

***An Evolving Coalition: the role of the EU and NGOs at the 2006
UN Review Conference on Small Arms and Light Weapons.***

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Abstract

This paper explores the conditions that influenced the relationship between the EU and NGOs and their mutual success in a case of human security negotiations: the 2006 UN Small Arms Review Conference (RevCon). The uncontrolled spread of small arms and light weapons (SALW) is considered a direct threat to human security. The EU has presented itself as a leader in the fight against the proliferation of SALW and has emphasized the need to work in partnership with civil society to address this issue. This paper suggests that the EU and NGOs under the umbrella organization IANSA (International Action Network on Small Arms) appeared to present a united front and to form a coalition at the Review Conference. However, the partnership between the EU and NGOs was unsuccessful: the RevCon was not able to adopt a final document. This paper uses a multi-level game approach and the literature on coalitions in multilateral negotiations to analyze EU-NGO interactions during negotiations at the RevCon. The paper argues that the EU's willingness to listen to NGOs did not transform itself into formal cooperation: no plan of action was agreed between these two actors. It also suggests that while NGOs intensely lobbied several key EU member states, the NGOs' approach towards the EU as a collective actor was much weaker. Ultimately, the coalition formed by the EU and NGOs also failed to acquire the support of key players, particularly the United States. Finally, this paper highlights that the negotiations process can have a direct influence on the EU's relationship with NGOs: the consensus rule of the Review Conference directly affected their mutual success.

Introduction

In recent years, the European Union has reiterated its commitment to the United Nations and pledged to work toward strengthening this organization. Since the early 1990s, the UN has been increasingly active in the policy area of international human security.¹ The EU, which is considered by some as a driving force in the UN policy process², has presented itself as an important actor in the promotion of concrete actions on several human security issues.³ The EU has also emphasized the need to work in partnership with civil society to address these issues. This paper explores the conditions that might have influenced the relationship between the EU and NGOs and their mutual success in a case of human security negotiations at the UN: the 2006 Small Arms Review Conference (RevCon). The paper suggests that although the EU and NGOs under the umbrella organization IANSA (International Action Network on Small Arms) appeared to present a united front and to form a coalition at the RevCon, the partnership between the EU and NGOs was unsuccessful: the Review Conference was not able to adopt a final document.

This paper begins by examining why the European Union has become an active actor in international negotiations on the issue of small arms and light weapons (SALW) and how the EU strengthen its relationship with NGOs to deal with this issue. The paper then proposes an analytical framework that combines a multilevel game approach with concepts from the literature on coalitions in multilateral negotiations to analyze the interactions between the EU and NGOs at the Review Conference. The paper argues that the analysis of the EU-NGOs relationship in SALW negotiations at the UN requires the understanding of the ways in which a complex web of actors and institutions interact at three different levels: UN, EU and domestic. In addition, recent literature on international relations has shown that the cooperative efforts of NGOs, Intergovernmental Organizations (IGOs) and middle powers can create alternative and effective solutions to enduring international security problems.

¹ The concept of human security was put forward to describe new security concerns and to emphasize the shift from a state concerned security to a people-centered approach to security. See S. Lodgaard, *Human Security; Concept and Operationalization*, Geneva: Expert Seminar on Human Rights and Peace, December 2000. For a critical view, see R. Paris “Human Security: Paradigm Shift or Hot Air?”, *International Security*, Vol. 26, No. 2. (Autumn, 2001), pp. 87-102.

² See K.V. Laatikainen, “Assessing the EU as an Actor at the UN: Authority, Cohesion, Recognition and Autonomy”, *CFSP Forum*, vol.2,no.1, 2004, p.4-5.

³ See “Human Security and Aid effectiveness: the EU’s Challenges”, speech by European Commissioner Ferrero-Waldner, Overseas Development Institute, London, 26 October 2006.

Using this analytical framework and various qualitative methods such as expert interviews, documentary analysis and participant observation, this paper examines the interactions between the EU and NGOs (under the umbrella organization IANSA) at the Review Conference in order to identify significant factors which might have affected their mutual success.

1. The European Union and the Challenge of Small Arms and Light Weapons

Small arms and light weapons constitute the types of armament that are most frequently used in conflicts. Responsible for the majority of armed conflict deaths, they are used in more than 40% of homicides in the world. In 2006, the estimated number of SALW in existence is around 640 millions.⁴ The proliferation of SALW attracted the attention of the international community following the sudden increase of the global arms trade after the end of the Cold War.⁵ Small arms and light weapons were massively used in the internal conflicts in the 1990s in Rwanda, Somalia and in the Balkans. NGOs and international organizations were also confronted daily with the effects of the use of SALW.⁶ Following the signature of the Ottawa Convention in 1997, a treaty banning the use of anti-personnel landmines, numerous states, international organizations and NGOs called attention to the proliferation of small arms and light weapons as the next human security issue which needed to be addressed. However, in contrast to the landmines case, the idea of the adopting of a comprehensive ban of SALW was never considered. Indeed, small arms are being used by armed forces and police forces around the world and legally owned by civilians in many states. A much broader approach would thus be needed to effectively deal with the small arms issue.

In the late 1990s, the EU became one of the most vocal actors to support UN actions taken to stem the proliferation of this type of weapon. This can be explained by a number of factors. First, several EU Member States were important exporters of small arms.⁷ These states began to recognize that an increasing portion of their small arms production was being “recycled” and illegally sold on the global arms market. In addition, systematic studies showed that large

⁴ See Small Arm Survey, *Small Arms Survey 2006 – Unfinished Business*, Oxford: Oxford University Press, 2006.

⁵ J. Spear “Arms and Arms Control” in B. White, R. Little and M. Smith (eds.), *Issues in World Politics*, 3rd ed., Houndmills, Basingstoke: Palgrave Macmillan, 2005, pp.105-106.

⁶ See L. Lumpe (ed), *Small Arms Control: Old Weapons, New Issues*, UNIDIR-Ashgate Publishing Limited, May 1999, p.XVI

⁷ In 1995 the EU accounted for 33% of the total arms export. See P. Eavis and W. Benson, “The European Union and the Light Weapons Trade” in J. Boutwell and M.T. Klare (eds.) *Light Weapons and Civil Conflict*, Lanham, MD: Rowman and Littlefield, 1999, p.89.

quantities of arms were smuggled through the EU and brokered by EU companies and individuals.⁸ Second, EU activities in the areas of development assistance, humanitarian aid and conflict prevention were being directly affected by the proliferation of small arms.

The production and export of small arms remaining within the competence of EU Member States, EU actions on small arms would have to be agreed within the Common Foreign and Security Policy (CFSP) framework.⁹ The first real step to address the small arms issue in the EU was taken in 1997 when the EU Council of Ministers adopted a political declaration, the *Programme for Preventing and Combating Illicit Trafficking in Conventional Arm*.¹⁰ This *Programme* provided a framework for addressing the small arms issues and reiterated the EU support for UN initiatives tackling the illicit arms trade. A few months later, during its EU Presidency, the United Kingdom, presented to its EU colleagues the idea of a Code of Conduct on Arms Exports, which had originally been put forward by a number of UK-based NGOs, including Saferworld, British American Security Information Council (BASIC) and the World Development Movement.¹¹ In June 1998, after three months of intense negotiations in the Council's COARM working group, the General Affairs Council formally adopted the EU Code of Conduct on Arms Exports which introduced criteria and guidelines to manage arms exports by EU Member States.¹² In December 1998 a *Joint Action on Small Arms and Light Weapons* was also adopted.¹³ It suggested objectives and measures to combat the destabilizing accumulation and spread of SALW and provided financial and technical assistance to specific actions in this field, including projects managed by the UN. With the adoption of these various agreements a more harmonized European approach to small arms started to materialize.

⁸ Belgium, France and the United Kingdom were singled out as the EU countries most implicated in this illicit trade in the region of Sub-Saharan Africa. See Saferworld, *Undermining Development: The European Trade with the Horn of Africa and Central Africa*, London: Saferworld, 1998.

⁹ See I. Anthony, "Appendix 8C- European Union approaches to arms control, non-proliferation and disarmament", *Sipri Yearbook 2001*: Stockholm.

¹⁰ *European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms* 9057/97 DG E- CFSP IV, 26 June 1997.

¹¹ The UK had already shown its commitment to the SALW issue when in 1997 the newly elected Labour government adopted a comprehensive ban of handguns.

¹² European Union, *EU Code of Conduct on Arms Exports*, Council document 8675/2/98 Rev.2, Brussels, 8 June 1998. On the Code of Conduct see also S. Bauer "The EU Code of Conduct on Arms Exports – Enhancing the accountability of arms exports policies?", *European Security*, vol.12, nos. 3-4, September-December 2003, pp.129-147.

¹³ See *Joint Action of 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons*, 1999/34/CFSP, *Official Journal of the European Communities*, L 9, 15 Jan 1999, pp.1-5.

