

DO WISHES MATTER? NATIONAL SECURITY AND THE LIMITS OF NORMATIVE ENTREPRENEURSHIP IN ANTI-PERSONNEL LANDMINE REGIME FORMATION

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ABSTRACT

Normative entrepreneurs, i.e., those political actors who attempt to promulgate a norm into wide acceptance, can influence the formation of international regimes once the norm they promote becomes widely accepted by most of the world's countries. However, normative entrepreneurship has limits since not all states accept the proposed norms. This paper will try to answer the question of why that is the case. According to the article, some nations refuse to adopt standards that they believe could jeopardise their national security. Other states can accept the norm even with their national security interests affected due to humanitarian and diplomatic reasons. As a result, a regime could exist and be formed by normative entrepreneurs. However, some powers, potentially the major ones, might not accept it, limiting the regime's efficacy. The article will present how this security-centric framework functions using the case of the anti-landmine norm and the Ottawa Convention. This approach can explain the membership limits that the regimes produced by normative entrepreneurs such as the Ottawa Convention face. Furthermore, the article will outline how this framework can be used to adjust the anti-personnel landmine norm to a less demanding form, i.e., in such a manner as not to compromise national security and make the spread of the regime-forming norm possible again.

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Introduction

“A mine-free world does not need to be a dream – together, we can make it a reality”. With these words, Heather Mills describes a wishful dream. Thanks to the work of normative entrepreneurs who worked on promoting the banning of landmines, the dream has nearly become a reality that we live in. Unfortunately, these wishes have not been fulfilled. Why, one could ask? This paper will review the limits of normative entrepreneurship in international regime formation through the case of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, also known as the Ottawa Treaty.³ The treaty was justified as an attempt to put an end to needless suffering caused by APLs, as the casualties are often defenceless civilians and because the effects of placing APLs continue after conflicts end. The ban is meant to increase international confidence and address humanitarian concerns in line with UN norms and international public opinion related to the rules of warfare. The treaty’s language disregards national security concerns. It stresses the humanitarian aspect of the desired ban on APLs, giving provisions for a gradual removal of these weapons because of their dangerous nature, especially after conflicts have ended (United Nations 1997). As for the negative effects of landmines, it is estimated that there are 110 million landmines in the ground right now, and more than 4,200 people, of whom 42% are children, have been falling victim to them yearly. Civilians made up 85% of all recorded casualties in 2022, with many countries like Egypt, Angola, Iran, Bosnia, and Afghanistan having millions of mines remaining (Minesweepers n.d.).

This regime has been selected because it is often regarded as a great example of civil society’s role in regime formation. Civil society actors, most commonly civil society organisations, are major actors who create norms and are also called normative entrepreneurs (Puschkarsky 2009, 6). This issue is very significant since great powers often partake in conflicts, and the fact that they use anti-personnel landmines (APLs) limits the regime’s effectiveness. The norm itself is meant to promote human security without prejudice, putting the safety of individuals above national security concerns. It stresses the role of public conscience in furthering the principles of humanity. It is based on the principles of international humanitarian law, being directly connected to the overall

³ The Anti-Personnel Mine Ban Convention is an instrument of international law that prohibits the development, production, stockpiling, transfer, and use of anti-personnel mines (Casey-Maslen 2010). The Convention entered into force on 1 March 2009. It was the result of the “Ottawa Process”, a freestanding process of treaty negotiation outside a United Nations-facilitated forum to outlaw anti-personnel mines. The process was named like that because it was launched in Ottawa by the Minister of Foreign Affairs of Canada in October 1996.

normative goals of disarmament. This article seeks to answer why some countries do not join regimes created from widely accepted international norms. It will also try to answer why great powers like the US, Russia, and China have refused to join the Ottawa Treaty. This article hypothesises that national security is the key reason some states decline to participate in regimes formed by normative entrepreneurs. As such, the article's thesis is that while national security is a limiter to norm entrepreneurship, there are differences in how far individual states can go in accepting certain norms. We suggest that while most powerful states will prioritise national security gained through physical power, and while less powerful states can accept the anti-APL norm, even the great powers could accept the widely promulgated norm in a weaker and adjusted form. The article will propose a new solution that could incorporate great powers and some of the other non-signatories into the Ottawa Treaty, using the banning of "dumb APLs", which would contribute to the purpose of the norm while allowing these states to retain military power.

This article has four different parts. The first part will provide a literature review by presenting how normative entrepreneurs form regimes, followed by the examination of various issues with regime formation via norm entrepreneurship that has thus far been proposed and offer limitations of such explanations. The second part will provide a theoretical framework, showing how the need to protect the states' national security can explain why some actors may not join the regime formed by normative entrepreneurs. The third part is the empirical section. First, the section will examine the formation of the Ottawa Treaty. Then, it shall present how the existing theoretical frameworks are unsuitable for dealing with this issue. Afterwards, it will empirically present how states have chosen national security over norms while deciding not to join the treaty. The fourth and final part will propose a solution to go beyond the limitations of national security to come closer to fulfilling our wishes.

Literature Review

How Civil Society Actors Form Regimes

Civil society actors form various norms which prescribe behaviour. According to the norm life cycle model (NLCM), these norms can even form international regimes (Finnemore and Sikkink 1998). They can also take on a norm originating from a state, such as in the case of the Ottawa Treaty. An example is the Scandinavian norm entrepreneurship related to environmental issues, which helped those states exercise "social power" and influence (Ingebritsen 2002), which was then adopted by Civil Society Organisations (CSOs). There is an increased interplay between CSOs and states on the international stage,

especially in shaping and promoting norms and affecting global governance, where the two can cooperate on promoting individual norms (Wolf 2008).

