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Reversing the Gun Sights: Transnational Civil Society Targets Land Mines

Richard Price

Norms, Socialization, and Transnational Civil Society

The security policies of states represent, *prima facie*, a particularly hard case for demonstrating the role of transnational nonstate actors in new issue areas of world politics. This is so because conventional wisdom assumes that the high politics of security policy is where the state ought to be the most autonomous from society at large and able to set its sights on military imperatives relatively independent of societal pressures, whether domestic or international. In the study of contemporary international relations, a prominent corollary of this claim is the assumption that nonstate actors are more relevant as a contemporary subject of analysis in world politics precisely because of the rise of nonsecurity issues on the international agenda.¹ Commonly, we hear that international politics is entering a new era, characterized by such phenomena as global environmental crises, global financial flows, an information technology revolution, and a global civil society, all of which are said to undermine state sovereignty. Yet demonstrations of the influence of such transformative changes on state practices of weapons procurement and military doctrine are conspicuously scant. To this end, I examine the hard case of the role of transnational nonstate actors working through issue networks to affect how states prepare for and wage war. I do so by analyzing the campaign to generate an international norm prohibiting antipersonnel (AP) land mines.

Alternative theories predominating in the study of international relations have difficulty accounting for crucial developments in the effort to ban land mines. Realist

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1. See Gordenker and Weiss 1995, 364; and Spiro 1995.

theories expect that states would base their decisions on whether to forgo the development, trade, transfer, use, or stockpiling of AP land mines on the basis of their utility. Mines would only be abandoned if they ceased to be militarily useful in enhancing national security. 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. However, there are several difficulties with this parsimonious argument that a ban is unproblematically explained as being in states' interests. The argument cannot account for the existence of variation in states' receptivity to transnational efforts to ban mines except by referring to nonrealist phenomena. Many states have decided not that mines are not at all useful, but that their military utility is outweighed by their humanitarian costs, thus introducing a moral calculus into the definition of national interest. Some pro-ban states have renounced the use of mines because they do not face pressing security dilemmas. Although the renunciation of mines is thus easily perceived as not running contrary to their interests, the problem for realism is that such an argument must make an appeal to arguments that do not square with the realist insistence that the anarchic structure of world politics creates a relative gains world in which threats are endemic for all states. Moreover, the realist argument does not account for why relatively insecure states—such as Angola, Cambodia, and Croatia and the Taliban regime in Afghanistan—have committed to banning mines; nor does it account for the pro-ban stance of a regional power such as South Africa, which has not enjoyed the moderated security pressures of those states located in a Western security community. The support for a comprehensive ban treaty by 122 nations confounds realist expectations.

Rationalist regime theory is more at home with the notion that international norms can have important effects on states, particularly in facilitating cooperation.² The image derived from neoliberal approaches, however, is of international agreements reached through a bargaining process between state interests that are internally derived and converge on focal points. Neoliberalism is ill-suited to account for developments such as the unilateral renunciation of mines by dozens of states even before a widely accepted international treaty seemed likely. 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 key impetus for normative change lies in processes engendered by transnational and nonstate sources of agency that generate interests.

Recent constructivist work in international relations has taken as one of its main targets the security policies of states.³ As insightful as the constructivist research program has been, the object of such analyses still has often been the state.⁴ This focus on the state is often justified, insofar as the state is the institutional site of the

2. See Keohane 1984 and 1989; and Krasner 1983.

3. Katzenstein 1996.

4. See Campbell 1992; and Wendt 1992.

most notable political specialists in defining and providing for security—government and the military typically do wield preponderant influence over other societal actors. But focusing solely on the state as an actor diverts attention from other sources of agency and socialization, sources that have been particularly important in generating norms in a variety of issue areas on the global agenda. On the other hand, scholars who have shown empirically the role of nonstate actors in generating international norms and defining state interests have typically focused on nonsecurity or new-issue areas such as human rights and the environment.⁵ In this article I seek to address this opening and bridge the two literatures by investigating the processes by which members of a transnational civil society seek to change the security policies of states by generating international norms that shape and redefine state interests.

The term *civil society* is especially apt when referring to the impetus for change in the case of land mines, since it is the political locale self-consciously identified by both the NGO (nongovernmental organization) community and by governments (whether generously or contemptuously). I use the term *transnational* to refer to interactions across national boundaries where at least one actor is a nonstate agent.⁶ *Transnational civil society* in this context refers to a set of interactions among an imagined community to shape collective life that are not confined to the territorial and institutional spaces of states.⁷

As constructivist scholars have effectively demonstrated that states are socialized to norms, some critics of constructivism now argue that insufficient attention has been paid to *how* this occurs—an issue I take up in this article by examining some of the mechanisms and processes involved in this socialization. A progressive shift in criticisms is no small indication of the fecundity of a research program, and an emerging wave of research on the development of norms has also taken the previous wave of norms research to task for inadequately specifying when, why, and which norms matter. One of the main charges of this literature is that the initial constructivist research on norms, by focusing unduly on discrete case studies to show that norms matter, is ill-placed to answer questions of why some norms are accepted by some states and not by others and why some norms fail. These critics focus on domestic structures, organizational culture, and the like as a remedy for building middle-range theory with greater predictive power about the conditions under which norms are likely to emerge and be effective.⁸

I address these concerns by examining how the processes involved in delegitimizing land mines are related to conditions of success and failure empirically identified for other international norms. The literature on norms in international relations has

5. See, for example, Gordenker and Weiss 1995; Haas 1992; Keck and Sikkink 1998; Klotz 1995; and Wapner 1995 and 1996. Exceptions examining security issues include Adler 1992; Finnemore 1996b; McElroy 1992; and Müller 1993.

6. Risse-Kappen 1995, 3.

7. See Lipschutz 1996; and Wapner 1995. I use the term *transnational* instead of *global* because civil society is much more uneven and issue-specific than the latter term implies.

8. See Checkel 1997 and 1998; Cortell and Davis 1996; and Legro 1997.

identified a number of avenues for norm development. First, many scholars focus on the role of key individuals, such as transnational moral entrepreneurs who are the moving forces behind normative change, and important decision makers who may be persuaded by activists to elevate the position of an issue on the domestic or international political agenda or even to decide in favor of an issue out of moral conviction.⁹ Second, a number of scholars have shown how norms develop through various mechanisms at the societal level, such as domestic norms diffusing to become international norms;¹⁰ new international norms succeeding because they resonate with domestic norms;¹¹ norms influencing foreign policy because domestic groups mobilize around a norm and use it to put pressure on the state, sometimes for instrumental domestic political purposes;¹² norms becoming institutionalized or bureaucratized;¹³ and norms changing policy because those who subscribe to the idea have bureaucratic power, in part derived from the authority of the discourse.¹⁴ Third, some scholars have emphasized the role of more systemic sources of norm development. Systemic sources include the demand for norms as solutions to coordination problems;¹⁵ the role of hegemonic state power in imposing norms as a means of systemic diffusion;¹⁶ the role of identity, emulation, and reputation;¹⁷ the development of norms as broader societal attitudes and intersubjective meanings through education¹⁸ and/or their coherence with other established international norms;¹⁹ and the development of moral discourses through a more haphazard combination of the preceding processes with contingencies of history.²⁰

Although elements of many of these mechanisms are evident in the generation of a new norm proscribing AP land mines, I argue that the role of moral persuasion and the social pressure arising from identity politics and emulation are particularly crucial. A complete account of international norm change and resistance would require *inter alia* the empirical investigation of the domestic politics and culture of all states, as per the comparativist-inspired critique. The anomaly investigated here, however, is not subsystemic sources of cross-national variation, but a systemic phenomenon: the source of similarity and convergence among a large number of highly varied states.²¹ I thus focus initially on the impetus for systemic normative change fostered by transnational civil society and then trace two widespread processes stimulated thereby—norm adoption through moral entrepreneurship and emulation—that have

9. See Nadelmann 1990; Lumsdaine 1993; and McElroy 1992.

10. See Lumsdaine 1993; and Price and Tannenwald 1996.

11. See Cortell and Davis 1997; Crawford 1993; and Klotz 1995.

12. See Checkel 1997; Cortell and Davis 1996; and McElroy 1992.

13. See Cortell and Davis 1996; Lumsdaine 1993; and Sikkink 1994.

14. Haas 1992.

15. Keohane 1984 and 1989.

16. Ikenberry and Kupchan 1990.

17. See Florini 1996; McElroy 1992; and Wendt 1992.

18. Wapner 1996.

19. See Florini 1996; Lumsdaine 1993; Finnemore 1996a; and Crawford 1993.

20. Price 1997.

21. Finnemore 1996b, 2–3.

often overtaken the more idiosyncratic workings of domestic politics. These processes accord with the constructivist focus on the constitution of (new) interests—changing what agents want—and identity—the role not of domestic political pressure, but of international social pressure.

