

Middle Power Leadership on Human Security

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April 2003**

**Paper presented at the annual meeting of the Canadian Political Science
Association, Halifax, Nova Scotia, May 30-June 1, 2003.**

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Abstract

My study examines the conditions under which middle power states, such as Canada, the Netherlands, and Norway, may exercise effective leadership in the realm of human security. I hypothesize that a middle power-led human security initiative is more likely to be successful if the initiative does not threaten the fundamental principles of the superpower. My paper demonstrates that although it is possible for a human security initiative to overcome American opposition that is based on political or military interests, an initiative will be less likely to succeed if it challenges the core principles of the United States. I test the hypothesis by conducting a qualitative analysis of four cases of human security initiatives where the middle powers have played leadership roles. The cases include the endeavor to create a United Nations rapid deployment peacekeeping force, which led to the formation of the Standby High Readiness Brigade for United Nations Operations (SHIRBRIG) in 1996; the campaign to ban anti-personnel landmines, which resulted in the 1997 Ottawa Convention; the struggle to establish the International Criminal Court, which came into existence in 2002; and the unsuccessful attempt to regulate the legal trade in small arms and light weapons. The United States has taken different positions on these issues. The U.S. approved of the idea of a standby UN rapid response force, but did not participate in the establishment of SHIRBRIG. Washington objected to the Ottawa Convention on the basis of a conflict with U.S. military interests, and opposed the International Criminal Court due to the influence of certain groups in the American foreign policy establishment. Finally, the U.S. rejected the adoption of restrictions on the licit small arms trade due to a clash with an American principle protected by the U.S. Constitution: the right to bear arms. By illustrating that smaller states can assume leadership on global security, my paper counters the trend in international security studies of focusing almost exclusively on great power leadership, a tendency which has been reinforced by the decades-long predominance of the realist approach to international relations.

Introduction

Due to the decades-long predominance of the realist paradigm in international relations, international security scholars have tended to focus almost exclusively on great power leadership. But in the post-Cold War era, middle power states have played leadership roles on human security issues. My study examines middle power leadership on four human security initiatives on which the position of the United States, the sole superpower in the contemporary period, varies from implicit approval to vociferous opposition. I hypothesize that a middle power-led human security initiative is more likely to be successful if the initiative does not threaten the fundamental principles of the superpower.

I begin this essay by presenting briefly the theoretical foundations of my study: what is meant by middlepowermanship, the human security agenda, and American fundamental principles. I then test the hypothesis by conducting a qualitative analysis of four cases of human security initiatives where the middle powers have played leadership roles. These cases include the attempt to create a rapidly deployable brigade for United Nations (UN) peacekeeping, the campaign to ban anti-personnel landmines, the initiative to establish the International Criminal Court, and the effort to produce international regulations on the legal trade in small arms and light weapons. In my conclusion, I highlight the conditions under which middle powers can exercise successful leadership in the domain of human security.

Theoretical Background

Middle Powers and *Middlepowermanship*

There has been a paucity of literature on the foreign policies of middle power states. Only a handful of studies have engaged in a comparative analysis of middle power foreign policies.¹ Most scholars have accepted a definition of ‘middle powers’ that is based on the international behavior of these states, rather than on objective measures of their power, such as population and gross national product figures.² According to the

¹ These works include Cranford Pratt, ed., *Internationalism Under Strain: The North-South Policies of Canada, the Netherlands, Norway, and Sweden* (Toronto: University of Toronto Press, 1989); Olav Stokke, ed., *Western Middle Powers and Global Poverty: The Determinants of the Aid Policies of Canada, Denmark, the Netherlands, Norway, and Sweden* (Uppsala, Sweden: The Scandinavian Institute of African Studies, 1989); Gerald K. Helleiner, ed., *The Other Side of International Development Policy: The Non-Aid Economic Relations with Developing Countries of Canada, Denmark, the Netherlands, Norway, and Sweden* (Toronto: University of Toronto Press, 1990); Cranford Pratt, ed., *Middle Power Internationalism: The North-South Dimension* (Kingston & Montreal: McGill-Queen’s University Press, 1990); Andrew F. Cooper, Richard A. Higgott, and Kim Richard Nossal, *Relocating Middle Powers: Australia and Canada in a Changing World Order* (Vancouver: UBC Press, 1993); Andrew F. Cooper, “Niche Diplomacy: A Conceptual Overview,” in Andrew F. Cooper, ed., *Niche Diplomacy: Middle Powers after the Cold War* (New York: St. Martin’s Press, 1997); and Andrew Hurrell, Andrew F. Cooper, Guadalupe González González, Ricardo Ubiraci Sennes, and Srini Sitaraman, *Paths to Power: Foreign Policy Strategies of Intermediate States* (Washington: Latin American Program, Woodrow Wilson Center for Scholars, 2000).

² For a power-based definition of ‘middle powers,’ see Carsten Holbraad, *Middle Powers in International Politics* (New York: St. Martin’s Press, 1984).

behavioral definition, middle power states engage in *middlepowermanship*: “[the] tendency to pursue multilateral solutions to international problems, [the] tendency to embrace compromise positions in international disputes, and [the] tendency to embrace notions of ‘good international citizenship’ to guide...diplomacy.”³ The ‘like-minded’ middle powers - consisting of states such as Canada, Denmark, the Netherlands, and Norway - are also guided in their foreign policies by a ‘humane internationalist’ orientation, which features “an acceptance that the citizens and governments of the industrialized world have ethical responsibilities towards those beyond their borders who are suffering severely and who live in abject poverty.”⁴

Gareth Evans, the former Australian Minister for Foreign Affairs and Trade (1988-96), argues that middle powers perform ‘niche diplomacy,’ which involves “concentrating resources in specific areas best able to generate returns worth having, rather than trying to cover the field.”⁵ Middle power states may act as ‘catalysts’ in launching diplomatic initiatives, ‘facilitators’ in setting agendas and building coalitions of support, and ‘managers’ in aiding the establishment of regulatory institutions. Richard Higgott suggests that middle powers “with the technical and entrepreneurial skills to build coalitions and advance and manage initiatives must show leadership when it is not forthcoming from the major actors.”⁶ The means by which middle power states exercise leadership is through participation and cooperation in multilateral institutions, such as the United Nations.⁷

Middle powers have played leadership roles in ‘niche’ areas where they have considerable technical expertise, such as Canada in the domain of peacekeeping,⁸ and

³ Cooper, Higgott, and Nossal, *Relocating Middle Powers*, 19. Middlepowermanship has also been referred to as ‘middle power diplomacy’ in Laura Neack, “Middle Powers Once Removed: The Diminished Global Role of Middle Powers and American Grand Strategy.” Paper presented at the International Studies Association 41st Annual Convention, Los Angeles, CA, March 14-18, 2000. Available from *Columbia International Affairs Online*.

⁴ Pratt, *Middle Power Internationalism*, 5.

⁵ Cooper, Higgott, and Nossal, *Relocating Middle Powers*, 25.

⁶ Richard Higgott, “Issues, Institutions and Middle-Power Diplomacy: Action and Agendas in the Post-Cold War Era,” in Andrew F. Cooper, ed., *Niche Diplomacy: Middle Powers after the Cold War* (New York: St. Martin’s Press, 1997).

⁷ See Andrew F. Cooper, “Multilateral Leadership: The Changing Dynamics of Canadian Foreign Policy,” in John English and Norman Hillmer, ed., *Making A Difference? Canada’s Foreign Policy in a Changing World Order* (Toronto: Lester Publishing Limited, 1992); and Alan K. Henrikson, “Middle Powers as Managers: International Mediation within, across, and outside Institutions,” in Andrew F. Cooper, ed., *Niche Diplomacy: Middle Powers after the Cold War* (New York: St. Martin’s Press, 1997).

⁸ To read about Canadian leadership in peacekeeping, see Geoffrey Hayes, “Canada as a Middle Power: The Case of Peacekeeping,” in Andrew F. Cooper, ed., *Niche Diplomacy: Middle Powers after the Cold War* (New York: St. Martin’s Press, 1997).

Sweden on the issue of foreign aid.⁹ A study by Andrew Cooper, Richard Higgott, and Kim Richard Nossal claims that middle powers tend to be supportive followers of great power leadership on the global security agenda, but have more opportunities to exercise leadership on international economic and social issues, areas where the United States has demonstrated less willingness to lead.¹⁰ In this essay, I demonstrate that middle power states have also been leaders with regards to global security, by examining how the middle powers have promoted human security issues.

The Human Security Agenda

The concept of ‘human security’ was first elaborated by the United Nations Development Program (UNDP) in the 1994 edition of its annual *Human Development Report*.¹¹ The report called for a change in emphasis from the security of the state from nuclear threats to the human security of people. UNDP’s recommendations reflected the perspective of the ‘widening’ school in security studies.¹² This approach challenges the view of the ‘traditionalists,’ dominant during the Cold War, that the security of the state from military threats should be prioritized.¹³ The ‘widening’ school recognizes both that actors other than the state, such as individuals or nations, may also serve as referent objects of security, and that threats to security may appear in non-military as well as military forms. The goal of UNDP was to improve the quality of human life by ensuring that people may live their lives in free and safe environments. This objective corresponded with the vision of United Nations Secretary-General Boutros Boutros-Ghali, who stressed that threats to global security extend beyond the military sphere, and include phenomena such as environmental degradation, drought, and disease.¹⁴ As Jessica

⁹ For a good study of Swedish foreign aid policy, see Ole Elgström, *Foreign Aid Negotiations: The Swedish-Tanzanian Aid Dialogue* (Aldershot, Great Britain: Avebury, 1992).

¹⁰ Cooper, Higgott, and Nossal, *Relocating Middle Powers*.

¹¹ See Robin Jeffrey Hay, “Present at the Creation? Human Security and Canadian Foreign Policy in the Twenty-first Century,” in Fen Osler Hampson, Martin Rudner, and Michael Hart, ed., *Canada Among Nations 1999: A Big League Player?* (Don Mills, ON: Oxford University Press, 1999).

