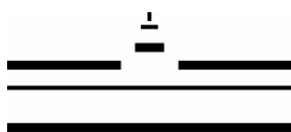


Martijn Vlaskamp

The Role of the European Union in the processes to ban cluster munitions

-Comparing the role of the EU in the Oslo process to create the Convention on Cluster Munitions and the process to reform the Convention on Certain Conventional Weapons-



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Topic of the thesis: The Role of the European Union in the processes to ban cluster munitions: Comparing the role of the EU in the Oslo process to create the Convention on Cluster Munitions and the process to reform the Convention on Certain Conventional Weapons

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Abstract

At the end of 2008 more than 90 states signed the Convention on Cluster Munitions (CCM) in Oslo that outlawed almost all types of cluster munitions. Among the signatories were 19 of the 27 member states of the European Union (EU). The CCM was the product of the so-called Oslo process, which was set up two years before as a reaction to the failure to reform the Convention on Certain Conventional Weapons (CCW) and add a new protocol to ban cluster munitions. This process, under the aegis of the United Nations, still continued parallel to the Oslo process and is until today not finished.

The attitude of the EU in these two processes was puzzling: on one hand it belonged to the strongest proponents for a new protocol within the CCW, but on the other hand the member states did not act together in the Oslo process. These on the first sight paradox policies raise questions about the role of the EU in multilateral environments like these processes. For instance you may ask the question when and how the member states act in arenas like these together. So this thesis aims to use the role of the EU in the processes to ban cluster munitions as a case study to explain its behaviour in a multilateral arena that deals with matters of perceived national security. Hence the question that is asked is, how the role of the EU in these processes looked like and how it could be explained?

To answer these questions the method of process tracing is applied to analyse the two processes, what means that they are reconstructed through empirical material to discover relevant patterns that determined the behaviour of the EU. This method requires a lot of empirical material which was gathered through documentary research, questionnaires which were presented to different relevant actors (such as public servants of the EU and its member states, NGO's and national politicians) and interviews. The information resulting from this research was sorted and analysed with the help of rationalist and constructivist approaches of International Relations theory.

The results of this research include elements of both theoretical approaches. According to the findings there were huge political differences between the member states of the EU that were very evident in the Oslo process. Some member states

belonged to the avant-garde of the process (Austria, Belgium and Ireland), most were more “middle-of-the-road” and some did not sign this convention at all (e.g. Finland and Poland). That there was a common policy inside the CCW cannot be attributed to a lower degree of differences of opinion, but rather to the general scope of the process. Because the Oslo process was in its nature already much more ambitious than the negotiations in the CCW it was more difficult to agree on a compromise of all 27 member states. In the CCW, however, most global key players were so reluctant to any progress that even the “lowest common denominator” of the EU member states was relatively ambitious.

On one hand the definition of the positions of the member states supports rationalist approaches: especially security issues played an important role in the definition of national policies. Examples are the perceived threat from neighbouring countries (in particular Russia) or the relationship with the United States that influenced their stances. But on the other hand there are also constructivist elements identifiable. The common position in the CCW can be attributed to normative arguments and common values. Between the member states of the EU there was a consensus about the humanitarian urgency to create a legal framework to tackle the inhuman consequences of cluster munitions. However about the level of urgency there were again disputes between the member states. So the common positions in the CCW normally remained rather broad and left a lot of leeway to the individual member states to manoeuvre inside this framework.

The author concludes that the role of the EU in these two processes was rather limited. In the process that achieved some results, the Oslo process, the EU did not play a relevant role as a common actor since the national interests of its member states were too heterogeneous, and in the process that did not achieve any feasible products the EU probably could only play an important role because the discussions did not reach a level that it would really touch some member states yet. The role of the EU in global multilateral institutions, at least in regard to security issues, was still mainly determined by the interests of its member states. There were common normative values of the EU but they were only secondary to the national interests of the member states.

Resumen (En castellano)

A finales de 2008 más de 90 Estados firmaron la Convención sobre Municiones de Racimo (CCM) en Oslo, que prohibió este tipo de armamento. Entre los firmantes estaban 19 de los 27 Estados miembros de la Unión Europea (UE). El CCM es producto del llamado “Proceso de Oslo”, creado dos años antes como una reacción al fracaso de la reforma de la Convención sobre Ciertas Armas Convencionales (CCW) y añadir un nuevo protocolo para prohibir las municiones de racimo. Este proceso, bajo el paraguas de las Naciones Unidas, continuó en paralelo al proceso de Oslo y permanece inconcluso hasta el día de hoy.

La actitud de la UE ante estos dos procesos ha sido muy distinta: en lo que se refiere a la CCW, fue de los más firmes defensores de un nuevo protocolo, sin embargo, sus Estados Miembros no actuaron de forma conjunta en el proceso de Oslo. Esto, que puede parecer una paradoja a primera vista, eleva la pregunta acerca del papel de la UE en un ámbito multilateral, como por ejemplo cuándo y cómo los Estados miembros de actuar juntos. Este trabajo utiliza el papel de la UE en este proceso, como estudio de caso para explicar su comportamiento en un ámbito multilateral que se ocupa de asuntos de percepción de la seguridad nacional. Por lo tanto, nos preguntamos cómo se percibió el papel de la UE en estos procesos y cómo podría explicarse?

Para responder a estas cuestiones, se ha aplicado el método conocido como “Proceso de seguimiento” para analizar los dos procesos. Es decir, se reconstruyen a través de material empírico para descubrir patrones de referencia que determinen el comportamiento de la UE. Este método requiere una gran cantidad de material empírico que fue recogido a través de la investigación documental, los cuestionarios que fueron presentados a los diferentes actores pertinentes (como los servidores públicos de la UE y sus Estados miembros, organizaciones no gubernamentales y los políticos nacionales) y una serie de entrevistas. La información resultante de esta investigación fue ordenada y analizada con la ayuda de los enfoques racionalista y constructivista de la teoría de Relaciones Internacionales.

Los resultados de esta investigación incluyen elementos de ambos enfoques teóricos. Se han encontrado enormes diferencias políticas entre los Estados miembros de la UE,

que fueron muy evidentes en el proceso de Oslo. Algunos Estados miembros pertenecían a la vanguardia del proceso (Austria, Bélgica e Irlanda), la mayoría pertenecían a una posición intermedia y algunos no firmaron este Convenio (por ejemplo, Finlandia y Polonia). La política común dentro de la CCW no puede ser atribuida a un bajo grado de diferencias de opinión, sino más bien al ámbito general del proceso. Debido a que el proceso de Oslo era en su naturaleza ya mucho más ambicioso que las negociaciones de la CCW, fue más difícil conseguir un acuerdo de compromiso para todos los 27 Estados miembros. En la CCW, sin embargo, los participantes con más peso a nivel global eran tan reacios a cualquier avance que incluso el "mínimo común denominador" de los Estados miembros de la UE era un reto relativamente ambicioso.

Por un lado, la definición de las posiciones de los Estados Miembros apoya los enfoques racionalistas: las cuestiones de seguridad jugaron un papel especialmente importante en la definición de las políticas nacionales. Ejemplos de ello son la percepción de la amenaza de los países vecinos (en particular Rusia) o la relación con los Estados Unidos, que influyeron en sus posiciones.

Pero por otra parte se pueden identificar también elementos constructivistas. La posición común en la Convención puede ser atribuida a los argumentos normativos y los valores comunes. Entre los Estados Miembros de la Unión Europea, existe un consenso sobre la urgencia humanitaria de crear un marco jurídico para hacer frente a las consecuencias inhumanas de las municiones de racimo. Sin embargo, surgen nuevas controversias entre los Estados miembros sobre el nivel de esta urgencia. Así que las posiciones comunes en la Convención siguen siendo bastante amplias y dejan una gran flexibilidad de maniobra individual a los Estados miembros dentro de este marco.

Nuestra conclusión es que el papel de la UE en estos dos procesos estuvo bastante limitado. En el proceso que logró algunos resultados, el proceso de Oslo, la UE no desempeñó un papel relevante como actor común ya que los intereses nacionales son demasiado diferentes; y en el proceso que no logró ningún producto viable es probable que la UE sólo pudiera desempeñar un papel importante en cuanto que las

discusiones no alcanzaron el nivel que realmente algunos Estados miembros encontraría realmente importante.

Estos resultados concluyen que el papel de la UE en las instituciones multilaterales mundiales, al menos en lo que respecta a las cuestiones de seguridad, sigue siendo determinado principalmente por los intereses de sus Estados Miembros. Los valores normativos comunes de la UE existen, pero generalmente son sólo secundaria ante los intereses nacionales de los Estados Miembros. Al parecer, los intereses de seguridad individuales siguen dominando ante otras dimensiones de la cooperación internacional.

Resum (En català)

A finals de 2008 més de 90 Estats van signar la Convenció sobre Municions de Dispersió (CCM) a Oslo, la qual va prohibir aquest tipus d'armament. Entre els signants hi havia 19 dels 27 Estats membres de la Unió Europea (UE). El CCM és fruit del "Procés d'Oslo", creat dos anys abans com a reacció davant el fracàs de la reforma de la Convenció sobre Determinades Armes Convencionals (CCV) i per tal d'afegir un nou protocol per prohibir les municions de dispersió. Aquest procés de reforma, emparat per les Nacions Unides, va continuar paral·lelament al Procés d'Oslo i roman inconclús fins al present.

L'actitud de la UE davant de cadascun d'aquests dos processos ha estat molt diferent: pel que fa a la CCW, va ser una de les defensores més fermes d'un nou protocol; malgrat tot, els seus Estats membres no van actuar de manera conjunta en el Procés d'Oslo. Això, que pot semblar paradoxal a primera vista, qüestiona el paper de la UE en un àmbit multilateral, en el sentit de quan i com els Estats membres han d'actuar junts. Aquest treball utilitza el paper de la UE en aquest procés, com a estudi de cas per explicar el seu comportament en un àmbit multilateral que s'ocupa d'assumpes de percepció de la seguretat nacional. Per tant, ens preguntem com es va percebre el paper de la UE en aquests processos i com podria explicar-se.

Per respondre a aquestes qüestions, s'ha aplicat el mètode conegut com "Procés de seguiment" per analitzar els dos processos. És a dir, es reconstrueixen mitjançant material empíric per descobrir patrons de referència que determinin el comportament de la UE. Aquest mètode necessitava d'una gran quantitat de material empíric, que fou recollit mitjançant la investigació documental, els qüestionaris presentats als diferents actors pertinents (com els servidors públics de la UE i els seus Estats membres, organitzacions no governamentals i els polítics nacionals) i una sèrie d'entrevistes. La informació resultant d'aquesta investigació fou ordenada i analitzada amb l'ajut dels enfocaments racionalista i constructivista de la teoria de Relacions Internacionals.

Els resultats d'aquesta investigació inclouen elements d'ambdós enfocaments teòrics. S'han trobat enormes diferències polítiques entre els Estats membres de la UE, que van ser molt evidents en el Procés d'Oslo. Alguns Estats membres es trobaven a

l'avantguarda del procés (Àustria, Bèlgica i Irlanda), la majoria se situava en una posició intermèdia, i d'altres no van firmar aquest Conveni (per exemple, Finlàndia i Polònia). La política comuna dins de la CCW no es pot atribuir a un baix grau de diferències d'opinió, sinó més aviat a l'àmbit general del procés. Com que el procés d'Oslo era originalment ja molt més ambiciós que les negociacions de la CCW, fou més difícil aconseguir un acord de compromís per a tots els 27 Estats membres. En la CCW, tanmateix, els participants amb més pes a escala global eren tan poc favorables a qualsevol avenç, que fins i tot el "mínim comú denominador" dels Estats membres de la UE era un repte relativament ambiciós.

Per una banda, la definició de les posicions dels Estats membres recolza els enfocaments racionalistes: les qüestions de seguretat van jugar un paper especialment important en la definició de les polítiques nacionals. D'això, en són exemples la percepció de l'amenaça dels països veïns (particularment Rússia) o la relació amb els Estats Units, que van influir en les seves posicions.

Però, per altra banda, també hi podem identificar elements constructivistes. La posició comuna en la Convenció pot ser atribuïda als arguments normatius i als valors comuns. Entre els Estats membres de la Unió Europea hi ha consens sobre la urgència humanitària de crear un marc jurídic que faci front a les conseqüències inhumanes de les municions de dispersió. Malgrat tot, apareixen noves controvèrsies entre els Estats membres al voltant del nivell d'aquesta urgència. Per tant, les posicions comunes en la Convenció continuen essent força àmplies i deixen una gran capacitat de maniobra individual a cadascun dels Estats membres dins d'aquest marc.

La nostra conclusió és que el paper de la UE en aquests dos processos va ser força limitat. En el procés que va assolir alguns resultats, el d'Oslo, la UE no va interpretar cap paper rellevant com a actor comú, ja que els interessos nacionals són massa diferents; i en el procés que no va aconseguir cap producte viable, és probable que la UE només pogués interpretar un paper important perquè les discussions no van assolir el nivell que alguns Estats membres haurien trobat realment important.

Aquests resultats fan concloure que el paper de la UE en les institucions multilaterals mundials, com a mínim pel que fa a les qüestions de seguretat, continua essent

determinat principalment pels interessos dels seus Estats membres. Els valors normatius comuns de la UE existeixen, però generalment només són secundaris enfront dels interessos nacionals dels Estats membres. Sembla ser, doncs, que els interessos de seguretat individuals continuen essent els dominants enfront de les altres dimensions de la cooperació internacional.

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Writing a master thesis is usually not a straight road but a process with many influences from the outside that make it winding and uneven. But, in my opinion, only these different advices, critiques and all kind of support make it possible to improve its quality. During the past five months I wrote this master thesis I got many support in the process and I want to take here the opportunity to thank all the people that helped me in this period.

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Martijn Vlaskamp

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Be it known, then, that there are two ways of contending, one in accordance with the laws, the other by force; the first of which is proper to men, the second to beasts. But since the first method is often ineffectual, it becomes necessary to resort to the second.

(Machiavelli, 1992, 45)

In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective.

(European Security Strategy, 2003, 9)

1. Introduction

At a special conference between 2 and 4 December 2008 in Oslo, 94 states signed the “Convention on Cluster Munitions” (CCM)¹. The signatory countries from all around the globe engaged themselves to “never use cluster munitions again, to destroy their stockpiles and not to produce and sell any new cluster munitions” (Convention on Cluster Munitions, 2009, 3). This convention was widely praised by parts of the international community: European Union (EU) High Representative Javier Solana (2008) for instance called it “an important step forward in tackling the humanitarian problems caused by cluster bombs” and the Norwegian Prime Minister Jens Stoltenberg (2008) even talked about a “moral obligation”.