In characterizing the impetus for normative change, Martha Finnemore has drawn a distinction between teaching norms and learning them that usefully underscores that it is the international social system that sometimes determines what states want. Teaching is not the only form of socialization that occurs in domestic or international societies, nor is it the only source of state interests. But it does encompass the critical pedagogical ingredients of information, persuasion, shame, and discipline that are the tools available to the otherwise underpowered agents of transnational civil society and that account for crucial developments in the generation of an anti-mine norm not captured by other approaches. In this article I investigate four pedagogical techniques for stimulating normative change. The first technique involves generating issues by disseminating information; this crucial and necessary phase in agenda setting has been recognized in a variety of other issue areas such as human rights and the environment.²² The second technique involves establishing networks for proselytizing to generate broad support for normative change within, across, and outside government channels.²³ Numerous scholars have noted that an important condition of success for the generation of a norm is how the new norm resonates with already established norms. The third technique involves grafting a new norm onto existing norms. I use the term *grafting* to refer to the combination of active, manipulative persuasion and the contingency of genealogical heritage in norm germination. The fourth technique involves using a transnational Socratic method whereby civil society's demands on states to publicly justify their positions reverse the burden of proof involved in contesting norms, thereby legitimizing political space for change. In the case of AP land mines these techniques have been the catalysts for change through the conversion of persuaded decision makers and social pressures of international reputation. By situating the analysis of these processes in relation to those identified in other studies of international norms, I provide an explanation for why these techniques have produced rapid systemic normative change condoning a ban on AP land mines.

Land Mines

AP land mines for most of their existence have been regarded largely as weapons of no particular ill repute. They have avoided undue scrutiny as a special category of “problem weapons” and have been viewed as a conventional weapon with all the insulating legitimacy implied by that term—an unremarkable and perhaps unavoidable component of the world's armed forces, much like firearms and artillery shells.

22. See Haas 1992; Keck and Sikkink 1998; and Princen and Finger 1994.

23. On transnational issue-networks, see Sikkink 1993, 415.

In the 1990s, AP land mines became the object of a vigorous transnational campaign involving some one thousand NGOs from over sixty countries that focused attention on land mines through a variety of media fora and conferences, public demonstrations such as placing mountains of shoes on legislative grounds to symbolize those who no longer need footwear, and the bestowal of the 1997 Nobel Peace Prize on the International Campaign to Ban Landmines and its coordinator Jody Williams.

The grim statistics spread by the campaign have reached an increasingly large audience. Though figures vary, a frequently cited source estimates that in 1994 there were up to 110 million mines deployed in some sixty-four countries.²⁴ AP land mines can be inexpensive, costing as little as three dollars apiece; removing them, however, is exponentially more costly in terms of time, money, and human life.²⁵ Demining efforts had removed about 100,000 land mines annually by the mid-1990s; at that rate, it was estimated that it would take 1,100 years to clear those already in place if no more mines were deployed.²⁶ For every 100,000 mines removed, however, the International Committee of the Red Cross (ICRC) estimated another 2 million were being planted.²⁷ Despite the efforts of over twenty-five demining teams in Afghanistan, the ICRC estimated in 1994 that it would take 4,300 years to remove all the land mines in that devastated country.²⁸ Countries such as Cambodia, Afghanistan, and Angola are among the most infested, with as many as 10 million mines in Cambodia alone, and 3 million mines were estimated to lie in wait in Bosnia.²⁹

According to the most commonly circulated estimates, 26,000 people—500 per week—are killed or maimed by land mines, the majority of them civilians.³⁰ Rural dwellers are among the most affected, whether it be those fetching firewood and water or farmers working in their fields or children mistaking mines for playthings. Many of the victims do not have access to adequate emergency care and cannot afford rehabilitative care or prosthetics. Compounding the human tragedy are the social effects of land mines: mines render large tracts of land useless, and disabled survivors add extra social and economic burdens to already impoverished areas.

The campaign to eliminate this scourge had initially hoped to secure a comprehensive ban on AP land mines at the 1995 Review Conference of the Convention on Certain Conventional Weapons (CCW) of 1980. Protocol II of the CCW did not completely prohibit the use of land mines but sought to restrict how they were used, and it proved to be an ineffective instrument that had little effect on the tragedies caused by the use of land mines in subsequent years. A total ban was not achieved during the Review Conferences of the CCW, but a core group of pro-ban states emerged at the beginning of 1996 to undertake a drive for a complete ban on the use, stockpiling, trade, and production of AP land mines, with some states unilaterally

24. U.S. State Department 1994, 1.

25. International Committee of the Red Cross 1997.

26. ICRC 1996a, 4, citing "Assistance in Mine Clearance," *Report of the UN Secretary General*, document A/49/357, 6 September 1994.

27. ICRC 1997.

28. ICRC 1994, 159.

29. UN Department of Humanitarian Affairs statistics cited from UNICEF 1996, 2.

30. See International Campaign to Ban Landmines 1997; and U.S. State Department 1994, 2.

renouncing their use. This effort culminated in the signing of a comprehensive ban treaty by 122 states in December 1997. Why have AP land mines been the target of a new prohibitory norm? How has transnational civil society sought to redefine the point at which states determine the balance between military and humanitarian considerations? What are the limits of and opportunities for civil society working through transnational networks to influence the construction of acceptable bounds of security policy?

Issue Generation and Moral Persuasion

Members of civil society have been the primary movers in generating worldwide concern about AP land mines. The use of AP land mines grew more extensively during and after World War II, but the existing international legal institutions of states did not provide an institutional direct line for concerns about these weapons. The UN International Law Commission, a body that drafts rules of international law, decided in 1949 to exclude the laws of war from its subjects of codification, reasoning that “Since the Charter has outlawed war, there could in fact no longer be any question of the law of war.”³¹ Significantly, this task was left to NGOs, and concern with AP land mines initially grew out of work on humanitarian laws of conflict as carried out chiefly by the ICRC.

In 1956 the ICRC drew up draft rules to improve on the protections provided for civilians in the 1949 Geneva Conventions. The issue was subsequently raised at various international fora, and in 1971 and 1972 the ICRC convened a Conference of Government Experts on international humanitarian law in armed conflicts. The representatives of nineteen governments asked the ICRC “to consult with experts on the question of use of such conventional weapons as may cause unnecessary suffering or be indiscriminate in their effect.”³² Following a report by the ICRC, a conference on the subject was convened by the ICRC and met in Lucerne in 1974 and in Lugano in 1976. The ICRC subsequently published the conference report, which was later used as a basis for the 1979–80 UN conference that eventually adopted the CCW restrictions on land mines.³³

Concern with the effects of AP land mines increased with the proliferation of conflicts around the world in which the mines were used on an enormous scale and directed at civilians. With the end of the Cold War the attention of governments and many NGOs shifted from a potential nuclear conflict to actual wars on the ground and the weapons that were wreaking real destruction.³⁴ Cambodia became one of the “poster countries” of increased awareness of the devastating effects of AP land mines.

31. Aubert 1990, 484, citing George Scelle in *Yearbook of the International Law Commission*, vol. I (1949), p. 51, para. 47.

32. *Ibid.*, 480.

33. ICRC 1994, 132–33.

34. Jody Williams, Ottawa, 3 November 1997.

Among the many tragic statistics that began to circulate was the fact that 1 in every 236 Cambodians is an amputee, compared with one in every 22,000 Americans.³⁵

In testimony before the U.S. Congress in 1991, the Women's Commission for Refugee Women and Children called for a ban on land mines, and later that year Asia Watch and Physicians for Human Rights joined the call. By the close of 1991, the Vietnam Veterans of America Foundation and Medico International agreed to jointly launch an advocacy campaign to bring together NGOs in an effort to ban AP land mines. A year later, a steering group of six NGOs was established and agreed to cosponsor the first NGO Conference on Landmines.³⁶ Early steps such as a U.S. export moratorium were used by members of the campaign to challenge others to take leadership measures, and Handicap International eventually persuaded President François Mitterrand of France to request that UN Secretary-General Boutros Boutros-Ghali convene a review conference of the CCW.³⁷

The ICRC played an active role in activities leading up to the review conference. The ICRC hosted a symposium on AP land mines in Montreux, Switzerland, in April 1993 to assess the current use and consequences of mines and to analyze the mechanisms and means available to limit their use and alleviate the suffering of victims. The Montreux symposium included military strategists, mines specialists and manufacturers, experts in international humanitarian law and disarmament, surgeons and orthopedists, representatives of demining organizations, NGOs, and the media. This meeting was followed by the Symposium of Military Experts in January 1994, which examined the military use of and possible alternatives to AP land mines. The role of these and similar transnational gatherings of experts, and the knowledge produced by them, has certain affinities with the role of epistemic communities. Their role differs, however, from that of epistemic communities, because the organizers are not experts to whom governments turn for knowledge in times of uncertainty but rather are better seen as moral entrepreneurs (albeit with expertise) bound by a common agenda of creating international norms.³⁸ Their influence derives less from the independent effects of authoritative claims of scientific knowledge than from their ability to successfully engage the policy process and engage in moral proselytizing through persuasion.

The ICRC was but one member of a rapidly expanding group of organizations and individuals that became actively involved in the issue of AP land mines. More than one hundred individuals representing over seventy NGOs in twenty countries were at the first session of the 1995 Review Conference held in Vienna.³⁹ Since 1993 these groups have been organized under an umbrella organization, the International Campaign to Ban Landmines (ICBL). Others added their voices to the call for a ban,

35. The Arms Project of Human Rights Watch 1993, 126–27.

36. Handicap International, Human Rights Watch, Medico International, Mines Advisory Group, Physicians for Human Rights, and VVAF.

