

**THE CASE OF THE MINE BAN TREATY:  
UNDERSTANDING THE DOMESTIC FACTORS THAT AFFECT THE DIFFUSION OF  
DISARMAMENT NORMS**

by

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*To all landmine victims*

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## ABSTRACT

### THE CASE OF THE MINE BAN TREATY: UNDERSTANDING THE DOMESTIC FACTORS THAT AFFECT THE DIFFUSION OF DISARMAMENT NORMS

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As the pace of the globalization increased after the end of the Cold War, international non-governmental organizations became more influential in world politics through transnational advocacy networks (TANs) that arose from their cooperation with domestic non-governmental organizations. Until recently, these networks have only been active in issues of “low politics”. With the 1997 Mine Ban Treaty, we have seen that TANs are also able to influence security and foreign policies of states towards complying with international humanitarian norms; however, little research was carried out to disclose the conditions that enable these networks to influence policy change in the security domain. For this purpose, this thesis aims to distinguish these conditions under which the global network against the use of anti-personnel landmine, namely International Campaign to Ban Landmines (ICBL), has failed to mobilize states to implement the Mine Ban Treaty. I test two explanatory variables from domestic politics approach, crisis level and domestic impact of the norm against anti-personnel landmines, through qualitative comparative case studies between United States, Turkey and Cuba. The study shows that although domestic impact of the mine-ban norm does not seem to have a direct effect, the crisis level variable appears as a factor directly blocking or giving way to the ICBL in its efforts influencing state behaviors towards the Mine Ban Treaty.

## ÖZET

### MAYIN YASAĞI ANLAŞMASI: SİLAHSIZLANMA NORMLARININ YAYILIMINI ETKİLEYEN İÇ ETMENLERİ ANLAMAK

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**Anahtar Kelimeler:** Uluslararası normlar, Karamayını, Ulusaşırı yandaşlık ağbağları,  
İnsan hakları, Silahsızlanma, Küçük ve hafif silahlar

Soğuk Savaş'ın bitimiyle hız kazanan küreselleşmeyle uluslararası devlet dışı kuruluşlar yerel kuruluşlarla işbirlikleri sonucu oluşturdukları ulusaşırı yandaşlık ağbağları (UYA) ile küresel siyasette daha etkin olmaya başlamıştır. Yakın zamana kadar, bu ağbağlar sadece “düşük düzeyli siyaset”da faaldi. Uluslararası Mayın Karşıtı Kampanya'nın (UMKK) çabalarıyla 1997'de imzalanan Mayın Yasağı Anlaşması ile UYA'ların ülkelerin güvenlik ve dış siyasetlerine de etki edebildiği görüşmüştür; ancak, güvenlik alanında hangi koşullar altında bu ağbağların siyaset değişimine neden olduğuna yönelik çalışmalar azdır. Bu nedenle, bu tez UMKK'nın ülkelerin Mayın Yasağı Anlaşması'nı imzalamasına yönelik çabalarının hangi koşullar altında yetersiz kaldığını anlamayı amaçlamaktadır. İç siyaset yaklaşımından iki açıklayıcı değişken, kriz seviyesi ve mayın karşıtı normun iç siyasetteki önemi, Amerika Birleşik Devletleri, Türkiye ve Küba arasında yapılan karşılaştırmalı niteliksel vaka analizi ile test edilmektedir. Çalışmanın sonucunda, kriz seviyesi değişkeninin Uluslararası Mayın Karşıtı Kampanya'nın çabalarına doğrudan etki ettiği ancak mayın karşıtı normun herhangi bir doğrudan etkisinin olmadığı gözlenmiştir.

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## **CHAPTER 1**

### **INTRODUCTION**

After the end of the Cold War, international non-governmental organizations (INGOs) had a more active role in international relations. In an international system in which main actors were states, international institutions and international and domestic non-governmental organizations (NGOs) succeeded to create a room for themselves. As the pace of globalization increased in this period, advocates of social, political or economic justice became influential beyond the national borders they were founded. Through cooperation with other INGOs, domestic NGOs created unique networks that enable social change by means of lobbying, agenda setting, and issue framing. These networks have been called transnational advocacy networks (TANs) in the International Relations literature. International norms diffused by these networks have had an increasing affect to shape state behavior. These networks have been successful in pressuring governments to comply with international norms in the past. One important recent example has been in the field of international security. In the late 1990's, non-governmental organizations and several middle states initiated a campaign that denounced the use of anti-personnel landmines (APMs), claiming that their humanitarian cost far outweighs their military benefit. This initiative later concluded with a treaty, namely the 1997 Mine Ban Treaty. This treaty has been seen as a great success for NGO advocacy and the spread of humanitarian norms, as they have been able to influence "high politics," in other words, the security and foreign policy-making of the state. To date, 160 states have become parties to the treaty, while 36 states still have not committed to the treaty.

While the pressure that TANS put on states is an important source of influence, not every state is equally affected by this; therefore, states' socialization to the norm does not happen equally across the board. Some states are more responsive to international pressures whereas others resist their influence. The established literature that focuses on the conditions under which TANS exert their influence mainly focuses on human rights, environmental issues, or economic agendas, which is generally referred to as "low politics." In the security domain, however, little research is carried out on the conditions under which TANS can or do cause policy change.

This thesis aims to understand the reasons why TANS fail in their effort to mobilize states to implement humanitarian disarmament treaties. The findings of this thesis are intended to give us an insight not just about the Mine Ban Treaty (MBT) but also other small arms treaties, such as Convention on Cluster Munitions. Therefore, it is important to distinguish the factors that facilitate or hinder the efforts of the transnational mine-ban advocacy network, namely International Campaign to Ban Landmines (ICBL). The task of identifying the factors that interfere in the relationship between TANS and target states during norm diffusion is possible through a comparative study between the states that are party and states that are not party to the treaty and studying the differences in experiences of each. Many studies in norm research either focus on good norms or cases in which the norms are accepted. These are called positive cases. In this thesis, both positive and negative cases are under investigation. As the positive case, Turkey, and as negative cases, USA and Cuba has been selected. A comparative approach to contrast the differing domestic contexts will reveal much more insight about the nature of the relationship between TANS and target states.

In order to present the argument in a theoretical framework, I look at several International Relations theories. Mainstream IR theories, however, are not sufficient to account for the case of Mine Ban Treaty, and thus to explain why ICBL failed to exert influence on some states. Thus, I employ explanatory variables from domestic politics approach to understand the underlying factors that have blocked or smoothed the way for ICBL about norm diffusion. Two domestic factors, crisis level and domestic impact of the norm, are proposed in this thesis. The measurement of domestic impact of landmine norm

is partly related with political, social and legal internalization of the norm. As the literature suggests, the most important of all three is the social internalization of the norm. One of many reasons why global landmine ban movement succeeded so much lies in its ability to create partnerships with local and other international NGOs. The relationship between local and international actors is also dependent on the domestic structure of the country. For example, if the country has a state-above-society domestic structure where in which the civil society actors are strangled with the central authority, then it will be harder for TANS to ally with domestic NGOs, especially in a field such as disarmament and arms control. As a result, this thesis argues that any improvements in crisis level and domestic impact of norm in a country is crucial. When crisis level is low and impact level is high, then the country is expected to be fully open to the influence of TANS. Theoretically, this in turn increases the likelihood of a country to sign the treaty.

The success of transnational advocacy networks in the formation and signing of the MBT have greatly encouraged other international campaigns with humanitarian concerns. For example, the Control Arms Campaign initiated in 2006 led to further discussions of an international treaty that regulates the trade of conventional weapons. Within the field of international security studies, humanitarian disarmament and arms control is a growing field for academics. Humanitarian disarmament is an important study field to understand disarmament treaties in this day and century for both academics, policy-makers and activists alike. To this end, this thesis investigates the topic under the scope of small arms disarmament.

## CHAPTER 2

### INTERNATIONAL NORMS AND THE MINE BAN TREATY

The Mine Ban Treaty is the primary example for humanitarian small arms disarmament. In order to fully grasp the importance of the treaty and how it differs from other disarmament treaties, a history of the process that gave birth to the Mine Ban Treaty will be given in this chapter. This will also help us understand why the Mine Ban Treaty is an ideal case to study the variation of transnational advocacy networks' influence on states. Apart from this, literature about norms and how they diffuse, provides necessary background before presenting the argument of this thesis.

#### 2.1. International Norm Diffusion

In the literature, a norm is defined as “a standard of appropriate behavior for actors with a given identity.”<sup>1</sup> This thesis, partly relying on constructivist premises, views international community as a social system of states. Therefore, the the thesis assumes that international affairs is also influenced by international norms. In this system, states are open to be affected by other states and other non-state channels. One of these channels is the 'transnational advocacy networks' (TANs) -networks that include international

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<sup>1</sup> Finnemore, Martha, and Kathryn Sikkink. 1998. International Norm Dynamics and Political Change. *International Organization* 52(04): 887-917; Florini, Ann. 1996. The Evolution of International Norms. *International Studies Quarterly* 40(3): 363-389.

organizations, local, national and global NGOs that work to influence and change a state's policy towards a common goal about a political, social or economic issue. As TANS promote international norms and initiate the process of norm diffusion, states are influenced by them. This thesis aims to contribute the literature by examining possible conditions under which TANS are able to exert their influence.

The origin and diffusion of norms have been a source of theoretical discussion in the international relations literature. Where some scholars argue that norms come from the international system, others argue that norms originate from the domestic level. According to Dominguez:

“Diffusion comes into play when international norms are trickled down to the national level which in turn leads to domestic change; this is a top-down process, in which international norms influence the action of actors in the domestic arena. For instance changes in human rights norms on an international level stimulate domestic change. On the other, diffusion may happen as a bottom-up process, whereby national norm advancement precedes or even drives international norm development.”<sup>2</sup>

The Mine Ban Treaty case is an example of the former, where the mine-ban movement has started at the international level and mobilized states to sign and implement the treaty. Finnemore and Sikkink explains in detail how international norms emerge and come to influence domestic politics in what they call as the “norm life cycle” model.<sup>3</sup> In this model, there are three steps. The first step is “norm emergence” which refers to a critical mass of states embracing a new norm. Second step is called “norm cascade” and includes the socialization of non-conforming states into norm followers by persuasion, even if there is no internal pressure on states. And the final step refers to the process of the

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<sup>2</sup> Roberto Dominguez, “Diffusion of EU Norms in Latin America: The Cases of Mexico, Venezuela and Honduras,” Jean Monnet/Robert Schuman Report Series Vol. 10 No. 1, February 2010.

<sup>3</sup> Finnemore, Martha, and Kathryn Sikkink. 1998. International Norm Dynamics and Political Change. *International Organization* 52(04): 887-917; Florini, Ann. 1996. The Evolution of International Norms. *International Studies Quarterly* 40(3): 363-389.

internalization of norms in which the norms are further habituated.<sup>4</sup> As a result of the second step, the norm is legally institutionalized in the country and states become a norm follower. In this thesis, norm diffusion is specifically used for this process in which states are persuaded to be a “norm follower.” The first indication of becoming a norm follower is the adoption of norm's terms by the state. Therefore, for the norm against anti-personnel landmines, states which signed the Mine Ban Treaty can be counted as norm followers. This thesis approaches norm diffusion in the sense of fulfilling this second step of the “norm life cycle.” Further improvements towards the norm implies internalization of the norm. On the other hand, norm internalization (step 3) means more than a policy change as in the step 2. When the state and the society take further steps with intention to comply with the norm's tenets.

## **2.2 Norm Setting in Humanitarian Arms Control**

The concept of humanitarian arms control gained momentum in late 20<sup>th</sup> century with principal agreements due to the changing security environment and exigencies after the end of the Cold War. Poverty, unemployment, illegal migration, emergence of failed states, misuse of small arms by non-state groups during and following the cases of internal conflicts, and terrorism in general sense were the primary challenges in the new era. These new challenges required a different kind of arms control and disarmament. To this end, primarily transnational campaigns and secondarily some like minded middle-sized states began to introduce the indiscriminate lethal effects of unexploded remnants of war on civilians as a part of states' security agenda. The principal agreements in the field were the

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<sup>4</sup> Finnemore, M. and K. Sikkink (2002). “International Norm Dynamics and Political Change.” *Exploration and Contestation in the Study of World Politics*. Eds. P. J. Katzenstein, R. O. Keohane and S. D. Krasner. Cambridge, MA; London: the MIT Press: 243-277

1997 Mine Ban Treaty, the 2001 Programme of Action on Small Arms and Light Weapons (PoA) and the 2008 Convention on Cluster Munition.

Humanitarian arms control is a shift in arms control and disarmament in today's world. Humanitarian arms control differs from conventional arms control in certain respects. First of all, unlike conventional arms control, such as the examples of SALTs illustrate, humanitarian arms control is not initiated by superpowers, nor is designed to be a Machiavellian move on the grand chessboard of realpolitik. Secondly, humanitarian arms control often times advance despite the initial, and in some cases, enduring opposition of major powers. Third, unlike conventional arms control, the initiatives in humanitarian arms control are carried primarily by non-governmental organizations. These groups try to relocate the arms control issues from its national security domain to a human rights base where they can have more legitimacy to interfere in discussions as experts.<sup>5</sup> Fourth, humanitarian arms control seeks to eliminate and/or alleviate not only focuses on the short terms but also aims to reduce the long-term ill effects of weapons.

The involvement of NGOs to the process paved the way to a new understanding of state security. The concept of human security, which attaches importance to the quality of a person's life through promoting necessary means to provide people economically, socially and politically a safer life, began to challenge the long-lived national security understanding. Humanitarian arms control shares the agenda of human security in the security sector. This specific agenda not only requires elimination or limitation of the use of certain weapons, but also ensuring the necessary rehabilitation and assistance the victims should get. Therefore, the fundamentals of humanitarian arms control is not just attacking the source of the small arms problem by call for the ban of its use, but also dealing with the blight it has caused. That's why, the norm development in landmine ban movement, as well as in other fields, was based on the observations and first hand experiences of civilian suffering due to the improper use of the weapon. There is still a need for further norm

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<sup>5</sup> Diana O'Dwyer, "First landmines, now small arms?: The International Campaign to Ban Landmines as a Model for Small-Arms Advocacy," *Irish Studies in International Affairs*, 17 (2006): 77-97. p. 89

development and institutions in humanitarian arms control. The Arms Trade Treaty, a possible prospective agreement to control the illegal trafficking of weapons, could become an important step in this regard.<sup>6</sup> Along with these developments, there is also an increasing need for studies that focus on the issue. This thesis aims to provide an explanation and further understanding in the field within the framework of its research question.

### **2.3 Anti-Personnel Landmines**

Article 2 of the Mine Ban Treaty provides the definition of anti-personnel mines (APMs):

“Anti-personnel mine” means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

The main function of anti-personnel mines was designed to compensate the weaknesses of anti-tank mines (ATM) that intended to destroy battle tanks and enemy army vehicles. On their own, the anti-tank mines are visible from a distance by foot soldiers and can be easily picked up by enemy forces to be used again in their own minefields. To secure the location of ATMs, researchers developed a special mine to prevent people from go near the ATMs and steal the mine. These new series of landmines, called APMs, were intended to maim the foot soldiers instead of killing them. The logic behind was that the wounded soldiers both delayed the advance of the enemy by imposing a burden on support service, and the incidents also impaired the morale of rest of the soldiers. Their 'popularity'

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<sup>6</sup> Simone Wisotzki, “Between Morality and Military Interests,” PRIF Reports No. 92, 2009.

increased during the Second World War where early mines, that exploded with weight of the person who treads on them, were used. Conventional APMs also injure bystanders with scatterings of shrapnel. During the Cold War, landmines have become an integral part in the arsenals of states, and they have undergone a number of technological improvements over time. To prevent detection, new versions included either very few metals or no metal parts. If the mine is metal-free, then it is called “plastic mine.” Such mines make it very hard for demining units to clear the mined areas and open them for agricultural use in the aftermath of the war. Today, they are used to block the movement of opposition forces and to protect military units. Roughly 75% of all remaining landmines on the ground are APMs.

APMs' low cost and effectiveness made them an important tool in the eyes of the military strategists. According to the Red Cross, however, military experts studied 26 wars over the past 55 years about the military use and effectiveness of anti-personnel mines in 1996. This study concluded that the use of mines does not give a strategical advantage to military forces during military engagement.<sup>7</sup> On the contrary, mines do more damage to civilian lives than they block movements of enemy forces. Due to their indiscriminate and victim-triggered operation, and their durability, mines cause excessive side effects on civilians.

## **2.4 Ottawa Process and The Mine Ban Treaty**

Today, the Mine Ban Treaty is the primary humanitarian arms control treaty with 160 states party to it. It comprehensively bans the use, production, transfer and stockpiling of APMs and requires the destruction of the stockpiled munition within four years and removal of the APMs from the ground within ten years. Over and above, it urges states to initiate victim assistance programs that include mine awareness among local people. Its

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<sup>7</sup> ICRC News Release 96/10, “Anti-personnel mines: not an indispensable weapon of high military value,” March 28, 1996.

aims officially was upheld by United Nations policy with General Assembly Resolution 53/77. In December 1996, the UN General Assembly Resolution 51/45S urged states to “pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible.” There were 157 states in favor, 16 abstained and no state was against.

Unfortunately, the Convention on Conventional Weapons (CCW) agreement was not as comprehensive as the Mine Ban Treaty and many states were able to get away with the excessive use of APMs under the treaty. The compliance verification regime of CCW was not well-prepared. Therefore, Canada announced that it will host a meeting later in the year to gather all pro-ban states against APMs and to develop a common strategy towards the problem. This meeting, generally referred to as “the 1996 or the first Ottawa Conference” was held on 3-5 October 1996. It initiated what has been known as the “Ottawa process,” which was a fast-track negotiation about banning landmines as soon as possible. At the end of the meetings, Canada's Foreign Minister Lloyd Axworthy called states for another meeting before the end of 1997 with the aim of concluding the efforts with a ban agreement on landmines. This attempt was further supported by International Campaign to Ban Landmines (ICBL)<sup>8</sup>, International Committee of the Red Cross (ICRC) and UN Secretary-General. In December 1997, the Treaty Signing Forum held in Ottawa with representatives of 121 states attending with the intention of signing the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, or otherwise known as the Mine Ban Treaty. The treaty text was prepared very similar to the 1992 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

During the preparation phase the most important was the compliance verification mechanisms of the treaty. To create an effective regime, the ICRC argued that there should

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<sup>8</sup> Main advocacy group with respect to the Mine Ban Treaty (MBT). Campaigners work at local, national, regional and global levels to promote their governments to support and fulfill the requirements of the MBT.

be an independent and impartial monitoring and reporting mechanism on States Parties' compliance with the MBT. To further develop verification strategies, the International Expert Meeting on Possible Verification Measures to ban Anti-Personnel Landmines (the Bonn Expert Meeting) was held on 24 and 25 April 1997. As part of this verification system, in 1998, the ICBL started Landmine Monitor project, a systematic annual report that monitors and document the use, stockpiling, destruction, production and transfer of APMs throughout the world.

The *Landmine Monitor* is unique in its own way due to its civil society based reporting network as it is not a formal verification mechanism. It is an initiative to hold governments accountable to the liabilities specified under the MBT. A coalition of over 1,400 local, national or international NGOs in over 90 countries collect and analyze information for the preparation of Landmine Monitor every year. The bulk of the report is comprised of in-country researches done by in-country researchers, in other words, local initiatives. The contributors include academics, research institutions, experts, campaigners, and journalists. The *Monitor* defines its mission as follows:

“The Landmine Monitor complements the existing state-based reporting and compliance mechanisms established by the treaty. It represents the first time that NGOs have come together in a coordinated, systematic, and sustained way to monitor a humanitarian law or disarmament treaty, and to regularly document progress and problems, thereby successfully putting into practice the concept of civil society-based verification.”<sup>9</sup>

The *Landmine Monitor* is also intended to complement the States Parties' transparency reports submitted because of Article 7 of the MBT.<sup>10</sup>

In conclusion, its pioneering in NGO advocacy in disarmament area and its effective pressure on states make the Mine Ban Treaty an ideal case to study how transnational

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<sup>9</sup> *Landmine Monitor Report: Toward a Mine-Free World*. Genève: International Campaign to Ban Landmines, 2007. p. v

<sup>10</sup> *Landmine Monitor Report: Toward a Mine-Free World*. Genève: International Campaign to Ban Landmines, 2009.

advocacy networks (TANs) influence states. Therefore, this thesis takes the case of the MBT in order to understand why efforts of TANs fail influencing some countries.

## CHAPTER 3

### LITERATURE REVIEW

#### 3.1. Introduction

As is in all disciplines, concepts and theories that either describe or explain political phenomena are fundamental to the field of International Relations and the discussions within it. The necessity for theory and theorizing is essential for the study of global politics and the scientific study of it. Some may question the relevance of theory and the multiplicity of theories in the field. As Meyers, ironically puts it:

[why don't we have] *one* elegant, empirically rich, epistemologically parsimonious, and above all, understandable theory which provides an explanation of facts, predicts future outcomes from known boundary conditions with a good degree of certainty, and also allows you to define and choose an option for action, and to justify that choice vis-à-vis all those I-told-you-so-before pundits and the it-will-never-work-that-way critics of this world?<sup>11</sup>

A theory is like “a net that we throw out in the world” to catch and then to rationalize, explain, and dominate it.<sup>12</sup> Because the world consists of many different social, political and economic realities, Meyer concludes that there must be many different nets with 'sometimes coarser, sometimes finer meshes.'<sup>13</sup> This means that we need *theories* to discover these distinct realities that co-exist with one another. In addition to these theories we also need

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<sup>11</sup> Reinhard Meyers, “The Role of Theory in the Study of International Politics: Sketches for a Fuller Academic Biography” <http://ivv7srv15.uni-muenster.de/reinhardmeyers/docs/The%20role%20of%20theory%20in%20IR.doc>

<sup>12</sup> Popper quoted in Meyers, *Ibid*, p.1

<sup>13</sup> *Ibid*, p.1

concepts, which are used to identify and/or typologize objects or phenomenon in a specific area of study. As Guzzini points out that “Without concepts that cut through the forest of empirical data, we would be unable to see the wood for the trees.”<sup>14</sup>

There is also another aspect of the role of theory that needs reminding: “no data speaks for itself”. In other words, every empirical study in social sciences requires a theoretical framework to interpret the data and analyze it. For that purpose, theory helps researchers in two interrelated ways. First, theories explain events, happenings, and phenomenon. It seeks to present a parsimonious and general picture of patterns of behavior. As Hyde-Price notes, this effort requires a certain amount of abstraction and simplification of the phenomenon in hand, because it does not aim to describe but to explain.<sup>15</sup> Waltz says “theory is a means of dealing with complexity.” To exemplify his point, he suggests the concept of the rational actor in economics, through which<sup>16</sup> the reduction of people to economic maximizers helps economic theory become possible. Because some factors are more important than others, in theories 'the world must be drastically simplified' in order to focus on the regularities and repetitions of behavior.<sup>17</sup> Secondly, theory is constitutive. That is to say, theories also give us meaning about the world we live in and accordingly help orient human action. In theorizing politics we also make sense of politics, which then govern and orient our action toward the objects and subjects in political life.