Normative entrepreneurs form norms by giving special attention to some existing issues or even creating new issues in the discourse, and these actions are known as framing (Iommi 2019, 79-82). These frames are then disseminated among people and compete with other unaccepted frames and already accepted norms for acceptance of the audience. For example, frames of sustainable development that prescribe economic growth should not damage the planet and should become accepted norms by challenging established norms of purely growth-based development (Lafferty 1996, 190-193). Norms create standards of appropriateness, meaning that they prescribe what proper behaviour should be and that actors should act according to those norms (Finnemore and Sikkink 1998, 897). For norms to be accepted, normative entrepreneurs must persuade others to accept them (Payne 2001, 40-43). Ultimately, based on the NLCM, the acceptance of new norms will depend on their formulation, their substance, and the reputation of the entrepreneur (Finnemore and Sikkink 1998, 906-907). No matter the circumstances, the great powers' reluctance to accept certain norms demonstrates the limits of norm diffusion. If accepted by others, the new norm will form a new logic of appropriateness (Sending 2002, 445-450). Norms created by civil society will, therefore, become accepted in that society and shape the actions of various actors in accordance with the norm's logic of appropriateness (Sending 2002, 445-450). Having established how norms are established and disseminated, we shall now examine how they are promoted internationally and how they can form regimes.

CSOs and intergovernmental organisations (IGOs) usually have a wide agenda regarding norms and their promotion, with extensive overlap. Yet their actions can focus on specific ones and require partnerships and cooperation to do so effectively (Finnemore and Sikkink 1998, 899-900). For norms to be widely accepted, CSOs and IGOs need the support of states because only they can codify and enforce norms and help coerce weaker states to accept them (Finnemore and Sikkink 1998, 900). Leverage in negotiations that IGOs hold over weaker states can be used to coerce them (Dobbin, Simmons and Garret 2007, 454-456). However, this capacity cannot work on more powerful states, and they need to be persuaded (Dobbin, Simmons and Garret 2007, 454-456). Persuasion is done with the help of the domestic civil society of the state, which constantly pushes for the norm's acceptance (Boesenecker and Vinjamuri 2011, 347). A tipping point is reached when a significant number of states accept the norm. Then, a "norm cascade" occurs (Iommi 2019, 106-107). At this point, states become more prone to the influences of international society than domestic society, and the result is usually the rapid acceptance of the norm

(Finnemore and Sikkink 1998, 901). For example, in the Landmine Convention, once the tipping point of 60 states had been reached, a norm cascade occurred, and 64 more states adopted the norm (Finnemore and Sikkink 1998, 901). In addition to the number of states, the acceptance of the norm by states that are significant stakeholders in the issue area, also known as critical states, is very important (Price 1998, 624). In the anti-landmine norm example, those were France and the UK, big producers and historical users of landmines that have accepted the norm (Finnemore and Sikkink 1998, 901). CSOs can enter into unofficial coalitions with governments or IGOs with the same norm-related interests and act against norm-violating states, as typically happens in relation to human rights norms. As such, they contribute significantly to a norm being accepted internationally. (Wolf 2008, 230-235) After the norm cascade is complete, many states will abide by the norm. Therefore, a new regime will be formed. However, even if the norm has great substance and formulation and if the entrepreneur is highly respected and has even promoted it well, it might still not be accepted by some states even after the cascade, thus harming the regime's strength, as the landmine convention shows.

Limits of Norm Entrepreneurship in the Literature

Provided the norm life cycle theory's internal logic has been satisfied, one should expect the wide acceptance of international norms and states joining the regime. Properly created norms, promoted by well-respected entrepreneurs and accepted by numerous civil societies, ought to form regimes. However, some states may opt not to join despite possible shaming or coercion. Now, the above-outlined theory offers another possible explanation. It requires the existence of a civil society for the acceptance of the norm (Finnemore and Sikkink 1998, 902). As such, states that lack civil society should be less affected by norm entrepreneurship since they would be impacted only by the global civil society. Indeed, these states not joining would fully be in line with the theory's causal logic. Simply, the theory itself can explain why some states would not join the regime despite other major conditions being fulfilled. The theory, however, lacks an explanation of why a state with a vibrant civil society would not join the regime with all other conditions being fulfilled. Numerous potential explanations can be found or inferred from the literature.

The constructivist tradition offers an interesting take on the norm acceptance of states, which could explain the reluctance of some states to adopt norms using the category of identity. Nations have different identities or senses of self, and, as such, they react differently to norm diffusion (Gurowitz 2006, 309). Simply put, nations will be more or less likely to accept the international norm based on their different identities (Gurowitz 2006, 310). A fine example

is Cuba, which has constructed its identity as the Other of the West-dominated capitalism and, as such, typically refuses to accept any Western international norms (Adler-Nissen 2014, 465-469). Its identity itself is, therefore, incompatible with the diffusing norms. This approach is quite fruitful for explaining the limits of norm entrepreneurship but is limited in some cases where the identity is compatible with norms. Aside from social construction, some material factors can prevent states from joining regimes.