37. Jody Williams, ICBL, interview by author, Ottawa, 3 November 1997; Susan Walker, Handicap International, interview by author, Minneapolis, May 1997; and Anne Capelle, Handicap International, interview by author, Maputo, 28 February 1997.

38. On epistemic communities, see Haas 1992.

39. International Campaign to Ban Landmines 1995, 1.

including the UN secretary-general, Pope John-Paul II, Archbishop Desmond Tutu, the Dalai Lama, the European Parliament, and the Council of Ministers of the Organization of African Unity.⁴⁰

The publicity generated by these activists ensured that AP land mines would be a high-profile item on the agenda at the 1995 Review Conference. This alone was not enough to guarantee their success, but the NGOs did have other effects at the initial session in Vienna. According to ICBL coordinator Jody Williams, when NGOs “felt [governments] were ready to give in on too many key issues in Vienna, we strongly suggested to certain receptive countries that we would prefer to see them walk out than accept terrible compromises.”⁴¹ Following the failure of the campaign to produce a ban in the first session, the international campaign and the media attention it garnered snowballed with even more intensity. For the first time in its history the ICRC launched an international media campaign in November 1995 directed at a worldwide ban on the production, stockpiling, transfer, and use of all AP land mines. This was an unusual step for an organization that has carefully cultivated a reputation as a neutral humanitarian organization rather than an advocacy or disarmament group.

The ICBL provided support for national campaigns worldwide, and by May 1996 the ICBL consisted of some six hundred NGO members from forty countries. As a direct result of their activities the issue received widespread coverage in newspapers, magazines, radio, television, and even comic books. Members of the campaign lobbied the editorial boards of major media outlets, and with no small success: the *New York Times*, *Washington Post*, and *Economist*, among dozens of others, have endorsed the ban.⁴²

Finnemore has underscored how state preferences are not just an external material constraint or internal demand—states are receptive to being taught about what is appropriate or useful. This differs from learning in the sense that states are not looking to solve some already identified problem, but the impetus for action comes from outside the state. Both the problem and the solution are taught to governments, who come to see new practices as appropriate for themselves as members of international society.⁴³ A crucial way that transnational actors have sought to teach states that land mines are a problem is through generating and publicly disseminating information to governments and wider society alike. In the absence of such instruction, wide recognition of the staggering number of mines worldwide and the number and suffering of victims would not have been apparent in the first place.

In the late 1980s and early 1990s, NGOs began documenting the problem of AP land mines, and numerous studies appeared.⁴⁴ In 1993 a U.S. State Department study estimated that land mines kill or wound 150 people per week, and a revised study in

40. See ICRC 1996b, 5; and Interfaith Pilgrimage for Landmine Victims, <http://www.pgs.ca/pages/lm/ldiffpl95.html>, 18 April 1996, 1–4.

41. Ban Land Mines Project 1996a, 1.

42. See, for example, “A Plague of Land Mines,” *New York Times*, 8 May 1996, A18; “The Land Mine Carnage,” *Washington Post*, 3 January 1997, A24; and “An Unacceptable Weapon,” *The Economist*, 23 March 1996, 15.

43. Finnemore 1996b.

44. See Americas Watch 1986; and Asia Watch and Physicians for Human Rights 1991.

1994 claimed that “landmines maim or kill an estimated 500 people per week worldwide.”⁴⁵ According to the State Department, the higher casualty estimates “can be attributed to increased awareness and attention to the issue in affected countries and to increased emphasis on reporting and tracking casualty data, rather than any significant increase in the size of the problem.”⁴⁶ The State Department’s explanation for the revised estimates testifies to the role of international activists as catalysts for the learning of states.

The case of AP land mines confirms the oft-argued thesis among international relations scholars that the perception of a crisis or shock is a crucial factor in precipitating ideational or normative change. A major reason why AP land mines (and not other weapons) have been the subject of a prohibitory campaign in the 1990s is awareness of the shocking carnage that the weapon itself has wreaked on civilian life. However, it was not states but civil society and international organizations that were the primary catalysts for identifying and politicizing the situation as a crisis issue on state agendas. NGO members themselves initially were surprised at the extent of the carnage—the scope of the problem only became apparent once humanitarian and development groups working in independent locales began sharing information and realized other areas were confronted with the tremendous humanitarian and developmental costs of land mines.⁴⁷ The most basic effect of civil society, then, has been the transnational dissemination of information about the scope of land mine use and its effects, thereby helping to define the use of AP land mines as not only a problem but as a global crisis. The generation of statistics on AP land mines has politicized the issue of using land mines—this is in contrast to the unremarkableness of using most “conventional” weaponry (for which such statistics are not publicly generated). Statistics help to create new social issues that were previously invisible; where mine accidents were previously ignored, they now frequently bear mention by the media as newsworthy incidents.

As with issues such as global warming, information may be contested. Among other statistics generated by bodies such as the ICRC and the UN, NGOs widely circulated the figures from the U.S. State Department study; these figures were in part supplied by humanitarian groups working in the field and were typically very rough estimates. By late 1997 some observers were quietly suggesting that estimates of the number of mines and years required for clearance might have been vastly overestimated. By then, however, NGOs had succeeded in making political what was previously unpolitical, largely by focusing on the victims. Such agenda setting represents an important claim made by transnational civil society on the practice of violence as an area of politics rather than an anonymous realm of military practice. In this oft-identified role of NGOs as agenda-setters, there is no particular handicap for NGOs working on security issues compared to other issues such as the environment or human rights.

45. U.S. State Department 1994, 2.

46. *Ibid.*, vi.

47. Valerie Warmington, Mines Action Canada, interview by author, Toronto, 21 March 1997.

Indeed, the statistics generated by the campaign, combined with personal testimony and graphic images of land mine victims, brought to the foreground an issue that became not only highly publicized but also had a galvanizing effect on recruiting converts to the cause among many of those exposed to the tragedies. Films made by members of the campaign have been shown to members of government such as the British Parliament and the U.S. Congress, and mine victims have been a prominent presence at international mines conferences. Many prominent decision makers and even celebrities such as Princess Diana, who visited mine-devastated areas, met with victims and subsequently became committed allies of the campaign to ban AP land mines, thus raising the issue's profile. This suggests the power of first-hand and graphic experiences of human tragedy as a key factor in successfully mobilizing transnational political action.⁴⁸ Recent research on the social psychology of persuasion suggests that humans seek to reduce the unpleasant state of cognitive dissonance, and that such dissonance is aroused when people think of themselves as possessing attitudes that have undesirable consequences.⁴⁹ The difficulty of not feeling repelled by the tragic images of the effects of mines meant that many decision makers who had to take responsibility for those consequences may have been particularly susceptible to moral persuasion. It seems likely that this phenomenon would tend to be more powerful the more direct and simple the chains of cause and effect; the mines issue was a simple one to educate about, unlike, say, the often more complex attributions of responsibility for other tragedies such as starvation.

In summary, nonstate actors have been entirely successful in generating an issue that in a short time has become prominent on the international agenda of states and that touches the very core of national security policy. The ICRC played a crucial enabling role in establishing land mines as an unavoidable issue on the international agenda by providing a legitimate interstate institutional context for humanitarian deliberations about war by states. The 1949 Geneva Conventions and subsequent conventions and conferences culminating in the 1995 Review Conference for the CCW provided an "organizational platform"⁵⁰ to launch the successful issue-generation activities of the international campaign in the 1990s, activities that have since overwhelmed those initial institutions.

Networks

As foreshadowed in the previous section, civil society has sought to achieve its aims by networking with political officials in governments and international organizations. Relationships with the UN provided NGOs with a stage for voicing their concerns and a primary point of access to the international political process in the form

48. Keck and Sikkink argue that norms are more likely to arise against practices that harm the bodily integrity of innocents. Keck and Sikkink 1998.

49. Chaiken, Wood, and Eagly 1996, 705. I thank Kathryn Sikkink for pointing this out.

50. Finnemore and Sikkink, forthcoming.

of international negotiations orchestrated by intergovernmental organizations.⁵¹ Through such venues NGOs have been able to directly connect the local agenda—the sufferings of civilians and the activities of grass-roots activist networks—to the interstate agenda. Former UN secretary-general Boutros-Ghali himself has been an outspoken proponent of an international ban on AP land mines, and various UN agencies such as the Department of Humanitarian Affairs (DHA), the UN Children's Fund (UNICEF) and the High Commissioner for Refugees (UNHCR) have played important roles in efforts to curb the suffering caused by mines. On the ground, the UN has played a leading role in demining operations. The UN General Assembly has served as a focal point for condemnations of the use of land mines, and UN General Assembly resolutions legitimized the goal of eventual elimination of land mines as a viable objective with overwhelming support.

The 1995 Review Conference and preparatory meetings were held under the auspices of the UN, and nonstate representatives were able to participate in various ways. The UN secretary-general invited the ICRC to attend the preparations for the review conference as an expert observer. The ICRC was allowed to speak, submit proposals, distribute documentation, and was asked to prepare two working papers. The ICRC designed its report to serve as the working document for the group of experts. The ICBL addressed plenary meetings of the CCW review and played an active role by providing information to, working with, and lobbying government delegations during the conference.