In order to embed my argument in a theoretical framework, firstly I shall look at the International Relations theory literature. This chapter serves as a literature review that will introduce several International Relations theories with their own concepts and understanding of international affairs. I shall give these theories' perspectives on norms, norm diffusion and how they approach to the Mine Ban Treaty. Their answers are imbued by two characteristics of the concept of theory discussed above. To increase the explanatory power of the theory, some of them may overlook the gist of the Ottawa Process; still, the

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<sup>14</sup> S. Guzzini, “The Significance and Roles of Teaching Theory in International Relations”, *Journal of International relations and Development*, 4.2, 2001, p. 99

<sup>15</sup> Adrian Hyde-Price, “Normative Power Europe: A Realist Critique”, *Journal of European Public Policy*, 13, 2006, p. 219

<sup>16</sup> Kenneth Waltz, “Realist Thought and Neorealist Theory”, *Journal of International Affairs*, 1990, p. 27

<sup>17</sup> *Ibid*, p.27

main argument proposed by this thesis draws on these theoretically informed explanations. As it will be discussed in detail in the next section, landmines —as well as other small arms — had been seen as an important factor that contributed to a state's military capability in the security studies that has been dominated by realist conceptions for decades. It is for this reason, weapons of any sort are the most common instruments of demonstrating a state's power to defend, deter or simply to attack. Realist arguments present very useful insight about acquisition of weapons; however, their constructivist opponents also raise some important points about explaining how human rights advocacy movements that lead to disarmament settlements attract widespread international cooperation. This chapter is organized under three subtitles, each of them addressing a different mainstream IR theory. These are Neorealism, Neoliberal Institutionalism, and Social Constructivism. After presenting the assumptions, and workings of the theory, I present how each theory would approach the Mine Ban Treaty. I then offer how each theory has unmistakable shortcomings in explaining the reason why International Campaign to Ban Landmines (ICBL), or the transnational mine-ban advocacy network, influenced some states and not others.

### **3.2. Neorealism**

Political realism has dominated the discipline and practice of international relations during the Cold War. In realist theory, the most prioritized issue for the state is to sustain its survival. That is to say, a state's most prior interest is survival, and they take steps in order to ensure their survival. As Grieco neatly summarizes, realism encompasses five propositions.<sup>18</sup> First, major actors in world affairs are states. States are both the only and the most important international actors. Small and mid-sized states act according to the rules set by major powers. Rivalry between states is what international politics is. The distribution of power in the system determines the dimensions of this rivalry. Second, states are “sensitive to costs” and act as unitary-rational agents. To account for patterns of state behavior, realism sees states as functionally similar and their interests as set exogenously

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<sup>18</sup> Joseph M. Grieco, “Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism,” *International Organization*. 42.3 (1988): 492.

according to the anarchic nature of the international system. The concept of “interest defined as power” is primary because we cannot know the real motives of states for sure. Thus, the features of decision-makers are irrelevant and it is sufficient to know that they act in some certain way that pure interests lead. Furthermore, states strategically calculate costs and benefits of preferences prior to action, as they are rational agents. Third, international anarchy is the driving force affecting the actions of states. International system is a domain with no sovereign power. Fourth, states mainly act according to power and security in an international anarchic environment, thus generally competition and conflicts get in the way of cooperation even if some common interests exist between states. Because the anarchical nature of the system enforces the conditions in which no international organization is capable of maintaining order, states are left on their own to provide security; hence, the system is a self-help system. Even if they feel confident about other states having good intentions, they cannot have the same confidence about their future intentions. Eventually, this leads to a desire to increase military capabilities, which causes militarized disputes due to the security dilemma.<sup>19</sup> This desire of power maximization is what lays behind all the security policies of countries. However, it is not the only concern of states. States generally seek relative gains, better deals than their competitors. This concern for relative gains restricts cooperation initiatives. Because appearing as aggressive power maximizers may endanger their security, rational calculations of benefits and costs help them to find the convenient time for power maximization. Most of the time, they wait for that opportunity while trying to maximize their security instead of power.<sup>20</sup> Finally, international organizations have a marginal effect on a state’s behavior. This last proposition appears to be directly related to political realism's position towards efforts of humanitarian concerns

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<sup>19</sup> For fundamental texts of realist theory in International Relations See, E. H. Carr, *The Twenty Years Crisis, 1919-1939: An Introduction to the Study of International Relations* (London and New York: Harper Torchbooks, 1964); Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 5th ed. (New York: Knopf, 1973); Kenneth N. Waltz, *Man, the State, and War: A Theoretical Analysis* (New York: Columbia University Press, 1959); Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979); Grieco, Joseph M. "Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism." *International Organization*. 42.3 (1988): 425-507.

<sup>20</sup> Snyder, G. 2002. Mearsheimer's world – offensive realism and the struggle for security. *International Security*, 27(1): 149–73

and collective action on security issues. The agenda of neorealism, as being the widely accepted interpretation of realism today, is preoccupied with hard power and “high politics”. The influence of non-state actors on the behavior of states is marginal.<sup>21</sup> What we can talk about the influence of international institutions can only be the influence of major powers in the cooperation. These institutions are financially and administratively dependent on states, and thus they are not autonomous entities. However, this does not mean states, as realists theorize, do not take moral issues into account. Not every action is taken according to maximize their power or security. Sometimes, they strive to protect or sustain certain human rights norms in international relations. Nevertheless, these issues have to remain behind the red line of national security. Environment or international human rights issues can be on the agenda of states to the point that they do not collide with national interests. As we will see later in this study, statements of many state officials regarding the Mine Ban Treaty echo the same thing: they are in favor of banning the indiscriminate use of anti-personnel mines (APMs) but they also maintain the idea of right to self defense and that the national security issues are closed to any compromise.

Neorealism is also wary of the role of norms in international relations. Carr renounces the role of ideational factors stating that “the supposedly absolute and universal principles are not principles at all, but the unconscious reflections of national policy based on a particular interpretation of national interest at a particular time.”<sup>22</sup> Norms are seen as intervening variables, which only indicates the distribution of power in international realm. Though norms are standards of behavior, which can influence the strategic calculations of costs and benefits and constrain state preferences, this influence is miniscule. As Florini points out, changes in international relations, as well as change of norms, occur only when the distribution of power changes.<sup>23</sup> Neorealist scholars accuse constructivist literature of presenting only weak cases of norm diffusion, and selectively leaving out hard cases of “advanced industrial democracies with a history of national attachment to a competing

<sup>21</sup> Keohane, R. and Nye, J. 1977. *Power and Interdependence: World Politics in Transition*, Boston: Little Brown. p. 23-4

<sup>22</sup> Edward H. Carr, *The Twenty Years' Crisis: 1919-1939. An Introduction to the Study of International Relations*, 2nd ed. (London: Macmillan Press: Papermac, 1946, 1983 printing), p. 87.

<sup>23</sup> Florini, Ann. “The Evolution of International Norms.” *International Studies Quarterly* (1996) 40, p. 365

norm.”<sup>24</sup> These cases where major states preserve their material interests in the face of international norms is the Achilles heel of constructivist norm research. With respect to norm diffusion, the literature is divided into two: rationalist approach and constructivist approach. The rationalist approach, which includes the neorealist *coercion* based explanation and neoliberal *preference/interest* based explanation, argues that states calculate their costs and benefits and adopt international norms accordingly.<sup>25</sup> Be it humanitarian or not, every treaty that a state commits to is carefully chosen according to a state's national interests. If, for example, the USA didn't sign Kyoto Protocol due to its economic interests in neoliberal logic, we won't expect it to sign the Mine Ban Treaty for military interests in realist logic. The US decision to agree to an international agreement depends on whether the interest of the state is for it or against it.

Although I have given due space to the dominant theory of international relations, there is little realist theorizing on the landmine issue. This being said, however, we can derive certain propositions of realist theory based on its assumptions, language, and logic of international political life. One such attempt is made by Rutherford who considers the end of the Cold War as a facilitator of the placement of mine ban issue on the international agenda. Such an argument claims that after the end of the Cold War, small and middle states found room to pursue foreign policies in which they didn't have to follow the requisites of their “big brothers”. Thus, the possibility of focusing on less strategic weapons, like APMs, became visible. Rutherford maintains “Realists could assert that the end of the Cold War has led to irresponsible behavior by non-major states because they no longer feel beholden to major powers and/or have concern for their security. They would argue that these states are acting foolishly and will eventually be punished for weakening their own security by giving up a weapon that retains a military utility on the battlefield.”<sup>26</sup> Concern for relative gains would have been much higher if the system was bipolar and thus

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<sup>24</sup> Cortell, Andrew P. and James W. Davis. “When norms clash: international norms, domestic practices, and Japan's internalisation of the GATT/WTO.” *Review of International Studies*. (2005) 31. p.4

<sup>25</sup> Neoliberal rationalist and constructivist approaches are discussed under relevant sections.

<sup>26</sup> Kenneth R. Rutherford (2000). *The Evolving Arms Control Agenda: Implications of the Role of NGOS in Banning Antipersonnel Landmines*. *World Politics*, 53 , pp 85.

it would have been hard for a humanitarian disarmament treaty such as the Mine Ban Treaty to surface on the international agenda. But if in fact states signed the treaty, then this shows that those who signed it perceived relative gains to be on their favor and those who didn't sign had concerns about relative gains due to the anarchic nature of the international system. Major states such as USA, Russia, China, India or Pakistan didn't sign this treaty because of relative gains problem; none of them wanted to forgo their "legitimate" weapons before other major powers in the world do so.<sup>27</sup> These non-signatory major states are important from another aspect; many of them are the world's largest landmine producers. This is why the commitment not to sell anti-personnel mines (APMs) when you don't produce at all proves little about the treaty's success.

Another issue is the utility of APMs. One reason why states don't sign the treaty is that they see APMs as legitimate and useful means of providing protection to the borders, as well as to the citizens. Price argues that "this argument rightly points out that several states that have championed a comprehensive ban on AP land mines, such as Belgium, Germany, and Canada, were not currently employing these weapons operationally and thus had little to lose by condoning a ban."<sup>28</sup>

All this said, however, neorealist perspective cannot completely account for transnational advocacy groups' influence on states. It falls short on explaining why this issue has gained priority in international agenda in the first place. Rutherford asks, why landmines drew such an attention rather than many other worthwhile issues, such as environmental degradation and child soldiers. All these issues have had low priority for governments; but why did landmines surface among many other possible options?<sup>29</sup>

<sup>27</sup> Some of the official statements of non-signatory major states are as follows: China, "Preventing foreign military interference and aggression so as to maintain national unity and territorial integrity and safeguard the people's well-being"; India, "India does not subscribe to the treaty due to security reasons"; Pakistan, "Pakistan's peculiar security requirements do not permit [it] to accept a ban on the use of landmines"; Russia, "1. Protect nuclear plants 2. Protect borders"; United States, "1. Security situation in Korea 2. Maintenance of mixed landmine systems" *These accounts are taken from* Rutherford, Kenneth R. "The Anti-Personnel Landmine Ban Convention: A non-hegemonic regime." in "Cooperating Without America." Stefan Brem and Kendall Stiles (eds.) New York: Routledge Press, 2009. 123-146.

<sup>28</sup> Richard Price (1998). *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines*. International Organization, 52, p 614.

<sup>29</sup> *Ibid* p. 86.

Neorealist ontology does not allow much to say about non-state actors. Therefore, the explanatory power of neorealism about agenda setting efforts of NGOs, controlling the issue and encouraging states to sign the treaty is low.<sup>30</sup> As discussed before, neorealism assumes international organizations and other non-state actors as a part of the international system in which power distribution determines the preferences of states as actors. Thus, an independent NGO work in security domain, which is exactly what the International Campaign Banning Landmines (ICBL) is about, cannot be a part of neorealist discourse. However, the main reason why states paid attention to landmines was because of agenda setting and issue framing efforts of local and international NGOs, and other non-state actors.

Yet, another shortcoming of neorealist account is about the non-signatory landmine producer states. Though major APM producers such as US and China didn't sign the treaty, many producer countries stopped their manufacture and closed down their factories after the norm went into affect. Furthermore, anti-personnel landmine production is not a profitable business; cost of producing APMs is as little as \$3. In fact, mine clearance service is much more profitable than producing landmines. According to 1999 Landmine Monitor report:

[The] number of states producing landmines has dropped dramatically from 54 to 16. the 38 who have stopped production include a majority of the big producers in the 1970s, 1980s, and early 1990s – those who bear much of the responsibility for the tens of millions of mines now in the ground. Eight of the twelve biggest producers and exporters over the past thirty years have signed the treaty and stopped production: Belgium, Bosnia, Bulgaria, Czech Republic, France, Hungary, Italy and the United Kingdom. Other significant producers that have signed include Germany, Croatia, Chile and Brazil.”<sup>31</sup>

Other than reducing the number of mine producing countries, the use of APMs by major powers also changed after the 1997 Mine Ban Treaty. Powerful states that didn't sign the treaty themselves constrained their behavior and changed landmine policies. China and Russia put unilateral landmine export moratorium, whereas India supported the ban on all landmine transfers. During armed struggle with Kurdish rebel group PKK, Turkey declared moratorium on production and use of APMs although it opposed to sign the treaty. United

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<sup>30</sup> *Ibid* p.108.

<sup>31</sup> *Landmine Monitor Report 1999* (fn, 33), 5.

States also put unilateral landmine export moratorium but also started new and costly research and development projects to find a substitute for APMs. This means that whether they commit to the treaty or not, these states are, at the very least, are trying to comply with this internationalized norm. Many states declared that the humanitarian costs override the military use of APMs, which seems to “introduce a moral calculus into the definition of national interest.”<sup>32</sup> South Africa, a powerful actor in the region, held a pro-ban stance unlike neorealist assumptions. All of these points remain as pinholes undermining the realist account with respect to the role of norms and transnational civil society, in general, and the success of the Mine Ban Treaty in particular. Although high security concerns are very important in terms of their role in blocking transnational mine-ban advocacy network's influence on states, neorealist perspective on its own is not well equipped to account for why some non-signatory states comply with the norm as much as they can, even having high security concerns.

### 3.3. Neoliberal Institutionalism

Liberalism is optimistic about a world with cooperation among international actors. Contrary to realism, it argues that international politics cannot be merely characterized with the use of force and conflicts.<sup>33</sup> They argue that realism is wrong to discount the

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<sup>32</sup> Richard Price (1998). “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.” *International Organization*, 52 , pp 614.

<sup>33</sup> Major works of liberal scholars on how states can achieve strong cooperation See, Robert Jervis, “Realism, Neoliberalism and Cooperation: Understanding the Debate”, *International Security*, vol.24, no.1, 1999, pp.42-63.; Barbara Koremenos, Charles Lipson, Duncan Snidal “The Rational Design of International Institutions” *International Organization* 55:4, Autumn 2001, pp: 761-799; Robert O. Keohane, "Institutional Theory and the Realist Challenge after the Cold War," in *Neorealism and Neoliberalism: The Contemporary Debate*, David A. Baldwin, ed. (New York: Columbia University Press, 1993); Robert Keohane and Lisa Martin, “The Promise of Institutional Theory,” *International Security*, 20:1 (1995); Richard K. Ashley, “The Poverty of Neorealism,” *International Organization*, 38:2 (1984); Robert Axelrod and Robert O. Keohane, “Achieving Cooperation Under Anarchy: Strategies and Institutions,” in. *Cooperation Under Anarchy*, Kenneth A. Oye, ed. (Princeton: Princeton University Press, 1986); David O. Baldwin, ed., *Neorealism and Neoliberalism: The Contemporary Debate* (New

possibilities for international cooperation and the capacities of international institutions.<sup>34</sup> Especially neoliberal institutionalism gives more attention to non-state actors such as international regimes, NGOs, international organizations, multinational corporations and domestic actors alongside nation-states whose role in international affairs is central and decisive. Countries identified with liberal political systems, coupled with liberalist-oriented ruling class, can actually manage to cooperate and work in accordance with non-state actors under the influence of these organizations that constrain their behavior. Thus, international system does not always work according to the dictates of logic of self-help in international anarchy. Instead, political, economic, and social choices people in the member states make, that is to say choices not necessarily driven by the international system itself, can structure international politics. In liberal theorizing, competing interests and perspectives are perpetuated by influences from elites, pressure groups and other various parts of the society, and these factors that constitute the domestic politics have a major role in determining the foreign policy of a state. In sum, “foreign policy is domestic preferences projected outwards.”<sup>35</sup>

According to neorealism and neoliberalism, norms are understood as “standards of behavior that can alter the calculations of costs and benefits and constrain the options available to policy makers, but again norms are exogenized.”<sup>36</sup> The neoliberal view, however, is more optimistic about the role of norms in international relations as well as norms’ contribution to possible international cooperation. The neoliberalist argument about international institutions, also known as rational functional approach, views international agreements as instruments of solving mutual problems between parties. The emphasis here is on needs and interests of states, and the incentives that enable states to come to an agreement when they cannot solve the problems through other means. However, according

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York: Columbia University Press, 1993); Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984); Axelrod and Robert O. Keohane, "Achieving Cooperation Under Anarchy: Strategies and Institutions," *World Politics* 38 (October 1985), pp. 226-54;

<sup>34</sup> Joseph M. Grieco, “Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism,” *International Organization*. 42.3 (1988): 492.

<sup>35</sup> Collins, Alan. *Contemporary Security Studies*. Oxford University Press, 2010. p.36

<sup>36</sup> Florini, Ann. “The Evolution of International Norms.” *International Studies Quarterly* (1996) 40, 363-389. p. 365.

to Simmons, no state wants to unilaterally take measures about an issue (in our case, this corresponds to norm-driven agreements) and become the disadvantageous side.<sup>37</sup> International agreements help a common action to be realized and decrease uncertainty about future behavior of states. The diffusion and adoption of norms is actually realized due to cost benefit calculation by rational agents in an anarchical system. Nevertheless, the role of non-state actors and the norms they uphold are still secondary when compared to states and their interests according to neoliberal institutionalism. Above all, this logic is restricted in certain domains such as environmental issues or human rights; unfortunately, there is not much neoliberal institutionalist analysis on how non-state actors act on the security domain.

While neoliberal institutionalism gives considerable attention to international regimes, it does not provide a theoretical explanation especially for the effectiveness of security regimes. International regimes are seen as effective only in issues of low politics such as society, environment or economics.<sup>38</sup> Hathaway argues that states do not commit to treaties prior to taking positive and negative effects into account.<sup>39</sup> For a neoliberalist, this can be the underlying reason why Turkey signed the Mine Ban Treaty. One may argue for the Europeanization of Turkish Foreign Policy in which Turkey's desire to join the EU and implement its *acquis*, also spilled over to other areas of its foreign policy.<sup>40</sup> Onis states "Potential European Union (EU) membership creates both conditions and incentives, constituting a powerful engine of democratization and economic transformation in candidate countries in the process."<sup>41</sup> Correspondingly, negotiations, which started in 1999 between Turkey and European Union about a prospective membership, may be that

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<sup>37</sup> Simmons, Beth A. "Compliance with International Agreements." *Annual Review of Political Science* (1998) 1.1, 75-93.

<sup>38</sup> Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984), 49-109; Stephen D. Krasner, "Sovereign Regimes, and Human Rights," in Volker Rittberger, ed. *Regime Theory and International Relations* (Oxford: Clarendon Press, 1993)

<sup>39</sup> Hathaway, Oona A. "Why Do Countries Commit to Human Rights Treaties?" *Journal of Conflict Resolution*. (2007) 51. p. 590.

<sup>40</sup> Onis, Ziya. "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the post-Helsinki Era." *Turkish Studies* Vol. 4, Iss. 1, 2003. 9-34.

<sup>41</sup> *Ibid.*

underlying cause that brought about the conditions for Turkey to sign the Mine Ban Treaty. This was also possible partially due to the international political environment after Cold War. O'Dwyer argues that it became harder for major powers such as China or United States to coerce other states to support them especially after the end of the Cold War.<sup>42</sup> In the absence of major power pressure, states found room to decide on implementing treaties more freely based on their own cost-benefit calculations.

There are, however, shortcomings of the neoliberal institutionalist approach which does not explain the reason how transnational advocacy networks brought about change in the security domain. Also, Price argues that “The shortcoming of this approach is that it treats interests as exogenous and privileges the state as the key site of agency, whereas in the case at hand [the Mine Ban Treaty] the key impetus for normative change lies in processes engendered by transnational and non-state sources of agency that generate interests.”<sup>43</sup>

### 3.4. Social Constructivism

The primary things that social constructivism in IR is dealing with is the constitutive role of norms and shared understandings among states, as well as the relationship between agency and structure.<sup>44</sup> Along material relations, interaction, historicity and identities play

<sup>42</sup> O'Dwyer, Diana. (2006) “First landmines, now small arms?: The International campaign to ban landmines as a model for small-arms advocacy.” *Irish Studies in International Affairs*. 17. p. 77-97

<sup>43</sup> Richard Price (1998). *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines*. *International Organization*, 52 , pp 614.

<sup>44</sup> For major works of constructivist scholars See, Alexander Wendt, “Anarchy is what states make of it: Social Construction of Power Politics”, *International Organization*, vol.46, no.2, 1992, pp.391-425; Ted Hopf, “The Promise of Constructivism in International Relations Theory” *International Security* 1998, 23:1, pp: 171-200; Alexander Wendt, “Driving with the Rearview Mirror: On the Rational Science of Institutional Design” *International Organization* 55, 4, Autumn 2001, pp: 1019-1049.; John Meyer, “The Changing Cultural Content of the Nation-State: A World Society Perspective,” in *New Approaches to the State in the Social Sciences*, George Steinmetz, ed. (Ithaca: Cornell University Press, 1997); Jef Huymans, *The Politics of Insecurity, Fear, Migration and Asylum in the EU*, London, Routledge, 2006; Jef Huymans,

major roles in foreign policy-making and state preferences. A constructivist perspective does not necessarily ask a why-question, such as “Why did states sign a certain treaty?”; instead, constructivism asks, “How is it possible for some states to cooperate on such a normative issue in the face of their security concerns.” For constructivists, in addition to power, identities and norms influence how security interests are defined. States conform to norms not for utility maximization as assumed by rational choice approaches, but because they understand it to be appropriate and good within the ‘logic of appropriateness’. The actors’ interests are redefined with intensive interaction and shaped according to the ‘logic of appropriateness’. According to a constructivist perspective security and threats are not objective and fixed but they are socially constructed. States may change their threat perceptions by evolutions in their environment and modified practices. According to Onuf, international politics, far from an objective reality, is a world of our making.<sup>45</sup> Thus, we have to denaturalize what has been given to us and investigate it thoroughly to see how some certain conditions allowed it to be as such. Fierke argues that

“It is not that actors are totally free to choose their circumstances, but rather they make choices in the process of interacting with others, and, as a result, bring historically, culturally, and politically distinct 'realities' into being. In this respect, international relations is a social construction rather than existing independently of human meaning and action.”<sup>46</sup>

According to constructivist scholarship, ideas are central to understand this social construction. Tannenwald identifies ideas as ideologies, normative beliefs, causal beliefs and policy prescriptions.<sup>47</sup> According to her, normative beliefs set the criteria to distinguish

“Defining Social Constructivism in Security Studies: The Normative Dilemma of Writing Security”, *Alternatives*, Special Issue, Vol. 27, 2002, p. 41-62; Audie Klotz, “Norms Reconstructing Interests: Global Racial Equality and US Sanctions Against South Africa”, *International Organization*, Vol. 49, No. 3, 1995, p. 451-78; Newman, Edward. “Human Security and Constructivism,” *International Studies Perspectives* 2 (2001): 239-251.