Economic interests are one such material factor that could potentially prevent states from joining regimes. Two clusters of approaches, based on economic interests, can be found in regard to the reluctance to join the regime. The first is a state-centric approach, which largely, but not exclusively, belongs to the liberal institutionalist tradition. According to it, states will form regimes and accept international norms in line with their economic interests (Goertz and Diehl 1992, 637-638). Norms will be respected, and regimes will function since states will not want to act in dissonance with the norm because that would simultaneously damage their self-interest (Goertz and Diehl 1992, 644). However, if norms reflect economic self-interests, states would have no incentives to respect the norms and thus would not join the regime (Goertz and Diehl 1992, 637-638). This liberal explanation is useful for illustrating the dynamics of various trade and financial regimes. However, it is not as good when exploring regimes that do not significantly affect economic interests.

The second economic explanation relates to the interests of special interest groups formed by economic elites. According to the neo-Gramscian theory of regime formation, such groups use their influence on states to form international regimes that will protect their narrow interests (Robinson 2005, 562-566). As such, the elites are capable of exercising their will internationally to accumulate more wealth (Robinson 2005, 562-566). For example, special interest groups try to protect their privileged position by forming or changing the rules of international financial regimes (Gale 1998, 274). For example, big oil companies lobby against further international measures to limit climate change because limiting the use of fossil fuels would limit their profits (McGrath 2021). Likewise, lobbies would try to persuade certain states not to join the regime formed by norm entrepreneurs if it is not in their direct economic interest. As oil companies cannot compete with the moral norms imposed by environmentalist organisations, they resort to raw power and use political influence and corruption to protect their interests (Green 2018, 106-110). This approach opens plenty of new insights and even has liminal significance in this paper's empirical scenario. However, just like the previous approach, it is inadequate for explaining cases where economic interest is limited.

Finally, the structure of the international system, although very fruitful in regime formation, is far less specific when it comes to the reluctance of states

to join regimes. Structural realism tends to focus on how great powers form regimes to protect their privileged position or to counterbalance (Mearsheimer 1994, 9-13). Alternatively, the hegemonic stability theory focuses on how a single power forms the regime (Krasner and Webb 1989, 184). Lesser powers have to join to avoid potential sanctions of greater powers (Mearsheimer 1994, 9-13). Likewise, it can be inferred that structural realism claims regimes will fail once they are not protecting the interests of great powers. Simply put, great powers will use their influence to either disband or change current regimes or form completely new regimes to protect their interests. While some theories assume that regimes can be intervening variables and not instantly reflect the balance of power, they do not offer more specific conditions for states refusing to join, and their existence will ultimately depend on the support of major powers (Krasner 1982, 499). Although the structural realist explanation is highly helpful in many situations, it is inconsistent with the regime established by normative entrepreneurs rather than great powers, in which the latter do not participate but instead focus on behaviour balancing. According to realists, norms only form as a result of material interests and power balance (Mearsheimer 1994, 37-47). Meanwhile, normative entrepreneurs form these regimes largely by bypassing material interests and even great powers, as will be shown. Current realist frameworks cannot fully explain the issue.

Frameworks focusing on issues with norms and civil society, identity limiters, national and particular economic interests, and great power balance have been introduced. All of them have significant explanatory potential in various cases. We find that, while the neorealist theory suggests that great powers will not accept this norm due to military power concerns, it does not explain why a different and weaker form of the norm would be refused as well, especially as the norm has found such wide acceptance even among certain powerful states. The paper will now attempt to present a solution for this problem by focusing on a more fundamental concept of national security.

National Security as the Limiter

National security is concerned with the protection of the state or its interests from threats, and it will not allow any norms to undermine it. That effectively makes it a limiter when it comes to states joining regimes formed by normative entrepreneurs. States have a primary goal of securing themselves and their citizens, therefore prioritising national security above other interests. (Walt 2010, 2). We consider that the states that have joined the Ottawa Treaty maintain their national security interests. Yet they see an advantage in joining such a widely accepted treaty due to the signalling of their humanitarian concerns and the prioritisation of international normative cooperation over strict military power.

While national security is a broad term, it is a fundamental concept of realist theories. Many concepts are deduced from it, which makes it high axiomatic, at least within the realist paradigm. It should not be reduced to military security, even though this is how it was originally conceptualised (Ejdus 2017, 107-108). Military security is still the main concern of the national security of most states (Trump 2017; Biden 2022, 20) because it protects the physical security and independence of the state (French Republic Presidency 2017, 3), which is of fundamental importance and above any norms. That does not mean that norms do not have any significance to states. In reality, a variety of norms are compatible with the fulfilment of national security needs (Diehl and Goertz 1994, 102). Interestingly, the anti-mine norm and its proliferation helped establish the concept of human security, focusing on the security of individuals instead of states (Kjellman 2003, 955-956). Norms may even affect and perhaps even change the national interest of a state (Cardenas 2004, 216-217). However, those norms will be either rejected or sidelined if they stand in the way of national security (Diehl and Goertz 1994, 106). Even if norms have been constructing politics, as constructivists claim, those norms could still not come before national security requirements, as they cannot be enforced by a state if the state ceases to exist. There are many examples of norms being sidelined for national security reasons, the most notable being the state of exception, which has been used many times in the recent past by numerous states, mainly to protect national security (Agamben 2004, 3). During the state of exception, states ignore some or even all norms codified as laws that can limit their abilities to pursue national security. They do so until the crisis ends, after which the regular order is restored (Agamben 2004, 3). While the state of exception is not an everyday practice of states, it does prove that norms can shape politics only if they do not stand in the way of national security. While norms can be the drivers of regime formation, they can become sidelined when national security is threatened. That means some states will not join regimes formed by normative entrepreneurs if they consider that their national security is directly affected by the norm, especially if it challenges their perceptions of security through power. Now is the time to see how everything fits empirically in the case of the Ottawa Treaty.