As early as 1999, the EU also began to support UN initiatives to create a legally binding international instrument on the small arms trade and to convene an international conference on small arms.¹⁴ With the adoption of an EU *Plan of Action* the EU made clear its priorities with regard to a future UN Conference on small arms. These priorities included a commitment to international law and human rights, an emphasis on the link between security and development, the promotion of strict national legislation to sanction the illicit possession of small arms and the adoption of global standards for marking and tracing of SALW.¹⁵

The EU's efforts to reach an international agreement on small arms were supported by the creation of the International Action Network on Small Arms (IANSA), a global network of civil society organizations working to stop the proliferation and misuse of small arms and light weapons. Founded in 1998, IANSA has grown rapidly and has now more than 700 member groups in over 100 countries.¹⁶ It is composed of a wide range of organizations concerned with SALW, including policy development organizations, national gun control groups, research institutes, aid agencies, faith groups, victims, human rights and community action organizations. The EU and IANSA first collective effort was to focus on the promotion of an UN conference on small arms which would introduce stringent international commitments (commitments consistent with the policies already adopted at the EU level). These two partners were backed by several states including Japan and Canada which also believed that the Conference should address broader questions of arms holding, inter-states transfer and assistance to countries in conflict.

However, a number of UN Member States, including several Latin American, Asian and Middle Eastern states and more significantly the United States, were more apprehensive about the conclusion of international agreements on SALW. Several states, including the United States, visibly privileged national or regional approaches over the adoption of international guidelines¹⁷

¹⁴ See A/54/260.

¹⁵ This Plan of Action was adopted under the French Presidency. In fact, France had already adopted a number of stronger transparency measures on arms exports, following the creation, in 1997, of the Quilès commission which investigated the question of French arms exports to Rwanda during the genocide. The commission was a result of strong pressure from various elements of civil society, including some French NGOs, members of the media and a number of academics. See K. Krause "Multilateral Diplomacy, Norm Building, and UN Conferences: The Case of Small Arms and Light Weapons", p.255, and M. McNulty "French arms, war and genocide in Rwanda", *Crime, Law and Social Change*, vol.33. 2000, pp.105-120.

¹⁶ See www.iansa.org

¹⁷ See Small Arms Survey "Chapter 5- Reaching Consensus in New York: the 2001 UN Small Arms Conference" , pp.209-210. On the US position, see L.Bondi, "U.S. Policy on Small Arms and Light Weapons", in J. Boutwell and M.T. Klare, *Light Weapons and Civil Conflict. Controlling the Tools of Violence*, Lanham: Rowman & Littlefield Publishers Inc., 1999, p.163.

and made it clear that a UN conference should only focus on the *illicit*, and not the legal, trade of small arms.

Despite this unenthusiastic support of several UN members, the *United Nations Conference on the Illicit Trade of Small Arms and Light Weapons in All Aspects* opened in New York on 9 July 2001. A few weeks before the beginning of this Conference, the European Commission, with the support of the Swedish Presidency, published a report entitled *Small Arms and Light Weapons- The response of the European Union* which clearly stated the EU's objectives for the UN Small Arms Conference.¹⁸ The EU championed the implementation of international exports controls and principles, the development of international instruments on marking and tracing and on arms brokering. It also emphasized two controversial issues: the need to address the issues of civilian possession and transfer to non-state groups.¹⁹

Negotiations were extremely difficult at the Conference. The Americans remained extremely critical of the negotiations and on most issues the EU and American positions were diametrically opposed. The US refused to support an international agreement which would focus on the legal trade and manufacturing of SALW, regulate small arms transfer to non-state actors or prohibit civilian possession. It also rejected any discussion on the possibility of a follow-up conference.²⁰ The African bloc, the region most affected by the proliferation of small arms, also refused to comprise on the issue of civilian possession and transfers to non-state actors. In contrast, with the view of achieving consensus, the EU gradually agreed to abandon some of its priorities.²¹ Throughout the negotiations, these priorities had been endorsed by IANSA. Indeed, the UN Small Arms Conference was the first international meeting in which IANSA played a major role. However, IANSA's contribution to the negotiation was undermined by criticism regarding coordination problems and the network's inability to adequately respond to the very effective gun lobby and particularly, to the American National Rifle Association (NRA).²²

¹⁸ European Commission *Small Arms and Light Weapons- The response of the European Union*, Luxembourg: Office for Official Publications of the European Communities, 2001.

¹⁹ See Statement by Louis Michel on behalf of the EU at the Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects. New York, 9th July 2001.

²⁰ Statement by John R. Bolton, US Under-Secretary for State for Arms Control and International Security, UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects, July 9 2001.

²¹ See O. Greene "The 2001 UN Conference: A Useful Step Forward?" *SAIS Review*, vol.XXII, no.1, 2002, p.199.

²² Interview with UN official, UN department of Disarmament Affairs. 1st July 2006, New York; Interview with NGO official, 3rd July 2006, New York. Interview with NGO Official. 18th February 2007, Oxford.

Negotiations concluded at 6.00 am on Saturday 21 July, when the African countries finally gave in and the United States agreed to support a follow-up Review Conference.²³ A politically (although not legally) binding document, the *Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, was adopted by consensus later that same day. It suggested a broad set of measures to tackle the illicit trade of SALW. Several international actors, including the EU welcomed the adoption of the *Programme of Action (PoA)* but also insisted that stronger commitments and efforts were needed from the international community in order to truly stop the proliferation of SALW. A Review Conference of the *Programme of Action* was planned for 2006. This Conference would constitute a crucial opportunity for the UN Member states to strengthen their commitment on SALW and provide another chance for the European Union and the NGOs to reaffirm their partnership.

2- The European Union and NGOs at the 2006 Review Conference: an evolving coalition in a multilevel game.

To grasp the relationship between the EU and NGOs (under the umbrella of IANSA) at the Review Conference, one needs to use an analytical approach that takes into account not only the complex nature of the EU as an international actor, but also the growing role of NGOs in international negotiations. The academic literature on the EU as a global actor has been very fertile in recent years.²⁴ However, few theorists have attempted to examine the EU as a global actor.²⁵ Furthermore, the partnership between the EU and NGOs in international negotiations has

²³ In his final statement, the President of the Conference expressed his “disappointment over the Conference’s inability to agree, due to the concerns of one state [the United States], on language recognizing the need to establish and maintain control over private ownership of these deadly weapons and the need for preventing sales of such arms to non-state group”. See United Nations, Annex- Statement by the President of the Conference after the adoption of the Programme of Action to Prevent and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its aspects. *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

²⁴ See recent works by C. Hill and M. Smith (eds.) *International Relations and the European Union*, Oxford: Oxford University Press, 2005.; S. Marsh and H. Mackenstein, *The International Relations of the European Union*, Harlow: Pearson Longman, 2005.; W. Carlsnaes et al. (eds.), *Contemporary European Foreign Policy*, London: Sage Publishers, 2004; B.Tonra and T. Christansen (eds.), *Rethinking European Foreign Policy*, London: Sage Publishers, 2004.; K. Smith, *European Foreign Policy in a Changing World*, Cambridge: Polity Press 2003; R. Ginsberg, *The European Union in International Politics: Baptism by Fire*, Lanham: Rowman and Littlefield Publishers, 2001 and C. Bretherton and J.Vogler, *The European Union as a Global Actor*, London: Routledge, 1999.

²⁵ See K.E. Jørgensen, “European Foreign Policy: Conceptualising the Domain” in W. Carlsnaes, H.Surjsen, B. White (eds) *Contemporary European Foreign Policy*, London: Sage, 2004, pp.32-56.

been mostly overlooked. This paper argues that a fruitful analysis of the relationship between EU and NGOs in international negotiations requires the understanding of the ways in which a complex web of actors and institutions interact. In this next section, we propose an analytical framework that combines a multilevel game approach with concepts from the literature on coalition of middle powers and NGOs to examine EU-NGOs relations at the 2006 Small Arms Review Conference.

2.1 The EU and NGOs in international negotiations: a multilevel game approach

The study of the European Union as an international actor has challenged both European integration and International Relations theorists.²⁶ European integration scholars have mostly been interested in the development of general theories of economic and political integration and in the explanation of the EU internal developments²⁷; they did not originally seek to explain the behaviour of the EU in international politics.²⁸ In contrast, mainstream IR theories examine relations and cooperation between states in the international system and are usually concerned with producing general models of states' behaviour at the international level. The EU as a global actor represents a double challenge for IR theorists: it is neither a state, nor a typical intergovernmental organization. Furthermore IR theories also tend to assume that states are rational "unitary" actors with fixed preferences and the ability to adopt various strategies to achieve their preferred outcomes. Yet, it is difficult to consider the EU as a unitary actor in the international system, especially in the context of UN negotiations. First, the EU is not a member of the UN and the EU Member States remain the main players. Second, various EU actors, as well as different levels of decision-making, need to be considered to understand the behaviour of the EU as an actor at the UN.²⁹

Some scholars, such as Robert D. Putnam, have argued that international agreements should be viewed as the product of a multilevel game which involves a complex web of actors and

²⁶ See B. Tonra and T. Christiansen "The Study of EU foreign policy: between international relations and European studies" in B. Tonra and C. Christiansen (eds.), *Rethinking European Foreign Policy*, Manchester: Manchester University Press, 2004, pp.1-9.

