. By contrast they find ‘only limited evidence that poverty affects the NGOs’ choice to be active in a country’ and conclude ‘NGOs behave less autonomously than widely believed’ (2009, p.913; 902). Another aspect of this is that shared donor preferences for certain types of civil society activity and government and IGO restrictions on political activities, as conditions of tax exemption or access to international fora, ‘channel’ NGOs into depoliticised tactics and discourses. Roelofs (2003) has documented the ways in which foundations exert hegemonic influence on civil society ‘by promoting consent and discouraging dissent against capitalist democracy’, but the modalities she identifies are equally applicable to other donors. They include:

creating ideology and the common wisdom; providing positions and status for intellectuals; controlling access to resources...compensating for market failures; steering protest movements into safe channels; and supporting those institutions by which policies are initiated and implemented (2007, p.480).

In particular, foundations ‘channelled’ radical social movement activity towards professionalism and legalistic strategies from the 1960s onwards (Jenkins and Eckert 1986), mainly by favouring moderate reformist organisations that approached social problems as resolvable through social-scientific expertise, rather than as political and economic conflicts of interests (Roelofs 2003, p.121). Similar trends persist in the international human rights sector, where ‘less radical NGOs, which take a more compromising, apolitical stance, and adopt the agenda promoted by their donors, or, at least, did not directly challenge it, are likely to get a larger share of the pie’ (Gordon and Berkovitch 2006, p.17). Likewise, Tvedt argues that ‘tens of thousands of NGOs have been mobilised to work for basically the same secular development language’, leading to a discursive conformity he refers to as ‘NGO-speak’ (2002, pp.369–370, 2006, p.687). This same is true of donor funding generally, meaning more moderate organisations that stick to widely accepted hegemonic norms and discursive frames like civil and political rights or humanitarianism will find it easier to attract revenue. This helps to

explain the concentration of NGO resources in a relatively small number of super-NGOs that act as 'safe hands' for donor funding.

The aim of this thesis is to examine in more detail the extent to which NGOs can be considered autonomous, versus the extent to which they form part of the global hegemonic structure and what the character of NGOs says about the nature of the global system particular global governance. Here it is argued that Gramsci's parallel concept of hegemony offers a powerful insightful into the place of international civil society in the international system, which incorporates the economic, coercive and consensual dimensions of power and coherently theorises their interrelationship. This is because the relationship between states and civil society can be better comprehended through a Gramscian approach, which, instead of idealising civil society and separating it from state and market, theorises how 'state', 'market' and civil society are interwoven through class relations and interests.

Using case studies of the landmines campaign, which is widely perceived to be an example of NGO influence that illustrates the shift to a multi-actor system of global governance, and the cluster munitions campaign, which consciously emulated it, the thesis will analyse in detail the relationship between 'global civil society' and states in the international system. Building on Gramsci's conception of the nature of hegemony and the role of civil society in creating and maintaining it, the question of the degree of civil society autonomy from the state, and therefore from the capitalist elites that form the state, is central to analysing the place of civil society in global governance.

Derived from a class-based Gramscian perspective on civil society and also from the wider academic literature on NGOs, civil society and social movements discussed above, the campaigns' autonomy is analysed along four dimensions – the economic and organisational basis of the campaigns and their tactical and discursive practices. Funding, organisation and personnel constitute the *material structure* of the two campaigns, while tactics and discourse can be seen as their superstructures. Consistent with a historical materialist ontology that posits a mutually constitutive relationship between base and superstructure in which the former plays a primary role in shaping the broad parameters of practice and discourse – which can nonetheless significantly vary – these four dimensions are regarded as interactive and recursive within parameters delimited by the material structure and the broader context of the Western-dominated international system in which the campaigns took place. The next chapter outlines the methodology used to assess the extent of NGO autonomy as operationalised in the case study chapters.

Chapter 3 – Methodology

This thesis examines the NGO campaigns on landmines and cluster munitions as a way of illuminating the nature and conditions of NGO influence in the international system and the implications of this for global governance in an age of multi-actor ‘partnerships’. This chapter elaborates the methodology used to achieve this and is divided into two main parts. The first briefly outlines the rationale for the case study selection and how NGO autonomy was conceived and operationalised. The second outlines the analytical framework and indicators used in the case studies and how they were operationalised and assessed. The point of departure for developing this methodology was the critical Gramscian Marxist framework elaborated in the previous chapter. To paraphrase Marx and Engels (1975), this choice of theoretical approach arose from a concern not merely to interpret the world, but to contribute to changing it – or in Robert W. Cox’s (1981) more academic language, to engage in critical rather than problem-solving theory. An alternative framework may well have produced different conclusions, as multiple interpretations of social phenomena from multiple class perspectives and variations of subordinate and elites consciousnesses are possible. However, only a critical Gramscian Marxist framework is capable of providing both a rigorous theoretical alternative to dominant liberal-constructivist narratives and suggesting practical forms of class-based praxis that avoid the political sterility of ‘radically indeterminate’ postmodernist approaches (Laclau and Mouffe 2001).

Case Study Selection

The main rationale for choosing the International Campaign to Ban Landmines (ICBL) and the Cluster Munitions Coalition (CMC) as case studies was that the ICBL is considered the exemplar of a new type of civil society engagement in global governance, while the CMC consciously built on the perceived success of the ICBL model. The two case studies are similar enough to provide valid comparison on ‘most like’ grounds and as they span the period in which the literature considers ‘global civil society’ to have emerged and its role in global governance to have evolved they provide a test case through which to examine these new relationships.

A security related campaign was chosen for two main reasons. First, according to realist assumptions (Guzzini 1998; Donnelly 2000), NGO influence might be expected to be limited to ‘soft’ issues and to have little purchase on ‘hard’ issues like security. This would seem to make the campaigns a ‘hard case’. Second, international security discourse has been undergoing a process of redefinition since the end of the Cold War, whereby its focus has shifted from an exclusive concern with ‘national

security' to also include the concept of 'human security'. As a result, the security agenda has expanded to encompass development, human rights and humanitarian issues, suggesting a change in hegemonic ideas related to the legitimisation of force. The landmines and cluster munitions campaigns are generally seen as having contributed to this shift, so examining them can shed light on the broader hegemonic significance of these international reframing processes.

The major variation between the two campaigns is timing and geopolitical context. The ICBL was one of the first high profile NGO campaigns after the end of the Cold War and occurred when expanded civil society engagement in global governance was in its infancy and optimism about a more cooperative international order was prevalent. It also coincided with the emergence of concepts of 'global civil society', 'global governance' and 'partnership' as hegemonic discourses and the birth of the new 'human security' paradigm, but predated the shift in the international security environment after 9/11 when there was a return to a more traditional national security-oriented presentation of US interests under President Bush.

By contrast, the CMC took place under markedly different geopolitical conditions. Although its roots lay in NATO's use of cluster bombs during its 'humanitarian intervention' in Serbia in 1999, the CMC was not formally launched until 2003 after the US and UK used cluster munitions in Iraq. As the Convention on Cluster Munitions (CCM) was agreed in 2008, the entirety of the campaign took place during the 'War on Terror' under a US administration hostile to liberal internationalism. This historical variation allows assessment of the extent to which the role of NGOs was conjunctural to the cooperative conditions of the immediate post-Cold War period, or reflects more enduring changes in the international system. The case study chapters are therefore presented chronologically, beginning with the landmine campaign in 1991 and concluding with the implementation of the cluster munitions convention. This allows the evolution of NGO or 'global civil society' participation in an evolving global hegemonic order of multi-actor governance and a changing international security system to be traced over the two decades since the end of the Cold War.

Autonomy

NGO/civil society autonomy is central to this study. As discussed in Chapter 1, civil society in the liberal tradition is conceptualised as an autonomous sphere discrete from state and market, and on this basis the literature generally assumes NGO autonomy for empirical purposes. Due to the strength of this assumption, there has been little empirical investigation of whether this is the case in practice, and the potential implications if NGOs are not autonomous, in terms of their practices

and discourse, have generally not been considered. The Gramscian perspective discussed in Chapter 2 problematises the assumption of civil society autonomy, and expects autonomy from capitalist elites to be difficult to achieve and that in practice the majority of CSOs will normally play a role in generating consent to hegemonic power structures by propagating hegemonic ideas and organising hegemonic compromises with subordinate groups on behalf of the capitalist class. Consequently, defining what constitutes autonomy for civil society organisations and developing ways to assess it are essential in order to analyse the nature, conditions and political significance of NGO influence on states and on the outcomes of internationally negotiated policies.

The autonomy of the two NGO campaigns is analysed vis-à-vis Western states, particularly the small and middle powers that were significant actors in the campaigns, IGOs, and private foundations that are major funders of NGO activities in the relevant issue areas of development, humanitarian aid, human rights, and arms control. This range of actors was chosen as the subsection of international hegemonic elites on which NGOs depend for financial and political support. This is a significant departure from conventional approaches to autonomy, which tend to treat it as a matter of independence from individual state actors. This occludes the possibility of broader structural dependence on a web of interlinked international organisations, national agencies and private elites and investigating whether and how this dependence is linked to the framing of NGO goals to be compatible with a broad consensus among Western elites in the global system.

The financial, organisational and personnel basis of the campaigns and their tactical and discursive practices are the four dimensions along which their autonomy is analysed. These dimensions are derived from a class-based Gramscian perspective towards civil society and the wider academic literature on NGOs, civil society and social movements. Funding, organisation and personnel constitute the *material structure* of the two campaigns, while tactics and discourse can be seen as their superstructures.

Structure and Analytical Framework of the Case Studies

Each case study is covered by two chapters, the first chapter contains an analysis of the political context in which the campaigns took place, including relevant changes in the international system, elite interests in the issue and the origins of NGO involvement, the nature of landmines and cluster munitions as weapons, and their history on the international agenda. This is followed by an examination of the material structure of the campaigns in terms of their internal organisation, financial and personnel resources. The second chapter on each case study examines the campaign's super structure that is the *tactics* and *discourses* that emerged within that broad historical context

and out of the specific material basis described in the first chapter. The chapter then assesses their influence, both on a practical issue-specific basis and also in term of wider *outcomes* related to elite interests and global power relations. How each of these dimensions was examined and assessed is now elaborated.

Context

The origins of NGO involvement in landmines and cluster munitions and the practices and discourse of the two campaigns are historicised against a wider material and ideational backdrop. This involved identifying general material and ideational changes in the international security system that facilitated the placing of the two issues on to the international agenda. It specifically investigates NGO involvement and how the interests of states and IGOs in relation to landmines and cluster munitions evolved. The primary sources used are listed in Table 3.1; in addition to this practitioner accounts and secondary literature were used to develop the narrative framework.

Table 3.1 Primary Sources on Context

<i>a) General changes in the international security system</i>
Data on historical trends in armed conflict (e.g. Uppsala Conflict Data Project, Stockholm International Peace Research Institute Yearbooks, Heidelberg Institute for International Conflict Research's Conflict Barometer etc.); media coverage of recent conflicts; documents and quantitative data on international security interventions (e.g. from UN, <i>Global Policy Forum</i> website etc.)
Major reports and policy documents on security, especially human security, produced by the donor community, including: donor governments (e.g. US National Security Strategies, Canadian Human Security Policies), IGOs (e.g. UNDP), foundations, high level panels/commissions etc.
<i>b) Specific changes in state and IO interests vis-à-vis landmines and cluster munitions</i>
Materials on the history of landmines and cluster munitions use and the post-conflict problem, including: histories, media reports, government documents, UN documents (e.g. Secretary-General's Reports and Statements) and other IO documents (e.g. Geneva International Centre for Humanitarian Demining), practitioner journals, ICRC and campaign documents, especially <i>Landmine Monitor/Landmine and Cluster Munition Monitor</i> .
Materials on the arms industry and international arms transfers from: think tanks (e.g. Stockholm International Peace Research Institute); UN data; government agencies (e.g. US Department of Defense); and industry news sources.
Documents on state positions, including: statements during the diplomatic processes on landmines and cluster munitions; personal observation of at Dublin Diplomatic Conference on

Cluster Munitions, May 2008, government and political party policy documents and statements; multilateral statements (e.g. NAM, G77 and China); public statements and articles by politicians; leaked US embassy cables etc.
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<i>c) History of international efforts to address landmines and cluster munitions</i>

Documents on international disarmament and international humanitarian law processes, including: UN documents (conference documents, reports by groups of experts, treaties, General Assembly resolutions, UN Yearbooks etc.); ICRC documents; bilateral documents; arms control practitioner journals (e.g. <i>Disarmament Diplomacy</i> , <i>Arms Control Today</i> , <i>Disarmament Forum</i>); practitioner accounts (e.g. blogs, book chapters, journal articles etc.).
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Organisation

Examining the *organisation* of the campaigns involved assessing whether they reproduced the hierarchical patterns of power that exist in the interstate system and global market, or if they offered an alternative, horizontal and non-hierarchical mode of organisation, as liberal network theories suggests (Keck and Sikkink 1998; Khagram *et al.* 2002a). Factors included in this are - the geographic distribution and chronological development of the campaigns; comparative levels of activity in the North and the South; the balance between formal and informal decision-making procedures; and the location of lead organisations. This aspect also involved identifying the lead NGOs in each campaign, using the following criteria: involvement in founding the campaigns and length of participation; formal and informal leadership roles, such as representing the campaign at international conferences or in the global media; acting as ‘switchers’ between NGO and state/elite networks (Castells 2000, p.16); financial contributions and control of financial resources; and discursive contributions to major campaign publications and overall organisational resources.

As I was carrying out my research, an opportunity arose to attend the final negotiations of the Convention on Cluster Munitions (CCM) in May 2008 as part of a team of student interns from Dublin City University, which the Irish Department of Foreign Affairs had requested at short notice to assist them with basic organisational aspects of the Dublin Conference. This included distributing draft documents to delegate, helping with room set-up etc., and effectively meant I had full access to almost all negotiating sessions, including ‘informals’ closed to the public and even academics. This provided a unique opportunity to observe at first hand the interaction of NGOs, states and IGOs and gain a more direct sense of the power dynamics at play than would otherwise have been possible. At no point was any request made for a confidentiality agreement, but in accordance with the ethical obligations of producing an academic thesis, I have nonetheless avoided directly reproducing exactly what identifiable individual government and NGO representatives said in what they believed to be private informal diplomatic negotiations closed to public scrutiny. Instead, I have used the

experience more to give a broad sense of the political atmosphere and inter-actor dynamics of the proceedings and have generally cited alternative publicly available sources to substantiate insights initially gained through personal observation as to the positions and actions of participants.

In addition to this, information was gathered from the sources listed in Table 3.2. Obtaining primary sources was easier for the more recent CMC, whereas a much larger secondary literature was available on the ICBL. This included the many available participant accounts of the campaigns (Wiebe 2003; Cave 2006; Borrie 2009; Bolton and Nash 2010), which were particularly numerous and useful in the case of the ICBL. This included first-hand accounts by NGO representatives (Peters n.d.; Carstairs 1997; Wareham 1998, 2006a, 2006b, 2008a; Warmington and Tuttle 1998; White and Rutherford 1998; Williams and Goose 1998, 2008; Chabasse 1998; Atwood 1999; Rutherford 1999a, 2000a, 2001a, 2001b, 2003, 2010; 2002; Anderson 2000; Mekata 2000; Scott 2001; Brem and Rutherford 2001; 2003; Bernstein 2008; Goose *et al.* 2008), as well as governments (2002, 1997a; Axworthy 1998a; Axworthy and Taylor 1998; Lawson *et al.* 1998; English 1998; Hubert 1998, 2000; Bleicher 2000; Brinkert 2003; 2004; Smith 2008; Kmentt 2008) and the ICRC (Maslen 1998, 2001a, 2004a; Maslen and Herby 1998; Benesch *et al.* 1999; Maresca *et al.* 2000a; Davis 2004; Herby and La Haye 2007).

The Internet was still a novelty from 1991-7 during the main campaigning phase of the ICBL and its 'headquarters', at the Vietnam Veterans of American Foundation (VVAFA) where the ICBL Coordinator was based, did not establish dedicated webpages until March 1996, while a separate ICBL website was only established in 1998 (Rutherford 1999b). The other lead NGOs, and many other member NGOs and national ban campaigns, also posted campaign information on their websites, much of which is also accessible through the *WayBack Machine* or *Internet Archive*, which caches obsolete webpages dating back to 1996. This included *Landmine Updates* sent to the membership by the ICBL Coordinator, conference information, membership lists and so forth and provided an invaluable insight into events as they occurred, as opposed to how they have subsequently been presented.

Reflecting the participant nature of the much of the existing literature on the landmines and cluster munitions campaigns – and civil society in general – the dominant methodological approach has been to recount personal experiences and/or conduct interviews with leading figures in NGOs, governments and IGOs, in many cases known to the interviewee. As a result, the literature on the campaigns has a definite 'insider' quality and a tendency to reproduce hegemonic elite perspectives, which the current analysis was concerned to avoid given its critical Gramscian approach. A

deliberate decision was therefore taken *not* to interview campaign participants, but to rely instead on contemporary documents and theoretically-informed critique of dominant liberal-constructivist participant-academic narratives. This was methodologically justifiable given the wealth of primary and secondary source material available and helped ensure an alternative, more detached and more critical perspective. The goal in not conducting interviews was therefore to avoid reproducing the subjective perspectives of campaign participants, as has so often been the case in the existing literature, but rather to focus instead on more objective factors, such as the material organisational, financial and personnel basis of the campaigns, their actual tactical practices and the discourses and arguments they articulated in public, rather than the viewpoints they would have liked to express, but kept diplomatically to themselves. or their subjective intentions in choosing particular practical courses of action.

Table 3.2 Primary Sources on Organisation

Campaign membership lists
Reports of NGO meetings and other international conferences
Diplomatic records
NGO websites, newsletters, reports, videos and photographs
External evaluations commissioned by donors
Media reports

Financial basis

Financial dependency is the most obvious potential constraint on autonomy and the most frequently mentioned in the literature (Smillie 1993; Hulme and Edwards 1997; Hudock 1999; Pinter 2001; Tvedt 2002; Rieff 2003; Roelofs 2003, 2007; Van Rooy 2004, pp.117–9; Zaleski 2006; Chikoto 2007, 2009; Stavrianakis 2010). Rigorous studies of the impact of *levels* of dependency on NGO behaviour are few, although one such study found a strong propensity for German NGOs to *establish* operations in donor-favoured locations, irrespective of variations in their *level* of financial dependency on states, and that the correlation between poverty and the *volume* of aid allocation weakened once NGOs became more than 70% ODA-dependent (Dreher *et al.* 2010, pp.13–15). Roelofs (2003, p.124) argues a ten percent stake can produce significant influence similar to a minority shareholder. Assessing the effect of financial dependence is really only possible on a case-by-case basis and by relating it to the other autonomy indicators, which allows deterministic assumptions to be avoided.

Due to their size and breadth, it was impossible to comprehensively track the funding of the campaigns, especially for the ICBL, which published no central accounts. The situation was more straightforward for the CMC, but in both cases ‘headquarters’ funding was only a small proportion of overall income. Consequently, lead NGO funding was also analysed, with particular emphasis on campaign-specific expenditure. Primary sources included: campaign and NGO reports; accounts from NGOs and foundations filed with government bodies, such as the US Internal Revenue Service; online charity portals, such as GuideStar (<http://www.guidestar.org.uk/default.aspx>, <http://www2.guidestar.org/>), Charities Direct <http://www.charitiesdirect.com/>, Better Business Bureau <http://www.bbb.org/us/bbb-accredited-businesses/>, and the Foundation Center <http://foundationcenter.org/findfunders/990finder/>); and government and IGO funding data. Additional information was gathered from secondary literature. Data quality has markedly improved since the early 1990s, with NGOs increasingly publishing relatively detailed annual accounts, so more specific information was available for the CMC. However, few NGOs publish breakdowns of campaign-specific income detailing the amounts provided by each donor or which activities individual donors paid for. Where possible, this information was compiled from other sources, including funding acknowledgements for publications, conferences and campaign events, and secondary literature.

Table 3.3 Primary Sources on Financial Basis

NGO, CMC and ICBL reports
NGO accounts and tax returns filed with government agencies, from GuideStar database, UK Companies Office etc.
Foundation websites, annual reports and tax returns filed with US authorities
Funding acknowledgements for publications, conferences, campaign events etc.

Personnel

Numerous authors have identified a ‘revolving door’ between NGOs, IGOs and government in terms of jobs and board appointments as a potential threat to NGO autonomy (Donini 1995, p.424; Gordenker and Weiss 1995, pp.545–6; Baehr 1996; Tvedt 1998, 2002; Pouligny 2001; Rieff 2003; Wallace 2003a; Zaleski 2006; Dearden 2006, p.262; Bond 2008, p.16). Such elite circulation is most conspicuous among large, high profile INGOs, whose top personnel, or leading intellectuals, occupy a similar professional echelon to their government and IGO counterparts. This can be seen as a type of transformism, but its scale has not been assessed and its implications for NGO autonomy remain under-analysed, in part because the idealisation of NGOs has led to exceptional tolerance of what

would otherwise be seen as conflicts of interest (Tvedt 2006, p.688). Professionalisation in the NGO sector can be seen as a broader form of hegemonic compromise targeted at intellectual groups that particularly in developing countries distances NGO staff from the marginalised groups they claim to ‘represent’. All of these factors could lead to paternalistic attitudes towards subordinate groups and a “servile” attitude towards elites or identification with them, which Gramsci (1971, p.97) regards as indicative of intellectuals identified with dominant class interests.

Similar indicators to those used to identify lead NGOs were employed to identify lead personnel. Data gathered mainly from Internet searches was used to reconstruct career trajectories, remuneration levels and educational and social backgrounds, enabling the type of personnel involved to be qualitatively analysed, in addition to quantitative analysis of elite circulation. Evidence of personal connections with elites and information on the types of elites supportive of the campaigns was also collated from primary and secondary sources (Table 3.4). Data on remuneration was difficult to find, aside from scattered information in NGO accounts, media reports and secondary literature. Norwegian NGOs were the exception, as the government has published the tax returns of all citizens online since 2006. An additional dimension of elite relations is the composition of lead NGO boards, so information on this was also gathered. Boards are relevant to autonomy, given their role in overseeing NGOs and setting, or at least approving, their strategic direction. Directors typically ‘approve annual budgets; hire; review and fire the chief executive officer; and control major corporate policy decisions’ and are also often involved in operational matters, such as approving new programmes and advocacy positions (Natsios 1995, pp.408–9), representing the organisation to external stakeholders and fundraising (McNamara 2010).

Table 3.4 Sources of Personnel Data

NGO websites, annual reports and accounts
Internet searches, including employer websites, LinkedIn, biographies provided to the media and in campaign publications
Media reports, especially interviews and profiles of key individuals
Secondary literature

Tactics

Campaign strategies can be differentiated by a preference for ‘insider’ or ‘outsider’ tactics (Van Rooy 2004, pp.24–5; Stavrianakis 2010). The former are persuasive techniques aimed at elites (Table 3.5) and appear characteristic of NGOs, given lobbying, access to decision-makers, expertise and

professionalism are commonly identified as key determinants of their impact (Clark 1995; Cameron 1998, 1999; Albin 1999; Risse 2000; Reinalda 2001; Arts 2003). Insider tactics reinforce personnel circulation and professionalisation as they require elite access, ‘expertise, credibility and constructive policy proposals’ (Stavrianakis 2010, p.65), which in turn require fluency in donor language derived from similarities of educational training and professional background. Lobbying at international conferences and conducting rigorous research also require substantial and reliable income streams, which are often most readily accessible from institutional donors, potentially reducing financial independence. From a Gramscian perspective, this type of activity can be understood in terms of generating active consent among elites at the core of hegemonic alliances (Gramsci 1971, p.104). It includes the way that NGOs contribute articles to specialist publications, publish technical research aimed at practitioners, and organise seminars and roundtables aimed at policy-making communities, often in conjunction with governments, IGOs or foundations.

Table 3.5 Typology of Insider Tactics

Lobbying elites and enlisting their public support
Organising professional seminars, roundtables
Professional, expert research & publications (e.g. in practitioner/academic journals)
Participating in government/IGO civil society consultations
Membership of government delegations to international conferences
Advocacy partnerships with elites

Outsider tactics aim at generating or demonstrating wider public support. From a Gramscian perspective, they can range from manufacturing or manipulating passive or fraudulent public consent to extant, or moderately reformed, hegemonic projects at one end of the scale, to constructing an alternative hegemonic consciousness based on active mass participation and the critical, informed consent of subordinate groups at the other. Consequently, they encompass a broad spectrum of *passive, routine* and *contentious* tactics.

Passive outsider tactics seek to generate passive public consent to predefined agendas, for instance through advertising or media appearances, and/or to demonstrate or at least create the impression public consent exists, for instance through opinion polling or claims of public support. Such

strategies usually require substantial financial resources to pay for advertising slots and marketing companies and rely heavily on the mainstream media, meaning good media contacts and skills, such as the ability to convey campaign messages in simple sound-bites, are essential. Routine outsider tactics are similar, but seek a somewhat more active consent characterised by fleeting, undemanding forms of participation, for instance asking people to sign petitions or send form emails or letters to politicians in support of predefined objectives. The orientation of such tactics towards public consent is predominantly instrumental; a means of influencing elite decision-makers, rather than an end in itself, or stepping stone to deeper public engagement.

By contrast, contentious tactics aim to mobilise active participation and critical engagement and can be as much about building an alternative hegemonic consciousness as specific policy goals. They typically correspond to stronger, but not necessarily more widespread, public support, as they require strong personal commitment and even risk. A preference for routine over such contentious, or ‘extra-institutional’, activities is often identified as a key difference between NGOs and social movements (Tarrow 1998, p.2; 8, 2001, p.10; Khagram *et al.* 2002a, pp.7–8) and tends to correspond to reformist rather than ‘transformist’ objectives (Stavrianakis 2010). Table 3.6 lists a spectrum of outsider tactics from passive to routine and contentious practices.

Table 3.6 Typology of Outsider Tactics

Professional advertising campaigns
Professional media strategies: press releases, press conferences, media appearances, publicity stunts
Opinion polling
Petitions
Encouraging online activism
Open public meetings & debates
Face-to-face canvassing
Volunteer activist groups
Mobilising affected, marginalised groups
Consumer boycotts
Mass demonstrations
Sit-ins, strikes, pickets, non-violent direct action

For both campaigns the prevalence and strategic centrality of each type of tactic, particularly for the lead NGO, was assessed in order to determine their overall tactical orientation. Relative spend, sequencing and timing were key indicators of this, in particular whether the campaigns began with insider or outsider tactics. Table 3.7 lists the main sources consulted.

Table 3.7 Sources on Tactics

Campaign strategy documents
Campaign and lead NGO newsletters, activity reports, annual reports and websites
External evaluations by funders and public assessments by NGOs of progress (e.g. articles in practitioner journals, blog posts)
Media reports
Participant accounts
Secondary literature

Discourse

The question of discursive autonomy is generally not addressed in the liberal literature, which distances NGO ideas from material conditions and assumes the norms NGOs promote are self-evidently universal or beneficial. However the issue of discursive autonomy arises naturally from a Gramscian perspective. Assessing this form of autonomy required determining the extent to which campaign discourses significantly challenged elite interests; implicitly or explicitly, problematised prevailing power structures; reproduced, reinforced or undermined hegemonic ideas; or put forward alternative transformative frameworks. Central to this was the need to distinguish between ‘politicising’ discourse and ‘depoliticising’ discourse. ‘Politicising’ discourse was defined as emphasising conflicts of interest surrounding campaign issues; explaining the broader historical, economic or geopolitical context; and attributing responsibility to identifiable actors. ‘Depoliticising’ discourse was defined as the use of expert or moralistic arguments to frame issues as irrelevant to or above politics or an appeal to hegemonic norms for legitimacy.

A key consideration in this respect was the relative prominence and predominance of politicising versus depoliticising discourses in the overall discourse of the campaigns. Particular attention was devoted in this respect to the framing of issues in official campaign statements and at key moments in the campaigns, as well as to Campaign ‘Calls’ summarising NGO goals and how they changed over time. Comparing this to the discourses of individual NGOs helped to determine which organisations

played leading or hegemonic roles in the sense of having their frames adopted by the campaign as a whole, and which organisations' frames were 'mobilised out' by the 'non-decision-making power' of other NGOs (Bachrach and Baratz 1962), so that they failed to reach official campaign agendas.

Source materials in this area included NGO publicity materials aimed at the media and general public (Table 3.8) and specialised output targeted at expert and elite audiences.

Table 3.8 Sources for Campaign Discourse

General Publicity Materials
Campaign 'Calls' and slogans
Press releases, interviews and media articles
Campaign and lead NGO websites
Other campaign and lead NGO publications and imagery
Targeted Materials
Statements at diplomatic conferences
Articles in professional/practitioner journals
Detailed expert reports

Interrelationships

In general, mutually constitutive relationships are anticipated between the organisational, financial and personnel basis of the campaigns and their choice of tactics and discourse, so that the nature of NGOs as autonomous or elite-dependent actors is over determined. For instance, large amounts of donor funding and personnel circulation between NGOs and their intellectual counterparts in governments and IGOs are likely to encourage expensive insider and passive outsider tactics and also to coincide with further opportunities to raise more funds from the same sources. On the other hand, especially given the size and breadth of the campaigns, contradictory relations between these dimensions are also likely to exist, and no single dimension can be regarded as definitive. Autonomy is thus regarded as existing along a spectrum and therefore levels of independence will vary among the different member NGOs. Nonetheless, a general estimation of the campaigns' overall autonomy can be made, and therefore the significance of NGO influence on the campaign outcomes.

Chapter 4 – The International Campaign to Ban Landmines (ICBL): Historical Context and Material Base

The international NGO campaign on landmines is generally regarded as an exemplar of global civil society and its influence on global governance. Established in December 1992 by three American and three European NGOs, its primary goal was a ban on anti-personnel landmines (APMs), with secondary goals of a UN fund for mine clearance and awareness to which 'countries responsible for the production and dissemination of antipersonnel mines' would 'contribute' (ICBL 1993; Lawson 2002, p.105). By 1997 when the Anti-Personnel Landmines Convention (APLC) was agreed, it had grown to over a thousand member organisations in more than fifty countries and included humanitarian, human rights, arms control and development NGOs and religious groups (ICBL 1997a). UN agencies and the International Committee of the Red Cross (ICRC) supported the campaign from the beginning and were later joined by a 'Core Group' of supportive states led by Canada and Norway, and consisting mainly of Western small and middle powers. This group of states organised an ad hoc series of negotiations known as the Ottawa Process from 1996-7 in response to the perceived failure of conventional UN arms control processes.

The bulk of the sizeable academic and participant literature on the campaign examines the ICBL from a liberal or liberal-constructivist standpoint and presents it in terms of the positive qualities generally ascribed to global civil society and its role in global governance. Two of the main factors to which this literature attributes the ICBL's success: its broad international membership and *loose*, horizontal network (Koh 1998a; Rutherford 1999b, 2000a; Edwards 2001; Rutherford and Matthew 2003; Nye 2004, pp.90–91; Shawki 2010) structure (Finnemore and Sikkink 1998; Price 1998a; Cameron 1999; Mekata 2000; Warkentin and Mingst 2000; Kaldor 2003a, p.588); and the multi-actor governance partnership it involved between NGOs, small and middle powers, and UN agencies are the subject of this chapter. External factors also seen to have facilitated success include a benign interpretation of the cooperative climate of the post-Cold War period (Cameron *et al.* 1998; English 1998; Finnemore and Sikkink 1998; Lawson *et al.* 1998; Cameron 1999; Rutherford 1999a, 2003; Thakur and Maley 1999; Warkentin and Mingst 2000; Williams 2000; Hubert 2000; Hampson and Reid 2003), globalisation, and the information revolution (Mathews 1997b; Keohane and Nye Jr. 1998, p.8; Rutherford 1999b, 2000a; Warkentin and Mingst 2000; Brem 2003; Nye 2004, pp.90–91; Shawki 2010). These interpretations see the campaign as exemplifying optimistic liberal-constructivist narratives of a post-Cold War power shift to 'global civil society' and likeminded middle powers (Lawson 1997b; Hampson and Oliver 1998; Lawson *et al.* 1998; 2001a, 2001c;

Neumann 2002; Brinkert 2003; Rutherford *et al.* 2003; Behringer 2005; Sending and Neumann 2006), rooted in soft power and new forms of transnational organisation and partnership that democratise global governance. This account depends on the same elisions as the literature on global civil society and global governance critiqued in Chapter 1, vis-à-vis civil society’s autonomy from elites, its economic basis, class and North-South relations within it and the hegemonic nature of its ‘universal’ discourses.

This chapter critiques this dominant liberal-constructivist narrative of the landmines campaign through an examination of its material base, including its sources of finance; leading personnel and elite links; and organisational structure, with particular attention paid to the inter-organisational and North/South hierarchies within it. It begins by contextualising the campaign in the pre- and post-Cold War debates on landmines and the geopolitical conditions and institutional structures in which they took place.

The Landmine Issue before 1990

Internationally, concerns about mines were first raised during the Vietnam War, when they were used offensively on a large scale, causing more casualties than with purely defensive use (HRW and VVAF 1997, pp.4–11). This was facilitated by US development of remotely-delivered ‘scatterable’ mines in the late 1960s, which can be delivered in large quantities by artillery or aircraft and inhibit lateral and rearward as well as forward movement (HRW and PHR 1993, p.10; Prokosch 1995, pp.107–11). Because scatterables land on the surface they are easier to remove than conventional hand-buried mines, which the Vietnamese also lifted and re-used in improvised mines or booby-traps – to such an extent that by 1969, 90% of the components were thought to be of US origin. Together with far fewer factory-made mines, such improvised explosive devices (IEDs) played an important role in Vietnam’s victory over an overwhelmingly superior force, causing at least a third of US casualties (HRW and VVAF 1997, pp.8–9), or 65,000 dead or wounded (Koh 1998a, p.659n178). Table 4.1 outlines these main landmine types.

Table 4.1 Landmine Types

Anti-personnel mines (APM)	Activated by pedestrians
Anti-vehicle mine (AVM)	Activated by vehicles
Conventional mine	Hand-emplaced APM or AVM
Scatterable mine	APM or AVM delivered by aircraft or artillery

'Smart' mine	APM or AVM self-destruct/self-neutralisation mechanisms
'Dumb' mine	Cheap, low-tech APM or AVM without self-destruct/self-neutralisation mechanisms
Improvised Explosive Device (IED) or Booby-Trap	Improvised AVM or APM, sometimes made from scavenged mines or other unexploded ordnance (UXO); command-activated IEDs are also common
Claymore	An upright mine that can also be used in command mode

The horrors of the Vietnam War helped precipitate the first IHL negotiations since the 1940s, which began in 1974 at the instigation of the ICRC and resulted in the 1977 Additional Protocols to the Geneva Conventions (1977a, 1977b). Parallel discussions on landmines, booby-traps, napalm, cluster munitions and other conventional weapons that were used during the War emerged out of this and after seven years of talks eventually produced the 1980 *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects*.

The CCW's focus on conventional weapons rather than weapons of mass destruction (WMD) and its humanitarian framing represented a significant shift in international arms control and established a precedent developed by the ICBL. Its title contains the core IHL norms of proportionality and distinction and while its Preamble states that it contributes to 'progress towards general and complete disarmament' (CCW 1980), there are no actual disarmament measures in the convention. The main instigators of the CCW negotiations were the ICRC and Sweden, which had the support of fellow Western middle powers, Norway and Switzerland, and also Yugoslavia, Mexico, Egypt and Sudan representing non-aligned states (Prokosch 1995, pp.149–150; Rogers 2000). This group favoured strong regulations on mine use and banning delivery by aircraft, which would have outlawed many scatterables.

Although popular opposition to the Vietnam War was a motivating factor for some states, there was little NGO participation, save for the presence of some Quaker representatives (Prokosch 1995, p.149). The USSR and the major Western military powers abstained from the General Assembly resolution establishing the negotiations (UNBISnet n.d.) and opposed meaningful restrictions, as each side viewed mines as an essential defence against the other. At the time, the US and USSR were

using mines in proxy conflicts in Vietnam and Afghanistan and also exporting large quantities to allied dictatorships and guerrilla forces. Official US conventional mine exports peaked at 1.4m in 1975 and it bought large quantities of mines of all types throughout the 1980s, spending \$450m on the weapons in 1987. Some of the most mine-affected states were also uninterested in regulating them and, as discussed below, demanded compensation for past use instead. Ideological contestation and national liberation struggles fostered a zero-sum approach to conflict, with a North Vietnamese delegate arguing that “a weapon used by the imperialist is an imperialist weapon,” but “In the hands of a liberation fighter...is a sacred tool”, and condemning the IHL concept of “unnecessary suffering” as “inadequate and dangerous” (quoted in Prokosch 1995, p.155; p155 n9).

Against this unpromising backdrop, the military and economic interests of the major NATO powers and the Soviets prevailed over humanitarian concerns raised by the Swedish-led group (Prokosch 1995, pp.150–4). The French-Anglo-Dutch proposal on which the negotiations centred assumed landmines were not *inherently* inhumane or indiscriminate and could be used responsibly by adhering to the principles of proportionality and discrimination (Rogers 2000, pp.178–9). The result was an ineffectual Protocol that did not apply to internal conflicts, had no verification or enforcement mechanisms and imposed limitations on conventional mines qualified to the point of meaninglessness. Production, stockpiling and transfer were also outside its remit (Boutros-Ghali 1994, p.12; US State Department 1994a) and a proposal by the Swedish-led group to ban scatterables was rejected in favour of requiring them to be self-neutralising, or for their location to be recorded (HRW and PHR 1993, p.300). Moreover, the injunction for advance warning to be given of mine attacks was subject to the proviso ‘unless circumstances do not permit’ (Article 5.2), which was deemed to cover the need for surprise! (Maslen 2001a, pp.41–43)

On the other hand, Protocol II applied equally to AVMs and APMs and was nominally linked to a wider disarmament agenda. It entered into force on December 3rd 1983 and annual General Assembly resolutions on the CCW helped keep landmines on the international agenda throughout the 1980s. In addition, beginning in 1975, near annual resolutions on ‘material remnants of war’ sponsored by mine-affected states demanded user responsibility and compensation. ‘As most of the resolutions also identified ‘colonial powers’, ‘foreign occupation’ or ‘developed countries’ as culprits, the problem was politicised in North-South terms.

All the resolutions were sponsored solely by Southern states and from 1980-5, all 115-135 governments voting in favour hailed from the South or East (UN General Assembly 1981), while

every Western state abstained, including Sweden, Norway and Switzerland, which had supported a strong CCW. This mirrored bloc voting on the NIEO and other issues, although the strongest opposition came from major Western users and producers like Britain, Italy, West Germany (UN 1982, p.837) and the US, which tried to use its financial clout at the UN to suppress the issue (UN 1983, p.1011). In addition, for Vietnam, Laos and Nicaragua, which co-sponsored several resolutions, compensation for landmines was linked to the wider issue of war reparations from the US. However, the vast majority of affected states failed to respond to UN requests for information on the problem (UN 1982, pp.836–7), probably due to a lack of resources, the unlikelihood of compensation, national security concerns, and the resolutions' political rather than pragmatic nature. The last 'Remnants of War' resolution was passed in 1985 (UN General Assembly 1985), after the beginnings of *perestroika*, East/West détente.

Despite their lack of practical impact, the CCW and General Assembly processes demonstrate landmines were an established part of the international agenda during the Cold War, but in a highly divided international system had been inadequately dealt with. This was unsurprising given the intensity of armed and ideological conflict, which situated landmines either in terms of ostensibly humanitarian arms control talks dominated by great power military interests, or demands from the South and East for reparations. One concrete legacy of the CCW was that it permitted a Review Conference at any state party's request ten years after entry into force (Article 8.3), placing it on the radar of the arms control/IHL experts from the early 1990s. By then the collapse of the Eastern bloc had utterly re-shaped the geopolitical landscape and shifts in the geography of landmine production and trade had additionally altered the economic and military calculus for Western states.

Problematising Landmines in the Post-Cold War World

The return of landmines to the international agenda in the 1990s coincided with profound restructuring of the international system, that ushered in a phase of international relations, in which Western military, economic and ideological dominance was virtually unopposed. As discussed in the previous chapter, the result was the passive revolutionary establishment of neoliberal capitalism in Eastern Europe and – with varying degrees of success – in mine-affected developing countries recovering from proxy conflicts, such as Cambodia, Mozambique and Afghanistan. This neoliberal restructuring included a restructuring of the relationship between civil society and states, this was particularly apparent in the international arena in the context of that set of developments which has become collectively described as 'capitalist globalisation'. As in other issue areas, these changes drew NGOs into the debate on landmines and prompted a new set of relationships between these NGOs, states and IGOs. It is argued here that the ICBL's emergence, and the role of NGOs in initiating

the campaign, formed part of this process of ‘top-down’ globalisation, in which a particular vision of the role of civil society, based on a Western model and compatible with the needs of neoliberalism, was deployed as part of the growing donor emphasis on humanitarian aid and peace operations (Pugh 2004).

NGO involvement was encouraged in a several ways. First, the newly cooperative international climate altered Western military and geopolitical interests in relation to APMs and was reinforced by technological development in the arms industry that altered economic interests. Second, far greater cooperation on the UN Security Council authorised an unprecedented wave of ambitious UN peace operations in mine-affected states (Armstrong *et al.* 2004, pp.82–108; Gareis and Varwick 2005, pp.103–112; Human Security Centre 2005, pp.152–155), in response to the spike in armed conflicts in the early 1990s (Gleditsch *et al.* 2002; Harbom and Wallensteen 2007) arising from the disintegration of the Eastern bloc and ongoing proxy conflicts (Table 4.2).

Table 4.2 Major UN Peace Operations in Mine-Affected States 1989-1997

Location	Year Began
Afghanistan	1988
Namibia	1989
Nicaragua	1989
Angola	1989
Cambodia	1991
El Salvador	1991
Mozambique	1992
Somalia	1992
Bosnia	1992
Croatia	1992
Liberia	1993
Rwanda	1993
Guatemala	1997

(Paris 2007, p.407; UN 2011, 2013)

Many of the new UN missions were expanded peacebuilding efforts (Paris 2007, p.407), involving donor support for civil society building, as a key component of functioning market economies and liberal democracies, and also a greater emphasis on development and humanitarian assistance outsourced to NGOs (Boutros-Ghali 1992, 1995; Paris 2002, 2007; Pugh 2005). These missions exposed thousands of international peacekeepers and UN, ICRC and NGO staff to the problem of landmines and the obstacle they posed to peacebuilding, humanitarian and development efforts. Together with the declining military, geopolitical and economic significance of landmines, this facilitated reconceptualising them as a humanitarian problem without threatening vital Western security or economic interests.

From a military and geopolitical perspective, one of the main implications of the end of the Cold War was that Western Europe no longer feared invasion from the East, which rendered one of the main defensive functions of conventional minefields increasingly anachronistic. Indeed, apart from the US, most other Western state had made little use of APMs since the Second World War (Mekata 2000, p.147). Simultaneously, proxy wars in mine-affected Cambodia, Afghanistan and Mozambique lost their geostrategic significance (Abrahamsen 2000, pp.32–3; Duffield 2007, pp.115–117) and Western military support of Southern belligerents, including supplying them with mines, was scaled back (HRW and PHR 1993, p.65; 86; Askin and Goose 1994; Carstairs 1997, p.104). On top of this, Western ground troops were not involved in major combat operations from 1992 to the invasion of Afghanistan in 2001, meaning they had little actual military need for ‘dumb’ mines during the campaign. More technologically sophisticated ‘smart’ APMs, which cost up to \$300 each, were more militarily useful and more profitable for the larger Western military powers, particularly the US and UK, who strongly opposed banning them during the CCW review in 1995-6 (ICBL 1996a, p.1; 7, 1996b, p.1, 1996c; Mekata 2000, p.156), but were not a major economic or defensive interest for most other Western states. There was stronger and more widespread opposition to banning AVM, however, which were perceived as far more important militarily than any kind of APM, especially if they could be fitted with anti-handling devices (HRW and PHR 1993, pp.45–46; 55; 72–76; Biddle *et al.* 1994, pp.68–70; ICBL 1994a, p.42; 79; ICRC 1996a, pp.50–51; Velin 1996a; Rutherford 2010, p.60).

Technological developments since the 1970s meant ‘dumb’ conventional APMs were increasingly seen as cheap ‘weapons of the weak’. A report for the Pentagon argued they were ‘ideally suited’ to Southern militaries and that banning them would ‘probably affect our opponents to a greater degree than ourselves’, as the US could more easily afford ‘smart’, self-destructing replacements (Biddle *et al.* 1996, p.48; 41). This was reinforced by trends in the arms product cycle that saw ‘dumb’ APMs

become a low-cost commodity most profitable to produce in low wage economies (HRW Arms Project & PHR 1993, pp.38-9; 54-5; 90-2; Landmine Monitor 1999m, pp.10-12). Such mines now retailed for as little as \$3 (US State Department 1993, p.2) and the developing world's market share of production was growing, with emerging players including Egypt, Pakistan, Brazil, Chile and South Africa. Unlike most Western countries Italy, along with China and Russia was one of the three largest exporters (HRW and PHR 1993, pp.61-62; 90-2).

However, given total conventional APM production was valued at only \$50-200 million (HRW and PHR 1993, p.36), potential economic losses from banning them, even for Southern and Eastern arms capital, were relatively minor and posed little threat to diversified Western arms producers (Beier and Denholm Crosby 1998, p.280; Anderson 2000, p.106; Warkentin and Mingst 2000). Indeed, according to a comprehensive early NGO report, there was 'no indication that any corporation, private or state-owned, anywhere in the world depends on conventional A/P mines for more than a small fraction of its annual revenue' (HRW and PHR 1993, p.39). Moreover, demining contracts stood to compensate APM manufacturers and outstrip the value of global sales, resulting in some states with advanced arms industries developing an economic interest in clearance technology (Gebauer 1998a, p.496).

At the same time as the advantages of APMs were declining, their negative long-term side-effects were becoming more apparent to the 'international community'. While these had been highlighted to no avail by Southern states in the Remnants of War resolutions at the UN General Assembly, the UN peace operations of the early 1990s exposed Western actors to the problem and the human and financial costs were now borne at least partially by donors, rather than only by non-Western governments. Hundreds of UN peacekeepers, deminers, NGO and ICRC staff were injured or killed by mines in Afghanistan, Mozambique, Cambodia and the former Yugoslavia in the early and mid-1990s (ICRC 1993, p.261; Williams 1993; ICBL 1994a, p.92; UN Secretary-General 1994, p.20) and the UN estimated \$33 billion was needed for demining (UN Secretary-General 1994). Likewise, the US State Department found 'Uncleared landmines pose a significant challenge to the achievement of key US foreign policy objectives', 'hinder economic reconstruction and development' and were 'a continuous impediment to the world economy' (1993, p.i, 1994a, p.178).

This combined with the altered geopolitical salience of conflicts in the East and South, which were increasingly reconceptualised in Western foreign policy circles as mere 'lower-order threats' or 'Low-Intensity Conflicts' (US 1990, p.28). There was also the growing perception of unstable post-

conflict mine-affected states as an international governance problem that threatened international stability. All of this helped create the material conditions where it became possible to argue that banning APMs was in Western interests.

The landmine problem was particularly pressing for those UN agencies involved in the expanded new peace operations. This included the UN International Children's Emergency Fund (UNICEF), the UN High Commission for Refugees (UNHCR) the UN Development Programme (UNDP), and the new humanitarian UN agencies - the Department of Humanitarian Affairs (UNDHA) and Office for the Coordination of Humanitarian Affairs (UNOCHA) that had been established in 1991 (UN General Assembly 1991) to manage the expansion of humanitarian aid and outsourcing to NGOs. UNICEF's annual reports had mentioned landmines since the late 1980s (1989, pp.36–37, 1991, p.28) and heightened attention to mines across the UN system is evident in UN Yearbooks from the same period where landmines were mentioned 20 times in 1990 rising to just under 60 by 1992. As early as 1990 Secretary-General Perez de Cuellar had described landmines as 'A serious problem which deserves the urgent attention of the international community' (UN Secretary General 1990), while Boutros Boutros-Ghali also called them a 'serious problem' in his *Agenda for Peace* (1992, p.17 section 58).

The new Department of Humanitarian Affairs appointed former British military officer, Paddy Blagden, to develop a UN demining strategy in early 1992, (Rutherford 2010, p.35) and he came up with the first global estimate of the problem the same year, claiming there were up to 100 million mines in the ground worldwide. He later admitted these were "flagrant estimates...needed at the time to get the whole mine clearance process started" (quoted in Flynn 1999, p.51), but the perception of the UN as an authoritative source of information and their political usefulness meant these estimates quickly acquired the status of fact and were repeated by NGOs, the media and donors (US State Department 1994b; HI 1995a, p.7; VVAF 1995, p.3). Against this backdrop, many UN agencies favoured a ban from the outset but were initially reluctant to say so publicly for political reasons (Lawson 2002, p.102; Rutherford 2010, p.35). A ban was also strongly supported by Boutros-Ghali (Boutros-Ghali 1994; UN Secretary General 1996) and somewhat more cautiously by Kofi Annan (1997a, 1997b). The closeness of the resulting relationship between UN agencies on the landmine issue is evident in how UNDHA was invited to the October 1992 meeting commonly described as the launch of the International Campaign to Ban Landmines (Lawson 2002, p.102; Rutherford 2010, p.35) and in how UNHCR, UNICEF and UN Associations were members of the ICBL

in several countries (ICBL 1996d) and the New Zealand UN Association actually founded the campaign there (Head 1994).

The ICRC had been one of the driving forces behind the Convention on Certain Conventional Weapons in the 1970s and its mandate to provide humanitarian assistance for victims of war and its legal responsibility towards International Humanitarian Law (ICRC 1996b) meant it strongly supported a ban. The organisation has a unique status as an international quasi-non-governmental organisation recognised by international treaties and enjoying a form of diplomatic immunity. However, its 'supreme governing body', the ICRC Assembly, is composed entirely of Swiss nationals and its last three Presidents have been former high-ranking Swiss government representatives. It received 75-80% of its income from Western governments throughout the campaign. National Red Cross and Red Crescent societies are also closely integrated with states, with the leadership in many countries nominated or approved by government, or at least offering sinecures for politicians, diplomats, and royalty (Aidwatch 2011; ICRC 2012). Finally, the International Conference of the entire movement including the ICRC and national Red Cross societies, which is held every four years and is its 'supreme deliberative body', gives equal votes to states party to the Geneva Conventions and national Red Cross societies (Willettts 1996b, p.7; Standing Commission of the Red Cross and Red Crescent 2012). Consequently, the ICRC/Red Cross is essentially an international quango and would have been unlikely to support an issue that lacked strong elite support.

Individual Red Cross medical staff publicised the landmine problem in the late 1980s (Hubert 2000, p.9) and it began formally collecting data on victims in the early 1990s, which formed the basis for an early report calling for an end to the indiscriminate use of land mines (ICRC 1992a). In November 1992 it proposed to the UN General Assembly, where it had been granted observer status in 1990, that the CCW be reviewed (UN 1993, p.97) and in 1993-7 it held numerous expert symposiums and intergovernmental seminars that built support for a ban among elites. In addition, it had an annual budget of over half a billion dollars (ICRC 1997; Aidwatch 2011) and was estimated by a conservative US think tank to have spent \$30m on its own ban campaign (Center for Security Policy 1997a), which was launched in 1995 and 'dominated all the ICRC's communication efforts' (ICRC 1996c). National branches of the Red Cross joined the ICBL in several countries (ICBL 1996d) and the Austrian branch of the ICBL partnered with the Austrian Red Cross, (Landmine Monitor 1999b). Like the UN agencies mentioned, the ICRC supported a ban at an early stage, but was initially reluctant to publicly endorse calls for a ban, due to what it considered at the time as the political nature of the issue, which would make it inappropriate to address given the ICRC's professed neutrality.

Growing recognition of landmines as a problem also influenced the aid agencies and foreign affairs departments of Western states that were major contributors to peacekeeping, UN mine action programmes and the ICRC, particularly in Western middle and small powers that lacked substantial countervailing military or economic interests. For those states that would go on to become key supporters of the ban – Canada, Norway, Austria, Ireland, Belgium and the Netherlands – security interventions were generally limited to UN peace operations, while the already remote prospect of defensive warfare had further receded with the end of Cold War. APMs could thus be more readily reconceptualised as primarily an obstacle to peacekeeping and a drain on international assistance. This was reinforced by the relative weakness of these states' military apparatuses and their lack of economic interests in APMs (1999b, 1999c, 1999d, 1999e, 1999f, 1999g).

Canada and Norway have long regarded peacekeeping as a foreign policy niche (Behringer 2005, p.307; Henrikson 2005, p.72). Military personnel from both countries were also extensively involved in demining, with Canadians active in Angola, Afghanistan and Cambodia (Rutherford 2010, p.72n146), while Norwegian military personnel mainly worked for Norwegian Peoples' Aid (NPA), the development NGO arm of the Norwegian trade union movement with 'strong filial ties' to the ruling Labour Party (Neumann 2002, pp.109–113; Toje 2011; NPA 2012, pp.24–27). NPA began demining in 1992 after being offered large amounts of government funding and went on to become the lead NGO in the Norwegian branch of the ICBL.

The expansion of UN peace operations from the early 1990s further increased Canadian and Norwegian involvement and from 1992-6 Canada sent peacekeepers to mine-affected Angola, Western Sahara, Mozambique, Somalia, Rwanda, Cambodia, the former Yugoslavia and Iraq/Kuwait, while Norway dispatched them to Angola, El Salvador, Mozambique, Somalia, Cambodia and the former Yugoslavia (United Nations Association in Canada n.d. ;UNDPKO). This resulted in military casualties from landmines, with thirty-two Canadian deaths in the former Yugoslavia and Somalia in 1992-1996 (Landmine Monitor 1999c). Neither Canada nor Norway was responsible for the humanitarian problem as Norway had not used APMs since World War Two and had never produced or exported them (Landmine Monitor 1999d), while Canada had had not used them since the Korean War and had never been a major exporter (Landmine Monitor 1999c).

By contrast, major Western military powers like the US, Britain and France faced a more complex nexus of military, strategic and economic interests due to their more central coercive role in the

international security system, larger arms industries and economic and military interests in 'smart' scatterable APMs. Consequently, while the development and humanitarian agencies of those states were also often supportive of a landmines ban, military and defence agencies exercised more influence, creating stronger divisions among governing elites as to whether a ban was in the state's hegemonic interests. This elite division existed in most Western states¹⁵ and was reinforced by the actions of the ICBL, which allied itself with the more consensual-hegemonic approaches of development and foreign affairs ministries opposing military interests.

Given their historic role in creating the problem, the larger military powers also continued to oppose user/supplier responsibility, just as in the 1970s and 1980s. This was particularly salient for the US, which admitted to being the source of 'less than 15%' of uncleared APMs (US State Department 1993, p.178) and had transferred 'over four million anti-personnel landmines to more than thirty countries' including 'Every major' affected state (Goose 1998a). The UK, France, and core states Germany, Belgium and South Africa had also been significant exporters of landmines (HRW and PHR 1993, p.40; 55; 61; 104; Askin and Goose 1994; 1999f, 1999h, 1999i, 1999j, 1999k), while South Africa had also used mines extensively in neighbouring countries under the apartheid régime.

Increasing elite perception of landmines as a problem was also reflected in growing media attention to the issue even before the campaign proper began. There was a jump from 650 articles in major world publications mentioning landmines in 1989 to 1,491 in 1991, but at this stage most of it concerned prolific use in the Gulf and Balkan wars and the idea of a ban had not entered the discourse¹⁶. Against this backdrop, in campaigning for a ban, NGOs offered a solution to a recognised international governance problem and one that, almost uniquely among issues primarily affecting the Southern poor, directly endangered Western aid workers and peacekeepers. This is borne out by an early NGO report, which notes 'little consensus and much confusion within the United Nations as to how the problem can best be dealt with or...whether it can be dealt with at all' (Asia Watch and PHR 1991, p.84). Consequently, as US ICBL campaigner, Ken Rutherford (2010, p.33) puts it, 'the APL-ban idea was already floating in the international community, but nobody was acting on it'.

NGO Involvement in Mine Clearance and the Beginning of the Landmines Campaign

The six NGOs that founded the ICBL (and the only members of its Steering Committee until 1996) were all involved in mine-affected countries like Cambodia, Afghanistan, Mozambique and El Salvador. Indeed, the proximate driver for the ICBL's emergence was the repatriation of refugees

¹⁵ Cameron (1999, p.92n9) refers to it as a factor in Japan despite the lack of an influential NGO campaign.

¹⁶ Survey of Lexis Nexis database.

and deployment of peacekeepers to Cambodia, where all the founder NGOs had some sort of involvement, under the 1991 peace agreement. In a context of increased involvement in those countries by international donors in the early 1990s, these NGOs saw substantial increases in funding from Western governments, IGOs and/or US foundations, which enabled them to expand their activities. The Vietnam Veterans of America Foundation (VVAFA), Handicap International (HI), medico international (MI) and the Mines Advisory Group (MAG) all established or expanded demining and victim assistance programmes (HRW and PHR 1993, p.211; Williams and Goose 1998, p.20; Petrova 2007, p.20; Aidwatch 2009a; USAID 2010), while Human Rights Watch (HRW) and Physicians for Human Rights (PHR) increased their level of reporting on International Humanitarian Law and arms control issues.