The conference also provided an avenue for members of other NGOs to gain access to the national policy process and to international negotiations themselves. In Canada, representatives of Mines Action Canada (MAC) began frequent discussions with members of the Non-Proliferation, Arms Control, and Disarmament Division of Foreign Affairs, which was the lead negotiator with the Department of National Defence in the review conferences. Members of Parliament (MPs) contacted MAC for information and suggestions, and MAC made recommendations for MP proposals or resolutions.⁵²

Representatives of NGOs have also been part of states' official delegations to the preparatory meetings and review conference sessions. This involvement illustrates both the opportunities and limitations of NGO activity in the struggle to involve civil society in interstate negotiations. NGOs were excluded from full participation at the CCW review conference because conference members considered the discussions to be matters of disarmament and therefore of national security. Nonetheless, members of NGOs were part of the official delegations of Canada and Australia and thus were able to hold discussions with state officials, attend sessions, and make statements at meetings. At least one NGO representative was able to engage in such activities only after signing a statement that she would not reveal the content of discussions to the media and NGOs, but other representatives were not so limited.⁵³

51. On the role of the UN for NGOs, see Gordenker and Weiss 1995.

52. Celina Tuttle, Mines Action Canada, e-mail interview by author, 19 August 1996; and Valerie Warmington, MAC chairperson, interview by author, Maputo, 27 February 1997.

53. Mary Wareham, U.S. Campaign to Ban Landmines, e-mail interview by author, 21 August 1996.

Canada, among others, has been at the forefront of this “unconventional diplomacy,” which has involved members of civil society in the policymaking and international negotiation processes. In the eyes of key ban allies such as Canadian foreign minister Lloyd Axworthy, the land mines crisis is an issue generated by and affecting the security of civil society and one, therefore, that is not to be consigned to the secretive realm of super power diplomacy characteristic of disarmament negotiations during the Cold War. Most other states have not been as accommodating toward the inclusion of civil society as part of a redefinition of national security, even among those generally supportive of the idea of a ban. Much of Britain’s initial resistance to an unambiguous commitment to a ban, for example, apparently was grounded in the reticence of the Tory government to set a precedent of having “people in the street” dictate security policy.⁵⁴ The transnational campaign nonetheless has found key partners in national policymakers. Belgium was the first country to ban AP land mines, and the policy was pushed through by members of Parliament; in the United States, Senator Patrick J. Leahy in particular has led the congressional effort to ban AP land mines, and members of the ICBL have worked closely with him from the outset.

An important effect of networking in an issue campaign is that it generates access to the policymaking process by transforming decisions about weapons doctrine from an insulated internal military matter into a political decision. Thus, although President Clinton would not involve himself in doctrine about the deployment of weapons such as anti-tank missiles or fuel-air explosives, the politicization of the land mines issue means that pro-ban activists have more avenues of access to the state policy process. Although this alone does not guarantee success in changing military practice, it does create opportunities for change; administration and congressional officials have become involved in what has become a political issue, instead of one confined to the insulating anonymity and autonomy of the military bureaucracy where no change would have been certain.

A final important dimension of the global activism to ban AP land mines, especially when assessed from a larger historical perspective, concerns one of the key ways in which activists have established networks among themselves. The global web of electronic media, including telecommunications, fax machines, and especially the Internet and the World Wide Web, have played an unprecedented role in facilitating a global network of concerned supporters around the issue. Web sites and e-mail traffic have proliferated, providing a wealth of instantaneously available information and spotlighting recalcitrants, whether they be governments or private industries that produce mines. Ronald Deibert has argued that the connection between technological changes and the transnational social movements that permeate contemporary world politics is not coincidental. Just as the invention of the printing press facilitated the rise of nationalism and the transition from a medieval to a modern order, so do the contemporary technological changes involving the Internet and telecommunications carry potentially far-reaching effects by creating environments in which transnational social movements flourish. For Deibert, “the rise in the visibility

54. Rae McGrath, Mines Advisory Group, interview by author, Maputo, 27 February 1997.

and diversity of these transnational social movements cannot be divorced from the communications technologies that empower them.”⁵⁵

Telecommunications and hyperlinked networks on the Internet are important in several respects. First, they provide a web of surveillance that has not only facilitated widespread awareness of the sources of the problem but also will greatly facilitate the watchdog role of civil society in grading state and industry compliance with the AP land mine taboo. Thus, for example, by circulating information from Human Rights Watch through e-mail lists, news releases, and directly on the Web, activists have put under public scrutiny activities that states and industries previously were quite content to keep out of the public eye.

Such information politics opens an important crack in the edifice of state autonomy. State security policy is widely held to present special obstacles to the influence of civil society. Two barriers, in particular, have been identified: the lack of access to the policy process and the lack of information and/or government secrecy in matters of national security.⁵⁶ The Internet and telecommunications have facilitated the erosion of the information barrier by creating communities of experts who are outside of government and able to monitor states’ compliance with or violation of desired norms. Beyond the case of land mines, issues such as nuclear and chemical weapons demonstrate that the difficulty of acquiring knowledge is not necessarily a debilitating handicap for nonstate actors; some of the foremost experts on these weapons systems are scientists active in the arms-control community.⁵⁷ *Networks* is indeed an apt term for the transnational society facilitated by the Internet and the web of information that states are enmeshed in.

Another effect of the Internet and telecommunications is the creation of a “space” for politics occupied by a transnational political community—a space other than that bounded by the territory of the state. These “virtual communities” of transnational political action are not structured according to hierarchically institutionalized relations of authority based on exclusive territorial boundaries. “Electronic means have literally made it possible to ignore borders and to create the kinds of communities based on common values and objectives that were once almost the exclusive prerogative of nationalism.”⁵⁸ Deibert argues of transnational social movements that,

By moving around and through political boundaries to influence populations, they not only undermine the connection between sovereignty and a territorially defined populace over which the sovereign authority has ultimate jurisdiction, but also challenge the idea central to the modern world order paradigm that the international *states* system is the legitimate arena where politics across borders takes place.⁵⁹

Although these technological developments are important for an understanding of contemporary relations of global governance, the supposed novelty of transnational

55. Deibert 1997, 159.

56. Gordenker and Weiss 1995, 364.

57. See McElroy 1992; Adler 1992; and Evangelista 1995.

58. Gordenker and Weiss 1995, 365.

59. Deibert 1997, 162–63.

networks and new social movements is easily overdrawn or misspecified. The anti-slavery campaign of the nineteenth century, for example, has much in common with contemporary campaigns like land mines,⁶⁰ and the Internet has not replaced the need for activists to travel and make personal contacts. But these technological developments do lower the transaction costs of engaging in transnational political activism compared to previous eras, and they facilitate denser political engagement across borders. However, these dimensions of nonstate transnational activity do not amount by themselves to a qualitatively novel challenge to state authority—understood in a Hobbesian sense of who wields the sword—though they are of political significance nonetheless because they represent an increased density of an alternative locus of political identity and engagement. What is it that incites people to political action, that makes them into *zoon politikon*? What larger communities do individuals imagine themselves being a part of and taking part in? Transnational campaigns like that against mines provide novel answers to such questions that lie outside of the ambit of a single and exclusive center of politics territorially structured as the state. They constitute a transnational civil society, the thin and uneven public sphere that can coalesce at the global level where individuals interact for common purposes and shape collective life.⁶¹

Networks provide the classroom, the site that brings state and society together. The transnational networks driven by humanitarian organizations occupied an indispensable proselytizing space for fostering a community of morally persuaded political allies who were committed to action. The shared sense of disaster brought home by the dissemination of information by civil society acting through networks was a necessary step in galvanizing a core of moral entrepreneurs committed to the idea that something should be done. But could it?

Grafting

The role of civil society in making apparent the land mines tragedy goes some way toward explaining why mines have become the subject of an effort to generate a new norm. The development of broader norms of multilateral disaster relief has been well documented,⁶² and some scholars suggest that public dread of health concerns is likely to stimulate public and interstate action.⁶³ In this light, it would not be unusual to expect states to respond to a publicity campaign to eradicate a preventable contagion that randomly dismembers tens of thousands of innocent civilians a year. But not all human health tragedies engender appropriately rapid and widespread responses by states, particularly those involving war and weapons. How have these tendencies been challenged in the case of AP land mines?

60. Keck and Sikkink 1998.

61. Wapner 1995, 313.

62. See Finnemore 1996a; Lumsdaine 1993; and McElroy 1992.

63. Hampson 1995, 39, 350.

Numerous scholars have noted that an important factor in norm development is how well the new norm resonates with already established norms. Similarly, the effort to delegitimize AP land mines—until recently a “conventional” weapon—has hinged crucially on the grafting of moral opprobrium from other delegitimized practices of warfare. The term *grafting* refers to the mix of genealogical heritage and conscious manipulation involved in such normative rooting and branching. The structural and strategic dimensions of the grafting process of mines correspond to the roles that ideas play as emphasized by constructivist and rationalist scholars. The former is embodied in the role that norms of warfare have played in allowing a ban on land mines to enter the realm of possibility, and the latter is manifested in the explicit employment of a grafting discourse as a self-conscious tool by moral entrepreneurs seeking a ban.