Parallel to this Oslo-process there were still negotiations ongoing to include cluster munitions in the Convention on Certain Conventional Weapons (CCW) as a new protocol but these negotiations proceeded rather difficult. A group of stockpilers, among them the United States, Russia and China, were not very convinced about the need of such a new protocol and made any progress extremely hard to achieve. Frustrated by the difficulties of this process some more ambitious countries had

¹ All the signatories are in appendix 1 (European Union members) and appendix 2 (other signatories).

initiated, as a form of ad-hoc multilateralism, the Oslo process in 2006, separate from the structures of the UN that resulted in the CCM two years later.

However, in this master thesis not these processes themselves will be analysed but the emphasis will be on the role that the EU played in them. Despite the warm words of Javier Solana as an institution the EU never embraced the Oslo process wholeheartedly and put more emphasis on the process to add a new protocol on cluster munitions to the CCW. In that arena the EU took an important role and presented on different occasions joint declarations and proposals, while on the other hand it acted together in the Oslo process on very few occasions. In these rare joint contributions the EU usually only emphasised that it did not see this process as a replacement of the reform-process of the CCW, but only as complimentary and supporting to it (e.g. Slovenian Presidency, 2008a). On the other hand all member states of the EU participated in the Oslo process at some point, some of them even forming part of its vanguard, and eventually 19 of the 27 countries signed the CCM. Among these signatories even were France and the United Kingdom as the only permanent members of the UN Security Council that adopted the convention.

On first sight the activities of the EU in these two processes appear a bit puzzling. Why did the EU have so many troubles to commit itself to the Oslo process if it saw the need of new legal instruments to ban cluster munitions? And, why did it on the other hand act jointly in the CCW and promoted a new protocol on cluster munitions in that arena? Coming from these questions the topic of this master thesis will be to see what the role of the EU in these two processes was and how it can be explained.

In the following chapter 2 there will be provided a description of the methodology of this master thesis. In this thesis the method of process tracing will be applied to analyse the two processes. This method attempts to reconstruct the processes to discover the relevant patterns that determined the behaviour of the EU. It requires a lot of empirical material which will be gathered through documentary research, questionnaires that were sent to different relevant actors and interviews.

To sort all the information that is collected systematically, a theoretical framework will be created. Due to the intergovernmental nature of the Common Foreign and Security

Policy (CFSP) of the EU this framework has to include the special features of the EU as well as the traditional elements of International Relations theory. In this thesis two different theories, rationalism and constructivism, will be applied to create this framework that will help us to explain the behaviour of the EU in the multilateral arena. In chapter 3 the rationalist approach will be explored that puts large emphasis on the individual interests of the EU and its member states like benefits in terms of security or economic development. Chapter 4 is a brief introduction to the constructivist approach that emphasises the normative nature of EU Foreign Policy and its perceived common identity. At the end of these two chapters there will be some hypotheses, based on these theories, which will be tested in a later stage of this thesis.

In chapter 5 the role of the EU and its member states in the two processes to ban cluster munitions will be described. With this information and the hypotheses of the chapters 3 and 4 the role of the EU will be analysed in chapter 6. Here these hypotheses will be verified or falsified to see what theoretical approaches had most explanatory power. Eventually, in chapter 7, this thesis will be concluded with a summary of the findings and a short outlook on the still unfinished process in the CCW.

2. Methodology and Research Design

2.1 General Method: Process Tracing

To analyse the role of the EU in the processes to ban cluster munitions, the method of process tracing will be applied. The methodology of this approach is that it attempts to identify the intervening causal process, the causal chain and causal mechanism, between an independent variable (or variables) and the outcome of the dependent variable (George & Bennett, 2005, 206). In this thesis the causal process that has to be identified is the relation between the policies of the EU (independent variables) and its impact on the two processes (dependent variable).

To explain these processes theoretical approaches and mechanisms can be applied (Checkel, 2005, 4). The selected method, the so-called “analytical explanation” is to formulate different hypotheses, which are linked to different theoretical approaches (in our case rationalist and constructivist approaches), and to explore which of them has most explanatory power (Idem, 206). A graphic comparison to this methodology is done by Mohr who describes process tracing as detective work, where evidence is investigated, put in sequence and compared to hypotheses, to generate an explanation of the sequence of events producing effect (Idem, 217ff).

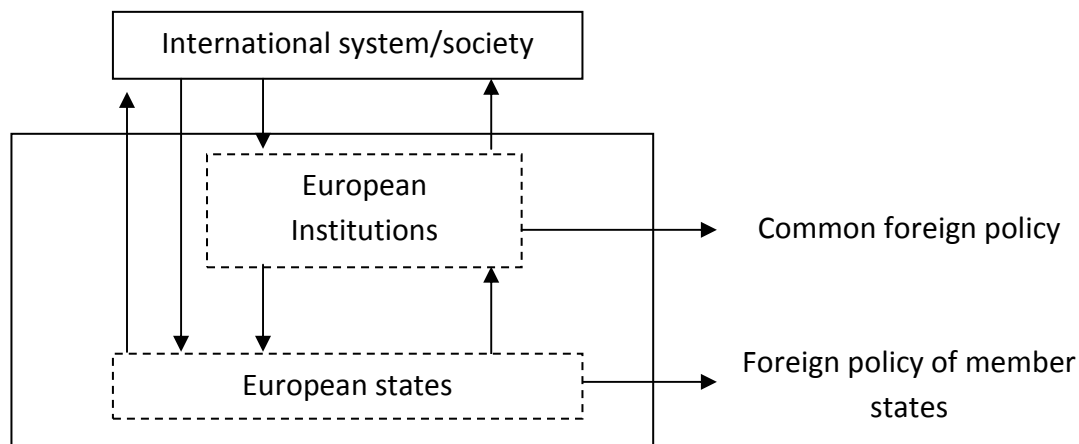
Process tracing fits very well to this research because it is particularly well-equipped to identify causal paths in conditions of complex and interactive causality (Idem, 215). This appears necessary since the case of this thesis has different complicating elements (such as the different dimension of EU-foreign policies and the two parallel processes that influenced each other) which make an identification of the causal order difficult. By reconstructing the developments in a well-arranged way these patterns get clearer for an analysis.

2.2 Operationalisation: The European Foreign Policy (EFP)

In a thesis that deals with the EU and its foreign policy it is obviously important to define some core terms briefly. The EU is a unique political entity and to analyse its foreign policy you have to be aware of its special gestalt². A widely accepted definition of “normal” foreign policy is that it consists of actions that are taken by governments which are directed at the environment external to their state with the objective of sustaining or changing that environment in some way (White, 2004, 11). More specified to the case of the EU Ginsberg defines European Foreign Policy (EFP) as “the universe of concrete civilian actions, policies, positions, relations, commitments and choices of the EC (and EU) in international policies” (White, 2004, 15).

A good overview of the special nature of the foreign policy of the EU is given in figure 1. As it shows, it is a multi-level system of (I) the foreign policy of the member states in regard to European institutions, (II) the foreign policy of European institutions in the international arena (Common Foreign Policy) and (III) the foreign policy of the member states in the international arena.

Figure 1: Changed nature of foreign policy in Europe (Jørgensen, 2004, 33)



An issue like the possible ban of cluster munitions belongs mainly to the second pillar of the EU, the Common Foreign and Security Policy (CFSP). While the first pillar

² Jørgensen (2004, 35) even argues that some of the traditional lenses of foreign policy analysis are not applicable to the EFP and it requires re-conceptualisation or even new theories. However, the author of this thesis assumes that in this particular case the existing theoretical tools are sufficient for a decent analysis.

contains more the economic dimension of EU foreign policy and is supranational, this pillar deals with the political dimension and is intergovernmental. Thus the CFSP is wholly controlled by the member states and the EU acts as a collective actor that has to find a joint position to speak with one voice. Hence, any common EU-position on this issue we can consider as a compromise of the 27 member states (Cameron, 2007, 40ff). Such a common position has the advantage that it is much more powerful than the individual positions of the member states but has the disadvantage that it is often relatively inflexible as a EU-official in one of the interviews for this thesis said³. While national actors can relatively easy adjust its positions in negotiations like the CCW since they only have to consult the officials in their capital, the EU has to consult the officials in all 27 capitals to adjust a position. So, for instance, in the CCW the EU often only presented an opening- and closing statement and during the discussions the member states acted independently inside the broad framework provided by these statements.

This forms another type of EFP that is of course still alive: the foreign policies of the member states themselves. All 27 member states still deploy their own foreign policies and are occasionally even in rivalry with each other. However, as said do these foreign policies not stand completely apart from the EU anymore: in most cases there is a two-way relationship between national foreign policies and EC/EU policies. When we are dealing with the foreign policies of the member states we have to ask to what extent EFP is shaped by national policies and to what extent have national foreign policies themselves been transformed or Europeanised by operating over many years within and with EC/EU institutions (White, 2004, 16).

All these three dimensions will be taken in consideration to explore the role of the EU: the common positions towards the bans of cluster munitions, the internal debates about a common position and the individual policies of the member states in these processes. Thus, when the process is mapped (in chapter 5) all these dimensions will be touched and a lot of emphasis also will be put on the different individual interests of the member states. When we talk about the “EU” or the “EFP” in this thesis, this

³ All respondents were promised to remain anonymous to give them the opportunity to speak completely freely during the interviews. For this reason all interview partners and participants of the questionnaire remain nameless and are only identified by their profession and/or nationality.

summarises all of these dimensions. In cases we are talking about “joint actions” this is mentioned explicitly

2.3 Material

To employ process tracing as a general method requires good empirical material, given the detailed and rigorous analytical inquiry that needs to be performed. The information to map the process is for process tracing normally overwhelmingly qualitative in nature, and includes historical memoirs, interviews, press accounts and documents (Checkel, 2005, 6). To collect this information three different research tools were used: (I) a documentary research by collecting information from data sources like the conference protocols and other archival material, (II) the tool of elite interviewing by contacting relevant actors in all EU-member states and at the EU and asking them to fill in a questionnaire, and (III) interviews with some actors by telephone. The tool of elite interviewing has some added value to a documentary research, like for instance to corroborate what has been established from other sources (or not) or getting a view behind the curtain of negotiations (Tansey, 2007, 766). The hope was that by identifying the motives and assessments of the individual member states it will be easier to analyse the negotiations inside the EU to form a common position. Usually there are no protocols published about the negotiations in the Council of the EU so the process had to be reconstructed by asking involved actors. For these interviews a questionnaire was developed in which the actors were asked about their assessments of different points that were not clear yet, or about the hypotheses which were developed in the theoretical part of this thesis.

To select the respondents for the elite interviews different criteria were used. First, the participants list of the Diplomatic Conference in Dublin was screened to identify relevant actors from the EU-member states which could be contacted via E-Mail. Additionally the persons which are responsible for disarmament issues at the different ministries of foreign affairs, and the permanent missions in Geneva and New York were identified and if possible contacted directly and otherwise via more general E-Mail-addresses. To be not completely dependent on governmental assessments also

other sources were contacted: this included different national NGO's that are members of the Cluster Munitions Coalition (CMC), members of the European parliament⁴ and some members⁵ of national parliaments⁶.

Eventually forty-five assessments were collected from respondents from twenty-two member states. These contributions were very valuable in the work to analyse the role of the EU in these two processes to ban cluster munitions. An overview over the results of these questionnaires is added to this master thesis in appendix 3. However, the information which was gathered through these answers gave much more possibilities to analyse the process than just this data (e.g. by separating the answers in different groups or looking for correlations between variables). These findings, and different answers to open questions, are integrated in the text.

⁴ The members and substituted members of the Subcommittee on Security and Defence of the European parliament were contacted. Unfortunately there was only little response, most probably because of the summer recess in the period this master thesis was finished.

⁵ As a test project all members of the commissions for Foreign Affairs and Defence Affairs of the Austrian parliament were contacted to see how high the response rate was. Austria was selected at one hand because they were simply the first in the alphabetic order of all EU-member states and on the other hand the author could contact the members of parliament in their mother tongue. But the response rate was rather disappointing so that it was decided to contact only incidentally MP's later and to contact the parties directly.

⁶ There were always as many parties of a parliament contacted until at least 66 percent of the seats in the parliament were covered. In the case of Germany, for instance, only two party groups covered more than 66 percent of the seats while in the Netherlands four parties had to be contacted to cover this ratio.

3. The position of the EU from a rationalist perspective

The first theory that is used to create the theoretical framework is rationalism. Rationalism assumes that actors have clear preferences and want to maximise their utility. So actors choose the option that they expect to maximise their well-being. For instance if a country wants to be the most military powerful state in its region it will implement policies to improve its military. If a state cannot reach its goals independently and expects to gain more by cooperating it takes this strategic interaction into account (Waltz, 1979, 113). But if actors do not expect any utility they will not cooperate despite appeals on “international interests” or intelligence and goodwill (Idem, 110). As such multilateral involvement is a product of national interests from this perspective.

As we have seen in the last chapter, member states do still play a major role in the foreign policy of the EU: on one hand the joint actions are formed as result of a consensus and on the other hand the member states are still employing their own foreign policies. Because of these reasons we have to see what the expected utilities for the member states in the processes to ban cluster munitions were.

From a neorealists stance the positions of states are determined by their national security and their primary goal is simply to survive (Waltz, 1979, 102). According to offensive neorealism, states attempt to maximise their (military) power to pre-empt challenges from peer competitors, while defensive neorealists argue that states will only pursue power as a means to achieve security (Collard-Wexler; 2006, 400). In the case of cluster munitions this thus means that states only sign a treaty to ban them if they are sure that it will not harm their national security or threaten their existence. Because of this reason neorealists often argue that states only agree to ban weapons which are outdated or not of strategic importance anyway (Petrova, 2009, 1).

On the other hand liberals add the economic dimension as a reason for cooperation in a multilateral environment in the discussion. According to the concept of “complex interdependence” by Keohane and Nye states are inextricably tied together, mainly by economic interdependencies. Because of these interdependencies states start to cooperate more to achieve economic gains. Thus the agenda of interstate relationship

consists of multiple issues and there is no clear hierarchy among them. Many issues derive from domestic policy and the distinction between domestic and foreign policy is blurred. This also means in that perspective that national security and military issues do not always dominate the agenda⁷ (Keohane & Nye, 1977, 24-29).