The increased funding received by the NGOs that formed a key part of the landmine campaign was part of a wider trend of increased funding of Northern NGOs engaged in development, and especially humanitarian aid, by Western states, IGOs and US foundations in the context of cuts in the relative volume of ODA (Rieff 2003). In the case of the identified problem presented by landmines, NGOs were resourced to carry out outsourced government functions, first in service provision, or demining and victim assistance, and later in policy formation through NGO involvement in the Ottawa Process. Demining, which had previously been carried out by the military under UN auspices, began to be outsourced to humanitarian and development NGOs and/or private corporations in the late 1980s and early 1990s (Pugh 1998, pp.345–346), using a combination of highly paid Western ex-military and cheap local labour. This led to close cooperation between NGOs, donors, and the UN, as the bulk of NGO demining and victim assistance work was funded by the development agencies and foreign ministries of Western governments, either directly or via the UN (HRW and PHR 1993; VVAFA 1995; Landmine Monitor 1999a). In Afghanistan and Cambodia, the two worst-affected countries, clearance was ‘almost exclusively donor-funded’ (VVAFA 1995, p.145), while ‘virtually all funding’ for prosthetics programmes in Cambodia came from donors (USAID 1995, p.24). NGO involvement was encouraged for reasons of cost, perceived efficiency and reduction of direct responsibility (UN Secretary-General 1994, p.16; Donini 1995, pp.432–3; USAID 1995, p.5; 28; VVAFA 1995, p.21; 138–143; 147; Neumann 2002, p.112; GICHD 2004, pp.95–130), to which the dangers of demining gave an added impetus (US State Department 1993, p.179). As with ODA in general, funding went to donors’ ‘own nationally based’ NGOs where possible (GICHD 2004, pp.202–203), as illustrated by Norway’s patronage of NPA.

Donors envisaged payroll savings of twenty-five percent (Pugh 1998, p.346), with USAID (1994, p.101) asserting demining NGOs 'often are far cheaper than commercial firms, and often quicker. We need to systematically encourage capacity'. In Afghanistan, the UN established local demining NGOs 'with the explicit intention of providing...operational subcontractor bodies' and circumventing UN hiring procedures, which have remained fully or overwhelmingly UN-funded and subject to UN 'management oversight and coordination' (GICHD 2004, p.116; 104; 122). These quasi-non-intergovernmental organisations later played a leading role in the Afghan Campaign to Ban Landmines, which joined the ICBL Steering Committee in 1996 (ICBL 1996e, p.5, 1996f). NNGOs also benefited, including MAG, a UK-based demining NGO founded by ex-British army officer, Rae McGrath, in 1989 to help the UN demine the country. A similar approach was adopted in Cambodia, where MAG and Handicap International began demining in 1992 (Aidwatch 2003), 'after an elaborate plan was worked out so that [HI] would assume liability risk rather than the United Nations'. NPA also commenced demining there the same year (NPA 2012, pp.25–27). NGO capacity to identify, publicise and gather expert data on the problem of landmines that defined their role in the ICBL stemmed directly from their involvement in donor-funded mine action programmes.

The Lead NGOs and their Characteristics

Although six NGOs were involved in founding the ICBL, three organisations stand out as playing lead roles in shaping the campaign – VVAF (the Vietnam Veterans of America Foundation), HRW (Human Rights Watch) and HI (Handicap International). These NGOs have been identified as key actors because of the leadership role they played in terms of discursive influence, financial resources, and political connections. The other three founders, PHR (Physicians for Human Rights), MAG (Mines Advisory Group) and MI (Medico International), were smaller organisations with less influence on the international campaign. The origins and nature of the three lead NGOs, which help to explain their dominance, and their involvement in the campaign is now addressed, before examining the financial and personnel basis of the ICBL network as a whole and how it was organised.

Vietnam Veterans of America Federation

Established in 1980 by disabled veteran, Bobby Muller, VVAF was an internationally-oriented offshoot of the Vietnam Veterans of America (VVA), which he and his 'close friend', future Presidential candidate and US Secretary State, John Kerry had co-founded with two other veterans to campaign for veterans' rights in 1978. Both had also unsuccessfully sought election to Congress as Democratic Party candidates the same year (Kranish 2003). Muller eventually split from VVA in 1987, taking VVAF with him (Gillon 2010, pp.273–275), which by the early 1990s had evolved into a

Washington lobby group with strong ties to the Democrats, and to the military and the liberal wing of the US foreign policy establishment (Murphy 1998a).

By this time, VVAF had two main areas of work: normalising US relations with Vietnam and landmines (VVAF 1997a; Wolfe 2008; Veterans For America 2009; Gillon 2010, pp.273–275). VVAF had brought the first delegation of veterans to Vietnam in 1981 (Bandler 1998; Murphy 1998a; Kranish 2003) and its “principal focus” for many years was lobbying business people to pressure the US government to recognise Vietnam (Muller quoted in Gillon 2010, p.274). This eventually happened in 1995 (US Embassy Hanoi 2010), the same year VVAF’s ‘Vietnam Business Fellowship Program’ was established to organise ‘high-level internships’ for Vietnamese business executives in leading US corporations to ‘foster[s] an understanding of the dynamics of a free market system’, ‘open[s] a dialogue between Vietnamese and American business leaders on productivity and profitability’ and ‘institutionalize[s] the growing US-Vietnam business partnership’ (VVAF 1997b). The programme was co-funded by the US Information Agency, the US government’s propaganda arm during the Cold War.

The two strands of VVAF’s work were connected for obvious historical reasons, but also because a key condition of normalisation was Vietnamese withdrawal from Cambodia (Manyin 2005, pp.1–5), where VVAF set up its first USAID-funded victim assistance projects in 1991-2. These were extended to Vietnam in 1993 (Journal of Mine Action 1999), where VVAF’s work was funded by USAID and corporate sponsorship from US multinationals (VVAF 1998a, 1998b, p.1) and formed part of the first wave of US aid to the country after the ending of the twenty-year US embargo. This enabled Vietnam to access international aid and loans from the IMF and World Bank, but was conditional on Vietnam dropping all claims to \$3.25bn in war reparations promised by the US ‘without any political conditions’ in 1973 and assuming responsibility for the debts of the South Vietnamese regime (Chossudovsky 1995; Tucker 2011, pp.1653–1654). Given this context, VVAF was unlikely to emphasise Vietnam’s earlier demands for compensation and user responsibility for material remnants of war in its landmines advocacy. VVAF went on to establish victim assistance projects in El Salvador and Angola (Journal of Mine Action 1999), which had also been the site of US-sponsored proxy conflicts and fitted its consensual-hegemonic founding mission of providing the lands where US veterans had fought ‘with reconciliation, rehabilitation, and reconstruction’ (VVAF 1998a, p.1).

Muller and Thomas Gebauer of MI, who had been collaborating on victim assistance in El Salvador and Cambodia (Seibert 2000, p.2), came up with the idea for an international ban campaign in

October 1991 and VVAF hired Jody Williams to coordinate it (Murphy 1998a; Lawson 2002, p.96; Williams 2013, pp.144–147). VVAF (1998a, p.1) was the ICBL's 'primary funder since its inception' and worked closely with powerful Democratic Senator Patrick Leahy, who chaired the House Appropriations Subcommittee on Foreign Operations, which allocates funds to USAID, and had set up USAID's Leahy War Victims Fund to assist landmine victims in 1989. Leahy introduced the first export moratorium anywhere in the world in 1992 (HRW and PHR 1993, pp.319–320; Sigal 2006, pp.14–16) and lobbied the Clinton Administration to sponsor UN General Assembly Resolutions in 1993 and 1994 (UN General Assembly 1993, 1994), which called on all UN member states to adopt export moratoria and for 'the eventual elimination' of APMs. Clinton also made the same demand in his speech to the UN General Assembly in 1994 in a passage co-written by Leahy, VVAF and HRW.

These efforts kick-started the ICBL internationally and indicated the support of influential liberal elites and consensual-hegemonic elements of the US state, particularly in the State Department/USAID and the US mission at the UN (under Madeleine Albright who became Secretary of State in early 1997) (ICBL 1996a, p.7), even at a time when the Pentagon was firmly opposed to such a ban. Although the issue split the Clinton administration, the apparent early support from the US and its backing of limited restrictions enabled the ICBL to get off the ground. VVAF also produced *After the Guns Silent* (1995), which researched the socio-economic impact of landmines around the world and was one of the ICBL's most influential publications.

Human Rights Watch

Most of the rest of the ICBL's most influential discursive output came from HRW's Arms Project, which was set up in September 1992 (HRW 1993), shortly before the campaign launch. This included *Landmines: A Deadly Legacy*, which served 'as a baseline of information on landmines and their impact for many years' (Williams 2013, p.161) and was one of the main resources used by campaigns internationally. HRW largely defined the ICBL's framing of the problem in terms of the International Humanitarian Law (IHL) norms of distinction and proportionality contained in the CCW, rather than the norms of state responsibility in the UN's 'Material Remnants of War' resolutions. Indeed in all HRW's (and the ICBL's) voluminous output, only a single footnote referring to the UN resolutions could be found (HRW 1994a, p.n19), even though they had had far wider support than the CCW, which had only twenty-nine parties by 1992, none of which were seriously mine-affected. Related to this, HRW strongly influenced the ICBL's narrow focus on banning APMs as indiscriminate and disproportionate weapons aberrant under IHL, as well as its deprioritisation of demining, victim

assistance and user/producer responsibility, even as ancillary issues. Its discursive strategies are therefore particularly relevant.

HRW had been aware of the landmine problem since the mid-1980s from reporting on IHL violations in proxy conflicts in Central America and Asia (Americas Watch 1986; Asia Watch 1989, 1990; HRW 1989) and was also behind the first major piece of NGO research on APMs in the early 1990s, *Landmines in Cambodia: The Coward's War*. This was distributed to influential elites around the world, including members of the French, Belgian and European parliaments (ICBL 1994a, p.34; Chabasse 1998, p.60) and Prince Sihanouk of Cambodia, who subsequently called for a ban in his address to the UN on the signing of the Paris Peace Agreement (Lawson 2002, p.95). The report was co-written by Eric Stover, a consultant to HRW and PHR, and Rae McGrath of MAG, who went on to espouse stronger positions than VVAF and HRW on various issues, including APM definitions, demining and producer responsibility. It warned of an impending humanitarian disaster once refugees were repatriated given the scale of landmine contamination (Asia Watch and PHR 1991, pp.84–90) and contained many of the arguments and tropes that would form the ICBL's discursive and political core, as well as aspects that subsequently faded from view.

Those ideas that were incorporated included: a ban on landmines (which at this stage was suggested rather than demanded (Asia Watch and PHR 1991, p.103; Sigal 2006, pp.2–3)), a humanitarian rather than military approach, which included highlighting civilian casualties, especially women and children; and stigmatising mines as inherently indiscriminate weapons akin to weapons of mass destruction (WMD) rather than normal conventional weapons. The ideas that were dropped or minimised included: a ban encompassing *all* 'landmines and other devices that detonate on contact' (Asia Watch and PHR 1991, p.103), including AVMs and potentially cluster munitions; a strong emphasis on the moral and financial responsibility of suppliers; and quite extensive background information on the conflict, including US and UK involvement in supplying opposition forces with mines and training them in mine warfare and even how 'humanitarian aid provided to the border population permitted the Khmer Rouge to survive and rebuild' (Asia Watch and PHR 1991, pp.96–97; 40–42; 26).

Some or all of these latter aspects were taken up by national campaigns and individual NGOs in Germany, the Netherlands, Italy, the UK, and the South and by survivors, which variously demanded a ban on all mines, emphasised user/producer responsibility and compensation of victims, and/or linked the campaign to wider disarmament and peace issues (ICBL 1994a, 1995a, 1995b, 1998a,

pp.10–13; 39; German Initiative to Ban Landmines 1997; McGrath 1997a, 1997b; Gebauer 1998a; White and Rutherford 1998). This was generally opposed by HRW and VVAF, who wanted to keep the campaign narrowly focused and were particularly opposed to emphasising reparations to victims (Sigal 2006, pp.182–190).

In addition to its discursive influence, HRW also had close connections to influential liberal elites in the US and internationally, which helped finance the campaign and gain support for a ban. Established as Helsinki Watch in 1978, the organisation was created, funded and initially staffed by the Ford Foundation following discussions between the head of the US delegation to the Helsinki Accords and the President of Ford Foundation, McGeorge Bundy, who had been US National Security Advisor under Presidents Kennedy and Johnson from 1961-1966 (Spero 2010, pp.2–6) and was ‘one of the primary architects’ of the Vietnam War (Holbrooke 2008). With the help of an initial \$400,000 from Ford, HRW began monitoring civil and political rights in the Eastern bloc (Thomas 2002, pp.87–89) and rapidly developed a network of dissident intellectuals and civil society groups. It credits its work in this area with a key role in the fall of communism (HRW 1998a, 2008a) and ever since has remained intimately connected to the liberal Democratic wing of the US foreign policy establishment. Indeed, Kenneth Anderson, a co-founder of the ICBL and founding director of HRW’s Arms Project, has described the organisation as ‘a relatively small, highly professional, entirely elite organization funded by foundations and wealthy individuals in the Western democracies, and having no discernible base outside international elites’ (2000, pp.117–8).

Under Reagan’s Presidency in the 1980s, additional Watch Committees were established in the Americas (1981) and Asia (1985), which gave more credibility to its criticisms of rights violations in the Eastern Bloc (Welch 2009, p.479). These merged with Helsinki Watch, Africa Watch and Middle East Watch to form HRW in 1988-89 (HRW 1998b), although HRW’s US section was only established in 2001 during the Bush administration (Welch 2009, p.481), reflecting its continuing affiliation with the Democrats. Despite nominally accepting the indivisibility of rights, during the Cold War HRW focused exclusively on civil and political rights (HRW 1992a; Mutua 2001, p.155; Aka 2006, pp.435–437), which mirrored US policy and contrasted with the Soviet bloc’s emphasis on economic and social rights (Chandhoke 2005, p.364). This began to change somewhat after the departure of Aryeh Neier, its executive director from 1978-1993, who had opposed HRW defending economic and social rights (Neier 2003, p.xxx; Welch 2009, pp.479–480). Neier co-founded the ICBL and gave the keynote address at the first ICBL Conference in London in May 1993, but left the organisation shortly afterwards to head up George Soros’ Open Society Institute (OSI) (OSI 2009). He was followed

shortly afterwards by another ICBL co-founder, Kenneth Anderson, who joined the Soros Foundations as its General Counsel (Anderson and Schurtman 1995), but remained on the Arms' Project Advisory Committee, and in 1996 by the Arms Project's Program Director, Ann Peters, who became director of the OSI's new Landmines Project. This provided the ICBL with around a third of its funding (Short 1999, p.484) and helped it expand to developing countries and Eastern Europe (Soros Foundations Network 1998a, 1998b, 1999a, 2000). Although HRW officially changed its stance on economic and social rights in September 1996 (Mutua 2001, pp.155–156), they have continued to be a minor part of its work. This is demonstrated by its one-sided¹⁷ condemnatory coverage of Venezuela under President Chavez (HRW 2008b, 2013a) and its focus on 'arbitrary or discriminatory government policies that result in the violation of economic, social, or cultural rights' (HRW 2013b). This means it does not prioritise the 45,000 annual American deaths caused by inadequate healthcare (Wilper *et al.* 2009, p.2295) because this does not 'discriminate' against any particular group.

HRW began reporting on IHL violations in 1982, which it says were 'hardly ever mentioned' in human rights reports before then (HRW 1992a). Over the 1990s, it significantly increased its emphasis on IHL and extended its remit to arms control through the Arms Project (HRW 1998b, 1998c), whose mandate is 'to monitor and prevent transfers of weapons of all kinds to governments or other groups that systematically commit gross violations of human rights or the laws of war' (HRW 1993). APM proliferation to developing countries and export moratoria fell within this framework and although HRW has often been critical of US and European arms transfers to non-Western governments, this definition of the 'arms' problem notably excludes the wider question of US military expenditure, despite widespread hopes for such a peace dividend from the end of the Cold War (UNDP 1994, pp.47–60; Commission on Global Governance 1995b; Carnegie Commission on Preventing Deadly Conflict 1997, pp.67–81). HRW – and most of the other ICBL founders – consistently opposed MI's efforts to expand the campaign to wider disarmament and peace issues (Lawson 2002, pp.102–3; Sigal 2006, pp.2–3), which despite the much vaunted transformation of the international system with the end of the Cold War were still seen as too ideological and carrying too much "political baggage" (quoted in Mekata 2000, p.147).

HRW was also emerging in the 1990s as one of the strongest proponents of military 'humanitarian intervention', which it supports on a unilateral basis without UN authorisation 'in extreme situations'

¹⁷ Over a hundred academic experts on Latin America signed an open letter to HRW in 2008 criticising its coverage as failing to "meet even the most minimal standards of scholarship, impartiality, accuracy, or credibility" (venezuelanalysis.com 2008).

(Roth 2004, p.12). Consequently, it has backed foreign military intervention in Northern Iraq, Somalia, Rwanda, Sierra Leone, Liberia, Bosnia, Kosovo, East Timor, the Democratic Republic of Congo, Burma, Libya, Sri Lanka and Côte d'Ivoire (HRW 1999a, p.3; Roth 2004, 2011) and its efforts to civilise war by banning APMs must be placed in this wider context.

Handicap International

In addition to its international role, HI also led national campaigns in France and Belgium, where it successfully lobbied the French government to call for a review of the CCW in 1993 and helped bring about the first national ban law in Belgium in 1995 (Chabasse 1998; Mekata 2000, pp.149–151; Petrova 2007). It also helped found and fund campaigns in Cambodia and Mozambique (Gulamo 1994; ICBL 1997b, p.29; NGO Forum on Cambodia 1998, p.13) and had the most practical involvement in demining and victim assistance of the three lead NGOs, increasing the campaign's credibility. Together with PHR and MAG, it issued a call to "Stop the Killing in the Cowards' War" in May 1992 and launched the French and Belgian campaigns by distributing translated copies of *The Cowards' War* (ICBL 1994a, p.34; Chabasse 1998, p.60). It initially stopped short of demanding a ban, calling instead for the CCW to be reviewed (HI 1995b, p.15; Lawson 2002, pp.98–99; Williams 2013, p.157) but its subsequent framing of the issue was heavily influenced by HRW, whose research it translated and incorporated into its own publications (HI 1995c, 1996a, 1996b, 1997a). Its own original content was more nationally focused and had less international impact.

Like VVAF and HRW, HI's interest in landmines originated from its work in Cambodia, where it began demining in 1992 in collaboration with MAG and UNHCR. Its victim assistance work dated back much further, however, to the height of the Cold War in the 1970s and early 1980s. Established in 1982 by French doctors, Claude Simmonot and Jean-Baptiste Richardier, who had both previously worked for Médecins Sans Frontières (MSF) (Le Généraliste 2006), HI was initially based in Richardier's family home in Lyon and grew out of his humanitarian work with disabled Cambodian refugees in UN camps across the border in Thailand after the 1979 Vietnamese invasion. This had ended the genocide but triggered an exodus of Khmer Rouge and civilians. At the time, the West was backing the Khmer Rouge and other opposition groups against Hun Sen's Vietnamese-backed government in Phnom Penh, so HI's humanitarian efforts contributed to a broader Western strategy of undermining Vietnamese and Soviet influence through the international aid effort (Observatoire de l'action humanitaire 2011). As noted in *The Coward's War*, its broader geopolitical purpose was to help the Khmer Rouge and Prince Sihanouk's anti-Vietnamese forces to rebuild and launch cross-border attacks (Asia Watch and PHR 1991, p.26; Pilger 2011, pp.51–59), although the Khao-i-Dang camp where HI worked was the only one not controlled by opposition factions (HI 1997b; Rowat 2013).

Richardier has repeatedly cited as a role model, the American military doctor, Tom Dooley (Tuininga 1994; Saillant 2007, p.70; Observatoire de l'action humanitaire 2011), who helped evacuate Catholic refugees from North Vietnam in the 1950s and who Richardier credits with inventing "humanitarian marketing" (quoted in Saillant 2007, p.70). Best known for his best-selling memoir *Deliver Us from Evil* detailing fictitious communist atrocities against Vietnamese Catholics, Dooley's work was 'integral' to a covert CIA disinformation campaign' that helped lay the basis for US military intervention (Shaw 1991).

HI initially limited itself to strictly humanitarian activities, in particular providing medical assistance, rehabilitation and prostheses to refugees and civilians disabled by war (1997b, 1997c; Saillant 2007, p.77), but its involvement in the ICBL led it to modify its statutes in 1996 towards a rights-based approach, enabling it to take social or legal actions to prevent disability as well as treat it (HI 2012). Its moderate liberal reformist goals are evident in Simmonot's explanation that it dreams of a world "where rich people would show more solidarity with recently decolonised people" (quoted in Saillant 2007, p.72) and its revised mission, which includes 'international cooperation' and 'strengthening of civil societies' (HI 2012). In the 1990s, HI was an expanding international organisation under the leadership of the French head office, with additional branches established in Belgium in 1986 and Switzerland in September 1996 (HI 2001a) and 'Missions' in the South, which are solely implementing agencies overseen by the French or Belgian sections (HI 2009, p.27; HI-Belgium 2010).

Despite its concern with disability rights, it did not include anyone with a disability on its board until 2005 (Observatoire de l'action humanitaire 2011) and likewise it did not initially involve victims in the international campaign, whose participation only began at the CCW Review Conference in November 1995 under the auspices of other groups (White and Rutherford 1998). Despite this, HI was more supportive of ICBL campaigning on victim assistance, than VVAF or HRW (White and Rutherford 1998, p.111; Sigal 2006, p.188), who had opposed its inclusion in the original ICBL Call (Sigal 2006, p.184), and it was only included in ICBL demands from 1995 after much internal wrangling (ICBL 1994a, pp.107–109; Williams 1995; Lawson 2002, p.5n5). Even after that, it remained a low priority, due to Williams and Goose's fear it could provide an excuse for states responsible for the problem not to sign the treaty (White and Rutherford 1998, pp.107–9; Sigal 2006, pp.182–190). This obviously included the US, which was promoting voluntary victim assistance to distract attention from its refusal to sign up to a ban and would have been highly unlikely to agree

to binding obligations for victim assistance or clearance. The same could be said of other exporting states, including Belgium, which supported a ban.

Analysing the Material Base of the Landmines Campaign

The founder NGOs' various initiatives united with a meeting at HRW's offices in New York in October 1991 involving VVAF, MI, HI and HRW. UNDHA and ICRC were also there, indicating their close cooperation with NGOs from the outset, but although these IGOs were supportive they could not publicly back a ban for political reasons (Lawson 2002, p.102; Rutherford 2010, p.35). Shortly afterwards, the six founding NGOs signed the 'ICBL Call', which demanded an international ban on APMs; the establishment of a UN demining fund; and the recognition of producer/user responsibility through contributions to the fund from countries that had produced or disseminated mines (ICBL 1993). Neither AVMs nor victim assistance featured in this document, reflecting the pragmatic exclusion of AVMs and the lack of survivor or SNGO involvement. The dominant literature on the role of civil society in the international system attributes the ICBL's success to three main factors: its broad international membership and *loose*, horizontal network (Koh 1998a; Rutherford 1999b, 2000a; Edwards 2001; Rutherford and Matthew 2003; Nye 2004, pp.90–91; Shawki 2010) structure, its re-framing of landmines as a humanitarian rather than a security or disarmament issue; and the multi-actor governance partnership it involved between NGOs, small and middle powers, UN agencies and the International Committee of the Red Cross (ICRC). In the process, it ignores the campaign's lack of autonomy from sections of state elites, its donor-dependent financial basis, and hierarchical organisational structures. In the following sections, a discussion of the financial basis of the campaign, its personnel and organisation demonstrate that the NGOs that formed its core can be better understood from a Gramscian perspective as hegemonic civil society in action.

The ICBL's Financial Base

Analysing the ICBL's financial base was very difficult as it had no bank account from 1992-7 (Gebauer 1998a, p.494; Alcalde Villacampa 2010, p.25n73) and published no accounts. Participant accounts have also ignored the issue, or mentioned it only in passing. The only real exception is Muller (1998, p.22), who given VVAF was the ICBL's main NGO funder has emphasised the campaign took 'money – lots and lots of money'. A review of the Canadian-funded official book on the campaign also notes that the ICBL's 'dependence on particular funding sources' is 'not discussed' (Harpviken 2002, p.102) and the same is true of the wider secondary literature, with the exception of an article by Short (1999), who was an observer on the ICBL delegation during the Ottawa Process.

The three lead NGOs between them spent upwards of \$10m on domestic and international ICBL campaigning in five years, 1992-7. Obviously, if campaigning by the entire 1000 member NGOs in the ICBL by the end of 1997 were taken into account, the true figure would be much higher. This is well beyond the scope of this research, but is not particularly problematic given the lead NGOs played such a strong role in defining the ICBL's goals and activities at the international level, which national campaigning by member NGOs largely just reinforced. VVAF spent \$4.5m on the ICBL in 1992-7 (Campaign Against Landmines - New Zealand 1997; Short 1999, p.493), HI \$5m and HRW's Arms Project spent a substantial chunk of its annual budget of around \$0.5m. Williams has cited a figure of \$6m 'globally' from 1992-7 (Shulman 1999) and Goose \$1-2m during the later years (Hubert 2000, p.32n2). Contrary to Williams' description of this as "nothing" and "politics on a shoestring", these would be massive sums for a grassroots civil society campaign and are only available to large INGOs with significant donor backing.

According to Short (1999, p.484), who was an observer on the ICBL delegation during the Ottawa Process, approximately a third of this funding came from governments, particularly Canada, Norway and Sweden; a third from the OSI; and a third from NGOs and IGOs, particularly UN agencies, which also ran their own ban campaigns and produced voluminous publications. Examples of the extent and breadth of UN support include UNICEF's logistical support for the ICBL's second conference in Geneva and the ICBL's 'Ban Bus Tour' and the financial support of UNHCR, UNDP, UNICEF, UNOCHA and UNDHA for ICBL conferences (ICBL 1994a, p.i, 1996e, p.188, 1997b, p.29, 1998a, p.71; Grant 1997), (ICBL 1996e, p.188) and VVAF's (1995, p.ii) research on landmines' socioeconomic impacts.

The ICBL's emergence coincided with the general growth in ODA via NGOs and the outsourcing of mine action to ICBL NGOs like VVAF, HI, MAG and NPA. Norway and Canada were among the top five donors of recorded ODA via NGOs in the 1990s, according to OECD statistics, and accounted for over ten percent each of ODA in this category from 1991-1998¹⁸. Moreover, for both Norway and Canada, supporting the ICBL was consistent with a broader policy of outsourcing aspects of foreign policy-formation to NGOs. In the early 1990s, Norway was refining the 'Norwegian model' of ODA, particularly in its dealings with the South (Tvedt 1995; Neumann 2002; Batora 2005). Toje (2011, p.10) defines this as mobilising government, CSOs and research institutions 'for concerted foreign policy efforts', where 'the shared effort remains directed by the state', and as characterised by extensive elite interpenetration and circulation. Norway's support of the ICBL, in part through NPA

¹⁸ OECD data excludes the US which provided large amounts of ODA through NGOs.

(Neumann 2002, p.118; Petrova 2007, p.21) was therefore a further internationalisation of this strategy that used international as well as Norwegian NGOs to achieve its foreign policy goals.

Similar dynamics pertained in Canada, albeit in a context of recession and aid cutbacks. Canadian development NGOs were 70% dependent on government funding by 1996 (Hudock 1999, p.3) and were hard hit by ODA cuts of 40% in the period from 1991/92 to 1999/2000 (Robinson and Epps 1997), which saw a reduction of their funding from \$282 million in 1991 to \$175 million in 1997 (Agg 2006, pp.17–18). According to the Canadian campaign, the impact was ‘devastating’ and left them with ‘little remaining capacity for public education and outreach’ (Warmington and Tuttle 1998, p.58), but the new Liberal government sweetened the pill by reinvigorating government consultations with NGOs (Van Rooy 1997, pp.95–98; Batora 2005, p.7) that had lapsed under the Progressive Conservatives. NGOs were invited to participate in a foreign and defence policy review from 1993 (Warmington and Tuttle 1998, p.49), enabling them to raise the landmines issue. The resulting foreign policy statement also promised Canada would expand personnel exchanges between its overseas development agency and NGOs (DFAIT 1995a, chap.VI; VII), while the Liberals’ 1997 election manifesto promised to promote increased NGO participation in IGOs (Liberal Party of Canada 1997, p.100), indicating a similar hegemonising strategy as Norway’s social democrats. Moreover, in a climate of otherwise severe cuts, involving NGOs in the policy process, funding the Canadian campaign (Clark 1998, p.89) and supporting the ICBL was a cost-effective way of dampening criticism from the NGO sector and mitigating the impact of simultaneous ODA and defence cuts on Canada’s international profile at relatively low cost. Indeed, the budget for Canada’s stewardship of the Ottawa Process, after the initial Strategy Conference, was only around CA\$2m (Tomlin 1998, p.19), indicating the value to be had by outsourcing foreign policy to NGOs. Diplomatic prestige was particularly important to Canada at the time, as it was campaigning for a seat on the UN Security Council (Scott 2001, p.129), having announced its candidacy for 1999-2000 in 1994. It thus framed the Ottawa Process as part of a wider human security agenda it would pursue on the Council, which may have seemed a relatively cost-effective campaign strategy for competing with the Netherlands, another Core Group member, which ran on its more impressive aid record (Malone 2000). In the event, both countries won a seat, with Greece losing out.

Funding from Canada, Norway and the other Western governments that formed the Core Group of supportive states was especially important during the later stages of the campaign, when NGOs received funding to publicise and attend the Ottawa Process and establish campaigns in the South. Rutherford (2010, p.89) refers to how the influx of cash sent Williams and the US campaign

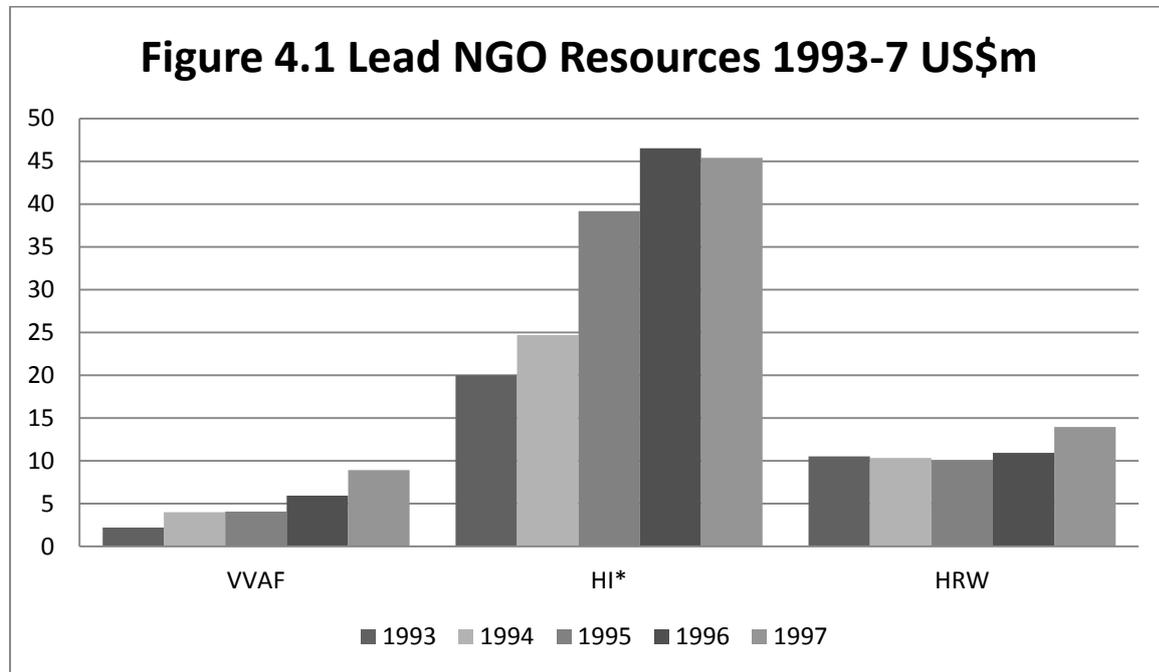
coordinator, Mary Wareham, 'scrambling to establish in-country national campaigns, which were an important part of the Core Group's...strategy' and ICBL reports acknowledge funding from Canada, Norway, Belgium Sweden, South Africa, New Zealand, the Netherlands and Denmark (HI and ICBL 1997, p.144; ICBL 1997b, p.29, 1998a, p.71), including Belgium's sponsorship of SNGOs and survivors to attend the June 1997 Brussels Conference (Landmine Monitor 1999f).

The other major ICBL donor was Soros, who established the OSI Landmines Project in early 1997 and promised \$4m in donations by 1999. It was planned to provide this 'in the form of matching funds, on the basis of two dollars from other sources for every dollar of Landmines Project funds', potentially creating a substantial multiplier effect (HRW and Africa Watch 1994). \$1m had already awarded by October 1997 (OSI 1997; Soros Foundations Network 1998a, 1999a), most of it to ICBL NGOs, and \$2.4m by the end of 1998 during the ratification phase of the campaign. All of this money was earmarked for advocacy, research and organisational support rather than demining or victim assistance (Soros Foundations Network 1999b) and went directly to campaigning and expanding the ICBL. All the ICBL founders received grants, as did dozens of national campaigns and NGOs in the South and Eastern Europe, where Soros was promoting civil society, privatisation and free markets as part of his 'open society' agenda. The extent of his support leads Short to question whether the ICBL represented 'civil society' at all and to suggest this type of funding model may only be possible where campaigns tally with 'a liberal agenda' supported by elites (1999, p.496).

Funding of the Lead NGOs

The overall budgets of two of the three lead NGOs, VVAF and HI, increased significantly during the campaign, while the establishment of HRW's Arms Project with foundation grants allowed it to move into a new area of campaigning. HI's resources more than doubled between 1993 and 1996, from approximately \$20m to over \$45m. From a much lower base, VVAF's revenue also quadrupled, from \$2.2m in 1993 to \$8.9m in 1997/8, when it spent \$4m on the ICBL (VVAF 1998b, p.23; 9; 2). Much of this went on advertising and lobbying firms in the US (Priest 1997a), but it also 'staffed, coordinated, and largely financed' the international campaign (VVAF 1998a, p.3). Its staff included: the ICBL Coordinator, Jody Williams; Liz Bernstein, who helped establish campaigns across southern Africa from mid-1996 and was on the ICBL Conference team at the Brussels Conference of the Ottawa Process; and the US campaign coordinator, Mary Wareham, who was also a leading member of the ICBL conference team at the 4th ICBL Conference in Mozambique and the Ottawa Process negotiations in Brussels and Oslo (Bernstein 1997; ICBL 1997c, 1997d, 1998a, p.71; SACBL 1997; Wareham 1997a; Rutherford 2010, p.89n54; Williams 2013, p.210). In addition, VVAF was a major

funder of ICBL activities at international conferences (ICBL 1996e, p.188, 1997b, p.29, 1998a, p.71; HI and ICBL 1997, p.144); and public awareness activities like the 'Ban Bus' (Grant 1997; VVAF 1998b).



*HI figures are very approximate due to varying data sources and conversions between several different currencies. The 1997 figure is very rough due to separation of HI and HI-Belgium's accounts that year and may not represent an actual funding decrease.

Two main sources of VVAF's extra income can be identified: the Leahy War Victims' Fund at USAID and the MacArthur family's foundations (MacArthur Foundation 1998; VVAF 1998b; Gillon 2010, p.282). VVAF's President Bobby Muller had good access to the latter through his marriage to Solange MacArthur, who 'poured millions of dollars into Bobby's political activities, essentially bankrolling the campaign to ban land mines' (Gillon 2010, p.282). The J Roderick MacArthur Foundation, which Solange chaired, helped finance *After the Guns Fall Silent* and also gave \$1.75m to VVAF in 1998 during the ratification phase of the campaign. VVAF also received support for its ICBL work from the larger MacArthur Foundation, which approved a \$100,000 grant in 1997 (MacArthur Foundation 1998, p.1122) and Muller's personal wealth allowed him to make large individual donations to political candidates, amounting to \$380,000 since online records began in 1997. Most went to Democratic candidates, which in 1997 included ICBL supporters, Congressman Lane Evans and Senator Patrick Leahy (Federal Election Commission 2011).

On the government side, VVAF's decision to accept state funding for the first time in 1992 (Kranish 2003) enabled it to access funds for its victim assistance work in Cambodia (USAID 1995, p.1; Kranish 2003). It received \$4.5m from USAID in Cambodia alone from 1992-5 (USAID 1995, p.6), or roughly

44% of its overall revenue (VVAf 1998c, p.9) and as of September 1996, was receiving grants worth \$4.25m for work in Vietnam, Cambodia and Angola. Although earmarked for victim assistance, this enabled VVAf to acquire expertise on landmines and grow the organisation. USAID also part-financed *After the Guns Fall Silent* (1995, p.285 n25) and John English, the Canadian government's special advisor on landmines (English 1998, p.121), has said the US campaign 'received considerable funding from USAID' (cited in Kitchen 2002, p.48 n39), indicating the divisions in the US government between elements in the State Department that actively supported the campaign and the Pentagon. In this context, although Muller (1997) has claimed that 'Throughout our anti-landmine campaign, we were cautioned that we could be jeopardizing our funding', given his personal and political connections he was in a relatively strong position to withstand the pressure.

HI was also a major financial contributor. Although the vast majority of its relatively large budget (Figure 4.1) went on field operations, it also spent well over \$5m¹⁹ on the ICBL from 1995-7 alone (HI 1996c, 1998). This included leading large national campaigns in France and Belgium and sponsoring ICBL activities at international conferences (ICBL 1996e, p.188, 1997b, p.29; HI and ICBL 1997, p.144), particularly the June 1997 Ottawa Process Conference in Brussels where HI-Belgium is based. Although HI's demining and victim assistance activities are overwhelmingly government/IGO funded (US State Department 1994a, chap.VI; VVAf 1995, p.140; 169; USAID 1997, p.12; Landmine Monitor 1999l, 1999m) and like much of the ICBL, it received grants for campaign activities from Core Group governments and the OSI Landmines Project (Soros Foundations Network 1998b), in general it was the most financially independent of the lead NGOs and financed much of its participation from public fundraising.

Over the course of the campaign, its overall budget increased significantly (Figure 4.1), due to increased income from the EU, UN, governments, as well as the general public. The French and Belgian branches pursued different fundraising strategies in this respect, as almost half of HI-France's income in 1996 came from the general public, compared to around a quarter for HI-Belgium (HI 1996c, 1998). This became more pronounced after they separated financially in 1997, when HI-France further increased its independence from institutional funding whereas HI-Belgium did the opposite (HI 1996c, 1998; HI-Belgium 2001, p.29; Aidwatch 2003). Given HI-France accounted for nearly three-quarters of HI's overall revenue as of 1996 (HI 1996c, 1998), its funding model

¹⁹\$5m is a rough conversion of the figures cited in its combined international accounts. These cover the French and Belgian sections in 1995, the French, Belgian and Swiss sections for 1996, but only the French and Swiss sections for 1997. This is because the Belgian section separated from the French organisation financially in 1997, so its activities during the last year of the campaign are not included in this figure.

predominated, which meant HI was significantly more financially independent than the other lead NGOs – especially given HI-France’s broad support base of around 200,000 donors (HI 1997d).

Like many human rights NGOs, HRW forswears government funding and is largely financially dependent on foundations, corporations and wealthy individuals. As an employee once quipped, its generous budget “doesn’t come from ten-dollar donations from the Dalits” (quoted in Brody *et al.* 2001, p.69). It was the fifth largest recipient of US foundation grants for ‘International Affairs’ in 1998 (Foundation Center 1999), which together with corporate funding accounted for a third of its income in 1997/8 (HRW 1998d). Individual donations made up another half, with much of this coming from the super-rich. Almost a third²⁰ of its overall income from 1992-6 came from donors that each gave over \$800,000 (HRW 1998e, p.9) and in 2000 (the only year for which this information was publicly available), 69% originated from donors of \$5,000 or more (HRW 2001a, p.14). This is also the minimum threshold for participation in the elite HRW Council (HRW 2003a, p.27), whose members organise fundraising and publicity events. Examples cited in the Council handbook include dinner for fifty in a member’s home, prepared by a top chef and featuring a fine wine auction, and a private talk in another’s by Mary Robinson, the former UN High Commissioner for Human Rights. HRW also holds an annual gala dinner that brings in around \$1.5m (HRW 1998d).

The majority of HRW’s income thus comes from foundations, corporations or very wealthy individuals, in which context ‘Relatively large gifts from affluent individuals have proven a proportionally less costly strategy to raise funds than a dues-based structure’ (Welch 2009, p.483). The remainder comes mainly from financial and stock market investments (HRW 1998e, p.9), which in 1997 included \$250,000 profit from Soros’ Quantum fund (HRW 1998e, p.1; 9; 13). Until 1994 this owned 9% of the shares in Alliant Tech Systems, the largest US manufacturer of APMs (ICBL 1994b, p.7). In terms of funding specific to the landmines works, HRW’s Arms Project was established with a \$500,000 grant from the Rockefeller Foundation (HRW 1993; Rockefeller Foundation 1993, p.108) and additional grants of \$2.27m between 1993-1997 (based on Rockefeller Foundation annual reports), including \$400,000 out of a budget of \$1.2m in 1997 (HRW 1998e, p.17), indicate it likely accounted for 30-40% of its income annually, with most, or all, of the rest coming from other foundations, including the OSI, which gave the Arms Project \$156,000 in 1998 (OSI 1998, p.167). Looking at ICBL funding as a whole, its was substantially dependent on its close relationships with public and private elites.

²⁰ This also includes donations from corporations and foundations.

NGO Personnel and their Elite Allies

The similarities of background and political outlook of NGOs intellectuals and individual members of government, IGO and private foundations, that may have contributed to this capacity to raise funds, is examined now in the context of Gramsci's theory of intellectuals as strata allied to dominant class interests that mediate between civil and political society in integral states. This is in contrast to the way the ICBL's diversity of membership has been emphasised (Cameron 1999, p.90; Mekata 2000, p.155 Gebauer 1998, p.492) as a key ingredient of its success.

This research identified thirty-six leaders of the landmines campaign, around a third of whom had previously worked for Western governments, IGOs or foundations or as elected representatives of major Western political parties, and all of whom were NGO employees, aside from two prominent Cambodian landmine survivors. Beyond this, the social basis of the ICBL's founders mainly consisted of 'traditional intellectual' strata, particularly doctors (HI, PHR, MI), lawyers (HRW), military officers (MAG, VVAF, NPA) and Christian clergy in the numerous faith-based NGOs and religious groups that joined the campaign from 1993. Several of these played key roles in establishing national campaigns in the South through their missionary networks and church support was vital in broadening the campaign.

Many of the ICBL's leading figures were personally very well-connected, for example Bobby Muller of VVAF, who hosted a private fundraiser for Leahy in his home where President Clinton was the main speaker (Clinton 2000). The closeness of VVAF's relationship with Leahy is indicated by Muller's rather sycophantic, or in Gramsci's terms, "servile" attitude (1971, p.97) towards the US Senator, as demonstrated by his description of his cooperation with Leahy's aide, Tim Rieser as being a soldier 'under the direction of Tim, who has been given the authority by Leahy to do what is necessary to get the job done' (quoted in Sigal 2006, p.15).

The ICBL Coordinator, Jody Williams, followed a similar personal trajectory from leftish anti-war activism to insider lobbying. The daughter of a small businessman, Williams had two postgraduate degrees, including a Master's in International Relations from John Hopkins (Clancy 1992; The Nobel Foundation 1997; Bandler 1998; Murphy 1998a; Peacejam 2011; Williams 2013, pp.12–13; 23), but had spent the 1980s working for various US-based Central American solidarity NGOs during the US-backed 'dirty war' (Williams 2013, chap.5–6). This included Medical Aid for El Salvador, a small Los Angeles-based NGO with humanitarian field projects popular with Hollywood liberals. Its leader, Mario Velasquez, was a former envoy for the Salvadoran guerrilla movement, FMLN, and it was

through these left-wing connections that Williams met Gebauer of MI, who suggested hiring her as ICBL Coordinator (Lawson 2002, p.96; Williams 2013, pp.144–147).

In contrast to the intermittent danger and low pay of her Central American work, Williams' job as ICBL Coordinator gave her a 'profile, prestige and travel requirements more akin to a UN envoy than a staffer for a Washington nonprofit' and a salary equivalent to over \$80,000 (in current value) (Bandler 1998; Clines 1998; Murphy 1998a). Initially sceptical of 'partnership' with pro-ban governments (Sigal 2006, p.97) and not believing 'for a minute' that 'anything [was] possible now in our post-Cold-War world' (Williams 2013, pp.147–148), by the time the treaty was agreed, she was extolling the virtues of partnership, arguing 'civil society and governments do not have to see themselves as adversaries' (Williams 1997a) and claiming "Diplomacy in the post-Cold War period really is different" (quoted in ICBL 1997e). Widely regarded as a brilliant organiser, Williams had a forthright, confrontational style, and famously derided Clinton as a "weenie" for failing to stand up the Pentagon and sign the ban treaty (Bandler 1998). She had a huge amount of personal responsibility for the campaign, being ultimately responsible 'for all official ICBL press releases' and formed a two-person negotiating team with Stephen Goose of HRW at crucial points in the Ottawa Process (Goose 1998b, p.275; Short 1999, p.484; 494)

Goose was Williams' closest ally, despite his more cautious diplomatic style (Williams 2013, p.170). A History graduate from Vanderbilt University, Goose also had a Masters in International Relations from John Hopkins and had joined HRW's Arms Project in 1993 after working as an arms control expert for the House Appropriations Subcommittee on Foreign Operations (Augsburg College 1999; ICBL 2002a; HRW 2011a), then chaired by Senator Leahy. Before that, he had worked for seven years at the Center for Defense Information, a Washington arms control think tank (DanChurchAid 2004a, p.41; Williams 2013, p.168). He contributed his legal expertise to HRW's influential publications (HRW and PHR 1993; HRW and Africa Watch 1994; HRW 1997a; HRW and VVAF 1997), which formed the ICBL's discursive core. As well as chairing the Steering Committee of the US campaign (USCBL 1996a, 1997), he represented HRW on the ICBL Steering Committee from 1993 onwards (Nobel Committee 1998; Williams 2013, p.168). During the Ottawa Process, he and Williams collaborated very closely with Core Group diplomats working for ideologically compatible consensual arms of small and middle power states. Both sides have emphasised their collegiality and mutual trust (Peters n.d., p.29; Goose 2008a, p.24).

HRW's entire strategy was based around elites harnessing the power of other elites and it is quite open about this, explaining that they 'sought to enlist the influence of the U.S. government on behalf of human rights worldwide', but had recently 'expanded these efforts to other centers of influence such as the United Nations, the European Union, the World Bank and Tokyo' (1997b). This insider strategy and its liberal internationalist ideology orient it towards liberal elites domestically and internationally and its governing bodies are almost entirely composed of elite intellectuals in a Gramscian sense. Similar to the Moderate Party in 19th century Italy, these can aptly be described as 'a real, organic vanguard of the upper classes, to which economically they belonged' (Gramsci 1971, p.60). During the campaign, HRW's Executive Committee, which essentially runs an organisation with no membership or national sections (One World Trust 2008), was chaired by the President of Random House, Robert Bernstein, and other directors included the presidents of the MacArthur and Carnegie foundations (Foundation Center 2000); Gary Sick, who had served on the National Security Council under Presidents Ford, Carter, and Reagan (SIPA 2005); Harold Hongju Koh, a former Justice Department adviser under Reagan who was appointed Assistant Secretary of State for Democracy Human Rights, and Labour by President Clinton in 1988 (Koh 2004); and Maureen White, who later became Finance Chair of the Democratic National Committee. The Arms Project's International Advisory Committee was similar, including the editor emeritus of the *Boston Globe* and several elites that helped develop the concepts of human security and R2P in the 1990s and early 2000s. Mohamed Sahnoun, a former Algerian ambassador to the US and the UN Secretary-General's Special Representative to Somalia in 1992, who was later a member of the International Commission on Intervention and State Sovereignty (ICISS) (HRW 1994b, 1995, 1996, 1997c, 1998f) is one example.

The leading ICBL person in HI was Dr. Philippe Chabasse, who coordinated the French campaign from 1994-7 and currently directs a corporate social responsibility consultancy (Chabasse 1994, 1998, 2011; HI 1997e, 1999). A past pupil of the prestigious Lycée Concordat in Paris alongside Jean Claude Trichet, Edouard de Rothschild and Bao Dai, like Richardier and Simmonot, Chabasse had gotten involved in humanitarianism through working for MSF and cites as his role model its founder, Bernard Kouchner (Chabasse 1994, 1998, 2011; HI 1997e, 1999), who originated the concept of *le droit d'ingèrence* in the late 1960s. Kouchner was one of the first signatories of HI's ban petition in 1992 and co-organised a public hearing with them on landmines in the European Parliament in 1995 in his then capacity as President of the Commission for Development and Cooperation in Foreign Affairs (HI 1995c, p.54; Chabasse 1998, p.61). Together with other MSF figures, he was an important ally for the French campaign.

A final important figure was Rae McGrath of MAG, a former British army officer who contributed his demining expertise to several early ICBL publications (Asia Watch and PHR 1991; Middle East Watch 1992; McGrath 1994a), which have a noticeably stronger tone on Western state and corporate responsibility for the problem than subsequent HRW and VVAF publications. McGrath continued to push stronger positions on these and other issues and even suggested rejecting the Nobel Peace Prize as “a stamp of official approval on a civil society campaign...that could just take the sting out of it” (quoted in Monin and Gallimore 2002, pp.24–25). He also subsequently wrote a highly critical book on the international mine action sector, endorsed by John Pilger, that opposed NATO’s ‘humanitarian intervention’ in Kosovo in 1999 (2000a). This indicates the political differences in the campaign and also how they were largely concealed by its cooperative tone and singular objective of banning APMs.

Outside the ICBL itself, elite allies in government, IGOs, the media and foundations were crucial to its success. Korey (1999, p.170) notes the increased access and influence of human rights NGOs under the Clinton administration when, as de Waal puts it ‘the human rights generation came to power’ (2003, p.480) and similar processes were happening internationally with the integration of humanitarian and development NGOs with governments, in line with neoliberal restructuring and outsourcing of governance functions. Even in France, where the political culture has traditionally involved greater distance between NGOs and the state (Chabasse 1998, p.67; Pouligny 2001, pp.18–19), this was changing by the 1990s, at least in the humanitarian field, where numerous prominent figures from MSF, which has close links to HI (Saillant 2007, pp.76–77), were appointed to ministerial positions in the 1980s and 1990s.

As mentioned above, UN Secretaries-General Boutros-Ghali and Annan, and the head of the ICRC, Cornelius Sommaruga, supported the campaign, as did Jimmy Carter, who lent his support right at the beginning in August 1992 (HRW and PHR 1993 Appendix 16). Numerous wives and ex-wives of powerful men who engaged in charitable activities also flocked to the cause, including Danielle Mitterrand, who headed a human rights foundation and was an important supporter of the France campaign (Mitterrand 1994; Chabasse 1998, pp.62–3), Princess Diana, and Graça Machel, the former Education Minister and First Lady of Mozambique who married Nelson Mandela in 1998, wrote a UN report on the impact of armed conflict on children including landmines (Machel 1995) and patronised the Mozambican campaign (ICBL 1996g). Liberalism was a common ideological thread linking many of these supportive elites, in addition to religious motives for quintessential traditional intellectual supporters like the Dalai Lama, Pope and Archbishop Desmond Tutu.

Of all the campaign's many elite supporters, the most important were probably Leahy, Canadian Foreign Minister, Lloyd Axworthy, the Norwegian Development Minister, Jan Egeland, and billionaire philanthropist and archetypal organic capitalist intellectual, George Soros. Leahy, Axworthy and Egeland shared similar liberal political outlooks and played important political roles in the US, Canada and Norway and internationally. Leahy is consistently rated one of the most liberal US Senators (That's My Congress 2012) and had already established the Leahy War Victims Fund to assist landmine survivors. Similarly, Axworthy was a Liberal Party politician with a liberal internationalist academic background who has written extensively on 'human security', 'soft power' and middlepowermanship (Axworthy 1997a, 1998a; Axworthy and Taylor 1998) and under whose ministry Nye's writings on soft power became 'required reading' for Canadian diplomats (Wallace 1998).

There was little ideological difference between them and Egeland, who had a background in Amnesty International and the Norwegian Red Cross (Neumann 2002, p.110; Petrova 2007, p.20) and like Axworthy, championed 'soft power' and middlepowermanship. His doctoral thesis, *Impotent Superpower, Potent Small State* (1988) was a major influence on the "Norwegian model" of partially outsourcing foreign policy to NGOs, which Egeland put into practice during the Ottawa Process. It also proposed maximising Norwegian influence by focusing on 'human rights and humanitarian issues', a 'humanitarian superpower' role he believed Norway could play more convincingly than its US ally.

The ideological compatibility between these elite intellectuals and the lead NGOs is demonstrated by their ready support for the campaign. This applied to Leahy (HRW and PHR 1993, p.319n2; Sigal 2006, pp.14–16) and also Axworthy, who seized on the campaign as soon as he entered office in January 1996 (Mekata 2000, p.157), as 'a way in which a middle power could distinguish itself on the world stage with a "moral" foreign policy' (Kitchen 2002, p.38). Similarly, according to NPA, Egeland was "our man" from the start (NPA 2012, p.8), especially given he had precipitated NPA's involvement in demining in 1992 through the offer of large amounts of government funding.

The subsequent trajectories these elites took are also instructive. Axworthy continued his interest in 'human security' by developing a more directly coercive 'freedom from fear'-based approach to the concept that distanced it from its development roots (DFAIT 1999) and included supporting NATO's 'humanitarian intervention' in Kosovo and establishing ICISS, which developed the R2P. After resigning as Foreign Minister in 2001, he joined the board of HRW (HRW 2002a, p.45) and the

MacArthur Foundation (Hrab 2003). Likewise, Egeland is also a member of the International Advisory Board Global Centre for the Responsibility to Protect (Global Centre for the Responsibility to Protect 2011) and after the Labour Party lost the 1997 elections he returned to the Norwegian Red Cross as its President, before heading UNOCHA from 2003-2006 (Petrova 2007, p.20 n36) and becoming Deputy Director of HRW in 2012 (HRW 2012a). Even in 2002 Neumann (2002, p.110), described Egeland's career trajectory as 'indicative of a wider structural change', where personnel circulation between NGOs, the government and IGOs has become the norm. This is particularly marked in Norway, but is also evident in other countries and is closely connected to the increasing outsourcing of foreign policy, which has narrowed the apparent gap between civil and political society in the integral state.

Finally, the ICBL's largest single funder (Short 1999, p.484), George Soros, was one of the world's richest men, who was in the process of dispensing an estimated \$4 billion in grants (Philanthropy in Europe 2006, p.4) across Eastern Europe to ease the transition to capitalism (Quigley 1997, pp.87–102; Arnold 2004; Roelofs 2007, pp.11–18). This included large amounts of aid for civil society building and was boosted by further billions he made speculating on the 1997 East Asian financial crisis (Clark 2003). Committed to promoting free market capitalism and liberal democracy (Soros Foundations 2000, p.134; 2), or what he calls an 'open society', Soros had bankrolled HRW's activities in the Eastern bloc during the Cold War and has been one of its main supporters for decades (Welch 2009, p.483). Like HRW, he was also a strong supporter of 'humanitarian intervention' in the former Yugoslavia throughout the 1990s and has been a member of HRW regional committees since at least 1992 (HRW 1992b, 1997d).

All these elite connections greatly facilitated the ICBL's predominantly insider tactical strategy, discussed in the next chapter, and demonstrate the lead NGOs' ideological compatibility with liberal intellectuals in the international political and civil society of IGOs, governments and foundations and their broad identification with hegemonic interests.

The Organisation of the Campaign

In contrast to the lead NGOs' identification with hegemonic interests they had a paternalistic attitude towards landmine victims, the ICBL's equivalent of Gramsci's subordinate groups, as illustrated by the ICBL slogan "To speak for those who cannot speak for themselves" (White and Rutherford 1998, p.100) and Muller's (1994a, p.10) keynote address at the second ICBL conference:

The people who are the victims of landmines are usually the people who are the most vulnerable within society...They do not have a political voice. That is our job. We are their voice.

This reflected North-South relations within the campaign as a whole and its embedded hierarchical nature of the campaign. In spite of this, the conventional understanding of the ICBL is as a global or transnational civil society network, viewed from a liberal or liberal-constructivist perspective (Price 1998a; Mekata 2000; Warkentin and Mingst 2000). The editors of the official book on the campaign deem it 'a good example of what has been dubbed 'global civil society', which 'holds the promise of making existing international institutions more democratic' (Cameron and Lawson 1998, p.xiii; 5; 13), while Warkentin and Mingst (2000) characterise the APLC as a "'victory" of global civil society'. Indeed, as Beier (2003, p.793) points out, this interpretation of the ICBL as 'global civil society' is so widespread that it is habitually 'invoked as evidence of its very existence'.