Limiters against the Norms in Action

The Formation of the Ottawa Treaty

Numerous CSOs acting as normative entrepreneurs have successfully spread the anti-landmine norm and created a new nonproliferation and disarmament regime based on shared universal values. After the end of the Cold War, governments and civil societies shifted their attention from a potential

superpower conflict to smaller ongoing conflicts where anti-personnel landmines were being used (Price 1998, 619). APLs are indiscriminate, as they could potentially harm not only soldiers but also civilians, and they cause unnecessary suffering (Maslen and Herby 1998, 696). Every week, as many as 300 people, mostly civilians, were killed or injured by landmines (Hansen 2004, 365). That can be seen from the example of Cambodia, where 1 in 236 people is an amputee, nearly 100 times more than in the US, which is primarily the result of APLs (Price 1998, 619). Because of that statistic, Cambodia has become a poster country referenced by norm entrepreneurs for persuasive purposes (Price 1998, 619). Universally accepted norms against the usage of indiscriminate weapons and weapons that lead to unnecessary suffering have already existed, and those norms have created a taboo against the usage of those categories of weapons, such as chemical and biological weapons (Maslen and Herby 1998, 696). The norm to ban landmines fits into this universal norm, meaning that it was substantively persuasive and states that have accepted previous universal norms should have accepted this one as well (Price 1998, 629). In addition, the norm was well-formulated because it was focused on one issue and connected its goal to a widely accepted humanitarian issue (Price 1998, 629). As such, the substance of the norm was fulfilling widely accepted universal values, as the theory required (Finnemore and Sikkink 1998, 906-907). Overall, it is obvious that the norm had an appealing substance, a strong moral backing, and a wide coalition of promoting actors.

The process was led by many prominent CSOs, which together formed an umbrella organisation: the International Campaign to Ban Landmines (Price 1998, 620-621). Most notable among those CSOs is the International Committee of the Red Cross because the ICRC has been upholding humanitarian law in armed conflict and providing humanitarian support for a century (International Committee of the Red Cross 2009, 3-11). Later, about 600 organisations joined ICBL (Price 1998, 621)⁴. Some of these organisations were among the most influential CSOs in the world, meaning that the quality of norm entrepreneurs was very high, as both people and states respected them (Price 1998, 620-621). This means entrepreneurs themselves were also reputable, just like is required by the theory (Finnemore and Sikkink 1998, 906-907). The signing of the treaty itself was an unprecedented success of norm entrepreneurship, where CSOs and governments worked together through a unique partnership (Kjellman 2003, 956-958).

⁴ Some of those organisations are extremely reputable. Members were world-renowned organisations like Oxfam, Amnesty International, Human Rights Watch, and Doctors Without Borders (ICBL 2022).

ICBL campaigns were very successful. The campaigns not only focused on citizens of various countries but also on political structures and many politicians who agreed with the campaign (Price 1998, 620-621). In addition, CSOs have targeted international organisations like the UN and have even secured the support of Secretary-General Boutros-Ghali (Price 1998, 620), which has led to the UN helping ICBL with persuading states through organising various plenilateral events (Price 1998, 623-627). The APL norm was substantively acceptable and a well-formulated norm promoted by highly respected NGOs, meaning that the norms were very likely to be accepted by states (Finnemore and Sikkink 1998, 906-907). CSOs and IGOs were conducting their campaigns mostly through persuasion, and they have managed to convince many states that banning landmines is an action that should be taken for humanitarian reasons (Price 1998, 624-625). In addition to persuasion, they also used coercion by shaming states which do not accept the AP landmine norm derived from universal values (Short 1999, 491). For example, the US was shamed, albeit without compellence, for not being the leader in the protection of human rights and accepting the treaty (Wexler 2003, 566-567). After some time, the UK and France, as former President Mitterand personally supported the cause (Price 1998, 620), have supported the norm (Finnemore and Sikkink 1998, 901). The UK and France were critical states because of their international status and long history of AP landmine production and usage, and after their acceptance, spreading the norm has become easier (Price 1998, 901). After reaching 60 signatories in Oslo, including the critical states, the tipping point was reached (Price 1998, 901). Then, a norm cascade occurred, and in less than three months, a total of 124 governments signed the petition in Ottawa (Price 1998, 901). Currently, there are 164 signatories to the treaty (Schmitt 2018). The role of normative entrepreneurs in the making of this regime is undeniable, as they were both drivers and facilitators of the Ottawa Treaty. However, the anti-personnel landmine norm is still not universally accepted, causing the topic to be problematised and APLs to be used.

Many states, including great powers, have not joined the Ottawa Treaty. The US, China, and Russia are just some of around thirty states that do not participate in this regime (Branigin 2014). These states are great powers and the backbone of the emerging multipolar international order (Zakaria 2008). However, a much bigger problem is the fact that these countries are users and producers of landmines, meaning that their intentions to use them will likely not change (Schmitt 2018). Great powers have a greater capacity to act and protect their interests (Walt 2017). Therefore, they will be more likely to engage in conflicts to protect those interests and use the mines they produce to protect them. Since great powers are more commonly the parties in conflict because of their various interests and importance in the balance of power, the anti-

landmine norm will not affect many of the world's conflicts, and the usage of AP landmines will continue (Yeisley 2011). As such, the efficiency of the regime is somewhat limited. It is very good that many states have decided to join the treaty, but if great powers, users of APLs, have a higher chance of engaging in conflicts, then the problem is far from solved. Now, we have to consider why states would not want to join the Ottawa Treaty and abide by the widely accepted norm and how they could be persuaded to do so.

