PART OF THE SOLUTION: EXPLORING ARMED NON-STATE ACTOR COMMITMENT TO AND COMPLIANCE WITH AN ANTI-PERSONNEL LANDMINE BAN

by

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in

International Affairs

Carleton University
Ottawa, Ontario

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Abstract

Existing international legal arms control regimes exclude the participation of armed non-state actors, creating a situation where they cannot independently commit to those regimes, experience no sense of legitimate obligation where they do formally apply, face no credible group-level enforcement mechanism, and are not rewarded for compliance. Yet in some cases armed non-state actors do willingly make unilateral arms control commitments. One example is the 54 armed non-state actors who have, in parallel to the Ottawa Treaty regime, renounced anti-personnel landmines through a formal and monitored mechanism created by the international non-governmental organization Geneva Call. Why have some armed non-state actors committed themselves to and complied with this total anti-personnel landmine ban that generally exceeds their pre-existing legal obligations? This study explains why and under what conditions armed non-state actors make this commitment. Employing a mixed research methods approach that utilizes statistical analysis of all armed non-state actors engaged by Geneva Call prior to February 2019 on the issue of anti-personnel landmines and four critical case studies, the research demonstrates how armed non-state actors have instrumentalized their commitment to the Geneva Call mechanism as a conciliatory signal to credibly convey their good faith intent toward and interest in a negotiated settlement. The findings expand and enrich previous research on armed non-state actors and highlight how bilateral peace negotiations may contribute to humanitarian commitments that mitigate violent impact on civilians even if a final peace agreement is not readily accomplished. Further, it identifies a window of opportunity for securing this commitment to anti-personnel landmine renunciation and recommends investment in the capacity needed to capitalize on these moments.
Acknowledgements

This dissertation has been an extensive undertaking made possible by the time, effort, support, and assistance of many. I gratefully acknowledge the funding received from Carleton University, the Roy Buckley Morrison Scholarship, the Ontario Graduate Scholarship, and the Bruce McFarlane Bursary. I also extend my gratitude to those professionals who agreed to be interviewed for my research, sharing their many years of expertise and experience.