²⁷ F. Andreatta "Theory and the European Union's International Relations" in C. Hill and M. Smith, *International Relations and the European Union*, Oxford: Oxford University Press, 2005, p.23.

²⁸ M. Pollack "International Relations Theory and European Integration", *Journal of Common Market Studies*, 2001, vol.39, no.2, p.222.

²⁹ See M. Farrell, "EU Representation and Coordination within the United Nations" in K.V. Laatikainen and K.E. Smith (eds.), *Intersecting Multilateralism: The European Union at the United Nations*, London: Palgrave, 2006, pp. 33-36.

institutions.³⁰ As Moravcsik stresses, the multilevel game approach depicts diplomacy as “a process of strategic interactions in which actors simultaneously try to take into account of and, if possible, influence the expected reactions of other actors, both at home and abroad”.³¹ This paper argues that a multilevel games metaphor provides a valuable framework not only to examine the EU as an actor in SALW negotiations, but also to explore the EU relationship with NGOs.

The multilevel game approach was developed by Putnam who first put forward the idea of a “two-level game” metaphor. With this metaphor, Putnam wished to address the shortcomings of the existing literature on the relations between domestic and international affairs.³² Putnam argues that international negotiations should be decomposed into two different stages. The first stage consists of negotiations to achieve a provisional agreement at the international level (Level I). The second stage entails negotiations at the domestic level (Level II) within various groups about whether to accept, or ratify, the provisional agreement. In this two-level game, each side is represented by a “chief negotiator”, or “chief of government” (COG), who plays at two levels.³³ Putnam’s metaphor implies that the two games are played simultaneously. Decisions taken at one level can have a direct effect on negotiations at the other level. Thus, strategies and outcomes at different levels of the game simultaneously affect one another.³⁴

According to Putnam, the crucial link between international negotiations and domestic politics lies in the necessity of ratification; in order for negotiations to be successful, the chief negotiator must not only reach an agreement at the international level but also assure that the agreement will be accepted, or ratified, at the domestic level. Final ratification of an agreement must be voted up or down by the constituents at the domestic level. Any modification to the agreement achieved at Level I is considered as a rejection of the agreement. Putnam defines “win-sets” as the sets of all

³⁰ See R.D. Putnam, “Diplomacy and domestic politics: the logic of two-level games”, *International Organization*, 42,3, 1988, pp.427-460.

³¹A. Moravcsik “Introduction: International Bargaining and Domestic Theories of International Bargaining” in P.B Evans et al. (eds.), *Double-Edged Diplomacy- International Bargaining and Domestic Politics*, Berkeley: University of California Press, 1993, p.15

³² Putnam argues that international negotiations have been examined either in terms of domestic causes on international effects or of international causes and domestic effects. However, both approaches only represent “partial equilibrium” analysis and “miss an important part of the story, namely how the domestic politics of several countries [become] entangled via international negotiations”. See Putnam, *op. cit.*, p.430.

³³ See P.Evans, “Building an Integrative Approach to International and Domestic Politics” in P, Evans et al., *Double-Edged Diplomacy. International Bargaining and Domestic Politics*, Berkeley: University of California Press, 1993, p.399.

³⁴ L. A. Patterson, “Agricultural policy reform in the European Community: a three-level game analysis”..., p.142.

possible Level I agreements that would gain the necessary majority among the constituents when voted up or down, thus that would be ratified by domestic constituents. Agreements at the international level will only be possible if in the Level II win-sets of each of the parties of the agreement overlap. The larger the win-sets, the more likely they may overlap; conversely, the smaller the win-sets, the greater the chance that negotiations will fail.³⁵

The two-level game metaphor has been used to analyze a number of cases of international bargaining and several authors have applied Putnam's two-level metaphor to the analysis of the EU's external relation.³⁶ In most of these analyses, the two-level game metaphor was adapted to become a three-level game metaphor.³⁷ Putnam himself acknowledges that examining the European Union involves not just a two-level game, but a three-level game.³⁸ The three levels can be defined as follows: Level I remains the international level, or in our case the UN level. Level II becomes the European Union level, where negotiations mainly take place in EU institutions and involve various EU actors. Finally, the third level is the domestic level.

Collinson points out that the key EU negotiators at Level I are not always the same individuals playing at Level II and Level III. In addition, negotiations at Level I may involve more than one actor and each one may represent different interests (as in the case of the Member State holding the EU Presidency).³⁹ This paper recognizes that the variation of negotiator does pose an

³⁵ R.D. Putnam, *op.cit.*, pp.437-438.

³⁶ See H. Hubel "The EU's Three-Level Game in Dealing with Neighbours", *European Foreign Affairs Review*, 9, 2004, pp.347-362.; S. Meunier, "What Single Voice? The European Institutions and EU-US Trade Negotiations", *International Organization*, 54,1, 2000, pp.103-135; S. Collinson, "'Issue-systems', 'multilevel games' and the analysis of the EU's external commercial and associated policies: a research agenda", *Journal of European Public Policy*, 6:2, 1999, pp.206-224; L.A. Patterson, "Agricultural policy reform in the European Community: a three-level game analysis", *International Organization*, 51,1, 1997, pp.135-165., and J.S.Odell, "International Threats and Internal Politics. Brazil, the European Community and the United States, 1985-1987" in P.B. Evans, H. K. Jacobson and R. D. Putnam (eds.) *Double-Edged Diplomacy. International Bargaining and Domestic Politics*, Berkeley: University of California Press, 1993, pp.233-264.

³⁷ It should be noted that some authors have opted to keep the two-level game metaphor, viewing the EU as the "domestic level" or proposed a double two-level game. See e.g., Y.Devuyst, "The European Community and the Conclusion of the Uruguay Round", in C. Rhodes and S. Mazey (eds.) *State of the European Community, Vol.3, Building a European Polity?*, Boulder: Lynne-Rienner, pp.449-467, and A.R. Young, "What game? By which rules? Adaptation and flexibility in the EC's foreign economic policy" in M. Knodt and S. Princen (eds) *Understanding the European Union's External Relations*, London: Routledge, 2003, pp.54-71.

³⁸ R.D. Putnam, "Two-Level Games: The Impact of Domestic Politics on Transatlantic Bargaining" in H. Haftendorn and C. Tuschhoff, *America and Europe in an Era of Change*, Boulder: Westview Press, 1993, p.80.

³⁹ S. Collinson "Issue-systems", "multilevel games" and the analysis of the EU's external commercial and associated policies: a research agenda", *Journal of European Public Policy*, 6:2, 1999., pp.206-224.

analytical problem, but only if the dynamics of the three-level games are different from the two-level game. To overcome this obstacle, one must make sure that the links between the three levels of negotiations are still present.

This paper suggests that officials from foreign ministries constitute the interface between the three levels of negotiations. At the United Nations (our Level I), the proliferation of SALW has been debated in various forums, including the United Nations General Assembly (UNGA) and UN-sponsored conferences. The task of representing the EU at the UNGA and UN conferences falls on the Member State exercising the EU Presidency,⁴⁰ but all EU Member States are also represented by their own delegations composed of individuals usually working for the Ministry of Foreign Affairs.

At the EU level small arms issues are generally dealt within General Affairs and External Affairs Council and within several working groups including CONUN (the working group on the UN)⁴¹, CODUN (working group on global disarmament issues) and COARM (working group on conventional weapons). All these working groups are attended by senior officials from the foreign affairs ministries.⁴² Finally, at the domestic level, the decision-making process on SALW issues involves various actors. The Ministry of Foreign Affairs, the Ministry of Defence and the Ministry responsible for aid and development programs might all be involved in negotiations on small arms and light weapons at the domestic level.⁴³

The multilevel game literature has been criticized by both rationalists and constructivists. One of the main criticisms is that the two-level game approach is not a theory. Putnam fully acknowledges that his two-level game approach is a metaphor more than a fully developed theory.⁴⁴ As Moravcsik has highlighted, in order for this metaphor to become a more formal theoretical model, some definitions and specifications about domestic politics, the environment of

⁴⁰ See J. Dedring "Reflections of the coordination of the EU member states in organs of the United Nations", *CFSP Forum*, Vol. 2, No. 1, January 2004, p.2.

⁴¹ See R. Baratta, "Overlaps between European Community Competence and European Union Foreign Policy Activity" in E. Cannizzaro (ed.) *The European Union as an Actor in International Relations*, The Hague: Kluwer Law International, 2002, pp.51-75. and P. Luif, *EU Cohesion in the UN General Assembly*, Occasional Papers no.49, Paris: Institute for Security Studies, December 2003, p.11 and 16.

⁴² D. Feakes, "The Emerging European Disarmament and Non-Proliferation Agenda on Chemical and Biological Weapons", *Disarmament Diplomacy*, Issue No.65, July-August 2002, p.3.

⁴³ Miller argues that at this level of negotiation, the main goal of negotiations is generally to produce a position that will be accepted by each of these departments. See Miller "Politics over Promise. Domestic Impediments to Arms Control" *International Security*, vol. 8, no.4, 1984, p.80.