This account was fostered by the ICBL leadership, supportive governments and the UN, as the perception of the ICBL as a global civil society campaign with a diverse North-South membership helped legitimise the Ottawa Process and the APLC. Williams has thus described the campaign as a 'global citizens' coalition', an international social movement and a 'global civil society campaign' (Williams and Goose 1998, p.22; UNDP 2002, p.103; Williams 2008, p.187), while the Canadian campaign called it as 'global grass-roots effort' (Tuttle 1997). Similarly, Axworthy (1997b) claimed 'the involvement of civil society and the information technology revolution – are the foundations on which a profound democratization of international politics is being built'. In this context, liberal-constructivist interpretations have to a large extent reproduced the representations of campaign participants.

Academic readings in this vein emphasise the dynamic transnationality and global reach of the ICBL, which is essentially treated as a singular actor by focusing on its overall impact, rather than the power relations within it. This is consistent with the broader approach towards transnational advocacy networks and global governance as cooperative processes involving actors that are assumed to be meaningfully independent and horizontally related, rather than imbricated in hierarchical relations of dependency and domination. Consequently, the ICBL's geographical and functional diversity and flexible, horizontal network structure are emphasised and are seen to have made it both politically effective and democratically legitimate (Price 1998a, pp.626–627; Rutherford 2000a, p.100; Shawki 2010), exemplifying the democratising effects of 'global civil society' participation in global governance and the role of networks as democratic vectors of soft power.

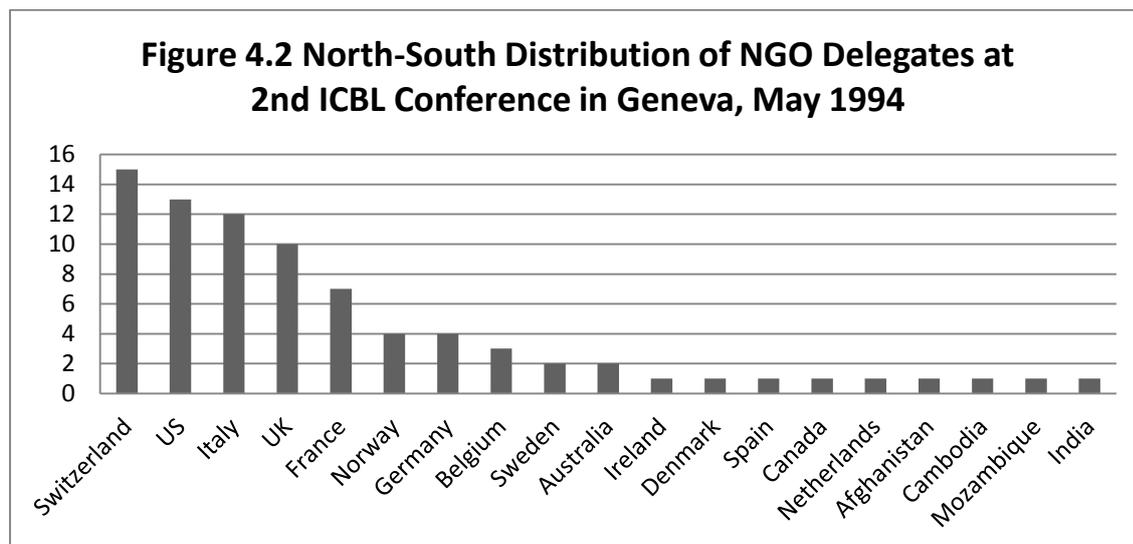
Edwards (2001, p.9) thus cites the ICBL as an example of how 'The rising power of information technology and the Internet makes it easier for networks to operate with less centralized structures, not to mention a flatter hierarchy', while Shawki (2010, p.108) stresses it 'maintained a very flexible structure and had no international secretariat or central bureaucracy. Each member...remained free to pursue ICBL goals in any manner it saw fit'.

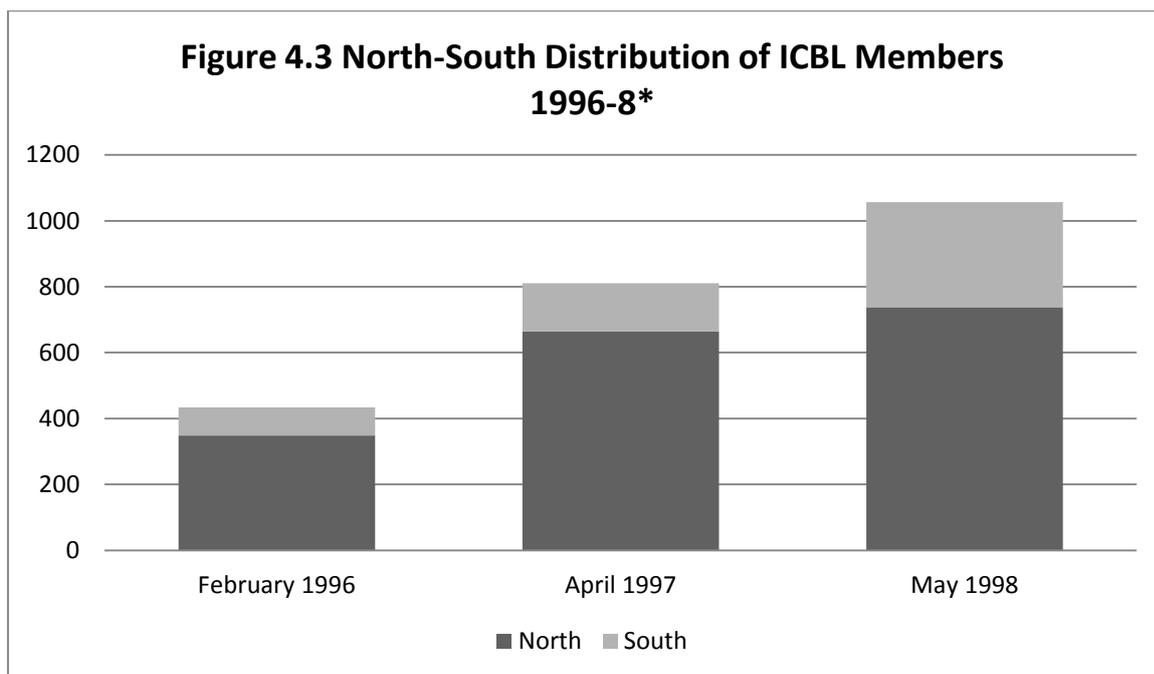
This occludes power relations within the campaign, which can be equally described as driven by a small core of well-connected, well-resourced and Northern-based individuals and organisations, with minimal democratic input into its overall strategy or discourse from the broader membership. This duality accounts for the apparent contradiction between Sigal's (2006, p.6) claim that 'the campaign was not organized hierarchically. Its hubs did not control its spokes' and Gebauer's (2007, p.7) description of it as a 'hierarchically structured', 'not always transparent web, dominated and controlled by NGOs, prominent individuals, churches, lobbyists, self-appointed coordinators and careerists', in which 'Southern NGO especially are subject to internal dependency and power relations'. This more critical interpretation is supported by several academic accounts (Poulligny 2001; Beier 2003), including Sigal's (2006, p.73; 222; 229; 5), as well as the ICBL's financial and personnel basis, its geographic development and decision-making processes. It should also be noted that although the emergence of internet and email in the mid-1990s made transnational communications faster, easier and much cheaper (Williams 2013, p.167), the democratising effects of this were limited by lack of access in developing countries. In 1995 only 40 million people used the internet and by 1997, the ratio of access in developed and developing countries was more than 80:1 (Castells 2010a, p.xxiv).

Contrary to its global image, the ICBL was mainly Northern-based and Northern-led (Figures 4.2 & 4.3). Its expansion to the South was initially slow and concentrated in a handful of severely-affected states with large international aid efforts, where campaigns were set up by NNGOs and missionary groups and primarily involved local partner NGOs of international agencies. In addition, its Steering Committee, which was responsible for 'global strategic direction', 'establishing broad policy directions, including defining the core objectives, setting out strategy for the various negotiating sessions, and targeting important regions and countries for capacity-building efforts' (Hubert 2000, p.32), was composed of the six founder NNGOs from 1992 until mid-1996 (ICBL 1996e, p.5, 1996f). Against this backdrop, SNGOs' role was mainly to legitimise the campaign through the involvement of victims, who served mainly as "'poster children" for the ban movement' (White and Rutherford 1998, p.105) and were not admitted to the Steering Committee until February 1998 (ICBL 1998b). In

addition, many of the Southern campaigns were ex-pat dominated, ‘astroturf’ operations dependent on external funding and lacked strong local roots.

The de facto leadership of the six founder NGOs was recognised by the forty European and North American NGOs present at the 1st ICBL Conference in London in 1993 (ICBL 1994a, p.15; Lawson 2002, pp.107–108), which mandated them ‘to make decisions on behalf of the ICBL’ (Rutherford 2010, p.44). By late 1993, campaigning was underway in the US, France, Australia, Germany, Sweden, Britain, New Zealand and Italy, but only four developing countries were represented at the ICBL’s Second International Conference the following May (Figure 4.2), despite recognition that expanding the campaign to the South would be important for its legitimacy (Rutherford 2010, p.44). The ICBL began to make serious effort to expand to the South from mid-1995 (Williams and Goose 1998, pp.30–31; Mekata 2000, p.153; Sigal 2006, pp.175–180; Rutherford 2010, p.89) in the run-up to the CCW Review Conference and held its Third International Conference in Phnom Penh that June. However, by that stage its parameters were long established and the ability to significantly alter campaign strategy or discourse was limited.





(Sources: ICBL 1996d, 1997a; WCC 1998)

Expansion accelerated in 1996-7, when donor funding during the Ottawa Process facilitated rapid growth in the South and the ICBL's membership almost doubled (Figure 3.5). Flowing from this, Rutherford (2010, p.89 n54) relates how 'From 1995, many of the national campaigns were established largely by Liz Bernstein', the American aid worker based in Cambodia who was instrumental in setting up the campaign there prior to the 3rd International ICBL Conference in Phnom Penh in 1995 and was subsequently dispatched to southern Africa six months before the 4th ICBL Conference in Mozambique in February 1997 to build national campaigns in the region and coordinate the conference.

Due to their basis in mine-affected states, the Cambodian, Mozambican and Afghan campaigns were the most prominent Southern campaigns and in Cambodia and Mozambique attracted dozens of member organisations and widespread public support (Williams 1995; ICBL 1996d; HRW 1997a, p.100; WCC 1998; Rutherford 2010, p.69), given the serious landmine problem there. Notwithstanding this, they remained driven by NNGOs and missionaries (Chabasse 1998; Mekata 2000; Petrova 2007), who founded the campaigns, provided much of their membership and almost all their resources (ICBL 1994a, 1996d; NGO Forum on Cambodia 1998, p.13; WCC 1998; Rutherford 2010, p.162n61). The Cambodian campaign was coordinated via the expat-dominated NGO Forum on Cambodia from its headquarters at Jesuit Refugees Services (ICBL 1996d; 1998, pp.2-3, 2012) and by 1997, 60% of the campaign's 38 members were Northern-based INGOs (ICBL 1997a). In Mozambique, the campaign grew exponentially to seventy members (HRW 1997a, p.100) in the

lead-up to the 4th ICBL Conference in Maputo in February 1997 when external resources poured into the region and was described by Williams and Goose the following year (1998, p.38) as ‘a prime example of how the landmine campaign helped to empower civil society’. However, by December 1998 the ICBL Coordination Committee’s (ICBL 1998c) minutes noted the Mozambican campaign’s ‘need to re-establish and rebuild’ and decided to ‘make it clear to government partners and any donors who ask that they would be dealing with the ICBL’ vis-à-vis the First Meeting of States Parties to the APLC in Maputo the following year, as it was necessary to take ‘care with funds and levels of responsibility’ for the Mozambican campaign given its ‘recent problems’.

Even where local NGOs played a more leading role, they were usually those with the strongest links to the international aid/missionary sector. This is demonstrated by the Afghan campaign (ICBL 1996d; WCC 1998), which was funded by the Swedish branch of Save the Children, Rädna Barnen, (Rädna Barnen and Von Essen 1996a) and headed by the Mine Clearance Planning Agency (MCPA), a ‘totally donor funded’ Afghan NGO based in the UN’s demining headquarters in Pakistan (ICBL 1994a, p.22; 25). MCPA was one of several demining quangos established by the UN in the late 1980s and early 1990s (GICHD 2004, p.116), which ‘for all practical purposes’ remained ‘totally under its control’ (Donini 1995, pp.432–3). These have been described as ‘neither genuinely Afghan nor constituting civil society’ and failing to ‘display many of the characteristics traditionally associated with NGOs, having neither a community grassroots focus nor a specific constituency which they claimed to represent’ (GICHD 2004, pp.100–1; 119–20).

Pouligny’s finding that ‘For most of the campaign, local dynamics were virtually non-existent’ (2001, p.9 own translation) and Sigal’s (2006, p.73) that the ICBL ‘had global reach, but little local penetration’ therefore seem fairly accurate, especially as it remained mostly confined to the NGO sector and church groups. This was illustrated by the Final Declaration of the 4th ICBL Conference six months before the ban was agreed, which called for engaging groups ‘not yet actively involved’, including ‘student groups, trade unions, women’s organizations, professional groups, disability advocacy groups and others’ (ICBL 1997f) and by the ICBL’s expansion to Sub-Saharan Africa, the Philippines and other Asian countries with a large missionary presence, like Cambodia, and under-representation in Muslim countries and the former Eastern bloc. There was also hardly any activity in Latin America, with no members listed there in ICBL membership lists dated April 1997 (ICBL 1997a).

The numerical dominance of NNGOs continued throughout the campaign, especially as aside from a few large national campaigns in Mozambique, Cambodia, Afghanistan and South Africa, Southern campaigns were much smaller than their Northern counterparts. By April 1997, seven Northern countries still accounted for 60% of the ICBL membership and three-quarters of participants in the NGO Forum at the final negotiations in Oslo were from the North (ICBL 1998a, pp.73–83). This continuing Northern dominance was also reflected in the Steering Committee, where the Afghan and Cambodian campaigns were the first SNGOs to join in April-May 1996, along with Rädde Barnen, and the Kenyan and South African campaigns joined in June 1997 only three months before the final negotiations (ICBL 1996e, p.5, 1996f; Williams 1997a).

Especially in the later stages of the campaign, Steering Committee meetings were often informal and open to representatives of national campaigns (Bernstein 1997), particularly at international ICBL and diplomatic conferences where large numbers of NGOs were present. Consequently, the Cambodian campaign was 'represented at all international planning meetings' even before it officially joined the Steering Committee (NGO Forum on Cambodia 1998, p.13), but this was dependent on SNGOs being able to afford to attend such meetings, which were nearly all in Europe. These included ICBL meetings in Rome in March 1995 preparatory to the 2nd ICBL Conference in Phnom Penh in June and the CCW Review that September (Mekata 2000, p.153; Rutherford 2010, p.60), and in Brussels in December 1996 prior to the crucial Vienna Conference of the Ottawa Process (ICBL 1996h), as well as at the CCW Review and Ottawa Process meetings. Getting there was out of reach for many, as shown by the 'welcoming' in the Final Declaration of the 4th ICBL Conference in Mozambique or recommendations by SNGOs 'to make consistent efforts to include southern campaigns in ICBL planning meetings' (ICBL 1997f). This lack of Southern participation persisted after the treaty was agreed, given the minutes from the ICBL's 2nd General Meeting in 1999 record the African Regional Group (1999) calling for a 'good working relationship between National Campaigns and the coordinating Committee and its staff', including 'access to resources' and 'transparency' and the Asia-Pacific Group asking for 'adequate consultation...in decision and policy-making' (ICBL Asia-Pacific Regional Group 1999). Likewise, the South African campaign has complained of the Steering Committee's 'domination' by 'individuals from the US' (cited in Naidoo and Heinrich 2000, p.12) and the head of the Afghan campaign complained that during the Ottawa Process, Williams changed Steering Committee positions "without our knowledge" and "unilaterally" drafted campaign statements (quoted in Murphy 1998a).

In this respect, the unstructured nature of Steering Committee meetings and the use of informal consensus decision-making without formal bye-laws or voting procedures to resolve important questions (Bandler 1998; Murphy 1998a; Short 1999, p.483; Hubert 2000, p.32; Mekata 2000, p.166; Rutherford 2010, p.60) seem to have had their usual impact of giving dominant actors an effective veto and privileging moderate positions through lowest-common denominator effects, as represented here by the lead NGOs, particularly Williams and Goose. According to Hubert (2000, p.32), the campaign's organisational looseness was 'a major point of contention for European members who consistently advocated a more structured approach' and this was eventually instituted after the treaty was agreed, with the first ICBL General Meeting with formal voting procedures held in 1998 (ICBL 1998b; Mekata 2000, p.166). This 'tyranny of structurelessness' (Freeman 1970) was reinforced by Williams and Goose's (2008, p.187) privileged relationship with the Core Group and access to closed negotiations during the Ottawa Process, which they argue helped overcome governments' traditional reluctance to engage with NGOs for 'fear of being overwhelmed by numbers and diverse views', but effectively collapsed 'global civil society' perspectives to theirs at key moments.

All the above belies Rutherford's (2010, p.61) claim that the ICBL's expansion from mid-1995 'helped create a truly global movement, rather than one that was "North Atlantic dominated"' and although various aspects of the ICBL's Northern-domination and lack of democracy have been mentioned in some participant accounts, much of the academic literature on the campaign does not reflect this and it has had no discernible effect on the wider narrative of the ICBL as an exemplar of how 'global civil society' can democratise global governance.

Conclusion

The ICBL's internal organisation reproduced patterns of power in the interstate system, global market and capitalist social relations more generally. It was dominated by a small core of leading NGOs and NGO professionals, all of which were based in Western countries, depended financially on Western governments and capitalist elites for support, and headed up an informally hierarchial international campaign network. This organisational hierarchy was structured geographically on North-South lines and socially by an upper tier consisting of the professional Northern NGO leadership and closely linked to elites in governments, foundations and international agencies including through a 'revolving door' of personnel circulation; a middle tier, 'middle class' support

base also drawn mainly from traditional intellectual occupations in the West; and a bottom tier of landmine survivors and other affected groups in the South that comprised its subordinate groups.

Against this backdrop, the ICBL's expansion to the South, under the direction of these leading Northern NGOs and individuals and with the financial support of their elite benefactors, reflected the more general pattern outlined in Chapter 2 of top-down internationalisation of a neoliberal Western state/civil society model, involving the outsourcing of government functions to NGOs. This process had accelerated with the end of the Cold War and the intensified globalisation of neoliberal capitalism to peripheral areas previously closed to Western intervention. Indeed, it was precisely the dual effect of these two intertwined passive revolutions that precipitated NGO involvement in the landmines issue in the first place, as they were subcontracted by Western donors and international agencies to carry out demining and victim assistance as part of expanded UN peace operations in Cambodia, the former Yugoslavia, and other mine-affected and ex-communist states during the immediate post-Cold War period. In the process, NNGOs became part of the governance of mine action and along with donor states and international agencies reconceptualised APMs as a serious humanitarian and governance problem. This was facilitated by the economic insignificance and military dispensability of conventional APMs to the West and their significant human and financial costs – borne now by donors as well as affected states.

All of these dynamics applied particularly to Western middle powers like Canada and Norway, intensifying a tradition of involving NGOs in foreign policy that became a conscious hegemonic governance strategy for these countries in the 1990s – albeit in somewhat different domestic political contexts. For Canada, it helped maintain NGO support and domestic and international prestige in a context of severe aid cuts, while for Norway, coordinating NGOs multiplied its international influence as an aspiring 'humanitarian superpower'. The implications of the campaign's historical context, material base and organisation for its discursive and tactical choices are discussed in the next chapter, but the evidence so far suggests a radically autonomous transformational discourse or contentious outsider tactics were unlikely to predominate and that the campaign was structurally inclined towards a hegemonic politics.

Chapter 5 – The Landmines Campaign: Discourse, Tactics and Outcomes

The liberal-constructivist literature has generally attributed the ICBL's success to its re-framing of APMs as a humanitarian and IHL issue, as opposed to a security or arms control/disarmament issue (Finnemore and Sikkink 1998; Koh 1998a, 1998b; Price 1998a; Rutherford 1999b, 2000a, 2000b, 2001b; Mekata 2000; Lawson 2002); and to the partnership that developed between NGOs, small and middle powers, UN agencies and the ICRC (Cameron *et al.* 1998; Dolan and Hunt 1998; Thakur and Maley 1999; Anderson 2000; Hubert 2000; Brem and Rutherford 2001; Atwood 2002; Hampson and Reid 2003). This chapter critically examines the related themes of the ICBL's discourse and tactics to reinterpret this dominant narrative. It argues that the campaign's material basis predisposed it to frame the landmines issue in hegemonic terms compatible with Western elite interests and also to orient campaign tactics on this basis. The chapter firstly briefly discusses the key themes of the campaign's discourse, specifically the framing of landmines as humanitarian issue and banning them as a sensible policy from a military perspective. It then analyses the tactics of the campaign and the utilisation of this discourse through a chronological description of the campaign itself, in particular the relationship between NGOs and states elites and the tactics employed by these different actors.

Framing Landmines as a Humanitarian Issue

From a liberal-constructivist perspective, that the campaign re-framed APMs as a humanitarian and IHL, rather than a security and arms control issue (Finnemore and Sikkink 1998; Price 1998b) explains its success as it is argued that norms related to 'bodily integrity and prevention of bodily harm for vulnerable or "innocent" groups, especially with a short causal chain between cause and effect' have a transnational or even universal resonance (Finnemore and Sikkink 1998, p.907; Keck and Sikkink 1998, p.27). The literature on the campaign has emphasised how the ICBL's focus on the humanitarian impacts of APMs showing that they violated the IHL principles of proportionality and distinction contained in CCW Protocol II. The ICBL argued this made 'different than any other weapon' (ICBL 1997g) and made them closer to WMD (Asia Watch and PHR 1991, p.10; 103; HRW and PHR 1993, pp.11–15). Demonstrating this involved foregrounding the 'unnecessary suffering' APMs caused and arguing victim-activation made them inherently indiscriminate; they were said to cause 'much more severe injuries than wounds made by other conventional weapons' (VAVAF 1995, p.9) and their inability to distinguish civilians from soldiers was emphasised (HRW and PHR 1993, p.3). This was backed up statistically with UN, ICRC and US State Department data (HRW and PHR 1993; VAVAF 1995) showing most victims were civilians and discursively by representing victims as

women and children (UNICEF 1994; De Larrinaga and Turenne Sjolander 1998, pp.36–7; English 1998, p.30).

The liberal and liberal-constructivist literature has generally regarded this humanitarian framing as a strategically sensible, progressive choice that enabled the ICBL to gain widespread public and media support. Only a few critical analyses have argued it achieved this by depoliticising the landmine problem (De Larrinaga and Turenne Sjolander 1998) and working within rather than problematising existing power structures (Beier and Denholm Crosby 1998; Beier 2011). The ICBL's humanitarian discourse disproportionately represented victims as women and children, even though most were adult men (VVAf 1995, p.5) and disseminated images of isolated individual suffering, such as gruesome photographs of 'a little Afghan boy dying from the effects of a landmine' and 'a child with a pacifier in its mouth and its legs blown off' (ICBL 1994a, p.40, 1995c). Indeed, White and Rutherford have complained survivors 'were shown almost exclusively as "victims", many photographed only in their worst moments of pain and anguish', so that the media had assigned them 'an aura of tragedy and helplessness' (1998, p.108) and that the ICBL leadership "liked victims who are also silent" (White quoted in Sigal 2006, pp.182–4).

This sort of depoliticisation was a conscious ICBL strategy from the beginning. Suggestions by MI in October 1992 to call for a ban "within a general disarmament framework' and 'in the context of the New World Order' were rejected by HRW, VVAf and HI, with HRW arguing the campaign should advocate "for change in international humanitarian law rather than entering the disarmament field" (quoted in Lawson 2002, pp.102–103). This was despite the reference to 'general and complete disarmament under international control' in the CCW Preamble. Likewise, discussions at the First ICBL Conference in London emphasised campaign communications should be "immediately emotive, easy to understand, and non-ideological, without the political baggage of other disarmament issues" (quoted in Mekata 2000, p.147), while former British military officer and representative of MAG, Rae McGrath (1994b), told the Second ICBL Conference: 'This is not a crusade against war, nor a disarmament issue – there are intrinsic properties specific to landmines which separate them from other weapons'.

This depoliticised humanitarian framing was reinforced as a number of large humanitarian INGOs like Save the Children and faith groups joined the campaign (Lawson 2002, pp.115–116) and was crucial in attracting the support of the ICRC, whose public support from February 1994 (ICRC 1994a; Sommaruga 1994) gave the campaign 'an entirely new level of political legitimacy' and facilitated

endorsements by UN agencies, states and the global media. Canadian diplomat, Bob Lawson (2002, p.149), has argued that 'given the ICRC's scrupulous attention to its position of neutrality, it had become increasingly difficult to claim that the ban movement had a political agenda at all'.

An important depoliticising aspect of this humanitarian discourse that became more apparent as the campaign progressed was a gradual de-emphasis of user/producer responsibility, which was the third point in the ICBL's original Call and was strongly emphasised in early reports that identified exporting and using states (Asia Watch and PHR 1991; e.g. Middle East Watch 1992; 1993), towards depicting landmines themselves as the cause of the humanitarian crisis and more generalised calls for international assistance. This sited agency, indiscriminateness and the infliction of unnecessary suffering in APMs, rather than those who sowed or supplied them and increasingly let users and arms companies off the hook (Beier and Denholm Crosby 1998; De Larrinaga and Turenne Sjolander 1998, p.380; Beier 2002). Such stigmatisation and even anthropomorphisation of mines is evident in ICBL titles like *Hidden Death* (Middle East Watch 1992) and *Hidden Enemies* (PHR 1992) and pejoratives like 'The Devil's weapon', 'scourge', 'evil'. Sympathetic elites used the same framing, with two US State Department reports entitled *Hidden Killers* (1993, 1994a) and the ICRC's (1992b, 1993) description of APMs as 'the greatest violators of international humanitarian law' and 'the most ruthless of terrorists'.

From the outset, user/producer responsibility was a secondary ICBL demand and the language on it in the ICBL's original Call was noticeably weaker than other aspects of the call. 'Countries responsible for the production and dissemination' of APMs were merely asked 'to contribute' to a UN demining fund (ICBL 1993) and no indication was given of *how much* responsibility users and producers should bear, or the nature of their contribution, in particular whether it could be voluntary or should take the form of compensation, legal liability or reparations. Moreover, victim assistance was omitted entirely in the context of opposition from HRW and was only added after the ICBL's Second Conference in May 1994 at the behest of NGOs involved in it like HI and MI (ICBL 1994c, pp.107–108; Williams 1995; Lawson 2002, p.5n5).

Divisions on this issue related to broader political differences in the campaign. When the six founders were drafting the opening Call, according to Goose of HRW (quoted in Sigal 2006, p.184) his organisation opposed "some European NGOs" who wanted to include "reparations" to victims, and he and Williams opposed prioritising victim assistance or user/producer responsibility throughout the Ottawa Process (Sigal 2006, pp.182–190). By contrast, the German, Italian and Dutch

campaigns (ICBL 1994a, p.46; 61–65; 52; ; CCW 1996a, pp.378–9), MAG (McGrath 1997a, 1997b) and the Landmine Survivors Network (LSN) (White and Rutherford 1998) wanted ‘compensation’ or ‘reparations’ for victims and/or to hold users and suppliers legally responsible for clearance and victim assistance. Several leading Southern campaigns adopted similar approaches, including in South Africa, Mozambique and Afghanistan (1994a, p.60, 1995b, 1998a, p.39).

In terms of specifics, McGrath proposed a ‘UN-enforced’ levy on producing and exporting states (1994a, p.70), reserving a percentage of defence budgets for demining and taxing manufacturers (1997b). In a similar vein, the June 1997 ‘Bad Honnef Framework’, agreed by demining and development NGOs and the LSN at a conference organised by MI, argued that in accordance with the ‘polluter pays’ principle, ‘companies that have profited from the development, production and sale of mines, could pay into a reparation fund’ and that states should reallocate military expenditure to clearance (German Initiative to Ban Landmines 1997). This echoed the longstanding disarmament principle of diverting military spending to development and was backed by campaigns in Africa (ICBL 1998a, p.54; 57).

None of these more radical demands appeared in the ICBL’s new Call for Action in October 1996. This was announced at the Ottawa Strategy Conference that launched the Ottawa Process alongside the Ottawa Declaration and Chairman’s Plan of Action, which were drawn up by Canadian diplomats in consultation with Williams and Goose (Tomlin 1998, p.15) and endorsed by participating states. In contrast to the original ICBL Call for user/producer responsibility for clearance and victim assistance, the new Call for Action contained only a generalised request for ‘Increasing funding, particularly from international financial institutions’ (ICBL 1996i). This shifted funding from a justice or compensation framework to voluntary or charitable international assistance – the mode of hegemonic compromise characteristic of humanitarianism. Questions of state and corporate responsibility were thus excluded from the agenda from the outset, even though developing countries still maintained a collective position on user responsibility that remained officially unchanged from the UN ‘Remnants of War’ resolutions (G77 and China 2000, 2001, 2002, 2003, 2005).

The ICBL’s model treaty distributed to states in January 1997 subsequently included a clause imposing retroactive responsibility on users to clear mines laid in foreign countries (ICBL 1996j Art. 5.2), but there was no mention of producers, and victim assistance was relegated to a solitary clause in the Preamble. The omission of user/producer responsibility from the high profile and political ICBL Call for Action is in contrast to its appearance in the Final Declaration of the Fourth ICBL Conference

in Mozambique in February 1997 (ICBL 1997f), which was attended mainly by European and African NGOs (Wareham 1997a). This reflected what Naidoo and Heinrich (2000, p.13) refer to as 'ideological differences between Northern participants, who wanted to focus on the confined issue of banning landmines, and civil society representatives from the South, who regarded the ICBL as part of a broader social transformation framework'.

The ICBL leadership's gradual de-emphasis of user/producer responsibility was also reflected in a shift to a 'carrot' rather than 'stick' approach to states and manufacturers, who were praised for adopting ban positions, regardless of their historical contribution to the problem or support for demining or victim assistance. These states received 'a general moral amnesty' (Beier 2002, p.316) and the 'reward' of NGO legitimisation or hegemonic reinforcement as soon as they signed up. This is illustrated by how HRW promised Clinton 'He could assure himself a legacy as a great humanitarian if he enthusiastically joins the Canadian initiative' (Burkhalter and Goose 1996). In this way, the mine stigma became associated not so much with users/producers/suppliers as with companies and governments that refused to join the Ottawa Process, regardless of whether they had exported or used mines in the past. The culmination of this was apparent in the ICBL's (1997h) press release at the start of the final negotiations in Oslo, which declared: 'The large number of nations participating (more than 100, including major former producers, exporters and users)...will permit the stigmatization of those who refuse to sign now'.

Banning APMs as 'good military doctrine'

The other side of an IHL framework is of course military utility or advantage, against which humanitarian interests are supposed to be 'balanced'. This relates particularly to the proportionality principle, which McGrath (1996) described as 'the key to the legality, or otherwise, of landmines'. The liberal and liberal-constructivist literature has concentrated on the *humanitarian* side of this 'balance', which was the more public element in ICBL discourse, and with few exceptions (Petrova 2010) has neglected how NGOs addressed *both* sides of this hegemonic equilibrium of consent and force through 'liberal' humanitarian *and* 'realist' military utility arguments. Indeed both kinds of argument were equally central to the ICBL's core strategy of isolating APMs as aberrant from other, 'normal' weapons and military practices.

An initial concession to military utility logic was to exclude AVMs from the ICBL Call. This was a significant departure, given the CCW and Remnants of War resolutions had not distinguished between APMs and AVMs and neither had *The Coward's War* (Asia Watch and PHR 1991). It occurred for strategic rather than humanitarian reasons, given AVMs can be detonated by school buses or ox-carts as easily as by a tank (Gebauer 2000), because the military consensus was that they

had far greater utility (Biddle *et al.* 1994, pp.68–70; ICRC 1996a, pp.50–51). They were also significantly more profitable (US State Department 1993, p.2) and had accounted for the largest landmine sales of the early 1990s, including a \$500m joint investment by Britain, France and Germany (HRW and PHR 1993, p.63). The decision to exclude them was contentious internally, as the Belgian, Australian, New Zealand, Swedish and Mozambican campaigns followed the US' lead in restricting their demands to APMs, but the more radical Italian, Dutch and German campaigns advocated banning AVMs too (ICBL 1994c; German Landmines Campaign 1996; Rutherford 2010, p.60).

A similarly pragmatic logic lay behind the exclusion of cluster munitions. These had also potentially fallen under the suggestion in *The Coward's War* of a ban encompassing 'landmines and other devices that detonate on contact' (Asia Watch and PHR 1991, p.103), as they typically leave behind large quantities of small unexploded bombs, creating de facto minefields with similar humanitarian effects²¹. Hence, according to Virgil Wiebe of the Mennonite Central Committee, which along with Quakers had been clearing US cluster munitions in Laos since the 1970s and petitioned the ICBL leadership to class them as APMs (Wiebe 2003, pp.95–97; Borrie 2009, p.41; Wiebe and Peachey 2009), its refusal to do so was 'based more on a pragmatic assessment that including cluster bombs under a landmine definition might well scuttle hopes of a landmine ban' (Wiebe 2000, p.158) as Western states saw them as more militarily useful (Wiebe 2003, p.91).

HRW had explicitly excluded them from its design-based definition of APMs from the outset, arguing that while unexploded cluster munitions *could* have the same *effect* as APMs, they were not *designed* for that purpose (HRW and PHR 1993, pp.3–5; 18; 10n15). The same position was adopted by the US campaign (Goose 1994, p.82) and HI (Chabasse 1994, p.39). By contrast, the German (German Initiative to Ban Landmines 2003, p.2) and British campaigns (Oakes 1994, p.72), including particularly Rae McGrath of MAG (1994b), advocated an effects-based definition of APMs and 'mine-like weapons' that would capture any device that could be victim-activated, whether designed to or not. McGrath (1994b) thus argued as early as the Second ICBL Conference in 1994 that 'many sub-munitions used in the past and in use and under development at this time are quite clearly de facto anti-personnel mines' and the Mennonites (Wiebe 1995, 1996) made similar arguments during the CCW review (Wiebe 2003, pp.95–7).

²¹See Chapter 6 for a more detailed discussion of cluster munitions and their similarity to landmines.

Having excluded AVMs and cluster munitions largely on grounds of perceived military utility, the ICBL also recognised that this was ‘the primary impediment’ to a ban on APMs. The Second ICBL Conference thus agreed ‘to make a serious effort’ to challenge it (ICBL 1994a, p.111). This obviously accepted state use of force as generally legitimate and argued within the confines of hegemonic military logic. It was also a discourse directed mainly at state elites rather than the general public. As McGrath (1994c, p.139) put it to a symposium of military experts organised by the ICRC, ‘there are many more effective methods of killing and maiming enemy troops’. Due to their efforts to win over the US, VVAF and HRW were among the strongest NGO proponents of military utility arguments (VVAF 1995; HRW and VVAF 1997), but it appeared in ICBL discourse internationally (McGrath 1994c, 1996; HI 1996d, 1997f), with Swedish NGO, Rädde Barnen, commissioning a multi-country study of APMs’ military utility for European forces (Rädde Barnen and Von Essen 1996b; Smith 1996). It was also discussed repeatedly in *Landmines: A Deadly Legacy* (HRW and PHR 1993), which served as a reference for the ICBL as a whole. VVAF thus argued that APMs’ ‘cost outweighs their immediate utility’, as ineffectual, counterproductive weapons that had never been decisive in victory and caused almost as many friendly as enemy casualties (VVAF 1995, p.34; 5), including a fifth of US casualties in the Gulf War and a quarter in Somalia (VVAF quoted in UNDHA 1996).

Similar arguments were made by the ICRC and supportive elements of Western defence establishments. The ICRC held its first expert symposium on APMs’ military utility in 1993, which instigated a debate in military circles (ICRC 1994b), including two reports commissioned by the Pentagon (Biddle *et al.* 1994, 1996) and an influential ICRC report written by UN demining chief, Paddy Blagden (ICRC 1996a). The first US report found military utility ‘need not preclude consideration of any form of landmine arms control’ as APMs were of most use in high-intensity, defensive land warfare, rather than the offensive actions, ‘humanitarian interventions’ and ‘peacekeeping’ (Biddle *et al.* 1994, pp.iii; 14–18, 68–70) preferred by the US and its Western allies since at least the end of the Cold War. Likewise, the ICRC (1996a, p.80; 7) report reviewed twenty-six conflicts and found APMs ‘usually had little or no effect on the outcome’.

Significantly, the Pentagon reports highlighted that APMs disproportionately ‘benefit low-technology indigenous opposition forces (who often see it as an inexpensive equalizer by which to neutralize US advantages)’ (Biddle *et al.* 1994, pp.23–4). Consequently, even taking the relative advantages of ‘smart’ APMs to Western forces into account, *Landmines: A Deadly Legacy* could argue that APMs were ‘probably of greater use to US adversaries’ and a comprehensive ban could ‘prove a net benefit

for US forces', especially when American military doctrine was shifting towards 'fighting lesser conflicts principally in the developing world' (HRW & PHR 1993, p.9; 45; 339).

Such arguments ultimately failed to convince the US government, but this was mainly because the Pentagon suspected banning APMs could be the thin end of a wedge that might eventually extend to more useful weapons (Biddle *et al.* 1994, p.7; Center for Security Policy 1997b, 1997c; Clines 1997; Troxell 2000; Sigal 2006, pp.107–108). However they proved more persuasive in other Western countries, and succeeded at least in dividing military opinion, which pro-ban elites in more consensually oriented arms of the state like Foreign Affairs could exploit. Even in the US, VVAF persuaded fifteen retired military commanders, including Norman Schwarzkopf, to sign an open letter to Clinton supporting a ban on military grounds and pointing out it would have no effect on AVMs or Claymores (New York Times 1996; Wareham 1998, p.224).

All the arguments used by the landmines campaign, including its apolitical humanitarian discourse, thus directly appealed to hegemonic Western military and economic interests. This facilitated the key relationship on which the campaign's success was built.

Strategy and Tactics in the Landmines Campaign

A multi-actor governance partnership between NGOs, small and middle power states, UN agencies and the ICRC has been defined as a key element in the success of the campaign and it has been argued that this form of partnership 'is regarded as a principal, if indeed not *the* principal, legacy of the landmines campaign, and the most central element of the new template envisioned for international law-making' (Anderson 2000, p.109). The discourse that underpinned the campaign is an integral part of the tactics it adopted and consistent with liberal governance theory, all the actors involved are assumed to have shared the same goals and to have played complementary roles as autonomous agents exploiting synergies of comparative advantage. Aside from the assumption of autonomy, this fairly accurately describes the interaction of NGOs, ICRC and supportive state strategies from 1996 when the Ottawa Process began and a Core Group of supportive states was formed. From this point on, distinguishing the discursive influence of NGOs and supportive states becomes even more difficult.

In the early days of the campaign the lead NGOs and most national campaigns had begun with insider tactics, leveraging establishment contacts and conducting research aimed at foreign policy elites, and only later moving into public campaigning. In this context, the strategic purpose of public

campaigning, which operated primarily through passive or routine tactics dependent on media support rather than grassroots efforts, was primarily to demonstrate public support in order to strengthen pro-ban liberal elites against their more conservative counterparts, rather than to build mass campaigns to force a change of policy. The tactical balance varied from state to state however, with greater use of outsider tactics in Italy and Germany (Beer 1994; Dentico 1997; Landmine Monitor 1999n), where the national campaigns also had stronger positions on various campaign issues. However, these were much less influential on the ICBL's overall discourse and strategy than the lead US NGOs and Handicap International.

Irrespective of their nationality, supportive elites generally belonged to sections of states and IGOs concerned with consensual-hegemonic dimensions of government/IGO policy, such as foreign affairs and development; liberal or social democratic parties that discursively emphasise consensual over more forcible modes of governance, and private transnational elites that espouse a liberal internationalist capitalist ideology, such as the large US foundations and philanthrocapitalists that bankrolled HRW and the ICBL. The ICBL's impact on government positions therefore differed in accordance with states' status in the world military order, their military and economic interests in APMs, and the incumbency of conservative or liberal/social democratic parties.

The campaign as it emerged had three main phases: an early stage from late 1991 to 1995, when most progress came through insider tactics and the ICBL was confined mainly to Western countries; the mid-stage during the CCW review from late 1995 to mid-1996, when it began expanding to developing countries and outsider tactics played a more significant role than before; and finally the partnership phase, lasting roughly from May 1996 to December 1997 when the APLC was signed in Ottawa, which was characterised the coordination of passive and routine outsider tactics with the Core Group and ICRC. These are not examined in turn.

The Early Years: 1991-1995

The ICBL initially had most impact in the US where it was founded. It relied mainly on insider lobbying based on expert research and developed an ancillary outsider dimension only after the US Campaign to Ban Landmines (USCBL) was launched in mid-1996 (USCBL 1996a; Wareham 1998, pp.216–218). The US campaign took place 'almost entirely inside the Washington Beltway' (Kitchen 2002, p.49) and 'functioned mostly as a lobbying arm of Senator Patrick Leahy's' (Sigal 2006, p.15). At this point landmines were put on the agenda of the US political elite through the lobbying of Leahy and Congressman Lane Evans rather than any public outcry against landmines (Muller 1994a, pp.69–70).

From 1992-4, Leahy introduced numerous bills on the ICBL's behalf, led Senate hearings on landmines (US Senate 1994), personally lobbied Madeleine Albright, first as US Ambassador to the UN and then as Secretary of State, as well as Clinton and the Secretary of Defense (ICBL 1994a, p.3; Sigal 2006, p.15; 22) and helped secure endorsements from Democratic grandees such as Jimmy Carter, Edward Kennedy and Cyrus Vance (US Senate 1994, p.98; 9-15; Lawson 2002, p.156). As chair of the Senate Foreign Operations Subcommittee on Appropriations, he also pressured the State Department/USAID to prioritise dealing with the problem of landmines supported by a funding allocation. Leahy introduced an export moratorium bill into the Senate in July 1992 (HRW and PHR 1993, pp.319-20), which was passed unanimously by both houses of Congress that October, indicating its politically uncontroversial nature even under the then Republican President George Bush. The bill also required the State Department to conduct research on landmines, which produced many of the statistics (later found to be exaggerated) that were cited by the ICBL (US State Department 1993; 1994).

The export moratorium made no distinction between 'dumb' and 'smart' mines. This seems to have flown under the radar, as the Pentagon only began agitating to exempt 'smart' mines in 1993 and industry opposition was also initially muted (Wareham 1998, pp.214-215; Sigal 2006, pp.19-20; Rutherford 2010, pp.42-43). The moratorium was renewed for three years in 1993 (US Congress 1993) and the US sponsored a UN General Assembly (1993) resolution that autumn calling on all states to adopt export moratoria on APMs 'that pose grave dangers to civilian populations' (UN 1994, p.139). This wording allowed major military powers such as the UK to exempt 'smart mines' (Wareham 1998, p.220; Sigal 2006, p.22) and was the first US-UK attempt to reverse the precedent set in the original US moratorium of placing 'smart' and 'dumb' mines in the same category.

Also in response to Leahy's lobbying, President Clinton (1994) announced US support for 'the eventual elimination' of landmines in his speech to the UN General Assembly in September 1994, in a section negotiated with Leahy, and through him input from HRW (Lawson 2002, p.163n108). However, an accompanying press release further qualified this by stating this would occur 'as viable and humane alternatives are developed' and prioritising restrictions on 'dumb' mines (Office of the Press Secretary 1994). The same caveats reappeared in the 1994 US-backed UN export moratorium resolution (UN General Assembly 1994), weakening it sufficiently for it to pass without a vote.

Notwithstanding these evident limits to US 'leadership', 'the ultimate goal of the eventual elimination of anti-personnel land-mines' was now ostensibly supported by all UN member states. These early US moves were seen to have kick-started the campaign internationally (Williams and

Goose 1998, p.26) and encouraged other states to take action by leveraging the US' international influence. Hence, by late 1994, France, Germany, Belgium, Spain, Britain and Russia among others had introduced various kinds of export moratorium. This was obviously significantly easier than supporting a total ban, as production and use could continue.

After the Democrats lost control of both houses of Congress in the November 1994 mid-terms and hardline Republican Senators, Strom Thurmond and Jesse Helms, became chairs of the Armed Services and Foreign Relations Committees (Sigal 2006, p.229), a Democrat/Republican fault line emerged on the issue (Priest 1997b). This also undermined the influence of the State Department/USAID and President Clinton, who was personally sympathetic, while it strengthened a conservative Republican-Pentagon counter-bloc in the ruling elite (Moody 2008, pp.105–6; 238–9). Consequently, from late 1994, the US obstructed further progress (Landmine Monitor 1999a).

Most national campaigns largely followed the US pattern, beginning with expert research and elite lobbying and mobilising public support mainly in the later stages. Campaigners' first move in France, Belgium, Norway and Canada was to lobby parliamentarians or participate in government policy consultations (Chabasse 1994, 1998; Warmington and Tuttle 1998; Petrova 2007). One implication was that early government support largely depended on low economic or military interests in APMs and the incumbency of liberal or social democratic parties with links to NGOs. France and Britain did not become firmly pro-ban until the Socialists and Labour came to power in mid-1997. By contrast, in Canada and Norway, as middle power states with Liberal and Labour governments, shifting the government's position was comparatively easier and Norwegian officials even evinced interest prior to NGO advocacy.

Campaigning in France began with a conference organised by HI at the Senate Palace in May 1992 (ICBL 1994a, p.38). This led to the distribution of *The Coward's War* to Members of the French and European parliaments and two Belgian Senators who were later instrumental in achieving a national ban in Belgium (Rutherford 2010, p.34), as well as a ban petition, signed initially by the President of the European Parliament and several ex-ministers. Although press reaction was 'modest', 'Contacts were established with high-ranking officials...with remarkable ease' (Chabasse 1998, p.61) and lobbying French and European legislators also produced rapid results, including a 1992 European parliament export moratorium resolution modelled on the US example (Rutherford 2010, p.38). The French campaign's second major event was a symposium in February 1993 attended by government representatives and Senator Leahy (Lawson 2002, p.106). HI's contacts with President Mitterrand's

wife helped the campaign to leapfrog official channels and Chabasse believes the foreign ministry's 'fear of American leadership' also prompted it to act. Later that month, Mitterrand announced an export moratorium and called for the CCW to be reviewed while visiting the former French colony of Cambodia (Chabasse 1998, pp.62–3).

HI's insider approach continued throughout the campaign, so that it acted as a "permanent link" between French "political leaders and high-ranking officials on the one side, the media, public opinion and members of Parliament on the other" (Carstairs quoted in Rutherford 2010, p.34). Similar to the US experience, however, this insider approach was less successful after conservatives won a majority in the National Assembly in March 1993, constraining the influence of the Socialist Party President. This was accentuated after Jacques Chirac's presidential victory in 1995 put conservatives in control of both branches of the executive. NGOs' main elite ally from then until mid-1997 was the Secretary of State for Humanitarian Affairs, Xavier Emmanuelli, a MSF co-founder and 'friend of several NGO leaders' who Chabasse describes as 'a very privileged contact' (1998, p.64). Emmanuelli supported the campaign but was in a weak position relative to the defence ministry, which dominated government policy similar to the Pentagon in the US. Hence, while France announced a ban on production and stockpile reduction at the beginning of the CCW Review in September 1995, it reserved the right to use APMs for defensive purposes (ICBL 1995d).

HI-Belgium also decided to focus on lobbying parliamentarians early on (Petrova 2007, p.6) and a national campaign was not formally launched until March 1994 (Mekata 2000, p.150). Belgium's main contribution was the first national ban in March 1995, which was the brainchild of supportive senators, particularly Roger Lallemand, whose 'political skills, contacts and influential position' in the ruling Socialist Party were 'crucial' to its success (Petrova 2007, p.6). Lallemand has described these efforts as a "parliamentary initiative rather than a popular movement" (quoted in Mekata 2000, p.150) and all-party support for a ban by May 1994 when the campaign had gathered a mere 4,000 supportive signatures (ICBL 1994a, p.34) seems to corroborate this. However, Belgium's cautious diplomatic culture and emphasis on coordinating with other European countries, particularly France, meant it did not assume as strong a leading role internationally (ICBL 1994a, pp.35–37; Petrova 2007) as did Norway and Canada, who were the driving forces behind the Ottawa Process.

Throughout the campaign, Norway was governed by the Labour party, which in line with the "Norwegian model" of partially outsourcing foreign policy to NGOs, had instigated NGO involvement in landmines by subcontracting demining to NPA in 1992. Ambassador Steffen Kongstad had also

pushed for stronger action at expert meetings preparatory to the CCW Review from early 1994 'without any NGO involvement' and before the Norwegian campaign was established (Petrova 2007, p.20). This was partly motivated by rivalry with Sweden, which had announced its support for a ban and formally proposed one during its presidency of the CCW Review Conference (ICBL 1995e; Landmine Monitor 1999o; Neumann 2002, p.117).

However, despite being personally sympathetic, Egeland and the Foreign Minister, Bjørn Tore Godal, initially thought a ban was unrealistic (Landmine Monitor 1999d; Petrova 2007, pp.21–2). According to Petrova (2007, pp.21–4), Egeland was constrained by military opposition and 'the lack of a very strong NGO campaign', but movement by other states and the establishment of the Norwegian campaign in autumn 1994 (partly with foreign ministry funding) helped to overcome this. The Norwegian campaign combined lobbying with public campaigning that attracted significant media and public support, but Petrova concludes NPA's political connections and the Foreign Ministry's already sympathetic position meant the former 'arguably...yielded best results'. Consequently, the public campaign's main role was to buttress the foreign ministry against the defence ministry. Petrova thus notes that NPA's criticisms were targeted mainly at the defence ministry, while its relationship with foreign ministry remained largely cooperative. Sending and Neumann concur that 'the genesis of the Norwegian involvement in the work to ban landmines shows how nonstate actors are used to create space for political agency by *different* parts of the state' (2006, p.666 original emphasis). Consequently, NGOs strengthened the consensual-hegemonic wings of government against the directly coercive sections and helped nudge the government's stance along from an already supportive starting point.

Similar dynamics operated in Canada in the sense NGO advocacy also strengthened the foreign ministry against the defence department and began with insider lobbying, although there was a more significant role for public campaigning, at least until Axworthy, a natural NGO ally, became foreign minister in January 1996. Individual NGOs began raising a ban at a foreign and defence policy review initiated by the new Liberal government in 1993 and in their regular meetings with officials (Warmington and Tuttle 1998, p.49). Some of these early discussions were reportedly 'acrimonious', with officials citing military utility and credibility with allies as reasons not to support a ban, although at least one foreign ministry official thought the military was "trotting out reflex arguments". A split emerged between the foreign and defence ministries, which a foreign ministry staffer ensured was perceived by NGOs so that they could 'turn up the political pressure' on the defence department by leaking it to the media (Cameron 1998, pp.433–434).

In anticipation of the upcoming CCW Review Conference, which also marked the phase during which the ICBL as a whole made most use of outsider tactics, in summer 1995 the Canadian campaign, known as Mines Action Canada (MAC), organised various public activities, including a concert tour, documentaries and advertisements (Warmington and Tuttle 1998, p.52). It also began an extensive letter-writing campaign and began sending ban petitions in batches of ten thousand to the then Foreign Minister, André Ouellet (Cameron 1998, p.433), who eventually responded by unexpectedly announcing his support for a ban in November 1995. The foreign ministry's landmines policy officer Bob Lawson, who had a NGO background himself and became the ICBL's 'primary link with the Canadian government' (Williams 2013, p.200), faxed MAC a copy of Ouellet's speech so that that they could put out congratulatory press releases (Kitchen 2002, p.42). One of MAC's leaders, Celina Tuttle promptly "told everyone to write Ouellet a letter congratulating him on his courageous move...That was the beauty of e-mail. Within hours people were patting him on the back" (quoted in Greenaway 1997), illustrating how one of the main outsider-insider tactics used by the ICBL was to confer legitimacy on elites that moved in a pro-ban direction, in effect reinforcing elite hegemony as part of progressing towards a ban.

Ouellet's move strengthened the foreign ministry against the defence department, which structurally had less influence than in larger military powers like the US, Britain and France. At the time it was additionally temporarily weakened by substantial defence cuts and the fallout from the so-called 'Somalia Affair' involving the torture and killing of a Somali civilian by Canadian peacekeepers (Neumann 2002, p.130 n17). Canadian leadership took off after Axworthy became Foreign Minister in late January 1996 as whereas Ouellet was 'domestically orientated' and 'more politician than policymaker' (Kitchen 2002, pp.41-2), Axworthy's strongly liberal internationalist interpretation of Canadian interests and 'human security'-centred foreign policy, meant that like Leahy and the Norwegian Labour government he had a similar worldview as liberal NGOs. On assuming office, he immediately agreed to suggestions from his diplomats that Canada assume leadership on a landmine ban (Mekata 2000, p.157), which no doubt appeared as a cost-effective way to repair Canada's international reputation and distinguish itself internationally at a time of severe cutbacks and when it was also seeking a UN Security Council seat.

Compared to the other national campaigns, those in Germany and Italy had a more radical approach and greater grassroots involvement. The German campaign was led by left-wing development NGO, MI, and had a more radical base, a more political approach and made more use of outsider tactics. Its initial membership consisted of solidarity, peace and disarmament groups and it only later

expanded to the large humanitarian and religious NGOs (Seibert 2000, p.3). Similarly in Italy, the campaign involved trade unions and landmine factory workers and was supported by local councils, particularly in Castenodolo, home of the large Valsella landmines plant. Active public participation was demonstrated by a three-day rally in Castenodolo, which featured a 17-kilometre march attended by thousands of people (Dentico 1997; Landmine Monitor 1999n; Sigal 2006, pp.40–2). Notwithstanding this, Sigal (2006, p.40) observes that the campaign ‘would have made little headway without help in high places, including parliament, the Vatican and the ministry of defence’. The leader of the Italian campaign has highlighted how religious arguments were central to its approach (Faulkner 2007, p.141 n57) and the Vatican announced its support for a ban from June 1994 (ICBL 2004). The Italian government announced a unilateral moratorium on production and export shortly afterwards; in August 1994, but even with this public pressure it refused to take an international lead on the issue. Its Geneva diplomats refused even to support calls to amend Protocol II (Sigal 2006, p.42) and it later supported the stalling tactic of moving negotiations on landmines to the UN Conference on Disarmament (CD).

Four expert meetings preparatory to the CCW took place from which the ICBL was mostly excluded due to opposition from China, but it still had an inside track on developments through its allies in UN agencies and the ICRC (Carstairs 1997, p.106; Hubert 2000, p.13; Sigal 2006, pp.66–69; Rutherford 2010, pp.52–53). These included Stuart Maslen, then of UNICEF (Sigal 2006, p.66), who had been working for VVAF up to 1993 (VVAF 1995, p.530) and subsequently attended the Ottawa Process as a member of the ICRC’s delegation (Maslen and Herby 1998). At that stage, Williams and Goose were leading the ICBL delegation and were the only two NGO representatives to attend the second experts’ meeting (Rutherford 2010, p.52n9). Consequently, on the issue of landmines they ‘knew long before the Vienna review conference that nothing of substance was going to happen there’ (Williams 2013, p.172) and their boycott of the last two expert meetings (Rutherford 2010, p.52n9) was to be repeated in the ICBL’s strategy towards the CCW review as a whole, in that the campaign alternately participated in the process as insiders and criticised it from the ‘outside’ using their insider knowledge.

The Review of the Convention on Certain Conventional Weapons (CCW): 1995-6

The CCW Review Conference itself took place in three sessions: in September-October 1995 at the UN in Vienna, and in January and April-May 1996 in the UN headquarters in Geneva. Shortly into the first session, a video message from the then UN Secretary-General, Boutros-Ghali, advocating a ban was broadcast (CCW 1996b, p.297). A ban was never on the table, however, as the negotiations were based on consensus. This favoured a lowest common denominator compromise between non-

Western states like Russia, China, Pakistan and India that wanted to keep their 'dumb' mines (ICBL 1995f, 1995g; CCW 1996a, pp.195; 437–438; 446–447; Beier 2002) and Western 'smart' mine advocates led by the US and the UK (ICBL 1996a, p.1; 7, 1996b, p.1, 1996c; The Herald (Glasgow) 1996). Chinese opposition had precluded the ICBL from official observer status, so it was unable to participate in Working Groups where substantive negotiations took place. NGOs exploited this by portraying the conference as exclusionary (Warmington 1996; Carstairs 1997, p.106), with Williams and Goose (1998, p.31) claiming they were 'not allowed inside the negotiations'. This assessment has also been reproduced in the academic/participant literature (Hubert 1998, pp.13–14).

However, in practical terms, there was actually substantial NGO access due to support for this from Western governments, including the US (ICBL 1994a, p.85), which wanted to use NGOs as a lever against China (Sigal 2006, pp.66–69). This meant the ICBL could approach diplomats in the conference venues, attend the plenary and some Main Committee meetings (CCW 1996a, p.59; 48), and was also granted its own special plenary session. And in the evenings there were 'never-ending' government receptions to which NGOs were invited (Williams 2013, p.173). Nearly seventy NGOs and national campaigns participated in the Conferences (CCW 1996c), with HRW, VVAF and HI sending numerous representatives. Survivors from Cambodia, Mozambique and Afghanistan also addressed the special NGO session (CCW 1996a, pp.367–370) in their first major international appearance (White and Rutherford 1998), giving the impression of a global campaign. In addition, NGOs were represented on a dozen Western delegations, including Canada's, and had informants on others (CCW 1996c; Sigal 2006, pp.74–76). All of this gave them an inside track, enabling the ICBL to publish a regular conference newsletter, *CCW News* and distribute it to delegates. This included 'Good Lists' of pro-ban states and a column called 'Overheard in the corridor' that compiled anonymous, but unflattering, off-the-record remarks by delegates (ICBL 1995h).