The laws of war and international humanitarian law are the background against which efforts to ban weapons such as land mines have been made intelligible. Two central concepts from these traditions that are relevant to this issue are civilian discrimination and unnecessary suffering. Discrimination (or noncombatant immunity) is one of the oldest notions of the just war doctrine. According to this norm, civilians are not to be the intentional objects of attack during conflict. “Unnecessary suffering” refers to the principle that means of warfare that cause “superfluous injury” are prohibited. As demonstrated earlier, the ICRC was instrumental in institutionalizing these humanitarian norms of warfare, and this laid the groundwork for legitimizing efforts to restrict warfare among states.⁶⁴

AP land mines constitute a particularly wretched transgression of the norm of discrimination. The fact that no human agent need be present to enact its violence has denied to that technology the *ultima ratio* of many other weapons of violence. Unlike other weapons that kill and maim countless innocents, such as the AK-47 and aircraft bombs, in the case of land mines, the argument that technology is value neutral and its human users thus bear the moral responsibility (“guns don’t kill people, people do”) simply does not resonate with any plausibility for a device that operates without immediate human intentionality. This particular transgression of the embedded norm of discrimination has rendered AP land mines particularly susceptible as a target of issue generation and accounts for much of the receptivity to the campaign’s techniques.

The framing of the land mines issue by proponents of a ban has thus taken the form of grafting from the category of weapons of mass destruction through an emphasis on the indiscriminate nature of their effects. Unlike weapons that must be aimed and fired, AP land mines “are indiscriminate, delayed-action weapons that cannot distinguish between a soldier and an innocent civilian. They continue to kill and maim long after the fighting has stopped.”⁶⁵ The UN has estimated that land mines are at least ten times more likely to kill or injure a civilian after a conflict than a combatant

64. See also Finnemore 1996b.

65. The Arms Project 1993, 2.

during hostilities.⁶⁶ For these reasons, it is often argued that “landmines can be considered a weapon of mass destruction in slow motion. As a result, they should be perceived as being just as indiscriminate and inhumane as chemical weapons.”⁶⁷ To underscore the point, proponents of a ban have repeatedly pointed out that land mines have killed and maimed more people than nuclear, chemical, and biological weapons combined.

A crucial element of the international normative fabric from which the AP land mine taboo emerged is the existence of other weapons taboos that are considered effective. This backdrop has structured the normative terrain, making it possible to countenance a ban on mines—without it a ban could not have occurred. Because of the existence of a viable chemical weapons taboo, even if not consciously invoked, a ban on land mines seemed a far less outrageous possibility to the denizens of international society than would otherwise have been the case. The chemical weapons taboo is of singular importance because it made available a new avenue of comparative humanitarian and legal assessments; chemical weapons provide a referent for other prohibition candidates through the grafting of normative justifications from one weapons category onto another. Instead of having to compare land mines to other weapons, none of which have been banned, opponents of land mines compared them to weapons that have been successfully branded taboo, even if they were not banned for the same reasons that are understood to justify banning land mines. More self-consciously, then, a strategy of many proponents of a ban on AP land mines has been to establish new international norms “which place AP mines in the same category as chemical and biological weapons, a category of weapons shunned by the world.”⁶⁸ Some ban proponents such as the Canadian government were reticent about making such connections lest they reverse the framing of the issue as primarily a humanitarian and not a disarmament one.⁶⁹ Nonetheless, comparing land mines to chemical weapons and/or biological weapons has become a repeatedly invoked tactic to stigmatize mines and was echoed, to cite but one example, by Belgian foreign minister Derycke as he opened the Brussels International Conference for a Global Ban on Anti-Personnel Mines on 23 June 1997.

This grafting of opprobrium from other delegitimized practices of war has persuaded many policymakers that a ban was not only desirable but possible.⁷⁰ Senator Leahy echoed such sentiments by stating “Our goal should be to treat anti-personnel land mines with the same stigma as poison gas and other indiscriminate, inhumane weapons.”⁷¹ Even members of national military establishments have exhibited acceptance of this grafting operation, such as a senior Pentagon policymaker’s statement

66. ICRC 1996a, 4.

67. The Arms Project 1993, 1.

68. See Landmine Update, Canada 1996, 1; and The Arms Project 1993, 15.

69. Canadian disarmament officials, interview by author, Brussels, 26 June 1997.

70. South African and Canadian Foreign Affairs officials, interviews by author, Pretoria, 24 February 1997; Brussels, 27 June 1997; and Ottawa, 5 December 1997.

71. Leahy 1995, 5.

that “We’ve all agreed we’re going to have to get rid of land mines. We have to lump them together with chemical and biological weapons.”⁷²

This process of grafting from already established norms and embedding specific norms within larger frameworks accords with phenomena noted by other scholars. Scholars have used terms such as “issue-resonance,” “salience,” and “nesting” to argue that ideas are more likely to be influential if they fit well with existing discourses in a particular historical setting.⁷³ Thomas Franck has argued in a more legal vein that new norms are most likely to be successful if they have an established “pedigree” of precedent.⁷⁴ Similarly, research on the emergence of norms of humanitarian intervention and rejection of apartheid and colonialism has shown how those norms drew on efforts to delegitimize racism and slavery, which in turn were embedded in Western humanist and Judeo-Christian traditions with their focus on the individual.⁷⁵ The case of AP land mines shows how the existence of previously established norms facilitates the growth of new norms through grafting, just as the proscription of chemical weapons has been bolstered (though not generated) by an association with a previous taboo proscribing poison.⁷⁶

A major implication of this attempt to graft taboos on other weapons onto land mines has been the absolute character of the emerging ban. Members of the campaign have persuaded many governments that civilians would inevitably become victims of mines unless the weapon were banned altogether.⁷⁷ The ICRC and ICBL thus insisted on an absolute prohibition on AP land mines that would make violations easily provable, rather than complex restrictions on how they could be used (such as placing them in marked and fenced minefields) and what types could be used (such as prohibiting long-lived mines but permitting self-deactivating or self-destructing mines).⁷⁸ Thus, the ICBL would not even comment on proposals made after the adjournment of the first session of the 1995 Review Conference to seek the latter type of distinctions between types of mines, since “to lobby on those issues is to acknowledge the continued legitimate use of land mines.”⁷⁹ During 1997 the ICBL lobbied to keep the United States out of the ban treaty negotiations as long as that country sought an agreement allowing it to retain the use of self-deactivating mines, arguing that the cost of anything other than a clear and absolute ban would be too high a price for U.S. participation in a treaty. Political concerns of equity were also important here: banning long-lived mines but permitting self-destructing mines would have been a diplomatic death-knell for a widespread ban, since it would mean that the wealthy and technologically sophisticated could retain their mines while the poor could not.⁸⁰ By September 1997 the United States stood isolated against a deter-

72. Fedarko 1996, 54.

73. See, for example, Cortell and Davis 1997; Müller 1993; and Sikkink 1991, 26.

74. Franck 1990, 94–97.

75. See Klotz 1995; Finnemore 1996a; and Crawford 1993.

76. Price 1997.

77. ICRC 1994, 131.

78. *Ibid.*, 136.

79. Steve Goose, Human Rights Watch, cited in Wurst 1996, 10.

80. Young and Osherenko argue that equitable solutions are essential for successful regime formation. Young and Osherenko 1995, 232.

mined majority of the eighty-nine states who agreed to treaty text in Oslo supporting the ICBL position.

This concern for an unambiguous and comprehensive ban has also driven the efforts of ban supporters to define AP land mines as precisely as possible to prevent interpretive loopholes regarding what constitutes a proscribed device. In the CCW, an AP land mine is defined as a “mine *primarily* designed to be exploded by the presence, proximity, or contact of a person.” The ICBL insisted on a less ambiguous definition for a comprehensive ban treaty—at times, over the objections of even the most sympathetic governments—and was successful in excising the qualifier “*primarily*” from the treaty text.⁸¹

Numerous scholars have established that an important condition under which we expect to see major normative or ideational change is the failure of policies or norms of a previous “generation.”⁸² An important factor of success for the grafting process for land mines was the abject failure of previous efforts to constrain mines. The success of civil society in defining a consensus over the ends of appropriate state action—ameliorating the effects of mines—meant that the debate came to be centered over the means to that end. Acceptance by states that there was a crisis implied that action was necessary, and the failure of past approaches narrowed the range of acceptable responses. Since the crisis literally exploded under the very watch of the CCW, recourse to the usual state tack of seeking to restrain but not prohibit the use of a suspect weapon carried little weight as anything other than a veiled rejection of a ban. This alone did not guarantee a complete ban, but it did help shift the terms of the debate. Although defending the CCW route came to be seen by the “teachers” as the wrong answer—a mere rhetorical move to lessen the image costs of an outright rejection of a ban—the recourse to using the CCW or other fora as a vehicle for pursuing a ban by recalcitrant states pushed direct challenges to the legitimacy of the very idea of a ban even further to the margins. This development, in addition to the processes described later, helped the norm gain “prescriptive status”—that is, one can say that a norm exists when the dominant discourse shifts in such a way that puts opponents on the defensive or even relegates direct contestation of its central validity claims to the margins.⁸³

Utility and Reversing the Burden of Proof

Few if any politicians or governments that have agreed to a ban on AP land mines adopted the new norm directly for instrumental reasons of domestic political pressure—in other words, elections or leadership struggles would not be won or lost because of the land mines issue. The domestic political arena of many states, however, has been important, because debates over the military utility of mines have

81. Canadian disarmament official, telephone interview by author, 19 May 1997.

82. See, for example, Florini 1996, 378.

83. Risse and Sikink 1997.

helped legitimize a domestic political space for adopting norms that are brought about for reasons of policy entrepreneurship or, increasingly, emulation.

