

Canadian Centre
for Foreign Policy
Development



Centre canadien
pour le développement
de la politique étrangère

125 Sussex Dr. Ottawa, Ontario K1A 0G2

**REPORT FROM THE CONFERENCE ON NEW DIPLOMACY
THE UNITED NATIONS, LIKE-MINDED COUNTRIES AND
NON-GOVERNMENTAL ORGANISATIONS**

CCFPD

September 28-30, 1999 (Millcroft Inn, Ontario)

1011.6E

ISBN: E2-334/1999E-IN
0-662-30414-4

**REPORT FROM THE CONFERENCE ON “NEW DIPLOMACY:
THE UNITED NATIONS, LIKE-MINDED COUNTRIES AND
NON-GOVERNMENTAL ORGANISATIONS”**

**September 28-30, 1999
Millcroft Inn, Ontario, Canada**

At the end of September, academic researchers, government officials and leaders in non-governmental initiatives met at the Millcroft Inn in Acton, Ontario, to address key issues related to New Diplomacy. The meeting was the first of three looking at the impact of state and NGO initiatives on the mandates and functioning of international institutions. This discussion series is a joint project undertaken by the United Nations University in Tokyo, the Centre on Foreign Policy and Federalism at the University of Waterloo and the Canadian Centre for Foreign Policy Development with additional support from the Department of Foreign Affairs and International Trade. The first meeting explored the conceptual complexity and operational realities of the changing international system by looking at the campaign for a global ban on anti-personnel land mines and the efforts to establish a permanent International Criminal Court. This discussion will be followed by a meeting in Tokyo, Japan (Winter 2000), addressing the wider dimensions of the international environment and New Diplomacy. That meeting will be expanded to include the question of core labour rights. The final conference in Amman, Jordan (Summer 2000), will deal more generally with the issue of UN reform.

1. INTRODUCTION

The meeting at the Millcroft Inn explored the apparent shift from concentrated top-down leadership in the international system to a multi-sourced bottom-up mode of leadership. The basic operating assumption was that the former model is being replaced by alternative sources of initiative and innovation emanating from two places in particular. The first alternative source of leadership has come from the diplomacy of middle-power, or like-minded states. The second comes from the expanding diplomatic role of civil society in general and NGOs in particular. A need was identified to intellectually catch up to these increasingly common, fluid and fast-moving diplomatic practices.

The key questions posed during this meeting were: How are these alternative leadership forms expressed through the United Nations system? How do they influence that system? What is the intensity of this emergent style of diplomacy? What is the nature of the interaction between the like-minded states and the NGOs? What institutional and other forms will this diplomacy ultimately take?

The theoretical quandary was addressed by looking at two case studies that highlight the breadth and diversity of the emergent sources of alternative leadership in the contemporary international system. The first was the campaign for a global ban on anti-personnel land mines while the second case study looked at the establishment of a permanent International Criminal Court. The case studies raised the question whether they provide a prototype mode for future multiple-sourced bottom-up initiative or whether they are anomalous.

2. LOOKING TOWARDS NEW DIPLOMACY

A) Summary of Panel Presentations

Andrew Cooper, University of Waterloo, outlined the current state of the international system and the challenges it presents. He pointed out that the study of diplomacy is back "in" and its students are just catching up to the new and evolving diplomatic practices.

Cooper noted that the initial wave of enthusiasm following the end of the Cold War about the new international environment being more favourable to the functioning of the United Nations was being replaced by a certain level of disillusionment. As a backdrop to this development, the context for UN operations has changed. Since the late 1980's leadership has not been particularly rooted in the P-5 countries of the UN Security Council as was earlier assumed. The gap between the UN agenda and the UN's capabilities and commitments, especially in the peace-keeping/humanitarian intervention field, widened. A backlash developed against the top-down organisational structure of the UN (i.e., the closed nature of the decision making process and tendencies to block initiatives). These problems were mirrored by unilateral self-help tendencies of all the P-5 countries and the emergence of the so called U.S.A.-centred assertive multi-lateralism.

To counter these developments, new alternative sources of initiative and innovation have surfaced. The first is located among the "traditional first followers of the UN system in the ranks of secondary states," also referred to as a coalition of "like-minded states" – a term that sheds the realist (state-centric) trappings of the "middle power" concept. The selective nature of issues the coalitions of like-minded states address contributes to the emergence of "niche" diplomacy. The second source of alternative leadership is civil society in general and NGOs in particular. Cooper examines how these new leadership forms are expressed through the UN system and how they influence that system.