¹² For more on the ‘widening’ school, see Barry Buzan, “Rethinking Security after the Cold War,” *Cooperation and Conflict* 32 (1, 1997), 5-28; and David Mutimer, “Beyond Strategy: Critical Thinking and the New Security Studies,” in Craig A. Snyder, ed., *Contemporary Security and Strategy* (New York: Routledge, 1999). Two seminal works with a ‘widening’ perspective are Barry Buzan, *People, States and Fear: The National Security Problem in International Relations*, First Edition (Brighton: Wheatsheaf, 1983); and Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Second Edition (Boulder: Lynne Rienner Publishers, 1991).

¹³ To read more about the ‘traditionalist’ approach, see Buzan, “Rethinking Security after the Cold War;” and Steven M. Walt, “The Renaissance of Security Studies,” *International Studies Quarterly* 35 (2, 1991), 211-239.

¹⁴ United Nations Secretary-General, *An Agenda for Peace: Preventive diplomacy, peacemaking, and peace-keeping. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992* (UN General Assembly and Security Council, A/47/277-S/24111, 17 June 1992).

Tuchman Mathews argues, human security should be “viewed as emerging from the conditions of daily life - food, shelter, employment, health, public safety - rather than flowing downward from a country’s foreign relations and military strength.”¹⁵

The human security agenda gained momentum in 1996, with the Canadian government’s appointment of Lloyd Axworthy as Minister for Foreign Affairs.¹⁶ In his address to the 51st United Nations General Assembly in September 1996, Axworthy argued that human security includes “security against economic privation, an acceptable quality of life, and a guarantee of fundamental human rights.”¹⁷ In addition, human security “acknowledges that sustained economic development, human rights and fundamental freedoms, the rule of law, good governance, sustainable development, and social equity are as important to global peace as arms control and disarmament.”¹⁸

Middle power states have embraced human security issues as ‘niche’ areas of their foreign policies. Contrary to expectations that the middle powers will follow the great powers’ lead on global security issues,¹⁹ the middle powers have exercised strong leadership in promoting the human security agenda. In accordance with the practices of *middlepowermanship*, multilateral cooperation has been the means by which the middle powers have played leadership roles. While much of this collaboration has taken place within the institutions of the United Nations, the middle powers have also been active through other channels. In May 1998, Canada and Norway signed the Lysøen Declaration, a bilateral partnership for action on human security.²⁰ The Lysøen Declaration outlined an agenda of nine human security issues and specified a framework for consultation and cooperation.²¹ This bilateral agreement was expanded into a multilateral arrangement with the creation of the Human Security Network in September 1998, through which thirteen middle power states, as well as numerous NGOs, work together on human security issues.

Since the United States is the sole superpower in the contemporary international system, whether a human security initiative will be successful may depend considerably

¹⁵ Jessica Tuchman Mathews, “Power Shift,” *Foreign Affairs* 76 (January/February 1997), 51.

¹⁶ See Hay, “Present at the Creation?”

¹⁷ Lloyd Axworthy, “Canada and Human Security: The Need for Leadership,” *International Journal* 52 (2, 1997), 184.

¹⁸ *Ibid.*

¹⁹ See Cooper, Higgott, and Nossal, *Relocating Middle Powers*.

²⁰ See Canada, Department of Foreign Affairs and International Trade, *Freedom from Fear: Canada’s Foreign Policy for Human Security* (Ottawa: Department of Foreign Affairs and International Trade, 2000); and Michael Small, “Case Study: The Human Security Network,” in Rob McRae and Don Hubert, ed., *Human Security and the New Diplomacy: Protecting People, Promoting Peace* (Montreal & Kingston: McGill-Queen’s University Press, 2001).

²¹ The nine human security issues are: landmines, the International Criminal Court, human rights, international humanitarian law, gender dimensions in peacebuilding, small arms proliferation, children in armed conflict (including child soldiers), child labor, and Arctic and northern cooperation. See *ibid.*

on whether the initiative is compatible with American fundamental principles. I will elaborate on what I mean by ‘American fundamental principles’ in the following section.

American Fundamental Principles

Donald Nuechterlein identifies four types of national interests which have guided American foreign policy throughout its history: the defense of the United States and its constitutional system; the maintenance of a strong economy and the promotion of U.S. exports; the forging of a favorable international security environment; and the global diffusion of liberal democracy and free markets.²² Although these four sets of basic interests compete for public attention and government resources, Nuechterlein emphasizes that “the fundamental national interest of the United States is the defense and well-being of its citizens, its territory, and the U.S. constitutional system.”²³ The classical realist Hans Morgenthau would concur with Nuechterlein on this point, and argues that “the national interest of a peace-loving nation can only be defined in terms of national security, and national security must be defined as integrity of the national territory and of its institutions.”²⁴

The most important institution in the United States is the Constitution. John Hall and Charles Lindholm stress that Americans have an “aura of sacredness” about the Bill of Rights, the Constitution, and the Declaration of Independence.²⁵ In the words of John McElroy, the Constitution “declared the people’s rights as the sovereign power, which the government was forbidden to infringe.”²⁶ The core values of American society are enshrined in the Constitution: “the ideas of individualism, freedom, diversity, and conformity...are the dominant orienting ideas of Americans.”²⁷ Michael Salla describes the three moral principles at the center of America’s national identity as liberty, representative democracy, and the rule of law.²⁸ According to Salla, U.S. foreign policy tends to undergo cyclical shifts, where the moral principles are promoted abroad with

²² Donald E. Nuechterlein, *America Recommitted: A Superpower Assesses Its Role in a Turbulent World*, Second Edition (Lexington, KY: The University Press of Kentucky, 2001).

²³ *Ibid.*, 15.

²⁴ Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Fifth Edition, Revised (New York: Alfred A. Knopf, 1978), 553.

²⁵ John A. Hall and Charles Lindholm, *Is America Breaking Apart?* (Princeton: Princeton University Press, 1999), 92.

²⁶ John Harmon McElroy, *American Beliefs: What Keeps a Big Country and a Diverse People United* (Chicago: Ivan R. Dee, 1999), 166.

²⁷ Larry L. Naylor, *American Culture: Myth and Reality of a Culture of Diversity* (Westport, CT: Bergin & Garvey, 1998), 51.

²⁸ Michael E. Salla, *The Hero’s Journey Toward a Second American Century* (Westport, CT: Praeger, 2002).

considerable zeal during certain periods, and short-term national interests (e.g., generating strong growth in the domestic economy) predominate at other times. In his study of the U.S. foreign policy ideology, Michael Hunt argues that “the capstone idea defined the American future in terms of an active quest for national greatness closely coupled to the promotion of liberty.”²⁹

To summarize, there is an intrinsic relationship between the fundamental principles of American society and United States foreign policy. The primary national interest of the U.S. is the protection of its homeland and its constitutional system. The Constitution guarantees the core values of American society, the moral foundations of the nation. Thus, it should be expected that the U.S. would mount a fierce opposition to any initiative from the international community that it perceives as a potential threat to the constitutional rights of American citizens. In the following section of the essay, I test my hypothesis - that a middle power-led human security initiative is more likely to be successful if the initiative does not threaten the fundamental principles of the superpower – through a qualitative analysis of four cases: the endeavor to create a rapidly deployable United Nations peacekeeping force, the campaign to ban anti-personnel landmines, the struggle to establish the International Criminal Court, and the attempt to regulate the legal trade in small arms and light weapons.

Taking Action on Human Security Issues: Middle Power Leadership at Work

The SHIRBRIG Initiative in Rapidly Deployable Peacekeeping

Although the United Nations has engaged in peacekeeping operations for nearly half a century, the organization is still hampered by its lack of a permanent peacekeeping force that can respond rapidly to a crisis situation.³⁰ A United Nations Standby Arrangements System (UNSAS) does exist, but so far only a meager amount of resources have been made available for rapid deployment by participants.³¹ Calls for the UN to create a rapid response force originated with Secretary-General Trygve Lie,³² and were reiterated by Secretary-General Boutros Boutros-Ghali,³³ as well as Sir Brian Urquhart,

²⁹ Michael H. Hunt, *Ideology and U.S. Foreign Policy* (New Haven, CT: Yale University Press, 1987), 17.

³⁰ See Robert C. Johansen, “Enhancing United Nations peace-keeping,” in Chadwick F. Alger, ed., *The Future of the United Nations System: Potential for the Twenty-first Century* (Tokyo: United Nations University Press, 1998).

³¹ United Nations Military Adviser, “Annual Update on the United Nations Standby Arrangements System.” Presentation by the acting Military Adviser for the Annual Update on Military Aspects of the United Nations Stand-by Arrangements System (12 December 2002), <http://www.un.org/Depts/dpko/rapid/AnnualUpdate.html> (4 January 2003).

³² Lie, Trygve, *In the Cause of Peace* (London: Macmillan, 1954).

³³ United Nations Secretary-General, *An Agenda for Peace*.

the former United Nations Under-Secretary-General for Special Political Affairs (1974-1986).³⁴

The middle powers took the initiative in developing proposals for enhancing the rapid response capability of United Nations peacekeeping missions. An April 1995 report by the Dutch government recommended the formation of a standing brigade numbering five thousand personnel, but this idea was widely rejected.³⁵ The Canadian government issued a report in September 1995, which called on UN member states to place specialized ‘vanguard’ units on standby in their home countries, and link them, through UNSAS, to a permanent, multinational, rapid response headquarters.³⁶ The government of Denmark established a multinational working group to study the feasibility of creating a UN rapid response force, and hosted four meetings of this group between May and August 1995. Twelve middle power states³⁷ and the UN Department of Peacekeeping Operations (DPKO) participated in the working group, which produced a report in August 1995 stating that it was possible for a group of member states to combine their contributions to UNSAS in order to create a Standby High Readiness Brigade for United Nations Operations (SHIRBRIG), that would be deployable, at a short notice of only fifteen to thirty days, on peacekeeping operations for up to 180 days.³⁸

The foreign ministers of the Netherlands, Canada, and Denmark viewed their three reports as making a mutual contribution to the development of a United Nations rapid response capability. During the commemoration of the United Nations’ fiftieth anniversary, Canadian Foreign Minister André Ouellet and Dutch Foreign Minister Hans Van Mierlo organized a meeting of ministers from nine middle and small powers in order to rally support for a UN rapid reaction force.³⁹ Canada and the Netherlands then set up an informal group called the ‘Friends of Rapid Deployment’ (FORD), which was co-chaired by the Canadian and Dutch permanent representatives to the UN. The objective of FORD was to promote the idea of a UN rapid deployment brigade among the major

³⁴ Brian Urquhart, “For a UN Volunteer Military Force,” *The New York Review of Books* 40 (10 June 1993), 3-4.