Summarising the positions of neorealists and liberals rationalists assume that the EU in the multilateral environment serves as a tool to advocate the national interests of its member states. Mearsheimer, a neorealist, assumes that such cooperation reflects state calculations of self-interest based primarily on the distribution of power. The most powerful states in an institution dominate it to maintain their share of power or even increase it (Mearsheimer, 1994/95, 13). Following this logic EFP would mainly serve as a vehicle to strengthen the voice of the major powers inside the EU. Liberals attribute also importance to the economy and argue that economic connections can stimulate multilateral institutions, even to a level that they act in contrary to the interests of some member states (Keohane, 1984, 243). However, as Mearsheimer (1994/95, 16) criticises do liberals lack explanations in the realm of security issues, what makes their explanation approaches less applicable in the case of this thesis.

In the EU usually France, Germany and the United Kingdom, the so-called “big three”, are considered as the most powerful members. But their influence depends on the forum and the issue: in contrast to their leading role in the EU they play at the UN, where they have to deal with players like the United States, Russia and China, a smaller role in military and populous terms. So it can be strategically wiser for them to moderate its interests to find a compromise on a common European position to get as EU on an equal footing with these countries instead of fighting individually their own hopeless battle in the UN. However, in a forum without the non-European major powers, thus as the relatively most powerful countries, they are probably seduced to follow their own plans and forget about European coordination. This could form an explanation why the EU spoke with one voice at the CCW, but the countries did not have one common line in the Oslo process, where the United States, Russia and China were missing.

⁷ For example the interstate relationship between the Netherlands and Belgium most likely will not be dominated by military and security considerations towards the other actor.

Since all EU-member states have to agree to a CFSP-position, each of the 27 members has a veto right de facto. So in theory countries like the in power terms less influential Malta, Luxembourg or Cyprus can block a common decision. This forces all the member states always to find a compromise that is acceptable to them all and reduces the opportunities of a few major powers to dominate the institution completely. As a result the common position of the EU is normally the lowest common denominator of all 27 actors.

Figure 2: Formation of a Common position of the EU

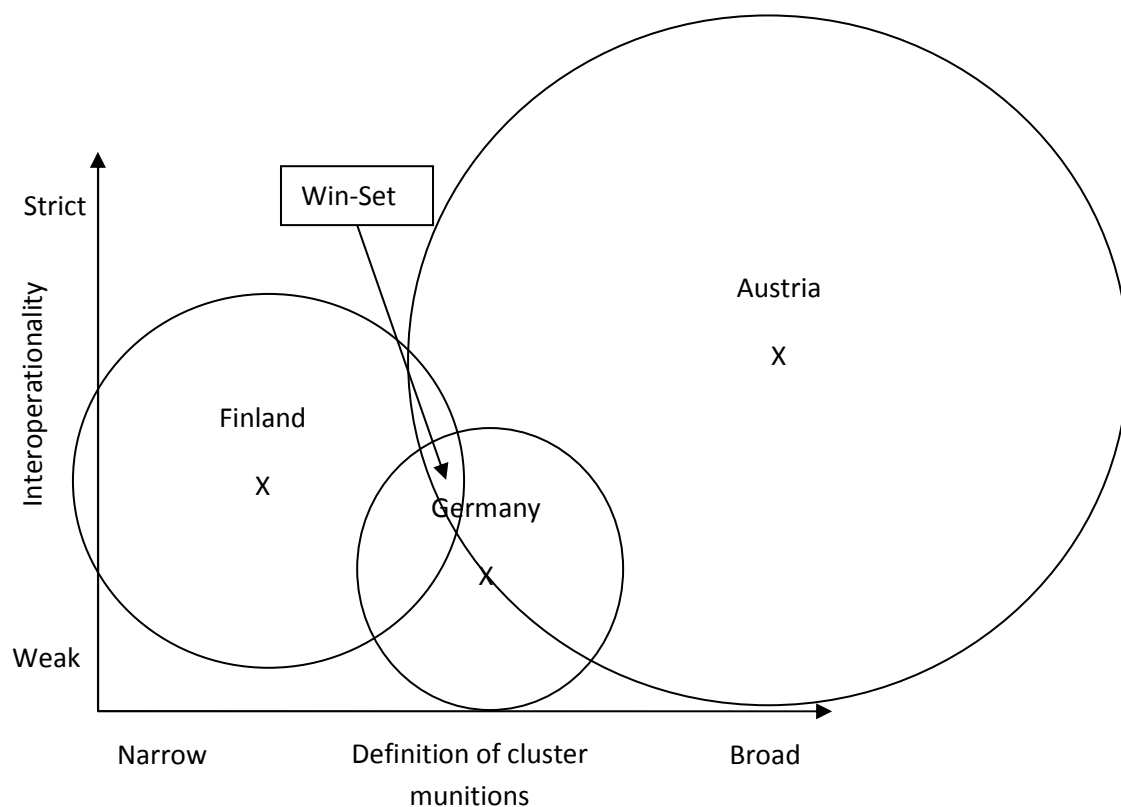


Figure 2 tries, very simplified, to explain how a common position in the EU is formed with three specimen countries on the issue of cluster munitions. Two of the most controversial issues in the Oslo process were how strict the convention may limit interoperationality with countries that did not sign this convention (de facto this was mainly aiming at the United States), and how narrowly or broadly cluster munitions should be defined. In this example Finland has a middle position on interoperationality and advocates a narrow definition; Germany wants weaker rules on interoperationality but a broader definition and Austria aims for a very broad definition and also relatively

strict restrictions on interoperability (These are just example values but show a general trend). The crosses mark the most preferred point of every country and the circles enclose the area of possible compromise solutions that are acceptable to each of them. In our example there is a small area that is covered by all circles and forms the win-set, which would form normally the compromise solution of these three countries. However, there are of course also scenarios possible in which there is no win-set; in such a case there would not be a common EU-position. We have to keep in mind that normally there are 27 actors involved so this gives an idea how difficult it can be to find a compromise.

To control these ideas of rational-choice thinking following two main and two sub hypotheses, which rely to the first hypothesis, were formulated which will be challenged by this case.

- 1) The common policy of the EU depends on the interests of the member states.
 - a. The interests of the member states in the processes to ban cluster munitions were determined by national security issues
 - b. The interests of the member states in the processes to ban cluster munitions were determined by economic issues
- 2) If there is no area for a common policy the member states deploy individual foreign policies

4. The position of the EU from a constructivist perspective

After the description of the rationalist approach the constructivist approach will be presented in this chapter. Social constructivism argues that social reality does not fall from heaven, but that human agents construct and reproduce it through their daily practices. These human agents do not exist independently from their social environment and their collectively shared systems of meanings (which consist of a social identity or culture) (Risse, 2004, 160). Wendt argues that “modern and postmodern (scientific and dissent) constructivists share a cognitive intersubjective conception of process in which identities and interests are endogenous to interaction, rather than a rationalist-behavioural in which they are exogenous” (Wendt, 1992, 394).

However, rational-choice theories and constructivism are not completely exclusive and until a certain extent compatible: the expected utility of a rational-choice model is also the product of a social construct, while in a world dominated by rational-choice actors the reality also would be constructed by them. To give an example: in a society in which the social norm is that the group is more important than the individual, it can be a very rational choice to sacrifice even your life for the group. However, in a society in which individualism is the prevalent norm, constructivism will predict that no one is sacrificing anything for the society. Individuals create social norms, and on the other hand influence social norms individuals. Thus we have to keep in mind that the hypotheses do not have to exclude each other, they can also just show two different sides of the same medal (Jupille, Caporaso and Checkel, 2003, 16).

However, for this analysis it is of course important to know both sides for a complete view. While rationalists assume that the motivation of an actor lies in (materialistic) goals such as stability, security or welfare, social constructivists argue that its behaviour depends on its identities and social roles. To analyse state actors you have to identify these identities, which are relatively stable, role-specific understandings and expectations about themselves. States can have multiple identities as “sovereign”, “leader of the free world”, “imperial power” and so on. These identities are the basis of interests. So Wendt argues that “actors do not have a ‘portfolio’ of interests that

they carry around independent of social context; instead, they define their interests in the process of defining situations” (Wendt, 1992, 398).

Hence, if we want to identify the interests of the EU we have to explore how it identifies itself. Critics usually claim that the CFSP is still dominated by national considerations of the member states and that there is only little “European” external governance. However, for instance Jørgensen & Laatikainen claim that the EFP has itself developed in the past beyond only an intergovernmental forum and is also influenced by a common identity. Common normative fundamentals, however they look like, can be promoted as “European” without undermining the interests of its member states (Jørgensen & Laatikainen, 2006, 11). There are two different explanative patterns to explain its perceived common identity; one is that it is formed as a sum of the identities of its member states, the other that they are created on the European level as a form of Europeanization (Sedelmaier, 2004, 126).

Jørgensen & Laatikainen sketch two elements of the European identity that are crucial to our case. One is an emphasis on human security and the other one is a strong support of multilateralism and the United Nations. In a speech in 2006 Benita Ferrero-Waldner, the European Commissioner for External Relations and European Neighbourhood Policy, defined human security as “freedom from fear and freedom from want”. One step to achieve this state was in her eyes “humanitarian disarmament”, thus a focus on the day to day threats faced by millions of people around the world and not just on weapons of mass destruction. That means small arms and light weapons, land mines, and explosive remnants of war like cluster munitions. Ferrero Waldner argued that it were these weapons which caused the most death and injury to people across the globe, and promoting their destruction would make an enormous contribution to human security. So the European policy to ban cluster munitions is seen as a big step towards human security in many countries from this perspective (Ferrero-Waldner, 2006).

Another contribution to human security was, according to the Commissioner, supporting international humanitarian law. Not only on this, but on multiple occasions the EU has declared that it is ready to stand up for “effective multilateralism” and work

for multilateralism that matters. In its publications it attempts to present itself as a keen supporter of the UN (Jørgensen & Laatikainen, 2006, 27).

To take a closer look on this emphasis we have to take a look on the perception of the EU as a normative power in international relations. Tocci identifies four foreign policy types which are, with one exception, all related to normative arguments. She uses as definition for “normative” the distinction of Wolfers who distinguishes between goals pertaining, respectively, to national possessions and to the shape of the environment in which the nation operates. He calls the former “possession goals”, the latter ‘milieu goals’ (Tocci, 2008, 7). While “possession goals” or non-normative goals aim at the enhancement or preservation of one or more things an actor attaches values to (e.g. stretch of territory); “milieu goals” or normative goals attempt to shape conditions beyond their national boundaries (e.g. the CCW). Thus, normative foreign policy goals are those that aim to shape the milieu by regulating it through international regimes, organisations and law (Idem). In table 1 there are four policy types identified that the EU, according to a research project of the “Centre for European Policy Studies” in Brussels, all on different occasions applied (Tocci, 2008).

Table 1: Foreign policy types (Tocci, 2008, 12)

		Legitimisation of foreign policy goals	
		Normative	Non-normative
Foreign policy means	Normative	Normative	Status Quo
	Non-normative	Imperial	Realpolitik

A *normative foreign policy* is one that has as well normative goals as means. The actor thus justifies its foreign actions as well by referring to its milieu goals to strengthen international law and institutions, as also respects the international law. The opposite is *realpolitik* in which an international actor pursues possession goals by deploying all policy instruments at its disposal (coercive and non-coercive) regardless of its internal and international legal obligations. Between these two extremes are two other forms: the *imperial foreign policy* justifies its foreign policy by normative foreign policy actions but not in a manner that binds itself. It rather attempts to change the existing law continuously in a way that it fits to its own interests and if it is restricted by

international law or multinational frameworks it breaches it. The fourth foreign policy type is the *status quo* foreign policy type. This international actor respects the domestic and international legal obligations and, where relevant, it operates within the context of international organizations. But it is not driven by normative foreign policy goals and does not want to develop the international law and institutions much further (Idem, 13).

For our analysis of the process it thus is interesting what form the EU took in the processes to ban cluster munitions. The EU often attempts to profile itself as a normative power. Manners describes the EU as a foreign policy actor that intends to shape, instil, diffuse – and thus ‘normalise’ – rules and values in international affairs through non-coercive means (Idem, 2). A good example is the European Security Strategy that Javier Solana presented in 2003: in it the EU commits itself to multilateralism and calls the UN the “fundamental framework for international relations. (...) Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority” according to this paper (European Security Strategy, 2003, 9). In the report on the implementation of the European Security Strategy in 2008 the EU concludes that “everything (it) has done in the field of security has been linked to UN objectives” (European Council, 2008, 11). Such a pro-UN position puts the EU for instance in contrast to the more UN-sceptical United States that had, at least in the past years, more faith in a unilateral world order, or as its former President George W. Bush used to call it “relevant multilateralism” (US Department of State, 2007, 1).

If we assume that a promotion of multilateralism in the framework of the UN is part of the identity of the EU this part of the identity could provide an explanation for the EU’s priority of the CCW-process to the Oslo process. Latter was perceived as a weakening of the institutions of the UN because it replaced the structural multilateralism of institutions like the CCW by the ad-hoc multilateralism of the Oslo process. This could form an example to other issues for which a compromise inside the UN would be hard to achieve and gradually make this institution less important as a forum of multilateralism. As a firm supporter of it the EU thus had to put emphasis on the CCW.

Another dimension that can contribute to shared normative perceptions is the concept of horizontal Europeanization. The idea of this concept is that the positions of different actors grow slowly towards each other by frequent interaction. If a group of diplomats or bureaucrats continuously discuss with each other about concepts of security it appears to be a matter of time that their ways of thinking start to get more alike. So these interactions result in shared norms and values that make it easier to develop compromises (Webber, 2004, 14). In his article about the role of the EU in the Ottawa Process to ban landmines David Long argues that Europeanization played an important role in this process because the large majority of the member states were in favour of such a treaty. So the opponents had to defend themselves continuously and felt the pressure of the other member states in working groups and at other meetings. Eventually they adjusted at least partially their position to the positions of the other member states (Long, 2002, 441). In our case this would mean that the continuous debates about security issues within European institutions created a shared perception of what a good policy is in regard to cluster munitions.

Again some hypotheses and sub hypotheses will be formulated based on this theory:

- 1) The common foreign policy of the EU in the issue of cluster munitions was determined by a common European identity
 - a. The common foreign policy of the EU in the CCW on the issue of cluster munitions was determined by the common European emphasis to promote human security
 - b. The common foreign policy of the EU in the CCW on the issue of cluster munitions was determined by the common European emphasis on multilateralism
- 2) The common foreign policy of the EU in the CCW on the issue of cluster munitions was a product of horizontal Europeanization

5. The process to ban cluster munitions (CCW and the Oslo process)

In this chapter the two processes to ban cluster munitions (CCW and the Oslo processes) will be described with a special focus on the role of the EU. It would go beyond the scope and the objective of this paper to describe the developments in these processes in detail and there are already very good summaries published (e.g. Borrie, 2007 and Borrie, 2008a) which can be recommended for more information. To make the overview a bit clearer the process will be divided in three periods: the CCW before the Oslo process, the two processes parallel and after the CCM.