According to Cooper, these alternative sources of leadership have come to the fore in a number of ways at the operational level. First, New Diplomacy is being conducted with a sense of intensity or impatience. Second, New Diplomacy is ad-hoc and improvisational. The relationship/alliances between the like-minded states, NGOs and the UN is not clearly defined. Third, these alliances function as a catalyst/trigger for UN action as well as an agent and a joint manager within the UN system. Finally, the scope of issues addressed in the framework of New

Diplomacy reflects a frequently changing agenda, including land mines and the International Criminal Court, as well as changing partners, expanding to include select Latin American countries and South Africa.

The recent trends in New Diplomacy raise important questions about inclusion and exclusion from the process (only some states and some NGOs are involved and they move in and out of the New Diplomacy process at varying speeds). Are the processes connected to New Diplomacy reformist or transformational? Is there any like-mindedness among the business community and how does it fit into the process? What is the role of the UN Secretary General and other UN agencies and how do they fit the picture? More generally, while some are concerned that "end-runs" undermine, de-legitimise and over-extend the UN system, others have expressed enthusiasm about the implications "fragmented authority" and end-runs tend to create.

In conclusion, Cooper emphasised the diffuse, uneven and fragile nature of the emerging international system. He said that diplomacy will undoubtedly reflect this situation. Intellectual thought must catch up to the rapid developments in New Diplomacy.

Iver Neumann, Norwegian Institute of International Affairs, Oslo, Norway, outlined the relationship between the Norwegian Foreign Affairs Ministry and NGOs in the context of the Norwegian Land Mines initiative. He traced the foreign policy development of this issue from the appeal of the Norwegian Afghan Committee (NAC) and the Red Cross to address the problem of land mines after some members of the NAC were lost in a land mine accident. While the first attempts were rejected on the ground that mine-clearing activity was too dangerous for NGOs, the Norwegian government became involved in the land mines issue in 1991. It called extensively on NGO help. This decision moved Norway from the position of a money provider to a real partner.

The involvement of the government and the NGO's initiative to sign a total ban on anti-personnel land mines built a momentum for change. The Foreign Minister was faced with the NGO-led campaign on the one hand, and resistance in the military and defence establishment on the other. The land mine issue was an idea that clashed with traditional Norwegian security policy, rooted in sharing a common border with Russia.

Neumann pointed out that analysis emphasising a transnational NGO network pressuring a state to act is too simplistic. States themselves are agents of initiative and leadership. They facilitate common interests of different social groups and government departments (i.e., NGOs, Ministry of Defence, Ministry of Foreign Affairs). Within this framework, New Diplomacy is a complex process involving diverse actors and interests.

Not all states are able to adopt New Diplomacy. One requirement for the involvement of civil society in policy making is a plural society rich in knowledge and skills. In Russia, for instance, skills are not dispersed in the same way they are in Norway or in Canada. A second requirement for New Diplomacy to work is a good relationship among different segments/components of society and the state (i.e., a good working relationship between

intellectuals and NGOs with, say, the Ministry of Defence or Foreign Affairs). Third, financial capacity must exist. In the Norwegian case, the Foreign Minister had some experience with fund allocations through the Parliamentary process. A further prerequisite for New Diplomacy is a good relationship of Northern states with Southern states, usually established through development assistance.

In conclusion, Neumann argued that there has been a change in how states conduct their affairs. State has become "disaggregated." Actors in policy development and policy making are varied and often split themselves (i.e., the Ministry of Defence, Ministry of Foreign Affairs as well as the Norwegian Afghan Committee were all split internally at some point on the land mine issue). The circumstances are more complex than the simplistic dichotomy of state vs. NGOs. Rather than a chasm between state and society, policy making is characterised by various cleavages across the political, bureaucratic and socio-economic spectrum. Transnational civil society is incorporated into a complex process, it is no longer apart from it.

B) Comment and the Synopsis of the Discussion

Elizabeth Riddell Dixon, University of Western Ontario, commented that the analyses generate a few important research questions. What are the parameters of action by alternative sources of leadership? What is a middle power by definition? Has there been some development in how we perceive the middle power concept and is there a need to redefine it as a variable in International Relations analyses? What is the impact of external environment/context on the conduct of New Diplomacy? Are partnerships functional or not? How do we rethink the state-centric approaches to International Relations, given the emergence of the disaggregated state? What is the role of individuals, business groups, the United Nations, the World Trade Organisation and other organisations and groups? What is the role of the Foreign Minister? Does New Diplomacy really create a space for a *meaningful* civil society participation in foreign policy? While there is no doubt that the participation of civil society organisations in foreign policy development/making has increased in recent years, it is dubious that they actually have real influence. Has there really been a shift towards a more democratic foreign policy process? Is there a chance of genuinely democratising the United Nations?