³⁵ The Netherlands, *A UN Rapid Deployment Brigade: A Preliminary Study*, The Netherlands Non-Paper, revised version (April 1995).

³⁶ Canada, Department of Foreign Affairs and International Trade, *Towards a Rapid Reaction Capability for the United Nations* (September 1995).

³⁷ The middle power participants were Argentina, Belgium, Canada, the Czech Republic, Denmark, Finland, Ireland, the Netherlands, New Zealand, Norway, Poland, and Sweden. See H. Peter Langille, “Conflict Prevention: Options for Rapid Deployment and UN Standing Forces,” in Tom Woodhouse and Oliver Ramsbotham, ed., *Peacekeeping and Conflict Resolution* (London: Frank Cass Publishers, 2000), fn.24.

³⁸ See Denmark, Chief of Defence, *United Nations Standby Arrangements for Peacekeeping: A Multinational UN Standby Forces High Readiness Brigade* (25 January 1995); and United Nations Standby High Readiness Brigade, “SHIRBRIG History” (2001), <http://www.shirbrig.dk> (15 August 2002).

³⁹ Ministers from Australia, Canada, Denmark, the Netherlands, New Zealand, Senegal, Nicaragua, Ukraine, and Jamaica participated in the meeting. See Langille, “Conflict Prevention,” fn.33.

powers. By the autumn of 1996, FORD had expanded to include twenty-six members, but only two, Germany and Japan, were major powers.⁴⁰ FORD's initial focus was on generating support for the proposals of the 1995 Canadian study, namely the creation of a rapidly deployable headquarters, the improvement of UNSAS, and the elaboration of the concept of 'vanguard' units. But since the SHIRBRIG model described in the Danish-led multinational report also incorporated elements of the vanguard concept, FORD soon switched its emphasis towards promoting the Danish initiative. FORD assisted in the enhancement of UNSAS, and helped the DPKO set up a Rapidly Deployable Mission Headquarters (RDMHQ) consisting of military and civilian personnel, as proposed in the Canadian study.

The process of setting up SHIRBRIG involved the signing of four documents. On December 15, 1996, Austria, Canada, Denmark, the Netherlands, Norway, Poland, and Sweden signed a Letter of Intent (LOI) to cooperate on establishing a framework for SHIRBRIG that would be based on the recommendations of the Danish-led multinational study. By signing the LOI, a state becomes an 'Observer Nation' in the Steering Committee, the executive body of SHIRBRIG. The second document that was signed was the Memorandum of Understanding on the Steering Committee (MOU/SC). The states which signed this document were permitted to participate in the development of SHIRBRIG policies in the Steering Committee. The third document was the Memorandum of Understanding on SHIRBRIG (MOU/SB). In signing this document, a state agrees to commit troops to the brigade pool.

The final document was the Memorandum of Understanding on the Planning Element (MOU/PLANELM). The planning element (PLANELM), located in Høvelte Kaserne, Denmark, is a small, permanent staff of thirteen military officers drawn from ten states. Each state which has signed the MOU/PLANELM agrees to station one or two staff officers in the PLANELM. In its pre-deployment stage, the PLANELM is responsible for devising standard operating procedures for SHIRBRIG, working on concepts of operations, and organizing and conducting joint exercises. During deployment, the PLANELM is expanded to include eighty-five officers and non-commissioned officers, and it serves as the hub of the brigade headquarters staff numbering 150 personnel. When fully deployed, SHIRBRIG may mobilize 4,000-5,000 soldiers, including a headquarters unit with communication facilities, infantry battalions, reconnaissance units, medical units, engineering units, logistical support, helicopter units, and military police. At present, twenty-one states are participating in SHIRBRIG at four different levels of membership.⁴¹ Most of these countries may be classified as 'middle

⁴⁰ The members of FORD were Argentina, Australia, Bangladesh, Brazil, Canada, Chile, Denmark, Egypt, Finland, Germany, Indonesia, Ireland, Jamaica, Japan, Jordan, Malaysia, the Netherlands, New Zealand, Nicaragua, Norway, Poland, Senegal, South Korea, Sweden, Ukraine, and Zambia. See *ibid*.

⁴¹ Argentina, Austria, Canada, Denmark, Italy, the Netherlands, Norway, Poland, Romania, and Sweden are the ten full members. Finland has signed all documents except the MOU/PLANELM. Spain and Lithuania have signed the LOI and the MOU/SC. Portugal and Slovenia have signed the LOI solely, and thus serve as observer countries in the Steering Committee. Although they have not yet signed the LOI, the Czech Republic, Hungary, Ireland, Jordan, Senegal, and Chile are also designated as observer states because they have expressed interest in the SHIRBRIG initiative, and may sign one or more SHIRBRIG documents in the future. See United Nations Stand-by High Readiness Brigade, "SHIRBRIG Organisation" (2001), <http://www.shirbrig.dk> (11 January 2003).

powers,' though some of them are small states. Ten countries have signed all four SHIRBRIG documents, and are considered to be full members: Argentina, Austria, Canada, Denmark, Italy, the Netherlands, Norway, Poland, Romania, and Sweden.⁴²

Once SHIRBRIG had reached the necessary level of readiness for deployment in January 2000, the United Nations wasted little time in seeking out the brigade's services. On April 26, 2000, the UN inquired informally if SHIRBRIG would be available for a possible deployment as part of the United Nations Interim Force in Lebanon (UNIFIL), which had been stationed in Southern Lebanon since March 1978. SHIRBRIG conducted a fact-finding mission in the UNIFIL area of operations on May 16-17, 2000, and then issued a declaration on June 13 that it was available for deployment in Southern Lebanon.⁴³

But on June 16, SHIRBRIG received another informal inquiry from the UN if the brigade would be available for a mission in Ethiopia and Eritrea.⁴⁴ The two countries, which had engaged in warfare in 1998-99 due to a border dispute, had resumed fighting on May 12, 2000. Following the signing of an Agreement on Cessation of Hostilities on June 18, Ethiopia and Eritrea requested that the UN establish a peacekeeping operation. The UN Security Council proceeded to create the United Nations Mission in Ethiopia and Eritrea (UNMEE), and authorized it to deploy up to 4,300 troops to monitor the ceasefire and the border delineation between the two countries until March 15, 2001.⁴⁵

Upon receiving authorization from the Security Council, SHIRBRIG sprung into action.⁴⁶ The SHIRBRIG Commander's conference, held in Norway on September 25-29, 2000, focused on the Horn of Africa. On October 10, PLANELM provided the Commander with a mission analysis briefing. In November and December, SHIRBRIG units were deployed to Ethiopia and Eritrea. The SHIRBRIG Commander was appointed as UNMEE Force Commander. Following peace talks brokered by President Abdelaziz Bouteflika of Algeria, Ethiopia and Eritrea signed a comprehensive Peace Agreement on December 12, 2000. In May and June, 2001, SHIRBRIG pulled out of Ethiopia and Eritrea having completed its peacekeeping tasks successfully during the six month

⁴² United Nations Stand-by High Readiness Brigade, "SHIRBRIG History" (2001), <http://www.shirbrig.dk> (15 August 2002); United Nations Stand-by High Readiness Brigade, "SHIRBRIG Organisation," and United Nations Stand-by High Readiness Brigade, "Standard Briefing" (November 2001), <http://www.shirbrig.dk> (11 January 2003).

⁴³ United Nations Stand-by High Readiness Brigade, "Standard Briefing."

⁴⁴ To read about the United Nations Mission in Ethiopia and Eritrea, see United Nations Department of Public Information, Peace and Security Section, "Ethiopia and Eritrea-UNMEE-Background" (2001), <http://www.un.org/Depts/dpko/missions/unmee/background.html> (15 August 2002); and United Nations Department of Public Information, Peace and Security Section, "Ethiopia and Eritrea-UNMEE-Facts and Figures" (2001), <http://www.un.org/Depts/dpko/missions/unmee/facts.html> (12 January 2003).

⁴⁵ United Nations Security Council Resolution, *On Establishment of the UN Mission in Ethiopia and Eritrea*, S/RES/1312 (31 July 2000); and United Nations Security Council Resolution, *On Deployment of Troops and Military Observers Within the UN Mission in Ethiopia and Eritrea (UNMEE)*, S/RES/1320 (15 September 2000).

⁴⁶ See United Nations Stand-by High Readiness Brigade, "SHIRBRIG History" and "Standard Briefing."

deployment. A series of Security Council resolutions have extended UNMEE's mandate until the present time, as the delineation and demarcation of the Ethiopia-Eritrea border is still ongoing. Following a reconstitution phase which lasted around seven months, SHIRBRIG became available to the United Nations once again in January 2002. At present, SHIRBRIG is in a non-deployment mode.

The United States government has not issued any official statements regarding the establishment and deployment of SHIRBRIG. But American foreign policy does favor the development of a rapid response capability for United Nations peacekeeping without the creation of a standing UN army, therefore SHIRBRIG corresponds to U.S. interests. In February 1993, after the Clinton administration came into power, U.S. Secretary of State Warren Christopher notified UN Secretary-General Boutros Boutros-Ghali that the United States would back the development of a UN rapid response force.⁴⁷ The Clinton administration proposed that, in order to avoid disastrous humanitarian consequences from delays in deployment after the authorization of a peacekeeping mission, the UN should set up a rapidly deployable headquarters team, a logistics support unit, a database of available national military units that could be called upon, a trained civilian reserve corps, and a modest airlift capability.⁴⁸ The United States is a member of UNSAS, and has also participated in UNMEE, albeit in a token manner by contributing a total of seven military observers to the mission.⁴⁹

The SHIRBRIG initiative is an example of successful middle power leadership on an issue of human security. The middle powers addressed the need for a United Nations rapid response capability, the lack of which has had dire consequences for the security of peoples in numerous conflicts around the globe. The Netherlands, Canada, and Denmark in particular used their technical expertise in the area of peacekeeping to launch an initiative to create a UN rapid deployment brigade, and employed their entrepreneurial skills to build a coalition of support, the Friends of Rapid Deployment, for their proposal. A Standby High Readiness Brigade for United Nations Operations was created, and was deployed successfully in the UN Mission in Ethiopia and Eritrea. A thorough evaluation of the success of this initiative requires further SHIRBRIG deployments, in order to determine if the brigade will be a significant guarantor of human security in the future. The middle powers were aided by the tacit support of the United States, which approved of the idea of a standby UN rapid response force even though it did not participate in the initiative to create SHIRBRIG. My hypothesis that a middle power-led human security initiative is more likely to be successful when the initiative does not threaten the fundamental principles of the superpower faces tougher tests in the next three case studies, where the United States has opposed the human security campaigns led by the middle powers.