Many proponents of a ban have been careful to frame the issue in terms of searching for an earnest balance between legitimate military objectives and humanitarian concerns, rather than risk being portrayed (and perhaps dismissed) by states as peace advocacy groups perpetually seeking world disarmament.⁸⁴ Thus, many ban proponents, especially the ICRC, have sought to take on the military establishments of the world by emphasizing the common ground of assessments of military utility and necessity. Although opponents of mines have argued that their humanitarian costs outweigh their military utility, efforts to prevent their use initially “founded on the assumption that they are an essential weapon of high military value and that their military value outweighs their human cost.”⁸⁵ The ICRC, therefore, commissioned an analysis of the “Military Use and Effectiveness of Anti-personnel Mines” to assess the actual utility of mines in conflicts over the past fifty-five years. Written by a retired combat engineer of the British Army, the study concluded that mines were not as indispensable nor even as useful as often assumed. According to the report, the evidence indicates that AP land mines “have usually had little or no effect on the outcome of hostilities. No case was found in which the use of anti-personnel mines played a major role in determining the outcome of a conflict. At best, these weapons had a marginal tactical value under certain specific but demanding conditions.”⁸⁶ The ICRC has widely circulated the study’s conclusions and the fact of their endorsement by a number of military personnel around the world.

A number of scholars have argued theoretically and shown empirically that once put on particular rhetorical footing, a new practice can become embedded in a context of debate that makes it easier for proponents of one side to argue their case.⁸⁷ For example, the growth of the “precautionary principle” as a new environmental norm means that instead of protectors of the environment having to prove a conclusive causal link between polluting activities and environmental damage, the burden is now on the polluter to demonstrate that no harm is being done to the environment. Questioning the military utility of mines has helped to instigate a comparable shift by making mine proponents publicly defend, to domestic and international audiences, what previously required no justification: the assumption that mines have military utility and thus pass the test of military necessity. Although defense departments invariably have maintained publicly that AP land mines are an integral weapon, a Human Rights Watch report revealed that internal studies by the U.S. Army have often been critical of land mines when evaluating whether they are more harmful than helpful in combat. In a study of Vietnam, for example, a U.S. Army colonel concluded that mines “often do more damage to friends than to enemies.”⁸⁸ A senior Pentagon official has said that there is considerably more support among army offic-

84. Doswald-Beck and Herby 1995, 1–5.

85. ICRC 1996a, 2.

86. *Ibid.*

87. See Chayes and Chayes 1993; Franck 1990; Lumsdaine 1993; and Müller 1993.

88. Human Rights Watch Arms Project 1997, 10.

ers for a land mines ban than emerges publicly.⁸⁹ In a 1994 study commissioned by the U.S. Department of Defense the authors concluded that although mines have utility for defensive scenarios and high-intensity mechanized land warfare, there is “little reason to believe that two-sided mine use would not yield a *negative* net military utility to the U.S. for scenarios involving straightforward U.S. attacks.”⁹⁰ The authors also concluded that it would be a mistake to foreclose further consideration of a ban “on grounds of military utility alone.”⁹¹

Prodded by the campaign, such dissenting military opinion has emerged publicly to contend that the net military utility of land mines is dubious, and the marginal utility is not enough to outweigh the humanitarian costs. In a full-page open letter in the *New York Times* solicited by the Vietnam Veterans of America Foundation (a member of the ICBL), fifteen high-ranking former U.S. military officers, including the former commanders of troops in Korea, Vietnam, and Operation Desert Storm, called for a permanent and total international ban on AP land mines “as not only humane, but militarily responsible.” They argued that AP land mines “are not essential. Thus, banning them would not undermine the effectiveness or safety of our forces, nor those of other nations.”⁹² If the cases of chemical weapons or strategic defenses are any guide, a definitive end to the debate concerning the military utility of AP land mines is unlikely, but that is beside the point. Differences of credible military opinion have been made public through the campaign, transforming military decisions about mines into political ones. This opening has legitimized political space for entrepreneurs to shift the burden of proof from mine opponents to mine proponents, who in the new context must make the case that AP land mines are not only marginally useful but also irreplaceable or even decisive. Indeed, few weapons in the history of warfare have by themselves been “decisive”; yet to the extent that a category of weapons technology carries the burden of extra political, legal, and moral baggage, the ordinary criteria of mere utility will just not do in the face of converted decision makers who can exploit disparate military opinion for domestic political cover.

After the first session of the 1995 Review Conference adjourned without agreement, the conference reconvened in full in Geneva from 22 April to 3 May 1996. In the interim, the NGO-induced pause gave governments more time to consider their own situations; a core group of states supporting a ban emerged and began working in increasingly close concert with the civil society campaign. Members of this network sought to persuade governments by breaking down the mines crisis into simple positions that were difficult to argue with,⁹³ such as the indiscriminate nature of AP land mines. States responded by moving their discursive positions, and the number of states expressing support for a ban went from a small handful at the beginning of

89. *New York Times*, 17 March 1996, A1, 16.

90. Biddle, Klare, and Rosenfeld 1994, 69.

91. *Ibid.*, 71.

92. *New York Times*, 3 April 1996, A9.

93. Statement by Valerie Warmington at the International Studies Association Annual Conference, Toronto, 21 March 1997; and Canadian disarmament official, telephone interview by author, April 1997.

the Vienna conference to thirty by the opening of the Geneva session.⁹⁴ Agreement was reached in Geneva for amendments to Protocol II of the CCW, but these fell far short of the goal of a comprehensive ban.

Nevertheless, the group of states announcing support for a comprehensive global ban continued to grow and included the United States, France, Japan, the United Kingdom, and Germany. Of this important group, only Germany had translated this rhetorical support into concrete and immediate steps such as a unilateral renunciation of use. To sustain momentum for a comprehensive ban by establishing a group identity, the government of Canada and Mines Action Canada hosted an international strategy conference in October 1996 that brought together NGOs and states supporting the ban. Fifty states expressed their commitment to a comprehensive ban, and the conference concluded with a diplomatically bold commitment by Axworthy, Canada's minister of foreign affairs, to host a meeting in Ottawa in December 1997 for the signing of a comprehensive treaty.

This brinkmanship strategy shifted the focus of the campaign away from avenues such as the CCW process or negotiation through the UN Conference on Disarmament (CD) to the separate track known as the "Ottawa process." In early 1997, the CD was pushed by countries including the United States, France, and Australia, ostensibly to bring in states resisting the Ottawa process, such as China, Russia, India, and Pakistan. Critics of the CD approach pointed out that the slow pace of the CD was a luxury not acceptable in a crisis that was dismembering 26,000 people each year. At the Fourth International Conference on Landmines held in Maputo in February 1997, the ICBL hoped to bypass such temporizing and sustain the momentum toward an immediate and comprehensive ban. This strategy met with significant success with the announcement by South Africa, on the eve of the conference, of a comprehensive ban on AP land mines effective immediately and with the renunciation of mines by Mozambique during the conference. South Africa's decision would help that country establish a distinct and admirable international profile after decades of pariah status, and its support gave crucial legitimacy to the ban in Africa by forestalling the movement from splitting into a north-south issue. The number of states committing themselves to a December 1997 ban treaty continued to grow and reached seventy-four by the eve of the Brussels International Conference for a Global Ban on Anti-Personnel Mines held in June 1997. France announced its unambiguous support for a ban during the conference, joining Britain, which had announced its support for a treaty the previous month. The militaries of key states such as Britain and South Africa were unwilling to abandon AP land mines, but in the end political decisions overrode such resistance and produced a ban policy.⁹⁵ The political cover stimulated by contentious debates over military utility provided a crucial opening for converts to the ban, such as those who came to power with the election of left-of-center governments in France and Britain in the spring of 1997.

94. Ban Land Mines Project 1996b, 1.

95. South African government officials, interview by author, Pretoria, 24 February 1997; and Noel Stott and Penny McKenzie, South African Campaign to Ban Landmines, interview by author, Maputo, 27 February 1997.

After gaining the support of France and Britain, the techniques used by the campaign increasingly facilitated norm adoption through another mechanism: emulation. By the end of the Brussels meeting in June 1997, ninety-seven states had indicated their commitment to participate in treaty negotiations in Oslo in September, and by December, 122 states had signed the treaty. In less than two years the number of states supporting a ban went from about 30 to over 120. Finnemore and Sikkink argue that a norm cascade may ensue after reaching a tipping point consisting of a critical mass of states and of critical states.⁹⁶ The support of the ban by mine-affected states, and by crucial states such as South Africa, Britain, and France, provoked just such a response; it began to overtake domestic political processes and to induce states' support for the norm driven increasingly by concerns of international reputation.