Others reflected on the contradictions of New Diplomacy. While it would appear that foreign policy making is disaggregated and uneven, the active participation of civil society organisations, including NGOs, experts, academics and others, adds coherence to the process. Another paradox of New Diplomacy rests in the fact that while the increased number of actors enhances the pluralistic nature of the foreign policy process it does not necessarily lead to its democratisation, since NGOs are neither representative of or non-accountable to citizens. While individuals are important, large NGOs are involved in the process on a much larger scale. Another issue that is often ignored is the role of the business community within the New Diplomacy paradigm. Theoretically, the forms New Diplomacy take on should be outlined. Do NGOs merely nuance foreign policy or do they actually forge meaningful alliances with the state?

In response to the argument that the involvement of NGOs in foreign policy is inherently undemocratic, Neumann argued that such involvement helps form a base of a "consensus-oriented society." In such a society, the government draws on the expertise and experience of the civil society it serves. The process is legitimate as long as it remains transparent. Others have pointed out that given the growing overlap between domestic and international policies, NGOs not only reflect domestic issues but became instruments of foreign policy. The role of the media and new technology in the New Diplomacy "process" has been also stressed.

Some criticism was directed at the NGOs. A proposition was made that NGOs are currently experiencing a crisis of maturity. While they have achieved access they remain disoriented. There are too many of them in competition with each other. Business, traditionally not considered a part of the NGO/civil society sector, has been exerting more influence than ever within various policy mechanisms, including the UN. Therefore, consideration should be given to the role of business in political decision making. There seems to be a gap between the NGO's self image and reality. For example, the NRA has recently become an NGO. Is it desirable that such NGOs, with very narrow goals, should impact on the policy making process? Are pressure and interest groups NGOs and if so how is their legitimacy justified beyond the immediate community they represent? A need was identified to clearly define an NGO. What are the criteria for an organisation or a group to qualify as an NGO? What role does the source of funding play in such an identity? A first step to NGO categorisation should be to draw a distinction between advocacy NGOs and operational NGOs (with a wealth of on-the-ground experience in development or human rights, for example)..

The New Diplomacy paradigm has also been questioned on the grounds that despite some exceptions, the "great power" concept still dominates the international system. This is apparent from the clout of the G-8. Moreover, some argued that despite increased civil society involvement, the state remains the main variable in International Relations analyses. While NGO involvement may lend legitimacy to state action, NGOs are often co-opted by states for that particular reason. While New Diplomacy succeeded on some issues, it failed on others including, the establishment of fair labour standards within the framework of expanding international trade and debt forgiveness.

To counter the mounting scepticism about the ascendance of New Diplomacy, Bob Lawson, Department of Foreign Affairs and International Trade, who worked on the Land Mines Treaty pointed out that the myriad of NGOs working on the land mines issue achieved a great deal of cohesion to fulfil their common goal. Why were the idiosyncrasies of the emergent system overcome and the campaign successful in this case? He argued that New Diplomacy lends itself well to "problem-solving." The land mines campaign worked because concrete objectives were set out, capacity to deliver assessed and the need to create alliances and share resources identified.

3. THE UN, NGOs AND THE LANDMINE INITIATIVE

A) Summary of Panel Presentations

Christopher Raj, Nehru University, India, suggested that the Ottawa process (land mines initiative) could be applied in the South East Asian context as well. He argued that the Ottawa process could address problems related to the regions's land mine contamination and conflicts in general. He suggested that the best way to launch such an effort would be incremental, involving bi-lateral agreements. Despite some authoritarian tendencies, there exists a space in South East Asia for New Diplomacy to take root.

William Maley, Australian Defence College, discussed the Australian experience with the Ottawa process. He outlined the political, legal, and foreign policy making context within which the treaty was eventually signed. He pointed out that the relationship between Australia and the UN is not a major factor shaping foreign policy and traced some of the ambivalent attitudes Australia has displayed towards the UN since its foundation.

The issue of anti-personnel land mines impinged on a number of government departments (i.e., Foreign Affairs, Ministry of Defence, Australian Agency for International Development) and required a complex ratification process involving the Cabinet as well as the Parliament. The issue engaged the attention of elements of civil society and resulted in a broad campaign for total abolition. A diverse range of Australian based pressure groups, aid agencies and NGOs joined other international groups and launched an extremely well informed campaign under the auspices of the "Australian Network of the International Campaign to Ban Landmines" led by Sister Patricia Pak Poy. During the campaign, expertise that was to eventually trump the claims of bureaucratic opponents was developed and mobilised through hearings and work of commissions. There could be few better illustrations of "deliberative democracy" at work.

While the state was divided on the issue, the change of government in March 1996 shifted the mood in favour of the ban. The Foreign and Defence Ministers finally announced the government's decision to sign the treaty on November 17, 1997.