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Lastly, my sincere thanks to the colleagues, friends, and family whose support is the bedrock of this accomplishment. In particular, I deeply appreciate the encouragement and collegial advice extended by Jillian Foster, Morgan Richards-Melamdir, Naama Raz-Yaseef, Kirsten Van Houten, Rachel Schmidt, Mark Haichin, Nate Seef, Roberta Bell, Kaitlynne-Rae Landry, and Lily Chau. Thank you to my partners Amelia Facchin and Zac Emery for believing in me and this project, even at moments when I could not. Zac deserves special thanks for his unwavering reassurance, household heavy lifting, and lending his copyeditor eye. Love and gratitude to my family for their care, interest, and practical assistance through this process and always!
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ABSDF</td>
<td>All Burma Students Democratic Front</td>
</tr>
<tr>
<td>ACLED</td>
<td>Armed Conflict Location and Event Data Project</td>
</tr>
<tr>
<td>ALP</td>
<td>Arakan Liberation Party</td>
</tr>
<tr>
<td>AMISOM</td>
<td>African Union Mission to Somalia</td>
</tr>
<tr>
<td>ANSA</td>
<td>Armed Non-State Actor</td>
</tr>
<tr>
<td>Ansar Al-lah/Al-Houthi</td>
<td>Al-Houthi Movement/Ansar Allah</td>
</tr>
<tr>
<td>AP</td>
<td>Anti-Personnel</td>
</tr>
<tr>
<td>APCLS</td>
<td><em>Alliance des Patriotes pour un Congo Libre et Souverain</em> (Patriotic Alliance for a Free and Sovereign Congo)</td>
</tr>
<tr>
<td>APRAN-SDP</td>
<td>Association pour la Promotion Rurale de l'Arrondissement Nyassia – Solidarité, Développement, Paix</td>
</tr>
<tr>
<td>ARNO</td>
<td>Arakan Rohingya National Organization</td>
</tr>
<tr>
<td>ARS/UIC</td>
<td>Alliance for the Re-liberation of Somalia/Union of Islamic Courts</td>
</tr>
<tr>
<td>ASNLF/GAM</td>
<td>Aceh Sumatra National Liberation Front/Free Aceh Movement</td>
</tr>
<tr>
<td>BDP</td>
<td><em>Barış ve Demokrasi Partisi</em> (Peace and Democracy Party)</td>
</tr>
<tr>
<td>CCW</td>
<td>The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects</td>
</tr>
<tr>
<td>CFC</td>
<td>Civilian Facilitating Commission</td>
</tr>
<tr>
<td>CNAMS</td>
<td>National Centre for Mine Action in Senegal</td>
</tr>
<tr>
<td>CNF/CNA</td>
<td>Chin National Front/Army</td>
</tr>
<tr>
<td>CPN-M</td>
<td>Communist Party of Nepal – Maoist</td>
</tr>
<tr>
<td>CPP/NPA</td>
<td>Communist Party of the Philippines/New People’s Army</td>
</tr>
<tr>
<td>DEHAP</td>
<td><em>Demokratik Halk Partisi</em> (Democratic People’s Party)</td>
</tr>
<tr>
<td>DEP</td>
<td><em>Demokrasi Partisi</em> (Democracy Party)</td>
</tr>
<tr>
<td>DKBA</td>
<td>Democratic Karen Benevolent Army</td>
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</tbody>
</table>
DoC  Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation on Mine Action
DSP  Democratic Society Party
DTH  Demokratik Toplum Hareketi (Democratic Society Movement)
DW  Deutsche Welle (German Wave)
ELN  Ejército de Liberación Nacional (National Liberation Army)
EU  European Union
FAO  Food and Agriculture Organization
FARC  Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)
FARC-EP  Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People’s Army)
FARDC  Forces armées de la République démocratique du Congo (Armed Forces of the Democratic Republic of the Congo)
FSA  Free Syrian Army
FSA – 21st FU  Free Syrian Army – 21st Force Union
FSA – 23rd D  Free Syrian Army – 23rd Division
FSA-CD  Free Syrian Army – Central Division
FSA-FCD  Free Syrian Army – First Coastal Division
GCC  Gulf Cooperation Council
GICHD  Geneva International Centre for Humanitarian Demining
HADEP  Halkın Demokrasi Partisi (People’s Democracy Party)
Hazzm-FSA  Hazzm Movement & other Free Syrian Army affiliated factions
HEP  Halkın Emek Partisi (People’s Labour Party)
HPA/SRRC  Hiran Patriotic Alliance/Somalia Reconciliation and Restoration Council
HPC-D  Hmar People’s Congress-Democracy
HPE  Hêza Parastina Ézidxanê (Ézidxan Protection Force)
HPG  Hêzên Parastina Gel (People’s Defence Forces)
HPG/PKK  People’s Defence Forces/Kurdistan Workers’ Party
IA-IF  Islam Army & other Islamic Front affiliated factions
ICBL  International Campaign to Ban Landmines
<table>
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<tr>
<th>Acronym</th>
<th>Full Name</th>
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<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<tr>
<td>ICU</td>
<td>Islamic Courts Union</td>
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<tr>
<td>IDP</td>
<td>Internally Displaced Persons</td>
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<td>IED</td>
<td>Improvised Explosive Device</td>
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<td>IGAD</td>
<td>Intergovernmental Agency on Development</td>
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<td>IHL</td>
<td>International Humanitarian Law</td>
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<tr>
<td>INGO</td>
<td>(International) Non-Governmental Organization</td>
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<tr>
<td>JEM</td>
<td>Justice and Equality Movement</td>
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<td>JVA</td>
<td>Juba Valley Alliance</td>
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<tr>
<td>KADEK</td>
<td>Kurdistan Freedom and Democracy Congress</td>
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<td>KDP-Iran</td>
<td>Kurdish Democratic Party – Iran</td>
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<tr>
<td>KIO/KIA</td>
<td>Kachin Independence Organization/Army</td>
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<tr>
<td>KNF</td>
<td>Kuki National Front</td>
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<td>KNO</td>
<td>Kuki National Organization</td>
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<td>KNPLF</td>
<td>Karenni National Peoples Liberation Front</td>
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<td>KNPP/KA</td>
<td>Karenni National Progressive Party/Karenni Army</td>
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<td>KNU/KNLA</td>
<td>Karen National Union/Karen National Liberation Army</td>
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<td>Komalah-CPI</td>
<td>The Kurdistan Organization of the Communist Party of Iran</td>
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<td>KONGRA-GEL</td>
<td>People's Congress of Kurdistan</td>
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<td>KPIK</td>
<td>Komala Party of Iranian Kurdistan</td>
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<td>KPK</td>
<td>Komala Party of Kurdistan</td>
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<td>KRG</td>
<td>Kurdistan Regional Government</td>
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<td>LDF</td>
<td>Lahu Democratic Front</td>
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<td>LDU</td>
<td>Lahu Democratic Union</td>
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<td>Liwa 70</td>
<td>Patriotic Union of Kurdistan – Liwa 70</td>
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<td>Liwa 80</td>
<td>Kurdistan Democratic Party – Liwa 80</td>
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<tr>
<td>LRA</td>
<td>Lord's Resistance Army</td>
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<tr>
<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
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<td>MFDC</td>
<td>Mouvement des forces démocratiques de Casamance (Movement of Democratic Forces of Casamance)</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>MILF/BIAF</td>
<td>Moro Islamic Liberation Front/Bangsamoro Islamic Armed Forces</td>
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<tr>
<td>MINURSO</td>
<td>United Nations Mission for the Referendum in Western Sahara</td>
</tr>
<tr>
<td>MİT</td>
<td>Millî İstihbarat Teşkilatı (National Intelligence Organization)</td>
</tr>
<tr>
<td>MNJ</td>
<td>Mouvement des Nigériens pour la justice (The Nigerian’s Movement for Justice)</td>
</tr>
<tr>
<td>MNLA</td>
<td>Mouvement National pour la Libération de l’Azawad (National Movement for the Liberation of Azawad)</td>
</tr>
<tr>
<td>MNLF</td>
<td>Moro National Liberation Front</td>
</tr>
<tr>
<td>MPA</td>
<td>Manipur People’s Army</td>
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<tr>
<td>NCBL</td>
<td>Ban Landmines Campaign Nepal</td>
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<tr>
<td>NCRI</td>
<td>National Council of Resistance of Iran</td>
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<tr>
<td>NDFP</td>
<td>New Democratic Front of the Philippines</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>NLFT</td>
<td>National Liberation Front of Tripura</td>
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<tr>
<td>NMSP/MNLA</td>
<td>New Mon State Party/Mon National Liberation Army</td>
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<tr>
<td>NNC</td>
<td>Naga National Council</td>
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<tr>
<td>NSA</td>
<td>Non-State Actor</td>
</tr>
<tr>
<td>NSCN</td>
<td>National Socialist Council of Nagaland</td>
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<tr>
<td>NSCN-IM</td>
<td>National Socialist Council of Nagalim – Isaac/Muivah Faction</td>
</tr>
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<td>NSCN-K</td>
<td>National Socialist Council of Nagaland-Khaplang</td>
</tr>
<tr>
<td>NSCN-KK</td>
<td>National Socialist Council of Nagaland-Khole Kitovi</td>
</tr>
<tr>
<td>NUPA</td>
<td>National Unity Party of Arakan</td>
</tr>
<tr>
<td>OPM</td>
<td>Organisasi Papua Merdeka (Free Papua Movement)</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<tr>
<td>Ottawa Treaty</td>
<td>Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction</td>
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<td>PAK</td>
<td>Parti Azadi Kurdistan (Kurdistan Freedom Party)</td>
</tr>
<tr>
<td>Palipehutu-FNL</td>
<td>Party for the Liberation of the Hutu People – National Liberation Forces</td>
</tr>
<tr>
<td>PARECO</td>
<td>Patriotes Résistants Congolais (Resisting Congolese Patriots)</td>
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<tr>
<td>Acronym</td>
<td>Full Name</td>
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<tr>
<td>PDKI</td>
<td>Democratic Party of Iranian Kurdistan</td>
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<tr>
<td>PJAK</td>
<td>Partiya Jiya a Kurdistan (Kurdistan Free Life Party)</td>
</tr>
<tr>
<td>PKK</td>
<td>Partiya Karkerên Kurdistanê (Kurdistan Workers’ Party)</td>
</tr>
<tr>
<td>PMF</td>
<td>Affiliate Groups of the Popular Mobilisation Forces</td>
</tr>
<tr>
<td>PNLO/PNLA</td>
<td>Pa’O National Liberation Organization/Pa’O National Liberation Army</td>
</tr>
<tr>
<td>PPLA</td>
<td>Pa’O Peoples Liberation Army</td>
</tr>
<tr>
<td>PPPLO</td>
<td>Pa’O Peoples Liberation Organization</td>
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<td>Polisario Front</td>
<td>Popular Front for the Liberation of Saguia el Hamra and Rio de Oro</td>
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<td>PRIO</td>
<td>Peace Research Institute Oslo</td>
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<tr>
<td>Protocol II</td>
<td>Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices</td>
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<td>PŞK</td>
<td>Partiya Şoreşya Kurdistan (Revolutionary Party of Kurdistan)</td>
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<tr>
<td>PSLF/TNLA</td>
<td>Palaung State Liberation Front/Taan National Liberation Army</td>
</tr>
<tr>
<td>PSS</td>
<td>Puntland State of Somalia</td>
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<tr>
<td>PUK</td>
<td>Patriotic Union of Kurdistan</td>
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<tr>
<td>PYD</td>
<td>Partiya Yekitiya Demokrat (Democratic Union Party)</td>
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<td>RCSS/SSA-S</td>
<td>Restoration Council of Shan State/Shan State Army South</td>
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<td>RISF</td>
<td>Raqqa Internal Security Forces</td>
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<td>RPF/PLA</td>
<td>Revolutionary People’s Front (India)/People’s Liberation Army</td>
</tr>
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<td>RPM/RPA</td>
<td>Revolutionary Workers Party of Mindanao/Revolutionary Proletarian Army</td>
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<td>RPM-P/RPA-ABB</td>
<td>Revolutionary Workers Party of the Philippines/Revolutionary Proletarian Army – Alex Boncayo Brigade</td>
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<td>RRA</td>
<td>Rahanweyn Resistance Army</td>
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<td>Abbreviation</td>
<td>Name</td>
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<tr>
<td>SAMO/SRRC/Nakuru</td>
<td>Somali African Muki Organization/Somalia Reconciliation and Restoration Council – Nakuru</td>
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<td>SDF</td>
<td>Syrian Democratic Forces</td>
</tr>
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<td>SDM</td>
<td>Somali Democratic Movement</td>
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<tr>
<td>SLM/A</td>
<td>Sudan Liberation Movement/Army</td>
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<td>Sudan Liberation Movement/Army – Abdel Wahid al-Nur</td>
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<td>SLM/A-MM</td>
<td>Sudan Liberation Movement/Army – Minni Minnawi</td>
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<td>SNF/SRRC</td>
<td>Somali National Front/Somalia Reconciliation and Restoration Council</td>
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<td>SNM</td>
<td>Somali National Movement</td>
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<td>SNPC</td>
<td>Somalia National Peace Conference</td>
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<tr>
<td>SNRC</td>
<td>Somalia National Reconciliation Conference</td>
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<td>SNU</td>
<td>Somali National Union</td>
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<tr>
<td>SoO</td>
<td>Suspension of Operation Agreement</td>
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<td>SPLM/A</td>
<td>Sudan People's Liberation Movement/Army</td>
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<td>SPLM-N</td>
<td>Sudan People's Liberation Movement – North</td>
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<td>SPM</td>
<td>Somali Patriotic Movement</td>
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<td>SPM/SRRC-Gabyow</td>
<td>Somali Patriotic Movement/Somalia Reconciliation and Restoration Council – Aden Abdullahi Nur “Gabyow”</td>
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<td>SRRC</td>
<td>Somali Restoration and Reconciliation Council</td>
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<td>SSDF</td>
<td>Somali Salvation Democratic Front</td>
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<td>SSNM/BIREM</td>
<td>Southern Somali National Movement/BIREM</td>
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<td>SSNM/SNA/SRRC</td>
<td>Southern Somali National Movement/Somalia National Army/Somalia Reconciliation and Restoration Council</td>
</tr>
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<td>SSPP/SSA-N</td>
<td>Shan State Progressive Party/Shan State Army (North)</td>
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<td>STC</td>
<td>Southern Transitional Council</td>
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<tr>
<td>TAK</td>
<td>Teyrêbazên Azadiya Kurdistan (Kurdistan Freedom Hawks)</td>
</tr>
<tr>
<td>TFG</td>
<td>Transitional Federal Government (Somalia)</td>
</tr>
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<td>TNG</td>
<td>Transitional National Government</td>
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<td>United National Liberation Front (India)</td>
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<td>Zomi Re-unification Organisation</td>
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Chapter One
The Anti-Personnel Landmine Problem and Armed Non-State Actors