⁴⁷ Langille, "Conflict Prevention," fn.10.

⁴⁸ Paul Taylor, Sam Daws, and Ute Adamczick-Gerteis, "Key Elements of the Clinton Administration's Policy on Reforming Multilateral Peace Operations," in Paul Taylor, Sam Daws, and Ute Adamczick-Gerteis, ed., *Documents on Reform of the United Nations* (Aldershot, UK: Dartmouth, 1997).

⁴⁹ United States Department of State, Bureau of International Organization Affairs, "UN Mission in Ethiopia and Eritrea (UNMEE)" (12 April 2001), <http://www.state.gov/p/io/rls/fs/2001/2517.htm> (15 August 2002).

Banning Anti-Personnel Landmines: The Ottawa Process

It is estimated that more than one hundred million landmines are presently deployed globally.⁵⁰ Up to two thousand people around the world are maimed or killed by landmines every month.⁵¹ According to the International Committee of the Red Cross (ICRC), landmines have claimed more victims than either chemical or nuclear weapons.⁵² In response to this crisis, the International Campaign to Ban Landmines (ICBL), an umbrella group of non-governmental organizations (NGOs) formed in October 1992, issued a call for a global ban on the use, production, stockpiling, and transfer of anti-personnel landmines (APLs).⁵³ Starting with the United States in 1992, several countries introduced export moratoria on APLs. Under pressure from NGOs, Belgium became the first state to ban the use, production, trade, and stockpiling of APLs in March 1995, while Norway did the same three months later. By mid-1997, around thirty countries had prohibited unilaterally the use of APLs, twenty had banned production, fifteen had either begun or finished destroying their stockpiles, and more than fifty had made APL export illegal.⁵⁴ But of the major powers that had announced their support for a comprehensive global ban, such as the U.S., France, Germany, Japan, and Great Britain, only Germany had made a unilateral renunciation of the use of APLs.⁵⁵

‘Like-minded’ states, international organizations and NGOs were frustrated with the unwillingness of the UN Conference on Disarmament (CD) to derive a total ban on APLs.⁵⁶ The Canadian government decided to exercise leadership on the landmines issue by co-hosting, together with the NGO Mines Action Canada, a conference on October 3-5, 1996, entitled ‘Towards a Global Ban on Anti-Personnel Mines.’ Fifty states that pledged support for a draft Ottawa Declaration were invited to attend the conference, as

⁵⁰ Philip Morrison and Kosta Tsipis, “New Hope in the Minefields,” *MIT’s Technology Review* 100 (October 1997), 38-46.

⁵¹ David Garner, “Hopes for Mines Ban,” *Geographical Magazine* 69 (November 1997), 66-71.

⁵² *Ibid.*

⁵³ Jody Williams and Stephen Goose, “The International Campaign to Ban Landmines,” in Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, ed., *To Walk Without Fear: The Global Movement to Ban Landmines* (Don Mills, ON: Oxford University Press, 1998).

⁵⁴ David A. Lenarcic, *Knight-Errant?: Canada and the Crusade to Ban Anti-Personnel Land Mines* (Toronto: Irwin Publishing, 1998).

⁵⁵ Richard Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines,” *International Organization* 52 (Summer 1998), 613-644.

⁵⁶ See Robert J. Lawson, Mark Gwozdecky, Jill Sinclair, and Ralph Lysyshyn, “The Ottawa Process and the International Movement to Ban Anti-Personnel Mines,” in Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, ed., *To Walk Without Fear: The Global Movement to Ban Landmines* (Don Mills, ON: Oxford University Press, 1998).

well as twenty-four observer countries and dozens of NGOs.⁵⁷ The signatories of the Ottawa Declaration, including the U.S., France, and the United Kingdom, made a commitment to cooperate to ensure that a legally binding international agreement banning APLs would come into force as soon as possible.⁵⁸ An ‘Agenda for Action on Anti-Personnel Mines’ was also adopted, which described a series of activities to be carried out by the conference participants in order to generate the political will for an APL ban.⁵⁹ But the most surprising event occurred on the last day of the conference. In his final speech, Canadian Foreign Minister Lloyd Axworthy invited the conference participants to work with Canada to negotiate and sign an APL ban treaty by December 1997, a mere fourteen months after the Ottawa conference. Furthermore, the ban would be implemented by the year 2000.

With the setting of a deadline for action on the landmines ban, the Ottawa Process was launched. The Ottawa Process consisted of two simultaneous tracks: track one involved ‘fast-track’ diplomatic negotiations on a ban treaty, and track two entailed the fostering of political support for an APL ban through the implementation of the Ottawa conference’s ‘Agenda for Action on Anti-Personnel Mines.’⁶⁰ Unlike the slow, cumbersome, consensus-based decision-making procedures of the Conference on Disarmament, the Ottawa Process adopted a rapid, ad hoc, majority-based decision-making approach, with the intention of generating an effective treaty with few exemptions.⁶¹ In order to achieve its objectives, Canada worked closely with the other like-minded states who made up the Ottawa Process core group. The group originated from a meeting in early 1996 between Austria, Belgium, Canada, Denmark, Ireland, Mexico, Norway, Switzerland, the ICBL, and the ICRC, to discuss the possibility of achieving the APL ban that the CD was unwilling to address. In February 1997, the Ottawa Process core group met formally for the first time, and with the addition of Germany, the Netherlands, the Philippines, and South Africa, the group became more representative of the different regions of the world.

Each of the like-minded states assisted the campaign in significant ways. Discussions between Austria and Canada in early 1997 generated a draft plan for putting the diplomatic process into motion. Austria wrote a rough draft of an APL ban convention, which it presented at the Ottawa conference, and hosted an international meeting of landmine specialists from 111 states in Vienna in February 1997, to discuss the draft convention. In April 1997, a technical meeting of landmine experts from 120 countries was held in Bonn, Germany, to deliberate on the verification and compliance

⁵⁷ Christine Elwell, “New Trade and Environmental Compliance Measures to Enhance Conventional Arms Agreements: From Landmines to UN Peace-keeping,” in Canadian Council on International Law, ed., *Treaty Compliance: Some Concerns and Remedies* (London: Kluwer Law International, 1998).

⁵⁸ Lenarcic, *Knight-Errant?*

⁵⁹ Lawson et al., “The Ottawa Process and the International Movement to Ban Anti-Personnel Mines.”

⁶⁰ Ibid.; Lenarcic, *Knight-Errant?*

⁶¹ Maxwell A. Cameron, “Global Civil Society and the Ottawa Process: Lessons From the Movement to Ban Anti-Personnel Mines,” in Andrew F. Cooper, John English, and Ramesh Thakur, ed., *Enhancing Global Governance: Towards A New Diplomacy?* (New York: United Nations University Press, 2002).

mechanisms to be included in the ban treaty. Belgium hosted a global conference on APLs in June 1997 that produced the Brussels Declaration, calling for a total ban on APLs, the destruction of APLs that had been stockpiled or removed, and international cooperation and assistance for the enormous task of mine clearance. Switzerland played host to several meetings of the core group in Geneva. Norway hosted the ‘Diplomatic Conference on an International Total Ban on Anti-personnel Landmines’ in Oslo in September 1997, which adopted the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

The sharing of information and close coordination with each other, as well as with the ICBL and the ICRC, made the core group more cohesive over time. The core group engaged in multilateral cooperation at both the Conference on Disarmament in Geneva, and the United Nations in New York. The momentum for an APL ban was generated through a series of regional conferences. The core group calculated that by getting the mine-contaminated, less developed states aboard the campaign, the Ottawa Process could avoid being stalled by a North-South split on issues related to the APL ban. A series of multilateral meetings at the global, regional, and subregional levels were held during the eleven month period prior to the Oslo conference. The meetings were intended to pressure national decision-makers, through both state-led diplomacy and NGO-led advocacy, to adopt an APL ban. Membership in the core group broadened some more as the Ottawa Process evolved, to eventually include Brazil, France, Malaysia, Slovenia, the United Kingdom, and Zimbabwe.

On December 3-4, 1997, 2,400 participants, including more than five hundred members of the international media, attended the second Ottawa landmines conference, entitled ‘A Global Ban on Landmines: Treaty Signing Conference and Mine Action Forum.’⁶² One hundred and twenty-two states signed the APL ban convention, and three countries – Canada, Ireland, and Mauritius – ratified it immediately. Canada and the rest of the Ottawa Process core group used the conference as an opportunity to launch the ‘Ottawa Process II.’ This new phase of the anti-landmines campaign would involve mobilizing countries and groups with the objectives of deriving a global action plan to convince all states to sign the treaty, clearing the millions of mines remaining in the ground, and providing assistance to landmine victims.⁶³ The participating states pledged more than \$500 million for mine action programs globally. The conference featured twenty ‘Mine Action Roundtables,’ where the world’s leading landmines experts discussed future mine action efforts. Their recommendations were published in the final report of the conference, *An Agenda for Mine Action*. The key members of the Ottawa Process coalition attended the one-day ‘Ottawa Process Forum’ immediately after the conference ended, where they examined the lessons learned from the campaign. In addition, on December 6-7, Mines Action Canada hosted a two-day seminar for NGO members to consult and plan for the Ottawa Process II. The success of the Ottawa

⁶² See Frank Faulkner, “Some Progress on Landmines,” *Contemporary Review* 273 (July 1998), 1-5; Lawson et al., “The Ottawa Process and the International Movement to Ban Anti-Personnel Mines;” and Louis Maresca and Stuart Maslen, *The Banning of Anti-Personnel Landmines: The Legal Contribution of the International Committee of the Red Cross* (Cambridge, UK: Cambridge University Press, 2000).