Great Powers – Why Would They Not Accept the Norms?

The norm life cycle theory may offer a partial explanation for only some of the states. The substance of the anti-landmine norm was appealing and tied to universal values, while its norm entrepreneurs were very reputable. However, if a state lacks a civil society, it would make sense that it is less affected by norm entrepreneurs. One could argue that China refused to join the treaty simply because it lacks a civil society in the Western sense of the world (Chamberlain 1993). While it would be impacted by the international civil society, without the push from within, the pressure would not be great enough for norms to be internalised. One would have more difficulty applying this argument in the case of Russia (Domrin 2003). However, its civil society is minimal and repressed, with the government keeping CSOs on a very tight leash (Robertson 2009, 540-543). On the other hand, it is impossible to use this argument to support the thesis that countries like the US have refused to join the regime due to the lack of civil society. After all, the US is widely regarded as a standard-setter and exporter of the value of having a civil society (Vogel 2006). That makes the NLCM's approach inadequate for understanding why some states would not join the regime.

Here, we should consider the most relevant critiques of the limitations of the NLCM. Krook and True note that norm diffusion should be seen as a dynamic process, with norms being processes rather than fixed ideas. In their view, norm contestation over meanings is a form of internal dynamism essential to norm formation, which needs to be taken into account in the norm cascade model. Norm diffusion is contested rather than progressive in their view (Krook and True 2012). Iommi agrees that contestation is crucial when it comes to the norm life cycle. She examines the stage of norm internalisation, suggesting that automatic internalisation cannot be expected. Instead, she considers that even when norms are socially recognised as valid, they still remain contested, and their internalisation is dynamic, as norms remain contested throughout their lifecycle. In her model, norms can also go through regression as a stage. However, she offers the view that dialogue and contestation can strengthen norms even beyond internalisation, as it is crucial for their ongoing legitimacy

(Iommi 2019). We would suggest that the anti-APL norm did not have sufficient contestation and dynamism to produce a form that great powers could potentially accept despite their national security concerns.

While identity could prevent a state from accepting certain norms, landmines are not important elements to the identity of a state. Since landmines have not been historically important in political discourses, they cannot be a part of states' identities (Price 1998, 631-632). Simply, no country bases its identity on its stance towards landmines or on the usage of landmines. Even the stretching of the identity argument cannot work. The anti-landmine norm is based on universal values of preventing unnecessary and excessive suffering, not just Western or other more particular values. As such, there would be no need to oppose the norm from an identity standpoint.

The state-centric economic approach is not a good enough explanation either. States are producing and selling landmines, thereby making a profit and thus making absolute gains. The military industry is indeed a significant part of the economy of some states. Furthermore, this is especially true for the US, Russia, and China. Not accepting norms to keep their economies booming would make sense. However, if most states have agreed to prohibit APLs, and they have, the export market for them is very limited. Furthermore, landmines are not consumer goods, meaning there is a limit to how much profit can be generated because they can be sold only to other non-participating states or armed non-state groups. With the cost of mines ranging from 3 to 30 dollars, there is not much profit to be generated even in the first place, let alone with most countries prohibiting the APLs (Minesweepers n.d.). That shows there are no measurable absolute gains to be secured by not accepting the norm. Even more importantly, France and the UK are big producers of anti-personnel landmines, and they have ratified the treaty despite that. That means the liberal approach is not good enough to explain why some states would not accept the norm.

Special interest groups may have some incentive towards producing landmines, but it is not that great. As we have already established, the economic gain from landmines is limited. However, special interests have smaller requirements than the state's entire economy. That means that even smaller profits can be satisfactory. A strong enough lobby could affect the willingness of a state to join the regime. There are two problems with this. The first problem is that this approach is limited only to countries with public-private partnerships in the military-industrial complex, like the US. That cannot explain the incentives that nations with state-owned military enterprises, such as China and Russia, would have to avoid joining the regime. This alone makes it unsuitable for a complete answer. Furthermore, even in countries like the US, the companies that produce military hardware tend to be very large and manufacture a variety of hardware. For example, Lockheed Martin is the chief contractor for the

trillion-dollar F-35 procurement. What incentive would such a company have to use its resources to lobby against the US joining the Ottawa Treaty? Producing and selling landmines is not very profitable and is not likely to reap adequate benefits to cover the lobbying costs, especially compared to other military hardware sales. Furthermore, the UK has large private military companies, like BAE Systems, and it chose to prohibit landmines (Corporate Watch 2015). Overall, special interest groups can be used as a potential minor factor in explaining the unwillingness of some states to join. However, they are not useful in the case of Russia and China.

We suggest that the structural realist approach has an explanatory gap when it comes to the formation of the Ottawa Treaty, as not only was it not formed by great powers protecting their privileged interests, but they were and still are absent from the regime. It was formed primarily by norm entrepreneurs. During the 1990s, the world order was unipolar, and the US chose not to join the treaty. In the current multipolar order, the great powers do not participate in the treaty. It is essentially an apolar regime formed without great powers. Thereby, the great powers have nothing to balance against directly (Mearsheimer 1994, 9-13) except each other through reciprocity. Yet, this does not explain why the norm was directly and categorically ignored. We consider there is enough reason, even for the great powers, to make small steps towards this norm by accepting its weaker form within or without the treaty.