I. Addressing a Scourge: The Background

The use of anti-personnel landmines in conflict can have devastating effects on civilian populations, killing or maiming large numbers of non-combatants, especially children. Moreover, even many decades after a conflict has come to a resolution, these weapons may obstruct reconstruction and economic development, threaten livelihoods, and inhibit the repatriation of refugees and internally displaced persons (IDPs). For these reasons, starting in the 1990s, an international coalition of actors intensified the effort to prevent the devastation caused by anti-personnel landmines in armed conflict.

Although Protocol II of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW), already codified certain restrictions on the use of anti-personnel landmines—namely, the prohibition against their indiscriminate use or use against civilians, restrictions on remotely-delivered mines, and the requirement to record minefields—further negotiations took place at the CCW’s First Review Conference. An amended version of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) was adopted at the close of the First
Review Conference on May 3, 1996. The amended version extended the application of Protocol II to non-international armed conflicts and strengthened existing rules, adding provisions related to various technical aspects (e.g., prohibitions on mines that detonate in the presence of standard mine detection equipment, non-detectable mines, and anti-handling mechanisms that outlive mines), restrictions on where mines that are not self-destructing or self-deactivating may be used, and restrictions on the transfer of mines (e.g., prohibited mines may not be transferred, mines may only be transferred to states and state agencies, and mines may only be transferred to states that are bound by or agree to apply the Protocol). However, the Amended Protocol II regulates the use of anti-personnel landmines (and certain other weapons, including anti-vehicle mines, booby-traps, and other devices) rather than prohibiting them; it considers mines to be legal weapons.

There are presently 106 States Parties, including all five Permanent Members of the Security Council, to the CCW Amended Protocol II. It entered into force on December 3, 1998, and the original version of Protocol II remains in force for a limited

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1 The CCW and its original protocols, including the original version of Protocol II, only applied to international armed conflicts prior to an amendment to CCW Article 1 in 2001 (which has not been accepted by all States Parties).
number of States Parties who have not acceded to the amended version. However, the ultimate inability of the high contracting parties to reach a consensus on a complete prohibition of anti-personnel landmines led to the subsequent negotiation and adoption of the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction, also known colloquially as the Ottawa Treaty, in 1997. This treaty entered into force in 1999 and prohibits the use, stockpiling, production, and transfer of anti-personnel landmines by States Parties by way of binding multilateral treaty obligations. It also contains provisions related to mine clearance and assistance to mine victims. It now boasts 164 States Parties (including Palestine) and the Marshall Islands has signed, but not ratified, the treaty as well. This amounts to roughly 80% of the world’s states. While impressive, 32 states remain outside the treaty regime, including powerful ones such as the United States of America, Russia, China, and India.