Manley drew five main conclusions from the land mines process and its success in Australia:

- 1) The issue lent itself well to organising a concerted campaign since the questions involved were relatively simple and straightforward.
- 2) The case study shows the maturity in campaigning and its importance (i.e., level of professionalism and expertise).
- 3) The case points to the importance of insulating an issue from domestic party politics.
- 4) It illustrates the virtues of building extensive coalitions.
- 5) Lobbying proved successful because the need to retain anti-personnel land mines was not seen by civilian political leadership as a fundamental aim in policy.

Max Cameron, University of British Columbia, analysed the Ottawa process and its implications for the contemporary international system (perceived by the majority of International Relations theorists as inter-state and anarchical). He argued that despite the endurance of a realist framework, the success of the land mines ban movement bodes well for the emergence of a global civil society.

Cameron pointed out that for the purposes of his analysis it is useful to distinguish between civil society and a social movement. While the former is defined by its relationship to the state, the latter operates within the political spaces provided by civil society. Social movements include collective actors with common interests and a shared identity who use mass mobilisation as their source of power. The International Campaign to Ban Landmines approximates the latter better. This distinction draws out the fact that while NGOs actively participate in policy development/making they do not (nor do they claim to) represent the people in the same way parties and parliaments do.

Cameron qualified the land mines process as unique in certain respects. He pointed out that the purpose of banning anti-personnel land mines was not to change the inter-state system but to alleviate a humanitarian crisis. Indeed, anti-personnel land mines have never been a weapon of strategic importance in the arsenal of states. They have little impact on the distribution of capacities among states. They rarely confer a long-term advantage on a military force and never caused a country to win or lose a war. They are more commonly used in civil conflicts than inter-state conflicts. At last, but not least, the major producers of anti-personnel mines have not signed the ban treaty. The relative "light-weight" nature of the issue ensured that the international security regime/context would not be challenged. Moreover, the transnational social movements contributed to re-framing of the land mines issue in a way more amenable to cooperative solutions. Land mines were moved from the realm of military security to human security.

Nevertheless, the process enhanced what Cameron labelled "global horizontal accountability" (as supposed to vertical accountability where a subordinate public agency is held accountable to a higher agency). Horizontal accountability hinges on the ability of state agencies that are legally empowered and factually willing and able to take actions against other agents or agencies of the state. Moreover, the process relied on the support of like-minded small and middle-size states as well as mine-afflicted states, located mostly in the "South." It created a larger normative system which the non-signatories and non-compliant can not ignore. The pace of the process was also unprecedented. No other multilateral disarmament treaty has ever entered into force more rapidly.

The principal role of the NGOs (the International Campaign to Ban Landmines in particular) included raising public awareness of the issue and participating in the actual negotiation of an international convention. The latter was a truly ground-breaking development. What became to be called the Ottawa Process was characterised by:

- 1) a partnership between states and NGOs in the conduct of international diplomacy,
- 2) a coalition of small and medium-size like-minded states,
- 3) a willingness to operate outside the normal channels and fora.

Therefore, the Process suggests that non-hegemonic states and transnational social movements can achieve diplomatic ends by working in partnership. The Process essentially established the "basis for new mechanisms of horizontal accountability by bringing together like-minded states, in partnership with NGOs, outside of traditional arms control fora."

According to Cameron, three lessons came out of the Ottawa Process:

- 1) Partnership pays.
- 2) Coalitions of the like minded can lead.
- 3) Obsolete diplomatic fora can be subverted.

The last lesson brought to focus the role of the United Nations system as a forum for negotiations as well as the relationship between NGOs and the UN. Should diplomatic initiatives take place at the margins of the UN? Should the UN be democratised and access of NGOs to the UN process facilitated? How should the transformation of the UN be effected? Despite the criticism aimed at the lack of NGO accountability, they can prove invaluable in the following areas:

- raising awareness,
- bridging the knowledge gap between international negotiators and real world conditions,
- pushing for accountability by public officials.

The idiosyncrasies of the ban movement included:

- 1) The issue was unique.
- 2) Luck played a role.
- 3) A big gamble paid off.

In conclusion, Cameron stated that the crucial lessons are that states and social movements can work in partnership to mutually enhance their capacities, to bring publicity to neglected issues, and to create new mechanisms of global horizontal accountability.

Robert Lawson, DFAIT, summarised the Ottawa Process and commented on developments since December 1997. He described the global landmine crisis in figures (1996) and pointed to the inability of the UN to react. Lawson went on to look at the 1997 Ban Convention which called for a ban on the use, production, transfer and stockpiling of anti-personnel mines.