⁶³ Lenarcic, *Knight-Errant?*

Process was underscored by the awarding of the Nobel Peace Prize to ICBL Coordinator Jody Williams in Oslo on December 10, 1997, just a few days after the signing ceremony of the treaty.

Although the United States was an early leader in the campaign to ban landmines, it failed to support the Ottawa Process. The U.S. supported the idea of a ban in principle, but opposed the Ottawa Process because the treaty that was derived was perceived to be detrimental to vital American military interests. According to the U.S. Department of Defense, the United States uses APLs for the protection of American forces in both Korea and Guantanamo Bay, Cuba, as well as for training exercises.⁶⁴ The U.S. attended the first Ottawa conference in October 1996, but believed that Canadian Foreign Minister Lloyd Axworthy's appeal for a ban treaty to be negotiated and signed within fourteen months was an unrealistic goal.⁶⁵ In January 1997, the U.S. announced that while it welcomed the efforts of the Ottawa Process, it had made the decision to begin negotiations on an APL ban treaty within the Conference on Disarmament. The U.S. preferred to launch the initiative within the CD because the major producers of APLs, China and Russia, are members of the CD, and the U.S. believed that these states would not participate in the Ottawa Process.⁶⁶ But the CD ended up adopting an arms control agenda that did not include APLs, despite attempts by the U.S. and other states to place landmines on the CD agenda. Washington was divided, as Congress encouraged American participation in the Ottawa Process, but the Pentagon, the Joint Chiefs of Staff, and the Chairman of the Senate Armed Services Committee, Senator Jesse Helms (R-North Carolina), opposed vehemently any ban on the deployment of APLs.⁶⁷

Nevertheless, the Clinton administration reversed its stance in August 1997, and announced that the U.S. would join the Ottawa Process. At Oslo, the American delegation proposed critical, non-negotiable changes to the treaty that would have weakened it considerably had the changes been accepted. The U.S. demands included an exemption for the continued use of APLs in Korea; a redefinition of APLs so that the U.S. could keep its dual anti-tank and anti-personnel landmine systems; a tougher treaty ratification process and a nine-year deferral period for compliance with certain provisions; stronger verification procedures; and an option to withdraw from the treaty if a state perceives that its supreme national interests are threatened.⁶⁸ But with the exception of the stronger verification and compliance measures, the U.S. failed to get its proposals included in the treaty text. Hence, the U.S. refused to sign the Ottawa

⁶⁴ Richard A. Matthew and Ken R. Rutherford, "Banning Landmines in the American Century," *International Journal on World Peace* 16 (June 1999), 23.

⁶⁵ Lenarcic, *Knight-Errant?*

⁶⁶ *Ibid.*; and Richard Price, "Reversing the Gun Sights."

⁶⁷ Mary Wareham, "Rhetoric and Policy Realities in the United States," in Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, ed., *To Walk Without Fear: The Global Movement to Ban Landmines* (Don Mills, ON: Oxford University Press, 1998).

⁶⁸ *Ibid.*; and Christopher Kirkey, *Washington's Response to the Ottawa Land Mines Process* (Orono, ME: The Canadian-American Center, August 2001).

Convention in December 1997. Although President Clinton committed the U.S. in June 1998 to sign the Ottawa Convention by 2006 if suitable alternatives to American APLs and mixed anti-tank systems would be derived by then, in November 2001, the Department of Defense recommended that the U.S. abandon any plans to join the Ottawa Convention.⁶⁹

With the fortieth ratification of the Ottawa Convention by Burkina Faso in September 1998, the treaty came into force in March 1999.⁷⁰ As of January 2002, 146 states had either signed or acceded to the treaty, and 131 had ratified it.⁷¹ By the year 2001, the number of known producers of APLs had fallen dramatically, from fifty-four states to fourteen.⁷² The trade in APLs had also been effectively halted. As of February 2003, thirty-eight states parties have completed the destruction of their stockpiles, sixteen are in the process of destroying their stockpiles, eight have not yet begun the destruction process, and forty-one states parties have declared that they do not possess a stockpile of APLs.⁷³ But as of November 2002, forty-eight states have still not signed the Ottawa Convention.⁷⁴ On this list are the United States (with a stockpile of around 11 million mines), major mine producers such as China (110 million mines, nearly half the world's total) and Russia (65 million mines), nuclear rivals India and Pakistan, ongoing adversaries North and South Korea, and several Middle Eastern states, including Egypt, Iraq, Israel, Kuwait, Lebanon, Saudi Arabia, Syria, and the United Arab Emirates.⁷⁵ Since most of the world's landmines are possessed by countries that are not parties to the APL ban treaty, the problem of APLs will not be resolved until all landmine producers and users have signed and ratified the Ottawa Convention, and have implemented its provisions.

The Ottawa Process can be applauded, however, for the considerable success it has had in moving the world much closer to the point where APLs may become history, especially when compared to the lack of progress in the Conference on Disarmament. Moreover, the majority of landmine victims have been in countries which have signed the

⁶⁹ International Campaign to Ban Landmines, *Landmine Monitor Report 2002* (2002), <http://www.icbl.org/lm/2002/developments.html> (11 February 2003).

⁷⁰ "World Watch: Ouagadougou," *Time International* 150 (28 September 1998), 14.

⁷¹ International Campaign to Ban Landmines, "Ratification Updates" (2003), <http://www.icbl.org> (11 February 2003).

⁷² "Curbing Horror; Landmines," *The Economist* (29 September 2001).

⁷³ Human Rights Watch, *Landmine Monitor Fact Sheet: Antipersonnel Mine Stockpile Destruction*. For the Seventh Meeting of the Intersessional Standing Committee on Stockpile Destruction, Geneva, Switzerland (6 February 2003).

⁷⁴ International Campaign to Ban Landmines, "1997 Mine Ban Treaty – Non Signatories" (2003) <http://www.icbl.org> (12 February 2003).

⁷⁵ "Curbing Horror; Landmines."

Ottawa Convention, hence the most mine-contaminated states are covered by the treaty.⁷⁶ Most important, the Ottawa Process has succeeded in generating a new international norm that stigmatizes the use of APLs. As more and more states join the Ottawa Convention, greater pressure to emulate is placed on the remaining holdout countries. The Ottawa Process is an excellent example of successful middle power leadership on a human security issue, but it only provided a challenge to American military interests and not to fundamental U.S. principles.

Establishing the International Criminal Court

The idea of creating a permanent institution that can try individuals who are accused of crimes against humanity has been discussed for decades. In 1994, the Like-Minded Group of Countries was formed by around a dozen states, with the aim of campaigning for the convening of an international conference of plenipotentiaries to produce a convention on the establishment of an International Criminal Court (ICC). The Like-Minded Group is an informal association, and does not have a fixed composition. By June 2000, sixty-seven states had joined the group.⁷⁷ During the meetings of the Preparatory Committee prior to the 1998 Rome Conference, key members of the NGO Coalition for an International Criminal Court (CICC) believed that the outcome of the negotiations on an ICC would probably depend on the leadership and negotiating capabilities of the Like-Minded Group. The group provided a determined resistance to the efforts of some countries, including the United States, China, France, Mexico, India, and the United Kingdom (prior to the emergence of the Labour government in 1997), to prolong the Preparatory Committee negotiations due to their skepticism about the ICC.

The CICC requested in 1997 that the Like-Minded Group identify guiding principles that would serve as the foundation for the pro-ICC bloc during the negotiations. At the penultimate session of the Preparatory Committee in December 1997, the Like-Minded Group reached a consensus on six main principles: the ICC should remain independent from the United Nations Security Council; an independent position of ICC Prosecutor needed to be created; ICC jurisdiction would be extended to cover cases of genocide, crimes against humanity, war crimes, and the crime of aggression; the ICC must expect the full cooperation of states; the ICC should make the

⁷⁶ Richard Price, "Reversing the Gun Sights."

⁷⁷ The members were Andorra, Argentina, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, Congo, Costa Rica, Croatia, the Czech Republic, Denmark, Egypt, Estonia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, the Ivory Coast, Jordan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Namibia, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Poland, the Republic of Korea, Romania, Samoa, San Marino, Senegal, Sierra Leone, Slovakia, Slovenia, the Solomon Islands, South Africa, Spain, Swaziland, Sweden, Switzerland, Trinidad and Tobago, the United Kingdom, Venezuela, Zambia, and Zimbabwe. See William R. Pace and Jennifer Schense, "Coalition for the International Criminal Court at the Preparatory Commission," in Roy S. Lee, ed., *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence* (Ardsley, NY: Transnational Publishers, 2001), fn.5.

final decision on issues of admissibility; and a diplomatic conference of plenipotentiaries would be convened in Rome.⁷⁸

The alliance between the CICC and the Like-Minded Group demonstrated the efficacy of the ‘new diplomacy’ or ‘soft power.’⁷⁹ Instead of settling for a lowest-common denominator agreement which has universal acceptance, but is substandard and ineffective, the like-minded governments pushed for the adoption of a feasible and effective treaty despite the opposition of some major powers. With the Canadian government at the helm, the members of the Like-Minded Group were urged to coordinate their positions on both issues of substance and strategy. The Convenor of the CICC, William Pace, and other NGO leaders approached Canadian Foreign Minister Lloyd Axworthy for his support on the ICC initiative. Axworthy, who had been so successful in achieving the Ottawa Convention banning anti-personnel landmines in 1997, used his bilateral and multilateral contacts, as well as public statements, to spread the word on the necessity of an ICC. Preparatory Committee Chairman Adriaan Bos of the Netherlands appointed mainly leaders from the Like-Minded Group as ‘issue coordinators.’ Bos’s replacement, Philippe Kirsch of Canada, continued this strategy. Axworthy attended the Rome Conference to lobby states to remain firm in their will to establish an effective and worthwhile ICC, and also contacted other foreign ministers to discuss particular issues at critical stages of the negotiations.