⁴⁴ Putnam, *op.cit.*, p.435.

the international negotiations and the negotiators' preferences are needed.⁴⁵ Nevertheless, this paper argues that this metaphor offers a valuable framework, not only to organise the data and understand how domestic and international factors are intertwined in international negotiations, but also to examine the EU's interactions with NGOs in UN negotiations and identify at which level of negotiations these interactions have occurred.

2.2 The European Union, NGOs and the coalition literature

While the multilevel game approach examines domestic and international factors which can influence international negotiations, it does not specifically focus on the relationship between states and non-governmental organizations in international negotiations. Putnam acknowledges that “transnational alignments” may emerge during international negotiations but does not fully explore the idea of transnational alliances between players.⁴⁶ Moravcsik stresses that the role of transnational alliances should be taken into account in a multilevel game approach. He argues that in the two-level game metaphor, groups at the domestic levels can also adopt two-level strategies, suggesting that a “transnational alliance”, which occurs when various domestic groups in more than one country decide to cooperate to influence international negotiations, can strengthen or undermine domestic support of the position of the chief of governments (COGs).⁴⁷ Yet, in order to convincingly grasp and analyze EU-NGOs relations at the SALW Review Conference, this paper argues that the multilevel game approach needs to be combined with some concepts from the literature on coalitions of middle powers and NGOs.⁴⁸

2.2.1 New diplomacy, middle power and public opinion

The literature on “new diplomacy” offers an interesting insight into why states decide to form coalitions with other states, but also with non-governmental organizations. Broadly speaking,

⁴⁵ A. Moravcsik, “Introduction: International Bargaining and Domestic Theories of International Bargaining” in P.B Evans et al. (eds), *Double-Edged Diplomacy- International Bargaining and Domestic Politics*, Berkeley: University of California Press, 1993, p.23.

⁴⁶ See Putnam, *op.cit.*, p.444 and p.459

⁴⁷ Moravcsik, *op. cit.*, pp.31-32

⁴⁸ There is another wave of international relations scholarship, which sought to combine constructivist insights about the role of norms with a more sophisticated understanding of agency and the role of domestic structures (among others Keck and Sikkink, 1998; Risse, Ropp, and Sikkink, 1999; Checkel, 1999, 2001, 2002, 2005; Lewis, 2005; Risse, 2000; and Sikkink (2004). This literature has been very creative in suggesting concepts such as “transnational advocacy networks”, the “boomerang pattern” or the “spiral model”. Its empirical counterpart has been, however, more diffuse.

‘new diplomacy’ refers to flexible and faster ways of dealing with international negotiations than traditional diplomacy. These processes have taken place particularly in negotiations about human security topics in the last two decades and have been mainly lead by countries characterized as “middle powers”.⁴⁹ The end of the Cold War allowed these middle powers to play a larger role on security issues and form new alliances with other countries, as well as with NGOs, that share their ideas and objectives. Indeed, confronted with “hesitancy or opposition to a more comprehensive solution of the humanitarian problems... middle and even small states stepped forward and took the opportunity to lead [...] international processes [...] in areas of traditional middle power expertise (...) such as peacekeeping and peace building, human rights and environmental protection”.⁵⁰

The most significant example of “new diplomacy” can be found in the negotiations surrounding the treaty banning the use of anti-personnel landmines in the late 1990s. During these negotiations Canada (supported by a group of like-minded middle and small states) chose to exert leadership. The like-minded countries avoided the consensus-based forum of the UN and opted for an alternative negotiating process in defiance of the great powers’ preferences. The undertaking of this more activist leadership role by Canada was made possible by two factors: the role of particular individuals and the strong cooperation with NGOs.⁵¹ These two factors are significant to explain the ability of middle powers to play prominent international roles and engage in this “new diplomacy”. For example, in the landmines case, the role played by the Canadian Foreign Minister Lloyd Axworthy was essential. Axworthy used “the partnership with NGOs to enhance Canada’s position internationally and gain recognition and renewed prestige for his country” and to reassert the identity of Canadians as “good world citizens”.⁵² In the case of negotiations on SALW at the United Nations in the late 1990s, the European Union seemed inclined to follow a similar path as Canada in the landmines case.

Regarding the concept of *middle power*, “its definition remains vague and ranges from indicators of economic power such as GNP and GNP per capita to behavioural patterns such as the states’

⁴⁹ One of the most well-known examples is the coalition to ban land-mines, which led to foreign policy initiatives that focused on the security of civilians in situations of armed conflict. See McRae and Hubert (2001) in McRae, Robert and Don Hubert, *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, McGill-Queen's University Press, Canada, 2001.

⁵⁰ See M. H. Petrova. *Leadership competition and the creation of norms: a crossnational study of weapons restrictions*. Dissertation Presented to the Faculty of the Graduate School of Cornell University in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy, 2007, p. 30, 32.

⁵¹ See M. H. Petrova, *op. cit.*

⁵² Petrova, *op. cit.* pp. 321-22; 34.

tendency to pursue multilateral solutions to international problems, tendency to embrace compromise positions in international disputes, and tendency to embrace notions of ‘good international citizenship’ to guide their behaviour”.⁵³ We do not claim here that the EU is a middle power. The EU is composed of several middle powers, but also second-tier powers (i.e. France, Germany and the UK).⁵⁴ In fact, countries such as France and the UK “ha[ve] not based their international image on performing ‘middle power’ roles, but rather on their great power status enshrined in their UN Security Council permanent membership.”⁵⁵ Nevertheless, one should recognize that an important number of EU countries are considered as middle powers (including Austria, Belgium, Denmark, Finland, Italy, Netherlands, Romania, Poland, Spain and Sweden) and may influence the EU to act as “middle powers” in international negotiations.

The EU as an international actor does seem to display some characteristics generally associated with middle powers. According to Cooper, during the Cold War “middle powers” engaged in routine (quiet, low-key, consensus-oriented) diplomacy.⁵⁶ “These roles were dictated both by self-interests and a desire to gain international prestige and distinguish themselves from the great

⁵³ Cooper, Andrew F., Richard A. Higgott, and Kim Richard Nossal, *Relocating Middle Powers: Australia and Canada in a Changing World Order*. Vancouver: UBC Press, 1993 (Quoted in Petrova, *op. cit.* p. 31). “The concept originated after the end of WWII during the founding of the UN when states such as Canada, Australia, and the Netherlands sought recognition of their status as *middle powers* -not great powers but neither small ones- and the greater influence in international affairs such a status would bestow upon them.” (Petrova, *op. cit.* p. 31). Thus, under the original sense of the term, a middle power was one that had some degree of influence globally, but not dominance over any one area. For more detailed discussions on the concept of “middle power,” see D. Stairs, “Of Medium Powers and Middling Roles,” in Ken Booth (ed.) *Statecraft and Security: The Cold War and Beyond*. Cambridge: Cambridge University Press, 1998, and M. Royds, “Middlepowerism in the Post-Cold War Era: A Critique of Axworthy’s Security Policy,” *Journal of Military and Strategic Studies*, Vol. 3(1), 2000.

⁵⁴ Brian Wood offers a list of Middle Powers in 1988 which includes Australia, Austria, Belgium, Brazil, Canada, the former Czechoslovakia, Denmark, Egypt, Finland, Hungary, Italy, Indonesia, Iran, Mexico, Netherlands, Nigeria, Norway, Pakistan, Poland, Romania, Saudi Arabia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, Venezuela, the former Yugoslavia. See B Wood, *The Middle Powers and the General Interest, Middle Powers and the International System*. The North-South Institute, Ottawa, Canada, 1988, p.17. For the purposes of this paper, the term ‘second-tier’ states will be used to identify those states who are not influent enough to be considered as a superpower, but that are arguably more important than the classical middle powers in the international system. By way of illustration, Austria could be an ideal ‘middle power’, the UK a ‘second-tier’ state and the US the current ‘superpower’. Similarly, Petrova (2007: 50) uses the examples of the UK and France as second tier power, the US as great power, Canada and Norway as middle powers and Belgium as small power.

⁵⁵ Petrova, *op. cit.* 18. See also V. Danilovic, *When the Stakes Are High - Deterrence and Conflict among Major Powers*, University of Michigan Press, 2002; Kennedy, P, *The Rise and Fall of the Great Powers*, Random House, 1987.

⁵⁶ A. 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, pp. 1-24.

powers”.⁵⁷ As middle powers, “those states were affluent but militarily weak and thus had a vested interest in preserving a stable and peaceful world order”.⁵⁸ These states also started to embrace stronger humanitarian values.

With the end of the Cold War, authorities in most European countries increasingly tended to adopt humanitarian values instead of military values. Following Petrova, we argue that most military authorities in EU Member States would have embraced these humanitarian values, which included the renunciation of weapons that cause severe humanitarian harm to civilians (such as anti-personnel landmines and the regulation of the illicit trade of small arms).⁵⁹

Whereas in great powers, such as the United States, military values and institutions might be supported by public opinion, in middle powers societal attitudes may also influence the military authorities in a different way; military authorities would potentially find it difficult to defend the continued use of weapons stigmatized by public opinion.⁶⁰ Public opinion could therefore directly affect negotiations at the domestic level (i.e. the third level in a multilevel game). Furthermore, in the second-tier states, some have argued that the promotion of these humanitarian norms restricting the use of conventional weapons such as SALW has also been facilitated by governments on the left of the political spectrum.⁶¹

2.2.2 Middle powers and NGOs: natural allies?

As we have seen, “new diplomacy” processes have been led by coalitions of middle powers with NGOs. Why would middle powers decide to form a coalition with other states and with NGOs? What would they gain and what would they risk by forming these coalitions?