National Security – the Limiter in Action

National security is the main reason why some states have not joined the Ottawa Treaty. States have to protect their national security. That is something they cannot accomplish if they cannot protect their military security. Landmines could be crucial for deterrence and the survival of states because they are primarily defensive weapons (Rosendahl 2018). Even so, the states that have joined the treaty have found greater security in humanitarian solidarity, through which they signal their peaceful intentions. Weaker states, especially those in safe environments or military alliances, do not need to balance against other powers. Unlike most other weapons, landmines are almost exclusively defensive weapons and used primarily for defensive purposes. Therefore, they can be used to assist in the protection of national security from various military threats (Rosendahl 2018). At the same time, states do not appear as a threat by stockpiling them. In fact, countries are very open about their need to protect their security. Various states openly state that security is the chief reason they choose not to join the treaty (Monitor 2019a). Yet, even so, most states have joined the treaty and do not prioritise military power in their defensive strategies. In other words, while APL can be justified for security, most states find them

unacceptable. The UK and France, for example, are different. They do not require landmines to protect their national security because they are EU members with a very low chance of war (Mahbubani 2008). Many other signatories do not need landmines either. Insular countries, countries that are protected by the security umbrella of a superior power (like many NATO states), and countries that do not have any superior or near-peer adversaries near their territory might not benefit much from landmines in terms of enhancing national security. That makes them more likely to comply with norms and enhance their reputation. However, for countries in conflict, like Syria, landmines could be crucial for deterrence and survival because they are primarily defensive weapons (Rosendahl 2018). There is a strong connection between protecting national security and having the capability to field anti-personnel landmines for that purpose. That is also true for great powers that are of main interest in this article.

Russia considers landmines vital for its national security. Landmines are needed for Russian contemporary conventional deterrence. Russian relative military power is significantly lesser than that of the Soviet Union *vis-à-vis* NATO (Kofman et al. 2021). As such, it needs a different conventional approach to threats and requires great focus on active and phased defence (Kofman et al. 2021, 78-81). Landmines are very useful weapons for such a defence since they can even deter an adversary from offensive actions due to prospective losses to attrition. Indeed, Russian officials have openly spoken about the importance of landmines for national security (Monitor 2019b). Aside from the potential great power conflict, Russia considers landmines very useful even in smaller conflicts and a means of protecting borders from terrorist incursions (Monitor 2019b). When Russia was at its weakest in the 1990s, it had to use anti-personnel landmines in Chechnya to secure its territorial integrity. Overall, it is clear that Russia is quite dependent on landmines for its national security, both *vis-à-vis* NATO and for other security needs, and thus does not want to join the Ottawa Treaty.

China also needs landmines to protect its national security. That need is not as great as in the Russian case since the main strategic direction in which China faces its main adversary is eastward, across the ocean, even though it is the dominant land power in the region. However, China has openly stated that it considers possessing the ability to use landmines necessary for self-defence. At least until alternative means of self-defence are found (Ministry of Foreign Affairs of China 2004). That means China regards landmines as a necessity for its national security. China has also found employing landmines very useful during the Sino-Vietnamese war (Jing 2018). Nowadays, the threat from that direction is gone, and China continues with the demining of the Sino-Vietnamese border (Jing 2018). Regardless, China finds protecting its national security interests vital and is still willing to use landmines to protect it (The

Irrawaddy 2022). Energy imports are crucial for China's national security due to the lack of domestically available fossil fuels (Wu 2014). For example, it protects vital oil pipelines in Myanmar using landmines (The Irrawaddy 2022), thus protecting its security interests with landmines. However, it should be noted that China has become more powerful, and its need for landmines will diminish with the growth of its conventional military power. Likewise, the trends towards using fewer landmines and towards demining are noticeable. That is fully in line with theoretical implications since the lack of the need for mines to protect national security will lead to landmines slowly being replaced by different means of protection. This section shows that national security is the reason China uses landmines and refuses to join the regime.

Even the US needs landmines to protect its national security. That may seem odd, after all, because the US probably possesses the greatest conventional military power in the world. Even more importantly, it is an insular power bordering only Canada and Mexico. So why would it need landmines? The US, which is an insular superpower with many alliances, has tied its national security to that of its allies (Oh 2008), and landmines are needed to protect some of them (Weddle 1999). For example, the US has tied its security to that of South Korea (National Catholic Reporter 2014). Over a million North Korean soldiers would overrun the joint forces on the peninsula without the APLs to halt the invasion until the AirLand Battle took effect (Weddle 1999, 22-24). The US needs anti-personnel landmines to protect an ally in case of a conflict on the Korean Peninsula, meaning that APLs protect US national security as well (National Catholic Reporter 2014). Former President Obama was clear about America relying on landmines in South Korea (Alexander 2014). The Trump administration was no different, going as far as to allow commanders to use smart landmines (that are discriminatory and reusable) without the approval of the president or the defence secretary (Marcus 2020). The Biden administration seems to adhere to the same principles (Holst 2021). In general, the US tends to abide by the convention despite not being party to the treaty (Holst 2021). However, when it comes to protecting the national security of an important ally, the Republic of Korea, the US has to maintain landmines. In general, the US is not opposing the norm, except in instances where it is important to protect the state's national security by using APLs. That means the US follows the same trend as Russia and China.