The more states that tipped toward the ban, the more normal ban support became, and the more powerful was the ICBL's resort to the technique of shaming to induce norm adoption. Shaming is an important technique employed by transnational civil society in a variety of issue areas to teach states⁹⁷—its success is both predicated on and evidence for the emergence of a norm. The most inviting targets of such techniques are governments that rhetorically support the notion of a ban, rather than those who simply reject it outright. Even support that might seem largely rhetorical is important because it legitimizes the idea of a ban and the political space for pressure, as I examine later.

Ban proponents became increasingly outspoken in criticizing laggard governments after Brussels, especially those who claimed rhetorically to be supportive of a comprehensive ban but maintained exceptions that fell short of an unambiguous and total ban. Australia and Britain, for example, drew the ire of campaigners through policies that suspended the use of mines but reserved the possibility of their use for "exceptional circumstances."⁹⁸ Australia and Japan were still reluctant to embrace the Ottawa process after the Oslo conference, and neither government faced irresistible domestic pressure. But with the Nobel committee making its own contribution to the campaign by awarding the Peace Prize to ICBL and its coordinator Jody Williams and with the continued cascade of other reluctant states such as Greece and Poland, reputational pressures overcame their resistance to an immediate comprehensive ban. The leaders of those nations evidently felt it intolerable to be left outside the club of responsible international citizens once they judged that the balance had tipped such that resistance signaled outlier status.⁹⁹

A third category of states has resisted signing the Ottawa treaty because the leaders in these states side with their militaries' assessments that AP land mines pass the test of military necessity, even as the threshold of "necessity" has been raised from utility to indispensability. Key opponents of a comprehensive ban are China, Russia

96. Finnemore and Sikkink, forthcoming.

97. Risse and Sikkink 1997.

98. U.K. Foreign and Commonwealth Office Press Release, 21 May 1997.

99. Statement by Motoko Mekata, Graduate University of Advanced Studies (Kanagawa, Japan), Ottawa, 5 December 1997.

and former Soviet republics, India, Pakistan, North and South Korea, and much of the Middle East. Although many of these countries have agreed to the CCW, and some have even expressed support of the ban in principle and enacted policies such as export bans,¹⁰⁰ they maintain that AP land mines are essential for their national security, at least for the time being, and refuse to condone an immediate and comprehensive ban.

Nonetheless, when compared to the outright hostility by resistant states that has often met efforts to establish other new international norms, the rhetorical support for an eventual ban even among recalcitrant states suggests that the AP land mine taboo is growing at an accelerated pace. The Pentagon, for example, even though rejecting an immediate comprehensive ban, made recommendations in early 1997 that long-lived mines be banned in five years and that self-deactivating mines be banned by the year 2010.¹⁰¹ By September 1997 the Pentagon appeared willing to accept a ban on AP land mines, as long as it had enough lead time to develop alternatives. That opponents of an immediate comprehensive ban, from the Pentagon to Russia and China, have actually expressed some support for an international prohibition in principle (albeit, once alternatives are developed) provides much in the way of delegitimizing AP land mines and fostering the prescriptive status of the norm, especially compared with a situation in which opponents simply reject as ridiculous the idea of an international ban.¹⁰² The contrast with the case of chemical weapons is striking. During efforts to outlaw chemical weapons in the 1920s, opponents of the Geneva Protocol (including members of the U.S. military and U.S. Senate) ridiculed the idea of a ban as preposterous. In contrast, opponents of a ban on land mines have been extraordinarily reticent in making a public case and contesting the legitimacy of the idea of eventually banning mines. As scholars have demonstrated in other studies, such discursive dynamics are not insignificant, because embracing ideas even through mere lip service can, over time, have a meaningful effect as contesting policies and discourses becomes increasingly unacceptable.¹⁰³

Even though the Clinton administration has often proclaimed its support in principle for a comprehensive ban, the United States has recoiled from accepting the Ottawa treaty because it does not permit the use of some of the U.S. military's anti-handling systems for antitank mines, nor does it provide an extra delay of entry in force to deal with U.S. mines in Korea. Because of the United States' rhetorical support for a ban, it has been the favorite target of the ICBL's campaign of shame. Short of signing the treaty, U.S. decision makers have been prodded by the ban movement and its congressional allies into taking numerous measures that will discourage the world's predominant military power from itself contributing to the hu-

100. President Yeltsin announced that "we support and will strive for the goal of resolving once and for all this problem and sign the convention." AP Wire, 10 October 1997.

101. Bob Bell, Senior Director for Defense Policy on Arms Control, during White House press briefing by Mike McCurry, 17 January 1997, <http://library.whitehouse.gov/Briefings.cgi?date=6&briefing=0>.

102. China's disarmament ambassador stated that China "does not oppose the gradual realization of banning AP mines." "China's Position on the Problem of Landmines," <http://www.web.apc.org/~pgs/pages/ldchi976.htm>.

103. See Lumsdaine 1993; McElroy 1992; Price 1997; Risse and Sikkink 1997; and Thomas 1995.

manitarian disaster in the future. These measures began at the initiative of Senator Leahy in late 1992 as the United States imposed a unilateral, one-year export moratorium on AP land mines, which was eventually made into a permanent ban in January 1997. In May 1996 the United States announced that it would destroy its stocks of “dumb” mines, and in September 1997 it announced that by 2003 it would no longer use any AP land mines outside of Korea. Before the signing of the Ottawa treaty the Clinton Administration announced an initiative to increase the global funds for demining to \$1 billion (a five-fold increase) to clear the world of mines that threaten civilians by 2010. The U.S. Congress may even outstrip the White House in a ban policy: a majority of the Senate, including some of the most ardent Republican supporters of the military, has cosponsored legislation to ban new deployments of mines by the year 2000.

Even among states that have resisted an immediate and comprehensive ban, contentious debates over the military desirability of AP land mines have spurred an additional process that over time is likely to have palpable effects in reconstituting state utilities. As special justifications for deploying land mines become increasingly required, states are searching out alternatives that may serve as less controversial substitutes. As was the case with chemical weapons, this in turn creates additional opportunities for a gradual de-emphasis of the weapon in doctrine and procurement and increasingly less reliance on the ostracized weapon in practice. The search for and generation of alternatives is evidence of the transition of mines from a normal to an abnormal practice, and such dynamics are well underway even in nonsignatory states. Beginning in 1996 President Clinton directed the Pentagon to find alternatives to mines, and by January 1997 a Pentagon official stated that doctrinal and tactical changes have been initiated “such that there will not be a requirement for” AP land mines.¹⁰⁴ In September 1997 Clinton directed that alternatives be found to end the use of all AP land mines by 2003 except in Korea, where alternatives are to be ready by 2006. Pentagon and White House officials have indicated the intention to exempt one mixed self-destructing system (anti-tank mines protected by AP mines) from this commitment by redefining it as a “submunition” instead of an AP mine.¹⁰⁵ Still, it is evident that the drive for alternatives is well underway, and as occurred with chemical weapons, U.S. political leadership has adopted a de facto ban policy, with resistance confined to the definitional margins. These measures taken by the United States, though short of providing the powerful inducement for other nations that would be stimulated by the United States embracing the Ottawa treaty, represent the impressive influence of the ban campaign. Norms are an inherently contested phenomenon, but put in historical perspective, the measures taken even by many resistant states demonstrate that transnational civil society has precipitated a rapid and widespread acceptance of the legitimacy of a new norm.

104. U.S. Office of the Assistant Secretary of Defense (Public Affairs), Background Briefing on Landmine Policy, http://www.dtic.mil/defense/links/news/Jan97/x011797_x011797ldm.html. 23 January 1997.

105. U.S. White House, press briefing by Robert Bell, 17 September 1997, <http://www.pub.whitehouse.gov/uri-res/12R?urn:pd:/oma.eop.gov.us/1997/9/18/16.text>. 1, 4–5.

Authority and Civil Society

The transnational campaign to ban land mines has had an impressive impact in an astonishingly short time. The ban treaty has been signed by all of the NATO allies except the United States, all of Western and Central Europe except Finland, all of the Western Hemisphere except Cuba and the United States, and the vast majority of sub-Saharan Africa. Reports of continued deployment of mines within the territory of states that have renounced their use are scattered and few, centering mostly on Cambodia. Without an understanding of the catalytic role of transnational civil society in teaching states a new norm, it is impossible to understand the rapid, coordinated, and widespread commitment to prohibiting the use of AP land mines by over 120 states.

Some analysts have argued persuasively that focusing on government and changes in state policy as the only criteria for the relevance of transnational civil society displays a narrow view of politics and threatens conceptually to condemn it to irrelevance. As Leslie Thiele has put it, "The importance of social movements is often most clearly observable in the creation of a background of social and political understandings and orientations that are participated in (for various reasons) by state officials, business leaders, and the general public."¹⁰⁶ It is in such a vein that Ronnie Lipschutz and Paul Wapner have demonstrated the importance of transnational civil society in carrying out boycotts, educational campaigns, and other forms of activity not monopolized by the state that protect the environment by changing consciousness and disseminating a global ecological sensibility. Wapner thus argues that world civic politics involves politicizing forms of activity that are not captured by the state.¹⁰⁷ My analysis, although parallel in spirit, flips this formulation. In this case it is precisely that area of activity that has been all-too-well monopolized by states that is the target of (re-)politicization; for this reason I have focused on how states are socialized.