Furthermore, regardless of treaty obligations, all states are bound by certain rules of customary international humanitarian law as they apply to anti-personnel landmines, such as prohibitions against targeting civilians, on indiscriminate attacks, and on inherently indiscriminate weapons. While there is no compelling argument that these customary obligations themselves amount to a prohibition of anti-personnel landmines,
they do restrict their lawful use. Even a number of states not party to the Ottawa Treaty have abandoned, restricted, or curtailed their use, stockpiling, production, and transfer of anti-personnel landmines in excess of their strict legal obligations. This has raised the possibility that a prohibition on anti-personnel landmines is a nascent legal principle in customary international law. The International Committee of the Red Cross (ICRC) notes that “almost all states, including those that are not party to the Ottawa Convention on Anti-Personnel Mines and are not in favour of their immediate ban, have agreed that they need to work towards the eventual elimination of anti-personnel landmines”.² It concludes that the available state practice “appears to indicate that an obligation to eliminate anti-personnel landmines is emerging” (ICRC n.d.a). All this has led to a significant reduction in the use of anti-personnel landmines by states.

II. Prison for the Rest of their Lives or Worse: The Puzzle

Presently, most new anti-personnel landmine use in the world is by armed non-state actors (ANSAs). For instance, Landmine Monitor’s 2021 report indicates that new

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² To support this assertion the ICRC cites, among others, the by-consensus Final Declaration of States Party to the Convention on Certain Conventional Weapons at the Second Review Conference in 2001 and a number of General Assembly resolutions urging states to contribute to the elimination of anti-personnel landmines.
anti-personnel landmine use was confirmed for only one government in the reporting period, compared to new use by ANSAs in at least six countries (2021a, under “Major Findings”). This does not, however, account for (state or non-state) actors that continued to benefit from pre-existing anti-personnel minefields whose landmines were emplaced prior to the reporting period. Anti-personnel landmines are, in many ways, ideal weapons for ANSAs: they are inexpensive, readily available, easily manufactured, easy to deploy, and are highly effective at maiming or killing victims. Legally, addressing the use of anti-personnel landmines by ANSAs is more difficult than addressing state use. This is in large part because the international system is designed to delegitimize these actors. This leaves the dilemma of how to influence the behaviour of an entity whose very existence states are loathe to admit. Since ANSAs are not primary subjects of the international legal system, they cannot craft international law. Although much of

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1 The reporting period was from mid-2020 through October 2021. The government confirmed to be deploying new anti-personnel landmines was Myanmar (which is not a State Party to the Ottawa Treaty nor the CCW Amended Protocol II). Anti-personnel landmines have been used by government forces in Myanmar for over two decades. There were also indications of new use of anti-personnel landmines during the conflict in Nagorno-Karabakh in late 2020, but it was neither confirmed nor possible to attribute responsibility. ANSAs were confirmed to have used anti-personnel landmines in at least six countries: Afghanistan, Colombia, India, Myanmar, Nigeria, and Pakistan. There were also unverified reports of sporadic mine use by ANSAs in Cameroon, Egypt, Niger, Philippines, Thailand, Tunisia, and Venezuela.
international law's customary content, and some treaty content,⁴ ostensibly binds ANSAs (Sassòli 2010, 14; Bongard and Somer 2011, 675), practically speaking there is no enforcement mechanism applicable to ANSAs at the group level.⁵ So, ANSAs can neither become party to the Ottawa Treaty, nor can an ANSA, as such, be held legally accountable for unlawful conduct.

Furthermore, since ANSAs operate almost by definition in non-international armed conflicts,⁶ they do not benefit from combatant immunity, which applies in traditional international armed conflict between states. This is significant as combatant immunity is classically viewed as the trade-off for adherence to the laws applicable in armed conflict, also known as international humanitarian law (IHL). In an international armed conflict, a combatant whose conduct adheres to IHL is entitled to combatant immunity, which prevents that person for being prosecuted under the enemy's domestic

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⁴ Such as the CCW's Amended Protocol II which also applies to conflicts not of an international character occurring in the territory of one of its High Contracting Parties and, in that instance, binds each party to the conflict to the prohibitions and restrictions of the Protocol (Article 1, para. 3).

⁵ Although, if an ANSA goes on to form the government of a State, this instance could lead to state responsibility for prior acts of the ANSA.

⁶ Article 1(4) of Additional Protocol I to the 1949 Geneva Conventions suggests that there may be room for argument here when considering “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination,” however it is unlikely that any state would today concede that it is an alien occupier or racist regime.
law for the mere fact of participating in the conflict and associated military actions (i.e.,
one cannot be prosecuted for murder due to having killed people who were lawful
targets in conflict). However, ANSA members in a non-international armed conflicts
may, upon their capture, be domestically prosecuted for murder, treason, or other
capital offences even if their conduct in the conflict has adhered to the strictures of IHL.
Ultimately, from the perspective of insurgents, there is no difference between fighting
the government with scrupulous attention to ‘lawful’ conduct and flagrantly committing
war crimes in combat—either will land them in prison for the rest of their lives or worse.
As Krieger summarizes,

Thus, to put it in simple terms, non-State actors are expected to comply with
not only norms in the creation of which they have never participated and to
which they have never consented but also those which do not even entail great
benefits for them. This asymmetry directly affects the classically most
important motive for compliance in international law—reciprocity—and seems
to diminish the prospect of compliance based on the norm’s legitimacy (2015, 2).

As such, international law is ill-suited for the purpose of constraining ANSA behaviour
in war. Its greatest reach may be through domestic implementing legislation, whereby
States Parties to a treaty incorporate their treaty obligations into domestic law, through
which it applies to all individuals throughout its territory. For example, States Parties to
the Ottawa Treaty criminalize anti-personnel landmine use, stockpiling, production,
and transfer domestically through implementing legislation. However, there is still no group-level enforcement mechanism at the domestic level—only individual criminal responsibility. Yet once citizens of a State Party have breached domestic law in the pursuit of the treasonous act of an armed rebellion against the government, it is unlikely that preventing breaches of additional domestic laws pertaining to anti-personnel landmines would be high priority.

Given the incentive structure of the legal regime as it pertains to ANSAs, it is not expected (barring external inducements) that ANSAs would comply with even the strongest and most obvious IHL obligations, let alone commit themselves to and comply with the nascent legal regime that bans anti-personnel landmines.\(^7\) It is a completely unnecessary action with no immediately obvious benefit to the ANSA. It is thus exceedingly puzzling that, since 2000, 54 ANSAs from multiple continents, including the Sudan People's Liberation Movement/Army (SPLM/A) in Sudan and the Moro Islamic Liberation Front/Bangsamoro Islamic Armed Forces (MILF/BIAF) in the Philippines, have signed Geneva Call's *Deed of Commitment (DoC) for Adherence to a Total*

\(^7\) Especially since this regime has not produced universal obligations and by its very structure excludes their participation.
Ban on Anti-Personnel Mines and for Cooperation in Mine Action.\(^8\) Geneva Call is an international humanitarian organization which is a global leader in humanitarian engagement with ANSAs. Since it began its work over two decades ago, it has focused exclusively on strengthening the respect of humanitarian norms and principles by ANSAs to promote the protection of civilians.