<sup>45</sup> Onuf, Nicholas G. *World of Our Making: Rules and Rule in Social Theory and International Relations*. Columbia, S.C: University of South Carolina Press, 1989.

<sup>46</sup> Fierke, K. M. “Constructivism”. In Dunne, Timothy, Milja Kurki, and Steve Smith. *International Relations Theories: Discipline and Diversity*. Oxford: Oxford University Press, 2010. p. 180

<sup>47</sup> Tannenwald, Nina. “Ideas and Explanation: Advancing the Research Agenda,” in Nina Tannenwald and William C. Wohlforth, eds., “The Role of Ideas and the End of the Cold

what is a right and wrong, or just and unjust action. One example is the role of human rights norms at the end of the Cold War.<sup>48</sup>

Wendt's constructivist theorizing was mostly on the system level and was interested in relations between states. In the constructivist genre Finnemore's *National Interests in International Society* was a milestone for constructivist scholarship on foreign policy analysis. In this book she revealed the processes in which identities and interests of states change. The role of norms in this process is essential. Norms in the international society determines identities and interests, and ultimately the state behavior. How these norms affect state behavior changes from one case to another. But for constructivists, norms are central to international relations. Norms can be sufficient on their own in some situations to explain a certain action. On the other hand, both norms and rationality can alter behavior, too. This does not mean that the action is overdetermined. As Nyhamar notes, states may want to fit the social norms, yet also act based on their self-interest; thus, "norms work together with rationality in determining action."<sup>49</sup> Even in this case, power maximization alone is inadequate to explain state behavior. This is not because power maximization does not matter. Rather, it still depends on ideas.<sup>50</sup> As Florini points out, norms changed over time in a way that did not reflect the distribution of power in the world.<sup>51</sup> International organizations by which the norms are transmitted to states help creating a sense of obligation about complying the norms, which in some cases supersedes the cost-benefit calculation.

For the Mine Ban Treaty case, a constructivist perspective can account for an explanation such as states adopt international norms and values that were created by human

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War," Special Issue of *The Journal of Cold War Studies*, Vol. 7, No. 2 (Spring 2005), pp. 13-42.

<sup>48</sup> *Ibid*, p.15

<sup>49</sup> Nyhamar, Tore. "How Do Norms Work? A Theoretical and Empirical Analysis of African International Relations" *The International Journal of Peace Studies*. 5.2 (2000).

<sup>50</sup> Fearon, James, and Alexander Wendt. "Rationalism vs. Constructivism: A Skeptical View", in "Handbook of International Relations" edited by Walter Carlsnaes, Thomas Risse and Beth A. Simmons. Sage Publications, 2002, Chapter 3.

<sup>51</sup> Florini, Ann. "The Evolution of International Norms." *International Studies Quarterly* (1996) 40, 363-389. p. 366

meaning and action to their foreign policies and shape their identities accordingly. Constructivist arguments have the upper hand in landmine issue since they can account for generally why security regimes take place and specifically why the Mine Ban Treaty attracted so much attention from international society. Rutherford argues “norms are socially constructed and therefore allow for an NGO role in educating and pressuring other international actors and in establishing the landmine-ban issue on international political agenda.”<sup>52</sup> Because security and threats are not objective and fixed but rather socially constructed, constructivists emphasize the socialization between subjects and how initiated norms are placed on the international agenda by issue framing power of non-state actors, especially international NGOs. According to Keck and Sikkink, NGOs are able to diffuse norms. Thus, we can say NGOs delegitimated the use of anti-personnel mines in the Mine Ban Treaty case. Rutherford refutes the realist arguments claiming that

“a realist explanation for the placement of the landmine issue on the international agenda could be the end of Cold War. Its end has enabled state policymakers to focus on less strategic weapons, such as landmines, and allowed many states to pursue unilateral military policies, sometimes in opposition to the major powers. (...) While it is true that the end of the Cold War allows governments to focus on less strategic issues, and humanitarian NGOs to operate in previously closed areas, that fact does not provide a complete explanation for the rise of landmines on the international political agenda.”<sup>53</sup>

These NGOs that support human rights are relatively a new concept that started firstly to appear after the Second World War. As a matter of fact, it was only after the Cold War for all states to accept the idea of human rights with the universalization of the human rights norm. Though the number of NGOs grew impressively after the Second World War, the rise of NGOs actually took place in the beginning of 1980s. According to Keck and Sikkink, number of NGOs in the world doubled especially between 1983 and 1993.<sup>54</sup> Methods of NGOs of attracting state attention also shows that non-state actors do have the ability to dramatically affect the foreign policy preferences of states. Adachi argues that it was all

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<sup>52</sup> Kenneth R. Rutherford (2000). *The Evolving Arms Control Agenda: Implications of the Role of NGOS in Banning Antipersonnel Landmines*. World Politics, 53.

<sup>53</sup> *Ibid*, p. 86

<sup>54</sup> Keck, Margaret E. and Sikkink, Kathryn (1998), *Activists Beyond Borders: Advocacy Networks in International Politics*, Cornell U. Press, Ithaca, NY. p.90

NGO effort that made the Japanese government to sign the Mine Ban Treaty. He maintains that “Via action by these NGOs and the mass media, as well as growing support from the international community, the voices calling for the abolition of anti-personnel mines spread through the political process. (...) It can be safely said that the Japanese government was forced to abandon its landmine policy under pressure from NGOs and prevailing public opinion.”<sup>55</sup>

Nevertheless, there are still some states that have not acceded to the treaty, and these constructivist arguments bring to mind whether USA, Israel or South Korea lack pressures either from the transnational landmine-ban advocacy network or international society. On the other hand, constructivist arguments focus on the fact about the absence of major power support to the treaty whereas many medium and small states signed it. This is true; however, the number of non-signatory small/medium states is more than major powers. Therefore, there should be a common reason for all types of non-signatory states share whether they are small or major powers. It is clear that norms matter in the landmine case. Conversely, there appear some points in time in which pressure of ICBL is insufficient in making states adopt international norms about landmines. Constructivism lacks sufficient theoretical explanation to account for why many states abstain in the face of so much international pressure.

### 3.5. Conclusion

Liberal accounts give the most weight to interest-driven motives, whereas neorealist view sees states as major players and suggest coercion/enforcement explanation done by other states for the initiation of norm diffusion process. According to Evangelista, however, study about transnational actors requires a rejection of two assumptions outright: state as being the unitary actor and essential role of international system to shape states' behavior.<sup>56</sup>

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<sup>55</sup> Adachi, Kenki. “Why Japan Signed the Mine Ban Treaty: The Political Dynamics behind the Decision” *Asian Survey*. 45.3 (2005), pp. 397-413

<sup>56</sup> Matthew Evangelista, “The Paradox of State Strength: Transnational Relations, Domestic Structure, and Security Policy in Russia and the Soviet Union”, *International Organization*. 49.1. (1995). pp. 1-38.

Last but not least, social constructivists add the role of transnational advocacy networks (TANs), especially those working in the human rights and environmental issue-areas, to the already heated debate.<sup>57</sup> The latter approach falls short of explaining where the Mine Ban Treaty fails, too; because some states have gone much farther in adopting the norm whilst others drop behind, yet there are only few explanations to explain this unequal socialization among states.<sup>58</sup> Structural accounts do not seem to yield satisfactory answers towards the issue in hand; as a result, this thesis focuses on domestic politics to explain variation in response to the ICBL's pressure.<sup>59</sup> This kind of approach requires a bridge between rationalist and constructivist accounts. In their seminal work for norm research, Finnemore and Sikkink argues that debates about norms do not have to be divided into tidy camps and researchers may marry two different approaches if necessary as many researchers in the field do so.<sup>60</sup> Thereby, a bridge between ideational factors and rational choice is involved in the domestic politics approach. In the next chapter, I develop this approach in detail with regard to the Mine Ban Treaty (MBT) case.

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<sup>57</sup> According to Keck and Sikkink Transnational Advocacy Networks (TANs) emerge when domestic groups cannot resolve problems by appealing to state authorities; when political entrepreneurs believe that networking will aid their cause; and when international contacts (e.g. Conferences) create opportunities.; Thomas Risse and Kathryn Sikkink. "The socializations of international human rights norms into domestic practices: introduction" in *The Power of Human Rights*. Edited by Thomas risse, Stephen C. Ropp, and Kathryn Sikkink. Cambridge University Press, 1999. p. 4.

<sup>58</sup> Thomas Risse-Kappen's article studies a similar research question but with other explanatory variables is an important example of such attempts. He asks that, "How is it to be explained, for example, that the spread of democratic values and human rights toward the end of this century, promoted by various INGOs and transnational alliances, has affected some countries more than others – the former Soviet Union as compared to China, former Czechoslovakia as compared to Romania, and South Korea as compared to North Korea?" Risse-Kappen, Thomas. *Bringing Transnational Relations Back in: Non-state Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge university press, 1995. p. 4

<sup>59</sup> Andrew P. Cortell and James W. Davis. "When norms clash: International Norms, Domestic Practices, and Japan's Internalization of the GATT/WTO". *Review of International Studies*. 31 (2005): 3-25

<sup>60</sup> Finnemore and Sikkink. "International Norm Dynamics and Political Change." *International Organization*. 52 (1998): 887-917.

## CHAPTER 4

### A DOMESTIC POLITICS APPROACH TO THE MINE BAN TREATY

This thesis employs the methodology of case study and process-tracing, seeking to establish causal links between domestic factors and government responses to the Mine Ban Treaty by examining military crises and domestic impact of mine-ban norm within countries. These two explanatory variables proposed to explain how and when transnational advocacy networks (TANs) cannot penetrate into domestic politics to shape the decisions of countries.<sup>61</sup> Therefore the research question of this thesis is, “Why transnational advocacy networks sometimes fail to influence state behavior towards humanitarian small arms control and disarmament treaties?” There can be many reasons that may have helped TANs to influence governments. However, this thesis proposes that those reasons will not be effective unless crisis level and domestic impact level of the mine-ban norm that block and undermine international influence are eliminated.

Low cost and ease of use of anti-personnel mines (APMs) make them an important option to maintain during wartime, especially for poor countries. Basic function of APMs is that they serve a defensive purpose. Though there are studies, such as Red Cross's 1996 research, that are skeptical about how much strategic advantage mines give their users, states still consider them for their military utility both during intrastate and interstate armed conflicts for self-defense. APMs are effective means of controlling large territorial boundaries from crossing. Some scholars argue, “whilst armies still depend on conventional

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<sup>61</sup> Risse Kappen's book has a similar research question in here but it does so with other explanatory variables. He asks “Under what domestic and international circumstances do transnational coalitions and actors who attempt to change policy outcomes in a specific issue-area succeed or fail to achieve their goals?” In this thesis, however, only the domestic circumstances are under study.; Risse-Kappen, Thomas. *Bringing Transnational Relations Back in: Non-state Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge university press, 1995.

weapons and movement – moving tanks and large infantry groups – and borders are weak, the defensive tactic of landmines is highly appropriate: it is cheap, affordable, and maintains borders. Their existence can slow or stop an advance by breaking up an attack and forcing attackers to go certain routes, delaying or even halting conflict; they can deter invasion in the first place. By guarding wide areas from swift armed advance on civilians, they can prevent genocide.”<sup>62</sup>

Another debated use of APMs is that they are also effective to protect peacekeeping forces. Military facilities of international peacekeepers in places of civil war protect themselves from belligerent armed groups with laying mines around strategic units. Furthermore, APMs are convenient both for rebels and government forces due to their inexpensiveness and simple manufacture. Following from these reasons, this thesis suggests that if there is military threat that endangers the survival of the state or its troops abroad, then it is more likely that the mine-ban norm will run the risk of being ignored. Hawkins also adopts the crisis situations as an independent variable to explain state behavior against basic human rights. He states that “crises can easily end reformist experiments and produce increases in human rights abuses.”<sup>63</sup> An analogy of a person who writes very quickly may illustrate this situation. If we have to write very quickly, or in other words in panic, then our handwriting won't be as good as it was written in any other time. Same thing goes with the states; when states have to act rapidly in times of crisis, they “write very badly”, so to speak. Crisis situations embodied in militarized conflict override demands to approach landmine issue humanistically; thus, impede the translation of international humanitarian norms (in this case the norm against APMs) to domestic policy. Therefore, the first hypothesis of this thesis about the case of the Mine Ban Treaty is that countries with high crisis situation are less likely to be influenced by the transnational mine-ban advocacy network (ICBL) about implementing the Mine Ban Treaty.

On the other hand, some states have laws that regulate the use of small arms and weapons. Such countries can be seen as places in which the norm's tenets are embedded in

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<sup>62</sup> Marin, Albert and Litzelman, Michael, ‘Peacemakers Along the DMZ: Non-Self Destruct Landmines in the Republic of Korea’, *Journal of Mine Action*, Issue 6.1, April 2002.

<sup>63</sup> Hawkins, Darren. "The Domestic Impact of International Human Rights Norms." Web. 9 Jan. 2012. <<http://isanet.ccit.arizona.edu/archive/hawkins.html>>.

the legal texts; thus, they are expected to be more open to adopt other similar norms. In the same way, if countries have organized societal groupings that work for the state's compliance with the norm, then this domestic pressure are more likely to bear fruit when it is coupled with international pressure of TANS. Their joint efforts to create a room in the domestic discourse in favor of the norm are more effective than a mere strong international pressure or sanctions. These civil society groups are essential for norm compliance, or in other words norm internalization, especially about the issues discussed in security domain. These groups, even though they are small, sometimes have more flexibility than their international allies to get their hands on information. This is why the largest part of Landmine Monitor relies on the information coming from in-country researchers, which are local initiatives. Local civil agents reach the needed information easier due to the fact that more resources are open to them; on the other hand, international pressure groups generally rely on the information that the government provides.<sup>64</sup> Unwelcome practices (e.g. use of inhumane weapons or inconsistency of numbers in reports) in security domain particularly needs to be monitored by local civil society agents due to the covert nature of the security decision-making process. Violated norms can be best discovered by the efforts of both local and international advocacy groups. Furthermore, it is not just catching on violation of the norm. As in the case of Turkey, however, sometimes government officials are unwilling to reveal information about current status of weapons. At that point, the civil society plays an essential role to remind the government about their obligations, sometimes through voicing their demands with the help of a member of parliament, other times directly getting in touch with the relevant ministry. TANS are better off with a local civil 'ally', even moderate sized, to influence government policies. Hence, in this thesis, domestic NGOs are taken into account as *local allies* with respect to their role in the advocacy network and their relationship with the international campaign. Furthermore, in countries where civil liberties, such as freedom of opinion or freedom of assembly, are tolerated, the political environment assumed to be more open for social groupings to pressure their governments to sign the Mine Ban Treaty. All of these factors constitute the domestic salience of the norm against

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<sup>64</sup> This logic is represented by the transparency reports required from states under the Article 7 of the MBT. ICBL established Landmine Monitor project to complement the information taken solely from governments with the information that the civil society provides.

APMs. As a result, domestic salience can enable states to have positive attitude towards the Mine Ban Treaty and therefore, they may be more open to sign it.

Thomas Risse-Kappen argues that the domestic structure of the state understood in terms of state-societal relations is another factor that enables TANS to influence state behavior. Whether a country has a liberal or a state-above-society domestic structure shapes the strategies of TANS to promote norms. This ultimately affects how norms are empowered in the domestic scene and helps us to understand how norms gain salience in countries where civil society is not strong as in liberal polities. Both domestic salience and domestic structure concepts inform us about the impact of the norm under study in a country. For this reason, an analysis of these concepts through case studies will reveal if and how domestic impact of mine-ban norm has a role in state decisions to sign the Mine Ban Treaty. Therefore, the second hypothesis of this thesis is that countries with high domestic impact of the norm against APMs specifically and disarmament norms in general are more likely to be influenced by the transnational mine-ban advocacy network (ICBL) about implementing the Mine Ban Treaty.

A positive change in the outcome is expected when low level of crisis and high domestic impact are existent. Low level of crisis and high domestic impact are assumed to be both necessary conditions to sign the Mine Ban Treaty.

#### **4.1. Dependent Variable**

The dependent variable of the study is a dichotomous one, that is to say whether or not the state under study signed and also ratified it. According to Article 16, the Mine Ban Treaty is subject to ratification, acceptance or approval of the signatories. Ratification, however, shows a full commitment and determination to take responsibility of the treaty's requirements. Thus, wherever signing is mentioned throughout the thesis, it is also meant to be a ratification by the country.

## 4.2. Independent Variables

### 4.2.1 Domestic Impact Variable

The domestic impact of disarmament norms is expected to have some variation across countries. This variation in domestic impact occurs due to a combination of two factors: “the domestic salience of the international rule or norm; and the domestic structure that prevails during a given policy debate.”<sup>65</sup> Therefore, in order to understand the domestic impact of the norm against APMs, a careful investigation of the domestic structure affecting the policy debate and the domestic salience of the norm should be done.<sup>66</sup> The domestic impact of the norm is high when domestic salience is high and domestic structure is open enough to allow for societal pressure on policy making. It is moderate when domestic salience is also moderate and domestic structure allows societal pressure on policy making. Lastly, low impact of the mine-ban norm indicates low domestic salience and a domestic structure in which relations between state and society are distant to the extent that the latter's influence policy making.

#### 4.2.1.1 Domestic salience

Domestic salience is the measurement of the norm's strength or legitimacy.<sup>67</sup> As argued in the literature, domestic salience is a function of three factors. These are legal internalization, social internalization and political internalization of norms. Legal

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<sup>65</sup> Andrew P. Cortell and James. W. Davis. “ How do International Institutions Matter?: The Domestic Impact of International Rules and Norms.” *International Studies Quarterly*. 40.4 (1996): 454

<sup>66</sup> *Ibid*, p. 457

<sup>67</sup> About the importance of domestic salience to a state's compliance with international norms See, Legor “Which Norms Matter?”; Andrew P. Cortell and James. W. Davis. “How do International Institutions Matter?: The Domestic Impact of International Rules and Norms.” *International Studies Quarterly*. 40.4 (1996): 454

internalization, also known as the institutionalization of the norm, refers to norms' incorporation or embodiment in domestic laws. If the country's constitutional or judicial systems have measures in accordance with the norm, then it is argued that the norm is legally internalized. According to Cortell and Davis, "when institutionalized in domestic legal and constitutional structures, international rules can be appropriated by domestic actors for purposes that can have reverberations in either the domestic or international sphere: to press the actor's own interests against those of other national-level actors; or to set in motion the power of the state to further the actor's interests against those of other state or transnational actors."<sup>68</sup> As for the Mine Ban Treaty, legal internalization will be studied by examining domestic laws and regulations of countries. Less conflict between domestic institutions implies more domestic salience for the norm against APMs. Besides, commitment to other disarmament treaties also reveals information about legal internalization of disarmament norms in general. Commitment or support for Treaties or UN resolutions such as Convention on Conventional Weapons (CCW), Convention on Cluster Munitions, UNGA Resolutions in support of the total ban of APMs, Chemical Weapons Convention, Biological Weapons Convention and 2006 UNGA Resolution 61/89 about a possible arms trade treaty can be good indicator in this case.

Social internalization stands for the appearance of the norm in the domestic discourse with efforts of civil society. These efforts aim to pressure decision-makers to change domestic policy in favor of the norm. Moravcsik argues that civil society can take advantage of the pressure of TANs on governments from within.<sup>69</sup> This idea is also supported by other scholars, such as Risse, Ropp and Sikkink who claim "The diffusion of international norms in the human rights area crucially depends on the establishment and the sustainability of networks among domestic and transnational actors who manage to link up with international regimes, to alert Western public opinion and Western governments."<sup>70</sup>

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<sup>68</sup> Andrew P. Cortell and James. W. Davis. "How do International Institutions Matter?: The Domestic Impact of International Rules and Norms." *International Studies Quarterly*. 40.4 (1996): 454

<sup>69</sup> As cited in Darren H. Hawkins. "Domestic Responses to International Pressure." *European Journal of International Relations* 3.4 (1997): 406

<sup>70</sup> Risse, Thomas, Stephen C. Ropp, and Kathryn Sikkink. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge, U.K: Cambridge University Press, 2007. pg. 5

This is especially important for the landmine case because by itself international pressure groups will lack the resources to influence governments about an issue related with national security. Particularly about small arms disarmament, domestic pressure groups have more resources to get information concerning the operation of policies with regard to disarmament and the situation of current weapons. Because of this, this thesis also argues that TANs especially need to ally with domestic societal actors in the course of the promotion of small arms disarmament norms.

Social internalization can also be distinguished when societal or influential state actors address the norm's tenets in domestic policy debates.<sup>71</sup> This kind of internalization is the most important among the three, which also include legal and political internalization, in terms of its contribution to the domestic salience of the norm. For this reason, street demonstrations, petitions or national campaigns specifically in favor of banning APMs or in general about disarmament will be checked for each case. Third factor, namely political internalization, is displayed through state policies.

Taking all these factors into account enables us to create a three value scale of norm salience: high, moderate and limited. High salience is existent in contexts in which the three factors mentioned above are present. Salience is moderate when political and legal internalization are completed but there is still reservations by elites against the norm. Lastly, salience is limited when “the norm remains nominally on the political agenda.”<sup>72</sup>

#### **4.2.1.2 Domestic structure**

The notion of domestic structures is an important component of how norms gain domestic impact in a country. It's a necessary concept to understand “the normative and organizational arrangements which form the 'state', structure society, and link the two in the polity.”<sup>73</sup> Established state-society relations gives an idea to transnational actors about how

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<sup>71</sup> Ibid.