⁵⁷ Petrova, *op. cit.* 31. See also L. Neack, “Middle Powers Once Removed: The Diminished Global Role of Middle Powers and American Grand Strategy”, *paper presented at the 41st Annual Convention of the International Studies Association*, Los Angeles, CA, March 14-18, 2000, <http://www.ciaonet.org/isa/nal01/index.html> S. Roussel, and C.-P. David “‘Middle Power Blues’: Canadian Policy and International Security after the Cold War”, *American Review of Canadian Studies* 28 (1/2), 1998, pp.131-156. Both quoted in Petrova, *op. cit.* p. 31.

⁵⁸ Petrova, *op. cit.* p. 32.

⁵⁹ Petrova, *op. cit.*

⁶⁰ See Cooper, *op cit.* and Petrova *op. cit.*

⁶¹ See Hubert (2000) for the importance of the Left governments in France and Britain when negotiating the landmines treaty. D. Hubert, “The Landmine Ban: A Case Study in Humanitarian Advocacy”, Occasional Paper 42, Thomas J. Watson Jr. Institute for International Studies, Brown University, 2000: <http://www.watsoninstitute.org/pub/op42.pdf> Also Petrova mentions this issue (see e.g. *op. cit.* p. 29).

Petrova argues that middle powers expect short-term, mid-term, and long term dividends from taking up the risks and costs of creating coalition and leading negotiations.⁶² Thus, “the short-term **benefits** consist mainly in the ability of the leading states to steer the negotiations in their preferred direction and have greater influence of their final outcome. The midterm dividends include the ability to translate the newly gained political capital and prestige into leverage in other issue areas. Finally, the long-term dividends (...) come from their enhanced international status.”⁶³ They can also increase their ability to redraw further the international agenda towards including “issues in which middle power states have a comparative advantage and on which they have already asserted their leadership ambitions”.⁶⁴

In contrast, middle powers have to face the financial **costs** and expending resources associated with organizing international conferences, lobbying other states or contributing to funding field operations in order to match their rhetorical and financial supports.⁶⁵ “The leading states also take the risk of loss of prestige in the case of failure of their initiative, and the risk of punishment by the great power for going against its interests.”⁶⁶

These costs are often eclipsed by the **perception** that NGO pressure and the possibility of building a coalition with NGOs and with other countries would create higher benefits than costs. Indeed, as NGO advocacy grows and spurs more national support for their cause, the risks of assuming leadership are lowered.⁶⁷ On the one hand, the states acquire allies which somehow represent (international) public opinion and hold 'moral authority'. On the other hand, their chances of success increase by the constitution of a stronger coalition.

Finally, in an “ideal new diplomacy processes”, there is a facilitating condition that reduces transaction costs: “the shared background of [some] key individuals in policy-making positions and NGO activists facilitates communication between the two sides of the like-minded coalition. Importantly, this commonality in interests and ideas among policy-makers and NGOs is made

⁶² See Petrova, *op. cit.* pp. 26-37.

⁶³ Petrova, *op. cit.* p. 34.

⁶⁴ Petrova, *op. cit.* p. 34. We agree with Petrova, in that the promotion of the “human security” agenda internationally by Canada and a number of other middle powers (particularly European) could be seen as “an attempt to solidify their authority and legitimize their greater role in international politics.” Petrova, *op. cit.* p. 35. See also A. Chapnik, “The Canadian Middle Power Myth”, *International Journal* 55 (2), 2000. pp.188—206.

⁶⁵ Petrova, *op. cit.* p.34, fn. 37.

⁶⁶ Petrova, *op. cit.* p. 34, fn. 37.

⁶⁷ See also Petrova *op. cit.* p. 35 for the case of Norway and the negotiations on cluster munitions.

possible by opening of government positions to former NGO members.”⁶⁸ That has happened mostly in Scandinavian countries, but also in other countries such as Belgium and the UK.⁶⁹

3- The United Nations Small Arms Review Conference 2006

In this section, we use our proposed analytical framework to examine the EU relationship with NGOs during the negotiations at Review Conference and at its Preparatory Committee. All three levels of negotiations (UN, EU and domestic) are analyzed to identify the factors that might have influenced the EU and the NGOs mutual success during the negotiations.

□ *Level I (UN) negotiations*

The Preparatory Committee (PrepCom) of the Small Arms Review Conference met in New York in January 2006. Negotiations on the preparation of a Review Conference were difficult and both the EU and IANSA multiplied their efforts to convince other states to support the adoption of strong international commitments. Prior to that meeting, the Chair, Ambassador Rowe from Sierra Leone held several informal consultations in New York and Geneva, defining six “clusters” on which negotiations would focus: 1) Human/humanitarian, socio-economic and other dimensions, 2) Norms, regulations and administrative procedures, 3) Excessive accumulation, misuse and uncontrolled spread, 4) International cooperation and assistance, 5) Communication, and 6) Follow-up and reporting mechanisms.

At the PrepCom, the EU presented its *Strategy to combat the illicit accumulation and the trafficking of SALW and their ammunitions* which had been adopted by the European Council in December 2005. In the framework of the PoA, the Strategy supported the adoption of a legally

⁶⁸ Petrova, *op. cit.* p. 9.

⁶⁹ The case of Norway illustrates nicely this idea, as the number of people in the different departments of the Norwegian government coming from the associative terrain is the highest in Western Europe (Petrova, *op. cit.* p. 295). Two examples: First, Jan Egeland, former president of the Norwegian section of Amnesty International and former member of the International Committee of the Red Cross, was in 1990 adviser to the Minister of Foreign Affairs and later Junior Minister of Foreign Affairs; from this position he was partially responsible for the role of leadership by Norway in the landmine negotiations during the 90s. Currently he is UN Under-Secretary General for Humanitarian Affairs. Second, Jonas Gahr Store, former Secretary General of the Norwegian section of the Red Cross and is the current Minister for Foreign Affairs. Also Petrova (2007) mentions these two examples (e.g. in p. 299, 318 or 381) and details their individual role in different stages of the landmines and cluster munitions processes. See also Mark Leonard y Andrew Small, *Norwegian Public Diplomacy*, The Foreign Policy Centre, London, 2003 (http://www.dep.no/archive/udvedlegg/01/06/ml10_018.pdf).

binding international agreement on the tracing and marking of SALW, the creation of a group of experts on brokering, the strengthening of exports control and the inclusion of minimum common international criteria and guidelines for controls on small arms transfers.⁷⁰ However, what also transpired at the PrepCom is that several EU Member States had their own priorities. On the one hand, France and Germany emphasized the need to combat the illicit trade of ammunitions.⁷¹ On the other hand, the Netherlands and the UK presented a working paper on the negative humanitarian and development impact of the illicit trade of small arms and recommended that the link between SALW and development be clearly spelled out in the final document of the Conference.⁷²

The EU Member States were also well aware that the Review Conference would not initiate a renegotiation of the PoA and with the support of the United States and the League of Arab States the EU insisted that the “goal of the Review Conference [was] not to renegotiate or re-open the existing Programme of Action” but rather to complement or enhance the PoA and its implementation.⁷³ Despite this general agreement, negotiations remained difficult at the PrepCom with a number of states including the United States, Iran, Israel and Egypt refusing to compromise on certain issues.

IANSA got directly involved in the negotiations regarding the organization of the Review Conference. The NGOs’ input and their support for the EU’s position became crucial during the negotiations of PrepCom. IANSA had been especially active since the 2001 UN Conference. It had participated in the negotiations of the Firearms Protocol and in many regional conferences which achieved positive results, such as the legally binding ECOWAS⁷⁴ convention on SALW. In addition, IANSA had joined the EU’s efforts to promote the idea of a global arms treaty. In October 2005, parallel to the UN small arms process, the EU supported the idea of an

⁷⁰ See *EU Strategy to combat the illicit accumulation and the trafficking of small arms and light weapons and their ammunition* (Adopted by the European Council on 15-16 December 2005). Preparatory Committee for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 January 2006, A/CONF.192/2006?PC/CR.14.

⁷¹ See A/CONF.192/2006/PC/CRP.12

⁷² See A/CONF.192/2006/PC/ WP.2

⁷³ See Statement by Dorethea Auer, Austria, on behalf of the European Union, General Debate, Preparatory Committee for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9 January 2006.