The DoC is a unique instrument developed by Geneva Call; the one that forms the centre of this study is a formalized unilateral declaration to abide by a total ban on anti-personnel landmines, which was designed to be the ANSA-friendly version of the Ottawa Treaty.\(^9\) Geneva Call has engaged ANSAs, who are parties to conflicts in Africa, Asia, Europe, the Middle East, and South America, on issues of humanitarian norms, including anti-personnel landmines. The eligibility of an ANSA to sign a DoC is assessed through consideration of the following guidelines: (1) presence of a compliance issue (e.g., confirmed or alleged anti-personnel mine use, stockpiling, or potential access

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\(^8\) See Appendix I for a copy of the full text of this commitment.

\(^9\) The Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action is one of five Deeds of Commitment launched by Geneva Call. The others are the Deed of Commitment Protecting Children in Armed Conflict launched in 2010, the Deed of Commitment Prohibiting Sexual Violence and Against Gender Discrimination launched in 2012, the Deed of Commitment on the Protection of Health Care in Armed Conflict launched in 2018, and the newest Deed of Commitment on the Prevention of Starvation and Addressing Conflict-Related Food Insecurity launched in 2021.
through trafficking or mine-affected territory), (2) known ANSA leadership structure with authority to bind the group, (3) sufficient command and control capacity to implement the DoC,\(^\text{10}\) (4) sufficient organizational or affiliate access to monitor, and (to a lesser extent) (5) sufficient organizational human resources capacity.\(^\text{11}\) The first three relate to characteristics of the ANSA and the conflict it is engaged in, while the latter two reflect whether Geneva Call itself has the ability to monitor that group given internal (e.g., employment vacancies) and external (e.g., state refusal of humanitarian access) constraints. Given limited human and funding resources, specific engagement efforts may be further prioritized based on the interrelated considerations of humanitarian impact, added value,\(^\text{12}\) conflict intensity, ANSA receptiveness, positive externalities, and

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\(^\text{10}\) The second and third guidelines exclude broad alliances of ANSAs from signing as a unit. For instance, due to the coalitional nature of the Free Syrian Army Geneva Call has each ANSA belonging to the coalition commit itself separately.

\(^\text{11}\) Geneva Call employee interview with author on July 12, 2019. It should be noted that these guidelines are not strictly applied rules. Additionally, these guidelines have evolved over the last two decades. Assessments are made on a case-by-case basis, there is an element of subjectivity, and not all requirements always need to be fulfilled. Should a group not be eligible to sign the Deed of Commitment (or is not interested), Geneva Call has other tools at its disposal to encourage improved respect of humanitarian principles including education, assistance with internal codes of conduct, facilitation of bilateral discussions of a humanitarian nature, etc. With time, groups may eventually become eligible (for instance, if a country opens up, permitting better access to the group).

\(^\text{12}\) This is not particularly relevant with respect to the DoC on anti-personnel landmines because it is a unique instrument, however in the issue area of child soldiering Geneva Call will often make the decision not to engage if there is already a UN Action Plan in place.
the level of influence an ANSA may have over others.\textsuperscript{13} Once a signature to the DoC on anti-personnel landmines is obtained, it is deposited with the Canton of Geneva and entails agreement to an anti-personnel landmine ban that is actually broader in scope than the Ottawa Treaty itself and contains more stringent monitoring and verification measures.\textsuperscript{14} Compliance with the provisions of the DoC on anti-personnel landmines by its signatories is considered to be essentially universal,\textsuperscript{15} which is not only impressive,

\textsuperscript{13} Geneva Call employee interview with author on July 12, 2019.

\textsuperscript{14} The DoC has a broader definition of ‘anti-personnel landmines’ than the Ottawa Treaty, including all devices that are victim-activated and have the effect of an anti-personnel landmine. This includes tripwire explosives and victim-activated improvised explosive devices. The monitoring and verification system in the DoC is tripartite: self-reporting, local monitoring, and verification missions. Firstly, ANSAs agree to submit regular reports on implementation. Secondly, they agree to local monitoring by Geneva Call or its affiliates (Landmine Monitor, International Campaign to Ban Landmines Offices, other NGOs, etc.). and commit not to impede this monitoring. Lastly, at the sole discretion of Geneva Call, verification missions may be conducted to investigate allegations of breach. In contrast, under the Ottawa Treaty fact-finding missions on the territory of a State Party may only take place under Article 8 with the consent of the majority of States Parties (which has never happened and is unlikely to occur).

\textsuperscript{15} There has been no verified deliberate violation by a signatory of the terms of the Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action (Bongard and Somer 2011, 688). A verification mission for the MILF in the Philippines did uncover two verified inadvertent violations stemming from misunderstandings of the definition of ‘anti-personnel landmine’ and ‘command detonation,’ respectively. In the first instance, it needed to be clarified that anti-vehicle mines that were activated by such pressure as a person could supply were in fact to be considered large anti-personnel mines. In the second instance, it was clarified that ‘string-pull’ detonation mechanisms for anti-personnel landmines did not constitute ‘command detonation’ and should be discontinued. The MILF agreed to end both practices and signed a revised and strengthened DoC at the conclusion of the verification mission (Geneva Call 2002).
but indicates that these signatures cannot merely be written off as ‘cheap talk’ by warlords.

Preoccupied with this puzzling phenomenon, this dissertation investigates the following research question: why do some ANSAs, contrary to general expectation, choose to commit themselves to and comply with a total anti-personnel landmine ban via Geneva Call’s DoC? The specific focus on Geneva Call’s DoC mechanism for the renunciation of anti-personnel landmines, rather than looking at all non-use, bilateral commitment mechanisms, or other types of unilateral commitments, is driven by several theoretical and practical reasons. Firstly, simple non-use of anti-personnel landmines or bilateral renunciation, as is often seen in anti-personnel landmine provisions included in peace or ceasefire agreements, are qualitatively different from unilaterally committing to a binding and permanent renunciation of this weapon. Aside from the fact that it does not touch on aspects of the anti-personnel landmine problem such as production and transfer of anti-personnel landmines for profit or cooperation in mine action, non-use also may be incidental or temporary—*de facto* rather than committed compliance. Non-use may be the result, for instance, of a simple lack of access to the weapon or a lack of effectiveness of anti-personnel landmines in a given
context and, should relevant conditions change, an ANSA may not hesitate to begin to deploy them.