The Canadian objectives at the Ottawa Conference included, maximum convention signatures and issues related to the shape and launch of the Ottawa Process II. The latter involved the ratification, universalization and implementation of the Ottawa Convention.

According to Lawson, "policy" lessons from the Ottawa process included:

- 1) Strategic coalitions work.
- 2) Campaign style diplomacy is very effective.
- 3) There is a key role for the NGOs in monitoring the Convention.
- 4) The full implementation of the Convention is key to solving the anti-personnel land mines crisis.

The Process involved roundtable discussions with states, International Organisations, NGOs, parliamentarians, media, military, and technical experts. Among the concrete outcomes were:

- a commitment to a report,
- donors' pledge (\$500 million),
- a creation of "Ratify in 98" coalition,
- the launch of a monitoring initiative,
- the formation of Geneva International Centre for Humanitarian De-mining,
- the formation of UN Mine Action Service,
- the pledge of \$100 million by Canada,
- the announcement of a "Mine Action Coordination Workshop" by Canada.

The key initiatives leading to the ratifications included advocacy work, media awareness and regional meetings. The focus has now shifted to survey, monitoring, and reporting activities, although consensus building and awareness raising are still important.

B) Comment and the Synopsis of the Discussion

Some participants stressed the particular nature of the land mines issue and expressed their pessimism about the ascendance of a global civil society. The transparency of NGOs has also been questioned by some. The opinion that the involvement of NGOs may preclude consensus on issues by authoritarian countries (China) was also voiced. Attention should be paid to charges that NGOs are the tools of Northern neo-colonialism.

The problems with the UN system were attributed to the resentment of the UN Geneva community to the notion of "learning anything." Others pointed out that both the constraints and the strengths of the UN should be utilised. The venue to circumscribe the UN system in order to avoid bottleneck should be kept open. An argument was made that the UN was circumscribed in the land mines case without many repercussions only because Kofi Annan himself endorsed the initiative and because the process was eventually re-integrated into the UN system. The dangers of taking risks in the context of New Diplomacy were mentioned.

Some asked why land mines? Why not trafficking in human beings or child soldiers? Are there lessons to be learned from the land mines process for furthering other humanitarian causes? One of the reasons for selecting the land mines issue was attributed to its relative singularity or independence from other socio-economic, cultural and political issues (i.e., structural contexts).

4. HUMAN SECURITY, THE UN SYSTEM AND INITIATIVES

Steve Lee from the Canadian Centre for Foreign Policy Development introduced **Ramesh Thakur**, Vice Rector, UN University, Tokyo, Japan. Steve Lee thanked the participants for a timely, useful and topical discussion. He also drew attention to Canadian partnership with Norway and Australia and acknowledged the significance of the Norwegian efforts in the land mines ban.

Thakur outlined the changing "security" framework within which the UN operates. He argued that instead of perceiving the realist concept of national security as dichotomous to the emerging concept of human security, the two should be seen as coexisting. In this way national interests and values can be pragmatically married in the post Cold War environment (dominated by issues including internal strife that is often state-generated, poverty, and inequality). He also stressed the necessity for the UN to achieve an ideological balance between idealism and realism and to narrow the credibility gap between aspiration and performance.

Thakur pointed to the growing dissonance between the form and substance of the UN process. While issues such as human rights are increasingly taken up by the NGO community, the UN remains state-centric. (The establishment of the International Criminal Court is an example of the decline in interest of the U.S.A. in Human Rights issues and the growing role of the NGOs). Democratic empowerment remains alien to the UN system as well as many governments around the world.

Despite the financial and bureaucratic difficulties as well as the risk-averse nature of the Secretary General's position, the UN remains at the legislative and normative centre of the international system. Its authority is rooted in the sense of international solidarity transcending national perspectives and sectarian affections. "Only the UN through its authenticated procedures can lay claim to speak on behalf of the entire international community." For standard setting, norm generation and regime creation, there is no real alternative to the UN. NATO has no such capacity. The necessity to endorse, even retroactively, the NATO aggression in Kosovo by the UN Security Council is a proof that many supporters of the war remained troubled with the precedent of collective military action outside the UN framework.

5. THE UN, THE U.S.A., AND THE NEW DIPLOMACY

A) Summary of Panel Presentations

David Malone, International Peace Academy outlined the main trends at the UN Security Council and the role of the U.S.A. in the contemporary international system.

1) There has been a general shift in favour of intervention in international conflicts. The U.S.A. in particular has been the champion of using Chapter 7 to intervene in Kuwait as well as Kosovo. The U.S.A. has been also in favour of imposing economic sanctions, often unilaterally. There has been a rising incidence of naval blockades in 1990's.