<sup>72</sup> Andrew P. Cortell and James W. Davis. “When norms clash: International Norms, Domestic Practices, and Japan's Internalization of the GATT/WTO”. *Review of International Studies*. 31 (2005): 9

<sup>73</sup> Risse-Kappen, Thomas. *Bringing Transnational Relations Back in: Non-state Actors*,

to access the domestic discourse and promote norms. The ultimate success -policy impact-, however, does not come with easy access, but with TANS' ability to adjust their policy strategies to the domestic structure and build “winning coalitions” in the country.<sup>74</sup> Some domestic structures have low level of freedom and allow very small room for individuals to organize and communicate with each other. Keck and Sikkink argues that, a very powerful state, which controls every move of domestic civil society, complicates the emergence of TANS.<sup>75</sup>

Checkel proposes four domestic structure categories: liberal, corporatist, statist and state-above-society.<sup>76</sup> Certain domestic structures facilitate TANS' efforts, yet some of them, such as statist or state-above society structures, make their task more difficult. USA, one of the selected cases for this thesis, has a liberal domestic structure making access easier but complicate the process of policy impact, simply because building winning coalitions is harder for TANS when many and divergent individuals and groups in society actively participate to influence government decisions. These domestic actors have a pivotal role in policy-making, and their pressure on elites helps international norms to empower and gain salience in domestic discourse. State-above-society structure, that the case of Cuba embodies, is the opposite of liberal structure. The state has extensive control over social groups in society. For this model, Checkel argues that “in this 'top-down' policy-making environment, elite learning is necessary if international norms are to be empowered domestically; as learning theory suggests, it is also more likely in this less politicized setting.”<sup>77</sup> Lastly, Turkey case is an example for statist structure. Elite learning is primary whereas societal pressure on elites is secondary for norm empowerment in this type.

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*Domestic Structures and International Institutions*. Cambridge: Cambridge university press, 1995. pg. 6

<sup>74</sup> Ibid, pg. 26

<sup>75</sup> Keck , Margaret and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, Cornell University Press, 1998. p. 206-208.

<sup>76</sup> Many scholars come up with different categories of domestic structures defined differently. Cortell and Davis (1996) look at pattern of state-societal relations and structure of decision-making authority. In this thesis, Checkel's categories (1997) are employed for their more generalizable nature.

<sup>77</sup> Jeffrey Checkel, “International Norms and Domestic Politics: Bridging Rationalist-Constructivist Divide,” *European Journal of International Relations*, 3 (1997): 473-495

Though elite learning has a more dominant role and state-society relationship is weaker than in liberal structures, if lobbies or civil society organizations have opportunities to influence them on their own or in alliance with the transnational advocacy network, then global norms are likely to achieve domestic impact in the country.

#### **4.2.2. Level of Crisis variable**

It is argued that state officials refuse to adopt human rights norms during crisis situations believing that it would show weakness on their side and diminish state power.<sup>78</sup> Furthermore, small arms and weapons may prove to have military utility in armed conflicts although they have humanitarian costs. Because of these reasons, it is expected that states would abstain banning the use of small arms, in this case APMs, especially during an ongoing militarized conflict.

The indicator of crisis level is mainly security agenda of countries at the time of signing the MBT. Existence of violence, political instability, militarized ethnic problems, account of recent military experience can explain the crisis level of a country. For USA, however, we should also consider the deployment of American troops in other countries that have been sent to protect USA's extraterritorial interests. After a careful study of these different indicators of crisis level variable, every country case will be assigned a value for the variable: high or low. Statements of the government that point to a military threat, ceasefires or absence of armed struggle will be taken into account as indicators of low level of crisis. For every country case, it is also important to look at where APMs are used and whether there is any change in area of usage. In other words, a survey on qualitative change of crisis situation will be done.

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<sup>78</sup> Steven C. Poe, C. Neal Tate and Linda Camp Keith, "Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1076-1993," *International Studies Quarterly* 43 (1999): 291-313; Christian Davenport, "State Repression and Political Order," *Annu. Rev. Polit. Sci.* 10 (2003): 1-23

### 4.3. Case Selection and Research Methods

According to Onderco, “The puzzle determines the method, not vice versa.”<sup>79</sup> Because of the qualitative nature of the domestic impact variable, this thesis uses process-tracing alongside comparative method while both benefiting from within-case and across-case analysis. Collier argues that, “Process-tracing is a fundamental tool of qualitative analysis. This method is often invoked by scholars who carry out within-case analysis based on qualitative data.”<sup>80</sup> Another method in this thesis, case studies, were existent since the beginning of modern social science. After the Second World War, however, quantitative methodologies came into prominence and more or less dominated the field. Qualitative case study approach never gained too much popularity among methodologists; but, even in the time when quantitative methods were much favorable, many of the major works in the literature were of case study researchers. Interpretivist and post-positivist approaches mainly use this method because it is better equipped to analyze discourses, ideas or perceptions. Therefore, details and causal links that need attention in discourses, ideas and perceptions would be more properly investigated with case study method rather than with large-N study.

Comparison is a very basic skill in social sciences research. Even a single case study includes comparison. A researcher can compare individuals, groups, governments, states, ideas or different time points in history. The main aim of comparing is to come up with similarities or differences between cases. The effort to find out similarities between cases is to reach generality that helps to build a theory that can explain many cases.

In this thesis, there are three cases which are Cuba, Turkey and USA. Cases are selected according to their variations in independent variables. This also helps us to see variance in domestic impact and level of crisis variables within each country as well as across different countries. This variation in within-case study and cross-case study increases the number of observations available to scholars searching for an understanding of the conditions in which norms and networks matter. Within-case analysis is also

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<sup>79</sup> Onderco, Michal. “Reality of Norms and Reality,” *Amsterdam Law Forum*, p. 149.

<sup>80</sup> David Collier, “Understanding Process-Tracing,” *Political Science and Politics* 44.4 (2011): 823-30.

important to identify a causal process. Authors of *Rethinking Social Inquiry* argue that, “within-case analysis privileges evidence about causal mechanisms, pushing researchers to ask whether change in the independent variables in fact preceded change in the dependent variable and, more significantly, by what process change in the dependent variables produced the outcome.”<sup>81</sup> According to Geddes, selection of cases based on geographical location leads to selection on the dependent variable.<sup>82</sup> Therefore, the cases in this study are especially chosen from different geographical locations in order to prevent geographical effects. Other criterion was to select them according to their power status and domestic structure. Power status of the state is directly related with the security concerns and economic resources of a country. Therefore, it can affect how much states are influenced by TANs to influence government decisions about the MBT. There is no standard definition for each of the power status categories. Some researchers rank countries according to their gross national income (GNI) and in accordance with this definition, middle powers are the ones which have not a big economy but not a small economy either. This approach, however, may misdirect about the actual power a state possess because economic development is not always a defining factor. Economically speaking, China is considered to be a upper middle income country by the World Bank. In terms of influence in international affairs, on the other hand, China is certainly a major power, if not a superpower, given its permanent membership in the United Nations Security Council (UNSC), economic relations with other countries, its ability to exert influence regionally or globally and its military strength. Therefore, economic and military strength, permanent membership in UNSC and substantial amount of influence over global and regional issues can indicate if a country is a major player in world affairs. The United States, being the most powerful actor in the world today, was considered to be a great power in this study. Similarly, in accordance with how they fit to the criteria above, Turkey and Cuba was considered to be middle and small powers respectively.

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<sup>81</sup> Brady, Henry E. *Rethinking Social Inquiry: Diverse Tools, Shared Standards*. Lanham, MD: Rowman & Littlefield Publishers, 2010. p. 112.

<sup>82</sup> Barbara Geddes, "How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics," *Political Analysis* 2 (1990), 131-50. p. 138

<b>Countries</b>	<b>Domestic Structure</b>	<b>Power Status</b>
<b>Cuba</b>	State-above-society	Small
<b>Turkey</b>	Statist	Middle
<b>USA</b>	Liberal	Great

Table 1. Classification of cases according to structure and power status

Another classification was made according to the domestic structure of states. Type of domestic structure directly influences how TANs are able to affect policy change in countries. Hence, they are useful categories in case they may reveal a complementary information.

In addition to process-tracing and comparative case methods, a standardized, open-ended interview will be conducted with the coordinator of the Initiative for a Mine-Free Turkey (IMFT) for the case of Turkey.<sup>83</sup> Interviews are a good way of getting an in-depth information about the experience of an insider to understand the process under study.<sup>84</sup> This is especially useful when there are not much source of information on the subject matter. In the case of Mine Ban Treaty, the primary source is the Landmine Monitor reports which are compiled of official and NGO sourced information. Therefore, the aim of this interview is to provide more information about landmine issue in Turkey and to extend the use of qualitative research methods employed in the thesis. A total of nine questions categorized according to their scopes under four main titles were prepared. These titles are “About the Extent of APM Issue in Turkey”, “About the Contributions of Civil Society Actors to the Accession Process”, “About the Impact of Political Landscape in Turkey to the Accession Process” and “About the Impact of Legal Status in Turkey to the Accession Process.” This information collected from the interview will complement the case study on the Mine Ban Treaty, based on books, articles and other secondary resources.

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<sup>83</sup> Detailed list of the interview questions is attached to the appendix.

<sup>84</sup> McNamara, Carter, PhD. *General Guidelines for Conducting Interviews*, Minnesota, 1999

## CHAPTER 5

### CASE STUDY 1: UNITED STATES

Although the United States said that it embraced the goal of the Mine Ban Treaty (MBT), and showed its support by donating a high amount of financial aid to mine clearance programs around the world, it did not sign the treaty in the face of both strong international and domestic pressure. Even after the end of the Cold War, the activities of the US military have not declined.<sup>85</sup> About the MBT, main stance of the U.S. government has generally been that anti-personnel mines (APMs) deployed by the United States were not killing or maiming thousands of innocent civilians, such as in Cambodia or Mozambique. The argument is “If the United States signed the ban, it would not result in greater lives saved, but rather in more lives lost, with American soldiers absorbing many of the casualties.”<sup>86</sup> Since 1992, the U.S. has taken some major steps to reduce landmine use; however, their practical use is still important under the current U.S. military doctrine. Resulting from pressure of campaigners of the mine ban movement, the government tried to develop alternative weapons to landmines acceptable under the MBT. In the process, billions of dollars were earmarked to such research. Yet, the U.S. landmine policy is still incompatible with the treaty. Moreover, critics are doubtful about a prospective compliance with the landmine norm in the near future due to U.S.'s war on terrorism since September

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<sup>85</sup> Military expenditure (% of GDP) for 1988 is 5.8, whereas for 2010 4.8. Source: Stockholm International Peace Research Institute (SIPRI), Yearbook: Armaments, Disarmament and International Security.

<sup>86</sup> Captain Andrew C. S. Efav, “The United States Refusal to Ban Landmines: The Intersection between Tactics, Strategy, Policy, and International Law,” *Military Law Review*, Volume 159, March 1999. p. 149.

11. At a meeting of the Arms Control Association in Washington in 2002, Jayantha Dhanapal, the United Nations under secretary general for disarmament affairs, told that “I must warn against the sacrifice of disarmament and arms control norms in the battle against terrorism.”<sup>87</sup> This case study aims to underline two things. The first point it stresses is how the U.S. government is caught between two fires: high security concerns which demands the use of landmines, and strong international and domestic pressure which denounces U.S position towards the MBT. And the second one is how the U.S. governments for years have financed research and development to overcome this dilemma.

## **5.1. Crisis Level**

### **5.1.1. Security concerns after the end of the Cold War and the need for Anti-Personnel Landmines**

At Cold War's end, the Gulf War (or Operation Desert Storm)<sup>88</sup> had an important role in giving direction to the US grand strategy for the Post-Cold War era. In the absence of Soviet threat, projections of the new strategy was trying to find a viable rationale to sustain the power of the U.S. military establishment. The end of the Cold War meant a substantial cutback in the military budget, and many welcomed this, believing the extra resources will be directed to the civilian sector. On the other hand, the Gulf War “institutionalized a new paradigm of combat that will in all likelihood govern US military planning for a generation to come:” the mid-intensity conflict.<sup>89</sup> This new paradigm fell

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<sup>87</sup> Barbara Crossette, “Washington Is Criticized for Growing Reluctance to Sign Treaties,” The New York Times, April 4, 2002.

<sup>88</sup> Military intervention to the conflict between Kuwait and Iraq (August 2, 1990 – February 28, 1991).

<sup>89</sup> *Michael T. Klare*, “US Military Policy in the Post-Cold War Era,” *Socialist Register*, Vol. 28 (1992). p. 131

between a high-intensity all out war (such as between the U.S. and Soviet Union) and small scale low-intensity conflicts (such as counter-insurgency operations). In the post-Cold War era, it was clear that a high-intensity conflict in Europe was very unlikely anymore, and if the military only dealt with low-intensity conflicts from now on, then one-tenth the size of the existing US army would be sufficient for the task.<sup>90</sup> With the aim of keeping the military with more or less the same size, a new enemy, namely Third World countries that had nuclear, chemical or missile capability, enter into American strategic imagination. And the new military paradigm, “mid-intensity conflict,” was improved to fight with these powers. In his article, General Vuono, the Army Chief of Staff, talks about the rationale of this new paradigm:

“Because the United States is a global power with vital interests that must be protected throughout an increasingly turbulent world, we must look beyond the European continent and consider other threats to our national security. The proliferation of military power in what is often called the 'Third World' presents a troubling picture. Many Third World nations now possess mounting arsenals of tanks, heavy artillery, ballistic missiles, and chemical weapons...The proliferation of advanced military capabilities has given an increasing number of countries in the developing world the ability to wage sustained, mechanized land warfare. The United States cannot ignore the expanding military power of these countries, and the Army must retain the capability to defeat potential threats wherever they occur. This could mean confronting a well-equipped army in the Third World.”<sup>91</sup>

Even though the United States are not involved in combat operations all the time, the U.S. forces are spread around the world, either for deterrence or as peacekeepers.<sup>92</sup> The U.S.

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<sup>90</sup> *Ibid.*

<sup>91</sup> Carl E. Vuono, 'Versatile, Deployable, and Lethal,' *Sea Power*, April 1990, pp. 57-63.

<sup>92</sup> “As of 31 December 2010, U.S. Armed Forces were stationed in 150 countries. Some of the largest contingents are the 103,700 in Afghanistan, the 52,440 in Germany, the 35,688 in Japan, the 28,500 in Republic of Korea, the 9,660 in Italy, and the 9,015 in the United Kingdom respectively. These numbers change frequently due to the regular recall and deployment of units. Altogether, 77,917 military personnel are located in Europe, 141 in the former Soviet Union, 47,236 in East Asia and the Pacific, 3,362 in North Africa, the Near East, and South Asia, 1,355 in sub-Saharan Africa and 1,941 in the Western Hemisphere excluding the United States itself.” Source: "Active duty military personnel strengths by regional area and by country," U.S. Department of Defense. 2010. Retrieved 31 December 2010.

Military is prepared to counter against various kinds of threat to its national security: terrorism, use of weapons of mass destruction, small-scale contingencies, major theater wars, cyber attack, information operations etc.<sup>93</sup> According to Army Vision 2010, especially during major theater wars, “the Army anticipates being outnumbered and, therefore will depend very heavily on technological superiority,”<sup>94</sup>

Under certain circumstances, landmines are considered to be vital for the U.S. Army. According to some scholars, landmines saved lives during the Gulf War. Two advancing Iraqi divisions were stopped by the minefield laid by the US Air Force during the Gulf war thereby protecting the left flank of the U.S. VII Corps.<sup>95</sup> Various mines —non-self-destructing and self-destructing, antipersonnel and antitank— were available in the US stockpile during the Gulf War which amounted to 2.2 million pieces of landmines. According to the Department of Defense reports, approximately 118,000 landmines which were only “smart”, or self-destructing, were used.<sup>96</sup> After the Iraqis retreated, the U.S. minefields of smart mines were blown up.

In short, the U.S. forces that fight ground wars rely on APMs in battlefield. The level of crisis in general does not appear to be diminishing since the end of the Cold War. As a result, the United States has to find alternatives to landmines. Seemingly, only then a change in the landmine policy of the United States will be observed.

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<sup>93</sup> *Alternative Technologies to Replace Antipersonnel Landmines*. Washington, D.C.: National Academy Press, 2001. pg. 19

<sup>94</sup> The U.S. Army. 1997. Army Vision 2010. Washington, D.C.: Headquarters, Department of the Army. Also available on line: <http://www.army.mil/2010/introduction.htm>.

<sup>95</sup> Captain Andrew C. S. Efav, “The United States Refusal to Ban Landmines: The Intersection between Tactics, Strategy, Policy, and International Law,” *Military Law Review*, Volume 159, March 1999. pp. 151

<sup>96</sup> “Information on U.S. Use of Landmines in the Persian Gulf War,” United States General Accounting Office, Report to the Honorable Lane Evans, House of Representative, September 2002, Also available online: <http://www.gao.gov/new.items/d021003.pdf>

## 5.1.2. Landmine Policies of the Governments of the United States

### 5.1.2.1. During Clinton's term (1993-2001): “Everywhere But Korea”

On September 17, 1997, The United States declared that it would not join the MBT; however, President Clinton also announced that the government will stop the use of APMs with the exception of Korea, where landmines are considered especially important. On the other hand, 2006 was set as the target year when the APMs in Korea will be completely removed if the alternatives can be found. The United States legislated a one-year moratorium on exports of APMs in 1992 as a result of Senator Patrick Leahy's initiative. As a result, the US became the first country to enact a law about controlling the use of APMs. “Under this moratorium, the Department of State 'revoked or suspended all previously issued licenses, approvals, and LOAs [letters of authorization] authorizing the export, sale, or other transfer of landmines specifically designed for anti-personnel use.’”<sup>97</sup> The moratorium was extended to four years for the Fiscal Year 1994 and to five years for the Fiscal Year 1996.<sup>98</sup> On January 21, 1997, President Clinton urged states to negotiate a ban on APMs in the Conference on Disarmament.<sup>99</sup> He also stated that the United States would consider joining the MBT depending on the development of the new technology which would supersede the APMs.

Research to find alternatives to dumb - non self-destructing - landmines began in 1997 under the supervision of the U.S. Department of Defense (DOD). A two-track approach was adopted. The first track, led by the U.S. Army, dealt with the issue of developing alternatives to dumb mines in Korea that are equal in capability but acceptable

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<sup>97</sup> Captain Andrew C. S. Efav, “The United States Refusal to Ban Landmines: The Intersection between Tactics, Strategy, Policy, and International Law,” *Military Law Review*, Volume 159, March 1999. pp. 87-151.

<sup>98</sup> *Alternative Technologies to Replace Antipersonnel Landmines*. Washington, D.C: National Academy Press, 2001. pg. 15

<sup>99</sup> “Clinton Urges Conference on Disarmament Action On Fissile Material, and Landmines,” January 1997, <http://www.fas.org/news/usa/1997/01/msg00028c.htm>

under the requirements of the MBT. The second track (DARPA Program) focused on inventing technologically advanced landmines that effectively prevent entry to a certain area.

On January 7, 1997, President Clinton sent a letter to the Senate for ratification for Protocol II to the Conventional Weapons Convention where he stated that “a global ban on APMs...is one of my top arms control priorities. At the same time, the policy recognizes that the United States has international commitments and responsibilities that must be taken into account in any negotiations on a total ban.”<sup>100</sup> The US government had hesitations about provisions of the MBT. They asked for a change in Article 3 which deals with exceptions to the treaty. They demanded the demilitarized zone (DMZ) between North and South Korea to be accepted as an exception. The U.S. government, however, only found support from a few countries (Australia, Ecuador, Poland, Spain, and Venezuela). The majority of the states concurred on the thought that “any exception to a treaty seeking to ban a certain weapon was a contradiction in terms and that if a geographic exception was granted to one country, other countries would also ask for their own exceptions.”<sup>101</sup> Another problem was the compliance regime in the treaty. The right of withdrawal from the treaty during armed conflict was another hesitation for the U.S.<sup>102</sup> The U.S. argued that withdrawals should have also taken place during armed conflict. In this regard, Robert Bell, Special Assistant to the President and Senior Director for Defense Policy and Arms Control, told in a White House press briefing that “Whether it's the Chemical Weapons Treaty, the Comprehensive Test Ban Treaty, the Nuclear Non-Proliferation Treaty, the START treaties, whatever -- 20 of the last 20 arms control treaties that we've been part of have withdrawal clauses that are not restricted in time of war.”<sup>103</sup> The last major division was about anti-handling or anti-tampering devices put near the anti-tank mine with some trip wires to

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<sup>100</sup> Peter Malanczuk, “The International Criminal Court and Landmines: What are the Consequences of Leaving US Behind,” *EJIL*, 11.1 (2000). p. 87

<sup>101</sup> *Ibid.*

<sup>102</sup> “The current text also states: “If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.” Peter Malanczuk, p. 86

<sup>103</sup> The White House, Press Briefing, September 17, 1997, Available online at: <http://www.fas.org/asmp/resources/govern/NSC91797.html>

prevent enemy forces from attempting to pick up mines from the ground. These devices, integrated to the anti-tank mines, were intended to kill or injure someone who's going to get the mine. In the Oslo negotiations, the Clinton administration said that they agreed to destroy even their smart – self-destructing- landmines; however, they demanded to keep the anti-tank mines with anti-handling devices, claiming that they were not anti-personnel landmines. Nevertheless, treaty text had a provision which exempted those kinds of devices from the treaty. Upon reaching no conclusion in Oslo negotiations, President Clinton's statements in the White House press briefing were explanatory of the dilemma the U.S. faced:

“As Commander-in-Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible...But no one should expect our people to expose our Armed Forces to unacceptable risks. There is a line that I simply cannot cross, and that line is the safety and security of our men and women in uniform. We stand ready to sign a treaty that meets our fundamental and unique security requirements. We want to end even the use of smart landmines, everywhere but Korea. I could never agree not to have anti-tank weapons, given the kinds of combat that our people are likely to be in, in any kind of projected scenario, over the next 20 to 30 years. I couldn't do it...That would be completely irresponsible for me to let our people be in combat situations without an anti-tank device that I thought was the most effective available.”<sup>104</sup>

#### **5.1.2.1.1. The Demilitarized Zone in Korea (DMZ): the Cold War's Final Frontier**

Landmines are often used tactically during battlefield confrontations; but, sometimes they can also be used as a part of larger strategic plans, such as in border protection.<sup>105</sup> The DMZ in Korea is one such case which requires continuous maintenance of landmines to prevent border violation. During the Korean War from 1950 to 1953, both

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<sup>104</sup> Remarks by the President on Landmines. The White House. September 17, 1997. Available online at: <http://www.fas.org/asmp/resources/govern/withdrawal91797.html>

<sup>105</sup> *Alternative Technologies to Replace Antipersonnel Landmines*. Washington, D.C: National Academy Press, 2001.

sides extensively used APMs, and many of them were forgotten afterwards. Although the numbers have decreased and incidents are rare nowadays, many civilians were killed because of APMs immediately after the war.