As starting point of this description the Third Review Conference on the CCW in Geneva (7-17 November 2006) is chosen. There were already attempts before to add a new protocol about cluster munitions but because of the war in South Lebanon in which Israel as well as the Hezbollah used these weapons it was put on the global political agenda more prominently again.

5.1 The First Attempt in the United Nations

At the Third Review Conference on the CCW in Geneva a group of six states⁸ rallied to create a legally binding instrument that addressed the humanitarian concerns posed by cluster munitions. Among them were the three EU-members Austria, Ireland and Sweden (UNOG, 2006a). An interesting question that comes up is naturally what motivated these three countries to take this stance. From a rationalist perspective it is difficult to explain, there were only few direct interests at stake for them. None of them had ever been the victim of cluster munitions attacks (ICBL, 2009, 13) and it did not appear a very likely scenario in the future. So it appears to be inspired by national, normative considerations. In the three countries cluster munitions were already stigmatised in the national arena: Austria announced a national moratorium only shortly afterwards the conference in February 2007 (Idem, 35), the Swedish Minister of Foreign Affairs had a couple of months before announced in the Swedish Parliament that Sweden would pursue a mandate in the CCW to negotiate an instrument

⁸ Austria, Holy See, Ireland, Mexico, New Zealand and Sweden

regulating cluster munitions (Idem, 162) and the Irish government hosted already a couple of years before an international conference with NGO's with a special focus on cluster munitions (Idem, 92). All these policies were presented as reaction to the humanitarian suffering caused by cluster munitions. The three actors (as well as the countries that would in a later stage of the process belong to the strongest proponents) had also been in the Ottawa Process to ban landmines members of a core group for a comprehensive ban (Long, 2002, 431). So apparently in these three countries there was already an internal consensus reached that, in the constructivist sense, cluster munitions were as well as landmines earlier not compatible with the "identity" of the country.⁹

Another element that unified these three countries was that they had a long tradition as internationalists. All three belonged to the few EU-members states that were neither member of NATO nor of the Warsaw Pact during the cold war and acted on different occasions as mediator. Until the present they belong to the small group of countries inside the EU that is not a member of the NATO¹⁰. Hence, an independent stance towards the major powers and international engagements are part of their identity.

All six countries that rallied for a legally binding instrument were no major players in global terms and needed alliances to make a point in the UN. For the EU-member states an option was to intent to achieve a consensus in the EU to act together by convincing the other members that it was a matter of the common identity of the EU or in their own interests. One argument that cluster munitions were in contrary to the common identity of the EU was that the European Parliament, as a supranational European institution, had called already adopted three resolutions against cluster munitions at that point (European Parliament, 2001, 2003 and 2004). In these resolutions they called for a moratorium for the use of cluster munitions until an international agreement about cluster munitions would have been settled.

⁹ In the cases of Austria and Belgium weapon systems had to be destroyed, while Ireland didn't even had cluster munitions. Sweden's Minister of Foreign Affairs, Mikael Odenberg, had a bit more ambiguous position: he declared that Sweden would work toward a ban, but that the ban would not include the Swedish-made BK-90 that had in his opinion "high reliability levels and does not leave behind unexploded sub munitions that risk harming innocent civilians" (ICBL, 2009, 162).

¹⁰ Next to Austria, Ireland and Sweden only Cyprus, Finland and Malta are no members of NATO.

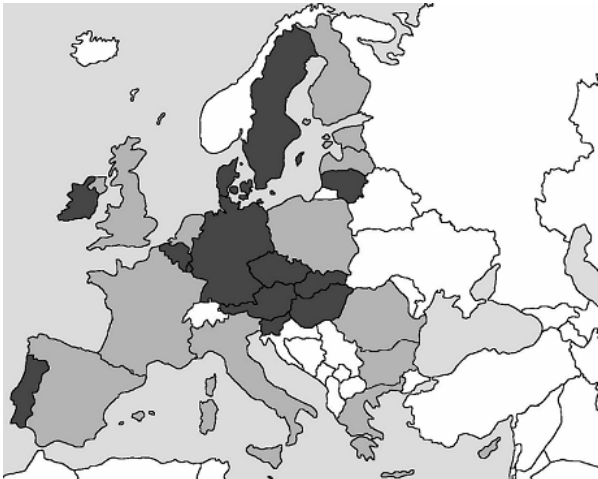


Figure 3: Graphical demonstration of the EU- Member states that supported the declaration on cluster munitions (GE.06-65381) in dark grey or not (light grey)

However this EU-road was apparently not very successful at this point as we see in figure 3: especially the more powerful states¹¹ were rather sceptical and did not back their proposal. Eventually 14 of the then 25 EU-member¹² states backed the call to find an agreement that should:

- (a) prohibit the use of cluster munitions within concentrations of civilians;
- (b) prohibit the development, production, stockpiling, transfer and use of cluster munitions that pose serious humanitarian hazards because they are for example unreliable and/or inaccurate;
- (c) assure the destruction of stockpiles of cluster munitions that pose serious humanitarian hazards because they are for example unreliable and/or inaccurate, and in this context establish forms for cooperation and assistance (UNOG, 2006b).

The EU¹³ was represented at that conference by Finland, who had at that moment the presidency of the European Council. The joint position of the EU was more moderate: it advocated to set up “an open-ended Group of Governmental Experts to address the humanitarian impact of cluster munitions with the purpose of elaborating recommendations for further action in the CCW” (UNOG, 2006c). However, even this position put the EU in contrast to different other major powers (e.g. the United States (ICBL, 2009, 251) and China (Idem, 195) which argued that the existing legal instruments already covered the humanitarian impact of cluster munitions and there was no need for a new protocol. Russia even went as far as stating that problems associated with cluster munitions use are “mythical” and asserted that submunitions

¹¹ “Powerful” is here operationalised in terms of votes in the Council of the EU; out of the eight member states with the most votes only Germany backed this proposal.

¹² In total following 25 countries supported this proposal: Austria, Belgium, *Bosnia-Herzegovina*, *Croatia*, *Costa Rica*, Czech Republic, Denmark, Germany, *Holy See*, Hungary, Ireland, *Liechtenstein*, Lithuania, Luxembourg, Malta, *Mexico*, *New Zealand*, *Norway*, *Peru*, Portugal, *Serbia*, Slovakia, Slovenia, Sweden and *Switzerland* (non-EU-states in italic)

¹³ Plus the at that moment acceding countries Bulgaria and Romania

could be accurately targeted to minimize civilian damage (Idem, 231). So even the lowest common denominator of the EU was still beyond the positions of these countries. Inside the EU there was some form of a consensus about the humanitarian problems caused by cluster munitions and that there was a need of some reforms. However, how far these reforms should go was also heavily disputed.

Eventually both the proposal, which was backed by 14 member states, as the proposal of the EU did not find its way in the final declaration. The participants could only agree to set up an intersessional meeting of governmental experts that should consider the application and implementation of existing international humanitarian law to cluster munitions (UNOG, 2006d, 6).

Another meeting of experts that in the eyes of its critics probably would not result in visible results was not enough to several countries and so Norway announced as reaction to organise an international conference in Oslo for interested countries, the UN, the Red Cross and other humanitarian organisations to start an independent process to ban cluster munitions (UNOG, 2006e, 5). Also the Norwegian emphasis on this topic can be attributed to matters of the national identity: due to its strong involvement in matters of peace-making and humanitarian help Norway is sometimes even labelled as a “humanitarian superpower”. The reasons for this strong emphasis on international involvements are diverse¹⁴ and have made Norway to a player on the global scale that is widely seen as an honest broker and integer player (Støre, 2006). By taking the lead in this process the Norwegians could on one hand profile themselves again as “humanitarian superpower” and on the other hand the process got the needed credibility through their central role.

One and a half month after the conference in Geneva, on the first of January 2007, Germany took over the presidency of the European Council. Since the beginning of 2007 there are so called Trio-Presidencies of three member states to have more continuity in the EU and a more coordinated development of the EU’s strategic policies. Each member holds a six-month tenure, with the other two providing support

¹⁴ The Norwegian Minister of Foreign Affairs Jonas Gahr Støre explained this emphasis for instance through a strong tradition of international solidarity rooted in local social-democracy and church organisations in his country (Støre, 2006).

and assistance in accordance with a joint programme. The trio presidencies present a programme with plans for the coming 18 months at the beginning of their term. In the German-Portuguese-Slovenian programme there were two paragraphs devoted to non-proliferation and disarmament which only mentioned the aim to “strengthen (...) the Convention on the Use of Certain Conventional Weapons” (Council of the European Union, 2006, 61). In this programme the Trio presidency also confirmed its support to “an effective multilateral system based on international law and on the United Nations Charter. They will work for the continued active participation of the EU in multilateral fora, particularly the United Nations, and will promote multilateral solutions to common problems” (Council of the European Union, 2006, 66).

5.2 Start of the Oslo Process

On the 22 and 23 February 2007 46 countries, different United Nations Organisations, the International Committee of the Red Cross, the Cluster Munitions Coalition and other humanitarian organisations met in Oslo to discuss how to effectively address the humanitarian problems caused by cluster munitions. Only four EU-members eventually did not take part in this conference¹⁵, thus a large group of countries that had not backed the proposal in the CCW decided nevertheless to participate (Norwegian Ministry of Foreign Affairs, 2007a). However among the absentees were most of the world’s largest military powers and stockpilers of cluster munitions like the United States, Russia and China.

The role of the CCW remained an important issue at this conference; different countries that had not supported the proposal in Geneva argued that the CCW was the correct forum to act. Germany, France, Italy and the Netherlands also made this point in Oslo but nevertheless took part in this process. The main argument of them was that it would not make much sense to come to an agreement as long as some of the world’s larger military powers and producers and stockpilers of cluster munitions did not participate in the process (Norwegian Ministry of Foreign Affairs, 2007b). According to numbers that an EU-official who was interviewed for this thesis provided,

¹⁵ Bulgaria, Cyprus, Estonia and Greece.

the estimations are that these absent countries stockpile around 85 percent of the worldwide cluster munitions.

However, the other side (especially humanitarian organisations) argued that (I) the CCW approach could be seen in two ways: at best a 'go slow' approach, and if not, it is a 'do-nothing' approach and (II) that the experiences of the landmine treaty had shown that an agreement of an avant-garde group of countries would push other countries to join the treaty (Cluster Munition Coalition, 2007a). The hope was that an agreement would create a dynamic that would stigmatise the use of cluster munitions for non-signatory states as well, like it had happened with landmines after the Ottawa treaty before. So even if some countries would not sign the convention it would increase the political costs for them to use cluster munitions dramatically and force them to look for alternatives. This dispute between proponents of a route via an UN-organisation and a new institution paralleled the discussions in the EU around ten years earlier about the ban of landmines. Even the members of the two camps were more or less the same so it was to some extent a revision of the discussions of 1997 (Long, 2002, 434).

Despite these discussions there could be reached an agreement on an Oslo declaration, a political commitment to conclude negotiations on a new ban on cluster munitions causing unacceptable harm to civilians until the end of 2008. The declaration was supported by all but three participating states¹⁶, and became the "mandate" for the so-called Oslo Process (Norwegian Ministry of Foreign Affairs, 2007c). However it was a bit vague on some points and let leeway for interpretation: its paragraph 3 for instance said that it would continue to address "the humanitarian challenges posed by cluster munitions within the framework of international humanitarian law and in all relevant fora" which was interpreted by the more CCW-minded countries¹⁷ as an inclusion of that forum. Nevertheless the Oslo Conference was considered as a success since almost all participating countries agreed on the roadmap itself and to meet on four conferences to design a convention before the end of 2008.

¹⁶ Except Japan, Poland and Romania

¹⁷ France, Germany, Latvia, the Netherlands, Switzerland and the United Kingdom

EU-council president Germany continued to focus on the CCW and never made any statement during its EU presidency in the Oslo process. In July 2007 the Council of the EU adopted a Joint Action to promote the universality of the CCW and its implementation by state parties (Official Journal of the European Union, 2007). But while supporting the CCW as correct forum on the one hand they brought the humanitarian aspect from the Oslo process to the more technical CCW process on the GGE-conference in June 2007. In its opening statement they explicitly named the conferences of the Oslo process as an inspiration and continued to propose “to establish a Group of Governmental Experts with a schedule of no less than three meetings to negotiate a legally-binding instrument that addresses the humanitarian concerns of cluster munitions in all their aspects by the end of 2008” with the aim of “concluding a legally binding instrument that prohibits the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians and includes provisions on co-operation and assistance” (German Presidency, 2007a). The results of this conference were not very promising and were marked as “rather disappointing” by the EU. Germany gave a, in diplomatic terms, very clear message at the end and claimed that they had experienced broad support from all over the world for the EU’s proposal and so it was disappointing that there could not be reached a consensus on a recommendation by this GGE to the Meeting of High Contracting Parties on a draft mandate. The GGE had in the German perspective “in this respect (...) not been fully up to the expectations that we and the world outside the CCW have of this body” (German Presidency, 2007b).

As we have seen earlier, the member states of the EU were at this point rather divided on how to deal with the Oslo process: some were strongly in favour of the Oslo process and belonged to the so-called “core group” of it (e.g. Austria, Belgium and Ireland), some participated in both processes but had still more sympathy with the CCW-road (e.g. France, Germany and the United Kingdom) and some had already left the Oslo process at all (e.g. Poland and Romania) because the final declaration in Oslo was too ambitious for them.

Inside the Oslo process there was the emergence of a loose and amorphous group of so-called “like-minded” countries that consisted mainly of close military allies of the

United States. Especially active among them were the EU member states France, Germany, the Netherlands and the UK. But also Finland and Slovakia supported this group strongly. This group was, according to Borrie, motivated by two major concerns. On one hand they feared that an eventual ban on cluster munitions would encapsulate weapons they possessed (or would like to possess) which had submunitions that use sensor-fusing technologies to detect and engage individual targets. On the other hand they were worried that a cluster munitions norm would create legal and operational problems in terms of interoperability. Some of the most far-reaching proposals of a cluster munitions ban were calling for a prohibition on military joint actions with stockpiling countries (for most EU-member states de facto thus the United States); something which was not an acceptable option neither to the United States nor its traditional allies (Borrie, 2008a).