2) In order to operationalise and legitimise intervention, through Chapter 7, there has been a tendency to build so called "coalitions of the willing." (This was the case in the Operation Desert Storm as well as Bosnia.)

3) There has been a growing interest by the UN Security Council in using regional organisations.

- 4) There has been a growing concern about human rights, especially the plight of the refugees. While human rights has been an issue literally quarantined from the Security Council agenda there has been some action on human rights monitoring and institution building.
- 5) Another area of growing interest has been democratisation and elections with the hope that democracy would lead to greater stability. However, in some instances, the UN is drawn into dangerous, complex situations.
- 6) There has been an emphasis on the civilian component within peace operations (i.e., civilian administration, human rights monitoring, reform of the judicial system).
- 7) The Security Council played a role in a radical legal development in its support of Truth Commissions for countries emerging out of civil wars (Rwanda, former Yugoslavia). The creation of these Tribunals served as impetus for the establishment of the International Criminal Court (which originates in the U.S.A. legal community and the NGO community).
- 8) The interface between NGOs and the Security Council has been intensifying.
- 9) Discussions about the reform of the Security Council have occurred, but real change is doubtful.

The UN activities reflect the growing erosion of state sovereignty in the international system. The UN Security Council has been interventionist, intrusive (monitoring in Iraq, for instance) and its operations wide-ranging. There is a danger of the U.S.A. veering towards isolationism. Today the U.S.A. tendencies are particularistic, especially in committing its military resources and personnel (U.S.A. military life is seen as more valuable than the lives of civilians). The U.S.A. approach to the UN is epitomised by the U.S.A. unpaid dues. Its impatience with the UN expressed in U.S.A.-dominated coalition building and reliance on NATO

Jim Reed, Harvard University, Cambridge, U.S.A., reflected on the U.S.A. attitudes towards the UN, the position of the U.S.A in the international system and U.S.A.-Canada relations. He argued that the U.S.A. is not a "like-minded" country and elaborated on the reasons why. Despite its UN heritage (i.e., the legacy of Woodrow Wilson, the origins of the organisation in San Francisco and its current headquarters in New York), the U.S.A. does not pay its UN fees on time, does not always cooperate with the Secretary General (i.e., Boutros Boutros-Ghali), insists on the right of taking military actions outside the UN, and relies on NATO.

According to Reed, the key behind the U.S.A. ambivalence towards the UN can be found in the structure of the American society. There has been a dissonance between the traditionally weak American state and a strong vibrant non-profit sector (third sector). Overwhelmingly, the NGOs are funded by private interests in the U.S.A. Another factor is the relative political

"classlessness" of the American society. There is no tradition of an aristocracy that uses foreign policy as a favourite pass-time, instead, public opinion drives U.S.A. foreign policy. This contributes to three broad tendencies:

- 1) the mediocrity of the permanent bureaucracy,
- 2) constant shifts in foreign policy (including the attitudes toward the UN),
- 3) a dual structure, with the Washington foreign policy community separate from the civil society foreign policy community (i.e., Ted Turner, Bill Gates).

Another reason for U.S.A. ambiguity towards the UN is the resentment of large segments of the Jewish community towards the organisation.

Reed also elaborated on the strained relations between the U.S.A. and Canada over foreign policy. The U.S.A. is apprehensive of Canada's Foreign Affairs Minister Lloyd Axworthy's initiatives. The Pentagon perceives these initiatives as a challenge to its hegemony. Moreover, some inconsistencies within Canada's foreign policy community add strain to the U.S.A.-Canada bi-lateral relationship (i.e., the element of defeatism and passivity on the part of Canadian diplomats, the hostility of the Canadian Department of National Defence toward Foreign Affairs, as well as Ambassador Chretien's public critique of Foreign Affairs Minister, Axworthy).

Another problem Reed sees with the U.S.A.-Canada relationship is the Canadian emphasis on trade. Business people, are not particularly "like-minded." If Canada wants to promote human security, it should re-orient its public affairs functions and interests from commerce to politics/diplomacy. American civil society is equally deserving attention, according to Reed. Canadians should develop relationships with NGOs, universities and think tanks. Presently, Canada's formal relations with these organisations are either non-existent or hostile. While the U.S.A. may not be a like-minded country it contains millions of like-minded people.

B) Comment and the Synopsis of the Discussion

Reacting to Reed's comments, an argument was made that the U.S.A. should not, perhaps, be a like-minded country since it is very unique. While it should be up to the smaller regional countries to deal with their "back-yard" problems (i.e., Kosovo in the European context), the commitment of the U.S.A. to NATO is key, especially considering the security threat posed by the disintegration of Russia. Nevertheless, the practical question remains of how big a conflict must be for the U.S.A. to get involved and what does this mean conceptually for selective *versus* collective security. The state of the contemporary international system beckons U.S.A. involvement. The UN Security Council is in dire need of reform, meanwhile the G-7/8 should limit itself to economic issues and as an informal policy forum. Europeans themselves do not have the capacity to deal with conflicts like Kosovo.