In the ground defense of South Korea, the role of landmines is seen as vital by the U.S. military. North Korea's 1.5 million man strong army with 1 million just near the border poses great danger in case of an attack. Attacks by North Korean massed infantry can be effectively slowed down by minefields. In 1999, General John H. Tilelli, Jr., then Commander-in-Chief of the United Nations Command, Combined Forces Command, and the U.S. Forces Korea, told before the U.S. Congress that, "these weapons...are absolutely vital to the success" of the mission in Korea.<sup>106</sup> Against the danger of North Korea crossing the 38<sup>th</sup> parallel, landmines were used extensively for years in the area. The scenario of a possible military engagement includes being outnumbered by the North Korea's one million army that will probably attack without any single warning -one of the principles of the North Korean army doctrine. In the mountainous topography between North and South Korea, for some military officials the best way is to use landmines to slow down and thin enemy ranks against a North Korean blitzkrieg.<sup>107</sup>

North Korean forces are only 27 miles from the South Korean capital, Seoul, which has 11 million inhabitants. Col. Park Tong Hyong, chief of arms control verification in the South Korean Defense Ministry told the press that "Our defense depth is very shallow, and so we have to take defense measures very quickly."<sup>108</sup> If it had not been for landmines, North Korea could easily attack to the South and reach the capital city before any counterattack could be organized. On the other hand, even though they would be outnumbered by the Korean Army, many experts think the United States and South Korean forces could defeat an attack without relying on landmines. In such a situation, however,

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<sup>106</sup> Tilelli, J. H. 1999. Testimony before the House National Security Committee by J.H. Tilelli, Commander in Chief United Nations Command/ Combined Forces Command and Commander United States Forces Korea. Congressional Record. 1999 106th Congress. 1st Sess. Vol. 145, No. 33.

<sup>107</sup> *Alternative Technologies to Replace Antipersonnel Landmines*. Washington, D.C: National Academy Press, 2001. p. 20

<sup>108</sup> Nicholas D. Kristof, "South Korea Extols Some of the Benefits of Land Mines," The New York Times, September 3, 1997.

what is expected by the U.S. army is not just ultimately winning the war; but to win with the least damage and military casualties. Different studies have been done to estimate what the effect would be if landmines were banned and not used. One of them, an American military study claimed that the U.S. would need around an extra 20,000 troops to halt an invasion. A computer simulation developed to estimate the possibilities predicted that South Korea and the U.S. would suffer an additional 2,500 to 3,000 casualties each day during the conflict.

The practical use of the minefields to slow down enemy attacks and counter the numerical advantage of North Korean forces has a vital role in a possible war scenario. Therefore, joining the MBT would mean to betray South Korea which has been an ally of the USA for years. During Clinton's term, the U.S. tried to make minefields between North and South Korea exceptional under the conditions of the MBT due to the uniqueness of the security situation. The government has argued that mines deployed along the Demilitarized Zone or other areas like this were places where there were no villages or civilians.<sup>109</sup> On the other hand, since the Korean war ended in armistice, more than 2000 South Korean civilians have become victims of landmines.<sup>110</sup> Due to heavy rain, mines along the DMZ sometimes change place and drift to other areas where they cause great danger to local people. Others argue that both South Koreans and American troops positioned in South Korea, feel safer with minefields. Supporters of APMs even see them as symbols of peace and security. The words of Lieut. Gen. Park Yong Ok, the Deputy Defense Minister, summarizes how South side views landmines: “Many people talk about the humanitarian aspects of land mines. Deterrence of war is more humanitarian than anything. If we fail to deter war, a tremendous number of civilians will be killed. And the use of land mines is a very effective way of deterring war. From a military standpoint and from a humanitarian standpoint, it is clear that we need to use land mines.”<sup>111</sup>

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<sup>109</sup> Remarks by the President on Landmines. The White House. September 17, 1997. Available online at: <http://www.fas.org/asmp/resources/govern/withdrawal91797.html>

<sup>110</sup> *Landmine Monitor Report 2000: Toward a Mine-Free World*. New York, NY: International Campaign to Ban Landmines, 2000. p. 503

<sup>111</sup> Nicholas D. Kristof, “South Korea Extols Some of the Benefits of Land Mines,” *The New York Times*, September 3, 1997.

#### **5.1.2.1.2. Landmine Clearance in Guantanamo Bay:**

One of the major steps taken by the U.S. was the removal of landmines along the Guantanamo Naval Base in Cuba as a symbolic gesture after declining to sign the MBT. Pentagon officials always considered landmines as crucial between North and South Korea; however Guantanamo could be compensated with other security measures, and the minefields were costly to maintain anyway. In May 1996, President Clinton said that more than 50,000 mines installed at the U.S. side of the buffer zone in Guantanamo Bay would be destroyed and instead, “layered defense measures including some sound and motion sensors which will provide the appropriate security” would be established.<sup>112</sup> In total, twenty one minefields extending from along the 17.5 mile barbed-wire perimeter fence were cleared from September 1996 until 1999.<sup>113</sup>

#### **5.1.2.1.3. Interference in the landmine use of Pacific Island states:**

In 2011, Wikileaks made public a September 2009 US Department of State cable from the Secretary of State Hillary Clinton that indicated the US efforts to convince Pacific island states Micronesia, the Marshall Islands and Palau, about not joining the MBT during President Clinton's term. All three countries were affected by explosive remnants of war (ERW) left in the aftermath of Second World War. According to the cable, on December 2, 1997, US officials met with representatives from the three countries and discussed about the possibilities of joining the MBT under the restrictions of the Compact of Free Association (COFA). The Marshall Islands signed the treaty in 1997; however, it has not

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<sup>112</sup> Captain Mike Doubleday, USN, DASD, DoD News Briefing, 20 January 1998.

<sup>113</sup> Email to Landmine Monitor from JOC Walter T. Ham IV, Public Affairs Officer, US Naval Base Guantánamo Bay, 23 April 2001, taken from Landmine Monitor 2004.

yet ratified it. According to the cable, Palau acceded to the treaty in 2007 because it was “determined that the Ottawa Convention did not conflict with the COFA.”<sup>114</sup> In the meeting, the US said that the decision to accede to the MBT is up to the governments of the countries; however, the US also acknowledged that it will not sign it anytime soon, and adherence by the COFA states could cause a conflict with defense provisions of the bilateral agreement. These defense provisions were described as “unique, especially the U.S. commitment to defending the Republic of the Marshall Islands as if it were part of the United States.”<sup>115</sup>

#### **5.1.2.2. During Bush's term (2001-2009): “Our Landmine Policy is Better than the MBT”**

The Pentagon requested \$688 million for research and \$1,08 billion for production of alternatives to APMs when George W. Bush and his administration came to power. With this budget, the Pentagon developed a landmine system called “man-in-the-loop.” This new landmine system gave the ability to detonate a mine by a controller miles away. For landmines have indiscriminate effects, this feature was designed to make the weapon more discriminate.<sup>116</sup> Other developments were about delimiting the effects of landmines to a certain period of time. Combinations of two features were designed for this purpose:

Self-destruction (SD) mines detonate after a set period of time between four hours and fifteen days which is acceptable according to the CCW's Amended Mines Protocol. These mines are tested under vibration, high/low humidity, shock, and exposure to chemicals such as sulfuric acid or salt. Unreliability of SD APMs is

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<sup>114</sup> According to the COFA, three sovereign states have become 'associated states' with the United States. In exchange for full international defense authority, the United States provides financial resource.

<sup>115</sup> *Landmine Monitor Report*. New York, NY: Human Rights Watch, 2012.

<sup>116</sup> Matt Schaaf and Scott Stedjan, “If It Looks Like a Landmine, Smells Like a Landmine...” *Foreign Policy in Focus*, August 25, 2006.

statistically very low. The United Nations mine clearance reliability rate is 99.6% and SD APMs' reliability even exceeds that rate.

*Self-deactivation (SDA)* is the backup mechanism of SD APMs. The battery inside the mine is a separate part, and if the self-destruction does not occur, the mine goes off inevitably when the battery discharges within the limited 90 days life span. Therefore, every produced mine will be dud after 90 days, even if they don't explode on their own. 90 days life span is below the specified day limit according to the CCW's Amended Mines Protocol which is 120 days.<sup>117</sup>

After President Bush came into power, eight retired U.S. generals and admirals sent him a letter that stated APMs were “outmoded weapons that have, time and again, proved to be a liability to our own troops. We believe that the military, diplomatic and humanitarian advantages of speedy U.S. accession [to the Mine Ban Treaty] far outweigh the minimal military utility of these weapons.”<sup>118</sup> But one of the first matters that the new administration dealt was the landmine policy. The Bush administration’s new policy about landmines totally disregarded the MBT and frustrated the expectations that first started with the Clinton administration. George W. Bush stated that the U.S. might have well deployed mines in Iraq or elsewhere if need be. The US Campaign to Ban Landmines (USCBL) immediately condemned this new policy and called the U.S. government to join the treaty. Senator Leahy of Vermont told during a press briefing that

“Though there are some positive aspects of this policy, on the whole it is a deeply disappointing step backward. This is another squandered opportunity for US leadership on a crucial arms control and humanitarian issue. Worst of all, in a sharp departure from past policy, it says the United States will continue using landmines indefinitely. We are by far the most powerful nation on earth, and the world looks to us for leadership on this issue. When we back away from the progress we have pledged to rid the world of these indiscriminate weapons, others will ask why they, with their much weaker armed forces, should stop using them.”<sup>119</sup>

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<sup>117</sup> Landmine Policy White Paper, US Department of State, February 27, 2004.

<sup>118</sup> “Mine Ban Advocates Denounce White House Decision to Retain Landmines and Abandon Mine Ban Treaty,” Available online: <http://www.commondreams.org/news2004/0227-07.htm>

<sup>119</sup> *Ibid.*

Unfortunately, the previous deadline for the U.S. to join the MBT, was canceled by the Bush's new landmine policy. Although the new administration increased the funds of mine actions programs by fifty percent for Fiscal Year 2005, its insistence on using landmines - even if they are 'smart'- welcomed with much criticism.<sup>120</sup>

On the other hand, some people also praised Bush's new landmine policy. The policy treated anti-personnel and anti-vehicle mines alike and banned all mines which were not detectable and non-persistent. Richard L. Garwin, who chaired the Arms Control and Nonproliferation Advisory Board in the Clinton administration, told that the new policy addressed the landmine issue more effectively than other initiatives (including the MBT).<sup>121</sup> The persistent, or 'dumb', mines whether anti-personnel or anti-vehicle, can remain without being detected for years, and such anti-vehicle mines are completely unacceptable by the MBT. According to Garwin, when people talk about a "mine-free world," it is almost like they are referring to a world where there are no anti-personnel mines. He claims that the two are not the same, and the real threat is not anti-personnel mines in itself but rather if the mine is persistent or not.

On February 27, 2004, a statement about the new United States landmine policy was issued by the Department of State:

“Rather than dwell on past differences, President Bush's new policy looks forward with vision, breaks new humanitarian ground and makes the U.S. the first major military power to address the key issue of why landmines present a humanitarian problem and to apply the solution to anti-vehicle mines as well as anti-personnel mines. Previous policies and the Mine Ban Treaty dealt only with anti-personnel landmines. President Bush's new policy addresses the true humanitarian issue of all persistent (dumb) landmines, regardless of their type.”<sup>122</sup>

The new landmine policy was designed to relieve “the most pressing humanitarian impacts of explosive remnants of war (ERW), with a 'mine-impact free' objective rather

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<sup>120</sup> *Ibid.*

<sup>121</sup> Richard L. Garwin, “Beyond the Ottawa treaty: On land mines, America is a humanitarian leader,” *The New York Times*, March 20, 2004.

<sup>122</sup> Fact Sheet on the New United States Landmine Policy, The U.S. Department of State, February 27, 2004.

than a more costly 'mine free' policy.”<sup>123</sup> The MBT has overshoot the mark by also including smart (non-persistent) mines that self-destruct or self-deactivate themselves. According to the state officials in the Bush administration, with such existing technology, the U.S. serve as a model for the MBT.

### **5.1.2.3. During Obama's term (2009 - ): “Pentagon isn't Ready to Renounce APMs”**

The current U.S. landmine policy, released under the Bush administration in 2004, requires halting the use and stockpile of all the persistent mines by late 2010. The use of smart non-persistent mines, however, is not intended to be prohibited. Long term mine ban activist Dr. James Cobey has told that unlike past Defense Departments, the senior leadership at the Pentagon are now backing the idea of joining the MBT. He also added that the Obama administration probably will not submit the treaty for ratification to the U.S. Senate until after the coming elections in 2012, and further continuation of using Spider Networked Munition Systems which are incompatible with the MBT indicate Pentagon is not completely ready to dump APMs.<sup>124</sup> In 2009, the U.S. Department of State spokesperson Ian Kelly announced that “We would not be able to meet our national defense needs nor our security commitments to our friends and allies if we signed this,” before a meeting on the treaty.<sup>125</sup> The following day, this statement arouse fierce protest from civil society, International Campaign to Ban Landmines (ICBL), human rights groups and non-governmental organizations. Thereupon, the administration made a statement that the policy is still under review, and the announcement of spokesperson was premature. State officials had never said they started such a review before. Human Rights Watch said that

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<sup>123</sup> Army Arms Control Implementation policy, Army Regulation 525-92, August 2, 2010. p. 10

<sup>124</sup> Michael P. Moore, “A conversation with Landmine Advocate Dr. James Cobey,” January 13, 2012. Available online at: <http://wp.me/p1H8Hz-2Q>

<sup>125</sup> Mark Landler, “White House Is Being Pressed to Reverse Course and Join Land Mine Ban,” The New York Times, May 7, 2010.

the review must have been done without including other relevant parties such as foreign allies, independent experts or non-governmental organizations.<sup>126</sup> One senior official said the “negative blowback” shortly after the announcement enabled a more serious and comprehensive revision.<sup>127</sup> Furthermore, the Obama administration sent a delegation to the Second Review Conference of the Mine Ban Treaty. The head of the U.S. delegation told, “The Administration's decision to attend this Review Conference is the result of an on-going comprehensive review of the U.S. landmine policy initiated at the direction of President Obama.”<sup>128</sup>

On March 22, 2010, 65 non-governmental organizations sent a letter to President Obama, urging him to conclude a decision of the review as soon as possible. Another letter was from 68 Senators, more than two-thirds of the Senate, expressing their concern about the U.S. position on landmines and supporting the involvement of the U.S. to the MBT. The senatorial letter sent together with an identical letter from members of the House of Representatives. The letters also stated, “We are confident that...the Administration can identify any obstacles to joining the [Mine Ban] Convention and develop a plan to overcome them as soon as possible.”<sup>129</sup> The Senate letter was prepared by Senators Patrick Leahy (Democrat) and George Voinovich (Republican), and the House letter was prepared by Representatives Jim McGovern (Democrat) and Darrell Issa (Republican). Moreover, the letters addressed two issues which had been controversial for a long time: landmines in the Korean Demilitarized Zone (DMZ), and whether replacing the landmines with an alternative is necessary. The letters argued that landmines along the DMZ are the responsibility of South Korea. Also, according to the letters, changes made in doctrine and tactics can replace landmines rather than another alternative weapon.<sup>130</sup>

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<sup>126</sup> Jeffrey Allen, “Shock over Obama Decision to Reject Landmine Ban,” OneWorld.net, November 26, 2009.

<sup>127</sup> Mark Landler, “White House Is Being Pressed to Reverse Course and Join Land Mine Ban,” The New York Times, May 7, 2010.

<sup>128</sup> “U.S Reacts to Civil Society Outcry on Landmine Treaty Policy,” ICBL News, December 2, 2009.

<sup>129</sup> “US: Two-Thirds in Senate Back Landmine Ban,” Human Rights Watch, May 8, 2010.

<sup>130</sup> *Ibid.*

In June 2011, however, the review started to stall due to the U.S. response to the “Arab Spring” as one official said. The administration's review does not have a deadline to be completed. Seemingly, however, one thing is clear that is if the Bush administration's policy is retained, then the U.S. will never be able to join the MBT.

## **5.2. Domestic Impact of the Norm**

In the United States, political internalization of the landmine norm is considerably well developed. The U.S. is one of the earliest countries which supported humanitarian demining programs, such as in Afghanistan in 1988. The U.S. has provided assistance to mine-affected countries since the U.S. Humanitarian Mine Action Program was established in 1993. Between 1993 and 2004, the U.S. Humanitarian Mine Action Program donated almost \$800 million in 46 countries for humanitarian mine action.<sup>131</sup> One of the many demining initiatives in the U.S. is undertaken by the Interagency Working Groups on Humanitarian Demining, chaired by the U.S. Department of State with the U.S. Department of Defense (DOD) as vice-chair. This institution's task is to develop and administrate the U.S. humanitarian demining policies and programs. Among many, some of the aims of these programs are educating local people about landmines, teaching them what to do when they find a landmine, providing assistance to victims, and teaching indigenous institutions about demining techniques.<sup>132</sup> The U.S. Army Engineer School's Countermine Training Support Center is responsible of teaching the process of demining projects, and promoting mine awareness.

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<sup>131</sup> Fact Sheet on the New United States Landmine Policy, The U.S. Department of State, February 27, 2004.

<sup>132</sup> *Alternative Technologies to Replace Antipersonnel Landmines*. Washington, D.C: National Academy Press, 2001. p. 15

President Clinton is the first leader who called for a global ban on APMs in 1994 when he gave a speech before the UN General Assembly. In May 1997, the Unexploded Ordinance Center of Excellence at Fort Belvoir, Virginia, was built by the Department of Defense to develop technology to overcome unexploded ordinance problem.<sup>133</sup> USAID established the Patrick J. Leahy War Victims Fund in 1989, an institution which donates millions of dollars in assistance to APM victims. The fund supports many activities that relieve victims of war, as well as landmine victims, in 15 countries “with a total investment of more than \$50 million worth of technical and material support.”<sup>134</sup> The political internalization of the landmine norm, however, is undermined by the fact that each year since 1997 the US abstains from voting on UN General Assembly (UNGA) Resolution about the universalization and full implementation of the MBT. In 2011, the US again abstained from voting on UN General Assembly (UNGA) Resolution 66/29.

There are many civil groups working on the landmine issue in the United States. Zach Hudson, the Coordinator of the U.S. Campaign to Ban Landmines (USCBL) argued that the

“Accession to the Mine Ban Treaty continues to enjoy exceptionally broad civil society support here in the United States. As this continued dialogue with the President [Obama] indicates, a vast number of prominent nongovernmental organizations —many of whom have seen first hand the devastating impact of landmines in the communities in which they work—unquestionably support the total prohibition of this weapon and its lethal effect on civilians.”<sup>135</sup>

This is also a result of the liberal domestic structure of the United States. In the landmine case, we can clearly see that the United States policy-making process is open with respect to the institutional features of the state to be influenced by societal actors. Risse-Kappen calls such states as 'society-dominated' states and gives examples of USA, Hong

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<sup>133</sup> "Chapter VI: The International Response," in *Hidden Killers, 1998: The Global Landmine Crisis*. Washington, DC: The U.S. Dept. of State, Bureau of Political-Military Affairs, 1998.

<sup>134</sup> *Ibid.*

<sup>135</sup> “Civil Society Leaders Urge President Obama to Conclude Landmine Policy Review, Announce Intent to Join Mine Ban Treaty,” Press Release, April 18, 2012.

Kong and Philippines.<sup>136</sup> In such states, social interest pressure is strong, and political institutions are fragmented. When elite learning is not the case, such as in polities with liberal domestic structure, civil actors are more open to get involved in politics. Although this does not mean they are more involved or more willing to get involved in politics than their counterparts in less liberal countries; but certainly they have more elbowroom while doing so. They can pressure the government to take more measures against weapons and urge decision-makers to be more respectful of human rights. It is small wonder that the domestic impact of the landmine norm will be higher in such a liberal structure. Because the circle of actors in politics is large, NGOs work more dispersedly. In less liberal countries, NGOs will probably tend to work more closely with the government than organizing mass demonstrations, engage in lobbying acts and try to have closer relationship with policy-makers. In conclusion, the liberal domestic structure of the U.S. enabled it to be easily responsive to societal pressure.

The USCBL has been the main branch of organizing against APMs. The Vietnam Veterans of America Foundation (VVAFA), Handicap International, and Medico International were helping out victims of landmines in Cambodia and Vietnam. Due to excessive amount of injuries, they decided to step in and deal with the source of the problem. Soon they started to work together with other several non-governmental organizations, and officially established USCBL in 1992. In order to organize a campaign against APMs, VVAFA hired activist Jody Williams. After several years, the campaign turned into massive grass-roots movement which ultimately gave birth to an international network including over 1,000 organizations and more than 60 countries. Annual meetings held to discuss the strategy of the movement with the intention of initiating a global ban on APMs.<sup>137</sup>

In 1996, an open letter published by 15 retired senior military officers stating that APMs are not essential to protect national security, thus a ban would create a security deficit neither for the U.S. nor for the allies. The officers also said, “We view such a ban as

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<sup>136</sup> Risse-Kappen, Thomas. *Bringing Transnational Relations Back in: Non-state Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge university press, 1995. p. 23

<sup>137</sup> Lumpe, Lora, and Jeff Donarski. *The Arms Trade Revealed: A Guide for Investigators and Activists*. Washington, D.C: Federation of American Scientists, Arms Sales Monitoring Project, 1998.

not only humane, but also militarily responsible.”<sup>138</sup> Many lobbying groups also pressured the Bush administration during the Iraq War not to use anti-vehicle or anti-personnel landmines.<sup>139</sup> When Obama administration announced in 2009 that the Bush landmine policy will be taken under comprehensive review, many support letters were sent for the MBT to the government by 68 Senators, 16 Nobel Peace Prize Laureates, several NATO allies, retirees senior military officers, APM victims, many NGO leaders and individual activists in 2010. Due to the lag in the process of landmine policy review, leaders from 76 NGOs sent another support letter to the administration in spring 2012 asking the President to facilitate the process and conclude as soon as possible. The latest letter coincided with the international Lend Your Leg campaign that aimed to raise mine awareness and arouse interest on landmine victims. The campaign launched on March 1 was planned as a part of the United Nations April 4th International Day for Mine Awareness. During the campaign many United Nations officials, celebrities, journalists, politicians, as well as ordinary people rolled up their pant leg to show they “lend their leg” as a sign of awareness of the global APM problem.<sup>140</sup>

According to a published report by the Institute for Energy and Environmental Research and the Lawyers' Committee on Nuclear Policy, the binding international agreements received a blow especially during late 90's in the United States. The report, “The Rule of Power or the Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties,” states Washington abstained signing various agreements from nuclear testing or landmines to climate change or the rights of women and children.<sup>141</sup> On the other hand, most of the time the US has promoted disarmament treaties such as the Chemical Weapons Convention or Convention on Conventional Weapons (CCW). Additionally, the US is also party to the International Test and Evaluation Program

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<sup>138</sup> International Committee of the Red Cross, "Antipersonnel Landmines: Friend or Foe?" Geneva, March 1996.

<sup>139</sup> Edward Epstein, “Global pressure on U.S. against land mines / Bush may use them in Iraq,” December 20, 2002.