The Clinton administration supported the creation of the ICC initially, and participated in the Preparatory Committee’s negotiations on a draft statute.⁸⁰ But a change in U.S. policy towards the ICC came when the Clinton administration let the Department of Defense take the lead in policy-making.⁸¹ The Pentagon was concerned that the ICC would be used as a forum for challenging U.S. military activities. The United States insisted vehemently that the ICC should be subject to United Nations Security Council controls over which cases it may pursue.⁸² With Security Council oversight, the U.S. would retain a veto on the activities of the ICC, and would thereby prevent any politically motivated trials of American soldiers serving overseas. Furthermore, the United States was concerned that the ICC would not grant American military personnel the benefits of a jury trial and the other procedural guarantees available in U.S. federal and state courts, nor would the ICC take into consideration the

⁷⁸ William R. Pace, “The Relationship Between the International Criminal Court and Non-Governmental Organizations,” in Herman A.M. von Hebel, Johan G. Lammers, and Jolien Schukking, ed., *Reflections on the International Criminal Court: Essays in Honour of Adriaan Bos* (The Hague: T.M.C. Asser Press, 1999).

⁷⁹ See *Ibid.*; and Darryl Robinson, “Case Study: The International Criminal Court,” in Rob McRae and Don Hubert, ed., *Human Security and the New Diplomacy: Protecting People, Promoting Peace* (Montreal & Kingston: McGill-Queen’s University Press, 2001).

⁸⁰ David J. Scheffer, “The United States and the International Criminal Court,” *American Journal of International Law* 93 (January 1999), 12-22.

⁸¹ Aryeh Neier, “Waiting for Justice: the United States and the International Criminal Court,” *World Policy Journal* 15 (Fall 1998), 33-37.

⁸² Thomas Omestad, “U.S. Seeks to Weaken Court,” *U.S. News & World Report* 124 (29 June 1998), 48.

unique requirements of a military society like an American court-martial would.⁸³ But to the dismay of the U.S., lobbying by the Like-Minded Group of Countries and the Coalition for an International Criminal Court resulted in the creation of an ICC Prosecutor with the power to initiate investigations and prosecutions of crimes without requiring a referral from a state party or the Security Council.

The change for the negative in American policy towards the ICC can be attributed to the influence of the Department of Defense and Congressional Republicans. Daniel Benjamin remarks that, “in the ICC project, American right-wingers hear the whir of black helicopters, the approach of world government and the loss of U.S. sovereignty.”⁸⁴ But these fears of the ICC emanating from groups in the American foreign policy establishment appear to have no solid foundations in reality. The ICC’s complementarity regime means that alleged criminals will only be investigated by the ICC if their home countries are either unable or unwilling to conduct their own investigations, a situation which should not arise with regards to the U.S. and other democracies with competent judicial systems.⁸⁵ Moreover, the fact that the Rome Statute does not grant the accused the right of a jury trial is irrelevant in the case of American military personnel, since the Fifth Amendment to the U.S. Constitution excludes servicemembers from the guarantee of a jury trial in a time of war or public danger.⁸⁶ Nevertheless, the Rome Statute does include numerous provisions that guarantee due process to defendants, such as the right to assistance of counsel and the right to be present at trial.

The United States was also wary about the negotiating process at the Rome Conference.⁸⁷ During the final forty-eight hours of the conference, the draft statute was revised, behind closed doors, by a small number of delegates, most of whom were from the Like-Minded Group of Countries. These delegates brokered deals with holdout governments, in order to convince them to support a draft that was finalized at 2:00 a.m. on July 17, the last day of the conference. This ‘take it or leave it’ approach involved the rewriting of significant portions of the statute, without subjecting the text to review by either the Drafting Committee or the Committee of the Whole. The final draft of the Rome Statute included a provision, unacceptable to the United States, whereby if the treaty were amended in the future to include a new crime or a redefinition of an existing crime, then states parties would be permitted to immunize their nationals from

⁸³ Robinson O. Everett, “American Servicemembers and the ICC,” in Sarah B. Sewall and Carl Kaysen, ed., *The United States and the International Criminal Court: National Security and International Law* (Lanham, MD: Rowman & Littlefield Publishers, 2000).

⁸⁴ Daniel Benjamin, “Relaxing the Strong Arm: The U.S. May Not Want a Global War-Crimes Court, But Why Spoil It For Others?” *Time International* 158 (10 September 2001), 31.

⁸⁵ See Tom Carter, “World Tribunal a Done Deal; the International Criminal Court is Four Signatories Short of Ratification, Which Could Happen This April,” *Insight on the News* 18 (29 April 2002), 29; and Jonathan D. Tepperman, “Contempt of Court,” *Washington Monthly* 32 (November 2000), 25.

⁸⁶ “U.S. Signing of the Statute of the International Criminal Court,” *American Journal of International Law* 95 (April 2001), 397-400.

⁸⁷ See David J. Scheffer, “The United States and the International Criminal Court.”

prosecution for this new crime, but the nationals of non-parties would remain subject to potential prosecution. Moreover, the Rome Statute included the crime of aggression, despite the fact that no consensus on a definition of this crime had been reached at the conference.

On the final day of the Rome Conference, the U.S. attempted to scuttle the treaty by proposing that the consent of both the state on whose territory the crime was committed, and the state of which the accused is a national, should be required in order for the ICC to exercise its jurisdiction.⁸⁸ But Norway moved to table the motion, which was seconded by Sweden and Denmark. The American proposal was defeated in a vote, with 113 states voting against, 17 for, and 25 states abstaining. The conference participants then proceeded to adopt the Rome Statute, with 120 states voting in favor, 7 against, and 21 states abstaining. At the request of the United States, the vote was not recorded, but it is widely accepted that the U.S. joined the company of a few pariah states in voting against the ICC.⁸⁹

On December 31, 2000, just hours before the deadline, the U.S. reversed course and signed the Rome Statute.⁹⁰ President Clinton explained that by signing the treaty, the U.S. was demonstrating its moral leadership on the ICC issue. Furthermore, an American delegation would thereby be invited to participate in the subsequent technical meetings that would be convened to work out the treaty's details, and would thus be able to push for an exemption for states that do not ratify the statute. Clinton knew that U.S. ratification was impossible anyway, since Jesse Helms, the Chairman of the Senate Armed Services Committee, had declared that any treaty for an ICC that could prosecute U.S. citizens would be "dead on arrival" in the Senate.⁹¹ In May 2002, the George W. Bush administration 'unsigned' the Rome Statute, the first time a U.S. president has ever decided to revoke the signature of a former chief executive on a treaty.⁹² Nevertheless, the ICC came into effect on July 1, 2002, following the sixtieth ratification of the Rome Statute.

To conclude, with considerable leadership from the Canadian government and support from the NGO Coalition for an International Criminal Court, the Like-Minded Group of Countries campaigned successfully for the establishment of an ICC that is both strong and effective in theory. If the ICC will truly function as its architects intended it to is a question that will be answered in the future. Nevertheless, this is a case where middle power leadership managed to overcome U.S. opposition based on the interests of groups

⁸⁸ Lawrence Weschler, "Exceptional Cases in Rome: The United States and the Struggle for an ICC," in Sarah B. Sewall and Carl Kaysen, ed., *The United States and the International Criminal Court: National Security and International Law* (Lanham, MD: Rowman & Littlefield Publishers, 2000).

⁸⁹ Most accounts agree that the United States, China, Israel, and Libya cast negative votes. Algeria, Iran, Iraq, Qatar, Sudan, and Yemen have each been acknowledged as having possibly voted negative.

⁹⁰ "Sign On, Opt Out; What? A World Criminal Court!," *The Economist* (6 January 2001), 6.

⁹¹ Doug Cassel, "Bad Neighbors," *The American Prospect* 12 (27 August 2001), 14.

⁹² John B. Anderson, "Unsigned the ICC," *The Nation* 274 (29 April 2002), 7; and Karl E. Meyer, "Criminal Thinking in Washington," *World Policy Journal* 19 (Summer 2002), 106-108.

in the American foreign policy establishment, namely the Pentagon and Congressional Republicans.

Regulating the Legal Trade in Small Arms and Light Weapons

Since the Cold War ended, at least four million people have been killed by small arms and light weapons (SALW) in armed conflicts.⁹³ Around ninety percent of these victims were civilians, and eighty percent were women and children. The proliferation of SALW has been clearly a threat to human security. It has been estimated that there are at least 500 million SALW in global circulation at present, which amounts to approximately one for every twelve persons. But, as Michael Renner indicates, “small arms are the orphans of arms control.”⁹⁴ During the Cold War, arms control negotiations focused on major weapons systems, hence the global community failed to adopt international norms regarding the production, transfer, and possession of SALW. The SALW issue did not become part of the international agenda until October 1993, when President Alpha Oumar Konare of Mali, a country severely affected by the illicit influx of small arms, made a request to the United Nations Secretary-General for assistance with the problem of SALW proliferation in West Africa.⁹⁵

On August 27, 1997, a United Nations Panel of Governmental Experts issued a report which recommended measures to prevent and reduce the destabilizing effects from excessive stockpiling and transfers of SALW, and called for the convening of an international conference on the illicit trade in SALW in all its aspects.⁹⁶ The General Assembly responded on December 9, 1997, with Resolution 52/38J endorsing the panel’s recommendations, and authorizing the Secretary-General both to begin planning for an international conference on SALW, and to set up a new Group of Governmental Experts that would report on progress in implementing the panel’s suggestions. In its September 1999 report, the Group of Governmental Experts recommended that the primary focus of an international conference should be on those SALW that are manufactured to military specifications, with the objective of halting the illicit trade in SALW in all its aspects. Thus, rifles and firearms used for hunting and sports would be excluded from consideration.

In December 1999, the General Assembly called for a UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and created a

⁹³ “Under the Gun,” *UN Chronicle* 38 (March-May 2001), 13-14.

⁹⁴ Michael Renner, “Arms Control Orphans,” *Bulletin of the Atomic Scientists* 55 (January 1999), 22.

⁹⁵ See Joseph P. Smaldone, “Mali and the West African Light Weapons Moratorium,” in Jeffrey Boutwell and Michael T. Klare, ed., *Light Weapons and Civil Conflict: Controlling the Tools of Violence* (Lanham, MD: Rowman & Littlefield Publishers, 1999); and NGO Committee on Disarmament, “UN-Small Arms Time Line,” *Disarmament Times* 24 (Special Issue on Small Arms, Summer 2001), 1-8.