The positive U.S.A. attitude towards NATO will perhaps shift after some reflection on the Kosovo action. While the U.S.A. remains ambivalent towards NATO's role and its own

presence in Europe, it is opposed to defence policies that would eventually lead to strengthening the European space (i.e., industry mergers).

Some argued that Canada-U.S.A. relations were not in such bad shape as Reed described. David Malone pointed out that the U.S.A. is not particularly angry. The U.S.A. policy community perceives Lloyd Axworthy as an activist. Moreover, trade relations are fundamental to Canada-U.S.A. bilateralism and do not pollute the relationship between the two countries at all. However, others were concerned about the commercialisation of foreign policy since Canada caves in on every economic issue it has with the U.S.A. Canada could do more to link with the U.S.A.-based think tanks (despite the fact that the level of such engagement is higher than usual already). More effort should be exhorted in collaborating with people Canadians have been in disagreement in the past. Max Cameron pointed out that the U.S.A., by and large, understands that Canada has its own public opinion. Therefore, Canada's activism will most likely not have any negative consequences on its long term bilateral relationship with the U.S.A. There exists a space for Ambassador Chretien to do more.

Others addressed the process of foreign policy development in the U.S.A. whereby prominent persons in local communities form networks of opinion leaders (formal and informal) that interact with the outside environment and circulate foreign policy options. The importance of media and the advent of cyber-space in this exercise and its growing impact on public opinion was noted.

The ambivalent behaviour of the U.S.A. towards the land mines initiatives was explored. Some argued that initially the U.S.A. was a leader on the issue. However, no real grass roots activity to ban land mines took place. Max Cameron wondered why the U.S.A. did not sign the treaty despite its early involvement.

6. FEATURED SPEAKER: MR. BILL GRAHAM, MP

Bill Graham, MP, elaborated on the importance of foreign policy issues for Parliamentarians and the work of the House of Commons Standing Committee on International Affairs. He pointed out that foreign policy has an obvious impact on diverse constituencies. Constituents are also actively interested in foreign policy and try to influence its direction through their MPs. Parliamentarians are well equipped to react to public opinion and needs. They travel extensively across the country and abroad to solicit views and gain expertise.

Committee work is important because it forges consensus in the House of Commons based on shared information. It is productive and avoids long-winded Parliamentary debates. It also facilitates cooperation with government Departments (i.e., the Department of National Defence and the Department of Foreign Affairs and International Trade). Parliamentarians in the Committee keep in close contact with their U.S.A. counterparts.

The Committee's agenda is large and includes work on the G-7, the Arctic, and Indigenous Peoples. Among the reports produced by the Committee is a report on nuclear policy. Work is being done on the establishment of the International Criminal Court as well as the FTAA. The Committee works extensively with NGOs as well as government-based international organisations such as the OSCE. Its activities point to a fact that domestic and international policy issues are no longer two separate domains.

7. THE INTERNATIONAL CRIMINAL COURT

A) Summary of Panel Presentations

Philip Nel, University of Stellenbosh, South Africa, argued that the establishment of the International Criminal Court (ICC) brings a major dilemma into focus. Are the tendencies associated with the creation of the ICC a part of a counter-hegemonic or a post-hegemonic movement? While a counter-hegemonic movement may lead to the creation of another form of hegemony (i.e., the replacement of great-power veto by middle-power or NGO veto), a post-hegemonic movement may actually transform the character of the international system. The establishment of the ICC should be seen as a part of the latter process. Nel examined this statement by looking at the evolution of 1) sovereignty, 2) great-power veto, and 3) elitism.

Sovereignty remains a necessary fiction. It also remains a card against arbitrary intervention. Many developing countries express their fear that unchecked development of humanitarian intervention will contribute to arbitrary intervention. There is a split between those supporting and promoting the ICC and those who see the Court as undermining sovereignty. The great-power veto is the main hegemonic norm of the time. Nevertheless, it is slowly being delegitimised and undermined by the ICC, especially by the role of the middle powers in its establishment. Elitism is being undermined by the growing impact of middle powers as well as NGO coalitions. At the ICC NGOs can actually claim representation.

In conclusion, the ICC process is an example of normative innovation to humanitarian law. It also poses significant opportunities and challenges for diplomacy and the future character of the international system.