<sup>140</sup> “Civil Society Leaders Urge President Obama to Conclude Landmine Policy Review, Announce Intent to Join Mine Ban Treaty,” Press Release, April 18, 2012.

<sup>141</sup> Barbara Crossette, “Washington Is Criticized for Growing Reluctance to Sign Treaties,” The New York Times, April 4, 2002.

for Humanitarian Demining and different Geneva Conventions about laws of war.<sup>142</sup> The U.S. also wanted to include the Conference on Disarmament as another platform for deliberations about the landmine problem.

### **5.3 Conclusion**

U.S. military involvement in conflicts around the world has continued in the post-Cold War era. Due to increasing pressures from the international mine-ban movement, Washington tried to compensate the need for APMs with alternative weapons. The smart mine technology which contains a self-destruct/self-deactivation mechanism, or anti-handling devices for anti-vehicle landmines did not provide a solution to the U.S.'s landmine problem to date. Surely, smart mine technology reduces the life span of the landmine but the lethality stays the same. Apparently, the United States is caught in the middle, pressured by both civil society actors and ongoing security needs. This case study puts forward the effect of the domestic impact of the norm in the U.S. which actively influenced policy-making from time to time but fell short to create an all out change in state behavior due to concerns about national security.

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<sup>142</sup> Fact Sheet on the New United States Landmine Policy, U.S. Department of State, February 27, 2004.

## CHAPTER 6

### CASE STUDY 3: TURKEY

Turkey acceded to the Mine Ban Treaty on 25 September 2003 and became a State Party to the treaty when the law entered into force on 1 March 2004. This meant that Turkey had to destroy all of its stockpiles until 1 March 2008, demine all minefields until 2014 and take necessary steps about assistance to landmine victims. At the peak of the early success of the MBT, Turkey has signed bilateral agreements about banning landmine use along the borders with Georgia, Bulgaria and Greece, as a sign of good intentions and to contribute to regional stability. However, as a country where national security notions are dominant on its security policies, Turkey's long-running war with the Kurdish rebel group, PKK, led to the further securitization of political demands in the country and high security concerns kept the country back from signing the treaty. Once Abdullah Ocalan, the leader of the outlawed organization, was caught and high security conditions had given way to more moderate levels, a discursive space had opened for “catalyzing reforms on the Kurdish issue that had previously been deemed impossible.”<sup>143</sup> Turkey's announcement about the humanitarian impact of the APMs to civilian population and the process of its accession to the MBT coincided with such political conditions. A careful study of internal dynamics in Turkey through the process reveals that high security concerns lie at the heart of diffusion of the norm against landmines. Furthermore, local allies of transnational advocacy groups have an important role in the internalization of the landmine-ban norm in Turkey. This last finding is further supported by the interview with the coordinator of the Initiative for a Mine-Free Turkey (IMFT).

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<sup>143</sup> Soner Cagaptay and Ali Koknar, “PKK/KONGRA-GEL and Terrorism,” Policy Watch No. 877, June 25, 2004.

## **6.1. Status of Landmines in Turkey**

According to the Landmine Monitor, Turkey first used APMs after 1950s to prevent “illegal crossings of the border.” The main reason behind these crossings are illegal trafficking with border neighbors, especially with Syria. Turkey’s shared borders with the countries in its Southeastern and Eastern region were mined, therefore, most of the APMs were laid in border provinces such as Sanliurfa, Gaziantep and Ardahan. Turkey later laid mines to the inner parts of the country, too. Within the framework of Turkey’s own “war on terrorism”, approximately 40,000 APMs were placed around security installations in East and Southeast regions between 1989-1992 because of security reasons. The army also extensively laid APMs in many civilian dwelling units and evacuated villages under a state of emergency (OHAL) in order to cut the logistical support for PKK rebels. For this reason, most of the deaths and injuries caused by landmines happened around village roads and dwellings near the frontier and military installations. The Article 7 of the MBT regarding transparency measures requires constant notification of updated information by State Parties. Article 7 reports indicate that minefields in Turkey are appropriately fenced in accordance with international and NATO standards. Nevertheless, domestic NGOs doubt the truth of this information.

## **6.2. Crisis Level**

On 5 January 1975, Nurettin Yilmaz, a Member of the Parliament (MP) from Mardin, and his 45 colleagues submitted a proposal about opening a parliamentary research on mine clearance in the lands along the Syrian border in the Southeast region.<sup>144</sup> These

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<sup>144</sup> Turkish Grand National Assembly, Research Commission Report No. 10/14, January 28, 1977.

vast lands was mined to prevent trafficking between 1956 and 1959 at the time of the Turkish Prime Minister, Adnan Menderes. The group warned the Turkish Grand National Assembly (TGNA) about these vast lands and several MPs argued that Syrians had demined some part of it and have been cultivating their land. They stated that detection measures of crime and landmines were not a solution for trafficking; instead, economic, social and cultural investments should have been brought to the region. The proposal offered to clear the minefield completely and allocate it to peasants in the region. As a result of this attempt, it was argued, some 40,000 landless families could have a land of their own and consequently illegal trafficking incidents would drop off instantly. Humanitarian concerns were inherent in the proposal; however, the problem was understood more in economic terms: the underdeveloped Southeast region needed this fertile minefield for agricultural production. The minefield posed danger to the Turkish side and it was an obstacle to farm the land, thus leading a loss in economy. At the time of this proposal, there was no separatist armed group in Turkey despite the existence of a fiery political environment that included various ideological factions. Another TGNA research commission report was prepared by nineteen MPs in 1996 with the intention of informing the National Assembly about measures that should have been taken with regard to borders.

<sup>145</sup> The nature of the two proposals are very different. On the one hand, 1975-76 commission report built on both humanitarian and economic concerns, on the other hand the 1996 report is entirely about strengthening the border security and minimize the violation of borders by drug smugglers and the PKK militants. The 1975-76 report was renouncing the use of landmines on the Syrian border and proposing the clearance of minefields. While the 1996 report mostly mentioned that the minefields should have been opened to agriculture, it was essentially pointing out the need for a better technological equipment for border security. Furthermore, it was still offering to keep deploying landmines along a thin line near the Syrian border to ensure the security of critical spots. The group believed that there were approximately twenty PKK camps which had 1400-1600 militants inhabiting in the Syrian territory. The report offered increasing the measures against trespassers and adopting new technology (such as Askarad radars, thermal cameras, steel towers and night vision devices) along with APMs. The report concluded with saying that since these fertile lands were not of use *in terms of security*, therefore they should be

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<sup>145</sup> Turkish Grand National Assembly, Research Commission Report No. 10/7, S.S: 174.

opened to agriculture. At the time of this proposal, heavy armed struggle was continuing between the PKK and the Turkish army. Almost every month, PKK was attacking village guards, teachers, buildings, train stations, banks or police offices. During this time the Turkish government was aware of the international initiative to ban anti-personnel landmines (APMs). In 1996, Turkey declared a 3-year moratorium on APM exports and transfers as an expression of the determination to contribute to the international efforts on preventing the damage that landmines caused.

When asked about signing the MBT, Tuluy Tanc, an official at Turkey's Permanent Mission to the United Nations told that Turkey was "very much interested in signing on," however, present security conditions related to geographical position and border neighbors in the Southeast did not allow the country to sign the treaty.<sup>146</sup> Another example showing Ankara's hesitation was of an unidentified Turkish official who quoted in 1997 as saying, "[W]e have to protect our borders. Although we respect the reasons for that treaty, in order to keep our borders secure, we have to take measures."<sup>147</sup>

On 15 April 1998, the Turkish army caught Semdin Sakik, the PKK's second most important leader, in Northern Iraq.<sup>148</sup> 6 months later, before the 3-year moratorium expired, Turkey declared that it further extended the moratorium for another 3 years. During the same year, Turkey voted in favor of the General Assembly Resolution 53/L.33<sup>149</sup> which had a similar language to the United Nations Resolution that called all states to sign the MBT. According to Landmine Monitor, this indicated a new receptivity on the part of Turkey.<sup>150</sup> Meanwhile, after intense Turkish military pressure on Syria, the Syrian government expelled Abdullah Ocalan on 9 October 1998. Ocalan went to Greece but Greek officials wanted him to leave. Before he headed to Kenya, he stopped by in Rome, Moscow and

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<sup>146</sup> *Landmine Monitor Report*. New York, NY: Human Rights Watch, 1999. p. 818.

<sup>147</sup> "Turkey: Citing Security Concerns, Ankara Opposes the Ban," *Turkish Daily News*, 4 December 1997.

<sup>148</sup> "PKK Yilanina Agir Darbe," *Hurriyet Daily Newspaper*, April 29, 1998.

<sup>149</sup> A UN Resolution about humanitarian and disaster relief assistance to certain countries including some special economic assistance. This resolution referred to the indiscriminate use of landmines in unstable countries and called states to be sensitive about this problem.

<sup>150</sup> *Landmine Monitor Report*. New York, NY: Human Rights Watch, 1999. p. 819.

Greece several times since no country was willing to grant him asylum. On 15 February, Kenyan government officials went to the Greek Embassy where Ocalan was staying and told the Greek Ambassador that Ocalan's presence in Kenya put overseas Kenyan diplomatic missions under great risk of terrorist attacks. The officials finally took Ocalan to take him to the airport. On the way to the Nairobi Airport, they changed route to a different place where they would meet Turkish officials. Later that day, Ocalan was arrested by the Turkish authority.<sup>151</sup> The news captured headlines the following day and had immense repercussions for a long time.

On 1 March 1999, the Mine Ban Treaty entered into force and was opened to the accession of other states. Since Turkey did not sign the MBT, it once again extended the 1996 moratorium for another three years after the extension in 1998, “as an expression of its commitment to the humanitarian objectives” of the treaty.<sup>152</sup> On 22 March 1999, Turkey signed an agreement with Bulgaria banning the use of landmines on the two sides of their common borders. In a joint statement, the two parties have said, “The Agreement also envisages a verification regime...[B]y signing this Agreement the two countries have proved their determination to contribute to the ongoing efforts of the international community aimed at the total elimination of this inhumane weapon.”<sup>153</sup> In the TGNA Commission Reports regarding the agreement, it was said that among the border neighbors only Greece and Bulgaria signed the MBT and there was no apparent attempt from Turkey’s Southeastern neighbors to this end. The report openly said that,

“Actually, the fact that landmines are indiscriminately being used, especially by the terrorist organization in the region as mentioned, plays an important role in our country's refrainment from signing the Mine Ban Treaty in this process. Turkey, however, concludes that bilateral and

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<sup>151</sup> Human Rights Association, “Human Rights Report 2003,” available at [www.ihd.org.tr](http://www.ihd.org.tr)

<sup>152</sup> The Republic of Turkey, Ministry of Foreign Affairs, “Press releases regarding anti-personnel land mines” No. 37, March 15, 2002.

<sup>153</sup> Joint Statement of the Minister of Foreign Affairs of the Republic of Turkey, H.E. Ismail Cem and the Minister of Foreign Affairs of the Republic of Bulgaria, H.E. Ms. Nadezhda Mihhailova, Sofia, 22 March 1999, on the “Agreement between the Republic of Turkey and the Republic of Bulgaria on non-use of Anti-Personnel Mines and their Removal from or Destruction in the Areas Adjacent to their Common Borders.” Taken from Landmine Monitor 1999, p. 819.

regional level measures can also contribute to the humanitarian goals of the treaty.”<sup>154</sup>

The report also states that Turkey had already initiated projects of mine clearance around some of its borders with neighbors “after taking the opinions of military authority into account.” These findings strongly support that the decision to take steps towards complying with the landmine-ban norm was being done under the supervision of the military. Additionally, the successful pressure of international civil society can be clearly observed in spite of the high crisis level. Turkey tried to take further steps in favor of the norm; however, the crisis situation impeded the norm diffusion.

On 26 March 1999, the *Landmine Monitor* conducted an interview with an official of the Permanent Mission of Turkey to the United Nations. The official told that landmines did play an important role, especially in the Southeast where mountainous geography allowed terrorists to easily enter the country.<sup>155</sup> She further stated that Turkey was more supportive of a global anti-landmine movement recently.<sup>156</sup> In May 1999, Turkey participated the First Meeting of States Parties held in Maputo, Mozambique as an observer. It was in this conference that Turkey declared a precise time period to commit to the MBT. In the conference, the Turkish delegate said “the security situation around Turkey so far preclude[s] my country from signing the Ottawa Convention.” and stated that Turkey could sign the MBT “at the beginning of the next decade if present conditions would not change adversely.”<sup>157</sup>

There have been three ceasefires with PKK up until 1999. Shortly after Ocalan's arrest in February 1999, the PKK declared truce under the order of its leader. “When Abdullah Ocalan was caught, almost everyone was hopeful of peace and people thought the

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<sup>154</sup> “Commission Report of the Ministry of National Defense and Foreign Affairs Concerning the Ratification of Landmine Ban Agreement Between Government of Turkish Republic and Government of Bulgarian Republic,” Turkish Grand National Assembly Term: 21, Parliamentary Year: 1, July 6, 1999.

<sup>155</sup> Landmine Monitor interview with official at Permanent Mission of Turkey to the United Nations, 26 March 1999. Taken from Landmine Monitor, 1999.

<sup>156</sup> *Ibid.*

<sup>157</sup> *Landmine Monitor Report 2000: Toward a Mine-Free World*. New York, NY: International Campaign to Ban Landmines, 2000.

15-year armed struggle is now over.”<sup>158</sup> Ocalan, while his trial was going on, has called for an end to the armed struggle and ordered the withdrawal of about 3,000 - 5,000 PKK militants into Northern Iraq. Even a group of eight PKK militants came to Turkey and surrendered all together as a sign of good intentions in October 1999. Ocalan argued, the surrender shows how much the PKK was serious about ending the long-running armed struggle for Kurdish self-rule.<sup>159</sup> He declared that he wanted a democratic solution for the Kurds, instead of separatism.<sup>160</sup> He further stated he could work for the establishment of peace and help to stop the bloodshed if the Turkish government spared his life. Many Kurds backed Ocalan's call for a democratic solution.<sup>161</sup> The PKK's leadership council issued a statement saying they supported “a democratic solution to be realized through peace and brotherhood.”<sup>162</sup> This ceasefire had the early signs of carrying the Kurdish issue to a political level. Upon a question, Feridun Celik, the mayor of Diyarbakir in 1999, said, “Why should I need a visa to go to Istanbul? We Kurds want to remain part of Turkey. All we want is to express ourselves freely as Kurds.”<sup>163</sup> In the Seventh Party Congress of the Kurdistan Workers Party (PKK) in September 2000, the organization officially announced that their goal is to have an autonomous Kurdish region, instead of a separate state. This last ceasefire of 90's lasted 5 years and ended on 1 June 2004 due to continuing military operations of Turkish government, lagging political reforms and prison conditions of Ocalan. Early signs of abandoning the truce came in late 2003. On 2 September, Mizgin Sen, a spokeswoman for PKK, announced that the '99 ceasefire was impossible to maintain owing to Turkish government's hesitation about granting political and cultural rights to Kurds.<sup>164</sup> Another reason was that the Turkish army had objected a bilateral ceasefire, claiming that there cannot be any negotiation with a terrorist group. Cagaptay argues there

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<sup>158</sup> “Gecmisten Bugune PKK Ateskesleri,” CNNTurk, June 28, 2010.

<sup>159</sup> “Still On Their Feet,” The Economist, October 21, 1999.

<sup>160</sup> “Ocalan Urges End to Fighting,” BBC News, June 1, 1999.

<sup>161</sup> “Analysis: PKK Follows Its Leader,” BBC News, June 2, 1999.

<sup>162</sup> “PKK Backs Ocalan Peace Call,” BBC News, June 2, 1999.

<sup>163</sup> “Will Ocalan Die?” The Economist, July 1, 1999.

<sup>164</sup> “Kurdish rebels Abandon truce,” BBC News, September 2, 2003.

had been a political liberalization in the aftermath of the '99 ceasefire. “As violence subsided,” Cagaptay says, “Turkey relaxed. Significant reforms followed, including enhanced Kurdish education- and new laws comparable to the U.S. Constitution's First Amendment.”<sup>165</sup>

Although the official position of the Turkish government did not change after the '99 unilateral ceasefire, the level of violence drastically waned. In June 2000, The Chief of General Staff reported that, “As a result of successful operations, the number of terrorists in the country reduced to 50% in 1997, to 42% in 1998 and to 26% in 1999. Currently 11% of the terrorists are still in the country. The number of incidents had gone down from 3,298 in 1994 to 45 in 2000. The number of killed citizens had gone down from 1,479 to 15. The number of killed soldiers decreased from 1,145 to 29.”<sup>166</sup> It was doubtful, however, that this success was due to army operations or Ocalan's commands to PKK for non-violence.

Close relations with Syria at the beginning of 2000 and the decline in PKK terrorism brought clearance of minefields to the agenda of Turkey.<sup>167</sup> The Initiative for a Mine-Free Turkey (IMFT) welcomed the official statements about a possible demining project near the Syrian border and deemed it as the most important development in 2000. The then Minister of Interior affairs, Saadettin Tanttan, has prepared a proposal which said: “Following the technological improvements in the border security equipment and the complete elimination of the terror threat, the necessary preparations began to demine the minefields along the Syrian border with the intention of ensuring border security.”<sup>168</sup>

In January 2001, Turkey made another bilateral agreement banning the use of landmines on the common border, this time with its eastern neighbor, Georgia. Two parties committed to demine the zones along the border and prohibited future use. Similar bilateral negotiations have been made in the same year with Azerbaijan as well. In the TGNA Commission Report of the Foreign Affairs concerning the agreement with Georgia, several reasons, which paved the way for a positive evaluation of the MBT, were given in detail. Accomplishments in the struggle against terror, the statement from the military authority

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<sup>165</sup> Soner Cagaptay, “Time to Shut Down the PKK,” *Policy Watch*, September 12, 2003.

<sup>166</sup> Human Rights Foundation of Turkey Annual Report, 2000. p. 4

<sup>167</sup> “Mayin Yerine Marul,” *Hurriyet Daily Newspaper*, January 29, 2001.

<sup>168</sup> “Suriye ile Dostluk Adimi,” *Hurriyet Daily Newspaper*, November, 4, 2000.

telling APMs were not of necessity anymore and increasing sensitivity of international community towards landmine use were given as the reasons.

In March 2001, the Greek Minister of Defense, Akis Cuhacopulos, made an interview with a Turkish newspaper, explaining the new defense doctrine of Greece.<sup>169</sup> He stated that Greece was ready to take new confidence building measures in the Mediterranean because of the declining Turkish threat. Some of the confidence building measures were the elimination of minefields along the Maritsa River - the common border- and to reduce the number of soldiers under 100,000. On 6 April 2001, Turkey officially declared the start of accession process to the MBT and not long after a joint declaration by foreign affairs ministers stated that the intention was to become State Parties at the same time.

In January 2002, Turkey's moratorium on the export and transfer of APMs has expired and the government decided to prolong the moratorium indefinitely in March in order to show continuing adherence to the MBT. Around the same time, Turkey also reported that it destroyed 10,638 APMs in 2001. On 15 March 2002 at a press release, the Ministry of Foreign Affairs finally announced that "After careful consideration, Turkey has now decided to accede to the Ottawa Convention...Turkey has come to the stage of submitting the Convention to the Turkish Grand National Assembly for finalization of the accession procedures."<sup>170</sup> One year later, the TGNA approved the related legal regulation and Armed forces started planning the destruction of APM stockpile. At last, Turkey completed its accession process in September 2003 and the regulation came into force in March 2004.

In its letter date January 2002, PKK has said it supported a total ban on APMs to Geneva Call, a Sweden based non-governmental organization "dedicated to engaging armed non-State actors towards compliance with the norms of international humanitarian law and human rights law."<sup>171</sup> In July 2006, it was reported that the PKK signed the Geneva

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<sup>169</sup> "Mayinlari Atiyoruz," Hurriyet Daily Newspaper, March 23, 2001.

<sup>170</sup> *Landmine Monitor Report, 2002: Toward a Mine-Free World*. New York: Human Rights Watch, 2002. p. 755.

<sup>171</sup> Mission Statement by the Geneva Call. Available online:  
<http://www.genevacall.org/about/mission.htm>

Call Deed of Commitment for adherence to a total ban on APMs and for cooperation in mine action.

### **6.3. Domestic Impact of the Norm**

One element of domestic impact of a norm in a country is its legal internalization, or in other words how much the norm's tenets are embedded in domestic laws. Turkey is a State Party for many arms control and disarmament treaties. Turkey became party to the Treaty on Non-Proliferation of Nuclear Weapons in 1979, the Biological Weapons Convention in 1974, the Chemical Weapons Convention in 1997, the Missile Technology Control Regime in 1997, the Comprehensive Test Ban Treaty in 2000. Turkey has signed the Convention on Conventional Weapons and ratified its Amended Protocol II on landmines in 2005. Turkey has also declared support to the Proliferation Security Initiative launched by the USA in 2003. The Turkish Criminal Code No: 5237 regulates Turkey's counter-proliferation policies in the internal law.

Turkey, a State Party to the MBT since 2004 does not have a specific domestic law for the implementation of the MBT. In accordance with the Turkish constitution, international agreements directly have legal effect when ratified by the parliamentary. On the other hand, domestic NGOs argue that a domestic legislation should be prepared. The Mine Action Plan, one of the projects of the Human Rights Association, was aimed at putting the problem of landmines on the agenda of Turkey's public opinion and initiating relevant legal arrangements.<sup>172</sup> Especially, criminal liabilities of persons who violate the MBT's provisions and rights of victims of landmines should be included in this legislation. The then General Secretary of Human Rights Association, Nejat Tastan stated that a person who stepped on a landmine in some village in Southeastern Turkey does not have any legal rights and the government does not pay any compensation. Although free medical assistance is given to landmine victims in some cities, there is no financial aid for traveling

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<sup>172</sup> Hale Gonultas, "Insan Haklari Dernegi'nden Hayati Bir Kampanya: Mayinsiz Turkiye," Express Dergisi, No. 58, February (2006).

expenses.<sup>173</sup> However, if the victim is a military personnel, then the government compensates the victim and grants a retirement pay along with social rights, assistance to find a job, and lifelong health services. Civilian victims and their families usually have to rely on their own resources to recover physically and psychologically.