⁷⁴ Economic Community of West African States

international treaty to establish common standards for the global trade in conventional arms.⁷⁵ If the process around the *Programme of Action* was complex and multidimensional, including several national, regional and global initiatives, the call for an Arms Trade Treaty (ATT) was a single-issued campaign which did not necessarily limit its scope to the UN fora.⁷⁶ In 2003, the global Control Arms Campaign was launched by three UK-based NGOs: Oxfam, Amnesty International and IANSA to support the Arms Trade Treaty.⁷⁷ The campaign was led by three big organizations which complemented each other. On the one hand, IANSA is a coalition of hundreds of NGOs, most of them small, grass-roots, working on very different kinds of projects and from many different places. On the other hand, both Amnesty International and Oxfam have international prestige, reputation, contacts among the press and International Organisations - such as the EU or different UN departments - and many potential supporters to mobilize.⁷⁸ The Control Arms campaign put further pressure on states to address the SALW trade issue at the UN.

Negotiations at the PrepCom ended on 20 January without agreement on a final draft to forward to the Review Conference. The Chairman produced a conference room paper, but was unable to gain support for its incorporation into the final document⁷⁹; only texts of an organizational nature were adopted and forwarded to the officers of the Review Conference.⁸⁰

The 2006 United Nations Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in

⁷⁵ The idea of an international Arms Trade Treaty was first put forward by a group of Nobel Peace Laureates in 1995 with the aim of limiting the spread and misuse of conventional arms. The ATT would create legally binding controls and international standards on arms trade. The EU highlighted that the United Nations was the only forum which could deliver this treaty and called for the start of a formal process at the UN at the earliest opportunity. See Council of European Union, Press Release, 2678th Council Meeting – General Affairs and External Affairs, Luxembourg, 3 October 2005, 12514/05.

⁷⁶ In fact and because of the slow and bureaucratic characteristics of the UN processes on disarmament issues, the idea of engaging in an alternative process similar to the Ottawa Process for the landmines case, was envisaged as a real possibility by the NGOs. Interview with NGO official (2), 5th July 2006 in New York.

⁷⁷ See www.controlarms.org

⁷⁸ Despite Amnesty International and OXAM are both formally members of IANSA, the creation of the Control Arms campaign meant that both organizations decided to use a huge amount of time and resources to the issue of the ATT, which from that moment became one of the top priorities for these international organizations. In the words of an NGO official: “Oxfam and Amnesty are the two organizations that have taken the initiative and that have the possibility of mobilizing more resources and, at least theoretically, millions of members around the world. Because of that their name is put so evidently in the materials of the campaign”. Interview, 2nd July 2006 in New York.

⁷⁹ See A/CONF.192/2006/PC/CRP.17

⁸⁰ See United Nations General Assembly, Press release, “Preparatory Committee for Review Conference on Illicit Small Arms Trade Concludes without Agreement on Draft Final Document”, Department of Public Information, New York, 20/01/2006, DC/3011

all its Aspects opened in New York on 26 June 2006. Spirits were high at the beginning of the Conference as many international actors believed that the adoption of a strong outcome document could be beneficial to the fight against the illicit trade of small arms. In his opening statement, the President of the Review Conference, Ambassador Kariyawasam, called upon the Member States to show “flexibility and political will to take this conference towards a successful conclusion”.⁸¹ However, even before the start of the Review Conference, there was some controversy. In the weeks preceding the Review Conference, the powerful American National Rifle Association (NRA) had launched a campaign of mass mailing to the UN to denounce the United Nations attempts to deny the rights of Americans to guns ownership.⁸² This campaign prompted the Secretary-General to reaffirm in his speech that the Review Conference would not negotiate a “global gun ban” or try to “deny law-abiding citizens their right to bear arms in accordance with their national law”.⁸³

At the Review Conference, the European Union reaffirmed that it was “convinced that the United Nations’ efforts to control SALW have to be intensified in particular in those crucial areas where significant obstacles to full implementation persist. The EU believed that these were transfer controls, marking and tracing, brokering regulations, ammunition and the integration of small arms measures into development assistance”.⁸⁴ Several EU member states, including the UK, Germany and the Netherlands also made statements supporting the EU’s priorities.

IANSA and NGOs made it clear that they also intended to influence the negotiations. Through the international campaign Control Arms, more than a million pictures of faces of people who supported the campaign were given to UN Secretary General, Kofi Annan, on the first day the RevCon, a fact that had an important media repercussion.⁸⁵ On another front, up to 45 delegations

⁸¹ *Opening Statement by Ambassador Prasad Kariyawasam*, UN Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects, 26 June 2006.

⁸² See W. Hoge, “With Caveats, US Backs Session at the UN on Curtailing Illegal Arms”, *The New York Times*, June 28 2006.

⁸³ UN Secretary-General, *Address to the United Nations Review Conference*, 26 June 2006.

⁸⁴ *Statement on the Behalf of the EU*, UN Conference to Review the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in all its Aspects, New York, 26 June 2006

⁸⁵ See *The New York Times*, *The Guardian*, *Le Monde*, *La Repubblica*, *El Pais* and *Der Spiegel*, which reported this event in their editions of the 26th and/or 27th June 2007.

included representatives of civil society among their members.⁸⁶ This was crucial for IANSA as NGOs were excluded from full participation in the formal negotiations.

In contrast to the position of the EU and IANSA, other states made it clear that they were not willing to negotiate on certain issues of PoA. The American position remained unchanged from the one held in previous meetings: the United States would not agree to negotiate any provisions restricting civilian possession or the legal trade of firearms inconsistent with US laws and practices. The US position also remained unchanged on two other issues: ammunitions and the transfer to non-state actors.⁸⁷ A number of other states, including India and China, also expressed their reservations to negotiate on a number of issues.

Formal negotiations on the draft final document were only initiated on the 5th of July as the High-level segment of the Conference overran the scheduled time. However a number of informal meetings were held between the 30th June and 7 July. During these negotiations, the EU Presidency, Austria in the first week and Finland in the second week, held a number of coordination meetings to achieve an EU common position on the key issues of the PoA. Two meeting with European NGOs were also organized.

Despite the coordination efforts between the EU Member States and also with the NGOs, it soon became apparent that several EU member states were pushing for their own priorities. France and Germany wanted the document to include a reference to ammunitions and focused their efforts at the Review Conference on trying to reach a deal with the Americans on this specific issue. The UK was also an extremely active actor during the Review Conference. Being a strong supporter of the Arms Trade Treaty, the UK was perceived capable of leadership at the Review Conference. The UK made several proposals on transfer controls to the President of the Conference and also attempted to persuade the American delegation to support the inclusion of several issues in the final document. With the Netherlands, the UK also advocated for the link between fight against the spread of illicit SALW and sustainable development to be recognized. This time, the opposition came from a number of states from the Non-Aligned Movement including India and Indonesia and the Caribbean States, which raised concerns about the idea of conditionality on

⁸⁶ One notable exception on this point were the Mercosur countries which, following pressures from Venezuela, did not allow representatives from civil society to be part of their delegations.

⁸⁷ Statement by Robert G. Joseph, Undersecretary of State for Arms Control and International Security, at the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 27 June, 2006.

development aid and about resources from the donor countries being diverted from development to small arms projects.

The Review Conference being based on consensus and with the clock ticking, many states realized that most of their efforts should be concentrated on convincing less enthusiastic states to support the final document. Negotiations were complicated by the fact that the US delegation had to send to Washington the various versions of the draft outcome document produced during the negotiations. This considerably slowed down the bargaining process. In the final hours of the Conference, some confusion also surrounded the negotiations. With the deadline of 6pm rapidly approaching, it became clear that no consensus could be reached on an outcome document. Some delegations hoped that the Review Conference would be extended for a few hours in order to find a similar agreement as the one reached at the first SALW Conference in 2001. However, around 5.30pm, Ambassador Kariyawasam began the procedures to close the conference and adopted a procedural document; the final outcome document stated that the Conference was not able to agree to conclude a final document.⁸⁸

Many national delegations and NGOs representatives were extremely disappointed by the lack of result of the Conference; some states even described the Conference as a failure. Ambassador Kariyawasam in its closing remarks said that a consensus on the final document had been “within grasp”. He believed that despite the lack of consensus on a final document, the Review Conference had been successful in attracting the interest of the international community. In its final statement at the Conference, Finland on behalf of the EU, stated that the “conference has been a missed opportunity to make a real difference in our common fight against the scourge of illicit small arms and light weapons. The European Union regrets that some delegations have not been willing to make significant progress” and that it was “regrettable that the momentum created by the civil society was not matched by the flexibility by some states”.⁸⁹

□ *Level II (EU) negotiations*

⁸⁸ See A/CONF.192/2006/RC/9

⁸⁹ *Statement by H.E. Ambassador Kari Kahiluoto, Permanent Representative of Finland to the Conference on Disarmament, on behalf of the EU*, Speech, General Affairs and External Relations, 10 July 2006.

Following the 2001 UN SALW Conference, the EU remained active on SALW. In July 2002, the EU adopted a new Joint Action⁹⁰, which replaced the 1998 Joint Action. The new version of the Joint Action reflected the German and French position on the role of ammunitions in conflicts affected by the negative consequences of SALW. Almost a year later, in June 2003, under the Greek presidency, the EU adopted a Common Position on the controls of arms brokering. This Common Position established a clear legal framework and requested from the EU Member States to adopt the necessary national measures to control arms brokering activities on their territory⁹¹.