In addition to examining state policy regarding land mines, we need to examine how the transnational campaign has challenged and transformed the balance between civil society and the state in the constitution of security. NGOs and the UN have been at the forefront of establishing a variety of demining and victim assistance programs; the emphasis on such activities substantiates the insistence of the campaign that the land mines crisis is a humanitarian issue rather than a disarmament one. The determination of the campaign to treat the issue in this manner is analytically important in terms of the significance of NGOs in reconfiguring relations of political authority. It reflects an effort on the part of global civil society to alter the conduct of violence by redefining it as a humanitarian concern, which is a realm where civil society and the NGO community often have special claims to expertise and authority.

As mentioned earlier, one way this definition of the issue expresses itself politically has been the inclusion of NGO members on official state delegations at interna-

106. Thiele 1993, 282.

107. See Wapner 1996, 159; and Lipschutz 1996.

tional meetings during the review process and at the Ottawa process conferences. With such seats at the table, civil society has participated at even “closed” government negotiating sessions. Whether this novel development in security will be sustained as a new form of post–Cold War diplomacy is by no means certain.¹⁰⁸ The number of states making such accommodations dropped from over a dozen at Ottawa in 1996 to only six at Brussels and Oslo, and the degree of inclusion of NGO members in the actual policymaking process has varied from significant in the case of Canada to negligible in the case of Germany.¹⁰⁹

Still, the success of the Ottawa process is indicative of the degree to which civil society has been successful in claiming this issue as part of an expanding portfolio of humanitarian concern. The case of AP land mines resembles the model of multilateral humanitarian intervention for disaster relief—how the international community responds to a major health catastrophe such as famine, flood, or the outbreak of a disease and how action has coalesced around issues involving threats to the bodily integrity of innocents (such as in the case of slavery or apartheid). State acceptance of the Ottawa treaty embodies how the issue has been defined: less like a war issue, where change tends to move at a glacial pace and states are reticent to intervene, and more like a humanitarian or health crisis for which norms have developed that legitimize rapid multilateral action.

Imagine the citizens of ancient Rome and denizens of the Empire’s occupied lands coming together and telling the Roman legion how to conduct war. Or serfs across medieval Europe coordinating simultaneous demonstrations in the streets against the use of the bombard. If such occurrences seem preposterous, their very anachronism underscores the significance of the contemporary transnational campaign to ban AP land mines. Instead of resigning themselves to be acted on in silence through the autonomous and anonymous employment of AP land mines, activists from transnational civil society have sought a voice, “an active and important refusal to live in a Hobbesian world, a refusal to suffer the consequences of a politics founded on fear, which, by definition, is a politics not of participation, but of resignation.”¹¹⁰ Transnational civil society not only exists as a community of political engagement in world politics but also has a meaningful impact acting through networks in teaching governments what is appropriate to pursue in politics.

Conclusion

Members of humanitarian organizations were the catalysts for politicizing the issue of AP land mines; by teaching through networks they gained political converts and were instrumental in AP land mines being characterized as a crisis issue on the international agenda. Through framing the issue as a humanitarian disaster and educating

108. Such participation is more prevalent in environmental issues; see Raustiala 1997.

109. Canada, Netherlands, Belgium, France, Australia, and Germany.

110. Thiele 1993, 278.

the public and policymakers about the indiscriminate nature of the weapon, these moral entrepreneurs set the stage for a widespread and rapid response. This sense of crisis made a ban seem desirable; however, it was the grafting of taboos from previously delegitimized practices of warfare, especially chemical weapons, that allowed a ban to be considered the art of the possible for many states. The campaign to ban land mines instigated and exploited politicized debates over the utility of mines and put mine proponents on the defensive, prompting the search for alternatives and providing domestic political cover for decision makers inclined toward a ban. As the number of crucial states supporting a ban reached critical mass, concerns of reputation and identity fostered emulation, which became an increasingly powerful mechanism through which the new norm was adopted.

The case of AP land mines suggests that moral proselytism is apt to be relatively more important in gaining a transnational network of policy advocates and allies in the earliest phases of a campaign—few decision makers, for example, are likely to embrace support for an incipient norm for instrumental reasons when its success is highly questionable. Once states perceive that an incipient norm has reached a certain level of support among other states, a second social systemic process—emulation—is likely to play a relatively stronger role as key decision makers embrace the new norm in order to avoid outlier status.

Widespread acceptance of the validity of the AP land mine taboo is indicative of the emergence of a new norm, a status that will be formalized by states signing and ratifying the land mines treaty. Such acceptance, however, tells us little about the robustness of this norm over time. New norms generate resistance, and to date states containing well over half the world's population have resisted taking meaningful unilateral measures or joining the Ottawa process. Even among states that have committed to a ban, the ultimate effect of such policy declarations awaits the test of war; thus, only time will tell whether the NGO activities chronicled in this article are the genesis of an ultimately powerful and widespread norm of behavior in warfare. Absent such hindsight, what can be said about the robustness of the norm? An adequate treatment of these issues is well beyond the scope of this article, though in conclusion I consider the role of concordance, form, and context.¹¹¹

Although support for a ban is not universal, the majority of AP land mine victims have not been in the major hold-out countries. The treaty has widespread acceptance among the most-mined countries; this means that, unlike some international norms such as those embodied in human rights instruments, the treaty has support where it is needed most—in countries where the pernicious effects of the now-deviant practice have been most prevalent. What pulls of compliance exist for these and other states in the face of incentives to violate the new norm?

Like the taboo against chemical weapons, the emerging ban on AP land mines not only prohibits any use of the proscribed category of weapon (a definition that permits antitank mines and antihandling devices) but also its production, possession, and

111. For identification of criteria for assessing issues of norm compliance and robustness, see, among others, Chayes and Chayes 1993; Cortell and Davis 1997; Florini 1996; and Legro 1997.

transfer. This stands in contrast to attempts to merely limit how a weapon is used in warfare, such as prohibiting the use of submarines against merchant ships or the bombing of civilian targets from aircraft, palliatives that have proven all too prone to bleeding in the history of battle. The existence of a norm does not mean it cannot be violated, only that the justification of unusual, even extraordinary, circumstances is required to engage in noncompliance.¹¹² The absolute nature of the AP land mines taboo thus raises the political threshold required for using the proscribed means—a level beyond merely limiting the use of the weapon (as attempted by the CCW). Moreover, given the relative simplicity of the norm, would-be violators will have little room to finesse questions of violation and compliance through interpretive ambiguities of the norm, which removes one norm-eroding option of noncomplying behavior.¹¹³

In his analysis of prohibition regimes, Ethan Nadelmann argues that the most difficult activities to suppress are those requiring readily available resources that are easily concealed and not readily substituted with alternatives.¹¹⁴ As discussed earlier, many states are searching for alternatives to AP land mines; however, the ease with which the mines can be produced and concealed creates significant concerns about the effectiveness of a ban. Nonetheless, easily available means of significant destruction also threaten to undermine states' attempts to centralize the control of violence, thereby providing an important inward-directed incentive for state compliance.

Technologies delegitimized as “weapons of the weak,” like poison during Renaissance Europe and chemical and biological weapons today, are those defined as cheap equalizers that undermine the exclusive advantages of centralized high-technology state violence, both within the state and among the hierarchy of states.¹¹⁵ Although the characterization of AP land mines in these terms has been hotly contested, their frequent portrayal as such portends an important avenue of domestic discipline by which they may be further delegitimized.¹¹⁶ Such dynamics were in evidence during a Cape Town entrepreneur's efforts in 1996 to sell land mines as personal protection devices in South Africa. This ran afoul of that country's moratorium on the manufacture and supply of the mines, because the government argued that the Defense Act applied not only to the government but to individuals as well.¹¹⁷ In this way, while norms taught by nonstate actors are typically perceived as constraining states internationally, the instantiation of norms of warfare also involves empowering state policing capacities vis-à-vis society. For this reason, interpreting the delegitimization of AP land mines as a victory for civil society at the expense of the key pillar of sovereignty of the state is too simplistic. International norms such as those prohibiting AP

112. Price 1997.

113. See Franck 1990; Legro 1997; McElroy 1992; and Young and Osherenko 1995.

114. Nadelmann 1990, 525.

115. Price 1997.

116. A *New York Times* editorial argued that the United States should support a ban because “land mines are the poor man's weapon, offering no advantage to the high-tech American military,” a formulation that is likely to become increasingly prevalent. See “Banishing Land Mines,” *New York Times*, <http://www.nytimes.com/yr/mo/day/editorial/12tue2.html> (12 August 1997).

117. *The Star* (Johannesburg), 5 November 1996, 1.

land mines require and enhance the centralized state's control over the means of violence even as civil society has successfully sought to circumscribe the form of that control.

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