

Translating challenges into political action: Some observations from a research perspective

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Friends, colleagues, excellencies: first allow me to express my gratitude for being given the opportunity to present some ideas from our research at UNIDIR.

Via our statuteⁱ, UNIDIR is tasked with providing the international community with information relating to international security and disarmament so as to facilitate progress, through negotiations, towards greater security for all States and towards the economic and social development of all peoples. We also carry out in-depth, forward-looking and long-term research on disarmament, so as to stimulate new initiatives for new negotiations. It is under this mandate that we have been carrying out research on the humanitarian impact of cluster munitionsⁱⁱ and our work on rethinking the approach to disarmament negotiations through the multi-year project Disarmament as Humanitarian Actionⁱⁱⁱ.

The debate over research about the humanitarian impact of cluster munitions is similar in many respects to a number of other scientific debates over predicting long-term impact. For example, avian flu and global climate change. The evidence isn't yet all in, and there are gnawing gaps in knowledge to be filled as well as aspects of the phenomena we still don't fathom. But we know enough from the data that if we fail to act in response to problems that loom large now – responses that will demand changes in our behaviour and that may have costs in the shorter term that we are reluctant to bear – we face the likelihood of worse consequences down the line.

So it is also in confronting the effects of cluster munitions on civilians. The truth is that their humanitarian effects are severe compared with other types of unexploded ordnance, wherever they've been used. And that's with all of the safeguards of existing international humanitarian law and the doctrines of professional military forces deploying them in Afghanistan, Iraq, Kosovo, Iraq, Lebanon and elsewhere. On top of this, the inevitable proliferation of this problematic weapon, including to non-state armed groups (already a *fait accompli*), will make this serious humanitarian situation far worse in the future.

We are all here because we have recognized that the impacts of cluster munitions on civilians need to be dealt with effectively and we agree that it is a problem that will require collective action as well as national-level action. Recognition and agreement are crucial first steps in deciding what to do about cluster munitions.

First, let's outline a few historic trends that may in the process banish a couple of myths:

1. **Historically, the choice of weapons has frequently been limited by humanitarian concerns.** Although these limits were expanded from the 19th century through the emergence of IHL and disarmament law, taboos against poison and deliberate spreading of disease, for instance, existed long before that.
2. **On the whole, disarmament efforts have lagged behind technological advances and have been responses to the humanitarian consequences of weapons, rather than foresighted safeguards. Moreover, it's been especially tough to deal with the choice of weapons when those weapons are perceived as militarily useful.** The CCW's Protocol on blinding lasers is an exception that serves to prove the rule as perhaps, in some respects, is the BTWC.
3. **The marked expansion and influence of civil society in these efforts in recent decades can mean we forget that, far from being reactive, States themselves have often initiated and promoted efforts to create and reinforce new humanitarian norms.** This tradition goes back at least as far as the work of the military commission that resulted in the 1868 St Petersburg Declaration on dum dum bullets.
4. **But as we all know too well: humanitarian concerns have often failed to translate into effective action once they've been put through the lowest-common denominator blender of international negotiations.**

This last point is extremely important. I suspect that some here, while agreeing that the international community *should* respond to the effects of cluster munitions on civilians without delay by means of a new legal instrument, have nagging doubts about whether it really is feasible and if it is feasible, whether it can be done within existing structures.

These concerns are especially salient because, as in other endeavours of this kind, there are prominent countries which – for various reasons - are not so keen. As they have power and influence, they must be factors in the political calculus. They can use a number of techniques to block progress both in the structures in which they operate and by proxy through complementary structures and small cooperative groups.

The importance of the goal has to be measured against the means to get there.

What others think and what they may do about cooperating with, or defecting from, efforts to deal with the problem in a way that has a meaningful impact is also important. This can make matters very complex for decision-makers.

With so many people and governments involved, international relations are certainly complex social phenomena. History matters in such complex systems, and events and decision points are *path dependent*, which means that what happens depends on the conditions that emerge in the course of a

process. Small changes can have big and sometimes unintended consequences. This doesn't preclude successful outcomes. It means that looking to the past - or that the partial information we have now to help assuage uncertainties about the future - is no more than a rough guide. That's because the future - like the present - is context dependent, and that context changes in unpredictable ways.