Alistair Edgar, Wifrid Laurier University, cautioned against the revolutionary nature of the ICC. He argued that some elements of the emerging international normative system are not that new. The old elements include:

- the definition of crimes against humanity (i.e., the Universal Declaration of Human Rights, Nuremberg trials),
- the concept of a state as an offender,
- the concept of universal jurisdiction,
- international norms have been developing for many years.

The new aspects of the international normative system include:

- the growing visibility of like-minded coalitions,
- the role of the NGOs,
- the independence of the prosecutor from the UN Security Council,
- the erosion of state sovereignty through the Court's jurisdiction,
- the UN Assembly vote allowing the Court to have a role in individual countries (based on the principle of complementarity).

There is a potential for the ICC to come up against the traditional world of power. Edgar expressed his doubt that the Court would be able to enforce its decisions against the economic and political prerogatives of states (i.e., China). While the Court has jurisdiction, it is not clear whether it actually can enforce its decisions. The ICC could follow in the foot-steps of the League of Nations. If limitations of the ICC are accepted, the Court could become a hollow shell. Unable to act in practice it would become an instrument of the powerful, reflecting the power relationships in the international system. An effective level of deterrence is doubtful. Temporary tribunals may prove more useful in the long run.

Another problem with the ICC is the lack of a retributive aspect (apparent in the South African Truth Commission). The assumption that justice promotes peace and peace leads to development/democratisation is too simplistic. The relationship is more complex and "political."

Valerie Oosterveld, Faculty of Law, University of Toronto, discussed the role of the NGO coalition in establishing the ICC. She talked about the link of the coalition to the UN secretariat and the coalition's organisational structure. The coalition's activities included:

- providing information (the coalition functioned as a clearing house for information, especially through its web site),
- providing reports and reference documents on line, containing detailed legal analysis,
- providing legal advice to government delegations (and countries new to the issue and process),
- advocacy work (a good example is the particularisation of gender issues),
- monitoring negotiations,
- forging partnerships with governments (through like-minded group interests),
- mobilising governments (mobilisation of shame).

The coalition is now working for ratification and signature while it continues to serve many of the functions listed above.

B) Comment and the Synopsis of the Discussion

Hans Guenter Sulimma, former German Ambassador to Canada, pointed out that the ICC might be a step towards fulfilling the permanent dream of humanity – the establishment of the international court of justice. On reflection, the majority of nations were satisfied with the ICC. Some would argue that a stronger international normative regime is necessary and that the U.S.A. refusal to sign “de-legitimises” the treaty in a way. However, we may see the establishment of the ICC as a great success for like-minded countries and NGOs.

Elements contributing to the success of the ICC and the land mine initiative included:

- wide interest in the issue
- media attention and enthusiasm
- shared interest of like-minded countries
- NGO mobilisation
- the process of addressing one issue at a time on which people could agree
- the identification of a clear goal (i.e., treaty, ban)

Comparing the ICC and the land mine initiative, the establishment of the ICC was more complex. It involved the UN more and relied on the leadership of lawyers. Some argue that it had more far reaching implications on sovereignty and the character of the international system. The land mines campaign was more grass roots and the issue less complex.

The question whether the ICC and the ban on land mines are the beginning of a new international system remains open. While some argued that the circumstances surrounding the two cases were too unique to lead to any conclusions, others contend that much has changed since the end of the Cold War. Nevertheless, participants at the end of the roundtable asked what is the method of selecting an issue? How to mobilise the NGO community and draw the attention of media on issues that are not that interesting? How to deal with the myriad of problems faced by people across the globe if New Diplomacy can take up just one issue at a time?

8. CONCLUSION

The three day conference looked at the evolution of the contemporary international system. It explored the theoretical merits of emerging New Diplomacy. While Andrew Cooper's presentation addressed the questions surrounding alternative forms of leadership and initiative, Max Cameron focussed on the potential for the emergence of a global civil society. Iver Neumann's presentation of the Norwegian experience with the land mines initiative also included an analysis of what he calls the disaggregated state.

The theoretical considerations were underpinned by two case studies: the campaign to ban anti-personnel land mines and the establishment of the International Criminal Court. The process and implications of the former were taken up by Christopher Raj, William Manley and Robert Lawson. Meanwhile, Philip Nel, Alistair Edgar, and Valerie Oosterveld addressed the later case study.

Issues related to the role of the UN within the emerging international system were outlined by Ramesh Thakur and David Malone. Jim Reed offered an analysis of the position of the U.S.A. Bill Graham, in turn, offered his views on the role of Parliamentarians and the Standing Committee in foreign policy development in Canada.

While some concluded that the two case studies point to the emergence of a new international system, characterised by alternative forms of leadership and a nascent global civil society, others emphasised the particularity of the cases and the contradictions of the new system. Nevertheless, the conference generated many questions that may contribute to mapping the course to better understand the world.