This section shows that national security is a major concern of great powers and a chief reason for them not to join the Ottawa Treaty. That is in accordance with the theoretical expectation that national security is expected to have primacy over the willingness of states to abide by the normative regime formed by norm entrepreneurs. Even so, the vast majority of states have still acceded to the treaty, especially those with a strong effect on public opinion and a large

role in civil society. The norm entrepreneurs have certainly formed the regime, but national security has acted as the limiter to the regime's membership. Indeed, the US, China, and Russia have openly stated that they are unwilling to join the regime due to defence concerns, and we can consider that they would not make the first step or join individually due to power balancing.

Discussion: Going Beyond the Limiter

Based on the findings in this paper, the requirements of national security have superseded the need to abide by the international norm related to the ban on APLs, formed by normative entrepreneurs, and thus to abide by their wishes to ban APLs. As we have shown, no state can protect the norms and values it wants if it cannot protect its security. The theoretical section confirmed that. The examples of the US, Russia, and China are empirical proofs of that. However, states have chosen not to abide by the norm only in cases where landmines have significant importance for their military and defence strategies. The majority of countries have accepted the norm even though their security would have been helped by having APLs, as the constructivist norm life cycle model suggests. Furthermore, even users of APLs are reluctant to actually utilise them, as seen in the cases of China and the US, which choose to use them only when there are no better options. So what does this mean? The norm is functioning to a large extent. But is there a way to limit the indiscriminate suffering even further? How can the wishes of the norm entrepreneurs break the limits of national security if the need to protect national security supersedes the norms?

Focusing on banning those anti-personnel landmines that are simple and outdated is the way to fulfil our wishes. By this, we mean so-called "dumb" landmines that have a simple and unchanging mechanism which cannot be easily disarmed or distinguished between targets. The norm to ban landmines is derived from universal principles of not causing indiscriminate and unnecessary suffering. The universal principles could still be respected if mines were discriminatory. Those are the exact conditions that smart mines fulfil.⁵ In the recent years, many of the world's APL users have switched to smart mines (Rosendahl 2018). While it is not compliant with the Ottawa Treaty, switching to "smart" mines does comply with the above-mentioned principles because they are discriminatory. It should be noted that "smart" mines are not 100%

⁵ Smart mines are landmines that can be redeployed or easily deactivated after conflict, thereby making them more discriminatory and focused on ground troops during the time of military operations (Rosendahl 2018). Some of them may even have more complex conditions required for their activation, and the activation might depend on operators as well.

reliable and thus not absolutely compliant with those principles, but they are nevertheless far closer to them than “dumb” mines. Furthermore, smart mines can be reused, making them much more versatile for protecting national security and thus more useful for such a cause (South 2021). It should be noted that they are more expensive while being more effective, which is always normal with new generations of weapons. Therefore, there are no measurable national security concerns when it comes to switching from normal mines to smart mines. In addition, the smart mines mostly comply with the above-described principles. “Smart” mines can protect national security without causing adverse and unnecessary suffering since they can be used only during a conflict and turned off or redeployed afterwards.

While not directly banning landmines, states that adopt smart mines mostly comply with the principles upon which the APL norm is based while still protecting their security. That is in line with the spirit of the norm, rather than the letter of the treaty, and would allow the anti-APL norm entrepreneurs to be satisfied while at the same time allowing great powers to retain some military leverage. At the same time, if the great powers accede to banning “dumb” APLs, it would signal that they could all eventually accept a full APL ban while maintaining military balance. Indeed, about thirty states have not joined the treaty, but they only use landmines where it is truly necessary, as can be seen from the US and China’s reluctance to utilise them unless truly needed. Furthermore, some APL users switch to smart mines on their own. If they agree to use only “smart” mines instead of “dumb” ones, the initial goals of ICBL will be much closer to being satisfied, even if the original treaty would not solve the issue. Here, we should note the idea of norm clusters provided by Winston, which suggests that similar norms can coexist and diffuse together. That is in line with the norm diffusion stage of the NLCM but expanded to allow for different interpretations of a norm. She considers that the standard diffusion process in the model is oversimplified because norms do not always need to be adopted in the same way, as they are flexible and evolve across contexts (Winston 2017). In this way, the norm against the use of “dumb” mines could coexist with and complement the norm against all APLs.

We suggest that framing a new norm in the direction of using only smart anti-personnel landmines could effectively expand the global governance of anti-personnel landmines to at least some of the other 30 states, although perhaps not under the Ottawa Treaty. We consider that it would be within the realm of possibility to either adjust the treaty or create an additional treaty for non-signatories. In this way, the norm promoted is “anti-dumb” APLs, rather than simply anti-APLs, which we consider can be done within the current framework and in line with the goals of the normative entrepreneurs, perhaps at least as a middle step. With norm entrepreneurs switching attention to the

dumb landmine ban, which does not compromise national security, some of those thirty states might join the Ottawa Treaty as second-tier countries. However, such a scenario could potentially lead to original signatories switching from the original treaty to the optional protocol, thus damaging the normative order and the regime.