The period of the CCW Review also marked the acme of the campaign's outsider tactics, with national days of action, the construction of enormous 'shoe pyramids' in France, Austria, Germany and numerous other countries to symbolise landmine injuries, the presentation of a ban petition containing an impressive 2.5m signatures, and the announcement of a boycott of producers (The Herald (Glasgow) 1995; CCW 1996a, p.372; 456; ICBL 1996f; The Guardian 1996; Chabasse 1998, pp.62–65; Dolan and Hunt 1998, p.401; Rutherford 2010, p.65). NGO language in the media was often confrontational, with British campaigners condemning their government's introduction of loopholes for 'smart' mines as 'absolutely disgusting' (OneWorld Online 1995) and slamming 'Cynical arguments...used to protect various countries' vested interests' (McGrath in ICBL 1995i). In addition,

survivors handed out roses labelled with victims' names to delegates on their way into the conference in a sort of emotional blackmail unprecedented at arms control negotiations that discomfited diplomats (Rutherford 2010, p.80 n7). Most outsider tactics were of a passive or routine nature, however, and were channelled mainly through the media. This strategy was facilitated by the ICBL's extensive media contacts and also by the depoliticised humanitarian framing used by the campaign that gave it a broad appeal. This is demonstrated by the widespread but undemanding public support the campaign enjoyed, as evidenced by ban petitions and opinion polling (Rutherford 2000b, pp.105–106). On the other hand, there was relatively little active mass or grassroots participation and little opportunity for non-NGO professionals to influence its agenda, which had basically been set by the six founding organisations in 1992.

The Amended Protocol II (CCW 1996d), agreed in May 1996, introduced additional restrictions on APMs but lacked any meaningful verification or enforcement clauses. The bottom line was that both 'dumb' and 'smart' mines remained legal as a result of compromise between developing countries that wanted to keep the former and advanced military powers like the US and Britain who wanted to retain the latter. From the ICBL's perspective, this reinforced the political need for a comprehensive ban to avoid North-South or East-West divisions, which NGOs had recognised as a potential problem from the beginning (HRW and PHR 1993, pp.345–6; ICBL 1994a, p.113). As Rae McGrath argued 'many countries would not sign on to a regime that favoured the western and industrialised nations through a bias to high-technology mines' (quoted in ICBL 1995j). This view was widely shared, so the ICBL strongly opposed a limited ban (ICBL 1995k) and strenuously refuted arguments that 'smart' mines were superior from a humanitarian perspective. Their indiscriminateness so long as they were active was pointed out, as well as failure rates of self-destruct mechanisms of 5-50% that created a false sense of security and could encourage greater use. It was also emphasised that because 'smart' mines were usually scatterable or remotely-delivered, they tended to be used in much larger quantities than conventional dumb mines that had to be individually buried by hand (Goose 1995). The amended Protocol also introduced a new distinction between APMs and AVMs absent from the original Protocol, with weaker standards applied to AVMs. This involved new definitions that created ambiguity about whether a particular mine was an AVM or an APM, as APMs were defined as mines '*primarily* designed to be exploded by the presence, proximity or contact of a person' (CCW 1996d Art. 2.3; Herby 1996). This was intended to exclude AVMs with anti-handling devices and Claymores (Velin 1996a), which can be either command-detonated or victim-activated and are by far the most common 'dumb' mine possessed by the US (HRW and PHR 1993, pp.65–66). This was vehemently

opposed by the ICBL (1996f) and the ICRC, which warned it could lead to a new generation of 'dual-use landmines' designed to elude the APM definition (Herby 1996; Velin 1996a).

The amended Protocol also contained new provisions on user responsibility for clearance, which required *future* users to demine areas under their control 'Without delay after the cessation of active hostilities' and if they lost control of such areas to provide 'technical and material assistance necessary to fulfil such responsibility' to the government controlling it (Arts. 3.2 & 10). This was significant, but there was still no retroactive responsibility for historic mine use – either for governments that had used mines or for governments whose territory had been mined by others. Producer/supplier responsibility was also omitted.

The ICBL and its elite allies denounced the outcome. The ICBL's official press release argued that 'it actually encourages the production and use of a new generation of landmine' (ICBL 1996k), while the British campaign condemned it as "a mine layers' charter" and for HI it was "a real betrayal" (quoted in AFP 1996; quoted in Bellamy 1996). Leahy was equally critical, decrying the new Protocol as "a deplorable failure" (quoted in Crossette 1996), while Boutros-Ghali expressed his 'deep disappointment' and condemned US and UK policy at the conference of distinguishing between different types of mines (UN Secretary General 1996).

'Partnership' and the Ottawa Process: 1996-1997

More positive than the actual outcome of the Protocol negotiations from an NGO perspective was the fact that by the end of the process in May 1996, the number of states that had announced unilateral measures, such as production/transfer moratoriums, limitations on use, stockpile destruction, or national bans, had grown from fifteen to over forty (Velin 1996b) and states declaring support for an *immediate* ban from fourteen to forty-one (ICBL 1996f). Most national measures were moderate, however, and many rhetorically pro-ban states had little intention of an immediate effective ban.

As early as the first CCW session in 1995, the ICBL had called on interested states 'to form an informal working group, with NGO participation, to develop a realistic timeframe to eliminate landmines' (ICBL 1995l) and it reiterated this at the beginning of the second CCW session in January 1996 (ICBL 1996l). This time governments on its 'Good List' were invited to a meeting (Mekata 2000, p.157). Austria, Belgium, Denmark, Ireland, Mexico, Norway, Canada and Switzerland showed up (Williams and Goose 1998, p.34; Mekata 2000, p.157) and follow-up meetings in April and May were attended by fourteen and eleven states respectively (Maslen 2004b, p.24 n130). During these,

Canada proposed holding a ban conference in Ottawa, and Austria produced the first draft of a ban treaty (Ehrlich 1996; ICBL 1996f; Williams and Goose 1998, p.34). At that stage, membership of what became the 'Core Group' behind the Ottawa Process was still in flux. Canada, Norway, Austria, Ireland and Belgium were the only states consistently engaged from the outset, while Switzerland, Germany, the Netherlands, Mexico, Philippines and South Africa had joined by the first formal Core Group meeting in February 1997 (Lawson *et al.* 1998, p.167; Rutherford 2010, p.91 n70).

On the final day of the Review, Canada announced it would hold a meeting in Ottawa for governments and NGOs that favoured 'a comprehensive ban' (CCW 1996a, p.436) and held a joint press conference with the ICBL, UN and ICRC (ICBL 1997i; Short 1999, pp.484–486). This was the first of many joint events between Ottawa Process host governments, NGOs and international agencies, and marked the expansion of the longstanding alliance between NGOs, UN agencies, the ICRC and sympathetic governmental and non-governmental elites to a group of mainly Western small and middle power governments as a whole. From then on, distinguishing ICBL influence from their elite partners' is even more difficult, as each followed the same script and differences of opinion were generally kept diplomatically private. In this third partnership stage of the campaign, NGOs again relied primarily on insider tactics, but now research and insider lobbying were augmented by direct collaboration and coordination with pro-ban states, so that NGOs acted as the public relations arm of the Ottawa Process and the governments organising it. The strategy of 'rewarding' cooperative states with 'civil society' legitimisation intensified, alongside a new tactic of leveraging the economic power of Western Core Group states to get mine-affected developing countries on board.

The Ottawa Strategy Conference

The Canadian Department of Foreign Affairs and International Trade (DFAIT) organised the October 1996 Ottawa Strategy Conference in consultation with local NGOs and the ICBL leadership (DFAIT 1996a; Carstairs 1997, p.108; Tomlin 1998, pp.14–15; Warmington and Tuttle 1998, p.57) – primarily Williams and Goose (1998, p.35), who say the ICBL was 'consulted frequently on nearly every aspect' of it. This produced a programme designed to foreground NGO, ICRC and UN perspectives (ICBL 1996m, pp.3–6) and rules stipulating states could only attend as full participants if they endorsed the suggested final declaration of the conference beforehand (DFAIT 1996a, 1996b). This meant agreeing to 'the earliest possible conclusion' of a ban treaty (Ottawa Declaration 1996). In the event, fifty states participated, with twenty-four observers (DFAIT 1996c).

Canada also encouraged other governments to collaborate with NGOs by allowing them to bring an extra NGO delegate (DFAIT 1996b; 1998, p.15). This accentuated NGO 'embedding' on government

delegations begun during the CCW Review, so that around fifteen governments brought NGOs to Ottawa (Bridgman 1996; Cameron *et al.* 1998, p.437; Cameron 1999, p.92). It also contributed to a hierarchy of NGO access involving 'three levels of participation' (MAC 1996): NGOs on delegations had full access to all sessions including 'closed' intergovernmental negotiations; around twenty official ICBL representatives chosen by the ICBL leadership and Canada comprised the official NGO delegation, which was allowed to participate only in some official sessions; and all other NGO representatives were restricted to fully public sessions also open to the media. This hierarchy of access is generally not mentioned in the literature, hence Williams and Goose's (1998, p.35) version of NGO engagement in Ottawa is simply that 'The ICBL was given a seat at the table as a full participant'.

The close collaboration between Canadian officials, Lawson and Sinclair, and Williams and Goose was also evident in how the four of them sat down at a computer on the last night of the conference to write the final Ottawa Declaration, the Chairman's Agenda for Action and Axworthy's closing speech (Tomlin 1998, p.17; Williams and Goose 1998, p.35; Sigal 2006, p.158). As mentioned above, the ICBL's new 'Call for Action' closely resembled the Ottawa Declaration and Action Plan, albeit with more emphasis on public awareness raising, given NGOs' role as the Ottawa Process' public relations arm. All four documents notably excluded user/producer responsibility, effectively effacing it from the diplomatic agenda from the outset. At that stage, only nine participating states were from Africa, three from Asia and seven from Latin America, in part because Canada had not provided sponsorship for states to attend (DFAIT 1996b). The issue was also excluded from all treaty drafts drawn up by Austria (Austria 1996, 1997a, 1997b; Ehrlich 1996), despite consistently strong support for including it from developing countries (OAU 1995, 1996, 1997; NAM 1997; SADC 1997 & Manila Regional Seminar 1997 in Maresca *et al.* 2000b, p.520; 564).

Encouraged by the enthusiasm for a ban among some participating states, wary of French proposals to stall progress by moving the issue to the deadlocked UN Conference on Disarmament, and spurred on by diplomatic competitiveness with Belgium, which had already announced a follow-up conference in Brussels, Canadian diplomats and Axworthy decided midway through the Conference to conclude it by calling on states to return to Ottawa to sign a ban treaty by December 1997 (Sigal 2006, pp.156–158). This was designed to railroad states into moving much faster towards a goal they had all nominally agreed to, but which had safely lacked a timeframe. It was thus by far the most significant development at the Conference that had not been agreed in advance. As the Canadian *Globe and Mail* put it, 'Many countries would not have sent delegations to Ottawa if they believed

the final declaration was going to include a timetable for establishing a global ban' (Campbell 1996). It was also very much Canada's initiative, given the ICBL had issued a press release the previous day with the far less ambitious demand for a ban by 2000 (ICBL 1996n).

Whereas even other Core Group governments were kept in dark (Sigal 2006, pp.158–9; Rutherford 2010, p.87) or warned only minutes beforehand (Long 2002, p.433 n5), the ICBL, UN and ICRC had been given sufficient advance notice for Axworthy to legitimise his stance by citing Boutros-Ghali's support and NGOs were primed to respond with a standing ovation and congratulatory speeches (Cameron *et al.* 1998, p.438; Lawson *et al.* 1998, p.162; Tomlin 1998, pp.19–20; Rutherford 2010, p.87). The USCBL followed this up with an action alert asking members to write Axworthy letters of congratulation (USCBL 1996b), indicating how reinforcing the legitimacy or consensual-hegemony of pro-ban governments was a central plank of ICBL strategy throughout the Process. The Conference had opened with a landmine survivor expressing the ICBL's 'deep appreciation and admiration' for 'the leadership that Canada has shown' and Axworthy's 'personal commitment', and praise of Canada's 'visionary leadership' and 'courage' was reiterated on numerous occasions (ICBL 1996o, 1996p, 1996q, 1996q). Moreover, the ICBL was already consciously situating the Process as a model of cooperative governance partnership between civil society, IGOs and governments, declaring:

we believe this can serve as a model on other issues...History should remember this meeting as the point at which NGOs and a large number of governments began working together seriously to achieve a common aim (ICBL 1996o).

Core Group governments and UN agencies spoke from the same script. This was particularly true of Canada, with Axworthy framing the Process as a model of 'soft power' and the 'new multilateralism' involving partnership between governments and civil society '(Axworthy 1998a, 1998b; Axworthy and Taylor 1998).

At the time, Axworthy's move was regarded as a major gamble that could seriously embarrass Canada in the event of failure (Cameron 1998, p.438) and many diplomats reacted angrily to the breach of etiquette, including pro-ban states like Belgium, which was reportedly 'furious' at being upstaged (Maslen 2004b, p.p34n186), and the US, which sent Canada a 'sharply worded *démarche*' and summoned Canadian diplomats to Washington (Wareham 1998, p.227; Sigal 2006, p.159; Williams 2013, pp.204–205). Notwithstanding this, the US viewed APMs as a relatively minor issue and relegated it to low ranking officials (Sigal 2006, p.240). At the time, it was concerned with more pressing geopolitical questions like NATO expansion, the deployment of US troops in Bosnia and the

Comprehensive Test Ban Treaty (Sigal 2006, p.171), whereas middle powers and NATO members, Canada and Norway, who supported the US on all these major issues, could concern themselves more with niche diplomacy on 'softer' 'human security' issues like landmines. Moreover, the political climate for Democrat-linked NGOs like HRW and VVAF had not significantly improved after Clinton won his second term in 1996, as the Republicans still controlled both Houses of Congress.

Shortly after Ottawa, the US rebuffed Canada's suggestion of a four protocol treaty consisting of separate bans on production, stockpiling, use and transfer (Lawson *et al.* 1998, pp.163–164), which could have led to a very different outcome. Its preferred strategy instead was to stall progress by moving negotiations to the slow moving consensus-based UN Conference on Disarmament (CD), where each of its 65 members have an effective veto. Britain, France, Australia, Spain, Italy and initially Germany, all backed this US proposal (Financial Times 1997; Dolan and Hunt 1998, p.404; Landmine Monitor 1999a; WILPF 2010), whose stated rationale was to involve major stockpilers and/or exporters like Russia, China, India, Pakistan and Israel (Velin 1997a) that shunned the Ottawa Process. This gambit backfired, however, as core state, Mexico, vetoed even adding landmines to the CD agenda in June 1997 (Washington Post 1997). That the ICBL had no role in this is confirmed by the Canadian diplomats who organised the Ottawa Process (Lawson *et al.* 1998, p.174).

'Track II' for the South

The Chairman's Agenda for Action and the ICBL Call for Action issued at the end of the Ottawa Strategy Conference envisaged what became known as a 'Track I' series of diplomatic negotiations on treaty text, held in Europe and hosted by the Western Core Group states, and a 'Track II' strategy of public awareness raising activities and regional conferences, held mainly in the South with a particular focus on mine-affected states. Track II was important as so few developing countries had attended the Ottawa conference, potentially undermining the legitimacy of the Process. Hence, in holding regional conferences in the South, involving Southern states in the Core Group as 'regional champions' (Lawson *et al.* 1998, p.167; Hubert 2000, p.21), and targeting mine-affected states for legitimisation purposes, the lead Western Core states adopted much the same strategy vis-à-vis the South as the Northern-dominated ICBL. Both of them instrumentalised Southern support to legitimise an externally devised, essentially Western process that only expanded to developing countries once its broad parameters has been established and the language they use to describe it is also similar.

Canadian diplomats were thus conscious that 'All regions of the world would need to *feel* they were helping to shape the destiny of the Ottawa Process rather than simply doing the bidding of others'

(Lawson *et al.* 1998, p.169 my emphasis), while according to Williams and Goose (1998, p.24 my emphasis), 'it was clear to the initiators of the campaign that in order to hold together NGOs of such diverse interests, these organizations would need to *feel* an immediate and important part of developments'. Goose (2008a, pp.95–96) later elaborated the North-South dimensions of this, explaining:

Both the campaign and the core group governments worked hard to ensure geographic diversity within the ban movement, and to promote a sense of ownership of the issue among regional organizations, especially the Organization of African Unity.

From a Gramscian perspective, this appears a quintessentially hegemonic strategy, in the sense subordinate actors were consciously encouraged to internalise an agenda externally devised by elites as representing their own interests.

This was reinforced by the familiar NGO strategy of discursively legitimising cooperative states. Hence, the ICBL (1997j) expressed hope that other African countries would 'follow the example and take cues from the leadership shown by South Africa and Mozambique', who announced their support for a ban directly before and during the Fourth ICBL Conference in Mozambique in February 1997. South Africa also joined the Core Group of states organising the Ottawa Process during this period. Likewise, the ICBL's rhetoric of civil society-government partnership was also transplanted to southern Africa. As an ICBL (1997k) press release put it:

conference patron, Graça Machel, stressed that the campaign...“is a post-Cold War model of action where NGOs and government work together to change in humanitarian law by banning anti-personnel landmines”.

Although variously organised by NGOs, the ICRC and the Core Group, 'Regardless of the sponsor, each of these conferences was characterized by a high degree of co-operation among the partners in the ban movement' (Williams and Goose 1998, pp.37–8). The Core Group instructed their embassies to coordinate with NGOs and the ICRC (Lawson *et al.* 1998, pp.166–8); the ICBL continued its Southern expansion, with funding from Western Core states, to create 'bottom-up' pressure on Southern governments; the Core Group lobbied them through diplomatic channels; and the ICRC organised seminars for military and government officials in Addis Ababa, Harare, Manila and Managua (Rutherford 2010, pp.98–99). As no significant ICBL campaigns existed in Latin America, the Caribbean, Eastern Europe, the Middle East and large parts of Asia and Africa, support there was built mainly through diplomatic/donor pressure and lobbying by the ICRC and UN agencies (Lawson *et al.* 1998, p.174; Long and Hindle 1998, pp.258–259; Hubert 2000, pp.xii–xiii).

An important part of NGO-Core Group strategy towards developing countries was to focus minds towards acquiescence by conditioning mine action aid on adherence to a ban. In this way, the soft power or consensual-hegemonic practices of top-down civil society building, discursive legitimisation of cooperative states, and diplomatic lobbying were reinforced by the hard power of economic inducement, or in Gramscian terms the hegemonic compromise of international aid underwritten by the latent coercion of prospective aid denial. This had been part of ICBL strategy since at least 1994, when the Australian campaign had planned discussions ‘with international financial institutions re. incentives, penalties, etc.’ for mine-affected states (ICBL 1994a, p.31). According to Mekata (2000, p.157), NGOs had also ‘suggested using good-governance criteria developed by the World Bank²² or International Monetary Fund for demanding bans from developing countries within development assistance schemes’ at the first ICBL-Core Group meeting in January 1996, so that ‘the creation of regional “mine-free zones” could be linked to increased funding for mine clearance’ (ICBL 1996r). This was formalised in the new ICBL Call for Action and the Ottawa Strategy Conference Plan of Action, both of which recommended increasing funding for regions declaring or establishing mine-free zones and, in the ICBL’s (1996i) case, ‘particularly from international financial institutions’. Leveraging donor power and aid conditionality like this was obviously only a feasible tactic for the ICBL now it had ‘partnered’ with wealthy Western states with large aid budgets. Norway, Canada, Germany, the Netherlands and Switzerland accounted for 39% of international mine action funding from 1996-8 and trebled their contribution between 1995 and 1998, which created a financial incentive for affected states to join.

Back in Europe, Track I experts’ meetings in Vienna and Bonn in February and April 1997 and a second full diplomatic conference in Brussels in June developed the treaty text. The Core Group’s regionalisation strategy and sponsorship of Southern delegations bore fruit (Lawson *et al.* 1998, p.170; Sigal 2006, p.164), increasing attendance from 74 states in Ottawa to 111 in Vienna, 121 in Bonn and 154 in Brussels (Velin 1997a; DFAIT 2008).

‘Track I’ – The ‘Experts’ Meet in Vienna and Bonn

Some of the most important negotiations took place at the Vienna and Bonn experts’ meetings, where Austria and Germany limited NGO access to a small group of select NGO representatives. Just four NGO delegates, led by Williams and Goose, attended Vienna and only Williams and Goose went to Bonn (ICBL 1997l; Goose 1998b, pp.274–275; Short 1999, pp.486–487; 495). In both cases the

²² The World Bank actually did this during the campaign, in conditioning demining aid to Croatia on no further mine use (DFAIT 1997).

ICBL officially only made brief statements to the plenary (ICBL 1997m, 1997m, 1997n) at the discretion of the Chair (Short 1999, p.486). Moreover, in Vienna the ICBL 'was not permitted to attend the working sessions, due to objections from some governments', confining it officially to the plenary, although they were in constant contact with pro-ban governments and knew what was going on (Goose 1998b, p.275; Maslen 2004b, p.31). This resembled the 'exclusion' of NGOs during the CCW, but in contrast to the ICBL's public protests then, no conference newsletter or report was published and only a single press release was issued. This publicised a joint press conference with Austria, Belgium, Canada and the ICRC and emphasised the number of states present and the momentum towards a ban but gave no details on the negotiations (ICBL 1997o). Consequently, there was little publicity of the kind NGOs created at the CCW and in Ottawa, so at these crucial stages the ICBL relied almost exclusively on insider tactics.

This lack of publicity was significant as the Vienna meeting involved the first substantive multilateral negotiations (Maslen 2004a, p.31) on the draft treaty drawn up by Austria (1996) and largely decided the crucial question of the APM definition. Although the offending proviso 'primarily' inserted into Amended Protocol II was removed, the new wording had basically the same effect. It still excluded Claymores (Sigal 2006, p.65; 163; 166–168), specifically excepted AVMs with anti-handling devices (Austria 1997b Art. 2) and as it remained *design*- rather than *effect*-based also potentially excluded dual-use mines 'designed' to blow up vehicles but capable of killing pedestrians (McGrath 1997c). At the time, manufacturers were increasingly reclassifying mines as submunitions, developing very small AVMs and attaching anti-handling devices to them, in part to circumvent APM regulations (McGrath 1994b, 1997c; Velin 1996a; HI and Observatoire des transferts d'armements 1997; Gebauer 1998b). The exemption of anti-handling devices was of particular concern to demining NGOs like HI and MAG, as it directly endangered their staff. All these exclusions had been vigorously opposed by the ICBL and the ICRC during and after the CCW review.

Notwithstanding this, the campaign had long been divided as to how to deal with these definitional problems. HRW had always used a design-based approach modelled on the original CCW definition (HRW and PHR 1993, pp.3–5), whereas MAG and the British campaign (McGrath 1994a, pp.5–7, 1994b; Oakes 1994) had long advocated an effects-based approach that would capture all victim-activatable anti-personnel munitions, regardless of their ostensible design. The proposed definition in the ICBL's model treaty, published in December 1996 after a week of campaign meetings (ICBL 1996h, p.14), was essentially the same as the definition HRW proposed to the CCW Expert Meetings back in 1994 (quoted in Lawson 2002, p.167). It was design-based, but worded to include Claymores

in victim-activation mode and contained an additional clause expressly *including* AVMs with anti-handling devices (ICBL 1996j Art. 3).

The ICBL leadership, again principally Williams and Goose, acquiesced to the exclusion of these weapons in Vienna, seemingly for largely pragmatic or politically expedient reasons (Short 1998; Sigal 2006, pp.166–167). AVMs with anti-handling devices, Claymores or other hybrid mines were stockpiled and/or manufactured by numerous important European countries, including core states Belgium, Germany, Norway and Austria, and Britain, France, Spain, and Sweden (ICBL 1995m; 1999b, 1999d, 1999f, 1999h, 1999i, 1999j, 2003; Sigal 2006, p.166) and so could compensate them for lost military capacity. This made it ‘significantly easier’ for them to join the APLC (Kuchenmeister 2000, pp.2–3).

According to Short, the definition ‘was changed with no intra-NGO discussion’ (1998), so that the ICBL leadership’s apparent compliance ‘allowed for the appearance of widespread acceptance...without genuine dialogue among NGOs as to the practical impact of textual changes’. Consequently, the ICBL leadership’s insider status ‘may have dampened NGO reaction’ (1999, p.492) and in her view the ICBL may have achieved a stronger definition if it had situated itself ‘outside’ the process and used more outsider tactics, as it had during the CCW review (1998). Subsequent objections by MAG (McGrath 1997c) and Medico and the suggestion by an academic adviser to VVAF that the ICBL should come out strongly against the definition (Sigal 2006, pp.166–167; 201) had little discernible effect on ICBL strategy. Divisions on this continued throughout the Process, as evidenced by the effects-based definition promulgated in the ‘Bad Honnef Framework’ adopted at a conference of mine action, development and survivors’ organisations organised by the German campaign during the Brussels Conference in June 1997 (German Initiative to Ban Landmines 1997). The ICBL essentially fudged the issue, tacitly accepting the design-based definition in the Austrian draft and trying to improve it with additional wording, while also calling for an effects-based definition²³ at the final negotiations in Oslo.

As in Vienna, NGOs also limited themselves to insider tactics at the Bonn experts’ meeting, where a light touch approach to treaty compliance (Velin 1997a, 1997b), characteristic of human rights and international humanitarian law was emerging (Williams 1997b), as opposed to the more stringent verification of arms control treaties. This was an important concession to developing countries,

many of whom were enthusiastic ban supporters so long as it was not rigorously enforced and opposed stronger verification as interference in their internal affairs (Goose 2008b, p.110). This time Williams and Goose (1998b, p.275) were treated as full participants, 'able to attend and make interventions at all sessions', where they supported Canada and other core states (Williams 1997b; Rutherford 2010, p.92) in promoting this shift (ICBL 1997m, 1997n). Again, this was mainly for political reasons, particularly as the emphasis on verification by ostensibly core state Germany (1997a, 1997b; Landmine Monitor 1999j), which mirrored the US position, was suspected as a wrecking strategy to stall the negotiations and sow North-South divisions (Long 2002, p.431). Indeed, packs handed out to campaigners at the final negotiations in Oslo warned of 'concern that some nations will use the verification issue to bog down negotiations thereby preventing conclusion of the treaty' (ICBL 1997d). The ICBL made the best of the situation by stressing that the core of the new treaty would be a new international norm (1997m, 1997n, p.5; 11), which would seemingly render intrusive verification unnecessary.

The Penultimate Conference in Brussels

As a large diplomatic conference aimed at generating wider support like the opening Ottawa Strategy Conference, the Brussels Conference was similarly organised. On the one hand, the agenda highlighted NGO perspectives and the Core Group facilitated a large NGO presence, including through a \$63,000 grant from Belgium to HI to organise NGO activities and sponsor attendance by SNGOs and victims (Landmine Monitor 1999f). On the other, NGOs were excluded from the substantive negotiations during the first two days when the closing Brussels Declaration that set the tone for the final negotiations in Oslo was decided (HI 1997g; Goose 1998b, p.275) unless they were on a government delegation. Eight governments, including Austria, Belgium, Canada, France and the Netherlands, brought NGO delegates, with HI joining both the Belgian and French delegations. This gave rest of the ICBL an inside track on developments too, albeit through the prism of these trusted NGOs. In addition, an official ICBL delegation led by Williams and Goose and with just four²⁴ other members (Brussels Conference 1997a) had somewhat better access than the rest of the campaign, which organised public awareness raising activities and held days of action to exert 'external' pressure (Dolan and Hunt 1998, p.401; Short 1999, pp.486–7).

The ICBL continued to discursively legitimise supportive governments, congratulating Belgium in its opening press release for 'its continued leadership to resolve a global humanitarian crisis' (ICBL 1997p). By then, however, an important additional aspect of ICBL strategy was to stigmatise the US

²⁴ Alex Vines (HRW); Lou McGrath (MAG); Tun Channareth, a survivor, from the Cambodian campaign; and the head of the Afghan campaign and the Mine Clearance Planning Agency, Sayed Aqa.

for not supporting an immediate ban (Maslen 2004b, p.37). In addition to pressuring the US, this helped bind the pro-ban bloc of states and was particularly effective in Africa, where the Core Group and the ICBL used US opposition 'as a foil' to encourage others to join (Sigal 2006, p.181). Framing the US as the 'bad guy' was more a form of diplomatic theatre than a serious challenge to US dominance, however, given the ICBL's ongoing efforts to persuade the US that supporting a ban was in its military interests and the Core Group's alliance with the US on more important issues. Occasional 'US-bashing' is a recurrent feature in the political discourse of overwhelmingly dependable US allies like Canada, where it goes down well with domestic and international audiences but usually has little substance.

The US had not participated in the Process since the Ottawa Strategy Conference and had attended Vienna only as an observer (Moody 2008, p.202 n55; 204 n57). In Brussels, it shunned the conference venue and summoned delegations to its hotel to sound out support for various exceptions (Maslen 2004b, p.37; Sigal 2006, p.174). Other delegations reportedly perceived this as arrogant, especially as US representatives seem not to have bothered to construct any plausible arguments beyond American self-interest. The ICBL (1997c) issued a press release condemning the US for 'testing the waters to see how many holes can be shot in the treaty' and also sought to exploit diplomatic competitiveness between Western states by framing the US stance as 'in stark contrast to the announcements by France, the UK and Italy that they are supporting the Ottawa Process'.

An important development in Brussels was that changes of government had prompted Britain (UK 1997) and France to participate (ICBL 1997q). Both the French Socialist Party (Chabasse 1998, pp.63–64) and 'New Labour' in Britain (The Herald (Glasgow) 1996; Bowers and Dodd 1998) were more sympathetic to the issue than their conservative rivals and had promised to support a ban while in opposition. The momentum of the international process and lack of progress at the CD prior to its final collapse in June (Washington Post 1997) would also have played a role. France and Britain's participation encouraged members and prospective members of the EU and NATO to follow suit (Long and Hindle 1998, p.260), which combined with the Core Group-ICBL-ICRC regionalisation strategy, meant 97 states associated themselves with the Brussels Declaration. This included all of Western Europe apart from Finland and Cyprus, much of Central and Eastern Europe, thirty states from Africa and twenty-eight from Latin America and the Caribbean (Brussels Conference 1997b). This left the US and Japan as the only G7 nations outside the Process and Greece, Turkey and the US as the only NATO non-participants. In the end, 91 states participated in the final negotiations in Oslo, with thirty-eight observers. Most full participants were from developing countries (Oslo Conference

1997; Velin 1997b; ICRC 1998, p.4) and supported strong ban language – so long as it was not too rigorously enforced.

This Southern majority was strategically important, as the rules of procedure devised by the Core Group stipulated substantive decisions would be taken by two-thirds majority ‘in cases where consensus proved impossible’ (Maslen and Herby 1998; Maslen 2004b, p.42). This was intended to prevent the US or other major powers from exercising a veto, in contrast to the consensus-based decision-making of the CCW and CD, and placed developing countries in an unusually powerful position by giving them a collective casting vote. Normally, they only enjoy this status in deliberative fora with budgets controlled by the North, like the UN General Assembly, but while this appeared to give them an unusual amount of influence, the Core Group had designed the Process this way in order to use them as leverage over the larger Western powers. Moreover, they had delimited its parameters so as to exclude aspects seriously threatening to their own and their allies’ interests, so that sophisticated AVMs with anti-handling devices were excluded from the definition and user/producer responsibility was off the agenda from the start – illustrating the agenda-setting or ‘non-decision-making power’ (Bachrach and Baratz 1962) of the lead Western states organising the Process.

A partial exception was the last minute addition of victim assistance. This had been mentioned in the Ottawa Declaration and Action Plan, but was omitted from all the draft texts devised by Austria from April 1996-September 1997 (Austria 1996, 1997a, 1997b; Ehrlich 1996) as well as Belgium’s (1996) alternative text. Indeed, even the ICBL’s (1996j) model convention had relegated it to the Preamble and the ICBL leadership was reluctant to push the issue for strategic reasons. During the Brussels Conference, Belgium, which had been a major exporter, ‘refused to add any new language on victim assistance’ to the Brussels Declaration (Maslen 2004b, p.38), a fact omitted from the ICBL’s uniformly glowing account of its role in the Ottawa Process and ‘real, constructive collaboration’ with the Belgian campaign, in particular HI, which was included on the government delegation throughout (Landmine Monitor 1999f). This went down badly with African delegations particularly South Africa, which threatened to withdraw its support if victim assistance was not included (White and Rutherford 1998, p.111; Maslen 2004b, p.38; 177).

Maslen (2004b, p.38n193) describes this as ‘particularly embarrassing’, given the Core Group had chosen South African Ambassador, Jacob Selebi, to chair the final negotiations to make them appear less Northern-dominated (Dolan and Hunt 1998, p.410; Sigal 2006, p.203). The impasse was resolved

by inserting some non-binding victim assistance language between Brussels and Oslo (Gebauer 1997). This was supported by Canada, Norway and Ireland, who according to White and Rutherford (1998) were more helpful on the issue than the ICBL leadership.

Facing international isolation and following a row between the State Department and the Pentagon, the US decided at the last minute to go to Oslo (White House Press Secretary 1997). Williams and Goose (1998, p.43) attribute this to public opinion, but international momentum and promises of “flexibility” and “ingenuity” from Axworthy and the Canadian Prime Minister, Jean Chrétien, were equally important (quoted in Dolan and Hunt 1998, p.408; Sigal 2006, pp.169–170; 192–3). The US arrived with a package of ‘non-negotiable’ demands that would have vitiated the treaty, including: a clause allowing withdrawal during conflicts; exempting ‘smart’ APMs used in conjunction with AVMs; a geographical exemption for Korea; strong verification measures anathema to many developing countries; and a nine-year transition period (US 1997a; Wareham 1997b; Rutherford 2010, p.110).

The question of what stance to take towards US participation had contributed to a bitter split between Muller of VVAF and Williams (Bandler 1998). Goose and Williams – and much of the campaign internationally – favoured stigmatising the US and influencing it through international pressure, whereas Muller and some other US NGOs preferred a more conciliatory, domestically-oriented approach (Sigal 2006, pp.201–202). The divergence was less about insider versus outsider tactics, than domestic versus international insider strategies, however, as whereas Williams and Goose had acquired insider status with the Core Group, Muller remained focused on the Clinton Administration and the Pentagon, working his extensive elite contacts and spending upwards of \$100,000 on Republican-affiliated lobbyists (cited in Bandler 1998; VVAF 1998c; Sigal 2006, pp.201–2).

The Endgame of the Campaign

A serendipitous element in terms of achieving a strong treaty was Princess Diana’s death days before the Oslo Conference started. This increased an already high level of media coverage, from an average of 33 articles a day from August 1st-30th (with 40% mentioning Diana) to 270 during the first three days of the negotiations (with 89% mentioning Diana)²⁵. Headlines like ‘US move may end Diana’s landmines dream’ (AP 1997) made it harder for Britain, and possibly other states, to backslide (Maslen 2004b, p.41 n204), as did the opening of the Conference by the Norwegian Foreign Minister with a minute’s silence in Diana’s honour (Godal 1997). The UK development minister called for a ban as a ‘lasting tribute’ (Koch 1997) and a prominent French politician

²⁵ Based on Major World Publications in Lexis Nexis database.

suggested naming the treaty in her honour (Koch 1997). Kofi Annan (1997b) addressed delegates a few days later, giving the Ottawa Process the official UN stamp of approval and praising the UN-NGO-ICRC partnership that brought it about as ‘a model of international cooperation and action’.

The main development at the talks was the US’ withdrawal after more than a fortnight of high-level pressure, involving telephone calls from Clinton to Jean Chrétien, Tony Blair, Jacques Chirac and Nelson Mandela, regular contacts between Axworthy, Albright and US national security adviser, Sandy Berger, and bilateral consultations with NATO members (Sallot 1997; Short 1997; Sigal 2006, p.214; Cobb 2007). The ICBL responded with press releases condemning the American proposals as “killer amendments” that “would gut the treaty” (Williams in ICBL 1997r) and made it clear it would not support a treaty incorporating US demands (1997r, 1997s). Moreover, they attacked President Clinton personally, with Williams quoting herself saying he “should behave like Commander in Chief of the U.S. Armed Forces and act like a statesman” and “should be ashamed that he is willing to kill this treaty simply to save face” (ICBL 1997r, 1997t). This confrontational, personalised language horrified Muller and contributed to Williams’ dismissal from VVAF shortly afterwards (Bandler 1998) and illustrated the significance of her personal role in the campaign at this particular point.

The ICBL was not lacking in elite support, however, given that after the US had decided to participate in August, several Core Group governments had urged the ICBL leadership “to go after the United States as hard as possible” (Goose quoted in Rutherford *et al.* 2003, p.105). The ICRC, UN agencies and influential liberal elites like Leahy also remained strongly supportive (Leahy 1997a, 1997b; Lawson *et al.* 1998, pp.178–179; Cobb 2007) and by that stage most of the participating states were unwilling to give in to US demands at the last minute when they had publicly committed themselves to a ban for so long. Moreover, developing countries in particular saw an opportunity to get one over on the US on a relatively minor issue unlikely to provoke severe reprisals, especially given the leading Western states in the Core Group had already proffered themselves as alternative aid donors. France was also reportedly relishing the chance to embarrass their more powerful ally at relatively little cost (Sigal 2006, pp.202–203).

The ICBL’s ire was not limited to the US, as Germany, Canada and some other core states were now competing to craft a compromise for the US (Short 1997; Velin 1997b; Dolan and Hunt 1998, pp.408–413; Sigal 2006, pp.169–170; 192–3; 205; 211–214). Canada was at the forefront, ostensibly because US participation would encourage Russia and China to join, but largely because of the diplomatic glory of getting the Americans on board (O’Neill 1997a). According to Dolan and Hunt

(1998, p.409), Canada viewed US approval as ‘worth a few of the treaty’s teeth’ and its efforts to act as a ‘go-between’ (Koring 1997), in particular by suggesting a 24-hour suspension of the talks to facilitate last minute US bargaining (Sallot 1997; Cobb 2007), indicate a reversion to ‘routine’ middlepowermanship from its earlier ‘heroism’ (Michaud and Belanger 2000). Germany played a similar role. As mentioned above, it had long supported US insistence on strong verification and in the closing stages drafted a compromise in US interests and raised the question of military ‘interoperability’ in NATO if the Americans were left out. This was not persuasive at the time (Short 1997), but became a major issue during the implementation of the treaty and the cluster munitions negotiations a decade later.

The main concessions Canada and some others were willing to make included a lengthy transition period and a geographic exception for Korea (1997a, 1997b; Sallot 1997; Velin 1997b; Cameron *et al.* 1998, p.438; Sigal 2006, p.211). Norway expressed flexibility on a transition period only, as long as it was not ‘excessive’ (Egeland quoted in O’Neill 1997b). In the context of the endgame, this seems to have meant a token concession of five to seven years subject to additional constraints that would have made it largely useless to the Pentagon (Sigal 2006, pp.2113–215). This is borne out by Maslen (2004b, p.42 n213), who was on the ICRC delegation, and says Norway, Ireland and especially South Africa were seen as the most dependable Core Group states from an ICBL/ICRC perspective.

Williams responded by publicly accusing Canada of “carrying the water” for the US and giving it “time to try to see if it can torpedo the treaty” (and Sallot 1997; quoted in Dolan and Hunt 1998, p.413), while the Canadian campaign warned of “massive disappointment and anger” if it succeeded in securing a transition period for the US (Tuttle quoted in O’Neill 1997a). At this point, the ICBL organised protests outside the Canadian embassy in Oslo and the US delegation’s hotel (Head 1997), with banners asking “When Did Canada Become the 51st State?” and shouts of “No backroom deals” as diplomats walked past (Cobb 2007). Letters were also sent to the foreign ministers of Germany, other Core Group states and Britain and France, with Germany warned that ‘It would be a shame to have to point out to world public opinion that the countries that had the courage to respond to the Canadian challenge to ban this weapon, gave in to the U.S. in the final moments’ (ICBL 1997c).

Such contentious tactics demonstrate NGO autonomy from the endgame positions of the US, Canadian and German governments vis-à-vis the final outcome of a process they had designed with Core Group. However, for the ICBL to get to that position in the first place had required strong elite connections, a shared discourse and agreement on broad ideological parameters with elites. Indeed,

their government counterparts would probably have reacted similarly in their place and vice versa. That the ICBL was able to take a strong stance reflected the momentum built up by the Ottawa Process, the support of developing countries temporarily empowered by voting rules devised earlier by the Core Group, and intense media attention in the wake of Princess Diana's death. Combined with the longstanding promotion of the lead Western states in the Core Group as leaders on landmines, this made it politically difficult for them to renege on the final agreement without a major loss of face.

An additional factor was that riven by elite divisions between Republicans and Democrats and the State and Defence departments and having left it to the last minute to fully engage (Sigal 2006, p.215), the US negotiating strategy appears to have been inept. The head of the US delegation has said he was "embarrassed" by instructions to propose rewriting the definition to exempt APMs 'near' AVMs, which "basically provoked laughter", and according to another US diplomat, the delegation was seething with "active hatred" at Washington's incompetence (quoted in Sigal 2006, p.211). The US' heavy-handed package of 'non-negotiable' demands and bilateral approaches only to 'important' governments also did it no favours with neglected delegations. These included most of the African countries (Short 1997), who were there to make up the numbers but now controlled a third of the votes and opposed all the US demands. Even normally dependable allies like the British were relatively unreceptive, in part due to the publicity around Diana's death, (Sigal 2006, p.205).

Ultimately, the US realised it had left it too late to influence entrenched positions in a process it had largely neglected, and which were by now so institutionalised that even its Canadian instigators had relatively little room for manoeuvre. Many US officials maintain that if higher-level attention had been paid earlier they could have achieved most of their objectives, which seems plausible given Canada's initial proposal for a four protocol convention. Goose also agrees the US "could have gotten a lot more" and could even have limited the ban to dumb mines if it had seized the initiative early on (Sigal 2006, pp.238–240). However the US withdrew and the remaining participants agreed the convention by consensus.

Goose's (1998b, p.279) description of the ICBL reaction gives a sense of how the campaign and the Ottawa Process immediately began to acquire their dominant meaning as a celebration of the efficacy and progressiveness civil society participation in the new multi-actor global governance:

the diplomats were cheered, perhaps for the only time in their diplomatic lives. The campaign representatives in the negotiating room stood and clapped for the treaty and for

the process that made it possible. As delegates filed out of the conference, other campaigners were at the door and the cheers and hugs and chants did not end until the last delegate had left the room.

Earlier disagreements with Core Group states were quickly shelved, as the ICBL's final statement reverted to framing the Process as a harmonious model of civil society-government partnership and glossed over the exclusions from the APM definition:

Governments have responded to the demands of civil society and have come together with unprecedented speed and produced a treaty that unambiguously bans all antipersonnel landmines...Together, we have shown that there can be a new way of conducting international diplomacy in the post-Cold War period. This accomplishment is perhaps as important as the treaty itself and should embolden us to cooperatively attack other problems on the international scene (ICBL 1997v).

The UN and Core Group governments sang enthusiastically from the same hymn sheet. As Kofi Annan (1997c) put it at the Ottawa Signing Conference in December 1997: 'The international community of the future...is a union of governments, civil society, and international organizations. It is a union of one voice', while Axworthy (1997c) praised the process in quintessential liberal governance language as showing that 'a full partnership between States and non-governmental organizations can produce results that neither side can achieve alone', where both 'bring their comparative advantages and particular capacities to the process'.

The Implementation of the Treaty and its Impact

The overwhelming consensus among NGOs, governments, IGOs and academics is that the APLC has been a huge success. According to Landmine Monitor (2004, p.5), the semi-official outsourced monitoring body established in 1998 by the ICBL with funding from the leading states in the Ottawa Process Core Group (2006a, pp.83–84, 2008a, pp.51–52), 'The marked drop in the use of antipersonnel mines around the globe since the mid-1990s is without question one of the great achievements of the Mine Ban Treaty and the movement to ban antipersonnel mines'. This perception that the treaty resulted in declining use and lower casualties is widespread, but the reality is more complex.

The APLC bans production, stockpiling and transfer of APMs as defined, which excludes AVMs, whether equipped with anti-handling devices, or not, and Claymores in command mode (Article 2). Parties are to clear mined areas under their control within ten years and destroy stockpiles in four, but can apply for an unlimited number of extensions (Articles 5 & 4). Victim assistance is voluntary,

as neither affected states nor donors are legally obliged to provide it and there is no mention of user/producer responsibility for demining either. Consequently, legal responsibility for clearance attaches only to mine-affected states and international funding is conceived exclusively in terms of voluntary 'International Cooperation and Assistance' (Article 6). Only states 'in a position to do so' are to provide this – a 'deliberately vague' formulation that avoids legal obligation (Arms Control Association 1997; Goose in Sigal 2006, p.184).

The treaty came into force with unusual speed in March 1999, after an intensive ratification campaign by the Ottawa Process partnership. At the end of the Oslo Conference, the ICBL (1997w) had announced a new Plan of Action geared towards entry into force before the year 2000 and a joint 'Program for Mine Action' also involving the Core Group, ICRC and UNICEF was announced at the treaty signing conference in December 1997. Its success is usually ascribed primarily to the moral taboo established by the treaty and ICBL, ICRC and government diplomatic efforts, but donor power was key, given Canada and Norway alone announced plans to donate \$100m each to mine action over the next five years (Ottawa Treaty Signing Conference and Mine Action Forum 1997) and signatory developing countries received significantly more mine action aid.

An account by a Canadian official illustrates the habitual downplaying of economic inducement, attributing the 'domino effect' in Africa and the Americas to 'a moral norm rejecting anti-personnel mines' and ICBL, ICRC and government lobbying efforts, before mentioning the cash on offer (Smith 2008, pp.69–74). This also helps to explain why larger non-Western powers, such as Russia, China, India, Pakistan and Iran, which are less dependent on international aid, including from Northern NGOs, have not joined. As of August 2012, the APLC had 160 parties out of a possible 196 (ICBL 2012a), significantly more than the 91 parties to Amended Protocol II (UN 2012), but fewer than many human rights and IHL treaties²⁶, although the APLC is more recent and may gain more support over time. Contrary to Landmine Monitor's (2011a, p.3) claims of 'near-universal acceptance', many of the largest and most militarily powerful states, representing more than half the world's population, have not signed and most of the largest historic users, producers and stockpilers have also not joined. Consequently, around two-thirds of the 1999 stockpile remains in the hands of thirty-five non-parties – particularly China (110m), Russia (24.5m), the US (10m), Pakistan (6m) and India (4-5m) (Landmine Monitor 1999a, p.8, 1999p, 2004, p.21, 2009a, pp.1066–1067, 2011b, p.4;

²⁶ Convention on the Elimination of All Forms of Racial Discrimination, Optional Protocol on the Involvement of Children in Armed Conflict, International Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on Civil and Political Rights, and the International Convention on Economic, Social and Cultural Rights.

13). Besides this, states with serious ongoing security concerns joined in much smaller numbers, prompting a VVAF spokesperson to observe in 1999 that “all the countries most likely to fight a war in the next 20 years” had not signed the treaty (quoted in Newsweek 1999).

According to Landmine Monitor, the number of governments using APMs fell from thirteen to sixteen in 1998/9 to three in 2010/1, with a smaller but still significant decline in the number of countries where APMs were used by insurgents. Casualties also appear to have fallen significantly – to 5,000-10,000²⁷ annually, although the original estimate of 26,000 probably included casualties from other types of unexploded ordnance. Exogenous factors have likely accounted for much of this, most notably the dramatic fall in major armed conflicts²⁸ and wars since the 1990s (Harbom and Wallensteen 2005, p.627) and declining conflict intensity. On the other hand, mine use is still common in armed conflict. Landmine Monitor cites confirmed or credible allegations of use by governments or armed groups in 25 of the 32 countries where major armed conflicts took place between March 1999 and 2010, a period in which there have been twenty-four definite and five probable government users and forty-seven countries where use by governments and/or armed groups has been reported. These are substantial tallies given most states have not experienced minor or major armed conflicts on their territory since 1999, undermining Landmine Monitor’s (2005, p.14, 2007, p.11, 2009a, p.9) claims that ‘Use of antipersonnel mines, especially by governments, has become a rare phenomenon’. In this context, it is worth noting that Landmine Monitor’s simultaneous function as advocacy material and the ICBL’s strategy of portraying the existence of a strong norm incentivises portraying mine use as aberrant. This helps to explain why it has not contextualised declining use in terms of the fall in armed conflict.

On the other hand, the threshold for use has been significantly raised, even for non-Western states, who are likely to prefer other weapons, if possible, to avoid negative publicity. Access to factory-made mines has also been restricted for actors without their own stockpiles or production capacity, but major non-Western stockpilers, Russia, India and Pakistan, have used APMs in large quantities when the need arose. India and Pakistan laid more than two million along their border in 2001/2 (Landmine Monitor, 2004: 14; 18), while government forces in Afghanistan and Iraq used APMs extensively during the 2001 and 2003 invasions. By 2010, new APM use was occurring in around half the countries experiencing major armed conflicts and belligerents benefited from existing minefields in several other countries, including India, Pakistan, Turkey and Cambodia. Use and treaty violations

²⁷ There were approximately 4,000 *recorded* casualties in 2009 and 2010, so estimated casualties are derived from ratios used by Landmine Monitor (2002, p.40, 2007, p.39; Goose *et al.* 2008, p.5).

²⁸ As defined by SIPRI.

have also recently increased. Non-state parties, Syria, Libya, Israel and Burma have all reportedly used APMs since 2010, as have state parties, Yemen, Sudan, Turkey (ICBL 2012b) and Cambodia, which had all supposedly destroyed their stockpiles under the treaty. Non-Western armed groups in Afghanistan and Iraq have also made extensive use of improvised APMs, or victim-activated IEDs, which have caused a similar proportion of US deaths as during the Vietnam War. This indicates the limitations of the 'norm' against APMs given their continuingly high military utility as 'weapons of the weak'.

By contrast, Western forces have mainly been engaged in offensive actions, peacekeeping, humanitarian interventions and asymmetrical counterinsurgency, where APMs are of limited use (Croll 2009, p.171). Military expert, Mike Croll, thus concludes:

There is no doubt that mine use is much less than it was two decades ago, but in large measure this is because the changing nature of warfare has reduced the need for mines, rather than the treaty inhibiting their use.

Although APMs would have been useful for defending Western bases in Afghanistan and Iraq, the negative PR would have outweighed the relatively minor military gains, and Claymores in command mode, which were the most common 'mine' in US arsenals in any case, have been used by the Americans in Afghanistan (Landmine and Cluster Munition Monitor 2011) to fulfil a similar military function. This highlights how the availability of substitutes has been another important factor in non-use by Western states. Sensitive personnel-activatable AVMs and AVMs with anti-handling devices have thus become increasingly common (Gebauer 1998b; German Initiative to Ban Landmines and Landmine Action 2001, p.5). Although twenty-five state parties have since declared that AVMs with very sensitive anti-handling devices or fuses come under the APLC and Canada, Norway and Germany have modified their stocks accordingly, major military powers, Britain and France, and Japan, Denmark and the Czech Republic have all stated the APLC has no application to AVMs whatsoever (Goose 2008b, p.119). In addition, in the late 1990s and early-mid 2000s, the boundaries between APMs and new, or merely reclassified, 'area defence', 'fragmentation' or cluster munition weapons became increasingly blurred. In one instance, the same weapon was classified by the US as an APM and by Germany as a submunition (Gebauer 1998b), while several ICBL NGOs also suspected that states were deliberately substituting cluster munitions for APMs (HI 2004a; Actiongroup Landmine.de 2005, p.12; Weidacher *et al.* 2005, p.31), knowing many would 'fail' to explode on contact and create "de facto minefields" (HI-Belgium 2007, p.136) with a similar military utility to

scatterable APMs. These outstanding issues were addressed by NGOs in different ways and are discussed in Chapters 6 and 7.

The other major impact of the treaty and the ICBL has been large increases in international mine action funding, which amounted to \$4.27 billion from 1997-2008. However as of August 2011, seventy-two out of an initial ninety states remained mine-affected (Landmine Monitor 2011a, pp.17–18) and none of the states that had completed demining had a severe problem to begin with. Although contamination has also decreased in many countries, by July 2012, thirty states had received or were seeking extensions to the ten-year clearance deadline (Landmine Monitor 2011a, pp.22–23; GICHD 2012). Landmine Monitor (2009b; 2011) reports extensions are ‘becoming the norm’ and have generally been granted with little fuss, including to wealthy countries with minor mine problems such as the UK²⁹ (Landmine Monitor 2011a, p.23).

A final indicator of the treaty’s humanitarian impact is funding for victim assistance. This is less subject to exogenous factors than reductions in use or increases in demining funding as it is less strategically beneficial. Unlike demining, it does not allow access for occupying forces and other foreign personnel, free up land for productive use or significantly facilitate commerce. Landmine Monitor’s ten-year review found ‘the least progress’ in this area, ‘with funding and action falling far short’. Government funding from 1999-2003 amounted to only \$143m and by 2009 a mere \$44m was being provided for around half a million survivors globally (2007, p.39, 2009a, p.1, 2011a, p.ix). Along with disproportionate allocation of demining funding to strategically important states, such as Afghanistan and Iraq, this illustrates the implications of omitting user/producer responsibility, in the sense funding has been allocated according to donor interests rather than responsibility for the problem or humanitarian need and so reinforces rather than undermines unequal international power relations in this area. It also means that states with a large share of the responsibility for the problem, through exports or foreign use, have not contributed proportionately to mine action³⁰.

All the above problematises claims that the treaty – and the ICBL – have had as significant an impact on the humanitarian problem as commonly believed. This is not to say their impact has been

²⁹ In the Falklands

³⁰ For instance, Italy, Belgium and France ranked 13th, 15th and 18th respectively in terms of mine action donations from 1992-2009 far behind countries like Norway, Japan and Sweden with little or no responsibility for the problem. Contributions from non-parties, Russia and China, have been negligible (Landmine Monitor 2010, p.44).

insignificant, however, as contrary to the campaign's claims of political neutrality, its main impacts have been political rather than humanitarian.

Conclusion

The ICBL's central significance from a Gramscian perspective has been the central role it has played in constructing and reinforcing hegemonic liberal discourses relating to the role of 'global civil society' in a new multi-actor system of global governance and an emerging hegemonic discourse of human security. This is the context in which NGOs exercised influence, which worked primarily through forming hegemonic alliances with sympathetic elites with compatible perceptions of their long-term hegemonic interests. These then competed for recognition as an optimum hegemonic governance strategy against more conservative interpretations of hegemonic interests framed in terms of 'national' rather than 'human' security.

This has legitimised wider hegemonic liberal governance narratives in two main ways. First, the ICBL is seen to demonstrate liberal claims of a progressive power shift to global civil society and/or small and middle power states in the post-Cold War era and second, it is said to demonstrate the efficacy of partnership between civil society and states in collaboratively solving shared governance problems, now that the ideological disputes of the past are over and 'we' can all work together towards common goals, in a relatively overt cooptive narrative of civil society engagement in (global) governance. The ICBL and its lead NGOs, supportive elites and liberal academics alike have all promoted variants of this hegemonic governance narrative as 'lessons' to be drawn from the campaign and have generally downplayed the admittedly limited role of contentious outsider tactics in moving government positions along.

Supportive elites from Western small and middle powers (English 1997; Lawson *et al.* 1998) and IGOs (Annan 1997c) articulated the same themes. Axworthy's speeches encapsulate this best:

What I am talking about is a full working partnership between governments and civil groups, both of which bring their comparative advantages and particular capacities to the process (1997c)...the involvement of civil society and the information technology revolution – are the foundations on which a profound democratization of international politics is being built...this is another kind of "globalization"...one can no longer relegate NGOs to simple advisory or advocacy roles in this process. They are now part of the way decisions have to be made (Axworthy 1997b).

Annan (1997c) was equally on message at the signing conference, claiming governments had been 'moved by the groundswell of public opinion' and become 'partners' with NGOs 'in a remarkable expression of the "new diplomacy"'. All of these themes have been reproduced in the liberal literature. Regardless of whether its proponents sincerely believe this or not, from a Gramscian perspective, the mere repetition of such hegemonic ideas reinforces hegemonic power relations. As Gramsci (1971, p.340) argues, hegemonic ideologies must be constantly repeated to continuously re-imprint them on the popular consciousness, so the hegemonic class must 'Never...tire of repeating its own arguments'.

The ICBL's impact on the international security system and the world military order has been similarly hegemonic in the sense that it has paradoxically reinforced rather than undermined it. This has occurred through the conscious delinking of the ICBL from a wider peace or disarmament agenda. Moreover, after the treaty was agreed, the two lead US NGOs advocated that the US develop sophisticated alternative weapons (HRW 2000a, p.4) and VVAF even published a detailed war plan of how the US could defeat North Korea without APMs (Rossiter 2000).