During its EU Presidency, the UK took several initiatives to address the SALW issue at the EU level. The General Affairs Council in October 2005 supported the idea put forward by the Control Arms campaign of an international treaty to establish common standards for the global trade in conventional arms.⁹² A few months after the creation of the Control Arms campaign, the UK, the Control Arms campaign and the British NGO Saferworld organized a meeting in Brussels to discuss the Arms Trade Treaty (ATT) with representatives from EU Member States, the European Commission and the European Parliament as well as various European NGOs.⁹³ The idea of the ATT rapidly gained support among the EU Member States as it would introduce international standards similar to the EU Code of Conduct, thus ensuring that EU arms manufacturers would not be disadvantaged in the global market.

With the PrepCom approaching, the UK also realized the need for a clear and strong united EU position. The *EU Strategy to combat the Illicit Accumulation and the Trafficking of SALW and their Ammunitions* was adopted by the European Council on 15-16 December 2005.⁹⁴ The Strategy not only outlined measures to be taken at the international level but also within the EU. At the EU level, the Strategy's Action Plan called for an effective response to the accumulation and the problems posed by the availability of existing stocks, but also for the establishment and development of the necessary structures within the EU to deal with the issue, including the strengthening of the Council Secretariat's capabilities to ensure a coherent application of the

⁹⁰ Council Joint Action of 12 July on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, 2002/589/CFSP, Official Journal L 191, 19/07/2002, pp.1-4.

⁹¹ See Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering. *Official Journal of the European Union*, L 156/79, 25.6.2003.

⁹² Council of European Union, Press Release, 2678th Council Meeting – General Affairs and External Affairs, Luxembourg, 3 October 2005, 12514/05.

⁹³ See European Parliament, Directorate-General for External Policies, *The Role of the European Union in tackling Small Arms and Light Weapons (SALW) proliferation*, EXPO/B/POLDEP/NOTE2005, 01/12/05.

⁹⁴ Council of the European Union, *EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition*, Brussels 13 January 2006, 5319/06.

strategy ,The EU Strategy was adopted just a few weeks before the beginning of the PrepCom, with the expectation that the EU would play a crucial role at the Review Conference.

□ *Level III (domestic) negotiations*

Following the 2001 UN Small Arms conference, the UK was one EU member states that most increased its involvement on the small arms issue. As early as July 2000, the British Government established the Global Conflict Prevention Pool, which included a strategy on small arms. This pool was managed jointly by the Foreign and Commonwealth Office, the Department for International Development and the Ministry of Defence. The British small arms strategy aimed to coordinate existing programmes managed by the three departments under a single set of objectives and resources. It also included support for partnership with UN agencies and civil society. In addition to the small arms strategy, the British government adopted in 2002 the Export Control Act which introduced a strong revision of its export control legislation⁹⁵ and in July 2003, the UK with the support of France, Germany, the Netherlands and Sweden, launched the Transfer Control Initiative (TCI), which focused on assisting countries to strengthen controls over the export, import and transit of small arms.⁹⁶

As mentioned before, the UK also became a vocal proponent for the Arms Trade Treaty (ATT), partially due to the presence within the UK government of Jack Straw as Foreign Minister at the time. In March 2004, Straw announced that the UK supported the idea of an international treaty on the arms trade.⁹⁷ In all its initiatives regarding the ATT, the UK was supported by IANSA and the Control Arms Campaign. In the end, the UK with the help of various European NGOs convinced its other EU partners of the need for the EU to support the ATT initiative; indeed the Control Arms campaign gained momentum when the EU member states supported the ATT during the European Council in October 2005. The Arms Trade Treaty was also supported by the British Defence Industry, including the British Defence Manufacturers Association (DMA),

⁹⁵Biting the Bullet and IANSA, *Reviewing Action on Small Arms 2006- Assessing the First Five Years of the UN Programme of Action*. London, 2006, p.105.

⁹⁶ See Foreign and Commonwealth Office, Department of Trade and Industry, Department for International Development and Ministry of Defence, *United Kingdom Strategic Export Control- Annual Report 2003*, June 2004, Cm 6173.

⁹⁷European Parliament, Directorate-General for External Policies, *The role of the European Union...*, p.6-7.

which regroups 550 defence companies, and key trade unions.⁹⁸

National NGO campaigns in several EU Member States, particularly in the United Kingdom, Austria, Germany and Belgium successfully pressed their government to address the issue of small arms and light weapons. From its creation, IANSA developed a close connection with several EU countries, but particularly with the UK. Indeed, it was partially the funding provided by the British Department for International Development which allowed the creation and activities of the first years of the Network.⁹⁹ This obviously provoked critics from many organizations inside IANSA about being too Eurocentric and even too Britishcentric. In fact, the IANSA headquarters and most of its biggest and more influential members, including Amnesty International, OXFAM and Saferworld, are based in London (or Oxford). Even if this fact facilitates a better and faster coordination, it also causes difficulties to maintain the good relationships with the members of countries in other parts of the world, such as East-Asia or Western Africa.¹⁰⁰

The Austrian NGOs were also particularly effective: the Austrian government in May 2005 adopted a new Foreign Trade Act dealing with transfer control.¹⁰¹ Germany and Belgium were two other EU Member States that reiterated their commitment to curbing the negative effects of SALW following strong pressure from civil society. Both countries began to actively destroy their surplus and illicitly owned SALW. In 2002, Belgium was also the first EU countries to incorporate the EU Code of Conduct on Arms Exports into domestic law.¹⁰²

4- The 2006 Review Conference: A Missed Opportunity for the EU and NGOs?

Negotiations at the 2006 Review Conference focused on multiple complex issues, including civil ownership, trade arms controls, transfers to non-state actors and development assistance. At the beginning of the Conference, the EU Member States showed a united front with the NGOs and campaigned for the adoption of strong international commitments on these issues. However, this

⁹⁸ See Control Arms. Parliamentary Briefing. *2006- a crucial year for controlling the global arms trade.* www.controlarms.org, accessed 27/10/2006.

⁹⁹ Interview with NGO Official 21st February 2007 in London.

¹⁰⁰ Interview with NGO Official, New York, 29th June 2006.

¹⁰¹ Biting the Bullet and IANSA, *Reviewing Action on Small Arms....*, p.105.

¹⁰² In Germany, between 1990 and 2004, the Federal Armed forces destroyed more than 1.7 million surpluses SALW. Since 2001, Belgium has annually destroyed in average 12,000 to 13,000 of SALW from which 95% were illicitly owned. See Biting the Bullet and IANSA, *Reviewing Action on Small Arms....*, p.105.

coalition failed to convince other states to support their position. Since the late 1990s, similar coalitions composed by states and NGOs have been successful in achieving international agreements on issues such as the ban of landmines and the creation of an international criminal court. Some scholars have argued that in these two cases, successful negotiations on human security have been typically the results of the combined efforts of great powers, middle powers, various elements of civil society and international organizations.¹⁰³ In this sense, the coalition formed by the European Union and IANSA was comprised of second-tier powers, middle powers and many groups representing civil society. The coalition formed by the EU and NGOs could have been perceived as an “ideal” coalition, but it failed to convince other states to support the introduction of stricter regulations to curtail the spread of SALW. Why was this “ideal” coalition unsuccessful at the Review Conference? This paper suggests that several factors at various levels of negotiations may have affected the relationship between the EU and NGOs and their mutual success in these negotiations.

First, the interactions between the EU and NGOs prior to the Review Conference suggested that these two players could potentially be effective partners in international negotiations on SALW. From the end of the 1990s, European NGOs intensely and successfully lobbied several key EU member states to adopt stricter regulations regarding small arms not only at the domestic level, but also at EU level. These efforts seem to have been fruitful as, between 2001 and 2006, the EU adopted more than a dozen agreements addressing the issue of small arms, including a series of Joint Actions, an EU Code of Conduct, an EU Plan of Action and the EU Strategy on small arms. The EU Member States also used European NGOs to raise awareness on the SALW issue and gained public support for their embrace of “humanitarian values”.

However, during the negotiations at the Preparatory Committee and the Review Conference, it became clear that these interactions had not yet formalized an effective relationship between these two groups of actors. The EU’s apparent willingness to listen to NGOs did not transform itself into formal cooperation: no plan of action was agreed between the EU and IANSA. The two coordination meetings organized between EU government representatives and EU NGOs during the Review Conference failed to produce a common strategy and therefore effectively influence the negotiations. Furthermore, as NGOs were not allowed to be full participants in the

¹⁰³ See F. O. Hampson with H. Reid, “Coalition Diversity and Normative Legitimacy in Human Security Negotiations”, *International Negotiation*, 8, 2003, p.34.

negotiations, their representation in national delegations was seen as quite crucial at the Review Conference. Even though 45 delegations at the Review Conference included members of civil society, the representation of NGOs within the delegations of EU Member States was overall quite weak. With the notable exception of Germany which had five NGOs representatives and Finland and Sweden which both had three, most EU Member States delegations, including France, did not include a representative from civil society.¹⁰⁴ It is also interesting to note that the UK, which had developed strong relationship with IANSA had only one civil society representative.