What are we to do then? The clear interest here is to tackle the humanitarian impacts of cluster munitions before they get significantly worse. The utility - and the potential for success - of cooperating in order to do this by developing a new norm - even if not all countries cooperate - is going to be higher than uncoordinated or just national actions.

Evidence from many disciplines ranging from Robert Axelrod's research in international relations to population biology and behavioural economics shows that if **clusters of cooperators** form, then they affect everybody's behaviour - even if not everyone cooperates.^{iv}

We've seen this in the Mine Ban Treaty context, and we're also seeing this in the context of a number of other processes such as the Arms Trade Treaty initiative or the Proliferation Security Initiative. Indeed this is how the Conference on Disarmament was intended to function when first established.

By cooperating, a group is less vulnerable to those who might like to stop or try to punish those attempting to achieve progress. And, when we cooperate, we make more progress toward our objective than we would alone.

Just as importantly, the pay-off structure changes for everyone. For example the use of cluster munitions is thus stigmatised so that even those initially reluctant to join feel it's too costly to use or transfer the weapon.

The history of IHL and disarmament treaties over the last century indicates that we need to take a long view of success. France and China, for instance, were late joiners to the nuclear Non-proliferation Treaty, but the Treaty's existence affected their behaviour long before 1992. We have seen similar over the last ten years in the realm of the Mine Ban Convention.

In politics and diplomacy, as in every day life, our behaviour is affected by what we think others think or are going to do. A clear sense of self-interest can be a great spur to cooperative activity. Cooperating on the basis of self-interest toward mutual benefit is the best basis for any coalition, and the best antidote to mistrust. Coalitions often fall apart because partners differ in their interests but conversely they're easier to manage if everyone knows what they're trying to achieve and see the worth of making certain sacrifices to that end. Indeed, international organisations and NGOs can contribute greatly in helping to see interests clearly, and maintain momentum toward them by energizing public opinion and engaging governments.

Leadership, meanwhile, is often illustrated by determination to achieve an end despite obvious difficulties, overcoming fear of the consequences of failure. Being powerful comes with useful tools to minimize these obstacles, which may be why powerful States often lead the way.

However, less powerful cooperators can offset potential costs by virtue of their sustained cooperation and, in the process, change the rules of the game. This is what blocking, non-cooperators fear.

Concluding thoughts

In a complex environment in which the future is inherently unpredictable, the best strategy is to identify national interests, identify others with whom it overlaps, and work with them to achieve it. It's not a guarantee for success – nothing is. But indications from research and practical experience indicate that cooperating, whether or not 7 or 70 other countries join in immediately, is a less risky proposition than people might perceive. And it will certainly be of more use in dealing with the humanitarian costs of cluster munitions than not cooperating.

Rather than begin from the point-of-view of structures, we should evaluate processes in terms of how they help you to achieve common goals. It should be clear from what I've said that the best structures will be the ones that are most conducive to the emergence of effective collective action. This doesn't have to mean rejection of one type of collective action for another. But "complementary" shouldn't be allowed to become constraining, if this prevents key goals from being achieved.

History shows that those resisting the achievement of those goals are apt to change their minds once they see they're not in a position to derail them. In time, they can even become strong supporters once it becomes clear that their interests harmonize with these goals. As Gandhi said, *First they ignore you, then they laugh at you, then they fight you, then you win*^v.

ⁱ UNIDIR Statute, the United Nations General Assembly, 102nd Plenary Meeting, 17 December 1984, A/RES/39/148

ⁱⁱ For example: Cluster Munitions in Albania and Lao PDR: The Humanitarian and Socio-Economic Impact, R. Cave, A. Lawson & A. Sherriff, UNIDIR, September 2006; and Disarmament Forum Cluster munitions, UNIDIR, 2006 no. 4.

ⁱⁱⁱ For example: Disarmament as Humanitarian Action: From Perspective to Practice, J. Borrie & V. Martin Randin (eds) UNIDIR, May 2006; and Thinking Outside the Box in Multilateral Disarmament and Arms Control Negotiations, J. Borrie & V. Martin Randin (eds), UNIDIR, December 2006

^{iv} See, for example, Robert Axelrod, *The Evolution of Cooperation* (New York, Basic Books, 1984).

^v Mohandas Gandhi (1869-1948)