Victims of landmines are also entitled to benefit the rights concluded in international conventions for the disabled people. On 30 March 2007, Turkey has signed the United Nations Convention on the Rights of Persons with Disabilities; however, in practice the convention is not implemented and monitored. In 2009, Akin Birdal, Member of Parliament from Diyarbakir, has made a speech on behalf of the Democratic Society Party group in TGNA about the necessity of national mine action laws. He stated that State Parties were responsible for giving mine awareness education to local people, providing victim assistance and searching, marking and clearance of those lands with APM risk. Unfortunately, Turkey did not complete these tasks to date.<sup>174</sup>

State policies and statements of political leaders are other factors that reinforce the domestic impact of a norm. On different international platforms, such as the Conference on Disarmament or UN General Assembly, Turkey has made statements in support of the MBT. Furthermore, it has voted in favor of the relevant UN General Assembly resolution on global landmine-ban since 1998. On 2 July 2001, before the Mine Ban Treaty was signed, the then Prime Minister Bulent Ecevit also made statements about the necessity to join the treaty.<sup>175</sup> This statement, however, was made during the unilateral PKK ceasefire, therefore one can argue that the political environment was suitable to make such declaration.

In June 2001, with the cooperation of Physicians For Peace (USA) and Interplast Turkey Association, a center that to provide free prosthesis and rehabilitation service was established within the state Dicle University Research Hospital for victims of landmines, traffic accidents or patients who have atherosclerosis.<sup>176</sup> Between 2001 and 2011, the center

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<sup>173</sup> *Ibid.*

<sup>174</sup> Turkish Grand National Assembly Proceedings Periodical, 89<sup>th</sup> Session, May 13, 2009. p. 34.

<sup>175</sup> "Koye Geri Donuste Mayin Tehlikesi," *Bianet*, September 3, 2001.

<sup>176</sup> "Mayin Patlamalari Icin Protez Merkezi," *Bianet*, July 6, 2001.

provided prosthesis to 101 people who had landmine accidents.<sup>177</sup> The government also gave donations and assistance for mine clearance to other countries. In 2002, Turkey donated 25000 Euro to the Partnership for Peace Programme for the destruction of the APM stockpile in Ukraine. In the Standing Committee Meetings in 2003, Turkey said that it has engaged in demining projects in various countries including Albania, Bosnia Herzegovina and Kosovo. In the same year, Turkish Armed Forces trained Gambia Armed Forces about mine clearance.

Among the three, however, the most important element of domestic impact of a norm is the social internalization. The area of intervention of civil society in Turkey is not very large due to Turkey's statist domestic structure. Still, non-state actors influence policy making more than in a state-above-society polity. Checkel argues that "[i]n the statist structure, learning by elite decision makers plays a much more dominant role in the process through which global norms first reach the domestic agenda."<sup>178</sup> This may render NGO efforts ineffectual or slow down their operation in the process of norm diffusion. On the other hand, transnational advocacy networks can still find domestic partners, or *local allies*, to initiate a civil movement. Therefore, it is a small wonder that the internalization of mine-ban norm developed after the Turkish government has signed the MBT. The Turkish national ban campaign is the Initiative for a Mine-Free Turkey (IMFT), which was formed in September 2000 with financial and logistical support from the Swiss Campaign to Ban Landmines. This NGO, which is neither an association nor a foundation, is entirely run by volunteers. Other human rights NGOs such as the Turkish Human Rights Foundation (IHD) and Turkish-German Human Rights Association had an important role in establishing the initiative.

In the late 1990's, the press finally began to pay some attention to the APM issue in Turkey. Except the news that has been made visible by efforts of the civil society in early 2000, the press was rather reluctant giving place to landmine incidents, especially when the victim was a civilian. When it did give space occasionally, the stories were largely of

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<sup>177</sup> "Talep edene Ucetsiz Protez," NTVMSNBC, March 15, 2011. Available online: <http://www.ntvmsnbc.com/id/25192534/>

<sup>178</sup> Jeffrey Checkel, "International Norms and Domestic Politics: Bridging Rationalist-Constructivist Divide," *European Journal of International Relations*, 3 (1997): 473-495

economical and agricultural drawbacks the minefields have caused.<sup>179</sup> The headline of a news clip in 2001 would be representative of the interest of the press on landmines: “Lettuce Instead of Landmines.”<sup>180</sup> Furthermore, the text of the news, as many others published at the time, takes the landmine issue at the state level: how the mine clearance would positively affect Turkish-Syrian relations, how APMs were not necessary now as it did before 1999, and how inactive lands affect Turkish economy adversely etc. Only after Turkey has signed the MBT in 2003, the press gave place to news as well as columns that focused on the humanitarian impact of the APMs.

The Turkish advocacy network IMFT has committed itself to many aspects of the landmine problem. These could be listed as:

1. Pressuring the government to start a comprehensive investigation on landmines and the problems they cause.
2. Trying to mold public opinion.
3. Identifying the victims and their needs.
4. Preparing mine risk maps.
5. Teaching mine awareness.
6. Providing information for International Campaign to Ban Landmines (ICBL) about the government's compliance with the treaty.
7. Monitoring government policies

The last two tasks are especially important because the information about casualties and victim assistance and, if there is, a violation of the treaty is reported by the IMFT to the *Landmine Monitor*—the main compliance checking mechanism of the global mine ban movement. This information in turn enables non-governmental organizations, national or international, to hold the government accountable. When the new issue of the *Annual Landmine Monitor* or other international materials are published, the initiative translates them into Turkish and sends it to relevant institutions. In September 2002, the initiative sent a thousand CDs about APMs in Turkey to NGOs, members of the parliament and

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<sup>179</sup> For an example See, Hasim Soylemez, “Mayinli Topraklar Zorunlu Nadasta,” *Aksiyon*, July 24, 1999.

<sup>180</sup> “Mayin Yerine Marul,” *Hurriyet Daily Newspaper*, January 29, 2001.

municipalities close to the borders.<sup>181</sup> The IMFT also collects information from small local groups, such as Hakkari Awareness Group Against APMs and Explosive Remnants of War and share them on their website. The IMFT also creates its own information, such as checking daily newspapers to find landmine related incidents or preparing mine-risk maps. Consequently, the IMFT shares this information with the international landmine-ban campaign network (ICBL). In this way, the domestic information is carried to an international platform, making it more visible to everyone.

The Turkish national landmine ban campaign distributed its first brochure and an 8 minute video clip in August 2001, which were sent to the press and political leaders. The first national conference on landmines was organized in April 2003 in Istanbul with financial support from Medico International and the Swedish Campaign to Ban Landmines.<sup>182</sup> Although the IMFT is the primary civil actor that is engaged with the landmine issue, it is not the only one. The initiative's activities are endorsed and supported by various other NGOs, such as Human Rights Foundation of Turkey (HRFT), Human Rights Association (HRA), the Anti-Militarist Initiative, Diyarbakir Bar Association, Association of Displaced People, Greens of Turkey, Ecologist Association for a Greener Peace. HRA and HRFT regularly issues reports about victims of APMs or unexploded ordinances (UXOs). The Diyarbakir Bar Association provides legal assistance under the framework of an EU financed project, Enhancing Access to Justice in Southeastern Turkey: "Justice for All." On 5 December 2004, after Turkey signed the treaty, a landmine-ban street demonstration was organized on Taksim's Istiklal Street, in Istanbul. This was part of a more comprehensive campaign of the Anti-Militarist Initiative called "We Are Confronting the Reality."<sup>183</sup> The activists mined the street with dummy APMs and carried posters with anti-APM slogans.

Although Turkish NGOs has greatly affected how the government is engaged with the landmine problem and enabled popular awareness about landmines, apparently it does not have a direct role in Turkey's accession to the MBT. In an interview in 2001, the then coordinator of the IMFT says that, "Unfortunately, landmine problem can not make it to the political agenda in Turkey despite some progress thanks to the efforts of several NGOs. The

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<sup>181</sup> *Landmine Monitor Report*. New York, NY: Human Rights Watch, 2012.

<sup>182</sup> Hamza Aktan, "Kara Bir Sorun Kara Mayini," *Bianet*, April 29, 2003.

<sup>183</sup> Murat Celikkan "Yuzlesiyoruz," *Radikal Daily Newspaper*, December 4, 2004.

mine-ban campaign is run by civil society in all over the world unlike in Turkey where the civil initiatives are rather weak on making the government sign the treaty.”<sup>184</sup> Muteber Ogreten, the coordinator of the Initiative of Mine-Free Turkey (IMFT), makes a similar explanation about the role of domestic NGOs: “I do not think that civil society organizations accelerated the process of accession. On 12 March 2003, the Turkish parliament passed the law on the issue of acceptance of the treaty and shortly before this, our campaign was urging the government to sign the MBT. I say this as a joke, but if this had been our success, we could have said, 'we worked hard and parliament passed the law because of us.' In Turkey, there was no strong civil society on this issue that could make the parliamentary pass that law.”<sup>185</sup> Additionally, the Turkish national mine-ban campaign has just been started when the Turkish government became a party to the treaty. One possible reason for this fact can be the difficulty of activism in arms control and disarmament area in a country whose security understanding has been dominated by strong national security notions. If we also consider the extent of the influence of Turkish Armed Forces on the political life around the time Turkey has signed the MBT, it is highly possible that the government would disregard a civil initiative in disarmament area. Another reason can be the confinement of a military subject such as disarmament to the influence of civil actors due to the terrorism problem. Because the APMs were used in the armed struggle against PKK, they may have been seen as legitimate weapons not by the army alone, but also by some part of the society as well. In this respect, Ogreten said “We are a small informal initiative but this can be due to the problem that we are dealing with. APMs can easily be associated with terrorism. I had been seen as a “Kurdish militant” when I spoke about APMs at meetings in the Southeast region. We were only able to change this perception since last year. Nevertheless, wherever we go, we see positive responses from all segments of society.”<sup>186</sup> A similar example can be seen at the banning of a peace conference in Ankara in May 1997 by the government. The meeting was banned because of the alleged 'threat' it posed on 'the indivisible integrity of the state.’<sup>187</sup> A participant of the conference referred to

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<sup>184</sup> “Koye Geri Donuste Mayin Tehlikesi,” *Bianet*, September 3, 2001.

<sup>185</sup> From the interview for this thesis. Ogreten, Muteber. Personal Interview. 17 July 2012.

<sup>186</sup> *Ibid.*

<sup>187</sup> “Turkey: A Case Study Both for “Code” and Black Market Curbs,” *FAS Public Interest*

the banning order with saying, “This was clearly not a goal of the conference, which, according to the invitation letter, sought to 'silence the guns and seek through dialogue a solution that would allow both peoples [Turkish and Kurdish] to live in peace within the same state, with due respect for each other's identity and culture.'”<sup>188</sup> Upon this, the participant has said she made an interview in Ankara with the coordinator of the Foundation for the Research of Societal Problems and asked how foreigners could participate in the creation of a dialogue between Kurds and Turks, 'given the high level of sensitivity in Turkey to outside pressure on human rights.'<sup>189</sup> The interviewee suggested that the efforts on demilitarization and disarmament should have tried to engage both the Turkish military and the PKK insurgents in the issue. “An attack on the beloved army [alone] will be seen as an attack on the state,” he said.<sup>190</sup>

On the other hand, civil society initiatives help the internalization of the mine-ban norm in Turkey. Even though they did not have an effective role in the accession process, the tasks they do as *local allies* to the transnational landmine advocacy network (ICBL), further facilitate the legal, political and social habituation of the norm's tenets in domestic laws, policies and discourse. For example, one of the projects of the Human Rights Association, funded by European Union between 2006-2007, aimed to facilitate the process of a national mine action plan in Turkey.<sup>191</sup> This project was especially intended to pressure the government to fulfill the legal obligations on APMs in accordance with the MBT. In this regard, Ogreten said that, “Two years ago, we talked to the Prime Minister's Administration for Disabled People. Interestingly, as it turned out, they learned from us that the obligations of the treaty was giving responsibilities to their department.”<sup>192</sup> The importance of this task further increases considering the security perceptions that hinder implementation of the MBT. “The high level of sensitivity in Turkey to outside pressure on human rights” requires

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Report, Journal of Federation of American Scientists, 50.4 (1997): 6.

<sup>188</sup> *Ibid.*

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

<sup>191</sup> Hale Gonultas, “Insan Haklari Dernegi'nden Hayati Bir Kampanya: Mayinsiz Turkiye,” Express Dergisi, No. 58, February (2006).

<sup>192</sup> Ogreten, Muteber. Personal Interview. 17 July 2012.

non-governmental initiatives to take action instead of the transnational advocacy network (ICBL) itself. In an interview in 2006, HRA's General Secretary Nejat Tastan, told “Even after the accession to the MBT,<sup>193</sup> Turkey sees the banning of APMs as a security issue and perceives the minefields as areas mined against the enemy. The state says there is a security problem and does not comment on this issue. The state has to change this point of view. This is not a security issue. If you perceive this as a matter of security, then it is natural not to tell any information. Because when you disclose the figures, some areas are revealed.”<sup>194</sup> These thoughts are reinforced by Ogreten's explanations: “After Turkey signed the treaty (2004), I had asked ten questions to General Staff, Ministry of Foreign Affairs, Ministry of National Defense, Ministry of Finance and other related ministries, using my right to information. These questions were about how much and where the mines were in Turkey. Each of the ministries referred me to the General Staff. The response to my questions from the General Staff stated that 'A *sufficient* amount of mines exist in Turkey to provide security.' I objected to this answer. This was a response to me, but it did not answer my questions because this does not contain any information.”<sup>195</sup> Later, she told that information and documents about APMs has not been made public for many years since they were seen as national security or state secrets. She said, however, “This has changed lately. Now information is provided. The concept of national security in Turkey is very active. I think we have managed to create change in spite of this fact. This is one of the most concrete steps taken by the Initiative...[Furthermore] At the Eleventh Meeting of States Parties in Cambodia, Turkey said that it will soon establish a mine action center and the Ministry of Education and Ministry of Defense will give mine risk education. Also, mine co-ordination committee was formed last year. All these improvements have taken place through the IMFT's efforts.”<sup>196</sup> Another influence they had on state behavior is that the government is more careful now with regard to information about landmines. Ogreten said that Turkey now sees there is a domestic NGO in its country and it constantly monitors them. Thus, the

<sup>193</sup> It's important to note that the 1999 ceasefire was over and armed struggle was still continuing in 2006.

<sup>194</sup> Hale Gonultas, “Insan Haklari Dernegi'nden Hayati Bir Kampanya: Mayinsiz Turkiye,” *Express Dergisi*, No. 58, February (2006).

<sup>195</sup> Ogreten, Muteber. Personal Interview. 17 July 2012.

<sup>196</sup> *Ibid.*

state cannot be inattentive when giving information because the IMFT strictly monitors every step they take. Therefore, Turkey is not very comfortable when reporting facts and figures about the status of landmines. As Ogreten said, the government presents reports more carefully now. She further stated that this was not the only thing that has changed. When the IMFT demanded information especially about civilian casualties in reports, officials added the information to the report after a while. This year, she said, there was again no information about civilian casualties and she asked the reason to the Turkish delegates in Geneva meeting. She explains the answer as follows: “Upon this, one of them naively asked me 'Was there any civilian casualties this year Ms. Ogreten?' This means that they finally understood that there was a monitoring mechanism and they need to back up every bit of information they give with details. This is due to primarily because the state officials now understood the existence of non-governmental organizations that follow up this matter in their country. Because we have been monitoring them even before signing the MBT, I think they cannot act recklessly.”<sup>197</sup>

Another important contribution of domestic NGOs has been providing independent information to the transnational network to be used as progress or compliance check.<sup>198</sup> One of the founders of Geneva Call, Elizabeth Reusse-Decrey refers to this task of domestic NGOs in an interview with a Turkish newspaper, “According to the information available to us from the IMFT, Turkey's mine problem is quite serious...Local sources has expressed that up to 1000 people died during the conflict...International non-governmental organizations and the Geneva Call, needs to cooperate with civil society in Turkey.”<sup>199</sup> The *Landmine Monitor* publishes a report each year on State Parties' compliance with the treaty or progress on the issue. The information on countries in the reports are provided by the country researchers which generally belong to a national landmine ban campaign run by local non-governmental organizations. The *Landmine Monitor* reports on Turkey is based on data by the IMFT or other domestic NGOs. For example, some of the information in the 2002-2003 report was provided by the UN Permanent Representative of Turkey and the

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<sup>197</sup> *Ibid.*

<sup>198</sup> There are also other methods of NGOs in this regard. According to Atwood, “Whistle blowing and compliance performance measures will therefore be important contributions of NGOs to ensuring state compliance with the intentions of the MBT.” (Atwood, 23)

<sup>199</sup> “Turkiye Mayin Sorununu Ciddiye Almiyor,” *Bianet*, August 14, 2002.

Human Rights Association.<sup>200</sup> A small portion of the information is based on reports given by states themselves or the statements they make at international platforms. The ways through which domestic NGOs obtain information, however, differs from the international campaign. Ogreten, for example, told that there is a member of parliament who supports the activities of the IMFT. The organization sometimes collects information from the answers given to parliamentary questions that a MP asks the ministers. Had it not been for the IMFT, the International Campaign to Ban Landmines would not have been able access information that is collected by the various methods that local NGOs employ.

The double-checking of facts is another contribution of Turkish domestic NGOs. For example, in the 2002-2003 Landmine Monitor, official information was different than the information provided by civil initiatives in the report. According to the Human Rights Association (HRA), in 2002, 23 people died as a result of mine explosion and 25 people were injured. In the official statement of the State, however, it was reported that five people died and 16 people were injured.<sup>201</sup> Ogreten told another similar instance: "I saw inconsistency in the figures given and I told that to ICBL. In the meeting, ICBL asked Turkey the reason of this discrepancy. Turkey was forced to make a statement to the delegation, and said, 'We are sorry, we have done the counting wrong.' This was something that we have uncovered."<sup>202</sup> Another example of contradictory information was about where the mines were deployed. The IMFT stated that the places where the Turkish government says it has mined differs from the research by civil initiatives.<sup>203</sup> Upon this, the IMFT wanted the government to ensure the transparency required by the treaty.

In conclusion, Turkey is being compelled to make statements in international meetings as a result of disclosure of such contradictory situations. Ogreten told in our interview that this led the government into thinking that it was being monitored both from 'outside' and from 'inside'. Therefore, *local allies* help political internalization of the mine ban norm to consolidate. In addition, through campaigns, they both spread the word and

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<sup>200</sup> "1 Milyon Mayinla Yasiyoruz," *Bianet*, September 9, 2003.

<sup>201</sup> *Ibid.*

<sup>202</sup> Ogreten, Muteber. Personal Interview. 17 July 2012.

<sup>203</sup> Hale Gonultas, "Insan Haklari Dernegi'nden Hayati Bir Kampanya: Mayinsiz Turkiye," *Express Dergisi*, No. 58, February (2006).

remind the government of its responsibilities. This corresponds to further social and legal internalization of the norm.

#### **6.4. Conclusion**

For years, Turkish governments refused to sign the Mine Ban Treaty (MBT) based on arguments about the violation of borders and the PKK terrorism. However, in the process after the arrest of Kurdish rebel leader Ocalan, the intensity of the armed conflict waned and there were hopes that the terrorism problem would be solved soon. It was precisely in this period that Turkey bowed to pressure from transnational mine ban advocacy group (ICBL) and took concrete steps in accordance with the MBT. This chapter investigates the process through which the decision to join the MBT was made. As a result of the statist domestic structure in Turkey, cost-benefit calculations of decision-makers outweigh the efforts of societal actors. After a careful study, however, no causal relationship have been identified between domestic impact variable and diffusion of mine ban norm. On the other hand, another important finding is about political, social and legal internalization of the norm in Turkey. Societal actors, or local allies, were not strong enough to pressure the state to sign the MBT. Nevertheless, as the Turkish case in this thesis puts forth, they have a vital role in internalization of the norm in all aspects. The international campaign needs the cooperation of these local allies in order to further strengthen the norm in the domestic political, legal and social spheres to influence state behavior in the long run. Finally, we can argue that this is even more important in humanitarian arms control and disarmament field due to its close connection with the security domain of state.

## **CHAPTER 7**

### **CASE STUDY 3: CUBA**

Cuba is one of the two countries in the Americas which have not yet signed the Mine Ban Treaty (MBT).<sup>204</sup> The economic and political attrition coming from the military superpower of the world made Cubans go through considerable hardship, especially after the dissolution of many socialist states in the world. The withdrawal of Soviet aid after the end of the Cold War added more to the already heavy burden on the shoulders of the country. Politically, while its centralized socialist system opposes any power sharing with alternative political parties that can run for elections, the constitution states that civil liberties can be abandoned if the project of socialism is at stake. From the theoretical perspective employed in this chapter, its state-above-society domestic structure coupled with distant ties between the society and the state, leaves very small room if any to TANS and other actors to promote norms. This chapter investigates domestic impact of norms against landmines with respect to domestic salience and domestic structure, and the change in crisis level of Cuba in accordance with the end of the Cold War.