The lack of strong leadership both within the EU camp and the IANSA network may have also affected the success of the EU-NGOs coalition at the Review Conference. Austria and Finland, which held the EU Presidency during the negotiations, seemed to display a formal leadership. However, the effective leadership was mostly exerted by the United Kingdom, arguably the most active state during the Review Conference. During the negotiations, the UK made several proposals on transfer controls and also attempted to persuade the American delegation to support the outcome document. However, these British initiatives were criticized by other EU member states as some of these states felt that the UK was too close to the United States to advocate strict positions on some of the controversial issues. The UK also made several proposals and suggestions to the President of the Conference, especially on transfer controls, without consulting its EU partners. The EU's lack of leadership might also stem from other EU member states, including France and Germany, pursuing their own priorities rather than EU position. This resulted in a situation where "in attempts to take stronger positions on a number of themes, several EU member states spoke on behalf of their individual governments, rather than allowing the moderate joint EU statements to represent them"¹⁰⁵ and influenced the EU's capacity to exert clear leadership in the negotiations.

On the NGOs side, it was unclear who held the real leadership. This is a factor frequently cited by participants in the RevCon as something that needed to be improved in the future.¹⁰⁶ For example, most of IANSA daily meetings were headed by senior activists, who were neither part of the IANSA secretariat nor of the IANSA Steering Committee. Furthermore, IANSA had a weak

¹⁰⁴ Other notable exceptions include Spain with two representatives from civil society and Austria, Belgium, Ireland and the Netherlands with each one representative.

¹⁰⁵ C. Buchanan, *The UN Review Conference on small arms control: Two steps backwards?* Available at www.hdcentre.org. accessed on 03/05/07

¹⁰⁶ Most NGOs officials interviewed in New York in the context of the RevCon emphasized this aspect.

approach towards the EU as a collective actor. Throughout the Review Conference, several EU Member States, including the UK and the two states holding the EU Presidency, Austria and Finland, were perceived as the natural allies by most of the NGO Community. Partially due to the fact that the majority of NGOs that created IANSA are UK-based and have already established relationship with certain EU Member States, activists tended to overly rely on a small number of EU member states to defend their position at the Review Conference. In this process IANSA not only neglected to support the EU as a collective actor, but also overlooked other potential allies, who could have helped to develop a broader approach towards all the states that participated in the Conference.

The fact that the consensus rule was applied during the Review Conference is another factor that influenced the success of the EU-IANSA partnership. In this sense, several authors have emphasized that institutional decision-making rules can shape negotiations at the international level.¹⁰⁷ Consensus does not require unanimity on all points from all the member states participating in negotiations: it is generally an agreement on general objectives. Yet, it is interesting to note that negotiations in UN-sponsored conferences only resume when there is a consensus that will not be challenged.¹⁰⁸ Hence, most often in UN negotiations, consensus is viewed as a type of informal unanimity. Consensus not only constitutes a very high threshold in decision-making, but often becomes an extremely slow process.¹⁰⁹ With the clock ticking at Review Conference, the EU Member States as well as IANSA realize that most of their efforts should be concentrated on convincing other states to support the final (weak) document rather than pushing for more stringent commitments. But not even that could be achieved.

In the context of a consensus-based conference, the reluctance of several states to negotiate on certain specific issues clearly had an effect on the EU-NGOs coalition. The inflexibility of the Americans regarding their “red lines” constituted a colossal obstacle for the coalition formed by the EU and IANSA. In addition, constant communications between Washington and New York considerably slowed down the negotiations. However the United States did support some of the EU and IANSA priorities, such as the possible codification of global guidelines for a future

¹⁰⁷ See J.Jupille “ The European Union and International Outcomes”, *International Organization*, vol.53, No.2, 1999. pp.409-425; J. Depledge “The Opposite of Learning: Ossification in the Climate Change Regime”, *Global Environmental Politics*, 6:1, 2006., pp.8-13, and B. Buzan “Negotiations by Consensus: Developments in Technique at the United Nations Conference on the Law of the Sea”, *The American Journal of International Law*, 1981, vol.75, no.2, pp.324-348

¹⁰⁸ V. Rittberger “Global Conference Diplomacy and International Policy-Making: The Case of UN-Sponsored World Conferences”, *European Journal of Political Research*, 11, 1983, p.178.

¹⁰⁹ Depledge, 2006, pp.11-12 and Buzan, 1981, pp.341-342.

agreement in arms trade (as long as they were not legally binding) and initiatives regarding transfers control. Conversely, Cuba, India and other countries, such as Iran and Pakistan refused to negotiate on these issues. Furthermore, two of the main producers of SALW, China and Russia, appear to have used the consensus rule (where a sole negative voice is enough to block negotiations) to maintain their hard positions on certain issues without making much noise.

At the Review Conference, the EU was also criticized by other states for spending too much time on trying to coordinate the EU position and not enough talking to other potential allies, including several African and Asian states. This was seen as particularly problematic as these are the most affected regions by the scourge of SALW. In fact, most African and Asian countries supported proposals for stronger regulations. However, these states, lacking the necessary strength and resources, were not in a position to impose their preferences and crucially needed the EU to support their initiatives. Furthermore, the EU was not able to clearly convey their priorities to these potential allies. For example, the EU failed to convince key partners to recognize the link between development assistance and the adoption of international measures on SALW. Indeed, several developing countries, particularly the Caribbean Community (CARICOM), vetoed any mention in the final document of the link between fight against the spread of illicit SALW and sustainable development. These states raised concerns about the idea of conditionality on development aid and about resources diverted from development programmes to small arms projects. The EU's initiatives to create new funds to specifically deal with the proliferation of small arms were thus unnoticed or misinterpreted by the developing countries. In both these cases, the EU might have used IANSA support to lobby other states to support their positions, but it failed to do so and therefore did not recognize some of the benefits of being in a coalition with NGOs.

Lastly, it should be noted that the management of the negotiations at the Review Conference also created obstacles for the EU-IANSA coalition. First, the negotiation phase was extremely short: formal negotiations on the draft final document were only initiated during the second week of the Conference as the High-level segment of the Conference overran the scheduled time. This fact was aggravated by a weak position of the president of the RevCon, Ambassador Kariyawasam from Sri Lanka. On the one hand, the Ambassador had to deal with the strong demands of the EU and IANSA. On the other hand, he also had to manage the reluctance of powerful states to

negotiate on several issues on the table.¹¹⁰ Finally, it should be noted that informal negotiations during the last days of the Review Conference mainly took place in English and in the absence of translators. Many developing countries, including several African francophone states, therefore felt marginalized during the last phase of the negotiations.

Conclusion

This paper aimed to explore the conditions that might have influenced the relationship between the EU and NGOs and their mutual success at the 2006 UN Small Arms Review Conference. The European Union has been one of the most committed actors in the fight against the proliferation of small arms and light weapons. The EU has also appeared to have found a strong partner in the International Action Network on Small Arms (IANSA). Indeed, NGOs under the umbrella organization IANSA undoubtedly pressed UN member states to include some of their (and the EU) proposals in the final document of the RevCon and their contribution was acknowledged by several governments.¹¹¹ However, this paper has shown that this partnership was not successful during the Review Conference: the European Union and IANSA both failed to convince several reluctant states to support the reinforcement of the UN *Programme of Action* on small arms and light weapons.

In the case of the Review Conference, the leadership showed by “middle powers” seemed to have been less evident than other negotiations on human security issues, such as the landmines case. In contrast to the landmines case, the “middle powers” could not unite behind one specific goal during the Review Conference. The challenges posed by SALW are multifaceted and involve various issues. This reality visibly complicated negotiations and might have led the middle powers to perceive that the costs of forming a coalition and leading negotiations would be higher than the benefits.

The literature on coalition suggested that as NGO advocacy grows and stimulates more national support for their cause, the risks of middle powers of assuming leadership and forming coalitions

¹¹⁰ In this sense, some observers interviewed by the authors during the Review Conference suggested that Ambassador Kariyawasam's delicate position came from the fact that he did not want to affect the possibilities of former UN under-secretary general for disarmament affairs, Jayantha Dhanapala, also from Sri Lanka, to replace Kofi Annan as UN Secretary General.

¹¹¹ A number of countries mentioned specifically the role of NGOs (or in a more general way 'civil society') in their final speeches of the meeting, including Canada, Pakistan and the final statement by the president of the RevCon, Prasad Kariyawasam.

should be lowered. However, in the case of Review Conference, these risks seemed not have been lowered enough to convince the EU member states to effectively lead the dynamics of the Conference towards achieving a meaningful outcome document.

Finally, the failure of the negotiations during the Review Conference, but also in other cases of UN negotiations, has lead to a strong criticism of the rule of consensus as the way of decision-making at the UN. The consensus rule visibly affected the mutual success of both the EU and the NGOs in small arms negotiations. In their closing speeches at the Review Conference, several states while criticizing the use of consensus also acknowledged the importance to deal with this issue multilaterally. In short, several states seemed to reaffirm their commitment to negotiate in the UN, but in a different negotiating environment. This “new” environment, or “new diplomacy”, might emerge in the next few years and give a chance to the EU and NGOs to renew and redesign their relationship. In the end, only an effective EU-NGOs partnership will produce successful initiatives to curtail the spread of small arms and light weapons.