Taking into account the wider hegemonic effects for Western states allows for a more critical Gramscian interpretation of the nature and political significance of the NGO influence that helped bring them about. Persuading capitalist state elites to reconceptualise their long-term hegemonic interests was central to ICBL strategy, meaning genuine differences among elites as to where their hegemonic interests lay in relation to APMs were key to its success. This included disagreement over the military utility of APMs even among military experts. Petrova (2010) argues APMs' lack of military utility was constructed by the ICBL and it is certainly true that NGOs helped to persuade Western elites of this, but it is also true that the parameters of such construction are not unlimited, but delimited by real material interests that cannot be negated by an alternative 'construction'. For instance, Petrova does not address the realist argument that the key consideration for states in international agreements, particularly in relation to security, is *relative* rather than absolute gains, which vis-à-vis banning APMs as defined in APLC appear to have rested with advanced militaries rather than developing countries.

From a Gramscian perspective, the fact that banning APMs did not 'touch the essential' (Gramsci 1971, p.183) as it did not seriously impinge on the military or economic interests of Western states rendered it a 'possible' concession to subordinate groups, at least in terms of how the interests of mine-affected populations were represented by the ICBL. By the same token, the limits of

construction were reached in the exclusion of AVMs, Claymores and cluster munitions. In this context, the ICBL achieved its delimited aims by forming a hegemonic alliance with supportive sections of elites that competed with a rival hegemonic alliance composed of more conservative elite elements. The ICBL-ICRC-UN-Core Group hegemonic alliance incorporated some military supporters, but was primarily based on foreign affairs/development departments and compatible consensual international UN agencies, the ICRC and representatives of liberal/social democratic parties, as opposed to defence departments and conservative parties. This can be related to the consensual or coercive functions of different arms of states and elite disagreement as to optimum governance or hegemonic strategies. On the one hand, supportive individuals like Leahy, Axworthy and Egeland favoured a more consensual mode of international security governance, with a strong emphasis on ideological legitimation through universalising liberal hegemonic ideas like humanitarianism and hegemonic compromises to subordinate groups like international mine action aid, both of which double up as consensual supports for the broader use of military force. On the other, more conservative elites, often with closer ties to defence departments, emphasised the direct maintenance of coercive capacity over its ideological legitimisation, and relied for consensual justification more on traditional national security discourses, while also offering mine action aid. The latter approach ultimately dominated in the US, where Clinton (1997) cited the safety of American soldiers as the main reason for not signing the treaty and attempted to compensate through millions in demining aid.

Significantly, both the liberal and conservative hegemonic alliances, including the lead NGOs, stressed that their position on landmines coincided with broader support for the general maintenance of international security and the military capacities of states. Both sides also settled for a voluntary international assistance approach to demining and victim assistance, thereby keeping the outcome firmly within the limits of hegemonic interests even as the combination of the consensual and coercive elements of hegemonic governance varied. In this context, the ICBL's dependence on donor funding suggests it could only mount a campaign that at least some elite donors viewed as in their long-term hegemonic interests. This meant NGOs could get funding from foreign affairs departments and private foundations even as military and defence departments opposed a ban and seems reinforced by how the content of the final treaty most closely reflected the demands of moderate ICBL NGOs closest to international elites such as HRW.

The campaign can therefore be interpreted from a Gramscian perspective as having reinforced an ostensibly progressive liberal internationalist interpretation of the hegemonic interests of Western

states, that from the perspective of supportive elites was also in the long-term interest of the US as the most powerful state in the Western bloc, whose dominance was not challenged by the Process or the ICBL in any real way. The 'lesson' of the ICBL would therefore appear to be that NGOs can exercise influence when their demands are perceived as in the long-term hegemonic interests of at least some sections of elites and can serve a legitimising or hegemonic function for the achievement of elite objectives. As lead Canadian diplomat, Robert Lawson (1997a, p.23) has argued, NGO participation in the Ottawa Process provided a 'dramatically expanded diplomatic tool-kit for officials developing strategies to influence key decision makers at state, regional and global levels'. This also had a major impact on how the unfinished business of cluster munitions was subsequently dealt with.

Chapter 6 – The Cluster Munitions Campaign: Historical Context and Material Base

The Cluster Munitions Coalition (CMC) was a direct successor of the ICBL and was consciously modelled on it (Moyes and Nash 2011a, p.11). Cluster munitions were considered by many ICBL NGOs as unfinished business from the landmines campaign and were framed in terms of a similar humanitarian discourse. In addition, many of the same NGOs were involved and, as was a multi-actor partnership with UN agencies and mainly Western middle and small power states. This time Norway was the lead state, with Ireland, Austria, New Zealand, Mexico, Peru, and the Holy See making up the rest of the 'Core Group' (CMC 2008a; Borrie 2009, p.141; 162). NATO's use of cluster munitions in its 'humanitarian intervention' in Yugoslavia, US and UK use in Afghanistan and Iraq, and, finally, Israeli use in Lebanon in 2006 all helped to propel the issue up the international agenda and in 2006 a standalone diplomatic process on cluster munitions, known as the Oslo Process, was launched. This produced the 2008 Convention on Cluster Munitions (CCM) (*Convention on Cluster Munitions* 2008), which bans cluster munitions as defined and contains similar stockpile destruction and clearance obligations as the landmines treaty, with more detailed provisions on victim assistance. It entered into force on August 1st 2010 and as of September 2013 had eighty-four state parties and 113 signatories (CMC 2013).

The campaign has been portrayed as evidence the ICBL's success had indicated a more permanent shift in the influence of civil society in global governance and the international system. The CMC Coordinator, Thomas Nash, and one of the three CMC Co-Chairs, Richard Moyes, argue that 'Non-governmental organisations (NGOs) and other civil society organisations have become important

actors in national and international politics' and situate the CMC in terms of the academic literature on "'global" or "transnational civil society" and Keck and Sikkink's transnational advocacy networks (Moyes and Nash 2011b, p.8). Other articles by Nash cite the same liberal-constructivist literature (Bolton and Nash 2010; Nash 2012) and reference Kaldor's (2003b, p.6; 12) concept of global civil society as 'horizontal transnational global networks' demanding 'global rule of law, global justice and global empowerment'. The previous two chapters have demonstrated the gaps in that argument by highlighting the dominance of the landmines campaign by a small core of well-connected, Northern NGO professionals and its lack of autonomy from Western hegemonic elites, the following two chapters now examine whether and how the CMC resembled or deviated from that model of 'global civil society' influence.

This chapter begins by examining the issue-specific and wider historical context of the campaign, analysing how the shifting geopolitical and international security environment of the late 1990s and early-mid 2000s, including the 'War on Terror', influenced state approaches to cluster munitions. Particular attention is given to Norway and Canada, as the two leading government supporters of the landmine ban, but who adopted divergent positions on cluster munitions. It then examines the origins, financial, personnel and organisational basis of the CMC and assesses its material autonomy, laying the basis for analysing the discourse and tactics that emerged from this historical-material basis, the outcomes of the campaign, and the nature and conditions of NGO influence in Chapter 7.

The Context of the Campaign

Cluster munitions have been a controversial weapon since they were first used by the US to carpet-bomb Vietnam, Laos and Cambodia during the late 1960s and early 1970s, and efforts were made to ban them during the same international negotiations that led to the CCW in 1980 (Krepon 1974; Prokosch 1995). In addition to their indiscriminate mine-like after-effects, cluster munitions are also usually used indiscriminately at the time of attack. Composed of a mother bomb or 'munitions container which breaks open in mid-air and disperses smaller munitions or submunitions' (Wiebe and Peachey 1997, p.2), they are categorised as 'area weapons' (UK 2005, p.1) and scatter smaller bombs over a 'target area' as large as several football fields (HRW 1999b). The military purpose can be to destroy several targets at once, or one or more targets that are moving or whose precise location is unclear (HRW 2003b, p.55; UK 2005, p.2), meaning they are *designed* to indiscriminately cover a target area (McGrath 2004a, p.3). Delivered by aircraft or artillery, they can explode in mid-air, on impact, with a time-delay (Foster 1999; HI 2003, p.7), or through victim-activation – whether by 'design' in the case of cluster mines, or by effect if they fail to explode as designed (Actiongroup Landmine.de 2005, p.4). The number of submunitions per container can be up to several hundred

(HRW 2003c, pp.3–4) and the humanitarian impact generally increases in accordance with the number of containers and submunitions used.

By the late 2000s, the US was still by far the largest historical user, followed by Israel, the UK and Russia, although not necessarily in that order (HRW 2010). Thirty-six countries or territories were affected by unexploded cluster munitions (CMC 2010a), but Laos, Iraq, Vietnam, Afghanistan, Lebanon and Russia/Chechnya were by far the worst hit (HI-Belgium 2007, p.148; Landmine and Cluster Munition Monitor 2010, p.33). Estimated global casualties range from 55-100,000 since records began (HI-Belgium 2007, p.136; Landmine and Cluster Munition Monitor 2010, p.32), meaning their humanitarian impact had been much smaller than APMs. On the other hand, because cluster munitions are designed to kill rather than maim (CMC 2008a) and unexploded (sub)munitions are generally malfunctioning rather than operating as designed, they create deadlier and more unpredictable ordnance and are costlier to remove (HRW 2002b, p.9; HI 2005a, p.4; Bryant 2006, pp.48–49; 2006a, p.3; 42). ‘Failure rates’ of individual submunitions range from under 1% in test conditions with newer models, to 25-40% under battle conditions when older stocks are used (Beach 2001, p.4; Nash 2006a, p.38). This is not hugely dissimilar to the rate of unexploded ordnance generally, which averages around ten percent (MAG 2000; MacDonald and Mendez 2005, p.3) but because so many submunitions are used and small unexploded ‘bomblets’ are much harder to see than bigger bombs, a single attack can create “‘de facto minefields’” (HI-Belgium 2007, p.136).

Following the end of the Cold War, cluster munitions did not reappear on the international agenda until NATO used them in its ‘humanitarian intervention’ in Yugoslavia in 1999 (HRW 1999b) and further international discussions about them took place in the changed international conditions post-9/11 after they were used in Afghanistan and Iraq.

Military Interests and Cluster Munitions

By the 2000s, cluster munitions accounted for “over 80% of [US] Army fire support capability”, “the bulk of Marine Corps artillery munitions” (quoted in HRW 2008c) and ‘approximately 20 to 40 percent of combined [NATO] fire support holdings delivered from the air’ (US Mission NATO 2008). But whereas in the 1970s, they had been a cutting edge weapon mainly possessed by the major military powers (McGrath 2000b, p.6), the status of most models in advanced arsenals was changing to that of back up for more expensive precision weapons (HRW 1999f). As production costs declined, cluster munitions were purchased by smaller powers and developing countries and the more advanced military powers were even offloading older models ‘at little or no cost’ (HRW 2005a, p.4).

This meant they were stockpiled by 85 states (CMC 2010a) and had become ‘one of the cheapest air-delivered weapons available’ (McGrath 2000b, p.6). This reduced their *relative* technological and military advantage to advanced Western military powers, leading to the development of more technologically advanced ‘smart’ models, designed to be more accurate and reliable (Weidacher *et al.* 2005, p.35; 43).

This characteristic arms product cycle (Prokosch 1995, p.176) was accelerated by a particularly sharp trade-off between cost and military effectiveness, given ‘The side-effect of keeping the expense of individual bomblets low is a significant dud rate’ (HRW 1999f). Early NGO reports acknowledge this technological gap and its potential to create similar North-South issues as ‘smart’ mines (Goose 2004a, p.15; Weidacher *et al.* 2005, p.4). For this reason, unless developing states stockpiled cluster munitions and therefore opposed any ban at all, most developing countries demanded a ban on all cluster munitions including advanced ‘smart’ weapons (Borrie 2009, pp.257–258). These were claimed by manufacturers and advanced military powers to have a lesser humanitarian impact because they contained far fewer submunitions, had lower failure rates, and could be more precisely targeted. Compared to developing countries, attitudes towards cluster munitions differed for advanced military powers like the UK (2005, pp.3–4), which argued early on that in light of technological developments, ‘The present type of cluster munitions will eventually cease to be the most effective way of engaging area targets as precision weapons become more available’, but that ‘this change is not imminent’ and in the meantime cluster munitions were ‘essential’.

The claim to be able to conduct ‘surgical strikes’ that minimised ‘collateral damage’ became an increasingly important part of legitimising Western military interventions (Beier 2011) and by the time the CMC was launched in 2003, the shift towards ‘smart’ cluster munitions by Western militaries was also ineluctably intertwined with the interests of Western arms capital.

Economic Interests in Cluster Munitions

Although thirty-one other countries have produced cluster munitions at some point (CMC 2010a), the US, Russia and China were by far the largest producers (Goose 2004a, p.5). The only other states described as ‘major’ producers are Israel, India, Pakistan, and Brazil, while the number of historic exporters was even smaller at only around twenty states, with the US again the largest, followed by Russia/USSR and China (Landmine and Cluster Mmunition Monitor 2010, pp.15–16). Other interested states included Israel, South Korea (HRW 2007a, p.34; Landmine and Cluster Mmunition Monitor 2010, p.223), and Germany, France and Sweden, which exported guided ‘smart’ cluster munitions that

were ultimately permitted under the treaty (HRW 2009a, p.3; Landmine and Cluster Munition Monitor 2010, p.71).

By the 2000s, low-tech, 'dumb' submunitions without guidance or self-destruct systems cost as little as \$3-\$60 (McGrath 2000b, p.6; Weidacher *et al.* 2005, p.43) and as with 'dumb' APMs were becoming a cheap commodity manufactured by export-dependent third tier arms producers (Krause 1995, pp.31-2). By 2008, few Western companies were still producing 'dumb' cluster munitions without self-destruct mechanisms or guidance systems (Hiznay 2008, p.44), but Brazil, Russia, India, China, South Korea, Slovakia and Turkey had all recently exported them and Pakistan and Singapore were offering them for sale (HRW 2005a, 2007a; HRW and Landmine Action 2009). By contrast the most sophisticated 'smart' cluster munitions with individual 'sensor-fused' submunitions *and* self-destruct mechanisms were prohibitively expensive for all but the most advanced military powers at \$25,000-\$35,000 per submunition (Weidacher *et al.* 2005, p.44). Governments and arms industries in those countries therefore had an economic and military interest in preserving their legality. It was with these weapons in mind that NGO warned early on that cluster munitions were 'a growing multi-billion dollar enterprise at the core of national military strategy and military-industrial research, development, and production' (Wiebe 2000, p.161) and that the CMC would 'face determined opposition from the commercial as well as military and political sectors' (McGrath 2004b, p.5). In spite of this, in an unexpected outcome, the CCM ultimately banned not only 'dumb' cluster munitions but also the vast majority of advanced cluster munitions.

Unexploded cluster munitions resembled landmines in endangering Western troops, deminers, and aid workers and were already 'costing the international community millions in direct costs' (McGrath 2000b, p.9). This potentially made using them appear similarly irrational from the perspective of many Western development and foreign affairs departments, especially for states with little military or economic interests in the weapons. The same UN humanitarian and development agencies were also supportive (IASC 2003; CMC 2007a; Borrie 2009, pp.235-248), with UNDP the most centrally involved (Moyes and Nash 2011a, p.80; Nash 2012, p.131). By contrast, defence establishments were again primarily concerned with maintaining their military capacity and although the dangers of unexploded munitions encouraged some defectors to the pro-ban camp, this happened less than with APMs. Reinforcing these conflicting material interests was the political context of cluster munitions use, which shaped states' perceptions of their utility.

Political interests, Cluster munitions and the Responsibility to Protect

Initial moves to restrict cluster munitions in the late 1990s and early 2000s emerged in the context of an increased emphasis on humanitarian justifications for Western military interventions, which from a Gramscian perspective have become perhaps the principle consensual-hegemonic justification for the use of force in international relations. While these had played a role in legitimising interventions in Northern Iraq, Somalia, Haiti and Bosnia (Kaldor 2007b, pp.19–22; Bellamy 2010, pp.360–1), they acquired a new prominence vis-à-vis NATO's bombing of Kosovo/Serbia in 1999, which lacked UN authorisation as well as host government consent. In the process, the concept of military 'humanitarian intervention' became integrated into an emerging hegemonic discourse of 'human security'. First popularised by the 1994 UNDP *Human Development Report*, this had initially been a broad, developmentally-oriented concept, focused more on 'freedom from want' than 'freedom from fear' (Bajpai 2000; Krause 2007), but its amalgamation with 'humanitarian intervention' militarised the concept and in a sense 're-securitised' it.

This shift is clearly discernible in Canada's human security policy. When Canada first incorporated human security into its foreign policy in 1995, it followed the UNDP's broad freedom from want' approach in citing 'disease, environmental degradation, population growth and the widening gap between rich and poor' as human security issues (DFAIT 1995b). However, following its leadership of the landmine ban and its enthusiastic participation in NATO's 'humanitarian intervention' in Yugoslavia (Leblanc 1999; Bashow *et al.* 2000; Martin and Fortmann 2001, p.70), it switched to a narrower, 'freedom from fear' approach (DFAIT 1999) that emphasised traditional security concerns like arms control and foregrounded military intervention (Bajpai 2000; Duffield 2007, pp.119–126; Kaldor 2007b, pp.182–4; Krause 2007, p.4; Hynek and Bosold 2008; Osler Hampson 2008, pp.230–2).

This harder approach was closer to the emphasis on 'new security threats' in the Clinton Administration's National Security Strategies (1995, 1996, 1997b) and cited the potential need for 'coercive measures, including sanctions and military force, as in Bosnia and Kosovo' as the *first* foreign policy implication of a human security 'template'. Reflecting this, Canadian foreign minister, Lloyd Axworthy, (1999) described the NATO intervention as 'a defining moment' 'from a human security perspective' and this framing seems to have succeeded politically, given public approval was higher in Canada than several other NATO countries (BBC 1999; Martin and Fortmann 2001, p.71). Canada's 2002 policy, *Freedom from Fear*, confirmed the shift, declaring 'military action — to address egregious threats to human security is an integral, if controversial, element of the human security agenda' (DFAIT 2002, p.5).

One of Axworthy's last acts as Foreign Minister was to launch the International Commission on Intervention and State Sovereignty (ICISS 2000), which rebranded humanitarian intervention as the 'Responsibility to Protect' (R2P) following its rejection at the April 2000 South Summit (G77 and China 2000). Initially, even this more emollient version was rejected by developing countries concerned about its imperialist implications, especially in light of the Iraq War (Bellamy 2009, pp.68–72), but following several years of discussions it was subordinated to UN Security Council approval (High-level Panel on Threats, Challenges and Change 2004; Annan 2005) and secured agreement at the 2005 World Summit (UN General Assembly 2005, para.138–139).

International acceptance of the R2P marked the culmination of years of advocacy by a liberal interventionist coalition of mainly Western states and NGOs, UN agencies, US foundations and liberal academics, policymakers and politicians, many of whom have also been strong backers of 'humanitarian arms control' including the landmine ban. As Rieff (2007, p.127) observes, humanitarian and human rights NGOs have been 'some of the most fervent interventionists' and their pleas for military protection to secure access to warzones have contributed significantly to the emergence of *le droit d'ingèrence*, ever since it was first popularised by MSF co-founder and future Governor of Kosovo and French Foreign Minister, Bernard Kouchner, in the 1980s (Seymour 2008, p.172).

This also applies to many of the leading NGO actors in the landmines campaign, including the ICBL Coordinator, Jody Williams (2008, p.285), who headed a UN High-Level Mission to Darfur that called for stronger military intervention (Nobel Women's Initiative 2007, pp.25–7) and has criticised the version of R2P agreed at the 2005 World Summit as 'watered down', suggesting that like HRW she supports unilateral Western military interventions without UN Security Council approval. Likewise, Oxfam, which has been prominent in the UK landmines and cluster munitions campaigns and the Control Arms Campaign behind the Arms Trade Treaty, led an influential project to drum up civil society support for the R2P after the Iraq War (Bellamy 2009, pp.71–72) and has joined with HRW, other NGOs and 'leading figures in government and academia' in co-founding the Global Centre for the Responsibility to Protect (2010).

Norway also contributed to NATO's intervention in Yugoslavia and has emerged as a strong R2P supporter. Former Labour Prime Minister, Gro Harlem Brundtland served on the UN High-level Panel on Threats, Challenges and Change (2004, pp.199–203) that first integrated R2P into UN discourse, and Norway is a major donor to the Global Centre for the Responsibility to Protect (Syed 2008) as

well as a member of the 'Friends of the R2P' group at the UN (Syed 2008). This was chaired by Canada until 2010, when this role was taken over by the Netherlands (Netherlands Advisory Council On International Affairs 2010, p.58) – another member of the Ottawa Process Core Group and participant in the Kosovo intervention that like Norway and Canada is one of those middle powers widely regarded by liberal theorists as a 'good international citizen' or 'Global Good Samaritan' (Brysk 2009).

Against this backdrop of elite support for 'humanitarian intervention'/R2P and humanitarian arms control, the landmine ban has become integral to a liberal interventionist 'freedom from fear'-oriented human security discourse (Axworthy 1998a; Krause 2007; Osler Hampson 2008; Martin and Owen 2010), which Western NGOs, liberal/social democratic politicians, particularly in Western middle power states, and liberal academics and other international elites have played a key role in promoting. This emphasises 'hard' 'law and order' approaches over the original development framing of human security and usually includes military intervention/R2P as a key component. Jody Williams' situation of humanitarian intervention as 'an important element of a fully functioning human security paradigm', alongside banning APMs and cluster munitions (2008, pp.288–290) exemplifies this approach.

A significant side effect of the militarisation of 'human security' this has involved has been heightened scrutiny of the *means* of Western military interventions against their professed humanitarian objectives (Borrie 2009, pp.330–1). Consequently, the increasing justification of Western military interventions on humanitarian grounds has made the ability to portray military and humanitarian goals as compatible more important politically. This has reinvigorated the hegemonic relationship between consent and force at the core of IHL, seen from a critical Gramscian perspective primarily as a means of legitimising and facilitating, rather than limiting, the use of force. Partly as a result, the incongruity between cluster bombing civilians and the humanitarian motives cited for NATO's intervention in Kosovo and later the US-led interventions in Afghanistan and Iraq attracted widespread media coverage³¹. This returned cluster munitions to the international agenda in a manner amenable to humanitarian/human rights NGO campaigning that was difficult for Western governments simply to dismiss. This was reinforced by the generally increased government support for involving these kinds of NGO in foreign policy processes in tandem with their role in outsourced service provision. Support both for human security narratives and NGO involvement was

³¹ Based on analysis of articles mentioning "cluster bombs" in major world publications in the LexisNexis database over eight month periods, beginning the month before the interventions in Yugoslavia, Afghanistan and Iraq.

particularly common among the Western liberal/social democratic governments of the late 1990s that subscribed to similar brands of 'Third Way' or "'social" neoliberalism (Cerny 2008) and favoured similar hegemonic discourses of humanitarianism, human rights and democracy promotion (US 1995, 1996, 1997b, 1999) to legitimise the West's use of force (Anderson 2002).

Like the US Democrats and the Canadian Liberals, New Labour in the UK with its 'ethical foreign policy' was much closer to NGOs than its conservative predecessors and began formally including NGO staff in foreign policy deliberations on development, humanitarianism and human rights issues, massively increased NGO funding, including for advocacy and communications to propagate shared discourses, and established a new ministry for the Third Sector (Wheeler and Dunne 2004, p.17; Boin *et al.* 2009, p.5; Jones 2009). This gelled with broader Post-Washington Consensus hegemonic discourses around 'partnership' and the democratising role of civil society in global governance, and as in other Western countries a select group of large, trusted and ideologically compatible NGOs emerged as the preferred 'partners' of governments (Wallace 2003a, pp.5–6; 15; Boin *et al.* 2009, p.4; 8–9).

It was against this evolving and intertwined hegemonic backdrop of humanitarian legitimisation of force and outsourcing to NGOs that cluster munitions re-emerged as an international issue in the late 1990s and early 2000s. This was initially driven by NATO's use of cluster munitions in Yugoslavia, and led to a debate in the ICBL on extending the campaign and the APLC to cluster munitions (ICBL Ethics and Justice Working Group 2000; Wiebe 2000, p.158, 2003, pp.106–8; MAC 2001). This approach was favoured by many of the more radical ICBL NGOs and some national campaigns in the South, who also wanted to take a more political approach to the landmines problem, whereas several NGOs on the ICBL's expanded and renamed Coordinating Committee (ICBL 1998b) wanted to focus on implementing and monitoring the landmines treaty and getting more governments to adopt it. At the First Review Conference of CCW Amended Protocol II in December 1999, HRW suggested addressing cluster munitions in the CCW (HRW 1999d) – rather than under the landmine treaty. This position partly reflected a diplomatic backlash from the US and the Non-Aligned Movement after the landmine ban (Cave 2006, pp.66–7), and even many of the states that supported the landmines ban were determined to keep cluster munitions in the CCW. Wiebe (2003, p.102) identifies 'a palpable fear' of a repeat of the Ottawa Process and moving the negotiations on cluster munitions to the CCW functioned as a stalling device, which delayed ban negotiations until after the Third CCW Review Conference in November 2006. This allowed for a further seven years of cluster munitions use and continued technological development of more advanced models.

The successful delimitation of discussions on cluster munitions in the CCW from 1999-2003 to post-conflict remedial measures applicable to all forms of unexploded ordnance, or Explosive Remnants of War (ERW) indicated states had learned how to better pre-empt NGO campaigning (McGrath 2004b, pp.9–11; Cave 2006, pp.64–65). These produced a fifth CCW protocol in November 2003 that excluded any specific binding measures on cluster munitions as well as user responsibility for past ERW. Contrary to the apparent linguistic similarity to the ‘Material Remnants of War’ resolutions of the 1970s and 1980s, user responsibility was sidelined from the outset, despite the efforts of the ICRC (Maslen 2001b; HI 2003, p.24) and the UK branch of the ICBL, now known as Landmine Action, which made legally binding user responsibility for clearance its main focus during the talks (Landmine Action 2001a, p.5, 2001b, p.2, 2001c, p.5, 2002, p.8, 2003a, 2003b).

The Impact of the ‘War on Terror’

The terrorist attacks of September 11th, 2001 precipitated a shift in US foreign policy, towards a hegemonic strategy more openly based on hard military power and legitimised by a revitalised ‘national security’ discourse that incorporated aspects of human security and military-humanitarian discourse. As Perry Anderson (2002, p.13) has argued, ‘These are not incompatible motifs’ but the order of emphasis has shifted. At the time, the governments of states that had supported the landmine ban had shifted towards more conservative administrations in Europe, including in Norway (2001-2005); Austria (1999-2006); the Netherlands (2002-); Italy (2001-6); Denmark (2001-); and France (2002-). In the US, Bush’s presidency had replaced the Democrats and drastically curtailed the influence of liberal NGOs like HRW. In these circumstances the US was determined to protect cluster munitions and its main focus once the Oslo Process began was on preventing any future treaty from constraining its freedom to use cluster munitions in joint military operations.

President Bush’s declaration of ‘War on Terror’ and Manichean ‘with us or against us’ ultimatum (Bush 2001a) also placed huge pressure on US allies to demonstrate their loyalty by contributing to the interventions in Afghanistan and Iraq and discouraged actions that might be seen as contradicting US policy. US emphasis on counter-terrorism thus filled the international policy space, forcing middle powers like Canada and Norway ‘back into their corners’ (Henrikson 2005, p.74). Even before then, there had been a backlash in Canadian foreign policy circles against Axworthy’s handling of the Ottawa Process, with complaints he had over-emphasised soft power and damaged relations with the US, not only on landmines but by supporting the International Criminal Court and a ban on child soldiers (Hampson and Oliver 1998; Nossal 1998; Wallace 1998; Bernard Jr. 2006). His

replacement, John Manley, was on the centre-right of the Liberal Party (Coyne 2008) and on taking office in October 2000 set the tone by announcing he would prioritise improving the US relationship, which he described as Canada's "bread and butter" (quoted in Sallot 2000). This foreign policy shift continued under the next two Liberal Foreign Ministers and accelerated in an even more realist direction after the Progressive Conservatives won the 2006 elections.

Support for military intervention in Afghanistan initially had majority public support in Canada³², Norway, the US, UK, France, Germany and the Netherlands (Gallup 2001, p.2001; ICM Research 2001; Newport 2001), which all participated in the intervention and declared their support for the 'War on Terror'. Factors included sympathy for the US after 9/11, rapid UN and NATO authorisation on the basis of a claimed right to self-defence, and justification of the invasion in terms of humanitarianism and human and women's rights, as well as counterterrorism (Bush 2001a, 2001b; US State Department 2001). This indicates how the 'military humanism' of the 1990s was not simply superseded by national security narratives, but rather was incorporated into 'War on Terror' discourse as a useful ancillary consensual-hegemonic narrative.

In Norway, military involvement was supported by both the Conservative-led coalition that had come to power the previous month³³ and Labour (Aftenposten 2001a; 2001, 2002; Tisdall 2001), now in opposition. US cluster munitions use proved significantly more controversial, however, given the humanitarian/human rights justification of the intervention and Norway's official pro-ban position. NPA protested both the bombing and US cluster munitions use (Bjørreng 2001; Kjell 2001; McNamara 2001) and there was pressure within the ruling coalition from the smaller Christian Democratic Party for Norway to raise its opposition to cluster munitions with the US (Aftenposten 2001b, 2001c). As demonstrated by a newspaper headline – 'Yes to the bombing, but no to cluster bombs' (Bonde 2001) – the government's formal opposition to cluster munitions and decision not to use them in supporting the US-led attack (Aftenposten 2001b; Norwegian Ministry of Foreign Affairs 2002) helped defuse opposition to Norway's participation. A similar consensual-hegemonic function was served by the Conservative Foreign Minister's emphasis on humanitarian and development aid to Afghanistan, whilst assuring the US of 'unconditional Norwegian support for the war on terror'

³² Canada sent the third largest contingent in its largest combat deployment since the Korean War (Parsons 2001). Support was stronger in Canada, where 74% supported the intervention five weeks into the bombing compared to only 58% support for Norwegian participation before the attacks even started (Gallup 2001, p.2001; Washington Post 2001).

³³ The Conservatives were the largest party in the coalition with 38 seats and held the foreign ministry portfolio. Prime Minister Bondevik was a member of the smaller coalition party, the Christian Democratic Party (22 seats), while the Liberal party was the smallest coalition partner with only two seats.

(Morten 2001). Similar dynamics played out in the UK, where the three major parties supported the war (Scotto *et al.* 2010, p.4).

NGOs active on cluster munitions responded in different ways. Landmine Action and its main funder, the Diana, Princess of Wales Memorial Fund (Diana Fund), urged the British government to lobby the US to stop using cluster munitions in Afghanistan and take responsibility for clearance (Landmine Action 2001c, p.2). By contrast, HI issued a statement in French that accused the US of aggravating the problem of unexploded ordnance and described cluster munitions as having the same effect as mines (HI 2001b, 2001c), but did not make any specific demands, while HRW (2001b, p.1; 7–8) reiterated an earlier call for a global moratorium, technical improvements and a ban on use in populated areas, but stressed cluster munitions were different from mines because they were not ‘designed’ to be victim-activated. It also made no reference to user responsibility for clearance.

These differences in emphasis were reflected in the ICBL’s lack of a position on cluster munitions during the invasion, when it focused on lobbying NATO not to use APMs and did not raise the cluster munitions issue (ICBL 2001a). It eventually issued a statement backing a moratorium on cluster munitions at the CCW Second Review Conference in December 2001 (ICBL 2001b), after more protracted internal debate (Wiebe 2003, pp.102–106), but still declined to campaign on the issue. This essentially remained its position until after Norway instigated the Oslo Process, as it only added cluster munitions to its mandate in December 2006 (Borrie 2009, p.144).

In contrast to the broad initial consensus to attack Afghanistan, after eighteen months of militarism and unilateralist rhetoric, the US invasion of Iraq provoked the deepest schism in the transatlantic elite consensus since the end of the Cold War. ‘Disarming’ Iraq of WMD and counter-terrorism were the main justifications cited, but Bush and Blair also appropriated the consensual-hegemonic discourses of human security and military-humanitarianism to legitimise their use of force (Bush 2002a, 2002b; US 2002; Blair 2003, 2004). Bush thus declaimed that the US ‘must stand up for our security and for the demands of human dignity’ by attacking Iraq (Bush 2002b), while Blair framed the invasion as a continuation of New Labour’s ethical foreign policy (Wheeler and Dunne 2004) and even inferred that the war, by ‘Ridding the world of Saddam would be an act of humanity’ (Blair 2003).

This invocation of humanitarian and human rights motives was lamented by liberal interventionists as undermining the wider plausibility of humanitarian intervention embodied in the R2P (Weiss

2006, pp.749–750; Bellamy 2009, pp.68–69), which fuelled opposition to the war amongst certain liberal elites. Opposition was much broader than that of course, extending to a huge global anti-war movement and even to Russia, China, France and Germany (BBC 2003), which to varying degrees attempted to assert themselves vis-à-vis the US. This placed Western middle and small powers like the Netherlands, Canada, Norway and Ireland in an awkward position. On the one hand, international opposition was mirrored in strong anti-war sentiment at home (Everts and Isernia 2005), with millions of people participating in the largest coordinated anti-war demonstrations in history (Leupp 2003). On the other, the Bush administration was keen to harness the perceived legitimacy of such ‘good international citizens’. This rationale is illustrated by leaked US embassy cables, which note that ‘Despite its small size, when Norway participates in security actions, other countries are encouraged to join in, and find it helpful’ and cite its importance as ‘a “swing country” in defense issues’ (US Embassy Oslo 2007a).

Responding to these conflicting pressures, the conservative-led coalition in the Netherlands overtly supported the US’ ‘Coalition of the Willing’ (White House 2003), despite strong public opposition³⁴, and although it did not actually send troops until 2006 (Hummel 2007, pp.26–28), it was rewarded with the appointment of its then Foreign Minister, Jaap de Hoop Scheffer, as NATO Secretary-General the following September (Crouch 2003). Norway, Canada and Ireland responded by playing a double game; publicly opposing the war but materially assisting it.

Faced with the largest protests in Oslo since 1917 (Sandven 2003), the centre-right coalition in Norway refused to participate in the invasion on the basis it lacked a UN mandate – as did the Liberal government in Canada (Narum 2003a; Gollom 2008). This was popular domestically, with opinion polls showing 78% of Norwegians and 71% of Canadians approved this stance (Harper 2003; Narum 2003b). At the same time, both governments quietly supported the US war effort. Canada’s contribution of three ships and a hundred officers via exchange programmes with the US and UK amounted to the fourth largest contingent in the invasion and its most senior military officer, and later its chief of defence, personally participated in planning the invasion and led ten brigades of over 35,000 soldiers (Gollom 2008).

Likewise, Norway supplied the US with satellite intelligence via its radar facility in the far north (Aftenposten 2005; United Press International 2005) and also rented ‘Artillery Hunting Radar’ to

³⁴ Public opinion was consistently against the war, although less strongly than in France and Germany (Everts and Isernia 2005).

British forces during the invasion (Johansen 2006). Moreover, both the conservative coalition government and the opposition Labour party supported sending troops to Iraq in July 2003 (Aftenposten 2003a) immediately after the so-called 'combat phase' of the war (Narum 2003a). At the time, the Labour leader and future Prime Minister, Jens Stoltenberg, cited clearing mines and cluster munitions as justification for Norway's presence (Aftenposten 2003a), while the government similarly claimed the troops had a humanitarian purpose (Rudberg Elstad 2003). This did not convince a large section of the public, whose opposition to Norway's presence in Iraq, with or without a UN mandate, was a major factor in the Socialist Left's first ever entry into government in September 2005, in coalition with Labour (Berglund 2001; Aftenposten 2003b, 2003c; Narum 2003c) – which precipitated Norway's leadership of the Oslo Process on cluster munitions. Ireland played a similar double game, publicly opposing the war (Hummel 2007, pp.22–23), but allowing hundreds of thousands of US troops to use Shannon airport as a pit stop en route to Iraq (US Embassy Dublin 2006).

This facilitation of the US and UK in using the largest quantity of cluster munitions since the Gulf War by these ICBL partner governments might have been expected to damage relations with NGOs. On the contrary, cooperation with Ireland, Canada and the Netherlands was instrumental in founding the CMC, suggesting it served a diversionary or at least a mitigatory function for the states concerned. In April 2003, as US planes passed through Shannon on their way to cluster bomb Iraq, the Irish government co-hosted an international conference on ERW with Pax Christi in Dublin (Cave 2006, p.58; HRW and Landmine Action 2009), on the sidelines of which the CMC was founded, while the Netherlands was the main funder of the CMC launch in November 2003 and Canada sponsored NGO attendance at it (Pax Christi Netherlands 2004, p.3). Scheffer, the outgoing Dutch Foreign Minister and already the Secretary-General-elect of NATO, was also invited to give the opening address, again allowing NATO states to pose as part of the solution to a problem they had helped to create.

Scheffer reiterated that the Netherlands would not support user responsibility for clearance, or a moratorium on cluster munitions, on the grounds that 'even a provision on technical specifications is too far-reaching in the eyes of some other countries at this point' (quoted in Pax Christi Netherlands 2004, pp.35–38). In light of this, the Netherlands' intention in funding the CMC seems to have been to promote Protocol V, the negotiation of which was being presided over by Dutch diplomats and resulted in only very weak provisions on cluster munitions. However, as soon as NGOs actually began campaigning specifically on cluster munitions, Dutch 'leadership' evaporated and during the Oslo

Process, its main concern was ‘interoperability’ in NATO, or its ability to participate in joint military operations where the US was using cluster munitions. Consequently, the Netherlands participated in a group of fifteen to twenty mainly Western states closely militarily allied with the US, whose conflicting military, economic and political interests in relation to cluster munitions prompted them to participate in the Oslo Process with the aim of watering it down in various ways and, ideally, diverting negotiations back into the CCW (CMC 2007b, 2007c; US Embassy Canberra 2007, 2008a, 2008b; Harrison 2008a; O’Dwyer 2008a; US Embassy Bern 2008; Borrie 2009; Rappert *et al.* 2011, pp.309–310). Diplomatically referred to as the ‘like-minded’ (France *et al.* 2008; Borrie 2009; Mayne 2010, p.3; 8), these states are referred to here as ‘Minimisers’. The most prominent were the UK, France, Australia, Germany, Japan and Canada (US Embassy Canberra 2007; US Embassy Tokyo 2007a, 2007b; CMC 2008b, 2008c, 2008d; Borrie 2009, p.173).

The Cluster Munitions Coalition

Conferences on ERW in April 2003 in Dublin, sponsored by the Irish Government, and in November 2003 in the Hague, sponsored by the Dutch government, marked the birth of the CMC as a separate campaign to the ICBL. After the Dublin conference, ten NGOs formed an Interim Steering Committee, including: HRW, Landmine Action, HI and MAC; three small Western NGOs, namely the Mennonite Central Committee, Pax Christi and Austrian Aid For Mine Victims/CMC-Austria; and three or four non-Western NGOs, including Protection, an Egyptian mine action NGO; International Physicians for the Prevention of Nuclear War (IPPNW) Russia; and the Nepalese landmine campaign (CMC 2003a; Wiebe and Peachey 2009, p.21 n56). Following the early addition of DanChurchAid, a large international development NGO in late 2003/early 2004 (CMC 2004a; DanChurchAid 2004a, p.62), the core of the Steering Committee remained largely intact until the treaty was agreed in May 2008. The most significant changes were the addition of NPA in 2006 (CMC 2006a), the ICBL in February 2007 (ICBL 2008, p.21), followed by the Landmine Survivors Network (LSN 2008, p.5), Austcare (2008, p.12), and Action Aid Australia, towards the end of the Oslo Process in late 2007/early 2008 (ANZCMC 2008a, p.93; 101; CMC 2008e, 2009a, pp.13–14)³⁵. Four lead NGOs can be identified: Landmine Action, HRW and HI, which played this role from the establishment of the campaign in 2003 and, NPA, which played a leading role from 2006 (CMC 2006b), when the new Labour-Socialist Left-Centre Party coalition declared Norway’s support.

³⁵ Various small NGOs also joined and left, including the Lebanon Resource Centre, which joined after Israel used cluster munitions in the 2006 Lebanon War. By that stage, the Nepal campaign was no longer on the Committee (CMC 2006a) and Austrian Aid for Mine Victims also left shortly afterwards (CMC 2006a). The only other change prior to May 2008 was the official recognition of IPPNW Zambia as a Steering Committee member alongside IPPNW Russia (CMC 2008f).

Landmine Action was a network organisation of around fifty British NGOs that developed out of the UK branch of the ICBL (Landmine Action 2003c, 2005, 2010). Initially a loose member network, it incorporated as a separate non-profit corporation in December 1999 and established its own office, operations, budget and staff. It had coordinated NGO involvement in the CCW and Protocol V negotiations (Frerks 2009, p.17), but was initially unable to coordinate the CMC due a temporary financial crisis caused by legal action against the Diana Fund (Landmine Action 2003d; Vasagar and Hollingsworth 2003). It subsequently hosted the CMC headquarters and bank account from 2005 and employed the CMC Coordinator, Thomas Nash (Landmine Action 2006a, p.3; Nash 2012, p.126) and also published more reports on cluster munitions than any other NGO (McGrath 2000b; Moyes and Nash 2005; Rappert 2005, 2006, 2008; Nash 2006a; Moyes 2007; Crowther 2008; Maslen and Wiebe 2008). In addition, it had good lobbying access to the UK government (Wiebe 2003, p.106), whose support as the only one of the top four largest historical users to participate in the Oslo Process was seen as particularly important (CMC 2007d). Landmine Action was ultimately one of the most influential NGOs, but it did not call for a ban until February 2006, after Belgium had introduced the first national ban (Conway 2006a; Nash 2006b, p.37).

HRW had accumulated extensive issue-related expertise and international political connections during the landmines campaign and was the second largest source of campaign research (HRW 2003b, 2003c, 2005a, 2007a; Docherty *et al.* 2008). It played a particularly key role at the CCW and in the Oslo Process, where Steve Goose was again one of the leaders of the NGO delegation, along with Simon Conway of Landmine Action and Grethe Østern of NPA, who were also appointed CMC co-Chairs in early 2007 (NPA 2007a; Borrie 2009, p.145). HRW was one of the most tactically and politically cautious NGOs on the CMC Steering Committee. Long after other lead NGOs were calling for ban and significant government support had been secured, it insisted on sticking to the CMC's opening strategy of calling for a moratorium and restrictions (Nash 2006b, p.37; Borrie 2009, p.147).

HI had supported calls for a moratorium and user responsibility since late 2001 (MCC *et al.* 2001) and highlighted US cluster munitions use in Afghanistan (HI 2001b, 2001c). It advocated a much stronger ban position than HRW or Landmine Action and also placed more emphasis on victim assistance, which had been omitted as a binding obligation from the APLC. HI-Belgium launched a petition calling for a ban as early as March 2003 (Petrova 2007, p.9) and although HI's analysis of other NGO positions subsequently led to a recommendation a call for moratoriums and restrictions

as more realistic (HI 2003, p.27), this position was never enthusiastically adopted and was jettisoned completely when the entire HI network formally adopted a ban position in February 2005.

HI had expanded significantly since the landmines campaign, with activities in 60 countries, but HI-France ran the head office of the HI network and remained by far the largest section (Aidwatch 2003; Mège 2005, p.2; Observatoire de l'action humanitaire 2011). In France, it led one of the largest and most politically important national campaigns, given France's perceived status as a 'key' state (CMC 2007d) that had used cluster munitions and was also a member of both NATO and the UN Security Council. HI-Belgium coordinated survivor involvement through the Ban Advocates Initiative (Mayne 2010) and again helped to bring about the first domestic ban law in February 2006 (HI 2006a) while HI sections in Germany, the UK and Switzerland were also prominent in national campaigning.

The fourth lead NGO, NPA, produced some of the CMC's most influential research (King *et al.* 2007; NPA 2007b), including a report based on tests of the high-tech M-85 submunition (King *et al.* 2007), carried out in partnership with the Norwegian Ministry of Defence. This was facilitated by the fact that NPA's Mine Action Unit, which is 'the world's largest humanitarian mine clearance organisation' (NPA 1997), was substantially staffed by former Norwegian military officers. This section of the organisation has provided an increasingly large share of its overall revenue (Neumann 2002, pp.112–113; NPA 2012, p.25) and frequently clashed with the more left-wing development section (Norad 2007, pp.19–21; 31).

As the Norwegian 'labour movement's humanitarian organisation for solidarity' (NPA 2006a, p.2), NPA has historically occupied the radical end of the international development NGO spectrum, but has also had a symbiotic relationship with the Labour Party (Aidwatch 2009a), Norway's governing party for most of the period since the Second World War. However, NPA's largest donor after Norway is the US, so it is also directly involved in implementing US foreign policy. This duality mirrors Norway's supportively critical stance towards US foreign policy (Aidwatch 2009a) and these conflicting dynamics as well as the tensions between NPA's solidaristic and humanitarian motives are also illustrated by NPA's policy towards Iraq. On the one hand, it was prominent in the Norwegian anti-war movement prior to the invasion (Leer-Salvesen 2002; Christensen 2003; Universitas 2003), but left it soon afterwards to begin clearing unexploded ordnance in Baghdad, where its arrival in July 2003 coincided with Norwegian troops' (Aidwatch 2009b; NPA 2011). NPA

received substantial US funding for this work and later argued against rapid troop withdrawal on human security grounds (Bjoreng in Hammer 2004).

NPA had argued at the CMC launch meeting that it should campaign for a total ban on all cluster munitions (Pax Christi Netherlands 2004, p.30), but it moderated this position in early 2006 to exclude 'the most advanced new cluster munitions in order to win the support of the MOD [Ministry of Defence]' (Petrova 2007, p.27) and so began calling for 'a ban on all cluster munitions with submunitions which are not individually guided/target seeking and which do not have empirically proven and reliable self-destruction mechanisms' (NPA 2006b). The justification cited was that such weapons would not have the same humanitarian effects (Nash 2006b, p.37; 2007a, 2007c, p.3; 11; Borrie 2009, p.83; 146).

These strategic differences between the four lead NGOs and the ten NGOs that founded the CMC shaped the content of the CMC's opening 'Call', agreed in June 2003 (HI 2003, p.26). Its main points were:

- No use, production or trade of cluster munitions until their humanitarian problems have been resolved;
- Increased resources for clearing cluster munitions and other unexploded ordnance, and assisting victims;
- Users of cluster munitions and other munitions that become an ERW problem to accept special responsibility for clearance and victim assistance (CMC 2003a).

These demands resembled the ICBL's opening Call, with some important differences: victim assistance was included from the outset, whereas *producer* responsibility was omitted, and in contrast to the ICBL's singular focus on APMs, there was reference to other forms of exploded ordnance. ERW and legal *user* responsibility had been Landmine Action's main demand during the Protocol V negotiations, but had not been a priority for HRW (HI 2003, p.23; 26–27), which resulted in the compromise of a familiarly vague demand for some form of user responsibility, without specifying it should be legally binding.

The most important difference from the launch of the landmines campaign was that the CMC's primary demand was for a moratorium until cluster munitions' humanitarian problems 'have been resolved', rather than a ban. This wording was derived from HRW's 1999 moratorium call (Goose 2008c, p.223 n14) and similarly implied regulations on use, technical improvements and limited bans

of certain kinds of cluster munitions might suffice – which was the approach initially taken by the CMC (2004b) in the CCW. This reflected a lowest common denominator compromise between founder NGOs like the Mennonites and HI-Belgium that had already called for a ban, and those, such as HRW, Landmine Action and MAC, which insisted the CMC adopt a more cautious moratorium position (Borrie 2009, p.54). The same caution was evident in the name, ‘Cluster Munitions Coalition’, which unlike the ICBL did not demand a ban or even call itself a campaign, and reflected how the CMC was in general more cautious in its approach. The CMC retained this rather timid opening call until the beginning of the Oslo Process in January 2007, when there was already significant state support for a ban. CMC leaders, Nash and Moyes (2011a, p.20) of Landmine Action, allude to the constraints this imposed, remarking that a ‘call can be used to constrain or discourage approaches that fall outside of this formulation – setting boundaries to the coalition’s remit’. By contrast, Goose apparently regarded the ambiguity of the Call, which included retaining ERW as a campaign issue and the vagueness of the moratorium call, as keeping open government doors that might otherwise have closed (Borrie 2009, p.59n79). The next section discusses if this cautious approach as well as the ultimate decision to call for a ban can be related to the material basis of the campaign, specifically to the dependency of the main NGOs on government funds and their personnel connections with political elites.

The Material Basis of the Cluster Munitions Coalition

Funding

In addition to the greater availability of funding data relative to the landmines campaign, the book on global civil society coalitions by Moyes and Nash, and the chapter by Nash (2012) in the 2012 *Global Civil Society* yearbook provides useful insights into the process and mentality behind financing the CMC. Moyes and Nash state as read that ‘Funding for NGO coalition work has generally come from...Trusts and foundations...Individual NGOs...and Governments’ (2011a, p.37), rather than public fundraising or individual member contributions, and despite referring to funding from member NGOs, there is no suggestion NGO campaigns can be entirely or mainly self-financed. Moreover, they assume one of the first tasks of any NGO coalition will be to pitch itself to external donors (2011a, chap.4).

Consequently, despite acknowledging some of the ‘constraints’ imposed by the inevitable external dependency this produces (2011a, p.39), external dependency per se is taken for granted:

The focus of the coalition will have a major impact on whether funding can be found or not.

In part this will reflect how easy the issue is to communicate and sell and how realistic the

chance of success is considered to be. However, funding can also be limited if the issue under scrutiny is one around which donors have political sensitivities (2011a, p.37).

This suggests, rather unsurprisingly, that campaigns with limited, problem-solving goals compatible with hegemonic governance discourses and which are not regarded as politically controversial will attract more funding. These constraints shape the campaign as 'a first funding proposal is also a chance to develop how the coalition represents itself' (Moyes and Nash 2011b, p.36).

However, Moyes and Nash address donor dependency primarily as an image problem, as if a campaign is seen as too dependent on a single state donor, it 'can have an impact on how the coalition will be perceived' and may limit its authority if 'it is seen as a mouthpiece for certain states'. They argue that the solution is to spread dependency among 'multiple donors', which holds out the additional bonus of creating 'a positive indication of buy-in to the coalition's agenda' (Moyes and Nash 2011b, p.37). This section now examines the central CMC budget, which for most of the campaign was based at Landmine Action, followed by the funding base of the other lead NGOs, and finally the ICBL, which became a significant funding conduit after it finally added cluster munitions to its mandate in December 2006.

Ireland, the Netherlands, Norway, Austria, and Switzerland had all been ICBL supporters and also contributed significantly to the CMC, creating an earlier dependency on government funding. In addition, the campaign received significant funds from foundations, particularly the Diana Fund and the MacArthur Foundation. In the early years, funding was very tight, but the situation improved after a long-running legal action against the Diana Fund was resolved in late 2004 (BBC 2004; Wood 2004), which enabled the Landmine Action to host the CMC headquarters. Later on, the campaign's financial situation was completely transformed once Norway began to take the lead on achieving a ban and began cooperating with NGOs from early 2006 (CMC 2006c), announcing its intention 'to work closely with interested states, humanitarian organisations and other relevant actors' (Norway 2006a)

Funding for the CMC head office/Landmine Action

In addition to being the main financial supporter of Landmine Action's cluster munitions work from 2003-5, the Diana Fund had a track record of advocacy with Landmine Action on landmines and cluster munitions, including joint press releases and letters during the wars on Afghanistan and Iraq and a 'Clear Up!' campaign launched in February 2003 just before the invasion of Iraq (BBC 2001; Diana Fund 2001a, 2001b, 2003; Landmine Action 2001c, p.2; Purkis and Lloyd 2001; Landmine Action and Diana Fund 2003). This had called for a moratorium and aimed to pressure the UK to

clear cluster bombs it was about to drop, as well as influence the Protocol V negotiations (Borrie 2009, p.55 n77). The Diana Fund was also involved in founding the CMC a month later and was a prominent member of the campaign in its own right (Anheier and Leat 2006, pp.65–67; Borrie 2009, p.51n63; DP Evaluation 2012), as well as providing Landmine Action and the CMC head office with £2.4m in funding from 2005 onwards (DP Evaluation 2012, p.2). The Diana fund has a public funding base, which distinguishes it from most other foundations, but its board has an elite composition and several of the trustees were still ‘relatives or close friends and associates of the princess’ (Anheier and Leat 2006, p.65). In addition, it has received ‘generous’ contributions from Princess Diana’s brother ‘throughout its lifetime’ (The Diana Fund 2013).

The Diana Fund has been Landmine Action’s primary benefactor since the latter’s inception³⁶, having funded its establishment in 1999 (Diana Fund 2013a) and provided two-thirds of its income in its first year of operation (Landmine Action 2001d), including part-financing its initial cluster munitions research (McGrath 2000b, p.2). During the campaign proper, it provided 12-30% of its overall funding each year from 2005-8 and a significantly greater percentage of its cluster munitions expenditure. As mentioned above, Landmine Action would have coordinated the CMC from the beginning, were it not for the legal action against the Diana Fund that led it to freeze all grants from July 2003 to November 2004 (The Guardian 2003; Wood 2004). This led to MAC temporarily coordinating the campaign after the Second CMC International Meeting in March 2004 (2004, p.11; Borrie 2009, p.55). Like the ICBL head office, MAC had become significantly more government-dependent once the treaty was agreed, with 69-83% of its annual income coming from governments from 1999-2004/5³⁷ and two-thirds to three-quarters from Canada, which supplied 71% of its overall budget in 2004/5 (MAC 2005, p.15)

The only other significant donor funding during this period was for ERW research, (McGrath 2004b, p.2), which helps explain the inclusion of ERW in the CMC Call. Landmine Action had already been funded by the British government and other ‘Landmine Monitor donors’ for an initial global survey on unexploded ordnance (Borrie 2003, pp.2–3), which John Borrie of UNIDIR had carried out on its behalf. In 2004-5, an additional £300,000 was obtained from the Netherlands, Norway, Sweden, Canada, Finland, New Zealand and the European Commission (Landmine Action *et al.* 2005; Landmine Action 2006a, p.4) for a follow-up report, carried out jointly with the Canadian and German campaigns. €100,000 of this came from the Dutch government (Frerks 2009, p.19). Both the

³⁶ Based on Landmine Action Annual reports and Financial Statements 2000-8 and Diana Fund grant data.

³⁷ Based on MAC’s annual accounts and reports and Canada’s Public Accounts 1999-2004/5, available at http://epe.lac-bac.gc.ca/100/201/301/public_accounts_can/pdf/index.html (accessed 4/12/2013).

future CMC Coordinator, Thomas Nash, and future CMC Co-Chair, Richard Moyes, were initially employed on this project; Nash as MAC's ERW Research Coordinator and Moyes as the lead research coordinator at Landmine Action (MAC 2004, p.11; 5, 2005, p.5; Borrie 2009, p.55). The lack of funding for cluster munitions work during this period severely hampered the CMC's impact, with Borrie (2009, p.56) describing 2004-5 as 'wilderness years for the CMC' due to 'lack of government leadership and the lack of funding to work on cluster munitions'. Likewise, Petrova (2007, p.12) finds that 'CMC had hardly made any difference in terms of campaigning or policy impact' prior to 2006 (although she does not link this to funding).

This began to change somewhat following the settlement of the Diana Fund legal case, which included a £1.8m four-year 'broad grant' to Landmine Action, beginning in March 2005. This allowed it to resume coordinating duties and employ the CMC Coordinator (Moyes and Nash 2011a, p.16; DP Evaluation 2012, p.2; Diana Fund 2013b). As a result, around a fifth of Landmine Action's overall budget in 2005 came from the Diana Fund, two-fifths from the EU, 15% from governments and around ten percent from other NGOs, amounting to an overall donor dependency of over 75% (Landmine Action 2006). During this period, Switzerland sponsored the CMC website (CMC 2005a, 2005b), and UNICEF the CMC's Third International Meeting in Paris in October 2005 (CMC 2005c).

Despite this financial improvement, 'the CMC remained under-resourced' until 2006 (Borrie 2009, p.123). Its central budget for 2005 was only £75,000 (Frerks 2009, p.19), but its fortunes and campaigning capacity were transformed once Norway began to take the lead in mid-2006 and began funnelling cash to the CMC to bolster its diplomatic efforts (Borrie 2009, p.123; 56; Nash 2012, p.138). This transformed Landmine Action's funding base, so that Norway went from providing less than two percent of its total budget in 2005 (Landmine Action 2006a, p.8; 11), to roughly a quarter in 2006. An additional 30% came from the Diana Fund, but only 2% from public donations. Norway's support included a £413,000 grant for cluster munitions work, which by itself was more than five times the CMC budget for the previous year. According to the CMC Coordinator, most Norwegian support was for core funding and so could be used as the Coalition wished 'within a broadly agreed framework' (Nash 2012, p.138). Landmine Action's annual accounts show that all CMC head office activities in 2006 – from international campaigning, to UK campaigning, advocacy, and parliamentary work, and policy and research – were funded by Norway and/or the Diana Fund, and that only policy and research received additional funding from other donors, namely Austria, New Zealand, Ireland, the Netherlands and Oxfam (Landmine Action 2007, pp.14–19; 31).