⁹⁶ Graciela Uribe de Lozano, “The United Nations and the Control of Light Weapons,” in Jeffrey Boutwell and Michael T. Klare, ed., *Light Weapons and Civil Conflict: Controlling the Tools of Violence* (Lanham, MD: Rowman & Littlefield Publishers, 1999).

Preparatory Committee, which began work in February 2001.⁹⁷ Canada expressed its view that both the Preparatory Committee and the international conference should address all issues related to the excessive accumulation and uncontrolled proliferation of SALW, not merely the problem of illicit transfers.⁹⁸ On July 21, 2001, Canada submitted a working paper to the Preparatory Committee which offered suggestions as to the format and contents of an action plan on SALW. Among its many recommendations, Canada proposed that the plan examine the relationship between the licit and the illicit aspects of the SALW problem, and suggested that states should make a commitment “to exercise the maximum practicable restraint on the legal manufacture and transfer of small arms and to enhance efforts to prevent the illicit manufacture and transfer of such weapons.”⁹⁹

Canada also stressed that the work of the Preparatory Committee should complement, not duplicate, the contents of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.¹⁰⁰ The Firearms Protocol requires states parties to ensure that firearms are marked for identification at their time of manufacture so as to render them traceable; to maintain records of their international sales of firearms, components, and ammunition for at least ten years; and to cooperate with other states parties and international organizations by sharing the information, training, and technical assistance necessary to eradicate the illegal manufacturing of and trade in firearms.¹⁰¹ The protocol was adopted by the General Assembly on June 8, 2001, and will enter into force ninety days after its fortieth ratification, pending the entry into force of the United Nations Convention against Transnational Organized Crime. As of April 2003, fifty-two states had signed the protocol, but only three had ratified it. The United States has done neither.

From the first session of the Preparatory Committee, the Clinton administration warned that it would not accept any legally binding international treaty that either constrains the legitimate trade in SALW by U.S. nationals (including sales to non-state

⁹⁷ NGO Committee on Disarmament, “UN-Small Arms Time Line.”

⁹⁸ See United Nations Secretary-General, *Convening of an International Conference on the Illicit Arms Trade in All Its Aspects: Report of the Secretary-General* (UN General Assembly, A/54/260, 20 August 1999); and United Nations Secretary-General, *Convening of an International Conference on the Illicit Arms Trade in All Its Aspects: Report of the Secretary-General* (UN General Assembly, A/54/260/Add.1, 24 February 2000).

⁹⁹ United Nations Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Working paper submitted by Canada entitled “Towards a United Nations 2001 action plan on small arms”* (UN General Assembly, A/CONF.192/PC/14, 21 July 2000), 3.

¹⁰⁰ United Nations Secretary-General, *Convening of an International Conference on the Illicit Arms Trade in All Its Aspects: Report of the Secretary-General*, UN General Assembly, A/54/260/Add.1 (24 February 2000).

¹⁰¹ United Nations General Assembly Resolution, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime*, A/RES/55/255 (8 June 2001).

actors), or infringes on the constitutional right of Americans to own firearms legally.¹⁰² According to the Second Amendment to the U.S. Constitution, “a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”¹⁰³ American objections to the implementing of restrictions on the licit trade in SALW are rooted in a perception that such regulations would threaten a fundamental constitutional principle of the U.S.: the right of American citizens to bear arms. The U.S. is committed, however, to the elimination of the illicit trade in military SALW. The Clinton administration did make it clear during the meetings of the Preparatory Committee that it would accept the establishment of a program of action designed to curb the illicit SALW trade across international borders, a position which the George W. Bush administration has also adopted.¹⁰⁴

As with the initiatives to ban anti-personnel landmines and to establish the International Criminal Court, NGOs have had a close working relationship with ‘like-minded’ states in the SALW campaign. The International Action Network on Small Arms (IANSA) was created following meetings of NGO representatives from around the world in Orillia, Ontario, Canada in August 1998, and Brussels, Belgium on October 14, 1998.¹⁰⁵ The objectives of IANSA extend beyond regulating the licit SALW trade and eradicating illicit transfers, to include eliminating cultures of violence and removing SALW from post-conflict societies.¹⁰⁶ But the NGOs realized that the SALW campaign would not be as easy as the APL-ban initiative for two reasons. First, the fact that civilian ownership of small arms is legal in countries worldwide means that there is no universal acceptance of the need to ban such weapons. Second, most people would concur that light weapons do have some legitimate uses, such as for peacekeeping operations.

The middle powers organized several meetings and workshops leading up to the UN conference on the illicit trade in SALW.¹⁰⁷ In July 1998, Norway hosted the Oslo Meeting on Small Arms, which produced ‘Elements of a Common Understanding’ regarding the need for immediate action to prevent the illicit transfer of SALW, as well as tighter control on legal transfers.¹⁰⁸ A follow-up meeting (Oslo II) was held in December

¹⁰² “UN Conference on Illicit Trade in Small Arms,” *American Journal of International Law* 95 (October 2001), 901-903.

¹⁰³ “The Constitution of the United States of America,” in Matthew Spalding, ed., *The Founders’ Almanac: A Practical Guide to the Notable Events, Greatest Leaders & Most Eloquent Words of the American Founding*, Reference Edition (Washington, D.C.: The Heritage Foundation, 2002), 261.

¹⁰⁴ “UN Conference on Illicit Trade in Small Arms.”

¹⁰⁵ Michael Klare and Robert I. Rotberg, *The Scourge of Small Arms* (Cambridge, MA: World Peace Foundation, 1999).

¹⁰⁶ Liz Clegg, “NGOs Take Aim,” *Bulletin of the Atomic Scientists* 55 (January 1999), 49.

¹⁰⁷ See United Nations, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9-20 July 2001 (A/CONF.192/15, 2001).

¹⁰⁸ See Liz Clegg, “NGOs Take Aim;” and The Oslo Meeting on Small Arms, “An International Agenda on Small Arms and Light Weapons: Elements of a Common Understanding” (13-14 July 1998) www.iansa.org/documents/regional/2000/jan_00/oslomeeting.htm (26 April 2003).

1999. At the ‘Sustainable Disarmament for Sustainable Development’ international conference in Brussels in October 1998 (coinciding with the NGO meeting), ninety-eight governments announced a ‘Brussels Call for Action’ on light weapons.

The government of Canada co-organized regional SALW conferences and seminars together with Sri Lanka (June 2000), Poland (September 2000 and September 2001), Bulgaria (October 2000), the European Union (in May 2001, under the Swedish Presidency of the EU), Cambodia and Japan (February 2001), and Hungary (April 2001). On November 7, 2000, the Canadian Joint Delegation to the North Atlantic Treaty Organization (NATO) and the Center for European Security and Disarmament convened a roundtable on Small Arms and Europe-Atlantic Security at the NATO headquarters in Brussels. Canada also hosted an OAS seminar on the illicit SALW trade in Ottawa in May 2001.

The governments of the Netherlands and Hungary cooperated in organizing an expert workshop on destruction of SALW as an aspect of stockpile management and weapons collection in post-conflict situations, held in The Hague in September 2000. The London-based NGO Saferworld co-hosted separate seminars on SALW together with the foreign affairs ministries of Poland, the Czech Republic, and Hungary in 2000. In addition, the Human Security Network discussed the issue of the SALW trade at its Second Ministerial Meeting in Lucerne, Switzerland in May 2000.

The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York City from July 9 to 20, 2001.¹⁰⁹ Representatives from more than 140 states and over forty NGOs participated. Concerned about preventing the transfer of SALW to terrorists and insurgent groups, many delegations from Africa, Latin America, and the European Union pushed for a prohibition on the sale of SALW to non-state actors. Several progressive states and NGOs, including Amnesty International and Human Rights Watch, argued that the eradication of the illegal trade in SALW could not be accomplished without first establishing stronger regulations on the legal trade. They emphasized that states should accept responsibility for the uncontrolled proliferation of SALW, and should refrain from providing SALW to regimes with dubious human rights records.

But most states at the conference were more interested in the problem of preventing the destabilizing accumulation of SALW. This was a very divisive issue, in that while one state may perceive a situation as a destabilizing accumulation, another state may argue that it needs sufficient SALW for its national defense. The humanitarian dimension, which had been so influential in convincing states to agree to the landmines ban, was rarely discussed at the SALW conference. In addition, the efforts of the humanitarian NGOs were countered by a minority of NGO activists representing the

¹⁰⁹ See Humanitarian Coalition on Small Arms, “Annex A: The U.N. Conference – A Human Rights and Humanitarian Perspective,” in *Small Arms and the Humanitarian Community: Developing A Strategy for Action*, Nairobi, Kenya, November 18-20, 2001, Report of the Proceedings; Michael Klare, “UN Forges Program to Combat Illicit Trade in Small Arms,” *Issues in Science and Technology* 18 (Fall 2001), 34; NGO Committee on Disarmament, “NGOs Played Major Role,” *Disarmament Times* 24 (Special Issue on Small Arms, Summer 2001), 3; NGO Committee on Disarmament, “Small Arms Conference Sets Significant Action But Key Provisions Are Weak,” *Disarmament Times* 24 (Special Issue on Small Arms, Summer 2001), 1-6; “UN Conference on Illicit Trade in Small Arms;” and United Nations, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*.

‘firearms community’ in seven countries. While most of the pro-gun NGOs preached the need for responsible and safe ownership of firearms, the 4.5 million member National Rifle Association of America expressed its deep concerns that the outcome of the conference would threaten the legitimate domestic rights of American citizens to own and use firearms.

In his address to the conference, John R. Bolton, the United States Under-Secretary of State for Arms Control, argued that while the U.S. supports actions to stem the illicit trade in military SALW, it opposes any initiative that would challenge the Second Amendment of the U.S. Constitution and limit the use of hunting rifles and pistols by American citizens.¹¹⁰ Energized by this fundamental American principle, the U.S. delegation succeeded in eliminating references to the regulation of private gun ownership and a ban on transfers to non-state actors from the final text. Furthermore, the U.S. and other major SALW exporters like China and Russia refused to accept any legally binding instrument to ensure the tracing of the lines of supply of SALW. Instead, these delegations approved weaker measures, including the strengthening of the capacity of states to cooperate in tracing illicit flows of SALW, and the launching of a UN study on the feasibility of developing an international instrument that would facilitate the tracing of illicit transfers. The U.S. also objected to the setting of any specific sequence of follow-up activities to the conference, but finally agreed to biennial meetings of states and another global conference by 2006 to monitor progress.