A second trend Borrie identifies was that the evolving composition of the Oslo Process differed from that of the CCW. The CCW was to a large extent very technocratic and focussed on technical and military aspects of the issues. The discussions were dominated by developed countries with a Western bias that owned cluster munitions. On the other hand, the Oslo Process was joined relatively quickly by many countries from Latin America, Asia and Africa. These countries were much more concerned with the effects of cluster munitions than with its military utility. So the debates that took place in the Oslo Process often had other priorities and were more focused on the humanitarian and development dimensions. The Serbian government and the United Nations Development Programme (UNDP) organised for instance a conference in Belgrade (3/4 October 2007) of cluster munitions affected countries to talk about aspects as victim assistance, cluster munitions clearance, international cooperation and assistance, stockpile destruction and proliferation issues (Borrie, 2008a).

The Portuguese presidency in the second half of 2007 went on to rally for the EU-proposal made by its German predecessors in the CCW to negotiate a legally binding instrument that addressed the humanitarian concerns of cluster munitions by the end of 2008. At the General Assembly of the United Nations Portugal declared that they would be pleased if “the CCW regime develop(s) in a way that would further strengthen international humanitarian law, taking into account both military

requirements and humanitarian concerns.” Again they called upon all High Contracting Parties to the CCW to support the EU proposal and promised that the EU would make every effort for its proposal to meet their support (Portuguese Presidency, 2007a, 5). On the Meeting of the High Contracting Parties to the CCW the EU another time tried to convince the other parties to back its proposal for this “vital element in the work of the CCW” and presented a statement exclusively about the cluster munitions issue. However, again the proposal of the EU was blocked by different other influential countries like the USA, Russia and China.

In this period the EU started to act more together in the Oslo process and opened itself to this process. On the conference in Vienna Portugal stated on behalf of the EU that the cluster munitions should be addressed in all relevant fora and that this work is mutually reinforcing. However, it declared that existing relevant instruments like the CCW Protocol V should be taken into account (Portuguese Presidency, 2007c). Also on the European regional conference, which was hosted by Belgium on the 30th of October 2007 and dealt with stockpile destruction and victim assistance Portugal intervened on behalf of all EU member states. Another novelty was that for the first time all 27 EU member states together as well as different EU-institutions participated in a conference (Bauwens, 2007).

In that period both processes went on parallel and influenced each other. The United States was worried that the Oslo process would become dominant and changed its position on some points to keep the other countries aboard of the CCW: they acknowledged that there was need for reforms of the CCW to include cluster munitions (ICBL, 2009, 253). Eventually at the meeting of the High Contracting partners in November 2007 the participants agreed in large lines to the EU proposal to start negotiations. The only major difference was that the original German proposal talked about a legally-binding instrument that addressed the humanitarian concerns of cluster munitions, while this mandate added that point that it had find this instrument “while striking a balance between military and humanitarian considerations.” (UNOG, 2007a) The participants agreed on seven weeks of meetings scheduled in Geneva throughout 2008. This had three advantages for the “like-minded” states, (I) they felt sure that most major users and producers of cluster munitions, and in particular the

United States, would stay engaged in the CCW-process to find an agreement, (II) it was presented as an evidence that the Oslo process was not sabotaging the CCW, and (III) the CCW could serve as a “back-up”-plan for some countries if they could not agree with the result of the Oslo process. But de facto the mandate was still much weaker as Oslo of course, and different countries (e.g. China, Russia) also openly confirmed that they did not really see the need for it.

The third member of the trio presidency was Slovenia that took the presidency for the first time in its history in the first half of 2008. The Slovenians continued this two-way course of CCW and Oslo process and argued that the EU considered both processes “complementary and mutually reinforcing and that each forum can benefit from work done in the other, by taking advantage, *inter alia*, of the military and technical expertise of the CCW” (Slovenian Presidency, 2008a). The EU also claimed, after the conference in Wellington had created a draft proposal for the Oslo process that, whatever the outcome of that process would be, it had the opinion that the CCW should continue to implement its mandate as was decided in November 2007 (Slovenian Presidency, 2008b).

This position they also held at the final negotiation conference of the Oslo process in Dublin on which not all EU-member states participated. An interesting element of the Slovenian opening speech was that they explicitly referred to the compendium prepared during the Wellington Conference and that the EU was pleased that this compendium had become official documents. In the compendium mainly the proposals of the “like-minded” states were concentrated that could not be put in the draft paper due to the power of the core group and the third world countries. So, by claiming that the compendium was an official document “with options which should be seriously explored” the like-minded states had clearly set the tune on this issue (Slovenian Presidency, 2008c).

The Slovenians, on behalf of the EU, underlined in their opening speech again that parallel efforts should be pursued in the CCW, which would be supported by all EU member states as well as by some major stakeholders which were not in Dublin. So the message was, translated to straight terms: “It is nice what we are doing here but the

real game is still played on the CCW court” (Idem). This position was again articulated in the closing statement of the EU in Dublin: the Slovenian representative made clear that they supported the Convention but that they would continue to work on a CCW solution (Slovenian Presidency, 2008d).

At the Diplomatic conference in Dublin (May 2008) the final convention should be negotiated and it became a two week marathon. Relatively quickly agreements could be found for issues as victim assistance or cluster munitions clearance. Some issues took a bit longer like for instance the question whether cluster submunitions could be permitted for training and development purposes and the nature of provisions relating to the particular obligations of past cluster munitions user states. But the largest obstacles remained the definition and the interoperability. The Oslo declaration had contained a commitment for states to “prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians”, but different countries (e.g. Austria) wanted to drop “that cause unacceptable harm to civilians”. This was of course opposed by countries such as France, the Netherlands and the UK that claimed that not all cluster munitions caused unacceptable harm to civilians. The debate about the definition went on until the end of the conference: on one hand a group of countries (mainly identical with the “like minded”) wanted to define the term rather broad and include exceptions for instance for self-destructing bombshells, on the other hand the “core group” (e.g. Austria, Belgium, Ireland and Norway) wanted to define the term as narrowly as possible. After tough negotiations there could be found an agreement that left on one hand some potential backdoors for a new generation of cluster munitions open but was on the other hand so strict that all present existing cluster munitions had to be destroyed.

The last big obstacle was the interoperability which was an important issue especially for the NATO-members. The United States attempted during the different conferences to influence the Oslo process from the outside. According to the interviews which were made for this thesis and also the article of Borrie it was generally known in the CCW and Oslo circles that the United States was talking privately with its allies about the feared problems regarding military interoperability within NATO. In the different conferences several European NATO countries as well as

the traditionally close American allies Australia, Canada and Japan campaigned frequently together on this issue. So it was very clear to all participants that there had to be found a solution to this problem to keep these important players aboard (Borrie, 2008a).

One element was the US-bases in Europe on which potentially cluster munitions could be stockpiled. Different countries (e.g. the United Kingdom, Italy, and diverse central and eastern European states) had US-military bases on their soil for which they were legally responsible. So they felt that they could not sign this treaty because they did not want to be put in a situation in which local policemen had to enter US-military bases to confiscate cluster munitions. Another element was, as a Polish official told in a questionnaire for this thesis, that the USA made clear to its allies that a convention that would prohibit joint military operations with non-signatory states would seriously deteriorate their capabilities to participate in multinational military operations since the United States would not stop using cluster munitions if necessary.

Under these circumstances most allies of the United States were not willing to sign a convention with too strict provisions and demanded an article that explicitly tolerated military operations with non-signatory parties. Especially the United Kingdom made its signing dependent on a solution for this problem. Eventually there was added an article 21 that stated that it was allowed to “engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party” (Convention on Cluster Munitions, 2009). So the way to an agreement was free and in December 2008 more than 90 states, among them 19 EU-member states, signed the Convention on Cluster Munitions.

5.3 After Oslo

In the summer of 2008 a new trio presidency, consisting of France, the Czech Republic and Sweden, started its term. In its plans for the coming 18 months they declared the aim “to strengthen (...) the Ottawa Convention and the Convention on the Use of Certain Conventional Weapons” (French Presidency, 2008, 79) without any reference to the Oslo process. In the field of multilateralism the trio-presidencies wrote that “the

Union will deploy its efforts in support of an effective multilateral system based on international law and on the United Nations Charter. It will actively participate in multilateral fora, particularly the United Nations, and will promote multilateral solutions to common problems” (French Presidency, 2008, 79).

The successes of the Oslo process did not stop the negotiations in the CCW process of course. In November 2008 the Danish chair presented another draft text which was rebuffed by a group of 26 states, among them different members of the core group of the Oslo process (such as Austria, Belgium and Ireland). They argued that this draft fell behind already existing humanitarian law (the CCM) and they were not willing to sign a treaty that would form a step backwards in humanitarian terms to the agreements of the Oslo process. On the other hand, many states that did not participate in the Oslo process reacted with strong opposition, as Russia pointed it out, to carry over the logic of this process to another (CCW) (Borrie, 2008b). In the end the participants agreed, as among others France on behalf of the EU had proposed, to extend the negotiations to the next year and have two extra meetings in the first half of 2009 (Borrie, 2008c).

In the report on the implementation of the European Security Strategy in 2008 the EU defined the Oslo convention as an important step forward in responding to the humanitarian problems caused by this type of munitions, which would constitute a major concern for all EU Member States. But the Security Strategy also declared that “the adoption of a protocol on this type of munitions in the UN framework involving all major military powers would be an important further step” (European Council, 2008a, 9). On 11 December 2008, the EU Heads of State and Government adopted a “Statement on Strengthening International Security”, which supported the speedy adoption of a protocol on cluster munitions in the CCW (European Council, 2008b, 3).

On the two GGE-sessions in 2009 the Czech presidency demonstrated a somewhat changed attitude towards the CCW. On one hand the EU rallied for provisions that were compatible with the text of the CCM (to avoid complications for countries that had signed this convention), but on the other hand the protocol should allow countries which did not consider themselves in a position for the moment to ratify the CCM, but which nonetheless share its humanitarian concerns, to take a step in the same

direction. So it appeared that the EU accepted the CCM as benchmark but changed its strategy by presenting the CCW as an alternative for states that found the CCM too ambitious with the idea that this would at least form a step in the right direction to enhance international humanitarian law (Czech Presidency, 2009a and 2009b).

However, the two extra GGE sessions in 2009 did not bring any visible results and the split remained with on the one hand the major possessors and producers of cluster munitions and on the other countries that aimed for a much higher humanitarian standard. The EU belonged to the second group and stated repeatedly that any new protocol should deliver measurable humanitarian benefits, be compatible with the obligations of the CCM, and must contain some sort of substantive prohibition, whether on use, transfer or some other aspect of cluster munitions (Borrie, 2009a). Since the mandate was expired, the participants agreed to hold “informal consultations” in the week of 17 to 21 August 2009 with the goal to reach a breakthrough before the annual meeting of the CCW states in November (Borrie, 2009b). However, according to an EU-official who was interviewed for this thesis, these consultations did not produce any large changes and in November the state parties have to decide on their annual meeting how to continue with this issue. In his personal opinion the odds did not look very good, since he had not seen much movement in the last meetings.

6. An Analysis: The EU in the processes to ban cluster munitions

When the methodology of process tracing was described the comparison with detective work Mohr makes was used. Picking up this comparison we can say that we deducted a number of possible explanations (theoretical framework), amassed a large body of evidence (the description of the process) and now have to find the explanations that fit with all the facts of the case to produce a solution. However, since this is not Cluedo and we are not looking for the colonel with the candlestick in the library, the analysis will be a bit more complex and ambiguous. The reason for this complexity lies in the nature of the two theoretical approaches that were chosen and do not exclude each other by definition.

Hypothesis 1: The common policy of the EU depends on the interests of the member states

First the hypotheses of the rationalist chapter will be presented. The first main hypothesis was that the common policy of the EU depends on the interests of the member states and was supported by two hypotheses that deal with the security and economic dimension of their interests.

Sub hypothesis 1: The interests of the member states are determined by national security issues

For the security dimension we have to see if cluster munitions were considered as contribution to the national security. All EU-member states, with five exceptions¹⁸, had cluster munitions stockpiled at the beginning of the Oslo process. So it appears that at least at this point most countries saw cluster munitions as a relevant weapon system (ICBL, 2009, 21). However, Austria and Belgium already had national regulations to destroy its cluster munitions at the beginning of the process. This made it naturally easier for them to rally for very strict provisions, as from a security perspective there

¹⁸ Cyprus, Latvia, Lithuania, Luxembourg and Ireland

was no longer anything at stake for them. There will be evaluated three different aspects that could have influenced the positions of the EU-member states in regard to their national security: the relationships with the neighbouring countries, the membership in the NATO and the practical use of cluster munitions.

The relationship with the neighbouring countries

An interesting insight about the idea of perceived threats gives figure 4. This figure shows which EU-member states did not sign the CCM: all of them are situated at the external border of the EU (Idem, 280ff).

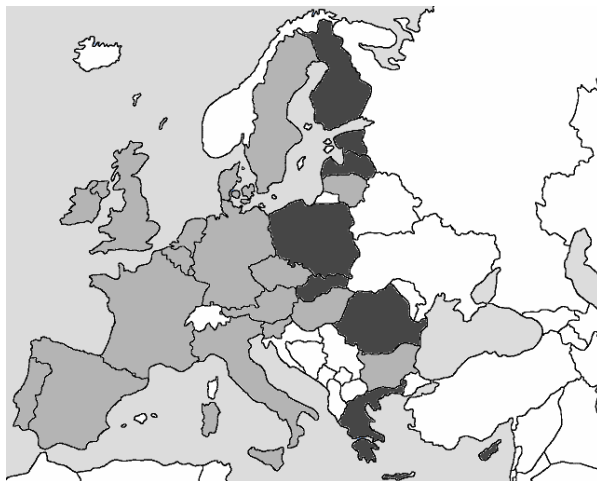


Figure 4: EU-members that signed the CCM (light grey) and didn't sign the convention (dark grey)

Apparently most of these countries still perceived a direct threat from some of their neighbours that motivated them to keep their cluster munitions, which were assessed as important to the national security. In North-East Europe especially Russia was seen as a potential threat: five countries border directly on Russia (Finland, Estonia and Latvia; Lithuania and Poland) of which

only Lithuania (that does not stockpile cluster munitions) signed the CCM. With the exception of Finland, the bilateral relations between these countries and Russia are for various reasons (such as their NATO-memberships and the situations of the Russian minorities) not very friendly. This scepticism towards Russia was also intensified by the war in Georgia in August 2008, only shortly after the Dublin Conference. On the one hand these countries perceived this war as evidence that Russia did not shy away from the use of weapons to achieve its aims, but on the other hand that war made apparent that the Russians also used their cluster munitions if the situation called for it. The idea that Russia was not willing to sign the CCM or work on a robust reform in the CCW supported the mistrust in them. Almost all respondents which were asked in the

countries that bordered to Russia responded that the geographical position influenced the position of the countries that did not sign strongly.