Bilateral commitments, such as provisions in a peace agreement, are also a different phenomenon because such commitments are regarded by parties as *conditional*. The logic of conditional reciprocity—where each party agrees to refrain from anti-personnel landmine use so long as others do so—is both well-understood, and thus poses no obvious puzzle, and is a more fragile arrangement than an unconditional permanent renunciation of anti-personnel landmines. For example, the 2002 ceasefire agreement between Burundi’s transitional government and the *Conseil national pour la défense de la démocratie-Forces de défense de la démocratie* (CNDD-FDD) included a prohibition on mine-laying operations and of operations to obstruct demining.\(^{16}\) When that agreement collapsed CNDD-FDD spokesperson Gervais Rufyikiri, in a meeting with Geneva Call, indicated that the group had no intention of maintaining its commitment to the provision on mines and would resume their use if deemed necessary. As an employee of Geneva Call later observed about this experience:

\(^{16}\) *The Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la défense de la démocratie-Forces pour la défense de la démocratie* was signed on December 2, 2002. Article II, paragraph 1(5), of this agreement states that: “The Ceasefire Agreement shall entail: The total prohibition of mine-laying operations and of operations to obstruct demining.”
It doesn’t mean that if one group signs a peace agreement that it will last forever [...] it's very contingent on [...] the implementation. This is why we always promote a kind of unilateral, unconditional, definitive, [...] in-any-circumstances, committed decision by the group so that whatever happens with the conflict, the peace’s fate, they will still honour their own word.”

There have also, from time to time, been other unilateral commitments by ANSAs regarding anti-personnel landmines, including the *Statement of the Islamic Emirate of Afghanistan on the Problem of Landmines* by Taliban Leader Mullah Muhammad Omer in 1998, the *Declaration of a Total Ban on Anti-Personnel Mines in Kashmir* by the United Jihad Council in 2007, and the *Anti-Personnel Mine Ban Act* adopted by the Republic of Somaliland in 2009. Unfortunately, these commitments vary (relative to each other and the uniform DoC) in terms of formality, definitions, comprehensiveness, monitoring and accountability mechanisms, compliance, and availability of relevant data.

Finally, there is a precedent (Fazal and Konaev 2019) in the literature for a focus on DoC signatures. This study does not claim that the DoC mechanism is necessarily superior to all other forms of ANSA commitments to restricting or eliminating anti-personnel landmine use. Indeed, all mechanisms that may improve the situation of civilian populations by way of decreasing anti-personnel landmine use are welcome. But

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17 Interview with author on July 12, 2019.
it does contend that the DoC is a unique mechanism in terms of scope and monitoring; other types of commitments (unilateral or bilateral) are not functional equivalents. There may be other explanations that explain some other types or instances of commitments (e.g., ‘cheap talk’ or the benefits of proliferating internal ‘legislation’) but not signatures to the Deed of Commitment. As such, this study does not conflate all unilateral commitments on the subject of anti-personnel landmines and instead limits its scope to the investigation of signatures to the DoC on anti-personnel landmines in particular.

III. Instrumentalizing Renunciation: The Argument

This investigation of ANSA uptake of Geneva Call’s anti-personnel landmine renunciation mechanism takes root in the gap left by the explicit and implicit explanations in the literature on ANSA behaviour. The most plausible existing explanations focus on the type of ANSA that is most likely to exhibit desirable restraint behaviour, such as signing the DoC on anti-personnel landmines, and identify relatively static factors. While useful, such theorizing often lacks the ability to account for the temporal variation in ANSA signature of the DoC on anti-personnel landmines. The question remains, what drives the timing of particular ANSA signatures? Also, why do
some ‘unlikely’ ANSAs still commit? While the latter may stem from inappropriately defined classifications for ANSAs (competing classification systems being very much at play), it may also suggest that dynamic situational variables have been overlooked. As an analogy, an octopus’ weight is influenced by what type (i.e., species) of octopus it is but also by situations, for instance whether it is brooding (i.e., a period devoted to caring for offspring rather than hunting). Using both quantitative and qualitative research tools, then, this study tests the impact of negotiations on the likelihood that ANSAs renounce anti-personnel landmines through the DoC relative to other explanations.

Ultimately, a statistically significant pattern of DoC signatures during periods of negotiation between ANSAs and their host states is uncovered, indicating that negotiations matter. It is argued here that applying conciliatory signalling logic, often used in negotiation literature, illuminates why and how negotiations matter. According to the application of this theory, negotiations with the host state enable ANSAs to instrumentalize their renunciation of anti-personnel landmines through the DoC. Such a commitment acts as a credible conciliatory signal of good faith to governmental negotiating counterparts (and, potentially, also international mediators), which may be used strategically to increase the chances of a favourable conflict outcome for the ANSA by way of negotiated settlement. While this does not usurp all existing explanations,
those alternative explanations present in or derived from theories of ANSA behaviour must be (re)evaluated relative to conciliatory signalling theory. Although the logic of conciliatory signalling theory is not mutually exclusive to a variety of different ANSA type explanations for anti-personnel landmine renunciation, this exercise demonstrates that it partners best with the strong secessionist explanation as advanced by Fazal and Konaev (2019). Other plausible explanations derived from theories of ANSA behaviour do not fare as well when evaluated in the case studies.

**IV. Binding One’s Own Hands: The Investigatory Roadmap**

To set the scene for the investigation of this research question Chapter Two provides an overview of relevant literatures, highlighting the theoretical mismatches and *lacunae* that exist as they pertain to the specific phenomenon of ANSA commitment to the DoC on anti-personnel landmines. Chapter Three then introduces the theoretical foundation and research design for this dissertation. It first summarizes and compares competing theoretical explanations derived from the literature review, then introduces conciliatory signalling theory and its potential explanatory value. It concludes with a discussion of the mixed research methods and case selection used in subsequent
chapters. An empirical quantitative analysis of the data is undertaken in Chapter Four, building and expanding upon the regression analysis of Fazal and Konaev (2019).

Having reported quantitative results that are supportive of conciliatory signalling theory in Chapter Four, Chapter Five details paired signatory case studies from Somalia and Turkey. The case of Somali factions is illustrative; conciliatory signalling theory is the only explanation which accounts for the pattern of Somali ANSA signatures on the sidelines of the Eldoret peace conference. The Kurdistan Workers’ Party (PKK) in Turkey is an outlier to the pattern determined by the quantitative analysis, signing the DoC in the absence of negotiations. A deeper examination, however, uncovers that the PKK was making an appeal for negotiations at the time, producing an explanation that is consistent with conciliatory signalling theory and accounting for the timing of this signature better than alternatives. Chapter Six explores two paired non-signatory case studies from Azerbaijan and Nepal. Again, the case of the de facto Nagorno-Karabakh authorities in Azerbaijan is illustrative: it demonstrates how the exclusion of this ANSA from international negotiations gives it no political incentive to sign the DoC. The Communist Party of Nepal – Maoist (CPN-M) is another outlier, this time having not signed despite humanitarian engagement and multiple negotiation periods. Careful examination of the local context, however, reveals features that greatly
diminish the utility of anti-personnel landmine renunciation as a conciliatory signal. Further, no other explanation offers better predictions or a more illuminating narrative for this case. Finally, Chapter Seven closes with an overview of findings. It summarizes the quantitative and qualitative evidence for conciliatory signalling theory, which is the only evaluated explanation that is supported empirically and accounts for all case study signatures (or lack thereof), concluding that its application to this question is valuable. Incidental findings are also listed. A discussion of the theoretical and practical implications of this work follows, along with a reflection on the limitations that exist in this study and avenues for future research.
Chapter Two
A Trio of Vanishing Points: Relevant Literature