#### **7.1. Crisis Level**

Soviet military and economic back up during Cold War is the cornerstone of understanding the changing crisis level of Cuba, from moderate to high levels beginning from early 1990's. The survival of Cuba's state socialist regime relied on the military

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<sup>204</sup> The other one is United States.

protection and economic aid from the Soviet Union during its first thirty years. After the Bay of Pigs invasion, military assistance from the Soviet Union soared to the island until

<b>TABLE 2</b>		
<b>Soviet Military Assistance to Cuba</b>		
SELECTED SOVIET MILITARY HARDWARE IN CUBA, 1990		
Army	Main battle tanks	1.100
	Light tanks	60
	Armored fighting vehicles	650
Navy	Submarines	3
	Frigates	3
	Patrol and coastal combatants	56
Air Force	Fighters, ground attack	156
	Fighters	199
	Transport aircraft	82
	Attack helicopters	46
	Transport helicopters	123
	Surface-to-air missile sites	200
	Training craft	89
SOVIET MILITARY PERSONNEL IN CUBA, 1990		
Military advisers		2.800
Military detachment (brigade)		2.800
Electronic technicians (Lourdes)		2.100
Source: Mesa-Lago, Carmelo. <i>Cuba After the Cold War</i> . Pittsburgh: University of Pittsburgh Press. p. 72		

1991.<sup>205</sup> Cuba served as a Soviet counter-measure against US troops deployed near USSR territory. Thanks to this strong tie between the two, helicopters, fighter jets, ships, hundreds of tanks, and other military supplies and equipment were provided to Cuba. For example the deployment of missile bases in Cuba sparked the hottest moment in the Cold War—the Cuban Missile Crisis of 1962. Mesa-Lago also states that “military assistance was provided free because Cuba lacked the capacity to pay. Almost all of Cuba's modern military

<sup>205</sup> Bay of Pigs invasion (1961) was a failed initiative to overthrow Castro's socialist regime by a force of Cuban exiles who were funded by US government and trained by CIA.

equipment since 1960 came from the USSR.”<sup>206</sup> The extent of dependency was not limited by military hardware and spare parts, but also included agricultural products particularly food and manufactured goods.<sup>207</sup> Soviet military aid was very generous, an obvious fact when the Cuban army is one of the world's largest in per capita terms. According to Mott “from 1959 through 1979-1980 Soviet military assistance was only about \$3.7 billion, whereas from 1981 through 1988 Moscow agreed to transfer weaponry worth \$11.8 billion to Cuba, while other communist donors, except China, provided an additional \$1.4 billion in weaponry.”<sup>208</sup> Huge flow of economic and military aid during the Cold War, as can be seen in *Table 1*, was making it “difficult to envisage how Cuba could possibly survive and maintain its present form of government” without the Soviet Union.<sup>209</sup>

The Soviet economic crisis during mid-1980s required a change in the policy of economic and military aid to Cuba.<sup>210</sup> Given the sunken costs to shape the Cuban system, some Soviet officials were in favor of carrying on with the policy; but during Gorbachev's term, “many government, military, and party officials who had personal and official commitments to Cuba have been replaced by people who don't care.”<sup>211</sup> Once the Soviet aid became no more an option to bail out Cuba's economy from US embargo, Cuba's imports and exports dropped down by between 70 and 80 percent from 1990 to 1993. Between 1989 to 1993, Cuba's GDP reduced as much as 48 percent, and real salaries dwindled by 50 percent.<sup>212</sup> According to Mesa-Lago, the Soviet Union was more than a helpful ally for Cuba before its dissolution; “Gorbachev sought cooperation with the United States, whose hostility to Cuba has been a rationale for Soviet aid. Glasnost and perestroika dealt a severe

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<sup>206</sup> Mesa-Lago, Carmelo. *Cuba After the Cold War*. Pittsburgh: University of Pittsburgh Press, 1993. p. 71

<sup>207</sup> *Ibid*, p. 60

<sup>208</sup> Mott, William H. (2001) *Soviet Military Assistance: An Empirical Perspective* Greenwood Press. p. 274

<sup>209</sup> Shearman, Peter (1987) *The Soviet Union and Cuba* Routledge & Kegan Paul. p. 81

<sup>210</sup> Mesa-Lago, Carmelo. *Cuba After the Cold War*. Pittsburgh: University of Pittsburgh Press, 1993. p. 295

<sup>211</sup> *Ibid*, pp. 91-92

<sup>212</sup> Hawkins, Darren. "The Domestic Impact of International Norms"  
<http://isanet.ccit.arizona.edu/archive/hawkins.html>

blow not only to Castro's political model and Cuba's economy, but also to his reliance on Soviet backing for his strategy for regional security."<sup>213</sup> Eventually, military projects halted without weapons and support from the USSR, the GDR and Czechoslovakia.<sup>214</sup> As a result, Cuba had to survive on its own security measures without relying on her former allies, especially the Soviet Union. Without the Soviet protection, now the effects of U.S. hostility was ever more apparent on Cuba. Castro's state socialism was still seen as a threat by many US politicians and citizens in spite of the dissolution of the USSR. Bill Clinton, then president of the United States, offered \$6 billion economic aid and the retirement of Guantanamo Naval Base personnel if Cuba agreed on a democratic transition.<sup>215</sup> Cuban government always resisted the U.S. efforts for a regime change in Cuba, even in the face of strong commercial, economic, and financial embargo that has been in place since 1960.

All in all, a stagnant and weak economy, and continuous hostility and aggression from military superpower of the world are the primary sources that increase the crisis level of Cuba, leading her to retain easily affordable landmines. APMs were exclusively laid around U.S. Navy's base at Guantanamo Bay, circling its 18-mile border with other types of security devices, such as metal fences or barbed wire. One estimation is that there are 70,000 antipersonnel and antitank mines laid on 735 acres of land.<sup>216</sup> This naval base is considered to be a strategic property to US forces in the Caribbean, and also it accepts refugees coming from countries in the region. Since 2001, another function of the base has been a prison camp to many terrorism suspects, such as for Taliban and Al-Qaeda. Cuba is against the existence of naval base and the prison camp, and claims that U.S. presence on the Cuban territory is illegal according to the international law. U.S. completed the clearance of its borders in the area and replaced old "dumb" mines with smart ones (those that can be detonated by the personnel or on its own after a while). Cuba, having the fear of

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<sup>213</sup> Mesa-Lago, Carmelo. *Cuba After the Cold War*. Pittsburgh: University of Pittsburgh Press, 1993. p. 66

<sup>214</sup> *Ibid*, p. 364

<sup>215</sup> Smith, Peter H. (2000) *Talons of the Eagle*. Oxford University Press. p. 322

<sup>216</sup> Roger Ricardo, *Guantanamo, The Bay of Discord: The Story of the US military base in Cuba* (Melbourne: Ocean Press, 1994).

encountering the U.S aggression, still retains APMs around the base, giving territorial defense and security as reasons to do so.<sup>217</sup>

According to the statement of the Directorate of Multilateral Affairs of the Cuban Ministry of Foreign Affairs, “These mines also serve the military purpose of preventing US troops from expanding with impunity the perimeter they occupy illegally and from launching offensive actions into the Cuban territory.”<sup>218</sup> This clearly signals that the mines are understood and used as a deterrent measure against possible aggression. Even though the U.S. and Cuba are not equal in terms of military might, and the U.S can easily overthrow Castro's government through the use of force, Cuba does not want to forgo its landmines and holds on to them to protect the area that borders Guantanamo Bay. According to Landmine Monitor 2012, in 2009 Cuba told the ICBL officials that a change in landmine policy is only possible with a change in U.S. policy towards Cuba, such as signing a peace or non-aggression agreement.<sup>219</sup> Therefore, high level of crisis due to the US threat blocks the process of Cuba's accession to the treaty. This is best observed in the Cuba's explanation of vote about the universalisation of the Mine Ban Treaty at the United Nations General Assembly meeting in 1999: “Cuba would abstain on the vote, because for four decades it had been subject to a policy of aggression and could not afford to renounce the use of that weapon. It was determined to create a necessary balance between humanitarian and security issues and do all possible to protect civilians from the danger of those weapons.”<sup>220</sup>

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<sup>217</sup> Statement by Miguel Jiménez Aday, Counselor, Embassy of Cuba in Colombia, Second Review Conference, Mine Ban Treaty, Cartagena, 4 December 2009. Notes by the Monitor. According to the US, the minefields were laid in 1983, immediately following the US invasion of Grenada. Joint Task Force Guantanamo, “A historical look at Guantanamo Bay and the Northeast Gate,” [www.jtfgtmo.southcom.mil](http://www.jtfgtmo.southcom.mil).

<sup>218</sup> Statement of the Directorate of Multilateral Affairs of the Cuban Ministry of Foreign Affairs, 19 June 2000, taken from Landmine Monitor 2000.

<sup>219</sup> Notes from ICBL meeting with Amb. Rodolfo Benítez Versón, Permanent Mission of Cuba to the UN in New York, 15 October 2009, taken from Landmine Monitor 2012.

<sup>220</sup> *Landmine Monitor Report 2000: Toward a Mine-Free World*. New York, NY: International Campaign to Ban Landmines, 2000.

## 7.2. Domestic Impact of the Norm

Cuba is one of the few countries that have abstained from the vote on the United Nations General Assembly resolution passed every year to promote universalization and implementation of the Mine Ban Treaty (MBT) since 1996. Throughout the years, Cuba attended all of the MBT meetings as an observer. Cuba's deputy Minister of Foreign Affairs, Maria de los Angeles Florez, stated in the December 1997 signing ceremony in Ottawa that Cuba understands the humanitarian concerns over the indiscriminate and irresponsible use of landmines, and that was why Cuba actively involved “in the negotiation process which led to the establishment of the Convention on Conventional Weapons (CCW) in the early 1980s.”<sup>221</sup> Cuba is a member country of the Conference on Disarmament (CD), Organization for the Prohibition of Chemical Weapons, the International Atomic Energy Agency (IAEA) and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL). Furthermore, Cuba is also a state party to many arms control conventions such as the Biological Weapons Convention, the Chemical Weapons Convention, the Treaty on the Non-proliferation of Nuclear Weapons and the Treaty for the Prohibition of Nuclear Weapons in Latin American and the Caribbean (Treaty of Tlatelolco). In February 2001, Cuba invited the International Campaign to Ban Landmines (ICBL) to “allow for a mutual better acquaintance between the ICBL and the Republic of Cuba.”<sup>222</sup> ICBL representatives visited the US Naval Base at Guantanamo Bay and had the first chance to observe the minefields. It is believed that Cuba's state-owned Union of Military Industries continues to produce APMs.<sup>223</sup> Although Cuba is party to the

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<sup>221</sup> Maria de los Angeles Florez, Deputy Minister of Foreign Affairs, Cuba, Address to the Ottawa Conference on Antipersonnel Landmines, Ottawa, December 2-4, 1997 taken from Landmine Monitor 1999.

<sup>222</sup> Letter to Landmine Monitor researcher Noel Stott from Juan Antonio Palacios, Director, Multilateral Affairs Division, Ministry of Foreign Affairs, Havana, Cuba, 5 February 2001, taken from Landmine Monitor 2001.

<sup>223</sup> Octavio La Vatida, “Industrias Militares en la Senda de la Eficiencia,” *Granma Internacional*, 3 September 1997.

CCW, it has not ratified Amended Protocol II<sup>224</sup> on landmines yet. Since 1996, Castro government has stated that it does not and has never exported APMs to another country in the past. Yet, there are no laws against production of landmines, and no moratorium or ban on the export of APMs. Cuba is not a state party to the Convention on Cluster Munitions (CCM) as well. As a result, legal internalization of the norm against landmines is weak, though government policies about disarmament, especially nuclear, is in line with international standards, even higher than the United States. For example, Cuba has voted in favor of 2006 UNGA Resolution 61/89, proposal about a possible Arms Trade Treaty, as opposed to United States.

As to political internalization of the mine-ban norm in Cuba, the government provides the needs of victims of landmines. Although Cuba does not participate in international mine action activities, there are 2,410 Cuban doctors in Africa, the Caribbean and Central America working for victim assistance. Victims of landmines can benefit from Cuba's free and universal healthcare system. Furthermore, the Cuban Association of Physically Disabled Persons (Asociacion Cubana de Limitados Fisico-Motores) has a support network that also includes victims of landmines.

On the other hand, Cuba avoids giving details about the use of weapons to international institutions. The actual size and composition of Cuba's stockpile of APMs are unknown due to the lack of official information. A questionnaire submitted by the Landmine Monitor in order to learn the details of mine use, production, transfer, and stockpiling was declined by Cuban government.<sup>225</sup> Cuba's state-above-society domestic

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<sup>224</sup> “*Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices* was amended on 3 May 1996 to strengthen its provisions. It extends the scope of application to cover both international and internal armed conflicts; prohibits the use of non-detectable anti-personnel mines and their transfer; prohibits the use of non-self-destructing and non-self-deactivating mines outside fenced, monitored and marked areas; broadens obligations of protection in favour of peacekeeping and other missions of the United Nations and its agencies; requires States to enforce compliance with its provisions within their jurisdiction; and calls for penal sanctions in case of violation.” *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*, <http://www.un.org/millennium/law/xxvi-18-19.htm>

<sup>225</sup> Email from Amb. Rodolfo Benítez Versón, Permanent Mission of Cuba to the UN, 11 March 2011, noted that the questionnaire had been forwarded to Havana. Cuba has declined to provide updated information to the Monitor every year since 2003. This information was taken from the Landmine Monitor 2012.

structure closes the decision-making process to societal actors. Distant state-society relationship leads to illegitimation of any movement which opposes government policies. However, this was not always the case. Cuba had “a strong associational activity, with deep historical roots and a society permeated with religious belief.”<sup>226</sup> After the establishment of single-party government, the state had the power to control counter discourses in the society.

In Cuba, there is no national mine-ban campaign. Since there is no domestic NGO working on APMs, the transnational landmine-ban advocacy network (namely, ICBL) cannot find an *ally* that will pressure the government from within to comply with the norm. Even a weak national mine-ban campaign becomes strong, in terms of its ability to influence state compliance with the norm, when it allies with the international campaign. In the case of Mine Ban Treaty, the international campaign has a very institutionalized network that effectively monitors state compliance. This thesis argues that if there was a domestic NGO that supported the goals of the MBT, then the ability of the international campaign to influence Cuba's compliance with the norm would be higher. However, civil society in Cuba lacks even the basic freedoms to organize around such an issue like disarmament. Therefore, social internalization of the norm is very low. High degree state officials often decide and direct public agenda. Small and illegal opposition groups try to survive in Cuba, but they don't have access to the media. In 2005, the Assembly to Promote Civil Society in Cuba was founded. It is a coalition of some 365 non-governmental organizations. Their main concerns are freedom of speech, freedom of the press, freedom to form political parties and freedom to create private business. However, demands for political rights and civil liberties fall on deaf ears in Cuba. Ladies in White (Damas de Blanco), for example, is a opposition group in Cuba, whose members are wives and other female relatives of the jailed democracy proponents. Ladies in White is criticized by Cuban government as being a movement of American-backed terrorists.<sup>227</sup> According to Perez, “Repression causes the Cuban people to fear their government. Given this fear and the relative easiness of leaving the country most Cubans who disagree with their government

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<sup>226</sup> Margaret Crahan and Ariel Armony, “Does Civil Society Exist in Cuba?” Available at <http://cubainfo.fiu.edu/Documents/CrahanDoesCivilSocietyExistInCuba.pdf>.

<sup>227</sup> "Cuba's Ladies in White released after weekend arrest" BBC News. 19 March 2012. Retrieved 20 March 2012.

prefer 'exit' rather than 'voice'.<sup>228</sup> Under such circumstances, it is difficult enough for civil society groups to gather for demonstration let alone influencing government decisions regarding security issues of the country. Therefore, absence of a *local ally* is a drawback for ICBL to convince Cuban government about implementing the treaty.

### 7.3. Conclusion

The U.S. embargo and political attrition towards Cuba, and the existence of naval base in Guantanamo Bay maximizes the security concerns of Cuban government. Since APMs are cost effective to secure the border near the Guantanamo Naval Base, the Cuban government is reluctant to change policy despite strong international pressure. On top of high security concerns, Cuba's state-above-society domestic structure is little influenced if any by the civil society initiatives. Given the government's intolerance even to opposition groups working for social issues, the absence of domestic NGOs working for mine-ban is not surprising. When there are no domestic NGOs, ICBL cannot create a pressure from within the country and get inside information to be used against the government. Civil actors often leave the country instead of raise their voice and possibly be jailed. Majority of the population still support the Castro government which came to power after the Cuban Revolution in 1953. Any social mobilization is limited and impeded by the state before it flourishes. Therefore, the domestic impact of the mine-ban norm is very low in Cuba. These two factors block the influence of ICBL, leaving the only possible way for policy change: elite learning. However, this also seems unlikely considering the strained relationship between Cuba and Western states.

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<sup>228</sup> Pérez Jr., Louis A. (2003) *Cuba and the United States: Ties of Singular Intimacy* The University of Georgia Press. pg. 267-8

## CHAPTER 8 CONCLUSION

Norm diffusion does not merely rely on agenda setting efforts of the ICBL. One of the findings of this thesis on the Mine Ban Treaty (MBT) is that the crisis level variable appeared as a factor directly blocking or giving way to the ICBL in its efforts influencing behavior of states towards the MBT. However, as the Turkish case showed, the domestic impact of the mine-ban norm does not have a causal relationship with the dependent variable.

<b>Countries</b>	<b>Crisis Level</b>	<b>Domestic Impact of the Norm</b>	<b>Implementati on of the treaty</b>
<b>Cuba</b>	High	Low	-
<b>Turkey</b> Before the ceasefire in 1999	High	Low	-
<b>Turkey</b> After the ceasefire in 1999	Low	Moderate	+
<b>USA</b>	High	High	-

Table 3. Norm Diffusion and Crisis Level Relationship in the Case of the Mine Ban Treaty

The Turkish government finally decided to join the MBT after a careful investigation of the Armed Forces on the use of landmines. When the armed struggle dramatically waned in 1999, Turkey declared that the circumstances were appropriate to join the MBT, despite little social pressure from within. The same applies to the US case,

too. The United States had the highest level of compliance with the norm. Having a liberal domestic structure, policy making was open to ICBL to exert influence. High domestic impact of the mine-ban norm, however, was not sufficient for commitment of the US government to the treaty. In the case of Cuba, due to high security concerns again, the Castro government was hesitant about joining the MBT. In all of these cases, security concerns of states slowed down the process of diffusion of the mine-ban norm. Case studies revealed that if the country faces a threat to its national security, ICBL can affect only the internalization of the mine-ban norm with the help of domestic civil society agents. However, once the country signs the treaty (with or without any development of the norm in the domestic discourse), *local allies* facilitate the process of internalization even in statist structures whose security understanding is dominated by national security discourse, as in the case of Turkey. Therefore, for norm internalization, independent from norm diffusion, local allies plays an important role. If the government is left on its own to make policy changes, then internalization is most likely to lag. Keck and Sikkink argues that once states accept an international norm, TANs can use this when the country does not comply with the norm in practice, employing naming and shaming techniques at the international level.<sup>229</sup> In this regard, the contribution of local allies is indispensable. TANs find out inconsistencies between discourse and practice of the international norm by the state and provide first hand information. Within the country, they constantly monitor the government and ask questions. The Turkish case especially reveals supportive findings for this argument. The Initiative for a Mine-Free Turkey (IMFT) was monitoring and pressuring the government to take action in accordance with the treaty. In Cuba, a state-above-society structured polity, weak civil society and the government repression on civil actors create an environment in which the diffusion and the internalization of the norm is given up to the government. Domestic structure variable is also another factor that affected ICBL's access in three cases. This further supports the finding of the importance of *local allies* in a country. If the political environment is not open to civil actors and their elbowroom is too narrow, then the influence of TANs decrease significantly. The Cuban case, in that matter, was an example of how the domestic structure is decisive about TANs' access into a country. Therefore, one of the conclusions of this thesis is that TANs will need the cooperation of *local allies* to

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<sup>229</sup> Keck, Margaret E, and Kathryn Sikkink. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, N.Y: Cornell University Press, 1998.

reshape the foundational norms in small arms control field. Information and knowledge sharing is the most important aspect of a *local ally*-TAN relationship. These local allies have first hand information due to their positions. This finding is also supported by another study that includes interviews with leaders of human rights NGOs.<sup>230</sup> The circulation and visibility of politically important information in the international level is heavily dependent on the efforts of *local allies* and their contacts with TANs. Keck and Sikkink's *Boomerang effect* model appears to be relevant in humanitarian small arms control field, too.<sup>231</sup> Although this is not a new finding in itself, it is worth considering its effect in small arms disarmament field in different countries with different domestic structures.

<b>Countries</b>	<b><i>Local Ally</i> (Domestic NGOs)</b>	<b>Domestic Structure</b>	<b>Norm Internalization</b>
<b>Cuba</b>	-	State-above-society	Low
<b>Turkey</b>	+	Statist	Moderate
<b>USA</b>	+	Liberal	High

Table 4. Norm Internalization and the Presence of *Local Allies* relationship in the Case of the Mine Ban Treaty

In the field of humanitarian arms control and disarmament, global civil society actors will gain legitimacy and information in the target country due their alliance with domestic NGOs. After gaining domestic legitimacy, TANs can influence the government policies without looking like a 'foreign meddler.' Such instances have been seen in different contexts. In Colombia, for example, foreign NGOs have experienced this hardship. It has been reported that in Colombia,

<sup>230</sup> Sahin, Bican and Mete Yildiz, “Transnational Advocacy Networks in Perspective: Democratization, Human Rights and NGOs in Turkey,” *Uluslararası İlişkiler*, 6.21 (2009): 41-65.

<sup>231</sup> The Boomerang effect, conceptualized by Keck and Sikkink (1998), “The Boomerang model is the ideological solidarity and dense information flows among domestic and international activist groups and NGOs—the main participants of transnational advocacy networks.” In the mine ban case, partnerships with local NGOs are essential for TANs actively getting information from the countries alongside the official information they get from the government.

“the relationship between civil society organizations and the government has not been easy, especially for foreign NGOs. During president Alvaro Uribe’s term in office many were expelled. The official stance in taking this decision was that NGOs were intervening in national matters and risking national security. In some cases the president also accused them of helping terrorists, or even of being terrorist agencies in disguise.”<sup>232</sup>

As a policy recommendation, this thesis emphasizes the importance of bilateral agreements between border neighbors. In the Turkish case, bilateral agreements helped the mine-ban norm gain more strength and led Turkey and its neighbors further comply with the norm even before they signed the MBT. Therefore, such agreements create possibilities about extending the area of norm diffusion. This thesis also reveals supportive finding for the efforts of including armed non-state actors in the disarmament treaties. After the end of the Cold War, the nature of international conflict has changed and intrastate conflicts began to replace interstate conflicts. Since the crisis level has an effect on norm diffusion as shown in this thesis, transnational advocacy networks working in disarmament field should try to engage armed non-state actors in the process. To this end, Geneva Call has been established ten years ago. Humanitarian engagement of non-state actors is another alternative of further increasing TANs' influence in small arms control campaigns.

Lastly, the role of transnational advocacy networks are increasing at a time when international negotiations take place about concluding a potential arms trade treaty. There is a need for alternative ways of enabling states to comply with humanitarian small arms and disarmament norms. As a result, studies of other factors affecting the TANs' influence will contribute to the field.

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<sup>232</sup> Amaya Querejazu, "NGOs in Colombia: a long way from heaven but a little further from hell," Bertelsmann Stiftung, July 22, 2011. Available online: <http://futurechallenges.org/local/ngos-in-colombia-still-away-from-heaven-but-a-little-bit-further-from-hell/>

## **APPENDIX**

Questions for the interview with Muteber Ogreten from the Initiative for a Mine-Free Turkey.

### **ABOUT THE EXTENT OF APM USE IN TURKEY**

1. Can you briefly describe the human dimension of the problem of landmines in Turkey? (The usage of mines in Turkey etc.)

### **ABOUT THE EFFECTS OF LEGAL STATUS IN TURKEY ON THE SIGNING OF THE MINE-BAN TREATY**

2. Are there other international initiatives in the field of human security which Turkey is a part of?
3. Were there any laws in domestic law relating to land mines in Turkey before its accession to the Mine Ban Treaty?

### **ABOUT THE CONTRIBUTIONS OF NON-GOVERNMENTAL ORGANISATIONS TO THE PROCESS OF SIGNING OF THE MINE-BAN TREATY**

4. Can you briefly tell how the Initiative for a Mine-Free Turkey has formed?
5. Were there any local non-governmental organizations active in this field before Turkey signed the Treaty?
6. Do you think that local NGOs in Turkey have played an active role in the accession process? If so, what were their roles and contributions?
7. Do you think that international NGOs in the world have played an active role in the accession process? If so, what were their roles and contributions?

### **ABOUT THE EFFECTS OF POLITICAL STATUS IN TURKEY ON THE SIGNING OF THE MINE-BAN TREATY**

8. What is the relationship between the problem of terrorism in Turkey and the use of anti-personnel landmines?
9. Following the capture of Abdullah Ocalan, the PKK declared a ceasefire between 1999 and 2004. Do you think the hopes for peace in this period gave impetus to the signing of the Treaty?

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