Also in the cases of Greece and Cyprus their neighbouring countries are still perceived with scepticism. Both countries share a border with Turkey¹⁹ and had troubled relations with them in the past. Although the relations between Greece and Turkey improved significantly in the past decade, there is still conflict potential between these two countries (e.g. about the control of several islands in the Aegean Sea and the future of Cyprus) (International Campaign to Ban Landmines, 2009, 208). Next to its rivalry with Turkey, Greece also has strained relations with Macedonia, due to the long-running naming dispute. In an interview with representatives of the CMC a Greek official explained its country's position not to sign the CCM with "national security considerations, including the need to use cluster munitions for national defense; concerns regarding the stockpile destruction deadline and the costs of destruction; and the fact that others in the region were not ready to sign"²⁰ (ICBL, 2009, 207). Additionally to the politically delicate situation on the island the Cypriote foreign policy position can also be explained by its traditional line to follow the Greek position in most situations (Runner, 2008). A respondent from Cyprus, who works in the defence ministry, responded that cluster munitions are very important for the national defence, which is interesting since Cyprus does not stockpile these weapons at the moment. But apparently even countries that do not own them at the moment want to keep themselves at least the option open to obtain them.

To clarify this special value for bordering countries a short explanation of its perceived military value probably is required. Cluster munitions are seen as very useful weapon systems to attack moving targets and large groups of invaders, for instance a tank division. The list of types is long: there are incendiary cluster bombs, anti-personnel cluster bombs, anti armour cluster bombs, runway-cratering cluster bombs, mine-laying cluster bombs, anti-electrical cluster bombs, leaflet cluster bombs, and combined-effects cluster munitions; they can be delivered by artillery, missile or aircraft – low flying fighters or high altitude bombers, via high-speed delivery or toss

¹⁹ In the north of Cyprus there is the self-declared Turkey-backed "Turkish Republic of Northern Cyprus" on whose soil two divisions of the Turkish army are stationed

²⁰ De facto is Turkey the only neighbouring state of Greece that did not sign the CCM.

delivery. Cluster munitions employ contact fuses to explode on impact, air-burst fuses, or delayed-action fuses. As this list shows, their perceived military advantages are extensive and diverse (Sorlis, 2009, 2). With relatively limited resources, cluster munitions can neutralise an enemy formation or at least delay its advance significantly. One option is to simply attack them but another one is to form a minefield of non-exploded sub-munitions. By spreading a variety of munitions over a wide area, some which explode immediately, some timed to detonate later, some when disturbed, etc. the access to the area is denied to enemy troops, who must invest considerable time and efforts in getting the area cleared. Though from a humanitarian stance this application is probably reprehensible, it forms an alternative to delay enemy forces since the prohibition of landmines in the Ottawa Treaty.

Nevertheless, in summary we can say that this border explanation approach is not completely satisfying: it contributes to the analysis of the considerations in some countries, but is clearly not the only relevant variable for all countries. First it depends of course very strongly on the relationships between the neighbours: for countries like Germany (that borders Switzerland) or Sweden (that borders Norway) the EU-external border does not form a strategically relevant variable, but in the cases of the countries that border Russia or (to a lesser extent) Turkey the border has another importance. Additionally this does not explain the positions of Slovakia and Romania where apparently also other factors were at stake. Also the results of the questionnaire were not completely clear on this issue: just around 60 percent of the respondents thought that the geographical position influenced the positions of the bordering countries but almost all respondents from the non-signatory countries backed this statement.

Membership in the NATO/ Alliance with the United States

As we have seen in the description, the issue of interoperability was one of the crucial points in the negotiations of the Oslo process. This could be explained with the NATO-membership of most EU-member states. NATO is an important cornerstone of the European security governance and after the end of the cold war it gained even more influence on the entire continent (Webber et al, 2004, 8). This alliance is

considered as the main provider of the collective security of its members, and most EU-states were thus rather careful not to alienate its leading power: the United States. In particular the new NATO- and EU-members from central power see NATO as a symbol of identification with the western world (the fabled 'return to Europe'), a security guarantee (as an insurance against perceived threats from Russia) and also as a guarantee to stay close to the world's last remaining superpower USA (Webber et al, 2004, 22).

So though they were not at the negotiation table the "primes inter pares" of NATO, the United States, still had some influence as we have seen in the description of the process. The article 21 which was added to the CCM was clearly a result of this factor and its importance for many actors showed how much the alliance with the United States affected the considerations of these actors.

Summarising it appears clear that this variable was very important in the Oslo process, even without the United States on the negotiation table. In the CCW this is less relevant because the EU-member states know that a possible future compromise requires the agreement of the USA anyway. All EU-proposals that are seriously attempting to serve as a compromise solution have to take the position of the USA in consideration. As such the tension between the dependency on NATO-defence and EU humanitarian interests is not as strong in this arena.

Practical use of cluster munitions

Another explanation is that different countries simply started to doubt the tactical value of cluster munitions. In her article, Petrova (2009) gives the NGO's (such as the Cluster Munitions Coalition) a large share of the credit. The strategy of these NGO's had two objectives: (I) to denounce cluster munitions as inhuman, unethical weapons and (II) to make clear that they did not have any military value in these times (we will regard (I) later on). The NGO's tried to persuade doubting states in their own way of thinking: by showing them that cluster munitions are not a sensible military tool and do not contribute to the national security, thus to create a process of desecuritisation

of this weapon type in the terms of the Copenhagen school (Wæver, 1995). On the different conferences they provided lectures and workshops by experts who explained this argument. Different experiences in the wars in Afghanistan and Iraq had for instance shown that heavy use of cluster munitions can be a rather two-edged sword from a military perspective: due to its heavy use the advance of allied troupes was delayed by mine fields of unexploded munitions in these campaigns and for instance in the operations in Iraq in 2003 eight American soldiers were killed by non-exploded cluster munitions (Wiseman, 2003).

Another serious problem lies in the nature of modern warfare: nowadays the primary goal to win a war (like in Afghanistan or Iraq) is to win the “hearts and minds” of the population. However, high civilian casualties and human suffering due to cluster munitions are complicating this aim severely and sabotage the political goals of these campaigns. NGO’s pointed in their campaigns explicitly to this point to prove doubting actors like the USA or the UK that it is in their own tactical interest not to use cluster munitions anymore (Petrova, 2009, 13).

On the last conference in Dublin, while the United Kingdom still had their doubts, a public letter by nine retired UK-generals was published in The Times in which they advised their country to sign because cluster bombs were “inaccurate and unreliable weapon systems, (that caused) the loss of civilian lives, (provoked) strong national and international reaction and opposition, (and) it (was) very likely that such projection will inhibit the achievement of any political purpose” (The Times, 2007). Naturally, such a statement from profiled military experts weakened many arguments for the value of cluster munitions for the national security of the United Kingdom. Thus, by acting inside the framework of rationalist thinking, there was more effect expected as by only referring to ethical standards (Petrova, 2009, 13ff).

Unfortunately we do not have data from 2006 to see if the perceptions of the actors changed in the past three years because of these arguments. But an indicator can be found in the large majority of the respondents, who answered that cluster munitions are not very important for the national defence. The majority of the respondents who answered differently came from the countries that did not sign the CCM. So at least at

the moment there is a consensus in most EU-member states that the practical use of cluster munitions to its national defence is limited.

Sub hypothesis 2: The interests of the member states are determined by economic issues

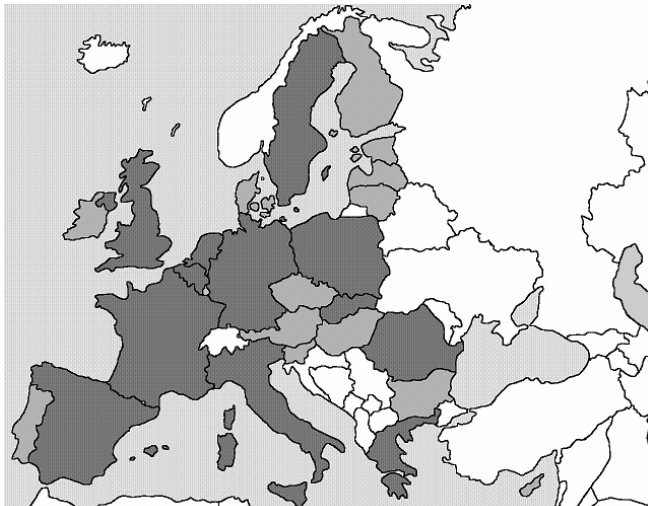


Figure 5: EU-members that produced cluster munitions (dark grey) and non-producers (light grey)

The other explanative approach is the economic dimension of cluster munitions. As figure 5 shows, cluster munitions were produced in almost half of the EU member states in 2006 (ICBL, 2009, 21). The argument that the CCM would form a threat to producing industries was, next to their perceived need to defend their territory, for instance vocalised in Poland (Górka, 2008).

However, eventually there does not seem to be a strong correlation between the economic dimension and the signing of the CCM: many states with producing facilities joined the CCM. The other states are still producing cluster munitions (International Campaign to Ban Landmines, 2009, 18).

The respondents were asked how they assessed the importance of the defence industry in their countries and there were found divided opinions: in half of the member states the majority of the respondents argued that the defence industry was important and in the other half not. However, there was no correlation between the countries with a defence industry and their policy towards the CCM.

Another economic dimension is the costs to replace these weapons. Several countries argued that they could not handle the costs in replacing this weapon type on a short term and needed more time to fade out the use of cluster munitions. An example for such a case is Finland. The Fins had not signed the Ottawa Treaty about landmines with

the argument that it needed landmines to protect its 1300-kilometre long border with Russia until it would find an alternative. It subsequently chose cluster weapons as a cheap, effective alternative to the landmines and promised to destroy its landmines by 2016. So banning cluster munitions would be from the Finnish perspective on the one hand a significant weakening of their national defence and on the other hand also an expensive exercise. According to Finnish army estimations it would have cost the country more than a billion Euros in replacement weapons to defend its eastern border (YLE, 2008).

The large majority of the respondents said that the economic dimension did not play a large role for the position of their own countries and only around a third thought that it influenced the positions of the other countries. However, most countries tried to include exceptions for weapon types that were built in their country or what they owned in the treaty in the process, but in most cases this was not a decisive point (though there were exceptions as the example of Finland showed). To solve the problem of the costs to change to other weapon systems different actors rallied for longer transitional periods. Eventually these actors could influence the Oslo Process in a way that there is a transitional period of eight years included in article 3 of the CCM. There is even the opportunity to exceed this period longer with the approval of the other states parties (Convention on Cluster Munitions, 2009). So doubting states got the opportunity to depreciate the replacing costs over a longer period. This article made it to the countries that were worrying about this potential costs somewhat easier to swallow this bitter pill.

For the producing countries the CCM even offered economic opportunities: it was very likely that many of the signatory states would rearm itself in the future with new types of cluster munitions that fulfilled the criteria of the CCM. Hence, if the national producers in these countries would be able to design cluster munitions that complied with the new standards the convention even created new sales potential for their products. So also this prospect could probably soften the pain for the producing companies.

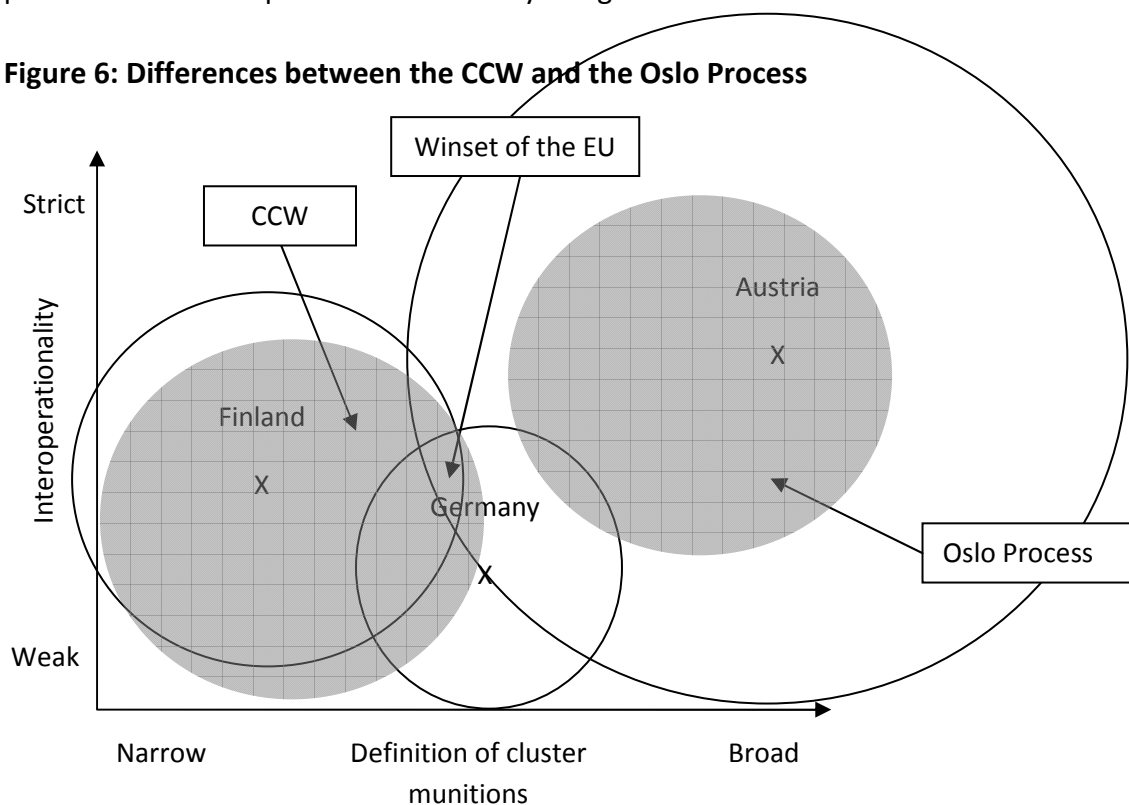
Summary of hypothesis 1

It appears that there were some national interests at stake especially in the field of the national security. However the degree of importance differed, as the interviews showed: most respondents from the countries that signed the CCM did not perceive cluster munitions as so important anymore for the national defence of their country, while the respondents from the non-signatory countries attributed more value to this weapon system. The economic dimension, however, played only a secondary role: it was an additional factor but not a core interest. Since there was this diversity of interests we can also apply the second hypothesis.