I. Introductory Remarks

While the literature directly addressing the puzzle of why some armed non-state actors (ANSAs) choose to bind themselves to and comply with a total ban on anti-personnel landmines is limited, theoretical insights can be gleaned from three related literatures and their intersections: general (state) compliance with international law, compliance with international humanitarian law (IHL) specifically, and compliance with the Ottawa Treaty in particular. General international law compliance has a rich literature spawned by the idea that international law is at the vanishing point of law (since it lacks a supreme enforcer) and thus that it commands widespread compliance requires explanation. And yet, “[i]f international law is, in some ways, at the vanishing point of law, the law of war is, perhaps even more conspicuously, at the vanishing point of international law” (Lauterpacht 1952, 382). Thus, motivated by additional puzzling elements (existence in a time where other law is suspended or constrained), the literature on general compliance with the law of war, IHL, is equally vast. The Ottawa Treaty literature specifically is, understandably, much more limited and, as will be
shown, of unfortunately comparatively little value in approaching the question of ANSA renunciation of anti-personnel landmines.

Much of these three literatures are not only focused on the wrong type of actor (states instead of ANSAs), but also, with the exception of literature specifically looking at the Ottawa Treaty, on the wrong kind of law. Even when discussing international humanitarian law, it is important to remember that weapon bans are a particular kind of legal regime. Banning entire classes of weapons (and associated activities) is generally a sort of liberal extension of existing customary IHL principles, whereby weapons that are prone to indiscriminate use are simply banned entirely. Such an approach takes much of the ‘guesswork’ and debate out of compliance, since compliance is a single decision (destroy all anti-personnel landmines) as opposed to an iterative process (engage in an assessment of whether their use in a particular attack/way violates the principle of distinction in each particular case). More straightforwardly (but with the same aforementioned caveat about weapon bans), the relatively new research surrounding ANSA compliance with international humanitarian law, writ broadly, is also relevant. In a way, the extension of international humanitarian law to ANSAs is at the vanishing point of international humanitarian law itself (given the limitations of doing so discussed in the introduction). The following overview of the literature touches
on all of these areas in turn before looking at the literature that specifically addresses the question posed here: ‘why do ANSAs renounce the use of anti-personnel landmines?’ The chapter concludes with a summary of the remaining gaps in existing knowledge.

II. General (State) Compliance with International Law

Compliance with general international law, even by its crafters and primary subjects, states, is itself surprising given that international law lacks a supreme enforcer and other trappings of more conventional legal systems. Early debates picked up on this feature of the international legal system and questioned whether international law could even be considered law at all (Austin 1832; Morgenthau 1948; Hart 1961). Yet the fact remained that, in Henkin's famous formulation: “almost all nations observe almost all principles of [international law] and almost all of their obligations almost all of the time” (1979, 47).

A realist perspective opines that international law is epiphenomenal; states behave in such a manner as to pursue their interests and to the extent that international law is complied with, it is because it aligns with pre-existing interests (Mearsheimer 1994-95). This perspective has been heavily criticized; for why then bother with formal agreements at all (e.g., treaties), if the same goal can be accomplished by blind pursuit of
self-interest and without any communication whatsoever? If one moves past the idea that international law is irrelevant, you have generally three groups of arguments (von Stein 2017, under “Introduction”): (1) that international law compliance is an enforcement problem and one notices more compliance where certain kinds of enforcement exist, (2) that international law compliance is a capacity issue and greater compliance is seen where mechanisms exist to build capacity, and (3) international law compliance is a function of identity, social context, and legitimacy.

Viewing compliance as primarily an enforcement problem leads to a discussion of several forms of enforcement that do exist for international law. International inducements (punishments and rewards) may be made by states (or international organizations) willing to pay the cost of inducing others to comply. This can be done through issue linkage: tying trade concessions to human rights, for instance (Hafner-B Burton 2005; Hafner-Burton 2009). Or, through institutional enforcement mechanisms of international organizations such as the United Nations, although these are notoriously inconsistent (O’Connell 1991). In another vein, reciprocity dampens immediate incentives to defect by linking it to the threat of matching non-compliance with non-compliance (Axelrod 1984; Guzman 2008; Ohlin 2015). Of course, in order for reciprocity to work, reciprocal non-compliance must actually hurt a party that is
tempted to renege and only target states that are not complying. While both these conditions are often met in certain legal regimes, such as diplomatic law, they are fundamentally absent in others such as most human rights and environmental law (Moravcsik 1999; Hafner-Burton 2005; Barrett 2007; Guzman 2008). In armed conflict, belligerent reprisals—which consist of otherwise unlawful actions taken in response to prior unlawful acts by the enemy to force that enemy to adhere to the law of war—are a traditional reciprocal self-help enforcement mechanism. However, more recently, there has been a trend to outlaw belligerent reprisals altogether—those that may still be lawful are subject to stringent limitations, with restrictions on the categories of persons and objects that can be subjected to reprisal action (ICRC n.d.b).

Reputational effects may also have an enforcement impact on states, as it is beneficial for international cooperation and corporate investment to maintain an expectation that a state lives up to its commitments and obligations (Keohane 1984; Guzman 2008; Stiles 2015; Gibler 2008; Simmons 2000). In order for this to be true, however, states must not be able to compartmentalize their reputations such that their non-compliance in one area (such as human rights) is viewed as irrelevant to their trustworthiness in another area (as a trading partner, for instance) (Downs and Jones 2002; Fisher 1981; Guzman 2008; Chayes and Chayes 1995; Ohlin 2015). Lastly, domestic
institutions and politics may provide constraints on the willingness or ability of a state to cheat on agreements—particularly as many treaties require domestic implementing legislation—as courts, voters, social movements, and firms all influence state behaviour in meaningful ways (Slaughter 1995; Simmons 2009; Schachter 1991; Risse and Sikkink 1999; Stiglitz 2007; Tsutsui et al. 2012; Muchlinkski 2014; von Stein 2016). For instance, an independent judiciary, civil society protections, and democratic elections are domestic institutions that can work to hold political leaders to their international legal commitments—through independent authority to review government (in)actions in light of existing legal obligations, ‘naming and shaming’ campaigns, and the threat of electoral defeat, respectively (von Stein 2016, 657). Simmons and Danner (2010) even discuss how, especially in the absence of robust domestic judicial institutions, consenting to the jurisdiction of the International Criminal Court (ICC) may similarly assist in holding leaders accountable by acting as a self-binding enforcement mechanism that overrides time-inconsistent preferences. More nebulous than the relationship between independent courts and compliance, however, is the role of electoral democracy in enforcing international legal compliance. Although true that competitive elections offer a mechanism to punish leaders for reneging on commitments, a government’s “adherence to international legal obligations—in any
issue area—very rarely figures centrally in electoral debates in the way that guns and butter do” (von Stein 2016, 658). Moreover, electorates can be mercurial: when international legal obligations are onerous and domestically unpopular (such as costly security commitments to allies), electorates may instead *impede* state compliance through electoral retribution (Gartzke and Gleditsch 2004).