On the final day of the conference, the participants adopted a Program of Action that is politically, but not legally, binding. The Program of Action commits states to pass national laws criminalizing the illicit trade in SALW; to regulate the activities of SALW brokers; to require licensed SALW manufacturers to place traceable markings on each weapon produced; to establish strict criteria for the export of SALW; to prosecute violators; to keep accurate records on the manufacture, possession, and transfer of SALW; and to cooperate with other SALW initiatives at the global, regional, and national levels.¹¹¹ Although those conference participants who had campaigned for more significant action on the SALW issue were deeply disappointed, they felt that an agreement on SALW would be ineffective if the United States was not included. Hence, they accepted a less ambitious Program of Action in the interest of forging a compromise that would permit the global community to take some action regarding the illicit trade in SALW. In his final statement, the President of the Conference, Ambassador Camilo Reyes of Colombia, expressed his frustration with “the conference’s inability to agree, due to the concerns of one state, on language recognizing the need to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to non-state groups.”¹¹²

The initiative to regulate the legal trade in small arms and light weapons has not been successful thus far, despite the significant leadership efforts of like-minded middle

¹¹⁰ “UN Conference on Illicit Trade in Small Arms.”

¹¹¹ NGO Committee on Disarmament, “Significance of the Program of Action,” *Disarmament Times* 24 (Special Issue on Small Arms, Summer 2001), 2.

¹¹² United Nations, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, 23.

powers and humanitarian NGOs. The opposition of the United States, rooted in a perception that one of its fundamental constitutional principles was endangered by this initiative, prevented the New York conference from taking any action on the issue of the licit trade in SALW. This case provides additional support for the hypothesis that a middle power-led human security initiative is more likely to be successful when the initiative does not threaten the fundamental principles of the superpower.

Conclusion: The Conditions For Successful Middle Power Leadership

In this essay, I have illustrated that middle power states have exercised leadership on human security issues in the post-Cold War era, with varying degrees of success. The middle powers addressed the need for a United Nations rapid response capability in peacekeeping by forming a Standby High Readiness Brigade for United Nations Operations. The brigade was deployed effectively with the United Nations Mission in Ethiopia and Eritrea, and is now available to the United Nations for future deployments. Through the Ottawa Process, the like-minded middle powers managed to achieve a global ban on the use, production, stockpiling, and transfer of anti-personnel landmines. Although not all mine producers have signed the Ottawa Convention yet, the treaty has had positive results both in halting the international trade in APLs, and in establishing a new international norm that condemns the use of APLs. Skilled negotiating by the Like-Minded Group of Countries led to the creation of the International Criminal Court. Whether the ICC will operate as its designers intended it to remains to be seen, but the fulfillment of the ICC initiative does realize a decades-old idea of establishing a permanent body which can bring war criminals to justice. Finally, middle power leadership was not capable of deriving international restrictions on the legal trade in small arms and light weapons. The global community had to settle solely for a non-legally binding Program of Action on the illicit trade in SALW.

As the sole superpower in the contemporary international system, the United States wields a substantial influence on whether or not a human security initiative is to be successful. Although Washington did not express any position with regards to the formation of SHIRBRIG, the U.S. did favor the development of a rapid response capability for United Nations peacekeeping as long as it did not involve the creation of a standing UN army. Hence, the SHIRBRIG initiative corresponded to American interests. In the case of the anti-personnel landmine campaign, the United States agreed with the general idea of an APL ban, recognizing the immense human suffering caused by these 'weapons of indiscriminate destruction.' But the U.S. objected to the Ottawa Process, due both to the fast-track and exclusionary nature in which its negotiations were conducted, and to a perception that the Ottawa Convention that was produced was adverse to American military interests. The United States provided a stronger opposition to the creation of the international criminal court, on the basis of a misperception by some groups in the American political establishment that the ICC would infringe on the constitutional right of U.S. citizens to a jury trial, and would become merely a forum for politically-motivated trials of American military personnel serving abroad. But U.S. antagonism was greatest in the case of the initiative to generate international restrictions on the licit SALW trade. Washington stood firm in its resistance to this campaign, due to a strongly-held belief that the initiative would violate the constitutional right of U.S. citizens to bear arms.

The cases examined in my study provide support for the hypothesis that a middle power-led human security initiative is more likely to be successful if the initiative does not threaten the fundamental principles of the superpower. The middle powers were able to achieve their human security objectives in three different situations: when they received tacit U.S. support (the SHIRBRIG initiative), when they challenged American military interests (the anti-landmine campaign), and when they were confronted with the hostile opposition of some groups in the American foreign policy establishment (the ICC project). But the middle powers were unsuccessful in their struggle to derive international restrictions on the licit trade in small arms and light weapons, an issue that was perceived by Washington as threatening to the constitutional right of American citizens to bear arms. The results of my study indicate that while middle powers may be effective leaders in the realm of human security, there are limits to which their leadership may bear fruit.

On the basis of my findings, I will now illustrate certain conditions which may be necessary for middle power leadership to achieve human security objectives in the post-Cold War era. First, a middle power-led initiative should not appear threatening to the core principles of the superpower, as I hypothesized in this study. Second, no middle power is capable of fulfilling an initiative on its own. The tendency to resort to multilateralism is a key feature of middlepowermanship. Each of the successful human security campaigns featured a coalition of like-minded states working closely together: the Friends of Rapid Deployment (SHIRBRIG), the Ottawa Process core group (landmines), and the Like-Minded Group of Countries (ICC). Although several middle powers did cooperate on the SALW issue, they did not form a strong coalition as in the other three cases. On the issue of restricting the licit SALW trade, there were sharp divisions between a minority of progressive governments who prioritized human security, and the vast majority of governments who believed that easy access to legal supplies of SALW must be maintained in the interest of protecting national security.

Third, the middle power states benefit considerably from their close working relationship with NGOs. The International Campaign to Ban Landmines, the Coalition for an International Criminal Court, and the International Action Network on Small Arms are umbrella groups which brought together NGOs from around the world in order to demonstrate the support of civil society for their causes. Due to their 'humane internationalist' orientations and less exploitative historical relations, middle power states are frequently viewed by NGOs as more trustworthy partners with whom to do business than major power governments. A middle power-led campaign will be much stronger if it has the vociferous will of civil society behind it. Unfortunately, NGOs were relegated to the back-burner at the New York conference on the illicit SALW trade, as they were excluded from important meetings and given limited time to present their viewpoints. Furthermore, a few NGOs at the conference represented the firearms community, and lobbied against the adoption of any restrictions on the licit SALW trade. On some issues, however, middle powers may also succeed without the backing of NGOs. The SHIRBRIG initiative featured cooperation solely between middle powers and the United Nations.

Fourth, the contributions of dedicated individuals may help ensure the successful completion of a human security campaign. The efforts of Canadian Foreign Minister Lloyd Axworthy on both the landmine and ICC initiatives stand out in particular. The SHIRBRIG campaign was propelled by the foreign ministers of the Netherlands, Canada,

and Denmark, especially the decision by Canadian Foreign Minister André Ouellet and Dutch Foreign Minister Hans Van Mierlo to organize the Friends of Rapid Deployment coalition. NGO leaders, like the ICBL Coordinator Jody Williams and the CICC Convenor William Pace, played crucial roles in uniting civil society organizations around the world into single, powerful movements. In addition, the anti-landmine campaign received much publicized support from notable figures like Princess Diana, Archbishop Desmond Tutu, Jimmy Carter, Kofi Annan, and Queen Noor, which served the purpose of rallying public opinion in favor of a ban.

Fifth, the negotiating style that is employed may have a significant impact on whether a human security initiative will achieve its goals. The middle powers adopted a fast-track, majority-based decision-making approach in both the landmine and the ICC campaigns. The aim was to derive a treaty that would be accepted by a majority of states, and thus easily implemented. Once the initiative had become a reality, it was hoped that holdout states would eventually be persuaded to participate by the existence of new international norms and institutions. In contrast, the negotiations at the SALW conference were driven by a consensus-based decision-making process. The need to reach a lowest common denominator agreement made it easy for the United States to block any significant progress.

Finally, a human security campaign may be successful if there is a widespread recognition that its objectives are indisputably beneficial to humankind. It was undeniable that the United Nations needed a rapid deployment capability to enhance the effectiveness of peacekeeping operations, that anti-personnel landmines which kill and maim scores of people each year needed to be banned, and that an International Criminal Court which could bring war criminals to justice needed to be established. But the global community remains divided as to whether restrictions on the licit trade in small arms and light weapons would be as favorable for human security. The pro-regulation side includes progressive middle powers and humanitarian NGOs, who argue that any plan to eliminate the illicit SALW trade must first address how weapons that are sold legally may end up in the hands of criminals and human rights abusers. The anti-regulation side consists of most national governments as well as NGOs representing the firearms community. This group believes that attempts to place restrictions on the legal trade will be adverse to national security, as militaries require easy access to supplies of SALW. Without sufficient SALW, national defense forces may become weaker relative to insurgent and terrorist groups that obtain SALW through illegal channels. The resulting increase in violence and bloodshed would also be detrimental to human security. A November 2001 conference organized in Nairobi by the Humanitarian Coalition on Small Arms concluded that the Rome Conference “came too early at a time when political will to seriously tackle the human cost of small arms proliferation and misuse is not fully developed. Clearly most states are not prepared to put human security before national security.”¹¹³ In short, there is no universal belief that tighter controls on the legal trade in SALW would be useful.

To conclude, scholars who argue that middle powers will always play the role of supportive follower to the United States on issues of global security are missing the big picture. My study demonstrates that, when it comes to human security, middle power

¹¹³ Humanitarian Coalition on Small Arms, “Annex A: The U.N. Conference – A Human Rights and Humanitarian Perspective.”

states have been significant leaders in launching, facilitating, and managing initiatives. Middlepowermanship is even capable of overcoming the opposition of the lone superpower in the contemporary world, under certain conditions. I hope that my work will encourage other scholars to discard their great power-centric orientation, too prevalent in international security studies, and devote more attention to the foreign policies of middle powers and smaller states in general.