CMC funding sources in 2007 were similar, but at £1.44m in total, the amounts received were much larger (Figure 6.1), and contributed to an overall financial dependency of Landmine Action on Norway of 42%. The breakdown in Landmine Action's annual accounts (2008, p.32) shows 97% of cluster munitions funding came from just six donors: core states, Norway (59%), Austria (3%) and Ireland (3%); the Diana Fund (19%); the MacArthur Foundation (8%); and UNDP/UNOPS³⁸ (4%), reflecting UNDP's role as the CMC's main UN partner (Moyes and Nash 2011a, p.80; Nash 2012, p.131). By contrast, total funding from NGOs and the general public was less than 3% – with 2% of this from Oxfam (Diana Fund 2008, p.15; 38; Landmine Action 2008).

This cash injection enabled the CMC to hire another two full-time staff in 2007, on top of the coordinator and contractor employed in 2006, including a campaign officer and media specialist (Landmine Action 2007, p.18, 2008, p.9; 18; Nash 2012, p.135), which as Borrie (2009, pp.189–190) observes 'made a big difference to what the CMC and its members could do'. Staff numbers peaked at six or seven during the final negotiations (Frerks 2009, p.31; DP Evaluation 2012, p.2), when donor attention was also at its height. This also fuelled the CMC's international expansion, particularly to non-Western countries, and helped finance its first Global Day of Action in November 2007, Civil Society Forums at Oslo Process conferences, media work and disseminating campaign materials. As part of this, the Diana Fund gave Landmine Action £250,000 for a small grants scheme and some core support (Diana Fund 2013c), which supported sixty-eight local NGOs and survivors organisations, mainly in non-Western countries where a little funding goes a long way (Stalker 2008, p.17; 6).

The lower level of CMC head office funding in 2008 reflected the conclusion of the Oslo Process in May 2008, but followed a largely similar pattern of sources (CMC 2009a), with Norway again providing over a quarter of Landmine Action's *overall* budget. The only major difference was that Ireland contributed significantly more (17%) in a year when it hosted the final treaty negotiations (Figure 6.2). Norway (59%) and the Diana Fund (19%), which gave another £100,000 in small grants for campaigns in other countries (Diana Fund 2013c), remained the two largest donors, Hence, together with the MacArthur Foundation, the Netherlands, New Zealand and Belgium, these seven donors provided 99% of CMC head office income in 2008.

³⁸ UN Office for Project Services. Although this is recorded in the accounts only as UNOPS funding, UNOPS is a UNDP implementing partner vis-à-vis cluster munitions (UNOPS n.d., p.2) and both UNOPS and UNDP are credited as funders in a subsequent Landmine Action report (Crowther 2008, p.2).

Figure 6.1 CMC Head Office Funding 2007
Total = £1.44m (US\$2.86m)

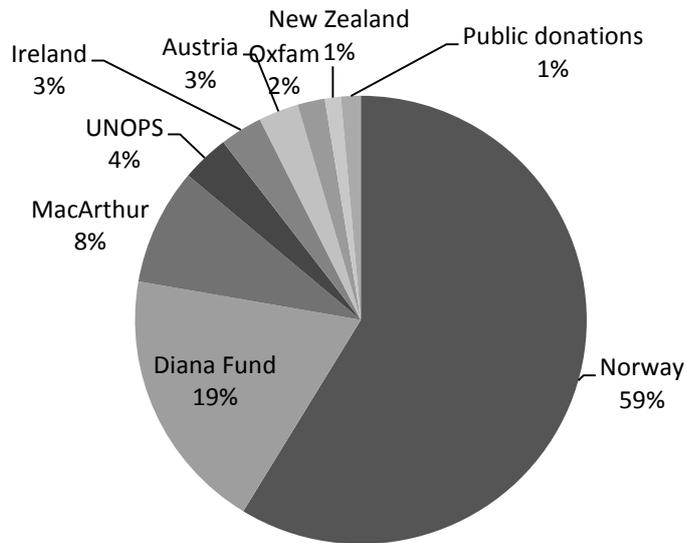
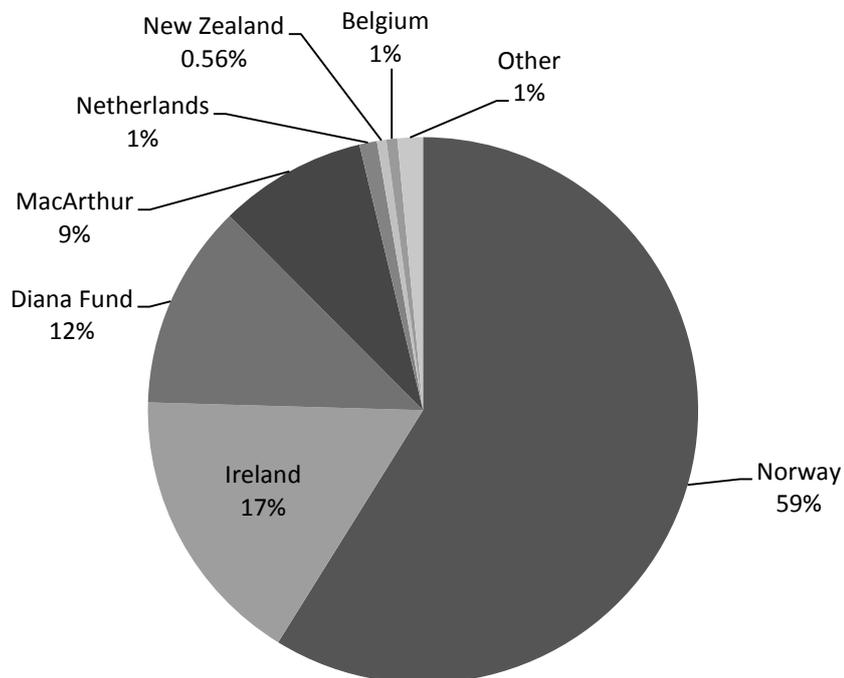
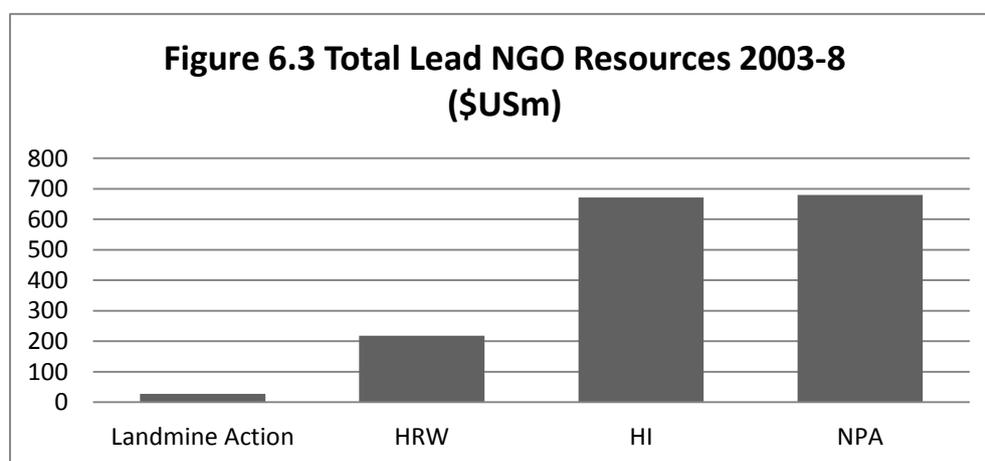


Figure 6.2 CMC Funding 2008
Total = £1.24m (US\$1.8m)



Lead NGO Funding

Also relevant to the economic base of the CMC are the general funding profiles of the other lead NGOs and the sources of their expenditure for cluster munitions work. HI had the largest cluster munitions budget of all the lead NGOs and was also the only one that raised significant income from the general public. NPA, like Landmine Action/CMC, was largely dependent on funding from Norway, while HRW was also largely dependent on donor funding, but had a different, private finance base. Figure 6.3 compares the overall budgets of the lead NGOs for 2003-8. HI's and NPA's are much larger than Landmine Action's and HRW's, given their status as major international humanitarian/development NGOs with large field programmes.



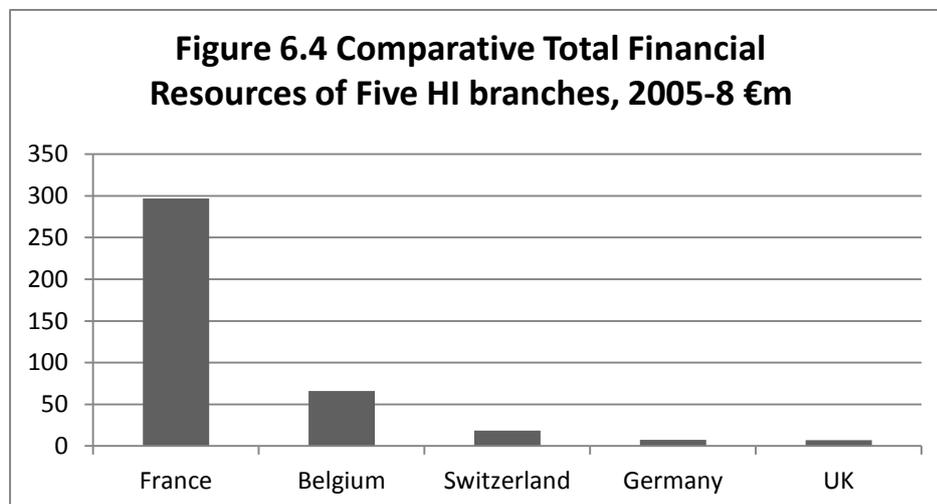
(Sources: NGO Annual Reports, tax returns and secondary sources (Observatoire de l'action humanitaire 2011). Comparisons are rough due to variations in exchange rates and tax years)

Handicap International

HI is an international federation with a complicated funding structure, whereby national sections pay into pooled funds for operational programmes, such as humanitarian projects and landmines/cluster munitions campaigning, but the French head office also subsidises most of the other sections (HI 2007, p.20, 2008, p.26, 2009, p.27). The main exception was the Belgian branch, which financially separated from the French section in 1997 and was the only other section to also run its own operational programmes (Aidwatch 2003; Mège 2005, p.2; HI 2009, p.27; Observatoire de l'action humanitaire 2011). As discussed in Chapter 4, the two sections have quite different funding bases. Over two-thirds of HI-France income came from non-governmental sources, with approximately half from the general public³⁹ (HI 2007, p.17, 2008, p.22, 2009, p.23), whereas HI-Belgium had an opposite government/IGO-dependency ratio of 61-88% (Observatoire de l'action humanitaire 2011).

³⁹ Corporate sponsorships, foundations, and donations from other NGOs accounted for around 5-6%.

HI-France remains much the largest branch, but the smaller sections have also grown significantly (Figure 6.4), with government dependency ranging from 17-22% at the Swiss branch to 5-14% in Germany and fluctuating from 14-64% in the UK (Observatoire de l'action humanitaire 2011).



(Observatoire de l'action humanitaire 2011)

This relatively independent funding base was reflected in the financing of HI's cluster munitions work and its stronger ban position. Its accounts record a combined budget for landmines/cluster munitions campaigning of around \$3.5m in 2005⁴⁰ (HI 2007, p.17), which appears to have been mainly dedicated to banning-g cluster munitions (HI 2006b, p.16), and *increased* expenditure of \$2.4m on cluster munitions campaigning in 2006, out of an overall budget for landmines/cluster munitions campaigning of \$6m (HI 2007, pp.22–23). Similar totals of \$6-6.5m are shown for 2007 and 2008 when the campaign was at its height (HI 2008, p.22; 28, 2009, p.23;28), indicating a significantly larger expenditure than the CMC head office. On top of this, HI also benefited from free campaign advertising worth nearly €2.3m in 2004-5 (HI 2006b, p.16).

This generous financial base enabled HI to play the largest role in national campaigning of all the lead NGOs. It set up its own campaign websites in eight Western countries⁴¹ and five different languages; published a regular campaign newsletter; led major national campaigns in France and Switzerland; and participated in national campaigning in the UK, Germany and Canada from early on (CMC 2005d). Towards the end of the campaign, its branches in Bosnia, Kenya and Thailand also joined the CMC (CMC 2009b). Most of the funds for this were independently sourced, given 84-98%

⁴⁰ HI had a similar budget for landmines/cluster munitions campaigning in 2004 (HI 2006b, p.7), but did not launch a major coordinated campaign on cluster munitions until 2005.

⁴¹ France, Belgium, Luxembourg, Switzerland, Germany, the UK, US and Canada (see: <http://www.clusterbombs.org/> for details)

of HI's funding for ICBL/CMC work from 2006-8 came from 'pooled funds' from the various sections. 2008 was the only year government funding made up a significant proportion – at 16% (HI 2009, p.28). Interestingly, despite this generous financial base, HI did not contribute to the CMC head office but reserved its funding for its own ban campaign.

Norwegian People's Aid (NPA)

NPA's overall dependency on government/IGO funding averaged 81% from 2005-8, but its dependency for international activities was even higher, at 90-95% in 2005-6 (NPA 2006a, p.23, 2007c, p.12). 11-19% of its overall income came from the State Department/USAID, which is mainly for NPA's work in South Sudan (NPA 2006a, p.21). However, the vast majority of NPA's overall budget, at 49-71%, came from Norway. The same dependency is evident in the area of mine clearance, which accounts for nearly 30% of NPA's overall income (NPA 2008, p.16) and has also been largely financed by the Norwegian government (HRW and Africa Watch 1994, p.73; 81; VVAF 1995, p.105; 147-8; 231; Landmine Monitor 1999d, 1999l, 1999q), with NPA receiving over half of Norway's mine action budget every year. This translated to around \$10m a year from 1998-2001, \$12.5-17.5m from 2002-2006, and a record \$25m in 2007 (Norad 2009, p.15; 20), accounting for 50%-70% of NPA's mine action funding in 2006-7 (NPA 2008, p.16). Much of the rest comes from other large government donors, including the US, which has remained the largest donor to mine action globally (Landmine Monitor 2010, p.44). NPA provides no information on how it funded its cluster munitions campaigning, aside from acknowledgements in its two major campaign publications (King *et al.* 2007, p.2; NPA 2007b, p.7), both of which were fully funded by Norway. A government report also shows that NPA received a grant of \$1.28m for policy work on mines and cluster munitions in 2007 (Norad Evaluation Department 2009, p.19), which must have accounted for a sizeable chunk of its budget.

NPA's high level of dependency on the Norwegian government is typical of Norwegian development NGOs and both NGOs and government officials defend it as unproblematic. NPA's Secretary-General from 2000-6, Eva Bjøreng, has denied any problems with NPA's role in the 'Norwegian model', on the grounds government policy guidelines are reasonable and NPA has never had any objections to them. Similar attitudes exist on the government side, with one foreign ministry official asserting that "in this idealistic endeavour, ordinary rules of independence have not been seen to apply" because "we are all in the same boat" (in Toje 2011, pp.10-11; 18). This indicates the close compatibility between NPA's activities and Norwegian foreign policy objectives and reflects its role as a civil society component of Gramsci's integral state. While not specifically arguing from this theoretical

perspective, numerous Norwegian scholars have critiqued the relationship between NGOs and government in Norway as one of 'corporatism' and 'state capture' (cited in Petrova 2007; Tvedt 2009; Toje 2013).

Human Rights Watch (HRW)

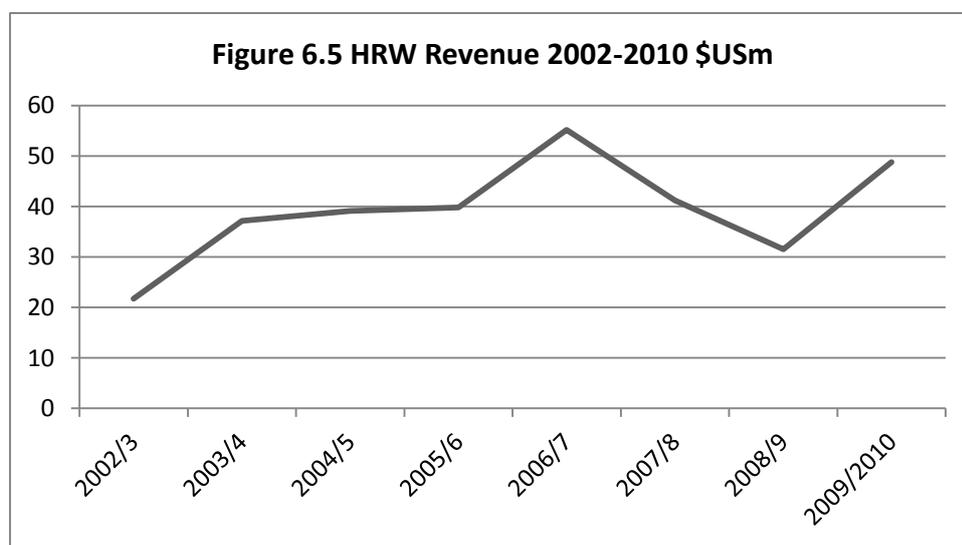
As HRW does not accept government funding, its 'donor community' differed from the other lead NGOs and consisted of similar US foundations and capitalist elites as during the landmines campaign. It has somewhat geographically extended its funding base since the 1990s, with the share of US funding falling from 90% in 2002 to around 75% in 2009 and funding from Europe increasing by an equivalent amount. Of course, this means funding from the rest of the world has remained at less than one percent – despite efforts to 'diversify' by canvassing elite support in the Middle East (Gordon and Berkovitch 2006, p.5; HRW 2009b). Besides this, an increasing proportion of HRW's income appears to be coming from broad grants for general organisational support and financial and equity investments, the latter of which grew from 3% of its overall revenue in 1999/2000 (HRW 2000b, p.1) to 11-20% from 2003-7 (HRW 2008d, p.10). This unrestricted funding base gives HRW a freedom of action less trusted, less elite, and less liberal NGOs would envy, but makes it more difficult to identify where funding for specific activities like cluster munitions comes from.

By 2008, HRW had accumulated an endowment of \$85m (HRW 2008d, p.10), based on a \$7.2m endowment grant from the Ford Foundation (2001, p.36) and an accompanying fundraising drive that netted \$35m from just ten foundations and wealthy individuals (HRW 1999e) and \$10m from around forty others (CCS - Fund Raising, Development, Consultants 2010). In 2000/1 (the last year this information was publicly available), 69% of HRW's income came from just twelve donors, the smallest of which gave almost \$400,000⁴² (HRW 2001a, p.1; 26). Combined with its investment income, this meant only around 10-20% of HRW's revenue came from donations smaller than this. Many are far larger, with approximately 12% of its income from 2004-8 coming from donors of \$3.8m or more (HRW 2009c, p.15), such as the MacArthur Foundation (2013), which donated \$7.6m from 2002-8. The OSI has also remained a major funder, donating around \$3.7m from 2002-8⁴³, including \$2m in unrestricted general support, while the Diana Fund contributed £1.8m from 2004/05-2008/9 for 'emergency researchers in crisis areas' and HIV/AIDS work (Diana Fund 2013b). Acknowledgements in HRW's annual reports indicate a substantial pool of wealthy supporters, with

⁴² This was not a one-off as in 1999/2000, 60% of HRW's income came from sixteen large donors, with the smallest giving over \$500,000 (HRW 2000b, p.1; 15–16)

⁴³ OSI Form 990 tax returns, 2002-8.

ninety-two donors of over \$100,000 in 2008 alone (HRW 2008c, p.49). The nature of this funding base is perhaps best illustrated by HRW's largest individual donors from 2003-8, Herb and Marion Sandler (Nocera 2008; HRW 2012b), who pledged the organisation \$15m over five years in 2004, on top of \$15m in donations in previous decades. The Sandlers were the CEOs of subprime mortgage lender, Golden West Financial (Cimilluca 2008; Foust 2008; Moss and Fabrikant 2008; Stempel 2008), and were subsequently included in *Time* magazine's list of '25 people to Blame for the Financial Crisis' (2009). This illustrates how HRW's rapid financial growth (Figure 6.5) and temporary hiatus during the 2008 financial crisis mirrored the fortunes of the financial markets and the fractions of the capitalist class and associated elite intellectuals whose interests it represents.



Although HRW Arms Division's annual budget from 1999-2005 was only around \$1m (HRW 1999f, p.20, 2001a, p.20, 2002a, p.44, 2003a, p.34, 2004a, p.47, 2005b, p.54)⁴⁴, it had a major impact on the framing of cluster munitions during these formative years of the campaign, when it was responsible for the majority of NGO research (1999b, 2001b, 2002b, 2003b, 2003c, 2005a, 2005c). It also produced the second largest chunk of CMC research from 2006-8 (2006a, 2007a, 2007b, 2007c; Docherty *et al.* 2008; HRW and IHRC 2008a, 2008b). Although much of the Arms Division's activity was devoted to cluster munitions, particularly after MAC took over as the lead NGO for Landmine Monitor in 2005 and the CMC also began to pick up steam, it has also remained on Landmine Monitor's editorial board and still carries out much of the research and editing of the annual reports. Mainly as a result, one of its largest donors is the ICBL, from which it receives well over \$100,00 a year (ICBL 2002b, p.18, 2003, p.13, 2009a, p.27; HRW 2004a, p.55, 2005b, p.63, 2006b, p.62, 2008e, p.51). Exact figures were only available for 2001, 2002 and 2008, when the ICBL accounted for a

⁴⁴ This breakdown is unavailable for subsequent years, as the Arms Division's budget is amalgamated with 'Other Programmes'.

quarter to a third of the Arms Division's annual revenue. This may help to explain HRW's reluctance to disrupt the ICBL's relations with partner/donor governments and undercuts HRW's (2013b) claim to accept 'no government funds, directly or indirectly', given ICBL/Landmine Monitor is almost entirely government-funded.

In terms of the Arms Division's cluster munitions work, some funding information was available in HRW's annual reports and in the acknowledgements of some publications, which indicate financing by a familiar range of US-based foundations as well as a few European ones. The MacArthur Foundation was again a prominent donor, part-financing two early reports (HRW 2002b, 2003b) and donating \$250,000 specifically for cluster munitions campaigning in 2007 (HRW 2008e, p.51; MacArthur Foundation 2008, p.37), which helped finance a third report (Docherty *et al.* 2008). As from this, no other funders are acknowledged for HRW's later cluster munitions research, which suggests they were financed through core funding. Acknowledged funding for HRW's influential early research on cluster munitions in Afghanistan and Iraq (HRW 2002b, p.51, 2003b, p.141) mainly came from broad grants for general human rights monitoring of the 'War on Terror'/Afghanistan and the Iraq war. Funders of this included: the Rockefellers Brothers Fund (2002, p.21, 2004, p.41); the Carnegie Corporation (2013); and the Ford (2002, p.72); Overbrook (2004, pp.31–32) and Oak Foundations (2004, p.31). Established by Alan Parker, (Oak Foundation 2011a; 2011b; O'Leary 2008, pp.305–306), the Oak Foundation is one of the several European foundations that have become some of the largest donors to HRW in recent years (HRW 2013c). The Overbrook Foundation is another US family foundation based on banking wealth (Krebs 1981; The Overbrook Foundation 2013), which granted around \$3m to HRW from 2002-8 (Form 990s). Vincent McGee, co-Chair of the Arms Division's Advisory Board, is a director, while the other co-Chair, David Brown, (HRW 2003d), donated his own money to the Iraq report. This illustrates HRW's continued practice of granting directorships to wealthy benefactors, which helps to account for the unusually large proportion of core funding it receives and also ensures that influence within the organisation is limited to elites, given the compulsory nature of such support⁴⁵.

ICBL

A final important conduit of funding for cluster munitions work in the last two years of the campaign was the ICBL, which received 31% of its overall income in 2007-8 from Norway, and 90% from all

⁴⁵ See Chapter 4. This also emerges in the termination of a member of the Middle East/North Africa board, *officially* for failing to donate \$10,000 to the organisation (Birnbaum 2010).

governments and IGOs combined⁴⁶. After it finally added cluster munitions to its mandate in early 2007, its revenue grew by \$1.5m over 2007 and 2008, with around half of the increase coming from Norway (38%), Austria (8%), Ireland (5%), and most of the rest from member NGOs (43%), to which it also made grants. Funding from Norway in particular almost doubled, from \$623,000 in 2005 to \$1.18m in 2008, enabling the ICBL to hire a full-time cluster munitions Advocacy Officer in early 2007 (Borrie 2009, p.144). As with the CMC head office, this massive funding influx greatly enhanced the ICBL's campaigning capacity, allowing it to play an active diplomatic role in the Oslo Process and assist in building national campaigns (ICBL 2009b, pp.20–29).

Based on the above information, NGO spending on cluster munitions can be estimated at over \$20m⁴⁷ – a considerable sum for an NGO campaign. HI (excluding HI-Belgium) accounted for around half of this, and the other lead NGOs, the ICBL and HI-Belgium the rest. This more or less divided the campaign into two financial halves: the HI half, which was relatively financially independent vis-à-vis its cluster munitions campaigning, if not its wider funding base; and another half consisting of the CMC head office, the other lead NGOs and the ICBL, which was heavily donor-dependent. The top contributors to this side of the campaign included: Norway, the Diana Fund, the MacArthur Foundation, Ireland, Austria, Belgium, and the Netherlands.

In respect to the first group, the most striking finding was the level of dependency on Norway, which appears to have donated at least \$4m for cluster munitions campaigning to Landmine Action, NPA, and the ICBL from 2006-8. It was also by far the largest overall donor to NPA, as well as to the ICBL and Landmine Action in 2007 and 2008 (Landmine Action 2009, p.32), in addition to being a major sponsor of cluster munitions work by all these NGOs and HI-Belgium. Most importantly, it was the main donor to the CMC head office from 2006-2008 and contributed nearly 60% of its income in 2007-8, and helped finance six major NGO publications in 2006-8 (HI-Belgium 2006a, 2007; Nash 2006a; King *et al.* 2007; Moyes 2007; NPA 2007b).

Norway's reasons for financially supporting the CMC were pragmatic, as the NGO campaign was an important part of its diplomatic strategy (Petrova 2007, p.28). On assuming leadership of the issue in 2006, Norway's lead diplomat, Steffen Kongstad, recognised 'the CMC needed strengthening' and that 'A big obstacle...was that unlike in the Ottawa process, a strong international civil society campaign was lacking'. Consequently, 'adequate financial and other resources including the "right

⁴⁶ ICBL Annual Accounts

⁴⁷ This takes into account double counting of funds given to the CMC head office and redistributed to member NGOs.

people” would be essential’ (Borrie 2009, p.129; 82). Likewise, the CMC Coordinator has stated it was logical for Norway to consider the CMC ‘as an important and powerful tool in the achievement of this political objective’ (Nash 2012, p.138). This contrasts with how at the start of the campaign CMC NGOs had expressed the view it was ‘important...not be tight [sic] to one single funder because we want to maintain independent identity and voice’, when raising coalition funds from the public had also been suggested (Pax Christi Netherlands 2004, p.43). Without such sponsors as Norway, the CMC is unlikely to have pursued as strong a pro-ban line and may have continued to make relatively little international impact, as had been the case in 2004-5 (Petrova 2007, p.12; Borrie 2009, p.56).

Campaign Personnel

The analysis of the campaign’s personnel basis initially focused on those individuals that played relatively prominent roles in the campaign. Of forty-nine people identified, twenty-one had worked for Western donor states or IGOs, many of them in related military, arms control, humanitarian or foreign policy areas, and another five have moved onto such roles since. This is a significantly greater proportion than the ICBL and reflects the increased professionalisation in the NGO sector and their expert status, as reflected in an external evaluation of the CMC, which found it ‘became recognised as an unavoidable, but also respectable partner’ based on its ‘expert knowledge and professionalism’ (Frerks 2009, p.35). Only five of the prominent individuals identified lived in non-Western countries, two of which were survivors and were also the only non-NGO employees.

Both a high level of professional circulation and Northern dominance were particularly marked among the individuals that Borrie (2009, p.206) refers to as the CMC’s ‘front bench’. These five individuals, who were all from the North, were the CMC’s lead negotiators during the Oslo Process and also its principle spokespeople (ANZCMC 2008a, pp.93–94; CMC 2008g, pp.1–2), and were often the only NGO representatives allowed into informal negotiations with states on treaty text⁴⁸. They included, the CMC Coordinator, Thomas Nash, the three CMC co-Chairs from Landmine Action, NPA, and HRW, and Landmine Action’s Director of Policy and Research, Richard Moyes, who took over as its Co-Chair after the Dublin conference (CMC 2008g, p.1, 2008h, p.2). Four of the five had previously worked in a military or arms control capacity for Western states, including Nash, who had worked for the Mine Ban Treaty Implementation Unit of the Canadian Foreign Ministry directly prior to joining MAC in 2003, and before that for the Disarmament Mission of core state, New Zealand. Similarly, the Co-Chair for NPA, its Cluster Munitions Policy Advisor, Grethe Østern, had been a Press Officer for the Norwegian army at NATO headquarters in Kosovo shortly after the bombing (Borrie 2009, p.46; 54; 75); the Director of Landmine Action, Simon Conway, was a former British army

⁴⁸ Personal observation at Dublin Conference.

officer (ANZCMC 2008a, p.93); and as explained in Chapter 4, HRW's Steve Goose, had been an arms control expert for the US Senate. Finally, Moyes, had written reports on ERW for two IGOs – the Geneva International Humanitarian Centre on Demining (GIHCD) and UNIDIR (Moyes and Tinning 2005; Moyes and Vannachack 2005), as part of his role as a Landmine Action researcher earlier in the campaign.

This circulation of personnel also worked the other way around, as several leading figures in the early stages of the campaign were working for Western governments or IGOs by the end of it, or shortly afterwards. This included Landmine Action's Director from 2002-2005, Richard Lloyd, who like many senior NGO staff under New Labour passed through the revolving door to government (Quarmby 2005) and became a senior strategic communications adviser to Prime Minister Gordon Brown in April 2008 (Prince 2008), shortly before the final CCM negotiations. Likewise, Landmine Action's initial Policy and Advocacy Co-ordinator, Rosy Cave, moved to UNIDIR in 2005 to become its Project Manager and Lead Researcher on ERW (Cave 2003, p.ii; Cave *et al.* 2006, p.ix), while the head of HI-Belgium's Policy Unit and CMC Steering Committee member, Stan Brabant (ANZCMC 2008a, p.101), moved to UNDP-Laos after the treaty was agreed (CMC 2010b), and its Research and Victim Assistance Coordinator went to work for UNOCHA (Maes 2013).

During the campaign, several leading staff at these key supportive UN agencies also had an NGO background themselves, in closely related areas. Both UNIDIR's Deputy Director and the head of UNDP's Bureau for Crisis Prevention and Recovery (UNDP-BCPR) had been leading NGO members of the International Action Network on Small Arms (IANSA), while the head of UNOCHA from 2003-6 was former Norwegian Labour Party Development Minister and ICBL supporter, Jan Egeland, who had come to the role following a stint calling for a ban in Norway as head of the Norwegian Red Cross (Spokesman for the UN Secretary-General 2001). Østern had worked for him there in her previous position prior to joining NPA. On top of all this, another two UNDP-BCPR staff on its delegation to the Oslo Process had recently joined the organisation from NPA and HI (Appendix 6.1). This illustrates the close collaborative relationships between NGOs and IGOs in the humanitarian/development/mine action sector and the high level of personnel circulation and shared interests and perspectives among NGOs like NPA, HI and Landmine Action and related UN agencies. This facilitated what Nash (2012, p.131) describes as a 'particularly strong bond' between the CMC and the UNDP, in which 'interpersonal relationships were very tight, with information shared on a daily basis ensuring a coordinated approach'.

Professional backgrounds of CMC personnel were broadly similar to the ICBL and coincide with Gramsci's categories of traditional and capitalist organic intellectuals, as lawyers (HRW), doctors (HI), military officers (NPA, HRW and Landmine Action), academics, and marketing/PR professionals, were all strongly represented. This was also consistent with a wider strategy of forging partnerships with influential elites, such as 'parliamentarians, faith leaders, academics, journalists, and other interest groups'. Related to this, what little 'grassroots' campaigning took place was organised mainly through professional associations, like the Soroptimists (HI-UK 2005, p.13; AOV 2013), Engineers for Social Responsibility (CMC 2005d) and IPPNW Russia/Zambia, which was one of only four non-Western NGOs among the sixteen organisations that served on the Steering Committee from 2003-May 2008.

The CMC also had a strong religious basis from the beginning, with Pax Christi and the Mennonites involved in founding the campaign. Yet even religious involvement seems to have been more institutionalised than was the case with the ICBL, when local church groups had been more active. This is illustrated by the official participation of the Vatican in the Core Group of states and the membership first of the Church of England's Public Affairs Unit and later the whole institution in the UK campaign (CMC 2005d, 2007e). This was facilitated by the Diana Fund's connections to the Anglican hierarchy, via its executive director from 1998-2005, Andrew Purkis OBE, who had previously been the Archbishop of Canterbury's public affairs secretary (Debrett's 2013).

In addition to this, lead NGO in-house media and communications staff were supplemented with external communications and consulting agencies (ANZCMC 2008a, p.5; CMC 2008i; Stalker 2008, p.13; Wareham 2008b; DP Evaluation 2012, p.6; Principle Consulting 2013a). Some of the agencies used had been set up by former NGO personnel and specialised in 'charity advocacy services' (Principle Consulting 2013b) and PR for 'public private partnerships' (Incite | Insight 2013), for example the initial contact people for the CMC (Pax Christi Netherlands 2004, p.44), Micha Hollestelle of Pax Christi, left in 2005 to set up his own consulting firm that provides 'strategic communications' and corporate social responsibility and 'Business Intelligence for investors, specialising in extractive industries' (Hollestelle 2013).

Chief Executives and Board Memberships

Examining CEOs and directors of the lead NGOs gives a further insight into the CMC's personnel and social basis and elite connections. But whereas chief executives generally have a strong influence

across an organisation, board influence varies from an advisory or even rubber-stamping role, to more active involvement. Yet regardless of the level of direct influence on specific policy positions, board composition is a significant indicator of an NGO's political orientation and connections and the ideological parameters within which it operates, as are the backgrounds and remuneration levels of chief executives. NGO CEO salaries are generally in the top income decile and ranged from around \$125,000 at NPA (VG Nett 2010) to \$400,000 at HRW (BBB Wise Giving Report 2009) placing them in an elite socio-professional stratum. Government, political and donor community connections were also a feature of lead NGO boards, whose engagement ranged from the relatively direct involvement of HRW's Executive Committee, discussed in Chapter 4, to the more passive role of NPA's board, at least vis-à-vis international policy (Norad 2007, pp.17–18). In all cases, board selection appears motivated by considerations of financial and political patronage, with a strong orientation towards donors, liberal/social democratic parties and other elites.

Of HRW's thirty-three directors in 2008, twenty-one were wealthy businesspeople, corporate lawyers, or their 'human rights activist' wives and thirteen had donated over \$100,000 in that year alone. The three vice-chairs included former CEOs of Phillips-Van Heusen Corp (which owns Calvin Klein and Tommy Hilfiger); MCA (which owns Universal Pictures); and a former Deputy Chairman of Morgan Stanley International (HRW 2008e, p.40; 51). Other directors during the campaign with direct links to Western foreign policy establishments and IGOs included: Lloyd Axworthy; the last US ambassador to Yugoslavia, Warren Zimmermann; the director of Radio Free Europe, Paul Goble (Herman and Peterson 2005, n.6); and the first Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, Richard Goldstone (UN Human Rights Council 2009).

Despite its greater reliance on public fundraising, HI and HI-Belgium's (2006b) boards had a similarly elite composition, reflecting their political respectability and mainstream cross-party appeal, more than specific policy influence. HI's Chair since 2006 was Jacques Tassi (HI 2007, p.13, 2008, p.31, 2009, p.31), a former deputy-managing partner of Ernst and Young France, and co-founder of a corporate social responsibility organisation (HI-US 2011), who was one of four directors or associate directors involved in the corporate social responsibility sector. This reflects HI's many partnerships with French multinationals, such as BNP Paribas, Crédit Lyonnais and Société Générale (HI 2007, p.24, 2008, p.30, 2009, p.30). Foundations, senior professionals, and politicians were also amply represented, including a Socialist Party Deputy Mayor of Paris, and the mayor of Lyons, who was a member of President Sarkozy's party.

Befitting its status as a network organisation dominated by large UK INGOs, Landmine Action's (2008, p.4) fourteen directors during the campaign were mainly current or former senior NGO personnel, including Anna MacDonald, the director of Oxfam's Control Arms Campaign; and ex-Christian Aid and Save the Children staff. Kate Moore MBE of the Soroptimists, the owner of an Outplacement Consultancy specialised in 'redundancy counselling and job search programmes during factory closures' (Moore 2013), was another long-time director, besides several others with ties to donors via the British and Norwegian states, foundations and IGOs. This included two representatives of the Diana Fund, and Christian Ruge, another ex-NGO director of a political communications agency (Retina Consulting 2008), who was a Senior Adviser to the Norwegian Foreign Ministry throughout the Oslo Process (ANZCMC 2008a, pp.85–86; Borrie 2009, p.80; 163; 279). Ruge was on leave from the Fafo Institute for Applied International Studies (Conflux 2007), a largely government-funded Labour-linked think tank (Fafo 2013a, 2013b), which was the only other CMC member in Norway besides NPA and where Ruge had been main Norwegian CMC point of contact (CMC 2004c, p.53; DanChurchAid 2004a, p.44). Before that again, Ruge had been NPA's mines policy advisor and served on the ICBL board until 2001 (Ruge 1997; Borrie 2009, p.80; Spoke 2011).

Unsurprisingly, the same porosity of civil and political society and between lead NGOs and their donors was evident in NPA's board (NPA 2007c, p.13), which consisted mainly of Labour Party-linked trade union leaders and was chaired from 2003-2007 by Grete Faremo, then the Director of Legal and Corporate Affairs at Microsoft Norway, but previously a Labour Minister for Development Cooperation and from 2009 Norway's Defence Minister (Norway 2011). Again, these connections indicate broad ideological parameters more than direct policy influence, given that a 2007 government evaluation found the board is generally more interested in local or national than international issues and 'is more a recipient of information from the International Department than an important body for consultation, strategic discussions and decision making' (Norad 2007, pp.17–18).

The Organisation of the Campaign: Membership and Decision-Making in the CMC

Although the CMC claims to have 'made a particular effort to ensure diversity in its representation, including...geographic diversity and the engagement and leadership of those directly affected, such as survivors' (CMC 2009a, p.5), in practice it followed a similar, but less extensive, pattern of North-South expansion to the ICBL. It began as a project of mainly NNGOs, was headquartered first in Ottawa and then in London, only later expanded to non-Western countries, survivors were again

brought in at a late stage and did not have strategic or leadership roles, and its leadership remained Northern-dominated.

NGO membership of the coalition grew slowly but steadily until October 2007, when Norway began sponsoring NGO engagement in the Oslo Process and its growth greatly accelerated. Membership outside the North had remained largely flat since 2004, with most growth taking place in the North. Total membership grew from approximately 80 organisations in November 2004 to approximately 180 in March 2007, jumping to 240 by October 2007. In January 2004, 35 non-Northern NGOs were associated with the campaign and by March 2007, this figure had only risen to 39. Following the injection of funding by Norway this figure rose to 72, or 30% of the total membership, by October 2007.

This Northern dominance was also reflected in NNGO participation at international meetings and conferences, which ranged from 73% at the CMC's First International Meeting alongside its launch (Pax Christi Netherlands 2004, pp.48–49), when Canada sponsored SNGO attendance, to 87% at the CMC's Second International Meeting in 2004, 93% at the Oslo Conference in February 2007, and 72% at the final negotiations in May 2008, when SNGO attendance was again sponsored by donors (DanChurchAid 2004a, pp.43–4; Oslo Conference on Cluster Munitions 2007a; CMC 2008j). The low level of SNGO participation, its dependency on donor funding, and the marked increase at the very end of the Oslo Process suggest SNGOs mainly functioned to make up the numbers and legitimise an existing, Northern-led process through making it appear more globally representative.

The CMC created few new national campaigns of its own and where national campaigns existed they mainly reflected activity by national branches of the ICBL. But this form of participation was also less widespread due to the institutionalisation of the ICBL and the entrenchment of partnership relationships between the former national campaign organisations and governments, as illustrated also by the outsourcing of treaty monitoring to the ICBL's Landmine Monitor. According to Borrie (2009, p.143), 'the CMC's relative lack of grassroots national campaigns' was seen as its 'greatest weakness' by some of the ICBL veterans involved in the campaign and the same view appears in an external evaluation of the Ban Advocates Initiative, which reports 'limited public mobilisation' and 'limited national advocacy' as two major weaknesses cited in interviews with campaign participants (Mayne 2010, p.7). This relative lack of NGO/civil society participation was also evident in how the CMC was never able to hold large international NGO Conferences in the South, as the ICBL had done in Phnom Penh and Mozambique.

Indeed, whereas when the Ottawa Process was initially announced in May 1996, national landmines campaigns existed in dozens of countries, including in the South, at the corresponding point in the CMC in November 2006, hardly any new national campaigns on cluster munitions had been established and there were also far fewer national landmines campaigns involved. One major exception was in France, where HI, and the French section of the Control Arms campaign, led by Amnesty International and Oxfam's French affiliate, Agir Ici, had launched a national campaign to ban cluster munitions with numerous other French NGOs in 2005 (Agir Ici 2005). Aside from this, even in countries like Belgium, Norway and Austria, where national bans or government support had been secured, domestic lobbying was mainly carried out by individual ICBL NGOs/campaigners, while in the UK and Canada, campaigning occurred mainly through the institutionalised national network organisations on landmines. The only major counters to this trend after the Oslo Process started, was the founding of Aotearoa/New Zealand CMC in March 2007 (ANZCMC 2008b) to build for the Wellington Oslo Process Conference the following February (2008c) and the foundation of the Australian CMC in January 2008, the week before the Wellington Conference (CMC Australia n.d.; CMC 2008j).

The main aims of these new national campaigns, including the Irish CMC, were around drawing public and media attention to the diplomatic process. CMC-Austria consisted of one or two people for most of the campaign, with some interest from other NGOs only towards the end of the Process when it was funded to organise civil society events around the December 2007 Vienna Conference (Breitegger 2010b). Similarly, the Irish campaign nominally had fourteen member NGOs (CMC Ireland 2008), but was launched only two months before the final negotiations in Dublin (HRW and Landmine Action 2009, p.94) and prior to then had basically consisted of Pax Christi Ireland. This lack of national campaigning was even more pronounced in developing countries, where the dominant mode of civil society involvement was again through survivors, reproducing the North/South, saviour/victim dynamic of the 'humanitarian fairy-tale' that had been a feature of the landmines campaign (Chandler 2001, p.690).

As with the ICBL, although survivor involvement increased over time, it had a limited impact at a strategic or policy level. No survivors were involved in founding the campaign and during the early stages when agendas, tactics and discursive approaches were established, their participation was limited to photo opportunities, personal testimonies and occasional diplomatic interventions. After HI's Ban Advocates Initiative was set up in September 2007 (Mayne 2010, p.4), survivors participated

in a more organised way (Borrie 2009, p.180), but they remained mainly focused on symbolic interventions at diplomatic conferences and media appearances. An external evaluation found that while they 'received useful training in advocacy and communication skills', they 'were not involved in the strategic design or planning of the Oslo Process or the civil society campaign'. At least some of them would have preferred a more central strategic role, with one survivor explicitly saying they 'should have been on the Steering Committee' (Mayne 2010, pp.8–9; 12).

The lack of widespread strategic or policy engagement by SNGOs and survivors can also be connected to financial dependency on donor funding, distributed via NNGO intermediaries as it was only at a late stage that most such monies became available through HI-Belgium's Ban Advocates' Initiative and the aforementioned Diana Fund/Landmine Action *Local Voices, Global Ban* grant scheme. This also opened for applications in September 2007 (Stalker 2008, p.6), nearly four years into the campaign, and entailed detailed conditions requiring applicants to carry out prescribed activities and produce specified outputs (Stalker 2008, pp.13–14). This sort of centralised control also characterised the approach of ICBL and CMC head office staff, which reviewed strategy on a country-by-country basis 'to determine objectives and related strategy and advocacy efforts for the CMC in those countries' (ICBL 2008, p.24). It is also evident from the CMC's 2008 *Report*, which states that local campaigners lobbied governments 'using CMC Action Alerts and lobbying guides with global campaign messages drafted by CMC staff and approved by the Steering Committee' (CMC 2009a, pp.4–6), in the detailed instructions and uniformity of messaging in lobbying guides distributed for major conferences (CMC 2007f) and in head office plans for the CMC's first Global Day of Action in November 2007 prior to the Vienna Conference (CMC 2007a). All of this tallies with complaints of 'a somewhat "top down" coordination style by the CMC' (Mayne 2010, p.7) and was reflected in its greater centralisation and formalisation, including the acquisition five staff by the time of the final negotiations in 2008 (CMC 2009a, p.14). Related to this and reflecting and reinforcing the lack of vibrant national campaigns, CMC staff played a much more direct role in organising activities internationally, so that along with the Steering Committee, and in particular the three Co-Chairs appointed in early 2007, they comprised its effective leadership.

According to Moyes and Nash (2011a, p.79), the Steering Committee was 'the decision making body for the coalition', which 'took a hands-on approach to decision-making on policy, strategy and communications' (Nash 2012, p.131) and met at least three times a year to decide 'strategy, policy and general management' (CMC 2009a, p.14). Although early on, some of the founder NGOs had aspired towards a more expansive network that would 'prevent the steering committee from looking

like a “ICBL Two” by involving more SNGOs and even reaching beyond the NGO sector to other civil society groups (Pax Christi Netherlands 2004, p.6; 33; 43), the Interim Steering Committee of seven Northern and three non-Western NGOs quickly became the Steering Committee. Its sixteen NGO members over the course of the campaign fairly accurately represented the distribution of power within the CMC with only four small non-Western NGOs⁴⁹ represented. This Northern dominance was reinforced by the appointment of the three NNGO co-Chairs in early 2007. It also seems significant that the membership of the Steering Committee remained relatively stable, despite the campaign’s substantial numerical and geographic growth, which again suggests newer members lacked significant influence within the campaign. This lack of democratic participation is also borne out by the available information on the CMC’s internal decision-making and how the leadership related to the wider membership

There appears to have been relatively little substantive input from the wider membership into CMC strategy, especially as only two general meetings were held between the CMC launch in November 2003 and May 2008 – in Copenhagen in March 2004 and Geneva in November 2006⁵⁰ (DanChurchAid 2004a; CMC 2009c). Moreover, although campaigners also met during the Oslo Process, important strategic decisions were taken by the Steering Committee, rather than the broader membership. Changes to the CMC Call were decided by the Steering Committee at meetings in January and February 2007 and in discussions over email, rather than at the General Meeting the previous November and the final wording of the Call for the remainder of the Oslo Process was drawn up by the CMC Coordinator and HI France’s Director-General, Jean-Baptiste Richardier, and emailed to the membership (Borrie 2009, pp.146–7; 166–7). Moreover, according to Moyes’ own account, the CMC leadership decided its bottom line for the final negotiations without informing or consulting the membership in advance, as it ‘basically decided that we were the people that knew what we should think’ (quoted in Rappert *et al.* 2011, p.315). Overall, the organisation of the CMC mirrored North-South structural inequalities, resource differentials between member organisations and inequalities of access to donor funding and political elites. Nash (2012, p.137) acknowledges that ‘the fact that member organisations in the north had more money and resources, and therefore time, to devote to the campaign made it easier for them to take up key leadership roles’, but he appears to accept this as inevitable, remarking this is ‘likely to be a point of tension for any global civil society coalition’.

⁴⁹ Protection, IPPNW Russia/Zambia, Nepal Campaign to Ban Landmines and Lebanon Resource Center.

⁵⁰ A meeting initially billed as a CMC General Meeting was held in Paris in October 2005, but seems to have been downgraded at some point (CMC 2005c).

Conclusion

Contrary to the expectations created by liberal theories of the globalisation of ICT and the development of global civil society, the CMC was neither horizontal nor non-hierarchical. In fact, it was more centralised and formally hierarchical than the landmines campaign had been. This can be partly attributed to increased professionalisation in the NGO sector since the 1990s – in turn linked to the accumulated impact of the ongoing outsourcing of government functions – as well as to deliberate organisational decisions that maintained central control by a small core of well-connected moderate NNGOs. Hence, while the appearance of global and public support was again created in order to increase the campaign's political legitimacy, it had a smaller public support base than the landmines campaign, fewer NGOs were involved and it was even more financially dependent on a narrow range of likeminded Western donors, in particular Norway as the lead state backing the Oslo Process and bankrolling the CMC. Given the relatively small scale of the cluster munitions problem even compared to APMs, attracting broader and stronger public support would have required addressing wider structural issues related to the world military order. Given their Western elite-dependent material base, the lead NNGOs chose to avoid this and instead constructed cluster munitions as an apolitical, single-issue humanitarian problem. The next chapter analyses this choice of discourse and the predominantly insider tactics NGOs used to pitch it to policy-makers and persuade them that agreeing a ban treaty in 2008 was in their long-term hegemonic interests.

Chapter 7 – The Cluster Munitions Campaign: Discourse, Tactics and Outcomes

This chapter examines the CMC's discourse and tactics and assesses the relevance of the campaign's main outcome – the Convention on Cluster Munitions (CCM) – for the argument of the thesis. As with Chapter 5 on the landmines campaign, one of its main aims is to assess the level of discursive and tactical autonomy the lead NGOs in the campaign had from hegemonic Western elites, in particular Norway, as the lead state supporting a ban and backing the Oslo Process. It then analyses the process and outcomes of the final treaty negotiations in Dublin in 2008, in light of these dynamics, before assessing the content of the CCM and its likely practical impact. Finally, it discusses to what extent NGO influence helped produce these outcomes and the degree to which NGOs acted as autonomous agents. It concludes by considering the campaign's overall relationship to hegemonic ideas and practices, and the wider implications for the hegemonic role of global civil society in global governance at national, international and global levels.

The Discourse of the Cluster Munitions Coalition (CMC)

The literature on the CMC generally presents it as a continuation of the landmines campaign that extended the re-framing of weapons as a humanitarian rather than arms control issue (Borrie 2008, 2009; Goose 2008c; Borrie *et al.* 2009; Bolton and Nash 2010; Petrova 2010; Nash 2012), thereby contributing to what UNIDIR calls 'disarmament as humanitarian action' (Borrie 2005; Cave 2006). Aside from one article by Cooper (2011), there has been almost no critical analysis of the arguments it made or how they related to elite interests. This section addresses that gap by examining the discourse the CMC used to argue for restrictions on cluster munitions under four main headings: the relationship of cluster munitions to 'smart' weapons; military utility in a 'human security' framework; the problematisation of cluster munitions; and the North-South dimensions of CMC discourse.

Cluster Munitions and 'Smart Weapons'

As the major Western military powers were upgrading to 'smart' cluster munitions with self-destruct mechanisms and guidance systems for military reasons (Weidacher *et al.* 2005, p.35; 43) and had an interest in retaining these weapons for reasons of military and economic advantage, a technical discourse emerged early in the campaign that contrasted low-tech cluster munitions with more advanced weapons. For example, one of HRW's main early arguments was that reducing the 'dud rate' was 'a place where military necessity and humanitarian concern coincide' (Goose 2003d, p.111). It therefore suggested improving cluster munition reliability by mandating a failure rate of

'less than 1%' (HRW 1999d, 2001b, 2003b, p.117, 2005a, p.10, 2006c; Goose 2004b) and introducing a limited ban on "worst offenders"— those cluster munitions known to have especially high failure rates (Goose 2004a, p.9). However, not all NGOs influential in this area agreed with this approach. It was publicly supported by Landmine Action until early 2006 (Nash 2006b, p.37), whereas NPA advocated a ban in Norway and HI would also have preferred an unequivocal ban position. As a result, the CMC Call devised in 2003 remained limited to a moratorium on cluster munitions until January 2007 (Borrie 2009, p.146n59). It employed a deliberately ambiguous phrasing, which implied technical solutions or a limited ban, rather than comprehensive prohibition, would resolve the problem. Consistent with this, the CMC established a 'worst culprits' Sub-Group, to draw up a list of the most objectionable cluster weapons (Goose 2004a, p.10, 2004b, pp.25–6). Some NGOs warned of 'sending an implicit message that if some cluster munitions are worse than others, then by extension some cluster munitions are better' (in DanChurchAid 2004b, p.59).

The strength with which some NGOs made the distinction between advanced cluster munitions and others is demonstrated by their endorsement of some 'smart weapons', and by implication their manufacturers. HRW cited US development of guided 'smart' munitions as an example of 'Positive Policy and Practice' (2005a, pp.8–9) and Goose's description of the weapons was so complimentary that US firm, Textron Defense Systems, quotes it as a product endorsement (Goose, 2004a, p.14, quoted in Textron Defense Systems 2011a). Pax Christi Netherlands argued that the German manufacturer of the SMARt-155 munition had replaced 'quantity by effectiveness' and opined that 'military operations likely to be encountered today actually demand reliable and precise weapons, not unreliable area-attack cluster weapons' (Weidacher *et al.* 2005, p.42; 47). In this way, cluster munitions were portrayed as cheap old weapons that advanced militaries should replace with high-tech weapons on military as well as humanitarian grounds. HRW (2003b, p.114) quoted a description of cluster munitions in a US military presentation as "a Cold War relic", while Pax Christi cited an arms company's description of area weapons in general as "obsolescent" because "Modern "asymmetric" threats require precise point-weapons" (Weidacher *et al.* 2005, p.51).

As the campaign progressed, however, Landmine Action and NPA increasingly discredited the possibility of improving failure rates through technical fixes. In December 2007, NPA published a joint report with the Norwegian Defence Research Establishment, which used Norwegian military tests to disprove the low failure rates claimed by manufacturers for the M85 – one of the most advanced 'smart' munitions ever used (King *et al.* 2007). It showed self-destruct mechanisms often failed to work even under test conditions, alongside field research from Iraq and Lebanon that showed they were even less reliable in combat (Nash 2006a; King *et al.* 2007; Moyes 2007).

Although Landmine Action and NPA differed from HRW on the question of the failure rates of cluster munitions, their stance on the issue of ‘accuracy’ was very similar. Landmine Action’s Simon Conway tacitly endorsed the concept of ‘smart’ weapons in a CMC press release, stating that “In my view, smart means precision guided” (CMC 2007g) and although HI decided to demand a total ban on all cluster munitions in February 2005 (HI-Belgium 2006c, p.35), its effective acquiescence to the exclusion of guided ‘smart’ cluster munitions from the Belgian ban set an important precedent. Consequently, even after the CMC switched from the demand for a moratorium to a ban position in early 2007 (CMC 2007h; Borrie 2009, p.146), it did not insist that the most advanced ‘smart’ guided munitions be included (CMC 2006d, 2007d, 2007i, 2007i, 2008l, 2008m, p.9). Instead, it argued that as a new and unproven technology, the precautionary principle should apply, whereby ‘the burden of proof’ of ‘safety or acceptability...rests with those producing risks’ (Rappert and Moyes 2004, pp.5–6; Rappert 2006, pp.27–8). A mixture of pragmatism and strategy lay behind this, as the intention was to paint states into a corner by encouraging them to try to prove that their weapons would not cause ‘unacceptable harm to civilians’ (Rappert *et al.* 2011, pp.306–309). This would be difficult with any weapon, including the latest guided ‘smart’ cluster munitions, which had hardly been used yet in combat (McGrath 2008). It also helped secure the participation of technologically advanced Western states like Germany and Norway (Petrova 2007, p.28), by suggesting NGOs would acquiesce to excluding some high-tech weapons from the definition of cluster munitions to be banned by the treaty.

Military Utility in a Human Security Framework

The CMC (2006e) explicitly situated itself as a human security campaign, describing itself as ‘a group of people committed to the protection of civilians in armed conflict and to democratic processes to promote human security’. Nash (2012, p.130) also emphasises this, explaining its approach ‘was consistent with the concept of human security focused on protecting the lives of people and communities, rather than traditional security focused on protecting the nation state’. Similar to the ICBL, the CMC’s main legitimising frame in this context was humanitarianism and IHL, but such discourse was now explicitly linked to the dominant ‘freedom from fear’ paradigm of human security, which legitimises itself primarily in terms of humanitarianism, IHL, and civil and political rights, rather than development or economic and social rights.

The CMC’s humanitarian discourse was very similar to the ICBL’s, focusing again on de-contextualised individual suffering and child victims in press releases⁵¹ and campaign imagery⁵². This

⁵¹ Based on analysis of twenty-four CMC press releases from July 2006 to May 2008.

disproportionate emphasis on children served to portray cluster munitions as indiscriminate and disproportionate weapons, whose humanitarian impacts outweighed their military benefits and so should be illegal under IHL. It was exemplified by the use of cluster munitions' physical resemblance to toys as the main hook of a joint advertising campaign with the UN and the Diana Fund (CMC 2007j), even though research by HI-Belgium (2006a, 2007), which collated all cluster munitions casualty data for the first time, found two-thirds of victims were adults (2006a, p.44). This also reflected a continuing paternalistic framing, consistent with the exclusion of survivors from strategic decision-making, which sought public sympathy through simplistic, emotive appeals to humanitarian sentiments. This lowest common denominator approach was characteristic of CMC communications aimed at the general public and appealed to pre-existing hegemonic understandings of the world that would resonate immediately without the need for reflexive critical engagement – in contrast to the more complex IHL and military utility arguments NGOs directed at elites.