As such, this option is not very desirable. Instead, an additional regime, in the form of a treaty, could be created, focused on smart mines. In fact, a similar treaty exists; more precisely, the Protocol on Mines, Booby-Traps and Other Devices of the Convention on Certain Conventional Weapons (CCW). While this protocol does not ban anti-personnel landmines, nor “dumb” landmines, it does limit the conditions for usage of “dumb” landmines to make them more discriminatory and, in some cases, requires landmines to have self-deactivating or self-destruct mechanisms after a certain period (International Committee of the Red Cross 2022). So, this protocol is already somewhat focused on limiting dumb landmine usage and opening room for smart mines. The protocol was amended once in 1996, and it could be amended again to lead to a total ban of “dumb” anti-personnel landmines, as in its current form, it is far from sufficient according to the norm entrepreneurs who desire a clearer and wider ban.

This protocol is a great starting point for furthering the desires of the norm entrepreneurs. It has already been signed by China, Russia, and the US (International Committee of the Red Cross 2022). Since it is focused on numerous other landmine applications, other than the anti-personnel landmines, many Ottawa signatories are parties to the treaty (International Committee of the Red Cross 2022). As such, norm entrepreneurs should focus on persuasion and coercion towards adding an additional protocol to this treaty or even creating a complementary treaty to ban “dumb” anti-personnel landmines fully. Ottawa signatories can easily be persuaded to make such amendments and to persuade non-signatories to further protocol amendments since they have already banned APLs and would thus be unaffected by the changes. Meanwhile, shaming by norm entrepreneurs and Ottawa signatories can act as coercion towards Ottawa non-signatories to accept the protocol. Since the protocol also governs the usage of non-APL mines (like anti-armour mines) and booby traps, the Ottawa signatories joining the protocol would not impact the overall normative system of the Ottawa Treaty. Meanwhile, non-signatories of the Ottawa Treaty would be banning dumb landmines. In sum, if norm entrepreneurs were to switch attention from banning APLs indiscriminately to banning “dumb” APLs under the Protocol of the CCW, they would have a great chance of incorporating more countries into fulfilling original principles. Indeed, there would be no true anti-personnel landmine ban but a dumb landmine ban. That is still quite a significant step towards fulfilling our

wishes of not causing indiscriminate and unnecessary suffering, all while assuring states that they can still protect their national security.

Conclusion

This paper has shown that the benefits that widely available and unsophisticated APLs provide to national security are the main reason why some states, most notably great powers, choose not to join the Ottawa Treaty that has been formed by norm entrepreneurs. The norm itself could have been more clearly defined, and its promotion could have been more gradual in order to be less threatening to states prioritising security. Norm entrepreneurs have created transnational norms and successfully brought about the signing of the Ottawa Treaty, forming an international regime around it. However, some states, most notably the great powers, have not joined the treaty. Existing theories offered unfitting and incomplete explanations of why some states would not abide by the APL norm. The paper has shown how, in certain cases, national security supersedes the need to abide by it and how Russia, China, and the US require anti-personnel landmines to protect their national security while balancing physical power against each other. As such, the paper has given theoretical and empirical reasoning for such an assessment. The paper has also given a policy proposal for normative entrepreneurs: If they choose to promote the anti-dumb mine norm, they could further limit indiscriminate suffering since there would be no national security concerns from those states.

This paper also brings up some new questions and further avenues of research. Theoretically, an interesting new avenue of research is to see if the notion of apolarity can be integrated into realist theoretical approaches towards global governance. Such an approach could possibly merge norm entrepreneurship and national security under the same theoretical framework within the realist paradigm. Empirically, focusing on national security as the limiter of norm entrepreneurship can be used to review where the limits of some other existing or prospective weapon control regimes are. This study also brings new questions about the US and China. Both countries use APLs far less than before due to new means of protecting national security. Focusing on whether or how the Chinese increase in conventional power could lead to the complete ban of anti-personnel landmines is a grave topic. Likewise, trying to find alternatives to APL usage in South Korea would be very beneficial for the peninsula and could prospectively lead to the ban of APLs by the US.

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DA LI SU ŽELJE BITNE?

NACIONALNA BEZBEDNOST I NORMATIVNO PREDUZETNIŠTVO U FORMIRANJU REŽIMA ZABRANE UPOTREBE NAGAZNIH MINA

Apstrakt: Normativni preduzetnici mogu formirati međunarodne režime onda kada norma koju oni promovišu postane široko prihvaćena u civilnim društvima većine zemalja sveta. Međutim, normativno preduzetništvo ima svoje granice, jer ne prihvataju sve države promovisane norme. Ovaj rad će pokušati da odgovori zašto je to tako. U članku se tvrdi da nacionalna bezbednost država sprečava određene zemlje da prihvate norme za koje smatraju da bi ih mogle ugroziti. Kao rezultat toga, režim bi mogao da postoji da ga formiraju normativni preduzetnici, ali neke sile, potencijalno od velikog značaja, to ne bi prihvatile, ograničavajući time efikasnost režima. Članak će predstaviti kako ovaj bezbednosno-centrični okvir funkcioniše koristeći slučaj norme protiv mina i Konvencije iz Otave. Ovaj pristup može objasniti ograničenja članstva sa kojima se suočavaju režimi koje stvaraju normativni preduzetnici, poput Konvencije iz Otave. Dalje, u članku će biti prikazano kako se ovaj okvir može iskoristiti za pronalaženje načina da se promeni norma protiv pešadijskih mina na način da se ne kompromituje nacionalna bezbednost, čime se ponovo omogućava širenje norme koja formira režim.

Ključne reči: nagazne mine; globalno upravljanje; difuzija međunarodnih normi; kontestacija međunarodnih normi; međunarodni režimi; nacionalna bezbednost.