Hypothesis 2: If there is no area for a common policy the member states deploy individual foreign policies

As we have seen the EU member states did act on their own in the Oslo process, while they had a common position in the CCW. An explanation is that there was no area for a consensus in the first process. Since the first conference in Oslo it was clear to the participants that this process was aiming higher as the CCW and this decreased the possibilities of a EU-position dramatically as figure 6 shows.

Figure 6: Differences between the CCW and the Oslo Process



In this figure again the values of chapter 3 are used, but there were of course many more dimensions of national interests at stake. The three countries represent three groups: Finland as a representative for sceptical EU-members, Germany as one of the “like-minded” EU-members and Austria as a “core state”. The grey cloud at the left shows the expected outcomes of the CCW-negotiations and the right cloud the expected outcome of the Oslo process. As we see is the win-set of our “Mini-EU” in the left cloud and can thus serve as a negotiation position. The Oslo process started already with very ambitious targets and its expected outcome is beyond the win-set since it is not acceptable to Finland in this case.

Figure 6 also explains why the process in the CCW was especially supported by the EU-countries that were rather sceptical about the Oslo-process (the “like-minded”): the expected outcome was simply closer to their own interests. Another element was, according to a EU-official who was interviewed, that also the “core states” were not so interested in a common EU-position. Figure 6 relatively clearly shows the reason: a common European position would be the lowest common denominator and much under the positions these countries had. So for them it appeared more promising to act independently and not let themselves restrain by the EU-consensus.

Taking the data from the questionnaire into consideration this explanation approach gets a lot of empirical support: almost two thirds of the respondents agreed with the hypothesis that the premises of the Oslo process were simply too high for a common position and there were no big differences between the signatories and non-signatories of the CCM in this regard. Also only around twenty percent opposed the hypotheses that it was easier to have a common position in the CCW because its ambitions were lower. So we can conclude that the differences between the EU-policies in the CCW and the Oslo-process can at least partly be explained by these reasons.

However, this explanation still leaves some questions open. For the EU and the states that formed its vanguard in this process there were only few interests at stake to initiate such a process. As said earlier until now there were never used cluster

munitions on the soil of an EU-member state²¹ (ICBL, 2009, 13) and it does not appear to be a very likely scenario in the nearby future (especially for the countries of the core group). So it appears that normative questions played a role in the EU-policies, which leads us to constructivist arguments.

Hypothesis 3: The common foreign policy of the EU on the issue of cluster munitions was determined by a common European identity

In chapter 4 we identified two possible normative arguments that could have influenced the actions of the EU: humanitarian considerations and an emphasis on multilateralism. There were two sub hypotheses set up to support this main thesis based in these arguments which will be contested in this part.

Sub hypothesis 3: The common foreign policy of the EU in the CCW on the issue of cluster munitions was determined by the common European emphasis to promote human security

As we have seen in chapter 4 there are different authors that argue that the EU shares common values. As such, proponents of a ban on cluster munitions had to create a link between these values and their own interests. Two patterns can be identified in the European Council in this regard: one is that the actors rely on existing norms which are part of the identity of the EU (norm guided behaviour), the other that they have a debate in which they try to discuss which norms are applicable or what they prescribe for a given situation (deliberation) (Warntjen, 2009). So even smaller countries can influence the Council strongly by convincing other member states that their position is most appropriate to EU-norms it can shape the EU-position.

To advocate the idea that a weapon of which one third of all recorded victims are children, many of them killed or mutilated even after a war, can be in contrast to the

²¹ It was used in the war on the Falklands in 1982 though, which is considered as a special overseas territory by the EU. (ICBL, 2009, 13) (European Commission, 2008c)

concept of human security as advocated by the EU, appears a relatively easy task (Cluster Munition Coalition, 2009). Among the member states of the EU there was a consensus that there was a need to create instruments against the inhuman consequences. The data of the questionnaire also give overwhelming support to the idea that humanitarian arguments played an essential role. Over a quarter of the respondents claimed that humanitarian arguments were “important” in shaping the position of their country, and more than 60 percent that it was even “very important”. The same pattern could be seen when the respondents were asked if humanitarian arguments influenced the positions of other countries: more than one third said that they were “important” and over the half that they were “very important”.

Proponents in the EU could rely on moral support from supranational European institutions since both the European Parliament as the European Commission endorsed the attempts to create a legal instrument. In total the European Parliament has adopted four resolutions against cluster munitions (European Parliament, 2001, 2003, 2004 and 2007). In November 2008, as a reaction to the signing of the Convention on cluster munitions, it adopted a resolution that called “on all States to sign, ratify and implement the CCM at the earliest opportunity” (European Parliament, 2008). But on the other hand, only around one third of the respondents thought that the statements had influenced the process and that this support came mainly from core states. Some officials from Austria and Belgium answered that the resolutions strengthened their positions somewhat.

Though the European Commission has no direct influence on the foreign policy of the EU²² they were also stakeholder in this issue and participated as observer in the different conferences. The reason was that the European Commission is very engaged in countering the problems created by landmines and explosive remnants of war, including cluster munitions, as part of their humanitarian aid and development policy (European Commission, 2008a). Up to date the EU spent 1.5 billion Euro in demining programmes, research and the development of technology and assistance to mine victims, making it the largest donor in this field (European Commission, 2009). As such

²² The European Commission has its own foreign policies in economic affairs though.

the European Commission was a supporter of the Oslo process and welcomed the adoption and the signing of the treaty (European Commission, 2008b).

Another very important factor was, according to the respondents, the role of NGO's. Coordinated by the Cluster Munitions Coalition they campaigned well-coordinated and effectively to present their viewpoints and demonstrate the human consequences of these weapon systems (Petrova, 2009). Virtually all respondents attributed an "important" (around a third of the respondents) or "very important" (even almost two third of the answers) role to NGO's in the process. Three quarters responded that NGO's impacted their countries to some extent (Most of the other quarter were respondents from non-signatory states).

It can be concluded that humanitarian arguments definitely played an important role in shaping the interests of the different EU-member states. The idea that human rights are a part of the EU-identity was supported by the respondents, less than thirty percent opposed this idea and their role was central in this process. However, the question remains to what extent these arguments can be attributed to European values or are simply also national or even global values of the member states. Without developing this thought too much we have to keep in mind that normative values that prescribe to end human suffering are not an exclusive European value but can be also found back in other cultural circles. So to attribute the humanitarian reasoning of the EU-member states to perceived "European common values" has a rather Eurocentric smack.

Sub hypothesis 4: The common foreign policy of the EU on the issue of cluster munitions in the CCW was determined by the common European emphasis on multilateralism

As we have seen in chapter 4, an emphasis on "effective multilateralism" is also seen as a part of the common identity of the EU. This could serve as an explanation of the preference of the EU of the CCW above the Oslo process. As we have seen the EU was an important proponent of a new protocol about cluster munitions at the CCW.

However, as we also have seen the EU was rather reserved against the Oslo process at the beginning and perceived this process initially only as an additional instrument to the CCW. Inside the Union there were differences about the approach towards this new ad-hoc instrument of multilateralism and so the common position usually only stressed terms as “synergy” and “additional value of the Oslo process”.

An argument that was stressed earlier is that the EU was afraid that the Oslo process could give a bad example to other problems inside the United Nations and weaken this organisation slightly. If every time there was not easily a consensus possible inside the frameworks of the UN, a new organisation or Convention would be started that would weaken that organisation step by step. As such, as protector of the UN, the EU had to defend the CCW-route against the ad-hoc multilateralism of the Oslo process.

However, most of the respondents did not agree with this idea and claimed that the ad-hoc multilateralism did not form a threat to the United Nations. This is probably so because the initiators were careful to design the Oslo process not directly as a competitor and also involved UN-institutions. The CCM was presented to the UN General Secretary and can now be signed at the UN Headquarters in New York. With these symbolic actions the participants intended to show their loyalty to the UN.

Hypothesis 4: The common foreign policy of the EU in the CCW on the issue of cluster munitions was a product of horizontal Europeanization

Another hypothesis was that the common foreign policy of the EU in the CCW was a product of horizontal Europeanization. According to Long this formed an important factor in the Ottawa Process that resembled the Oslo process to some regard (Long, 2002, 441). Through continuous consultations the EU agreed in that case eventually to a common position. However, for hypothesis 4 there is only little support from the respondents in the case of cluster munitions: only around 15 percent thought that Europeanization had influenced the position of their or other countries. The majority was rather sceptical about this explanation approach.

The difference to the Ottawa Process was that in our case the group of opponents was bigger (in the Ottawa Process only Greece and Finland opposed it in the final stage of the negotiations) and that there were apparently more fundamental security issues at stake. In the time of the Ottawa Process all member states but Greece and Finland bordered to countries that would become a member of the EU and in most cases NATO in the nearby future²³. So landmines were –as Long calls them- to most member states a “soft security issue”. These weapons were not considered as elemental part of the national security since it was not a very likely scenario that an attack by a neighbouring country would take place in the future that had to be delayed by landmines. Only to the Greeks and Finns this appeared a possible scenario. But after the EU-enlargements in 2004 and 2007 more EU-members border to Russia and (to a lesser extent) Turkey so the group of sceptical countries was larger in this process and apparently harder to impress or to put under pressure as ten years before.

Another explanation for a weaker Europeanising effect in this process in comparison to the Ottawa Process is that the EU-presidencies in that time were not members of the core group. Long argues that in the process ten years earlier three successive Council Presidents - Ireland, the Netherlands and Luxembourg – were proponents of a ban and kept the issue alive (Long, 2002, 441). However, the Council Presidents during the processes to ban cluster munitions belonged mainly to the middle camp: to use their weight in the matter of cluster munitions did not have their highest priority.

²³ Except the borders to Norway and Switzerland.

7. Conclusion

The question that started this master thesis was what the role of the EU in the processes to ban cluster munitions, the CCW and the Oslo process, was and how it could be explained. In the Oslo process there were very evident differences between the member states of the EU. Some belonged to the avant-garde of the process (Austria, Belgium and Ireland), most were more middle-of-the-road and some did not sign this convention at all (e.g. Finland and Poland). On the other hand, despite these differences the EU managed to have a common policy in the CCW. How could this paradox be explained?

The results of this research are ambivalent: it appears relatively clear that the national, rational interests of the member states played an important role in the two processes. Especially the security dimension (such as the perceived threat from neighbouring countries and the relationship with the United States) influenced their considerations. On the other hand economic aspects played only a minor role.

Despite these differences the EU managed to act in the CCW together and this can be partly attributed to normative arguments and common values. Between the member states of the EU there was a consensus about the humanitarian urgency to create a legal framework to tackle the inhuman consequences of cluster munitions. The consequences of this weapon type were seen as non-consistent with the ideas the EU promotes as human security. However, the EU only agreed on rather broad statements that formed the lowest common denominator. As an EU official said in an interview, these EU-statements usually form only a framework in which the member states act. So even inside the CCW there were different policies of the EU-member states deployed.

In both arenas, Oslo and CCW, the EU-member states were defending their individual interests. But, while they were to some extent limited in the CCW by the joint statements, they were not limited in the pursuit of their interests in the Oslo process. While some member states (especially the ones without cluster munitions) rallied in this process for very strict provisions and a very broad division of the term cluster munitions, others argued that, with some safety mechanism like self-exploding

mechanisms, cluster munitions were not that inhuman at all. Of course every member state that stockpiled cluster munitions attempted to put some exceptions in the convention for exactly that type that it owned.

In the questionnaire which was sent to the respondents they were asked if the premises of the Oslo process were simply too high for a common position and this statement was affirmed by most of them. Most respondents confirmed that the common position in the CCW was possible because the general level of expectation was lower. While in the CCW the relatively moderate internal consensus of the EU was already one bridge too far for countries like Russia and China, these players were not active in the Oslo process.

This raised the expected outcome in the Oslo process to a level that was too high for some more sceptical member states (as Poland and Romania, who left the process at that point) and made a EU-consensus impossible. On the other hand the more ambitious member states (that had reluctantly accepted a compromise in the CCW) could aim for a higher result in this forum. The countries that were critical on a too strict CCM could still use the CCW as emergency exit: there they could act as a humanitarian actor and advocate a ban, while it was very unlikely that countries like Russia and China would agree with these proposals anyway. So the reluctant players inside the EU could wash their hands in innocence and fulfil its humanitarian self-image without paying any price. Arguments that the joint position of the EU can be attributed to its self-image that supports multilateralism or Europeanization can be discarded; according to the findings of this master thesis the individual interests of the member states dominated the discussion.

Since there was no common EU position possible in the Oslo process every member state acted more or less for itself and defended only its national interests, which were mainly security issues. This does not mean of course that these differences did not exist in the CCW arena inside the EU, the difference was only that the negotiations never came to a level that they became relevant. At this moment the EU acts as “normative actor” in this arena (using the definition of Tocci) but at the same time some member states can live very well with the status quo while others are even more

ambitious as the EU position. Evidence is the behaviour of some of the core states that acted first in contrary to the position of the EU and aimed for a reform of the CCW at the minimum level of the CCM after the signatures in Oslo. In the past months the position of the EU moved somewhat in the CCW: now they are advocating the CCW as an alternative version to states that are not able to sign the CCM yet. On one hand this is an offer to reluctant players such as the United States or Russia. But on the other hand this is also a way to give the member states that did not sign the CCM at least a step in the direction to ban cluster munitions.

As an answer to the initial question what role the EU played in these processes, you can answer briefly “a very little one”. In the process that achieved some result they did not play a relevant role as a common actor, and in the process that did not achieve any feasible products they probably could only play an important role because the discussions have not yet reached the level that would affect any member states.

Following this conclusion the actions of the EU, at least in security issues, are in the multilateral arena still determined by national interests. This makes the EU of course also very vulnerable to attempts to break up their common positions. If member states perceive an issue as a potential threat to their security, like for instance a worse relationship with the United States, they rank these priorities higher than European interests or values. So, to stress a biblical expression, the spirit of common European policies is probably willing, but the flesh of the member states is weak.