NGOs again framed these in terms of the IHL principles of distinction and proportionality (McGrath 2000b, p.11; Wiebe 2000; Rappert 2005; CMC 2006e, 2008l). As previously argued, these are core aspects of how IHL legitimises the broader use of force, in legitimising the killing of civilians so long as they are not targeted as such and their deaths are 'proportionate' to military aims. Fidelity to these principles actually helped to constrain the CMC from calling for a ban for several years due to HRW's belief that not all cluster munitions were illegal according to these norms (Nash 2012, p.37). Consequently, HRW (2004b, p.8) declared early on that it favoured 'a CCW protocol that regulates, but does not completely prohibit, all cluster munitions'. Moyes' comments that he "got sucked into" this approach for a while, "Partly...because the people shouting 'ban cluster bombs' didn't engage at all with IHL arguments" (in Rappert *et al.* 2011, p.306), also illustrates the perceived need for NGOs to frame their arguments in terms of IHL norms that legitimise the broader use of force and are accepted by Western states in order to be taken seriously.

This persisted after the Oslo Process began, as the concepts of discrimination and proportionality were embedded in its stated goal of a ban on 'cluster munitions that cause unacceptable harm to civilians' (Norwegian Ministry of Foreign Affairs 2007a). This infers the possibility of 'acceptable harm to civilians', or in other words a legitimate level of 'collateral damage'. This also set the parameters of the CMC's approach, so that the second version of the CMC Call agreed in January

⁵² HI-Belgium's reports contain 16 photographs with children in them and 13 with adults. However, in nine cases the adults are accompanying children and are not the primary focus of the image. Six out of eight photographs of visibly injured survivors depict children.

2007 demanded 'a prohibition on cluster munitions that cause unacceptable harm to civilians' (quoted in Borrie 2009, p.146), a phrase already used by Norway (2006b) in its invitation letter to the Oslo Conference. Although the CMC removed the phrase from a third version of the campaign Call a few months later, it continued to use it to articulate its own demands (CMC 2006f, 2006g, 2007d, 2007f, p.1, 2007j, 2007k, 2007l, 2007m; HRW 2006d, 2007d; ICBL 2007, p.19) and commissioned a film called *Unacceptable Harm* (Anderson 2007). This illustrates how framing NGO demands in this respect did not 'move[d] beyond IHL' as Nash (2012, p.125) has claimed, but actually reinforced its fundamental hegemonic purpose of legitimising the use of force.

Three additional aspects of CMC arguments also served a similar consensual-hegemonic function by: a) taking the claimed humanitarian and human security objectives of military interventions by Western states at face value and assessing the military utility of cluster munitions against these 'freedom from fear'-based aims; b) accepting the claimed unintentionality of 'collateral damage' and politely avoiding connecting humanitarian harm directly to states; c) isolating cluster munitions as aberrant from the normally civilised military conduct and compliance with IHL this depiction assumes; and related to this, avoiding any wider criticism of state security/military practices.

An important aspect of CMC discourse was the acceptance at face value of the claimed humanitarian and/or human security motives of Western military interventions in Kosovo, Afghanistan and to a lesser extent Iraq. Former British army officer and CMC Co-Chair Simon Conway of Landmine Action thus habitually situated cluster munitions in a 'freedom from fear' human security context (Conway 2006b, 2007; cited in CCW 2007, p.4; and WILPF 2008a, p.11). His repeated claim was whereas cluster munitions were originally designed for 'a last ditch defence of democracy' against invading communist armies (2006b, p.3), the nature of conflict had now changed, so that 'The wars that we fight now be it in Kosovo, Iraq or Afghanistan' are 'wars to impose order', so that 'political and economic measures can take hold' (2007, p.9 my emphasis). The same arguments about the supposedly changed nature of war and the same identification with hegemonic Western interests were evident in a CMC video press release, where Conway argued:

The nature of war and the wars that we fight have changed. We're talking about wars of intervention in places like Kosovo, Afghanistan, Iraq, where what you're fighting for is the will of the people and you're fighting amongst the people (CMC 2008n).

Likewise, the chapter on Afghanistan in HRW's (2003e) 2003 *World Report* opens by asserting that '2002 was a landmark year for human rights in Afghanistan' and claims that 'For the first time in over

twenty years, Afghans had realistic hopes for stable peace, legitimate governance, increased development assistance, and new respect for human rights norms’.

Similarly, the address, spreadingourvalues.com, chosen for Landmine Action’s UK campaign website mildly subverted, but ultimately reinforced, Tony Blair’s (1999, 2004) famous use of that terminology to justify military intervention in Kosovo, Afghanistan and Iraq as a way of globalising liberal democracy and free market capitalism. This emerges clearly in a speech by the CEO of the Diana Fund, which asserted that Blair’s argument that “‘the best defence of our security lies in the spread of our values’...is undoubtedly right’, but that using cluster munitions undermined this (in Landmine Action 2006b). The same logic lay behind repeated CMC arguments that the military utility of cluster munitions was limited in the context of the new human security goals of Western military interventions, in which killing people and winning “‘hearts and minds” are equally important. CMC representatives used that phrase on numerous occasions (HRW 2002b, p.17; McGrath 2004a, p.3; Nash 2005a, p.5; Rappert 2006, p.31; HRW and IHRC 2008b, p.12), arguing that ‘In the battle for hearts and minds, large numbers of civilian casualties and ERW-contaminated land stemming from the use of cluster munitions risks undermining strategic objectives’ (CMC 2007n). HRW bemoaned that bombing civilians undermined military goals by alienating local populations and undermining counter-insurgency (HRW 2002b, p.17; HRW and IHRC 2008b, p.12; cited in WILPF 2008a, p.9), while the ‘Product Recall’ campaign launched in October 2006 by the CMC, Landmine Action and the Diana Fund (2006a) in the UK warned that in Iraq ‘Using internationally condemned weapons risks turning those people against us’.

That such arguments not only failed to challenge hegemonic discourses around Western military interventions but actively reinforced them is evident in how they mirrored the discourse of supportive political elites. CMC founder NGO, Pax Christi Netherlands (Weidacher *et al.* 2005, p.8), could quote from a House of Commons report on Kosovo stating that cluster munitions’ “‘reputation as an indiscriminate weapon risks international condemnation, undermining popular support””, while the Austrian campaign claimed the European Defence Agency’s *Long-Term Vision* (EDA 2006) contained ‘powerful statements against the use of CM [cluster munitions] in...multinational operations, since military successes achieved through the indiscriminate targeting of civilians...will not serve the overall political purposes of ESDP [European Security and Defence Policy] crisis management operations’, meaning ‘the military utility of cluster bombs...was expressly doubted’ (Breitegger 2010b, p.34).

CMC arguments that using cluster munitions undermined Western states' 'political capital' and winning "hearts and minds" and the extent of identification in this with the interests of Western states emerges even more clearly in Conway's (2007, p.9) argument that 'We need weapons that hit the right targets and kill the right people...Let's stop losing wars. Let's stop killing civilians. Let's ban cluster bombs'. This adopts the perspective of Western militaries, openly supports their victory in war, and presents all this as a reason to ban cluster munitions.

All of this illustrates the compatibility of NGO arguments with the militarised 'freedom from fear' human security discourses favoured by Western small and middle powers and helps to explain what Nash (2012, p.138) describes as the CMC's 'very close political alignment' with Norway on 'human security'. Maintaining Western legitimacy to use force was presented as a motive for banning cluster munitions, whereas using cluster munitions was portrayed as damaging to hegemony both internationally and domestically. Global public opinion and target populations might lose confidence in the benevolence of Western intervention and cluster bombing would also provoke 'public condemnation' and harm 'political capital' at home, indicating the differential but parallel significance of hegemonic discourses at national and international levels.

Problematizing Cluster Munitions

From the outset, the CMC highlighted that cluster munitions posed a humanitarian problem both because of unexploded ordnance and their indiscriminate area effect at time of use. But this carnage was largely framed as accidental or 'collateral damage', enabling the CMC to avoid accusing user states of *deliberate* IHL violations. This accepted and mirrored the claims of Western states to have acted in good faith, whereas an intentionalist framing would have been far more politically contentious. Initially, although all the lead NGOs emphasised that unexploded cluster munitions had a similar impact to landmines, there were differences of opinion as to whether this was an intended result or an unfortunate side effect. The German campaign (Actiongroup Landmine.de 2005, p.12) and HI were among the few that framed this as a deliberate outcome, whereas HRW (HRW 1999b; Goose 2008c, p.219), MAC, Pax Christi (Weidacher *et al.* 2005, p.4), Landmine Action and the CMC head office all accepted state assurances that unexploded ordnance was unintended and undesirable.

Reflecting these differences, early HI (2004a) materials described the high failure rate of cluster munitions as a "malfunction" planned by the military', who continued to use them because they had the effect of landmines. By contrast, others argued that cluster bombs presented this problem

despite their design, while with APMs it occurred *because* of their design (HRW 1999b, MAC 2001, p.2) The same approach also underlay HRW (1999d, 2002b, p.5, 2003c, 2007d, p.1) and the CMC's habitual framing of unexploded cluster munitions as an issue of unreliability (CMC 2006d, 2006h, 2007h) rather than deliberate actions by states. This argument was used by states themselves. For example, the UK government claimed that, 'while a mine will constitute dangerous ERW precisely because it is doing what it is designed to do, unexploded ordnance poses a danger because it has failed to perform as intended' (Greenwood 2002, p.5).

This avoidance of accusing (Western) states of deliberate IHL violations is even clearer vis-à-vis the area effects of cluster munitions, in other words how they were designed to explode over a wide area, which are more difficult to frame as 'accidental', given they are a central design feature of the weapons. In spite of this, the CMC supported states' framing of the humanitarian harm caused by cluster munitions at time of attack as unintended. Pax Christi asserted that 'Their use in past conflicts has caused significant un-intentional damage during attacks' (Weidacher *et al.* 2005, p.4). Similarly, HRW's reports *Fatally Flawed* and *Off Target* (2002b, 2003b) dealing with cluster munitions use in Afghanistan and Iraq, made the overall assessment of the US bombing of Afghanistan as having 'caused significant numbers of civilian casualties due to technical failures, human error (including misidentification of targets)', and lastly and only 'in some cases', 'weapons selection and targeting decisions that were inconsistent with international humanitarian law' (HRW 2003e). In the same vein, the 'Product Recall' campaign in the UK portrayed cluster munitions as 'faulty' (CMC 2006i), rather than operating according to their design as area weapons. Its tagline was that '[E]very year hundreds of consumer products are recalled because of the risk that they present to the public. It is time to do the same with our faulty weapons' (Landmine Action *et al.* 2006b). This subtly depoliticised the issue and reinforced the concept of 'collateral damage' by framing predictable civilian casualties as accidental. Around the same time, Landmine Action also began to publicly articulate a somewhat more critical discourse, by accusing states of a 'failure to protect' civilians (2006, 2008; Rappert and Moyes 2009) by accurately assessing the balance between military utility and humanitarian considerations (Rappert 2005) and preventing '*Foreseeable Harm*' (Nash 2006a). Yet this approach still only implied negligence by Western forces, rather than highlighting the deliberate use of cluster munitions to target civilians and civilian objects as a way of forcing opponents to surrender, which according to several commentators had occurred during NATO's 'humanitarian intervention' in Yugoslavia (Woodward 2001, p.332; 342; Herman 2002).

As part of this discourse, cluster munitions were defined as ‘inaccurate and unreliable weapons’, a line that appears to have originated with HRW (HRW 2003b, p.61, 2005c, p.15; Goose 2004b) and was adopted by the CMC (2006d, 2008I), including in the definition of cluster munitions in the final version of the CMC Call (2007h) before the treaty negotiations. This framing was sufficiently depoliticised for the UN Secretary-General (2006) and the ICRC (Spoerri 2006) to adopt it, and the ICRC (2007) eventually mimicked HRW’s call for a ban on ‘inaccurate and unreliable cluster munitions’.

A related aspect of how the CMC depoliticised the issue in order to attract government and elite support was to isolate cluster munitions as uniquely aberrant from the normal civilised conduct of Western militaries and their general compliance with IHL. Lead CMC strategists have recognised that ‘defining what is illegitimate is inextricably tied to affirming what means and methods for killing and injuring are legitimate’, so that ‘attempts to restrict particular technologies may be seen as unintentionally sanctioning other forms of violence or even providing tacit acceptance of wider patterns of conflict’ (Rappert *et al.* 2013, p.766). Whether intentional or not, this was precisely what happened in how cluster munitions were stigmatised by the CMC.

This was illustrated in HRW’s (2004b, p.6; 8) claim that cluster munitions were ‘unlike other weapons’ because ‘even states that generally follow IHL cause disproportionate civilian harm with cluster munitions’ and the CMC’s (2008I) insistence that ‘Cluster munitions are qualitatively and quantitatively different from unitary bombs and other weapons’ and so should be treated ‘differently’ (Nash 2005b). Moreover, it claimed that ‘Armed forces have invested a lot in precision-guided weapons to avoid killing and injuring civilians. The use of cluster munitions belies that commitment to civilian protection’ (CMC 2006d).

This portrayal of Western militaries as otherwise ‘responsible’ purveyors of force was also evident in the Austrian campaign’s assertion that the International Security Assistance Force in Afghanistan had refrained from using cluster munitions because of the ‘need to reduce civilian casualties’, despite ‘operating in a very difficult security environment’ and being ‘compelled...to engage in combat operations’ due to ‘Increased insurgent attacks’. In addition, it cited entirely uncritically the claim of ‘a senior Dutch air force commander’ that ‘his biggest worry during high-risk close support missions was causing harm to innocent Afghan civilians’ (Breitegger 2010b, p.34n93).

Isolating cluster munitions in this way as uniquely humanitarily problematic also meant the proportion of humanitarian harm they caused was sometimes exaggerated. For instance, the CMC's (2006d, 2008l) website asserted that

individual reports from specific conflicts where cluster munitions were used indicate that they make a significant portion of the civilian casualties in these conflicts. For example, Human Rights Watch reported in 2003 that cluster munitions used by Coalition Forces killed hundreds of civilians in Iraq.

Given estimated direct and indirect civilian deaths in Iraq run into tens and hundreds of thousands respectively, this grossly exaggerates the relative humanitarian impact of cluster munitions and massively understates the overall carnage. HRW's overwhelming concentration on Coalition forces' cluster munitions use in its report on the opening months of the Iraq War further inferred that clean hands might otherwise have been possible and in focusing on such a small aspect of the overall humanitarian problem, minimised the overall humanitarian impact of the war. Given cluster munitions caused less than 6% of direct civilian deaths and a negligible proportion of total civilian deaths, starting the war was the main 'humanitarian' problem, rather using cluster munitions during it. Notwithstanding this, HRW portrayed Coalition cluster munitions use in Iraq as aberrant from their general compliance with IHL, claiming that 'U.S.-led Coalition forces took precautions to spare civilians' (2003b, p.5), but that cluster munitions use was an exception to this rule, owing to the inherent difficulty in using them responsibly. The context of this was that the co-author of HRW's report on Iraq, Marc Garlasco, had been head of "high-value targeting" at the US Defense Intelligence Agency (Birnbaum 2010; Kennedy 2012, p.31). In perhaps the ultimate expression of HRW's insider tactics, he had travelled to Iraq a mere ten days afterwards as a 'human rights activist' to examine 'the effects of his own targeting' and 'investigate collateral damage from the airstrikes he had helped plan', including an attack killing seventeen civilians he had 'cheered' from inside the Pentagon (Ferguson 2008, pp.10–14; White 2008; Birnbaum 2010).

In general, Landmine Action and HRW's (2003f) stance of taking no position on the Iraq War and focusing solely on how it was conducted was representative of the generally depoliticised approach of humanitarian and human rights/IHL NGOs towards Western conflicts. Landmine Action (2003e), which was not part of the anti-war movement against the imminent invasion, 'warned' the British government that using 'cluster bombs would fatally undermine the credibility of claims that "collateral damage" was being minimized' and implored it 'to exercise strong leadership in stopping the use of indiscriminate weapons'. In a similar vein, HRW confined itself to a legalistic assessment of proportionality and discrimination in individual attacks, thereby situating the conduct of war as

the problem, rather than the war itself. By way of justification, it claimed judging the legality of individual conflicts would compromise its neutrality in assessing belligerents' compliance with IHL and 'require political and security assessments that are beyond our expertise' (HRW 2003f).

In contrast to HRW and Landmine Action, NPA and HI opposed some of the conflicts where Western forces used cluster munitions, but this fact was omitted entirely from their cluster munitions output. Hence, despite having initially opposed the Western interventions in Afghanistan, Kosovo and Iraq, NPA made no mention of this in its materials on cluster munitions published during the campaign, including its *Yellow Killers* report on cluster munitions in Serbia (NPA 2007b). Consequently, its CMC output did not draw any connection between the use of these weapons and the nature of those wars, which it had perceived at the time as illegitimate to varying extents. Instead, it took NATO's stated humanitarian aims at face value, so that, retrospectively, it treated the intervention in much the same manner as HRW.

Likewise, despite having initially opposed both the Iraq War (Leer-Salvesen 2002; Christensen 2003) and the deployment of Norwegian troops in June 2003 (Rudberg Elstad 2003), NPA rapidly withdrew from the anti-war movement (Sandven 2003; Peace Initiative 2011) to join the international aid effort and undertook clearance and reconstruction projects in Iraq funded by the US, Norway and the EU (NPA 2011). NPA's subsequent analysis of cluster munitions use in Iraq makes no mention of opposing the war and adopts an entirely technical and humanitarian perspective (King *et al.* 2007). Similarly, a 2003 report by HI on cluster munitions made no political arguments about the Iraq war, even though it had opposed the war on the grounds that peaceful disarmament was still possible (HI *et al.* 2003). This was uncontroversial domestically, given France had opposed the war for much the same stated reasons. Nevertheless, as a 'neutral' humanitarian organisation involved in post-conflict humanitarian operations in Iraq (HI-Belgium 2004), HI was not actively involved in the anti-war movement.

A similar depoliticisation was evident in the campaign's humanitarian framing, which de-contextualised individual human suffering, with only two of twenty-three survivor accounts in HI-Belgium's (2007, p.10) report identifying the state responsible and none the manufacturer. This avoided repeatedly linking tragic tales of personal loss directly to Western governments, which might have embarrassed the reports' funders, particularly Norway, which was the sole funder of the original research and Belgium and Germany, which part-funded the final report and, like Norway, had supported the cluster bombing of Yugoslavia and Afghanistan by their NATO allies. A similar tact

is discernible in CMC press releases, which hardly ever directly connected cluster munitions' *humanitarian* impact to Western states, for instance captioning pictures of victims and unexploded submunitions with the cluster munition 'responsible' rather than the state or manufacturer. The only exception in 55 CMC press releases from July 2006 to May 2008 was one press release in January 2008 release, which criticised US cluster munitions policy and quoted Branislav Kapetanovic saying he had "lost all my limbs and received severe damage to my sight and hearing after a US-made cluster bomblet exploded in my face" (CMC 2008o). The rarity of such bluntness and its direction at the Bush administration, which was never likely to join the Oslo Process, suggests NGOs deliberately avoided embarrassing users like the UK and the Netherlands in the same way. The same tact was evident in how NGO reports funded by user governments generally did not specifically name them as responsible for negative humanitarian effects (Borrie 2003; Weidacher *et al.* 2005), whereas users were mentioned in two reports funded by NGOs' home governments involved in joint military operations where its allies had used cluster munitions but they had not (HI 2003, p.14; NPA 2007b, p.56).

North-South Dimensions of CMC Discourse

In contrast to the CMC's appeals to Western military and political interests, there was relatively little consideration in this regard for non-Western states, as demonstrated by the CMC's support for various expensive technical fixes, its stoking of Western fears about weapons proliferation to the South, and contribution to the shifting of responsibility for the problem from users and producers onto affected states.

It was widely recognised in the CMC that the cost of 'technical fixes' to improve the accuracy and reliability was likely to be high and only available only from manufacturers in the industrialised west, thereby placing them out of reach for the poorest countries, who would likely to refuse to sign a treaty that obliged them to make these modifications (HI 2005b, p.5, McGrath 2004a, pp.8–9, Goose 2004a, p.15; Weidacher *et al.* 2005, p.4; 36). Despite this, and in contrast to the ICBL's framing of 'smart mines' as a North-South issue, the CMC generally ignored these North-South dimensions of the issue and only made limited reference to it in two press releases towards the end of the Oslo Process, when developing countries' support was needed (CMC 2008p, 2008q). The prospect that the highest tech 'smart' guided cluster munitions would be excluded predictably provoked opposition from developing country stockpilers (Borrie 2009, pp.257–258), with South Africa, Brazil and Egypt arguing it would discriminate against developing countries and widen the gap with wealthier nations (Chrispin Marin 2008; HRW and Landmine Action 2009, p.155; 198).

A related approach, adopted by several developing states, including Venezuela, Cuba, Argentina and Vietnam, a severely affected state, was to frame banning cluster munitions in terms of the longstanding official UN arms control framework of progress towards 'general and complete disarmament under international control' (UN General Assembly 1959, 1961). The CMC viewed this as a recipe for stalemate, given it needed to attract the support of the major Western military powers. NGOs, UN agencies, and the Core Group alike consequently rejected this framing of cluster munitions as a disarmament issue in favour of a humanitarian approach (Borrie 2009, p.281). While this enabled progress towards a ban, it suited Western states in excluding from the agenda questions related to the North/South, West/non-West, military balance, while allowing the retention of advanced 'smart' weapons judged to be less damaging from a humanitarian perspective.

An additional way the CMC ignored the interests of developing states, and actually exploited conflicts of interests with Western powers, was by stoking fears of future proliferation (Nash 2006b, p.42; Rappert 2006, p.10). HRW highlighted 'potential future danger of widespread proliferation' as one of three main reasons to regulate cluster munitions and linked this to acquisition by developing states, voicing 'concern' 'that the number of countries capable of producing cluster munitions will continue to grow as production know-how is licensed and technology transferred, and that countries will increasingly offer out-of-date, surplus cluster munitions to less advanced military allies' (2005a, p.2, 2007a, p.1). Likewise Landmine Action's Simon Conway argued in a CMC (2007o) press release that "The Oslo Process will prevent a new arms race across the developing world", while the Austrian campaign warned parliamentarians in 2006 of 'the necessity to destroy existing stockpiles of CM to prevent them from falling into the hands of unreliable regimes' (Breitegger 2010b, p.12). For similar reasons, the CMC devoted disproportionate attention to Hezbollah's use of a small number of cluster munitions in the 2006 Lebanon War⁵³, which was described by CMC-Austria as an illustration of cluster munitions 'falling into the wrong hands' (Breitegger 2010b, p.12).

This problematisation of possible proliferation was mirrored in an under-emphasis of user and producer responsibility for the existing humanitarian problem and its portrayal as a problem shared by all states, even though culpability for the problem was concentrated among a few, mainly Western, advanced military powers. The US was by far the largest of the top four historical users, which also included the UK, Israel and Russia (HRW 2010). Moreover, all the affected states were

⁵³ 47 separate items on the CMC website (as of 4/8/2010) referenced Hezbollah's use, which was always mentioned in the 'Questions and Answers' attached to press releases. According to Israeli figures, two civilians were killed and twenty-four injured – compared to UN figures of twenty-four deaths and 183 injuries from Israel's cluster munitions use (HRW 2007b, p.46; 6).

non-Western countries that had mainly been attacked by the US and/or its allies with weapons produced by Western arms manufacturers. This included five of the six worst affected states – Laos, Iraq, Vietnam, Afghanistan and Lebanon⁵⁴ (HI-Belgium 2007, p.148; Landmine and Cluster Munition Monitor 2010, p.33).

User responsibility was the third demand in the first two versions of the CMC Call (CMC 2003b; quoted in Borrie 2009, p.146), but it was downplayed over time, while producer responsibility was omitted entirely. Activism vis-à-vis the arms industry was instead directed at investment in cluster munitions production, perhaps due to NGOs' lack of success in pursuing compensation from landmines manufacturers. The disinvestment angle was used more as a publicity tactic in various national campaigns, however, and was not a central aspect of CMC discourse or a core campaign demand. Reflecting this, it was not mentioned in official CMC press releases and despite having earlier advocated a ban on investment as part of the treaty ban on assistance with prohibited acts (CMC 2007p, p.1; 9, n.d.), the CMC had effectively downgraded the issue by the final negotiations and omitted it from *Policy Papers* distributed in Dublin (CMC 2008m).

With respect to user responsibility, the CMC de-emphasised it and formally deleted it from the third version of the Call in April 2007 (CMC 2007h). Consequently, although it continued to support user responsibility at Oslo Process conferences (CMC 2008r; WILPF 2008a, p.22), it had signalled its flexibility on the issue to user states, in particular the UK. User responsibility was also assigned a low priority in the CMC's *Treaty Principles*, first developed for the May 2007 Lima Conference, framed as a vague call for 'special responsibility' repeated for the Dublin Conference 2008 (CMC 2007m, 2007q), (CMC 2008s). However, it continued to be emphasised by many Southern states (2008a, p.22, 2008b, p.22). Benin argued producers should have to 'compensate' affected states (Dublin Conference 2008a, p.3) and Laos hoped the treaty would create a new norm 'for placing responsibility on user States to address the consequences of the use of cluster munitions', (Dublin Conference 2008b, p.7, 2008c, p.1). This position was also supported by Venezuela, which argued '[T]here should be no loophole allowing user States to transmit...responsibility to States affected by cluster munitions' (Dublin Conference 2008b, p.1). According to a senior Austrian disarmament official, African states believed the proposed agreement 'would give richer states a technological advantage, while still burdening them with the responsibility for dealing with the aftermath of CW [cluster weapon] use' (Marschik cited in US Embassy Vienna 2008).

⁵⁴ Russia/Chechnya was the only one cluster bombed by a non-Western state.

CMC's position was that 'International support should be provided for victim assistance efforts, while recognizing that the primary responsibility for developing national victim assistance programs lies with affected States' (Harrison 2008b, p.20n6). In tandem with replacing the CMC's opening Call for special user responsibility with a request for '*all States*' to 'commit resources and capacities to assist communities and individuals affected by cluster munitions' (CMC 2003b, 2007h), this shifted responsibility away from mainly Western user states and arms producers and towards affected non-Western states. Consistent with this, NPA's welcoming address on behalf of the CMC to the parallel civil society forum of a conference of affected states in Serbia declared it was "important to draw a line between conflicts of the past that have caused cluster contamination, and the current need for financial assistance", whilst urging 'donors', including cluster munition users like the US and UK, 'to review donations to the clearance of cluster munitions in countries that have not adopted moratoria', thereby 'conditioning financial support on the future non-use of cluster munitions'.

All these different aspects of CMC discourse – from the emphasis on technical fixes disproportionately available to advanced Western militaries; to accepting their humanitarian justifications for military interventions; to portraying cluster munitions as an exceptional aberration from the otherwise civilised Western way of war and avoiding wider political criticisms; to suggesting and/or acquiescing to solutions that took little or no account of the military interests of non-Western states and transferred responsibility for the problem onto affected states – combined to produce a form of bounded criticism of Western states that portrayed banning cluster munitions as in their enlightened or hegemonic long-term interests and explicitly presented maintaining Western legitimacy to use force as a motive for banning cluster munitions. On one level, many of these arguments were strategic, as states would be forced to defend the use of cluster munitions against their own declared aims, but on another it reflected a level of acceptance, endorsement and reinforcement of these aims.

For some of the lead NGOs and CMC strategists, in particular HRW and Landmine Action, this formed part of a wider agenda of supporting the concept of humanitarian intervention/R2P, and/or strengthening IHL more broadly. Leading UK CMC strategists thus claimed to have significantly strengthened IHL, particularly in relation to proportionality, by reversing the burden of proving the acceptability of cluster munitions onto states (Rappert and Moyes 2009, 2010; Moyes and Nash 2011a, p.16). That the CMC confined itself within these hegemonic discursive boundaries and indeed actively sought to strengthen them, while rejecting or de-emphasising alternative frameworks preferred by developing countries, reflects a lack of discursive autonomy from Western elites,

consistent with its close personnel relationships with Western states and UN agencies, its financial dependency on them as well as private foundations. The end result was an essentially hegemonic discourse. This was also reflected in the increasing shift from demands for user responsibility to 'ownership' of the problem by affected states and increased aid for clearance and victim assistance, which were also compatible with the CMC's humanitarian approach. This inherently entails a charitable model of voluntary international assistance, which once again proved more palatable than legal responsibility to users and donors. This analysis is supported by Cooper (2011, p.152) and Beier (2011, p.170) who argue that the campaign was successful because it adopted the same discourse as Western States on military intervention and on 'new' weapons development. In this way, NGOs' framing of the issue fitted into hegemonic governance narratives and did not question wider North-South power structures, or the wider military and economic practices of Western states and arms manufacturers, and was ultimately perceived as acceptable because it proffered solutions compatible with Western interests. The campaign's financial dependency and close personnel links with supportive elites also predicated a predominantly insider tactical approach and a concomitant strategy of partnership with states and international organisations.

Campaign Tactics and Strategy

From the outset, the CMC mainly relied on insider tactics (Borrie 2009, pp.142–3), the core plank of which was forming a partnership with likeminded states. This was the primary 'lesson' drawn from the landmine campaign by NGOs, states, UN agencies and academics alike and the CMC's eventual success in implementing it has therefore been regarded as evidence of the continuing efficacy of multi-actor partnerships between NGOs, UN agencies and middle and small powers (2010, 2007; Bolton 2008; Borrie 2008, 2009; Goose 2008c; Borrie *et al.* 2009; Frerks 2009; Bolton and Nash 2010; Nash 2010, 2012; Rappert *et al.* 2013). Creating such a partnership with governments initially proved difficult for reasons discussed in the previous chapter, including the diplomatic backlash that followed the Ottawa Process and the changed international security environment of the War on Terror, which resulted in a 'discernible swing back toward national security and defence positions by many governments' (Cave 2006, p.63) and was reinforced by the swing towards conservative governments in the early 2000s.

Against this backdrop, early NGO efforts were constrained by their existing partnerships on landmines with Canada, Norway and other Western governments, which had rendered the ICBL financially dependent on those states. As MAC's then Chair has since explained, the fear 'that formally linking a cluster-munitions initiative to the landmine campaign would threaten partner governments' (Collins 2006) contributed to the ICBL's decision not to add cluster munitions to its

mandate. This discouraged wider NGO participation as had the ICBL taken on the issue, it would immediately have acquired a higher public profile given its still relatively recent success in banning landmines, the huge amount of media and academic attention that had attracted, and its remaining network of national campaigns. Without it, the new coalition was unable to fully exploit the ICBL 'brand', or what remained of its national campaign infrastructure, and had to build a name for itself from scratch.

In the absence of official ICBL support, only a handful of NGOs, including HI, Landmine Action, MAC and Pax Christi, which all participated in government delegations, and HRW, attended the CCW Review and Protocol V negotiations up to November 2003. Their small numbers and insider approach (Cave 2006, pp.65–66; Rappert *et al.* 2013, p.769) helped establish a pattern of heavy dependency on insider tactics that persisted throughout the cluster munitions campaign. Indeed, tactically speaking, the CMC emerged more from these early insider efforts and the institutionalised ICBL, than from the landmines 'campaign' as an international network of national NGO campaigns. According to Goose, this relative lack of wider involvement was the reason for calling the CMC a Coalition, as "Campaign implies that we've got lots of organizations very active on it on a daily basis" (quoted in Borrie 2009, p.52).

These circumstances contributed to the CMC's cautious opening Call for a moratorium, even though supporters in some countries were already calling for a ban (ABM AMRO 2004, Garden & Ramsbotham 2003). This foreshadowed the subsequent constraints placed on CMC activity by financial dependency and the nature of the campaign. In the early years, this necessitated maintaining cordial relations with governments not yet committed to meaningful action and forced the Coalition to survive on very little funding. This largely remained the case until firm support was secured from Norway and other supportive states in 2006. While this massively financially benefited the Coalition, it would have reinforced the tendency to limit CMC discourse to bounded criticisms and discouraged contentious outsider tactics.

From the CMC launch to the launch of the Oslo Process: November 2003-November 2006

After the Protocol V negotiations ended and the CMC was officially launched in 2003, what little government funding was available was earmarked for the more politically palatable subject of ERW, which the CMC had included in its Call largely for this reason (Borrie 2009, p.55). Consequently, it was still devoting significant attention to ERW and calling on states to ratify Protocol V (HI 2004b, p.4). This hobbled NGO campaigning on cluster munitions and forced the CMC to concentrate on expert research on ERW targeted at policy-makers (Moyes and Nash 2011a, p.16). Its other main

areas of activity from 2003-4 were also largely insider-focused, including lobbying diplomats in Geneva, government officials, and the European Parliament to support a new negotiating mandate on cluster munitions at the CCW (CMC 2004d, 2004e; HI 2004b, 2004c; Frerks 2009, pp.17–18). Even by this early stage, NGOs were also already seeking a partnership with likeminded governments. This was discussed at the CMC's First International Meeting in November 2003 (Pax Christi Netherlands 2004, p.28) and Steve Goose (2004a, p.19) also publicly promoted it in HRW's high-profile annual *World Report* in January 2004 and again in his speech at the CMC's Second International Meeting that March, when he declared to the government officials and parliamentarians present that 'A key challenge for NGOs is to promote a Core group of governments that can provide leadership' (2004b, p.28).

The CMC attracted very little media attention⁵⁵ during this period, in part because cluster munitions were no longer being used in Afghanistan and Iraq, which had largely settled into low-intensity counter-insurgencies, and were not used again until a new high-intensity conflict broke out in Lebanon in 2006. Other factors were the lack of public campaigning at the national level, even in Norway or Belgium (Petrova 2007, p.24; 9), in part due to a lack of donor funding, and the preoccupation of leading ICBL figures such as Goose and Paul Hannon of MAC with ICBL/Landmine Monitor in the run-up to the First Review Conference of the APLC in November-December 2004 (Borrie 2009, p.56). The CMC's lack of a proper website until June 2005⁵⁶ (CMC 2005b) further illustrates both the campaign's lack of donor funding and its neglect of public communications. Under these conditions, it made very little progress, leading Petrova (2007, p.12) to conclude that 'for a couple of years CMC had hardly made any difference in terms of campaigning or policy impact' partly because of the vagueness of its campaign Call.

Against this backdrop, tensions developed vis-à-vis campaign strategy, with HRW and Landmine Action preferring to concentrate on research (Borrie 2009, p.61), whereas HI was more oriented towards public campaigning. Another issue was that whereas HRW and MAC viewed the ambiguity of the campaign's Call for a moratorium as useful for attracting government support and funding, the newly appointed CMC Coordinator, Thomas Nash, saw it as 'a growing obstacle, since it was not self-evident what it meant at a time when the CMC to trying to attract NGOs to its banner and begin to build relationships with states' (cited in Borrie 2009, p.57). McGrath (2004a, 2004b) argued that

⁵⁵ Lexis Nexis records only three articles referencing the "Cluster Munitions Coalition" and 823 mentioning "cluster munitions/bombs" in 2004. The 2005 figures are similar at 2 and 670 respectively.

⁵⁶ Prior to this, it had a very limited website on a web hosting service, which has not been updated and is still accessible at <http://homepage.eircom.net/~cmcinternational/home/index.htm> (Accessed 20/12/2013)

the CMC should move away from a limited ban and technical fixes, and instead call for an outright ban – as HI and NPA had advocated from the outset. Meanwhile, Rappert and Moyes (2004, pp.5–6) set out their strategy of reversing the burden of proof onto states to demonstrate that cluster munitions complied with IHL, which also inferred a tactical shift away from advocating technical fixes. HI was the lead NGO that most strongly favoured a change in strategy. In the absence of agreement among the lead NGOs and the wider CMC Steering Committee and with threats from HI field staff to resign if there was no change (Nash 2006b, p.10), the entire HI network decided in February 2005 to launch a public campaign explicitly calling for a ban (HI-Belgium 2006c, p.35). This was facilitated by HI's substantial public fundraising base and large ICBL/CMC budget (HI 2007, p.17), which meant it had more resources and less reason to be concerned about donor governments' reaction than some other Steering Committee NGOs, such as the still under-resourced Landmine Action, or MAC, which was heavily financially dependent on the Canadian government.

HI proceeded to mobilise its branches and launched a public campaign with numerous other NGOs in France that called for a ban without making any distinction between different types of cluster munition (Agir Ici 2005). This involved a national advertising campaign of posters, TV and radio ads, celebrity endorsements, and routine outsider tactics with some participatory elements, including a petition launched in June 2005 that had gathered over 100,000 signatures by that September, and a postcard campaign targeting politicians (HI 2005b, p.3). HI was also involved in the relatively large public campaign in Germany⁵⁷, where Actiongroup Landmine.de had long advocated a ban on all mines and all 'mine-like weapons' including cluster munitions, but did not to join the CMC until after it switched to a ban position (Actiongroup Landmine.de 2007).

Despite all this public campaigning, there was little movement in government positions in France or Germany, which are both relatively large military powers with sizeable arms industries. HI secured a commitment from Nicolas Sarkozy to support French participation in an international process to ban cluster munitions when he was a Presidential candidate in 2006, as well as signatures on its ban petition from Sarkozy's future Defence Minister, centrist Hervé Morin, and the future Foreign Minister, Bernard Kouchner, who had been a Socialist minister in previous governments. Notwithstanding this, France's position did not immediately change when the new government took office in June 2007 (CMC 2007r). In the end, it required several more months of international

⁵⁷ See HI-Germany's ban campaign website at <http://web.archive.org/web/20050306010321/http://www.streubomben.de/> (accessed 20/12/13).

momentum, an internal review that concluded most of its stockpile was of limited use, and some endgame concessions to its interests for France to agree to the treaty (Borrie 2009, pp.251–252).

The first major breakthrough came in Belgium, which again produced the first national ban. Due to its small size and dependence on larger NATO allies for defense, Belgium lacked significant security interests in cluster munitions, so a ban faced virtually no opposition from the military, and the smallness of its arms industry meant opposition from that quarter was less politically influential than in great powers like the US. Under these conditions, once a ban was raised through NGO lobbying and media efforts, activist social democratic parliamentarians and the general public readily supported it. HI-Belgium began its ban campaign by appealing to the Senate and followed up with media briefings and a joint call with HRW and Netwerk Vlaanderen for banks and private companies to divest from cluster munitions. This attracted significant press coverage and led to swift denials of interest from two Belgian arms companies (HI-Belgium 2006c, p.35; Petrova 2007; Borrie 2009, p.66).

The President of the Socialist Party group in the Senate, which was then a member of the ruling four-party Flemish-Francophone social democratic-liberal coalition, responded by rapidly introducing ban legislation. Rather than arising from public pressure as such, the Senate adopted the ban bill (HI 2005b, p.1) largely due to the efforts of individual senators and media attention. The bill was also initially politically uncontroversial given it passed unanimously (Borrie 2009, p.68). Public opinion subsequently played more of a role in getting it through the Chamber of Representatives, as strong opposition emerged from the arms industry (Bodeux 2006a, 2006b; Campioli 2006; CMC 2006j; HI-Belgium 2006c, p.35; Petrova 2007, pp.10–12), which cited HRW's technical fix approach of a limited ban (Belgian Security and Defence Industry 2005; Sudpresse.be 2006) and highlighted how this differed from HI's total ban position (Nash 2006b, p.37n14). HI-Belgium responded with a letter-writing campaign and a petition that gathered 300,000 signatures. Media attention and international pressure from the CMC also helped maintain parliamentary support (Petrova 2007, pp.11–12; Borrie 2009, pp.68–69). However HI-Belgium did not have the support of arms industry workers, which meant the only significant public demonstrations *opposed* prohibition and were organised by trade unions and arms industry workers worried about potential job losses (Bodeux 2006c; Petrova 2007, pp.11–12; Borrie 2009, pp.68–69).

A national ban became law in February 2006, but was qualified immediately afterwards by an additional bill agreed by the four coalition parties. This excluded guided 'smart' munitions the arms

industry was developing, but was also sufficiently vague for NGOs to interpret more restrictively (Petrova 2007, pp.11–12; Borrie 2009, pp.68–69). HI-Belgium was consulted on its content (Petrova 2007, p.12) and appears to have acquiesced. NGOs in the CMC continued to refer simply to Belgium's 'ban on cluster munitions' (HI 2006c, p.1; 3, 2006d, p.3; HI-Belgium 2006c, p.1; 6; 11; HRW 2006d) – which Nash (2006c, p.8) rather disingenuously, but technically accurately, described as 'the strongest possible action'. HI's (2006a, p.3) framing of the second law as 'strengthening the prohibition through a more precise definition' was even more misleading, given it was supported by the arms industry whereas the first law was not. This foreshadowed the CMC's response to the concessions to Western military and economic interests in how cluster munitions were defined in the CCM, which was broadly similar to the amended Belgian legislation (Borrie 2009, p.69).

The CMC Steering Committee had already decided to focus more on national campaigning at its November 2004 meeting (Frerks 2009, p.18). The result was an increased emphasis on consensual and routine outsider tactics, with the CMC (2005e) citing ban petitions of over 100,000 signatures in France and Germany and plans to make the public aware of government positions in a statement to the CCW in August 2005. However, such tactics remained ancillary to the CMC's predominantly insider approach and its ongoing efforts to secure elite support and government partners that would take a lead on the issue. In 2005, this included an IHL questionnaire for states distributed at the CCW and several expert research publications (HRW 2005a; Landmine Action *et al.* 2005; Moyes and Nash 2005; Observatoire des transferts d'armements *et al.* 2005; Rappert 2005; Weidacher *et al.* 2005). In addition, there was the annual informal meeting hosted by the Netherlands prior to the CCW sessions, which in March 2005 was attended by HRW, Landmine Action, MAC, Pax Christi Netherlands, the UN Mine Action Service (UNMAS), ICRC and prospective government partners, which then included Canada, Norway, New Zealand, Sweden and Switzerland (Petrova 2007, p.25; Borrie 2009, p.60).

A second, related effect of HI's Belgian success was to push the CMC more towards a ban position (Petrova 2007, p.12). HRW and MAC were still opposed (Borrie 2009, p.146), however, reportedly due to 'institutional identities' (Moyes in Rappert *et al.* 2011, p.306) related to HRW's IHL framework and belief not all cluster munitions were illegal according to this approach (Nash 2006b, p.37). Lead NGOs at this point favouring a ban position included HI, NPA and Landmine Action, which demanded a ban for the first time in a February 2006 letter to UK parliamentarians right after the Belgian ban law (Conway 2006a; Nash 2006b, p.37). Rappert, Moyes and Nash appear to have become increasingly frustrated with HRW's intransigence, with Nash eventually arguing publicly in UNIDIR's

Disarmament Forum in November 2006 that differences in the campaign were giving ammunition to opponents (2006b, p.37n14). Moyes has also inferred that HRW's obstinacy on this point delayed the UNDP from publicly calling for a ban, which it had wanted to do from as early as June 2005 (Borrie 2009, p.240n35; in Rappert *et al.* 2011, p.306). Borrie (2009, p.237) explains UN agencies were reluctant to adopt a more radical position than leading NGOs like HRW, so had the CMC adopted a ban position earlier, this would likely have helped UNDP in winning over more conservative UN agencies, such as the Office for Disarmament Affairs, which was institutionally invested in the CCW as the official UN arms control forum (Borrie 2009, pp.235–248).

In this period, electoral shifts and the incumbency of liberal/social democratic parties facilitated governments in several middle and small powers in assuming a leadership role on cluster munitions. Such parties generally profess more human security-oriented framings of security policy, distinguishing them from more conservative parties, from which they otherwise differ little, particularly on economic fundamentals. In New Zealand, which joined the Core Group, the pro-ban Labour Party was in office throughout the campaign until November 2008, whereas in the Netherlands, which did not, various conservative/Christian Democrat coalitions were in office from 2002 onwards and support came mainly from opposition parties (Frerks 2009, p.33). For most of the campaign, this included the Labour Party, which eventually joined the government in November 2006, but only as a junior coalition partner. Likewise, Sweden was one of the most supportive states during the preparatory meetings of the Third CCW Review, but this changed once a conservative government came to power in October 2006 (Goose 2008c, p.226; Borrie 2009, p.83).

In Austria, a coalition between the Social and Christian Democrats that took office in January 2007 was significantly more favourably disposed to a ban than the previous conservative/Christian Democrat-far right coalition. Prior to this election, CMC-Austria (a small insider-focused organisation) had successfully lobbied two of the leading opposition parties to adopt a pro-ban position (Breitegger 2010b), but was only able to carry out significant public campaigning, with government funding, after support from the new government was secured (CMC-Austria 2008, n.d.; Breitegger 2010b). Once the new government was in office, it rapidly introduced a national moratorium (Breitegger 2010b, pp.17–19) and went on to play one of the most important roles in the Core Group of States, including hosting an important Oslo Process conference in Vienna.

In Norway, a Labour-Socialist Left-Centre Party coalition took over from the previous Conservative-led government in September 2005 and radically altered that country's attitude to the campaign.

Promoting an international ban on cluster munitions was included in its October 2005 programme for government (Red-Green Alliance 2005, p.9) and it quickly began to implement this, working behind the scenes with likeminded states and NGOs to form a Core Group and hammer out a common strategy (Borrie 2009, p.127). Norway followed up with a moratorium on use in June (CMC 2009c, p.2) and declared in the CCW the same month that it would immediately start working for a 'ban on cluster munitions that cause unacceptable humanitarian problems' 'with interested states, humanitarian organisations and other relevant actors' (Norway 2006a). Once the Third CCW Review Conference in November 2006 again failed to agree a negotiating mandate on cluster munitions, Norway (2006c) announced it would invite 'countries that have expressed an interest and a will to take urgent action', relevant UN organisations, the Red Cross and NGOs to an international conference in Oslo to launch a standalone process 'to prohibit cluster munitions that cause unacceptable humanitarian harm'.

The Oslo Process: 2006-2008

The language used in this announcement was crucial and a variation of it became a central plank of the Oslo Process. Norway's invitation letter to the opening Oslo Conference initially modified the wording to 'an international ban on *those* cluster munitions that cause unacceptable harm to *civilians*' (Norway 2006b), thereby excluding combatants from humanitarian consideration and implying some cluster munitions would be excluded. However, the Oslo Declaration agreed at the February 2007 Oslo Conference, which set the parameters of the Oslo Process and which states had to sign to participate, tweaked this wording again to describe its goal as a legally binding prohibition on 'cluster munitions that cause unacceptable harm to civilians' by 2008 (Oslo Conference on Cluster Munitions 2007b). The removal of the word 'those' provoked some concern from Minimisers such as the UK, as it could conceivably entail a ban on *all* cluster munitions, but it remained enough of a fudge to create a constructive ambiguity about the scope of an eventual ban (Borrie 2009, p.154).

Which cluster munitions did, or did not, cause 'unacceptable harm' became the nominal focus of the negotiations, reinforcing the image of states of humanitarian actors, while the real diplomatic game consisted of competition among states to secure an optimal balancing of their political, military and economic interests. The ideal scenario for many Western stockpilers would have been to benefit politically from being seen to sacrifice weapons for humanitarian purposes that they were phasing out anyway, while excluding as many of their advanced weapons as possible, again on ostensibly humanitarian grounds that would legitimise their wider use of force. This possibility of a win-win outcome incentivised states to engage by appearing to leave much to play for.

The CMC sought to lockdown this dynamic within the structure of the definition of cluster munitions in the treaty from early on, arguing at the second Oslo Process conference in Lima that ‘the proper approach to a definition is to start with the assumption that all cluster munitions pose unacceptable harm to civilians and leave it up to governments to prove that the cluster munitions they wish to retain do not harm civilians’ (WILPF 2008a, p.28). This approach suited the Norwegian Government and was reflected in how NPA had scaled down its initial demand for a total ban, when in writing to MPs in February 2006 it had requested ‘a ban on all cluster munitions with submunitions which are not individually guided/target seeking and which do not have empirically proven and reliable self-destruction mechanisms’ in line with the Belgian legislation (NPA 2006b). In modifying its position like this, NPA acquiesced to proposals from the military to exempt guided ‘smart’ cluster munitions (Petrova 2007, pp.26–9).

A political motivation in Norway was that the second largest coalition party, the Socialist Left, had effectively renounced its longstanding opposition to Norwegian membership in NATO and presence in Afghanistan in order to enter into government (US Embassy Oslo 2006a, 2006b) and so was in need of compensatory foreign policy measures. Norway’s ability to take a more independent line on selected issues for domestic political reasons was facilitated by Norway’s oil wealth, international prestige due to its large aid programme, and its non-membership of the EU, all of which give it a middle power status out of proportion to its small population and much greater freedom of movement on foreign policy issues than other similarly-sized states. This helped ensure the dominance of a ‘human security’ perception of Norway’s hegemonic interests in relation to cluster munitions, alongside the concession to the military of excluding the most advanced guided ‘smart’ munitions.

Having established these broad parameters of the Oslo Process, Norway’s lead diplomat Steffen Kongstad, who had been working with NPA in Norway for some time, recognised the campaigning weakness of the CMC and the need for them to firm up their position (Borrie 2009, p.129; 82). The stasis in the CMC reflected a deadlock among the lead NGOs, as HRW and MAC still believed that calling for an ostensibly limited ban on ‘inaccurate and unreliable’ cluster munitions would be more persuasive to states, whereas NPA, Landmine Action and HI favoured a ‘define and ban’ approach, based on a simple ban call (Borrie 2009, p.146). It took considerable negotiation to reach a consensus among these lead NGOs and the wider Steering Committee (Rappert *et al.* 2011, p.315; Rappert in Nash 2012, p.134). The first attempt at a solution was made in January 2007 prior to the Oslo Conference and simply tacked a demand for ‘a prohibition on cluster munitions that cause

unacceptable harm to civilians' onto the original CMC Call (quoted in Borrie 2009, p.146), which made NGOs' main demand virtually identical to what states signed up to in the Oslo Declaration. This was seen as unsatisfactory by Nash, Landmine Action, HI and NPA, who wanted the CMC to pull in front of states, rather than adopting a diplomatic fudge as their own main objective.

By contrast, HRW and MAC were concerned that changing the Call again so soon might risk NGOs' 'credibility' and attract criticism from states. Five weeks of negotiations eventually produced a second compromise wording (Borrie 2009, pp.166–7), which remained the CMC (2007h) Call for the duration of the negotiations. Like the Oslo Declaration, this called for a ban by 2008 and dispensed with the CMC's opening call for 'special responsibility' by users in favour of urging 'all States' to commit more resources to assisting affected communities and individuals, in effect shifting responsibility away from users and producers and onto affected states and donors in general. Finally, it replaced the vague 'unacceptable harm' language – and compromised with HRW and MAC – by demanding a ban on cluster munitions defined as 'inaccurate and unreliable weapons that are prone to indiscriminate use and that pose severe and lasting risks to civilians from unexploded submunitions'. The 'define and ban' strategy contained in this compromise wording, which demanded a ban on 'cluster munitions' while reversing the burden of proof onto states to show that their particular weapons were not 'cluster munitions', but also anticipated that 'smart' guided cluster munitions would probably not be included, was not widely shared beyond the CMC frontbench. According to Nash (2012, p.137), only the CMC staff and 'certain members of the coalition's Steering Committee' were 'apprised of the nuanced strategic and tactical decisions at play' (Nash 2012, p.134).

Following this, Norway and to a lesser extent other Core states also addressed the CMC's lack of campaigning capacity through large cash injections that enabled it to substantially intensify its activities, including by hiring new staff and carrying out more research. This also allowed greater use of consensual outsider tactics like media and advertising campaigns, which aimed to create the impression of widespread public support to buttress NGO lobbying efforts and the diplomatic process. In this context, the CMC in some ways became even more insider-oriented, due to the fruition of its longstanding partnership strategy. By the time the Oslo Process began, its leadership had gained the trust of supportive government and IGO elites and become 'a respectable and recognised partner at all levels' (Frerks 2009, p.35). Consequently, according to Nash (2012, p.131) 'the coalition leadership was included in a group of key individuals from states and international organisations very early on', with 'A particularly strong bond', 'both institutionally and personally'

between the CMC, Norway, the UNDP and 'key political leaders', involving daily information-sharing and 'ensuring a coordinated approach to problems and opportunities'. Rappert (in Nash 2012, p.134) has acknowledged that 'with the initiation of the Oslo Process, overt criticism of states arguably became bounded by the requirement to keep mutual respectful dialogue between those involved'. In this context, what he describes as governments' 'ungrounded claims' and 'gross failings of political responsibility' vis-à-vis cluster munitions' humanitarian effects 'were rarely mooted' because 'As a matter of diplomacy between a group of individuals, those partaking in the discussions adopted diplomatic (read: bounded) kinds of criticisms of each other – at least in public'.

The campaign's partnership approach, lack of a mass base, and external dependency for financial and political support all reinforced this perceived need for tactful discretion, as NGOs believed they could only succeed by maintaining insider relationships with supportive elites and assisting them in their internal battles with opposed elites. As an anonymous CMC strategist has put it, "We as NGOs were often trying to help one part of a government against another..." (quoted in Rappert *et al.* 2011, p.310). This was reflected in CMC tactics during the Oslo Process, which evinced an internalised consideration of the potential interests of various elite constituencies inside and outside the formal apparatuses of Western states that delimited or 'bounded' its tactical and strategic, as well as discursive approach.

In this context, the CMC's main emphasis remained on insider tactics, including expert research, lobbying and leveraging contacts with governments, IGOs and other elites. Second in importance were slick media and PR campaigns and ban petitions that created the impression of widespread public support. The only exceptions were some protest-style events towards the end the Oslo Process and a brief outbreak of contentious outsider tactics at the February 2008 Wellington Conference, which Borrie (2009, chap.7) describes as its 'crunch point'. A CMC chronology corroborates this tactical distribution, with only nine of 44 actions listed up to May 2008 related to public mobilisation and most of the rest involving research or lobbying (CMC 2009c). Similarly, the largest item by far in the CMC (2009a, p.15) head office's 2008 budget – at 40% – is 'Civil Society Participation in International Meetings'.

NGOs' pre-existing insider status was strengthened by how the Core Group organised the Oslo Process. Norway used NGOs and supportive international agencies to set the tone at the February 2007 Oslo Conference, which was based on a background paper (Oslo Conference on Cluster Munitions 2007c) drawn up by Norway and Borrie and Cave at UNIDIR, with input from the CMC,

HRW and ICRC (Borrie 2009, p.147n62). The opening session was introduced by Goose of HRW alongside the ICRC⁵⁸ and UNDP (Borrie 2009, pp.237–242), and two of the five remaining sessions were addressed by NPA and HI (Norwegian Ministry of Foreign Affairs 2007b). NGOs were also guaranteed excellent access to the other Oslo Process conferences – in Lima (May 2007), Vienna (December 2007), Wellington (February 2008) and Dublin (May 2008), as well as to ‘Track II’ regional and thematic conferences. Most of the latter were again held in non-Western countries and included a special conference of affected states in Belgrade in October 2007, alongside regional conferences in Livingstone, Mexico, Bangkok, which were all held in April 2008 just before the end of the negotiations (CMC 2008t, 2008u, 2008u). As with the Ottawa Process, organisation was co-ordinated between NGOs, the Core Group and international agencies, with the ICBL and CMC co-organising the Bangkok conference (CMC 2010b). CMC delegations participated in all these global and regional meetings, with over 100 representatives in Oslo (Moyes and Nash 2011a, p.64), 140 from fifty different countries in Vienna (Frerks 2009, p.21) and 274 at the final negotiations in Dublin (CMC 2008j). However, of these CMC representatives, only twelve pre-selected delegates in Oslo were allowed to access the actual conference room (Moyes and Nash 2011a, p.64), while in Dublin a maximum of fourteen NGO rotating representatives could observe the plenary. An even smaller number of four or five trusted NGO representatives were permitted to intervene in informal negotiating sessions in Dublin. Irish diplomats privately reassured the Americans that ‘Only a handful of NGOs will be allowed to observe the negotiations’ and that the CMC was ‘led by well-known, credible, and serious individuals’ and ‘was ably coordinating NGO input’ (US Embassy Dublin 2008a). Informal access to diplomats was another important bonus of NGOs’ insider status, with even a more combative Australian campaigner blogging that ‘The cocktail circuit, as repulsive as it is, is a great opportunity to lobby’ (Rodsted 2008). The Diana Fund also organised several such receptions and dinners, with the aim of providing “lobbying opportunities where campaigners could directly access government delegates” (DP Evaluation 2012, pp.4–5).

The Role of Outsider Tactics: A Subordinate Strategy

Once the Oslo Process began, one of NGOs’ main roles was to serve as its public relations arm. This led to an increase in consensual outsider tactics, such as advertising, media and PR work, which ‘drew on the media and public relations techniques of successful political and commercial campaigns’ (Borrie 2009, p.143). As discussed in the previous chapter, much of this was carried out by external consultancies, as well as in-house professionals, reflecting the professionalisation of

⁵⁸ The ICRC’s position was more complex. It basically supported the Oslo Process but did not publicly advocate a ban until October 2007 and then only on ‘inaccurate and unreliable cluster munitions’ (ICRC 2007)

NGOs since the 1990s (Nash in Borrie 2009, p.143). Another significant characteristic was that much of this was 'strategic media work that targets decision-makers at key moments' (Nash 2012, p.135), rather than aimed at the general public as such. This included a Landmine Action campaign in 2007 involving a large ad at Westminster tube station demanding that cluster munitions be 'Milibanned', which was expressly aimed at the then British Foreign Minister (Nash 2012, p.135). This seems to have worked, given UK diplomats cited the ads during the Dublin negotiations the following year as a reason why the government 'needed to be seen cooperating with the process and "could not just walk away"' (US Embassy London 2008).