This also forms a rather pessimistic perspective for the future in the CCW. It is very likely that in the case that these negotiations would really reach a point of painful concessions to some member states the European alliance would as well fall apart as in the Oslo process. Apparently individual security interests still dominate other dimensions of international cooperation, or to conclude with a quote of Machiavelli with who this thesis was started: *“Against foreign powers, a prince can defend himself with good weapons and good friends; if he has good weapons, he will never lack for good friends.”*

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Appendix 1: Overview of the situation of the EU-member states

	Signatory CCM ²⁴	Ratified CCM	Producer CB	Stockpilar CB	User CB	
Austria	X	2 Apr 2009	X	X		
Belgium	X			X		
Bulgaria	X					
<i>Cyprus</i>						
Czech Republic	X			X		
Denmark	X			X		
<i>Estonia</i>				X		
<i>Finland</i>				X		
France	X			X		X
Germany	X	8 Jul 2009	X	X		
<i>Greece</i>			X	X		
Hungary	X		X			
Ireland	X	3 Dec 2008	X			
Italy	X					
<i>Latvia</i>						
Lithuania	X					
Luxembourg	X	10 Jul 2009	X			
Malta	X					
The Netherlands	X			X	X	X
<i>Poland</i>				X	X	
Portugal	X				X	
<i>Romania</i>						
<i>Slovakia</i>		19 Aug 2009	X	X		
Slovenia	X					
Spain	X					
Sweden	X	17 Jun 2009	X	X		
United Kingdom	X		X	X		X

Sources: International Campaign to ban Landmines (2009), Homepage Cluster Munitions Coalition (2009)

²⁴ Non-signatories are in Italic

Appendix 2: Overview over the signatories of the CCM (exclusive EU-member states)

	Ratified CCM		Ratified CCM		Ratified CCM
Afghanistan		Honduras		Rwanda	
Albania	X	Iceland		Samoa	
Angola		Indonesia		San Marino	X
Australia		Jamaica		Sao Tomé and Príncipe	
Benin		Japan	X	Senegal	
Bolivia		Kenya		Sierra Leone	X
Bosnia and Herzegovina		Lao PDR	X	Somalia	
Botswana		Lebanon		South Africa	
Burkina Faso		Lesotho		Switzerland	
Burundi		Liberia		Tanzania	
Canada		Liechtenstein		Togo	
Cape Verde		FYR Macedonia		Tunisia	
Central African Republic		Madagascar		Uganda	
Chad		Malawi		Uruguay	
Chile		Mali		Zambia	X
Columbia		Mexico	X		
Comoros		Republic of Moldova			
DR Congo		Monaco			
Republic of Congo		Montenegro			
Cook Islands		Mozambique			
Costa Rica		Namibia			
Côte D'Ivoire		Nauru			
Croatia	X	New Zealand			
Ecuador		Nicaragua			
El Salvador		Niger	X		
Fiji		Nigeria			
Gambia		Norway	X		
Ghana		Palau			
Guatemala		Panama			
Guinea		Paraguay			
Guinea Bissau		Peru			
The Holy See	X	Philippines			

Source: Homepage Cluster Munitions Coalition (2009)

Appendix 3: Results of the questionnaire

These are the answers to the questions were asked to the respondents. To keep the answers transparent the questions are put here are exactly the same as the questions of the questionnaire. Some questions were open; most of these answers were integrated in the text.

1) First there are two personal questions for the analysis of the data. The first one is: For what country do you work? If you are not working for one particular country, please mark the country you are referring to as "your country" in the rest of the questionnaire.

	Frequency	Percent	Valid Percent
Austria	5	11,1	11,1
Belgium	4	8,9	8,9
Bulgaria	1	2,2	2,2
Cyprus	1	2,2	2,2
Denmark	4	8,9	8,9
Estonia	1	2,2	2,2
France	1	2,2	2,2
Germany	2	4,4	4,4
Greece	1	2,2	2,2
Ireland	1	2,2	2,2
Italy	1	2,2	2,2
Latvia	2	4,4	4,4
Lithuania	1	2,2	2,2
Luxembourg	1	2,2	2,2
Malta	1	2,2	2,2
Netherlands	5	11,1	11,1
Poland	2	4,4	4,4
Slovakia	2	4,4	4,4
Slovenia	1	2,2	2,2
Spain	2	4,4	4,4
Sweden	2	4,4	4,4
United Kingdom	3	6,7	6,7
European Union	1	2,2	2,2
Total	45	100,0	100,0

2) The second personal question is: What is your occupation or profession?

	Frequency	Percent	Valid Percent
Public servant of their country	22	48,9	48,9
NGO	8	17,8	17,8
Member of the national parliament	6	13,3	13,3
Academic/ Researcher	2	4,4	4,4
Member of the European Parliament	1	2,2	2,2
Public Servant of the EU	1	2,2	2,2
Other	5	11,1	11,1
Total	45	100,0	100,0

3) The first part of the questions will be about the Oslo process. Was there, to your knowledge, any form of a EU-policy in it, like a coordination of the different positions of some member states?

		Frequency	Percent	Valid Percent
Valid	Yes	19	42,2	63,3
	No	11	24,4	36,7
	Total	30	66,7	100,0
Missing	I don't know/ No answer	15	33,3	
Total		45	100,0	

4) Were there any attempts by the different EU-presidencies in that period (2007-2008) to achieve a common position of the European Union for the Oslo process?

		Frequency	Percent	Valid Percent
Valid	Yes	12	26,7	57,1
	No	9	20,0	42,9
	Total	21	46,7	100,0
Missing	I don't know/ No answer	24	53,3	
Total		45	100,0	

5) The United States didn't take part in the Oslo process, but are of course an important stakeholder in the issue of cluster munitions. Did you have the idea that the USA, via participating countries, had some form of influence on the process?

		Frequency	Percent	Valid Percent
Valid	Yes	22	48,9	73,3
	No	8	17,8	26,7
	Total	30	66,7	100,0
Missing	I don't know/ No answer	15	33,3	
Total		45	100,0	

6) How would you assume the role of NGO's (e.g. the Cluster Munition Coalition) in the Oslo process?

		Frequency	Percent	Valid Percent
Valid	Very important	28	62,2	63,6
	Important	15	33,3	34,1
	Not so important	1	2,2	2,3
	Total	44	97,8	100,0
Missing	I don't know/ No answer	1	2,2	
Total		45	100,0	

7) The second part of this questionnaire is about the role of the EU in the negotiations about a reform of the Convention on Conventional Weapons (CCW). These are some statements about the European Union in the United Nations. Could you please mark how much you agree with them?

7a) The European Union has a common identity that influences its common foreign policy.

		Frequency	Percent	Valid Percent
Valid	Completely agree	2	4,4	4,5
	Agree	15	33,3	34,1
	Neutral	15	33,3	34,1
	Disagree	10	22,2	22,7
	Completely disagree	2	4,4	4,5
	Total	44	97,8	100,0
Missing	System	1	2,2	
Total		45	100,0	

7b) The European Union favoured the CCW to the Oslo process because of its identity that supports multilateral institutions like the United Nations

		Frequency	Percent	Valid Percent
Valid	Completely agree	5	11,1	11,6
	Agree	8	17,8	18,6
	Neutral	13	28,9	30,2
	Disagree	13	28,9	30,2
	Completely disagree	4	8,9	9,3
	Total	43	95,6	100,0
Missing	System	2	4,4	
Total		45	100,0	

7c) The emphasis on an agreement on cluster munitions is related to the common identity of the European Union that gives human rights great priority

		Frequency	Percent	Valid Percent
Valid	Completely agree	3	6,7	7,0
	Agree	17	37,8	39,5
	Neutral	11	24,4	25,6
	Disagree	8	17,8	18,6
	Completely disagree	4	8,9	9,3
	Total	43	95,6	100,0
Missing	System	2	4,4	
Total		45	100,0	

7d) The European Union acted in the CCW as an advocate of the interests of its member states

		Frequency	Percent	Valid Percent
Valid	Completely agree	2	4,4	4,8
	Agree	12	26,7	28,6
	Neutral	18	40,0	42,9
	Disagree	9	20,0	21,4
	Completely disagree	1	2,2	2,4
	Total	42	93,3	100,0
Missing	System	3	6,7	
Total		45	100,0	

7e) Because the positions of some member states were too far from the premises of the Oslo process there was no common position in this process

		Frequency	Percent	Valid Percent
Valid	Completely agree	16	35,6	37,2
	Agree	12	26,7	27,9
	Neutral	7	15,6	16,3
	Disagree	7	15,6	16,3
	Completely disagree	1	2,2	2,3
	Total	43	95,6	100,0
Missing	System	2	4,4	
Total		45	100,0	

7f) It was easier for the member states of the European Union to get a common position inside the CCW than in the Oslo process, because this process has less ambitious targets.

		Frequency	Percent	Valid Percent
Valid	Completely agree	6	13,3	14,0
	Agree	15	33,3	34,9
	Neutral	12	26,7	27,9
	Disagree	7	15,6	16,3
	Completely disagree	3	6,7	7,0
	Total	43	95,6	100,0
Missing	System	2	4,4	
Total		45	100,0	

7g) The member states of the European Union only form a common "EU-position" if they can't reach their own national interests individually

		Frequency	Percent	Valid Percent
Valid	Completely agree	1	2,2	2,3
	Agree	7	15,6	15,9
	Neutral	7	15,6	15,9
	Disagree	17	37,8	38,6
	Completely disagree	12	26,7	27,3
	Total	44	97,8	100,0
Missing	System	1	2,2	
Total		45	100,0	

7h) Ad hoc-multilateralism, like the Oslo process, is a potential threat to the influence of multilateral institutions as the United Nations.

		Frequency	Percent	Valid Percent
Valid	Completely agree	4	8,9	9,3
	Agree	6	13,3	14,0
	Neutral	3	6,7	7,0
	Disagree	13	28,9	30,2
	Completely disagree	17	37,8	39,5
	Total	43	95,6	100,0
Missing	System	2	4,4	
Total		45	100,0	

8) The following questions are about the positions of the countries. How would you estimate the importance of cluster munitions to the national security of your country?

		Frequency	Percent	Valid Percent
Valid	Very important	3	6,7	6,7
	Important	10	22,2	22,2
	Not so important	17	37,8	37,8
	Not important at all	15	33,3	33,3
	Total	45	100,0	100,0

9) How would you estimate the economic importance of the defence industry to your country?

		Frequency	Percent	Valid Percent
Valid	Very important	2	4,4	4,7
	Important	16	35,6	37,2
	Not so important	16	35,6	37,2
	Not important at all	9	20,0	20,9
	Total	43	95,6	100,0
Missing	I don't know/ No answer	2	4,4	
Total		45	100,0	

10) The European Parliament as well as the European Commission spoke themselves out against cluster munitions. Did these statements affect the position of your country in some way?

		Frequency	Percent	Valid Percent
Valid	Yes	12	26,7	35,3
	No	22	48,9	64,7
	Total	34	75,6	100,0
Missing	I don't know/ No answer	11	24,4	
Total		45	100,0	

11) What impact did the campaigning of NGO's have on the position of your country?

		Frequency	Percent	Valid Percent
Valid	Strong impact	13	28,9	29,5
	Some impact	20	44,4	45,5
	Little impact	9	20,0	20,5
	No impact at all	2	4,4	4,5
	Total	44	97,8	100,0
Missing	System	1	2,2	
Total		45	100,0	

12) How relevant were the following arguments for the position of your country in the processes to ban cluster munitions?

12a) Humanitarian arguments

		Frequency	Percent	Valid Percent
Valid	Very important	26	57,8	60,5
	Important	11	24,4	25,6
	Neutral	4	8,9	9,3
	Not so important	1	2,2	2,3
	Not important at all	1	2,2	2,3
	Total	43	95,6	100,0
Missing	System	2	4,4	
Total		45	100,0	

12b) Military arguments

		Frequency	Percent	Valid Percent
Valid	Very important	8	17,8	19,0
	Important	11	24,4	26,2
	Neutral	7	15,6	16,7
	Not so important	14	31,1	33,3
	Not important at all	2	4,4	4,8
	Total	42	93,3	100,0
Missing	System	3	6,7	
Total		45	100,0	

12c) Economic arguments

		Frequency	Percent	Valid Percent
Valid	Very important	2	4,4	4,8
	Important	4	8,9	9,5
	Neutral	11	24,4	26,2
	Not so important	19	42,2	45,2
	Not important at all	6	13,3	14,3
	Total	42	93,3	100,0
Missing	System	3	6,7	
Total		45	100,0	

12d) European influence (Europeanization)

		Frequency	Percent	Valid Percent
Valid	Very important	0	0,0	0,0
	Important	7	15,6	17,5
	Neutral	11	24,4	27,5
	Not so important	14	31,1	35,0
	Not important at all	8	17,8	20,0
	Total	40	88,9	100,0
Missing	System	5	11,1	
Total		45	100,0	

13) All EU member states that didn't sign the Convention on Cluster Munitions are on the external border of the European Union. To what extent did their geographical position, in your opinion, influence their decision?

		Frequency	Percent	Valid Percent
Valid	Very strongly	8	17,8	20,5
	Strongly	16	35,6	41,0
	Not so much	13	28,9	33,3
	Not at all	2	4,4	5,1
	Total	39	86,7	100,0
Missing	I don't know/ No answer	4	8,9	
	System	2	4,4	
	Total	6	13,3	
Total		45	100,0	

14) How relevant were the following arguments for the position of most other EU-countries in the processes to ban cluster munitions?

14a) Humanitarian arguments

		Frequency	Percent	Valid Percent
Valid	Very important	22	48,9	52,4
	Important	15	33,3	35,7
	Neutral	4	8,9	9,5
	Not so important	1	2,2	2,4
	Not important at all	0	0,0	0,0
	Total	42	93,3	100,0
Missing	System	3	6,7	
Total		45	100,0	

14b) Military arguments

		Frequency	Percent	Valid Percent
Valid	Very important	6	13,3	14,3
	Important	20	44,4	47,6
	Neutral	9	20,0	21,4
	Not so important	6	13,3	14,3
	Not important at all	1	2,2	2,4
	Total	42	93,3	100,0
Missing	System	3	6,7	
Total		45	100,0	

14c) Economic arguments

		Frequency	Percent	Valid Percent
Valid	Very important	2	4,4	4,8
	Important	13	28,9	31,0
	Neutral	15	33,3	35,7
	Not so important	12	26,7	28,6
	Not important at all	0	0,0	0,0
	Total	42	93,3	100,0
Missing	System	3	6,7	
Total		45	100,0	

14d) European influence (Europeanization)

		Frequency	Percent	Valid Percent
Valid	Very important	0	0,0	0,0
	Important	7	15,6	17,5
	Neutral	14	31,1	35,0
	Not so important	15	33,3	37,5
	Not important at all	4	8,9	10,0
	Total	40	88,9	100,0
Missing	System	5	11,1	
Total		45	100,0	