Likewise, in Dublin during the final negotiations, strategically located billboards and bus-stop advertisements for protest-style events were directed more at delegates than the general public to give the impression that cluster munitions were 'the most important issue in town' (Nash 2012, p.135), while CMC-Austria's government-funded national advertising campaign took place around the December 2007 Vienna Conference (CMC-Austria 2008, n.d.; Breitegger 2010b, p.92). Media work in Dublin was also particularly intense, involving a satellite link that provided broadcast-quality conference footage for news media (Borrie 2009, p.260). All of this was obviously costly and required significant donor support. A similarly targeted approach was adopted vis-à-vis exhibitions and videos produced by professional photographers and filmmakers, which were displayed at diplomatic conferences as well as public events (Landmine Action 2009, p.16).

The relative lack of celebrity endorsements was another indication of the CMC's lesser public orientation compared to the landmines campaign and meant it attracted far less media coverage and far fewer signatures for its ban petitions despite the massive expansion of Internet access which would have made gathering them much easier than in the mid-1990s. The CMC's final tally of just under 705,000 pro-ban signatures (Boer 2008) was therefore still impressive, but much smaller than the 2.5m signatures gathered by the ICBL as early as the first CCW Review Conference in 1995-6.

As the campaign progressed, more publicly-oriented outside tactics were used, but two-thirds of the public mobilisation-type activities listed in a campaign chronology running up to June 2009 occurred *after* the treaty was agreed (CMC 2009c). This inverted the classic social movement trajectory from mass mobilisation to institutionalisation, and indicates such tactics were mainly added later on, to give the appearance of public support and instrumentalise public opinion in support of pre-defined CMC objectives. The CMC's first 'Global Day of Action' was held in November 2007 (CMC 2007s), four years into the campaign, and coincided with an important CCW meeting, while the second was in April 2008 (CMC 2008v), just before the final negotiations. Much of the activities that took place

centred around lobbying and media work and even the public mobilisation-style actions has been designed by the CMC head office with the help of PR and marketing agencies and professionals. The end result was a sort of ersatz simulacrum of grassroots protest. The “Lie Down” protest “concept” rolled in Wellington, Dublin and other cities had been devised with the help of a PR firm (Wareham 2008b), as had the use of silhouette imagery, matching branded t-shirts bearing the CMC logo, and professionally printed CMC placards emblazoned with pre-approved campaign messages (CMC 2007a). Diplomats were also encouraged to participate (Wareham 2008b) in what were highly centrally pre-planned and coordinated events. The CMC head office informed members of the concept and messages beforehand and offered to ‘ship ready-to-use silhouettes’ as part of ‘A Global Day of Action pack [that] will provide information on how to participate as well as tools to use’ (CMC 2007a).

Some more genuinely contentious outsider-style tactics made a brief appearance during the pivotal Wellington Conference, when tensions between states were at their highest and CMC rhetoric was also at its most confrontational. A tougher approach was also evident in CMC press releases, which identify France, Germany, Japan and the UK as trying to weaken the treaty ‘to protect their own stockpiles’ ‘Rather than protecting civilian populations’, and suggest they should commit to a ban or ‘opt out’ (CMC 2008n). Statements made at this time were by far the most critical statements ever released by CMC and were subsequently swiftly removed from its website⁵⁹. Some activists ‘decided of their own accord’ to picket the conference and target Minimiser delegates with accusatory homemade placards (Borrie 2009, p.217). From the perspective of most of the CMC leadership and staff, however, such contentious tactics were counterproductive to their careful negotiating and lobbying work and meant the campaign was sending ‘mixed messages’ (Borrie 2009, pp.222–5). This reflected the hostile reaction from the targeted states, who by the end of the Conference were also annoyed at New Zealand Chair’s refusal to incorporate their exclusions into the draft definition, which was left largely unchanged since Vienna, or incorporate their concerns on interoperability. Speaking on their behalf, France expressed disappointment at ‘the conditions in which the conference was held’ and the under-representation of the views of states who wanted a minimal ban in the conference document (France *et al.* 2008). Similarly, the head of the Canadian delegation condemned NGO tactics as “demeaning and counterproductive”, complaining that “Countries such as my own, and several close allies have been vilified in press interviews and in press releases”. He went to warn that NGOs’ “currency in this process is diminished by some of the tactics employed” (quoted in Landmine and Cluster Munition Monitor 2009). The UK (2008) made similar comments,

⁵⁹ Numerous less critical press releases from before and after Wellington remain available at: <http://www.stopclustermunitions.org/media/press-releases/> (accessed 31-12-2013)

remarking ‘NGOs are not governments and do not have the same responsibilities that governments have for ensuring international peace and security and for funding international development’.

This collective rap on the knuckles and lobbying of Ireland by some Minimiser States to exclude NGOs from informal negotiating sessions (Borrie 2009, p.206) appear to have influenced NGO behaviour in Dublin. The CMC leadership concluded ‘an even tighter single coordination structure’ was needed to prevent any recurrence of spontaneous protest and devised ‘a detailed game plan for campaigners in Dublin that leveraged their various skills, and did not leave even a single campaigner waiting around’ (Borrie 2009, p.225). The CMC leadership also seems to have promised Ireland to tone down its act, given a US embassy cable dated May 8th records Irish diplomats saying that ‘So far, the NGOs have been compliant with Irish Government rules, such as a ban on emotive posters of children who have been crippled by explosive remnants of war’, that no large demonstrations were expected, and that Ireland ‘intended to keep a tight lid’ on civil society activities at the Conference (US Embassy Dublin 2008a). In addition, survivors, who had been involved in the more contentious tactics in Wellington and also made several hard-hitting statements (Habib 2008; Kapetanovic 2008a; Vuckovic 2008), were disbarred from speaking during the formal negotiations and from participating in Working Groups on treaty texts⁶⁰ (Brabant 2010, p.4; Mayne 2010, p.9).

The Endgame: The Final Negotiations in Dublin

By the time the final negotiations started in Dublin in May 2008, the main remaining issues were the exact definition and ‘interoperability’. The CMC’s media strategy was to create an expectation of broad support for a strong ban treaty and portray States who opposed this as out of step with this humanitarian consensus (Bolton and Nash 2010, p.180). It also depicted the US as the main ‘bad guy’, which was ‘bullying’ states “negotiating in good faith here in Dublin to ban these indiscriminate weapons” (Conway quoted in CMC 2008w). This capitalised on the unpopularity of the Bush administration, which was nearing the end of its second term. These tactics perpetuated the CMC’s hegemonic approach of bounded critique by framing participating states as motivated by humanitarianism and the actions of states such as the US as inconsistent with this general humanitarianism of the international community – as well as their own generally well-meaning humanitarian intentions. The strategy was to appeal to states’ desire to maintain domestic and international legitimacy, which implied a ‘successful’ outcome would bolster their domestic hegemony and legitimise the international system more broadly.

⁶⁰ Kapetanović’s statement (2008b) during the Opening Ceremony seems to have been the only exception.

The Core Group of States promoting the process, were uniformly publicly praised, even when they engaged in sharp negotiating practices and made concessions to Minimiser States that contradicted CMC goals. Reciprocally, the Core Group resisted demands by some Minimisers to exclude NGOs from informal negotiating sessions (Borrie 2009, p.206), given their participation was central to Core Group strategy.

During the Conference, the CMC engaged in consensual outsider and insider tactics, presenting a ban petition on the opening day (Dublin Conference 2008d, p.3), conducting an opinion poll in Britain (Norton-Taylor 2008), and exploiting its insider access, within acceptable limits. A few public demonstrations were held, but again were more a simulacrum of protest, similar to the sanctioned events at Wellington. They included another “lie-down stunt”, a small protest outside the US embassy, and a march attended by approximately 200 people – fewer than the number of NGO delegates at the conference (Holland 2008; CMC 2009a, p.6). All three events were attended almost exclusively by NGO employees in CMC-branded clothing and were described by the CMC as ‘media highlights’ and ‘stunts’, indicating their purpose of attracting media attention rather than mass participation (CMC 2009a, p.11; 6; 9).

The negotiation of the treaty: definitions, interoperability and state responsibility

Midway through the first week, Mexico, Lebanon, Argentina, Costa Rica, Ecuador, Guatemala, Palau and Uruguay submitted a formal proposal to delete Article 2(c), which was to list exclusions from the definition (Argentina *et al.* 2008), this was supported by many developing states who continued opposed exclusions until the end of the Conference (Borrie 2009, p.298). By contrast, the CMC frontbench indicated in its opening statement that NGOs would support a cumulative approach to exclusions (CMC 2008x). This also seems to have been the endgame position for Western states in the Core Group (but not Mexico or Peru), given Austria’s lead disarmament diplomat informed the US it was open to ‘a combination of a high reliability standard plus technological fixes (sensor fusing, self-destruct mechanisms) that would allow for the retention of the most modern weapons (US Embassy Vienna 2008, p.Marschik in). The CMC’s rationale for adopting a similar stance was that simply insisting on no exclusions ‘would marginalise them from the negotiation’ and that attempting to limit exclusions through detailed arguments and suggesting alternative text would be more constructive (Borrie 2009, p.273).

It was already clear by the second day that there would be exclusions and that these would be cumulative, rather than requiring only the presence of self-destruct mechanisms or guidance systems. This would mean banning all cluster munitions that had so far been used, including non-

guided 'smart' munitions, a position that was supported by the CMC leadership. However this position outraged much of the wider CMC membership who pointed to the glaring contradiction with the campaign slogan, which recycled the ICBL refrain of 'No exceptions, No delays and No loopholes' (CMC 2008i, 2008y). This reaction was particularly common among SNGOs, many of whom had been lobbying their governments for months to adopt a ban position and who were attending the Oslo Process for the first time on CMC grants (Borrie 2009, pp.274–5). Even Nash (2012, p.137) acknowledges 'this led to a tense 24 hours in which the coalition risked being divided, with campaigners unwilling to advocate the negotiating group's suggested messages to states'. Although the CMC leadership's bottom line was known to the ⁶¹ participating States and could be discerned from a careful reading of policy documents, but had not been communicated – much less debated or agreed – with the wider membership. Campaign Co-Chairs Moyes and Nash responded by meeting with campaigners 'to absorb the full force of their criticism' (Borrie 2009, pp.274–5). However, this produced only nominal changes to campaign statements and CMC strategy remained basically unaltered.

The reasons the Minimiser States acquiesced to cumulative criteria for exclusions were complex and involved several factors, including: the dynamics of the negotiating process, which combined disunity among the opposing states with a strong bloc in favour of a ban and processual manipulation by the Core Group; additional special exemptions for their highest-tech weapons; and public/media attention during the final negotiations. The latter seems to have featured quite strongly in France (US Embassy Paris 2007a, 2007b, 2007c, 2008), where HI led a large, well-funded national campaign, and in Japan (US Embassy Tokyo 2007a, 2007b, 2007c, 2007d), where there was relatively little NGO activity but lots of media attention (Borrie 2009, p.306). Japanese journalists made up a disproportionately large share of the Dublin media contingent (personal observation) and the level of media interest in Japan was such that a documentary about the lead Norwegian diplomat, Steffen Kongstad, was broadcast on national television (Borrie 2009, p.156). Such concerns also helped shift Britain's position. Following a heavy Labour defeat in a by-election during the negotiations, Prime Minister Gordon Brown (2008), who had recently employed former director of Landmine Action and CMC co-founder, Richard Lloyd, as one of his main spin doctors, personally intervened to announce on May 28th Britain would 'support a ban on all cluster bombs, including those currently in service'. This finally settled a longstanding row between the defence, foreign and

⁶¹ For instance, New Zealand diplomats had told the Americans prior to the Conference that 'Although NGOs continue to call for no exceptions...there would likely be some level of flexibility' in relation to 'high-tech cluster munitions with better guidance systems and self-destruct mechanisms (US Embassy Wellington 2008a).

development ministries and allowed UK diplomats to back down on blanket exclusions for non-guided 'smart' munitions.

Germany, France and Sweden secured exemptions for guided 'smart' munitions only they produced, and the German made Smart-155, which had not yet been used in combat, was one of only four existing cluster munitions permitted under the treaty. Another permitted cluster munition, BONUS, was co-produced by Sweden and France (Observatoire des transferts d'armements *et al.* 2005, p.6; 13). The clinching factor for French agreement appears to have been a deal it did with Norway prior to the Dublin Conference (Borrie 2009, pp.251–2), which allowed it to keep BONUS and its Apache 'Kriss' anti-runway cluster munition and this was the only cluster bomb the French airforce actually had in service (Observatoire des transferts d'armements *et al.* 2005, p.14; Borrie 2009, p.252; 272). From a military-industrial perspective, these exceptions and exemptions could be seen as benefiting Germany and France over the UK, by leaving it the odd man out among the European great powers without its own guided 'smart' cluster munition. However, Britain had already ordered Smart-155 from Germany and managed to obtain a separate exception for munitions 'designed exclusively for an air defence role' (Article 2.2a) that exempted its 'Starstreak' cluster missile system.

That the treaty's definition of cluster munitions leaves the door open to developing new weapons to circumvent its provisions was recognised at the time (editorial, *The Independent (London)* 2008). Neither Britain's exemption for munitions 'designed exclusively for an air defence role' nor the upper weight limit of 20kg demanded by the French is subject to the cumulative criteria on which the CMC frontbench was focused, and create the potential for similar weapons to be exempted. This has already happened with Textron's Clean Area Weapon (CLAW), which is marketed as 'Permitted under international cluster munition treaties due to its weight and performance' (Textron Defense Systems 2011b, 2011c). Despite being at least as indiscriminate at time of attack as older cluster munition, CLAW is excluded from the ban because each submunition weighs more than 20kg.

Despite this, the CMC claimed that the treaty bans 'all existing and future cluster bombs' (CMC 2008z), was 'future proofed', and had 'no exceptions for individual nations' own particular types of cluster munitions, which would have weakened the treaty severely' (2008a, 2008z, 2008aa). HRW additionally lambasted the belief that 'Negotiating states crafted the Convention's definition of cluster munition to protect their own arsenals' as a 'fallacy' (HRW 2009a).

Apart from the question of definition, interoperability was the main unresolved issue and the US exerted enormous pressure to exempt military cooperation with non-state parties from the ban on

assistance with prohibited acts in Article 1c of the treaty draft. It contacted over a hundred countries (US Embassy Tokyo 2008), visited capitals, spoke with officials at 'the highest level' in Dublin (Landmine and Cluster Munition Monitor 2010a, p.261 n626), and was rumoured to have threatened developing countries with aid cuts (Cobb 2008). In response, New Zealand and Ireland worked behind the scenes to accommodate US interests.

New Zealand had promised the US in April to seek 'to develop more specific language regarding interoperability' so as to facilitate its own participation in US-led security operations (US Embassy Wellington 2008b) and duly supported this in Dublin (Landmine and Cluster Munition Monitor 2010, p.95). Likewise, Irish diplomats requested 'language that would address interoperability issues' from the Americans prior to the Wellington Conference and inferred that Ireland believed 'the draft text must be changed to deal with interoperability problems if the Oslo Process is to move forward' (US Embassy Dublin 2008b). Subsequent US embassy cables comment that 'True to the Irish view of themselves in the world', government officials 'portrayed Ireland's intended role in the Conference as one of an honest broker striving for reasonable consensus' and 'We are convinced that the Irish will make a determined effort to achieve a workable consensus' (US Embassy Dublin 2008a). Afterwards, Irish diplomats bragged to US officials about successfully achieving an interoperability clause, which they said had been one of Ireland's two main objectives for the final negotiations and had required 'considerable behind-the-scenes arm-twisting' (US Embassy Dublin 2008c).

Norway still opposed a permissive interoperability clause. US officials viewed its stance as 'unyielding' and described Kongstad as 'dogmatic' 'rude', 'unprofessional' and 'brazen' (2007b, 2008). Consequently, his desire to chair the interoperability negotiations in Dublin (Borrie 2009, pp.284–5) was deeply unpopular with the US and states supporting this position, whose exasperation with Norway was obvious in Dublin (O'Dwyer 2008a). The Irish organisers supported US interests and Kongstad was relegated to the lower profile stockpile destruction talks, while Christine Schraner from Switzerland, whose government was unconcerned about interoperability given Swiss neutrality, was chosen to chair the interoperability discussions instead (Borrie 2009, p.79).

Those discussions were organised in a way that ensured the interests of the US and its supporters would dominate. Initially, they took place in a 'Small Group' format with limited access to a select number of states, with HRW also in attendance (Borrie 2009, p.288), and even when they were opened up to more states later on they continued to be held in a small room, with HRW seated in the middle beside Britain, Australia, Canada and Japan and a few other states, and standing room only for the rest (personal observation). The lack of microphones made it difficult for states outside

this inner circle to follow proceedings (O'Dwyer 2008b; WILPF 2008b), especially as no interpreters were provided. In addition, many of the sessions clashed with negotiations on other issues, inhibiting smaller or poorer states with small delegations from participating. Partly as a result of this processual manipulation, diplomats supporting a strong ban, especially those from non-Anglophone developing countries, were not always sure what was going on and had to rely on briefings from UNDP and the CMC (Borrie 2009, p.270).

The CMC contributed suggestions for restrictive interoperability text, placing it in a more moderate position than some states, which continued to oppose any clause outright. The final wording allows states to participate in planning cluster munitions strikes with non-parties to the treaty and even to call in strikes, so long as the choice of munitions used is not 'within its exclusive control' (Article 21) – which it never would be during a joint military operation. This was widely recognised as a loophole at the time (O'Dwyer 2008a) and British military lawyers later told the US that it allowed involvement by 'personnel in the chain of command or headquarters positions' in cluster munitions strikes and for 'UK pilots embedded in U.S. units' to fire cluster munitions' (US Secretary of State 2009). In other words, it allowed intentional assistance with cluster munitions use, which an editorial in the CMC newsletter had opined 'would make a mockery of the treaty' (CMC 2008ab). Moreover, as recently as the Wellington Conference, the CMC (2008ac) had listed 'deleting or seriously compromising the prohibition on assistance' as a proposal that 'would cause the CMC to withdraw its support for the treaty and the Process'.

The CMC reneged on this threat and also failed to publicly criticise Ireland and New Zealand for manipulating the interoperability negotiations and supporting an interoperability clause. Its initial response (CMC 2008a) to the final treaty draft simply praised each of the Core Group of States and its review of state policies the following year maintained Ireland bore 'a great deal of the responsibility for the successful outcome of the negotiations and the strength of the convention'. Its allusion to 'concern among NGOs that Ireland was not taking a strong enough position against proposals to add treaty language to facilitate "interoperability"' (HRW and Landmine Action 2009, pp.92–6) was slight, given that by Ireland's own account it had 'arm-twisted' to have such proposals included.

Moreover, even this minor criticism is omitted from subsequent NGO accounts of Ireland's role, published after the US embassy cables were leaked. Despite widespread CMC citations of other cables to criticise US policy, no mention is made of their embarrassing contents vis-à-vis Ireland, no doubt helping to preserve the CMC's role as a trusted partner in receipt of significant amounts of

Irish financial and political support (Landmine & Cluster Munition Monitor 2011, 2012, 2013). Landmine & Cluster Munition Monitor's (2013) latest account of Irish policy approvingly quotes Ireland's praise of "the close and valued relationship between States and our partners in civil society" as vital to making the convention and its assertion that this "model of cooperation...still holds much potential."

The CMC's (2008a) initial response to the final treaty draft described the interoperability clause as 'the only stain on the fine fabric of the treaty' (downplaying the exceptions for the latest cluster munitions) and warned it would 'be watching very carefully to ensure that no state party engages in deliberate assistance with prohibited acts'. Notwithstanding this, HRW later branded the notion that the interoperability clause would 'fundamentally undermine the Convention' as a 'fallacy', claiming it was 'unlikely to have a negative humanitarian effect by promoting or facilitating ongoing use of cluster munitions' (HRW 2009a). This directly contradicted its assertion during the informals that "what's important is what the legal language allows" (O'Dwyer 2008c) and ignored how some states had argued for the clause on the basis that 'in the short to medium term, many...non-State parties will continue lawfully to produce and use cluster munitions' (Australia *et al.* 2008).

HRW's downplaying of the impact of interoperability was consistent with the CMC's denial that the definition contained exceptions. Once the treaty was agreed, it immediately began claiming that a total ban on cluster munitions had been achieved that 'exceeded all expectations' and would also prevent future production, use and transfer by non-parties. Nash claimed that

Here in Dublin we have consigned cluster bombs to the dustbin of history and stigmatised their use. With this historic agreement cluster bombs can never be used, produced or transferred again" (quoted in CMC 2008ad)

As regards the rest of the treaty, reflecting how binding user responsibility was effectively a non-runner well before the final negotiations, international assistance with clearance and victim assistance is entirely voluntary for 'Each State Party in a position to do so' (Article 6) and no legal obligations are placed on users. The only reference to user responsibility is that former users are 'strongly encouraged' to provide assistance with clearance (Article 4.4), but not victim assistance. That Lebanon threatened at the last minute to renounce the treaty unless the adjective 'strongly' was included shows how politically important user responsibility was for affected states, although the change was only a face-saving measure that made no legal difference (Borrie 2009, p.302).

In contrast, affected states are legally obliged to clear contaminated areas within ten years (Article 4.1a) and fulfil a long list of victim assistance duties (Article 5). The CMC had effectively supported this unbalanced outcome in arguing that ‘The formulation “in a position to do so” is appropriate only to assistance and cooperation from other states, not the actual provision of victim assistance by a state to its own population’ (CMC 2007p, p.5). Afterwards, it praised the victim assistance clauses as ‘excellent’, ‘historic’, a ‘monumental triumph’ and a ‘shining light’, and the clearance provisions as ‘very good’ (CMC 2008a, 2008aa). Vietnam, which is one of the six worst affected states, has cited the fact that ‘the convention places more responsibility on the affected states than it does on those states that used the weapon’ as a reason for not ratifying (Landmine and Cluster Munition Monitor 2010, p.268).

As of September 2013, 84 states had ratified the treaty and another twenty-nine had signed it (CMC 2013). This compares favourably with other arms control treaties, such as Protocol V or the CCW, which has only 67 parties (ICRC 2010) however eight of the top fifteen⁶² military spenders, which together account for two-thirds of global military expenditure, have not joined, three of which - the US, Russia and China – which together hold around ninety per cent of the global stockpile. This means many of the states most likely to use cluster munitions have not joined, including the US and Russia, which have actually used cluster munitions since the treaty was agreed. Since the treaty has been signed the US has undermined it by exporting banned cluster munitions (Landmine and Cluster Munition Monitor 2013) and have continued to pressurise states not to sign (US Embassy Sofia 2008; US Embassy Sanaa 2010; US 2009). It has also continued to use cluster munitions with devastating civilian casualties (Landmine and Cluster Munition Monitor 2010, p.263). While the treaty ultimately reinforces the military dominance of Western states it is likely to have the additional impact of increasing arms spending as countries feel under pressure to update their arsenals (Landmine and Cluster Munition Monitor 2011), reinforce trends towards costly high tech weapons and speed up the arms production cycle (Weidacher et al. 2005, p42).

A Gramscian perspective requires addressing the wider effect on the world hegemonic power structures, however, from which standpoint banning a largely low-tech, cheap category of weapons, while leaving higher-tech weapons untouched, appears as highly significant and a major explanatory factor as to why ‘cluster munitions’ as defined could be deemed ‘inhumane’ and banned, and the

⁶² The top fifteen based on 2010 figures were: US (46.5%), China (6.6%), France (4.2%), the UK (3.8%) and Russia (3.5%), Japan (3.3%), Germany (3%), Saudi Arabia (2.7%), India (2.4%), Italy (2.3%), Brazil (1.7%), South Korea (1.6%), Canada (1.3%), Australia (1.2%) and Spain (1.2%) (Perlo-Freeman *et al.* 2010, p.203). The US, China, Russia, Saudi Arabia, India, Brazil and South Korea have not joined.

limitations and repercussions involved in this. Essentially, its structural effect is to increase the relative military advantage enjoyed by advanced military powers, especially those that secured exemptions for their own high-tech weapons, while disadvantaging already militarily weaker states. Given the disadvantages of this were recognised by weaker developing and other non-Western countries, the advantages would also have been perceived by the more advanced military powers, which means that the capacity to ban 'cluster munitions' as defined to a significant extent depended on its being at least potentially relatively militarily advantageous for more advanced powers.

If this is to set the parameters within which arms control can take place, on the one hand it raises troubling questions for NGOs' whole approach, as conditioning the possibility of arms control on military advantage for advanced states would appear structurally likely to generate a counterbalancing effect, fuelling further arms races – and raising wider societal and structural questions of military expenditure that contemporary arms control campaigns are loath to examine at a time of historically high military expenditure.

On the other hand, recognising these wider system-reinforcing effects of the cluster munitions ban fits perfectly with a Gramscian understanding of arms control and IHL as a hegemonic practice, whose fundamental purpose is not to limit the means of violence but to legitimise them and thereby reinforce existing hegemonic power structures through perpetuating the institutionalised use of force. This function is further demonstrated in how banning cluster munitions was framed to Western states as a way of enhancing the political legitimacy of Western military interventions, such that the overall effect of the ban is also to bolster the humanitarian credentials of military interventions, thereby encouraging the use of force and generating greater consent to it.

Conclusion

Given the CMC reproduced the strategy, organisation, funding base and much of the discourse of the landmines campaign, analysing it has clarified the conditions required to replicate that model and its limitations. As with the ICBL, there is no doubt the CMC played a central role in bringing about a ban. The questions addressed here are why did the members of the CMC choose to do this and how were they able to do it?

The close ties between the lead NGOs, Western Core Group states, and sympathetic sections of other Western states that eventually supported a ban, reflected how CMC arguments were bounded by and also resonated within hegemonic parameters shared by elite intellectuals in civil and political

society. This enabled the lead NGOs to find allies within sections of Western states and international agencies with similar functions and/or in mainstream political parties, particularly liberal or social democratic parties that shared similar political-ideological perspectives.

There was a particularly strong resonance between the lead CMC NGOs and Western small and middle powers, as they share a similar consensual-hegemonic function in the international system of generating consent to hegemonic economic compromises and legitimising the use of force, in the context of a world hegemonic system still predominantly coordinated by US military power. This is similar to the way in which civil society performs this function vis-à-vis the state's coercive apparatus at the national level. This helps to explain the affinity of these states with liberal human rights, humanitarian and development NGOs like those involved in the CMC and ICBL.

This affinity was a necessary component of the CMC's self-defined success, given its overwhelming dependency on the Core Group of states, particularly Norway, for the financial and political support needed to produce its discourse and effectively implement its tactics. Without this material base, it would never have achieved its goals, an assessment supported by the contrast between the CMC's lack of impact prior to 2006 (Petrova 2007, p.12; Borrie 2009, p.56; Bolton and Nash 2010, p.179) and the major increase in its activity, visibility and the clarity of its demands following Norway's announcement of the Oslo Process. At the same time, the CMC's goals emerged in the context of shared politico-ideological frameworks that produced compatible policy goals among the segments of state elites from which it drew support.

At a national level, this process of partnership between NGOs and governments illustrates both the integration of hegemonic civil and political society in the integral state through alliances of intellectuals in civil society and political society and elite interpenetration. This phenomenon is particularly apparent in consensual, corporatist societies like Norway and has been accentuated by the ongoing outsourcing of government functions to NGOs since the 1980s, but exists too, in varying forms, in the relations between the other lead NGOs and their home states. The CMC illustrates the extent to which such relationships are increasingly transnationalising and have become overlapped, so that it, in effect, became an element of the Norwegian extended state, while remaining integrated with supportive consensual-hegemonic elements of the UK state as well. Rappert (2011, p.320) touches on such dynamics in acknowledging that '[W]hile governments and members of civil society notionally occupied distinct roles and often held oppositional policies, in practice, such distinctions were blurred'.

The hegemonic effect of this was crystallised in the exchanges of mutual legitimation that accompanied the conclusion of the treaty, in which the bounded differences raised between civil society and governments were subsumed in a chorus of reaffirmation of the international community, the benefits of partnership, and the humanitarian intentions of all concerned. State after state praised the role of civil society in the Oslo Process, including not only the Core Group, but also Minimisers like the UK and Japan. Core state Ireland proclaimed the Process 'had been based on an exemplary partnership of States, the United Nations, the International Committee of the Red Cross and civil society' (Dublin Conference 2008e), while the CMC reciprocally invoked a 'dynamic and powerful' partnership with international agencies and 'committed states' based on 'mutual friendship, respect and trust' (Moyes 2008). A similar universalising consensual-hegemonic function was evident in the CMC's closing statement at the Signing Conference in Oslo:

At this conference government ministers have stood side by side with women and men who have been wounded and impoverished by cluster munitions, united in their commitment to take action...Yesterday, the distinguished delegate of Liberia described this group as "countries of conscience" (Moyes 2008).

This ultimately was the wider hegemonic context of the campaign, which entailed reaffirming the legitimacy of the international system and the notion of states and their militaries as responsible humanitarian actors. Indeed, it was this that enabled the CMC to succeed in banning 'cluster munitions' as defined in the treaty.

Overall, the CMC provides further evidence of the international influence of some NGOs on some issues and of a delimiting set of conditions that enabled NGO influence in these cases, but circumscribe the wider potential for 'global civil society' influence on global governance. The evidence of the CMC suggests this influence is largely dependent on elite support, particularly from: political parties with compatible hegemonic governance strategies; sections of government tasked with similar functions to NGOs; and Western middle powers with compatible interests and legitimising functions within the international system. This consensual-hegemonic function is discussed in more detail in the concluding chapter, which compares the broader significance of the landmines and cluster munitions campaigns for the nature of NGO influence in global governance and the implications for the relationship of states and civil societies.

Conclusion

This thesis began by critically analysing liberal and constructivist claims that NGOs have become more significant international actors that can 'make a difference' in world politics and are thereby contributing to the emergence of a progressive transnational or global civil society that can democratise global governance or even transform it. By applying an original Gramscian theoretical framework to the landmines campaign, which is generally seen as an archetypal demonstration of this liberal narrative, and its closest successful successor, the campaign to ban cluster munitions, this dominant framing of NGO influence in the civil society and global governance literature has been problematised as proceeding from faulty premises and leading to flawed conclusions.

The liberal-constructivist literature on NGOs, global civil society and global governance and analyses of the landmines and cluster munitions campaigns within that academic tradition contain valid observations insofar as they recognise a real phenomenon whereby NGOs, particularly when working in concert with small and middle powers, appear to be able to exert more international influence than previously. It also identifies an interesting apparent paradox, whereby this influence appears to have been achieved without NGOs seeming to possess substantial material power resources. This has led liberals and constructivists to theorise NGO influence as rooted in soft and ideational power and to identify as the main ways NGOs exercise influence the construction of arguments and frames convincing to policy-makers, leveraging moral and expert authority, and working in 'partnership' and transnational advocacy with small and middle powers and international agencies. All of this is then presented as amounting to a significant power shift to international civil society that is democratising the international system and challenging great power influence.

What the liberal and constructivist literature fails to adequately address, primarily due to its inattention to class, are the links between NGOs' soft and ideational power and the hard and material power of other actors. In part, this is because in interpreting the increased prominence of NGOs as a democratising power shift, liberal-constructivist theories of NGO influence and the role of global civil society in global governance generally assume, implicitly or explicitly, that NGOs are autonomous actors, that civil society is a meaningfully autonomous sphere, and that ideas and material interests can and should be separated.

Consequently, this literature views civil society as oppositional to the state and non-governmental organisations as oppositional to governments, while paradoxically simultaneously viewing civil society as the basis of the democratic state. This proto-dialectical understanding of the relationship

between civil society and the state is then unsatisfactorily resolved: either through a theoretical idealist Hegelian notion of the state as representing universal rather than particular interests; or a negative understanding of the state as tending towards an overbearing bureaucracy that must continuously be democratically checked 'from below' by civil society.

As a result of this assumed opposition between civil society and states, the material and political dependency of influential NGOs on financial and political support from state agencies, political parties, wealthy elites whose interests are disproportionately represented by states, and state-funded international organisations, all of which, unlike NGOs, possess significant hard power through the direct control of economic and/or governmental resources, is mentioned only in passing, treated as ancillary, or ignored altogether. Another facet of the same phenomenon is inattention to the class, personnel, and social basis of NGOs and the high level of elite circulation between NGOs, governments, political parties, and international agencies. This latter point further belies the dominant dichotomous view of civil society and states, NGOs and governments.

The same criticisms apply to most of the literature on the landmines and cluster munitions campaigns, which has also concentrated overwhelmingly on discursive elements like framing, while neglecting the campaigns' material bases and the wider historical and political contexts in which they took place, apart from references to the dominant liberal narratives of the end of the Cold War and globalisation. This includes analyses by NGO participants, which, when they situate NGO efforts in a theoretical context, have chosen similar liberal-constructivist theories of global civil society, middle powers (Bolton and Nash 2010), transnational advocacy networks (Moyes and Nash 2011b, p.8), soft power (Bolton and Nash 2010, p.173), and framing (Rappert and Moyes 2009; Bolton and Nash 2010; Rappert *et al.* 2013), while downplaying material aspects like funding.

This participant literature also unproblematically links the bans on landmines and cluster munitions to pre-existing IHL norms, without critically analysing their wider political implications or the historical context of their development and acceptance by powerful states. This separation of soft or ideational power from its material basis and historical-material context is also evident in the official book on the landmines campaign, whose six chapters by NGO participants omit how the campaign was resourced (Chabasse 1998; Stott 1998; Wareham 1998; Warmington and Tuttle 1998; White and Rutherford 1998; Williams and Goose 1998). Likewise, the material basis and structural limits of NGOs' soft power are neglected in Rappert, Moyes and Nash's (2013, p.769) identification of 'information gathering', 'analysing', 'framing', 'redefining' and finally 'communicating and

representing⁶³, as the five key roles civil society has played in developing ‘humanitarian standards’, with little attention to how and why such activities are materially resourced, or the limitations imposed by framing issues so as to connect them to pre-existing norms in a manner that will appeal to policy-makers.

These assumptions and lacunae in the liberal-constructivist literature have hindered a full conceptualisation of the conditions, nature, and significance of NGO influence, in the landmines and cluster munitions campaigns, and also the changes in domestic and international political structures in which those campaigns took place. The structural parameters within which NGO influence operates, and hence its limitations, and the possibility that NGOs, which appear to lack substantial material power bases of their own, may have achieved international influence through their dependence on elites rooted in the political and civil societies of Western states have therefore been overlooked. To overcome this, the autonomy of NGOs needs to be assessed rather than assumed and this assessment was a central, critical part of the case studies.

Viewed from a Gramscian perspective, the case studies demonstrate that NGO influence flowed from their *lack of autonomy* from elites. In the end, their influence was that of dependent actors, integrated into Western-dominated international governance systems, and was more akin to the influence of a government agency on state policy than that of an external social movement. Consequently, the cooperation or ‘partnership’ between NGOs, small and middle powers and international agencies like the UN and ICRC during the landmines and cluster munitions campaigns did not represent a significant power shift, either from states to NGOs, or from great powers to middle powers. Rather, it involved processes of elite competition that resulted at most in a limited reconceptualisation of Western states’ long-term security and foreign policy interests – or in other words slightly modified hegemonic governance strategies – and ultimately reaffirmed hegemonic power structures.

In contrast to the liberal and constructivist approaches that have dominated the literature on this topic, a Gramscian approach starts from an opposite set of interlinked assumptions. Because all social relationships are seen as shaped by class relations rooted in the economic base, which set the limits of ideas and action in the political and ideological superstructures, soft and hard, material and ideational power are seen as inseparable, mutually constitutive elements of hegemonic power and

⁶³ ‘Representing’ refers primarily to how issues are represented rather than representation in a democratic sense, which is only briefly referenced vis-à-vis cluster munitions survivors.

civil and political society as complementary, mutually constitutive elements of integral states. Related to this, rather than assuming civil society influence is generally democratising in a positive sense, it is instead thought to be generally dominated by the same hegemonic class interests that dominate political society or the 'state proper', so that civil society normally reinforces rather than opposes the state, of which it is an integral element. As a result, civil society autonomy cannot be taken for granted and must be assessed rather than assumed. Consequently, in order to assess the nature and conditions of NGO influence from a Gramscian perspective, the case studies were structured to enable an examination of the discourse and tactics of the campaigns within the delimiting context of their material economic, class and organisational basis, and of the level of autonomy of all these aspects from elite interests.

For Gramsci, one of the main ways hegemony is constructed is through the role of intellectuals (in his extended sense of intellectuals as all those who play a leading or organisational role in society), in linking political and civil society with class interests rooted in the economic base through processes of political-ideological representation and organisation. Just as with the ideas and institutions of civil society, Gramsci argues that for a variety of reasons intellectuals will generally gravitate towards identifying with and representing the interests of the dominant fundamental class and associated elites, rather than the subordinate fundamental class. Hence, not only organic capitalist intellectuals like George Soros, but also 'traditional intellectuals' working in political or civil society as government officials, military officers, politicians, academics, charity/NGO workers, or journalists will generally tend to identify, consciously or not, with elites, while displaying hostile and/or paternalistic attitudes towards subordinate groups.

In the case studies, this was exemplified in the close relations among NGO leaders and supportive government and IGO elements, their attitude towards such Western elite allies as 'partners' and internalisation of 'partnership' concepts, sycophantic praise of supportive elites, and habitual articulation of shared interests with their government and IGO counterparts. This contrasted with their generally paternalistic treatment of survivors – the campaigns' subordinate groups, as manifested in their infantilisation in ICBL-CMC discourse; primarily symbolic and objectificatory involvement as poster children for the problem, mainly in the latter phases of the campaigns when their parameters had already been established; and their lack of involvement – unlike Core Group governments and IGO staff – in agenda-setting or strategic decision-making.

According to Gramsci, intellectuals link political and civil society with the economic base in part through 'intellectualising' in universal, ideological terms the material interests of the dominant class and associated elites rooted in the economic base. In general, this does not occur in a monolithic way, but through the theorisation, organisation and competition of varying hegemonic alliances and governance projects that disproportionately represent the *particular interests* of different fractions of the hegemonic class and consensually appeal discursively and through hegemonic economic compromises to different support bases among elite intellectuals and subordinate groups, while coercing other subordinate groups. In practical terms, this occurs at the national level of hegemony through competition between political parties and allied civil society groups, such as religious groups, trade unions and NGOs, and internationally and transnationally, through competition between such hegemonic alliances, whether mediated through the interstate system, IGOs, or multi-actor transnational advocacy networks. In the case studies, this dynamic was reflected at the national level through the campaigns' almost universally closer affinity to liberal/social democratic than conservative political parties, as well as to sections of Western states with similar functions. Internationally, it took the form of alliances with Western small and middle powers, UN development and humanitarian agencies and the ICRC, and later the larger Western powers.

Southern states were much less centrally involved in agenda-setting from the outset and were mainly brought in to make up the numbers in the later phases of the campaigns, including through hegemonic concessions in the form of promises of extra aid if they signed up to a ban, or, conversely, through coercion via threats of aid denial. In both cases, the ICBL and CMC supported these consensual and coercive hegemonic strategies towards Southern states and thereby leveraged the hard material power of their Western elite allies. The limited nature of hegemonic compromise in both cases was illustrated by the substitution of NGO demands for user responsibility by requests for increased voluntary international assistance as the campaigns progressed.

Against this backdrop, the relationships of the lead NGOs with capitalist states and other capitalist elites was predominantly cooperative, in the sense it operated through their willing absorption into hegemonic alliances and governance strategies, referred to by NGOs as 'partnership'. This was manifested by the bounded nature of NGO criticisms of Western governments and the campaigns' preference for insider tactics and to a lesser extent consensual outsider tactics, often oriented towards strengthening the hand of supportive elites towards opposed elites within government apparatuses or competing political parties.

In this context, what conflict occurred between NGOs and Western states took place within the bounds of a generally cooperative relationship, which was also an unequally interdependent one, given NGOs were the dependent 'partner' in terms of financial and political support, whereas government and political elites were politically dependent on NGOs for public legitimisation to a much lesser extent – a dynamic that was significantly more relevant for the more high profile landmines campaign than the CMC. This condition of NGO dependency was one of the main empirical findings of the case studies, which showed that materially, discursively, and tactically, the autonomy of the lead NGOs and the campaigns as a whole was generally weak.

The available information on the ICBL and CMC's central funding shows dependency of well over 60% on the Western donor community, including supportive Western small and middle powers that formed the Core Groups of the Ottawa and Oslo Processes, sympathetic humanitarian or development sections of other Western states and the UN, and foundations operated by liberal capitalist elites. In addition, there was a high level of personnel circulation and similarities of professional background between NGOs and these supportive elite institutions, marked discursive similarities, and a predominance of insider tactics.

The campaigns' relative lack of autonomy along all these key indicators was manifest in hegemonic discourses and direct and indirect outcomes that reinforced existing power structures. The hegemonic functions of the campaigns related to all three forms of hegemonic compromise including: endorsing limited hegemonic economic compromises through de-emphasising demands for user/producer responsibility as the campaigns progressed and instead endorsing the financing of clearance and victim assistance through voluntary international aid; reinforcing universalising hegemonic ideas like the 'international community', 'global civil society', and global governance as a benign partnership of responsible, progressive states, IGOs and 'global civil society'; and legitimising the wider use of force by the West through exploiting, but simultaneously reinforcing, Western states' self-portrayal as responsible users of force motivated by humanitarian concerns.

Because the campaigns were centrally concerned with security and International Humanitarian Law issues, their discourses had a particular bearing on consensual-hegemony in the sense of legitimising or generating consent to force, which lies at the very heart of Gramsci's concept of hegemony and hegemonic power as a dialectical unity of force and consent, of hard and soft power. In both cases, NGOs tried to persuade states that banning landmines and cluster munitions would reinforce the unquestioned legitimacy of their otherwise 'civilised' use of force and also made sense from a

directly military perspective, given those weapons' propensity to 'friendly fire' and/or obsolescence as primitive old, 'faulty' armaments outmoded by the latest technological developments. The CMC in particular worked off discourses around 'smart' weapons, while arguing that particular cluster munitions did not qualify as 'smart'. The ICBL avoided this to an extent by insisting that 'smart' anti-personnel mines also be banned, but within the context of banning a category of weapons generally understood as a 'weapon of the weak'. Both campaigns singled out a class of weapons that primarily consisted of cheap, low-tech weapons that were relatively more important to less advanced military forces.

This indicates a clear hegemonic limit to this type of campaigning that would appear to preclude banning the most advanced and militarily useful weapons. Such strategies were also consistent with how NGOs engaged with Western fears of weapons proliferation to the South, again appealing to the hegemonic interests of Western elites and implying that unlike them, Southern actors were inherently irresponsible, illegitimate wielders of force. The ICBL and CMC's emphasis on preventing proliferation to the South represented a significant departure from the discourse of arms control during the Cold War, which was framed in terms of progress towards 'general and complete disarmament under international control' (UN General Assembly 1959), whilst balancing the interests of the Eastern, Western and non-aligned blocs so that 'at no stage...could any State or group of States gain military advantage' (UN General Assembly 1961). While that framework would in theory preserve the existing military balance, at least until the notional goal of 'general and complete disarmament' was reached, today's arms control perceives the South as the central locus of arms control and de-problematizes Western military expenditure (Cooper 2011). Brought to a logical conclusion, this could only deepen existing disparities of military power and ensure the continued military advantage of Western states.

With respect to the universalising hegemonic concept of 'global civil society', neither campaign approached the global liberal democratic ideals implied by such a concept, nor operated according to the egalitarian implications of a transnational civil society, or transnational advocacy networks, conceived in terms of 'horizontal', 'decentralised' networks. Rather, both campaigns were directed from the North by a small core of professional intellectuals with good elite connections, many of whom had a background in comparable roles in donor states and IGOs, or went on to such positions afterwards. Both campaigns were marked by strong North-South disparities of influence that reflected wider patterns of power in the interstate system and global economic structure and neither campaign was internally democratic.

Interestingly, in contrast to predictions prevalent among liberal theorists in the 1990s and early 2000s that the globalisation of communication technologies would help to attenuate such disparities of influence over time, the later cluster munitions campaign was more centrally coordinated and had less Southern involvement than the earlier landmines campaign. This was perhaps best illustrated by the division that emerged between the CMC's Northern leadership and the wider Southern membership at the final negotiations, when it was clear most SNGOs were unaware of the campaign's endgame strategy, and had definitely not participated in developing it. This was partly due to the nature of the issue, which had had less of an impact on developing countries than landmines, but was also a function of the instrumentalist attitude of NGO leaders towards the participation of SNGOs and survivors as providers of legitimacy and numerical support, which mirrored Core Group strategies towards involving Southern states in the Ottawa and Oslo Processes.

As Beier and Denholm Crosby (1998, p.273) have argued in a Gramscian analysis of the landmines campaign, both campaigns therefore represented global civil society in a reformative, passive revolutionary mode, whereby 'the forces of the status quo emerged with their interests essentially uncompromised, or indeed reinforced'. The argument here goes further in positing that the landmines and cluster munitions campaigns were able to achieve influence precisely *because* they served a hegemonic function and constructed arguments that sections of elites could find in their long term hegemonic interests. Consequently, their influence was a hegemonic influence, which was not a mere by-product of their campaigning practices, but a defining element of the campaigns and the most important reason for their success.

Practical considerations such as the costs of clearing landmines and unexploded ordnance and losses of Western military and aid personnel were also an important factor in elite support, as they meant that while the landmines and cluster munitions problems were small relative to other international development issues such as poverty or disease, they directly impinged on the security and developmental interests of donors and other international actors by endangering the life and limbs of international aid workers, peacekeepers and hindering economic development. In the case of landmines, the technological superiority of Western states, as well as the type of military interventions in which they were engaged, also meant they no longer considered anti-personnel mines a necessary or particularly militarily useful weapon.

Notwithstanding these directly material considerations, hegemonic reinforcement was the most valuable 'reward' offered by the campaigns to Western states and their constituent elites. It seems unlikely that either campaign could have achieved what influence it did, had it not appealed to hegemonic interests in this way, or had more radical demands, discursive critiques, or contentious outsider tactics been central to its practices. Evidence of this abounded, from the ways in which aspects of the problems that could have more seriously impinged on the material interests of Western elites, such as the concept of user/producer responsibility, or banning anti-vehicle mines or the highest tech guided cluster munitions, were either excluded from the agenda entirely or progressively de-emphasised. In addition to this, the perspectives of more critical NGOs were marginalised within the landmines campaign and were almost non-existent in the cluster munitions campaign, while contentious tactics were rapidly shelved on the rare occasions they emerged. For example, the spontaneous contentious tactics that briefly emerged in the cluster munitions campaign towards the end of the Oslo Process provoked a strong negative response from states and resulted in a noticeable toning down of NGO tactics and greater centralised control at the final negotiations. Likewise, protests during the final negotiations of the landmines treaty were quickly forgotten in the avalanche of mutual legitimisation that followed its conclusion.

In general, the type of hegemonic reinforcement NGOs offered was more appealing to sections of states with similar functions, such as development and foreign affairs departments that already funded them to carry out government foreign policy, and also the liberal/social democratic parties for whom humanitarian ideas are more central to their hegemonic projects/governance strategies. Consequently, NGO success in persuading governing elites to support the campaign was strongly related to how close their general perspectives and goals were to begin with – as shown by the greater receptivity to NGOs of liberal elites, Western small and middle powers, and government departments with similar political dispositions, interests and functions, for whom allying with NGOs strengthened their hand against competing elites nationally and internationally.

For Western governments and political parties, the purpose of adopting such humanitarian politics is strategic in a double sense. On the one hand, it serves to legitimise the wider foreign and security policies of states by enabling them to point to humanitarian aid or humanitarian weapons bans as evidence of their generally good intentions. On the other, for liberal-social democratic parties it is a means of product differentiation from more conservative parties from which they otherwise differ little, particularly in relation to economic fundamentals. In this sense, supporting more human security/human rights-based approaches to foreign policy serves a similar function to liberalism on

social issues for social democratic parties that no longer engage with class politics, and has led to policy convergence between liberals and social democrats.

An interesting finding in the case studies in this respect is that while liberal-constructivist global civil society and global governance theorists and NGOs alike are quite open about the perceived need for partnership with IGOs and states, and in particular small and middle powers, to achieve results, the same point is not usually made vis-à-vis political parties, even though lobbying them was at least as important an element of NGO tactics. This can be related to NGOs' self-presentation as 'non-political' and the general antipathy towards political parties in contemporary liberal civil society theory, which likes to present NGOs as a horizontal, networked alternative to putatively outmoded, vertical and hierarchically organised political parties, rather than as a subordinate complement to them.

The analytical implication of this anti-party bias is that it overlooks how hegemonic alliances are still organised in large part through the formal political system, and how the type of reformist NGO activity that the campaigns represented still had to gain the support of mainstream political parties to achieve its aims. This further undercuts the notion of a 'power shift', as policy change still required mainstream political parties with compatible interpretations of hegemonic interests, and ideally for them to be in government.

Notwithstanding all this, liberal analysts are correct that NGO involvement in foreign policy processes represents a significant temporal change in foreign policy formation. The explanation suggested in Chapter 2 and illustrated in the case studies is that NGOs have emerged as 'influential' international actors since the 1980s in large part because government functions in the fields of humanitarian aid, development and foreign policy have been outsourced to them, in an internationalisation of neoliberal modes of governance also implemented domestically. This first passive revolution, or reform of the structures of established Western capitalist states, was rapidly accompanied by a second passive revolution in the form of a historically unprecedented geographic expansion of capitalism following the end of the Cold War, whereby Western NGOs and the new model of outsourced governance rapidly penetrated the East and South. This also involved a massive increase in funding for international NGO activities from liberal foundations operated by wealthy capitalist elites, as well from donor governments and IGOs. This has led to NGOs increasingly playing a similar hegemonic role transnationally and 'globally' as they do at the national level as part of integral states. In this sense, there has been a globalisation of civil society, or at least of its

hegemonic elements, which has occurred in a profoundly uneven way and reflects disparities of power in the interstate system and global economic structure.

When the landmines campaign began in the early 1990s, this outsourcing of government functions to NGOs and its expansion to the South were still relatively new phenomena for international humanitarian and development NGOs, which had been much more financially independent in the 1970s and 1980s. By the time of the CMC, it was institutionalised – both for NGOs generally and particularly the lead NGOs in the ICBL/CMC, which were mostly the same organisations and involved some of the same individuals. Consequently, the idea such NGOs were reasonable, trustworthy expert partners who could safely be listened to had become institutionalised among states, but what elements of outsider influence NGOs had still had during the landmines campaign had diminished, resulting in the CMC's increased reliance on insider tactics. Against this backdrop, NGO influence was essentially contingent on NGO integration in Western-dominated international governance networks, in part as a result of outsourcing, and was facilitated by the existence of shared ideas and values between NGOs and liberal-social democratic elites in political parties in Western states, the UN and other international agencies like the ICRC.

To present this type of NGO influence as a power shift is misleading, as it cannot be seen as a meaningful power shift in the sense of the empowerment of subordinate groups, but is more representative of a re-organisation of governance. This has occurred through an alteration in the balance between civil and political society in integral Western states through the outsourcing of governance functions to NGOs, which has led to a closer integration of NGOs as arms of government, including in relation to foreign policy.

Particularly for smaller and middle powers, aspects of foreign policy have increasingly been delegated to internationalised civil society components of integral states, as a means of increasing those states' international influence and enabling them to 'punch above their weight'. The 'Norwegian model' is a particularly conscious example of this foreign policy strategy, as is Canadian diplomats' reference to NGOs as an increasingly useful part of their 'diplomatic tool-kit' (Lawson 1997a, p.23). Of course, this is not an entirely novel development, given it has been an element of Western states' foreign policy at least since the role of religious groups in colonialism, but it has intensified in recent decades in the context of neoliberal governance trends towards privatisation and outsourcing.

Liberal-constructivist theorists have interpreted this development in terms of a power shift from states to civil society, whereas from a class-based Gramscian perspective, it appears more that similar governance functions and social interests are being represented in a somewhat different way. In the process, governance functions formerly carried out directly by government agencies have been outsourced to NGO and professional intellectuals that would previously have been employed by states or joined political parties in the days of mass membership and are now working for NGOs, carrying out similar functions in a privatised and more depoliticised capacity. From the perspective of a Gramscian understanding of intellectuals as secondary hegemonic subjects that theorise and organise hegemonic ideas and projects on the part of the dominant class, such 'leadership' can originate 'from' positions in civil society, so long as the ideas involved are compatible with the fundamental interests of the dominant class, domestically and internationally. This closer integration of NGOs into state-dominated national and international governance systems helps to explain the campaigns' dependency on insider tactics and the bounded nature of their discourses, which did not, and indeed could not, have challenged the nature of the governance system within which they were embedded as it was this system itself that gave NGOs resources and influence and constituted them as actors.

Another way in which presenting NGO influence as reflective of a power shift is misleading is that in respect of the multi-actor partnerships or transnational advocacy networks involved in the landmines and cluster munitions campaigns, it implies NGOs' small and middle power partners have fundamentally different interests to their great power allies, and would seek to meaningfully challenge international hegemonic power structures, rather than serving a complementary, legitimising role. Historically, middlepowermanship has taken the form of acting as a 'helpful fixer' for larger powers in assisting the smooth running of the international system, a role still apparent in Canada and Ireland's behaviour during the final negotiations of the landmines and cluster munitions treaties. Latterly, it has also involved a more pro-active 'heroic' role (Michaud and Belanger 2000), in which small and middle powers promote new international norms that may be opposed by larger powers – as also occurred in the landmines and cluster munitions campaigns.

What liberal analyses of such 'heroic' behaviour tend to overlook is the extent to which small and middle powers promoting these norms endeavour to persuade larger allies they are in its long-term hegemonic interests and that of Western hegemony at the international level generally. That this was not an 'unreasonable' argument is suggested by the ready support of individual liberal elites in the US and other great powers, such as Senator Patrick Leahy and George Soros, who could perceive

banning these weapons as in their countries' enlightened long-term, or hegemonic, interests. Consequently, appeals to US hegemonic 'leadership' were at the core of Leahy's (1997a) arguments for why the US should support the landmines ban, just as they were for the lead US NGOs (Muller 1994b, pp.69–70). That this has not so far proved persuasive to the US does not invalidate the compatibility of the bans with US interests, as it could sign to both of them without appreciably affecting its overwhelmingly military dominance and such a decision would merely represent a change in hegemonic strategy. This suggests NGO intellectuals, small and middle powers, and IGOs can 'lead' within certain parameters, so long as their demands do not 'touch the essential' (Gramsci 1971, p.161) limits of hegemonic politics.

In this respect, an explanation for the emergence of partnerships between NGOs, international agencies like the UN and ICRC and Western small and middle powers allied with the US is that all of them play similar consensual-hegemonic roles vis-à-vis the international system and global governance, but only 'material' middle powers like Canada and Norway, as opposed to smaller states like Ireland or New Zealand that merely aspire to behave like middle powers, appear capable of leading the sort of standalone diplomatic processes in which the landmines and cluster munitions treaties were negotiated. For their part, NGO/civil society participation and acclamation gives the international system and individual states a democratic veneer that policy input from different government departments does not, creating another advantage to outsourcing foreign policy formation to NGOs additional to its lower cost and the potential benefits of distancing certain activities, such as demining from direct state responsibility. With respect to the international system, small and middle powers play a similar legitimising role for reasons of both domestic and international hegemony.

Maintaining their domestic hegemony depends in part on maintaining the legitimacy of the international system of which they are a part, which in the case of Western small and middle powers such as Canada and Norway has historically meant promoting 'liberal' interpretations of Western international hegemony that sections of other Western states with consensual-hegemonic functions also often see as in their domestic hegemonic interests, but which have historically proved more persuasive in weaker military powers. As a Canadian strategic policymaker once put it, "We talk about the rule of law because we don't have aircraft carriers" (quoted in Brysk 2009, p.92).

The explanation of the nature and conditions of NGO influence that emerges from these case studies is that the soft power of NGOs is derived from the material power of supportive elites, which,

consistent with Gramsci's Marxist concept of base and superstructure, delimited NGO practices, in the sense of their aims, discourse and tactics. In both cases, there was a clear correspondence between the material base of the campaigns – externally dependent on Western elites, both financially and in personnel terms and organised in such a way as to reproduce wider inequalities in the interstate system and the global economic structure – their discursive and tactical practices and the direct and indirect outcomes they produced, which were system-reinforcing, rather than system-challenging. Hence, in this way the campaigns' 'superstructures' reflected their material base in the bounded criticisms made by NGOs of government policy.

In conclusion, the landmines and cluster munitions campaigns span a period of significant change in the international system. The liberal optimism, evident in the academic literature, which characterised the immediate post-Cold War period, appeared to many as justified in light of the success of the landmines campaign. But although by the beginning of the 21st century significant changes had occurred in how states and civil society interacted in the international system compared to a decade earlier, this did not amount to a power shift from states to civil society, or an incremental democratisation of global governance. Rather, the analysis of the cluster munitions campaign in this thesis demonstrates that trends evident in the landmines campaign, which were indicative of a changing international system, have since solidified. In essence, both the landmines and cluster munitions campaigns demonstrate that NGOs as part of civil society are inextricably linked with and support specific state elites, the corollary of which is that they have less close engagement with, or are in opposition to other elite groups within the state. This reflects a wider shift in the international system due to an increased transnationalisation of elite competition within and among states at the levels of both political and civil society.

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