Those authors that see compliance as a problem of capacity tend to start from a different premise than those that view it as an enforcement problem; authors interested in capacity believe that states enter into agreements that are in their interest and thus genuinely want to comply, not to cheat (von Stein 2017). Non-compliance then arises from ambiguity, lack of planning, poor capacity, or significant changes over time (Cole 2015). So here, compliance is induced through transparent agreement design, dispute resolution mechanisms, and technical and financial assistance (Chayes and Chayes 1991; Chayes and Chayes 1995; Young 1994; Weiss and Jacobson 1998). Rather than treating enforcement and capacity perspectives as strictly competing, some scholars argue that the two can both matter and may be mutually reinforcing (Tallberg 2002; Urpelainen 2010).

The two previous approaches are based largely on instrumentalist cost-benefit logics for compliance. Other authors argue that social identity and context are also
relevant. Constructivists emphasize the process of internalization, whereby states comply with laws and norms because it becomes a naturally appropriate way for them to conduct themselves (Finnemore and Sikkink 1998). Internalization of a norm/law is an endpoint of a process, which may be brought about by material inducement, persuasion, or socialization (Koh 2005). Still others argue that the legitimacy of the norm itself is relevant for it to exert a compliance pull on the state (Franck 1990). Since international law, writ large, encompasses such a diversity of legal areas, from the law of the sea to environmental law, it is difficult to ascertain which of these theories best apply or even purport to apply to IHL, of which the prohibition on anti-personnel landmines forms a part. A more in-depth look at how these general compliance theories apply to IHL compliance is the next logical step.

III. General (State) Compliance with International Humanitarian Law

In considering state compliance with IHL, the realist argument of the epiphenomenal nature of international law finds its most likely case. It is here, when the discussion turns to binding a state to restrain itself in conducting warfare (where possibly the survival of the state is at stake), that it is most emphatically argued the law has no independent causal effect on state behaviour (Boyle 1980). States are expected to
consent to legal constraints only if those constraints ultimately enhance their relative power or if they premeditate deliberate violations when it is to their advantage (Legro 1995). In the (attributed) words of Cicero: Inter armes, silent leges.

Aside from realist skepticism, Bradford (2004) outlines six theoretical approaches to IHL compliance: (1) enforcement theory, (2) liberalism, (3) rational choice, (4) institutionalism, (5) normativism, and (6) individual personality (his personal contribution to the literature). The first three broadly correspond to the enforcement problem theories mentioned above; the fourth (which is actually a collection of related theories) to capacity problem theories; the fifth encompasses arguments about norms, identity, and legitimacy; while the sixth is novel. The congruence of the first five sets of theories with the general theories of international law compliance mentioned above is unsurprising, given that the author deliberately samples the wider literature for authors who discuss how a particular theory might apply to IHL compliance in particular and, in the absence of pre-existing scholarship, takes the liberty of extending the basic tenets of each theory to IHL. This is useful work as it allows for an examination of the potential relevance of each theoretical argument to the legal domain at hand.

Both enforcement theorists and rational choice theorists view IHL as a straightforward problem of enforcement, whereby states comply with (or violate) IHL
instrumentally. Enforcement theorists tend to emphasize necessary coercive elements of a legal regime somewhat more strongly than rational choice theorists who also consider the rewards received through decision-making, but otherwise their logics are very similar. Enforcement theorists contend that even in IHL, compliance is possible for a well-designed legal system to induce through clear rules, monitoring mechanisms, and collective procedures to punish violations (Baxter 1964; Bailey 2000). Punishment creates coercive and deterrent rationales for IHL compliance that can be compelling for states. Rational choice theorists have a similar argument, namely that legal rules alter the payoff structure associated with certain decisions (due to possible reputational, economic, and military costs of non-compliance). If laws largely converge with state interests (i.e., compliance can further and not merely frustrate state interests) and if there are effective sanctions for violations, then states will comply instrumentally. Compliance is generated when compliant decisions yield a greater payoff than non-compliant decisions (Goldsmith and Posner 1999). It thus seems that rational aversion to exogenously imposed punishment/excessive cost is a valid motive for compliance with IHL for states, particularly if IHL constraints do not absolutely frustrate state interest. Liberalist arguments shift the focus from exogenous factors to the internal constitution of the state. These authors theorize that democracies, for a variety of reasons, including
an inherent predisposition towards the rule of law and the ability of interest groups to mobilize and constrain the state through electoral politics and courts, are more likely to consent to be bound by international legal obligations and to subsequently honour them (Hathaway 2003). Thus, the threat of domestic sanctions, may also matter to states.

Turning to capacity-side arguments, Bradford (2004) discusses managerialism, reputational theory, and transnational legal process. All three literatures begin from the premise that states have an interest in compliance (as opposed to an overriding interest in non-compliance) and share an absence of specific theorizing about their applicability to IHL. Managerialists argue that since violations of law arise from ambiguity and lack of capacity (potentially both exacerbated on the battlefield and in the ‘fog of war’), compliance is produced through effective management policies (enhancement of capacity, removal of obstacles, clarification, and dissemination of normative content). States will comply with well-organized legal regimes that have the capacity to bear the costs of effective management (Chayes and Chayes 1995; Raustiala 2000). Reputational theory is simpler; it posits that states value their reputation among their peers and thus restrain self-interested behaviour on the basis of concern for respect, national honour, and prestige (Young 1979; Ratner 2003; Bernheim 1994). States accept and comply with obligations to avoid being classified as a ‘bad state,’ with all the reputational damage
associated with this. While reputational theory does not explicitly comment on IHL, Guzman (2002) does state that reputational effects should be least potent in issue areas with the highest stakes. IHL is certainly a high-stake issue area and it should be noted that reputational concerns are likely subordinate to survival concerns. And while most states nowadays do not fight existential wars, ANSAs—to highlight a difference between the actors that this literature focuses on and those it cannot account for—certainly do. Arguably the governments fighting these ANSAs, particularly those that aim to capture the state, are more likely to consider these conflicts existential from their own perspective as well. Transnational legal process argues that states comply with international law because it has become internalized into domestic law. As such, despite a lack of specific commentary on IHL, compliance should be a function of how deeply a given legal regime is internalized in domestic law (Raustiala and Slaughter 2002; Koh 1999).

In terms of norm-based arguments, Bradford (2004, 20) argues that constructivists have neglected IHL, but that compliance should logically be a function of how constitutive IHL norms are to states as actors. The related, organizational-cultural theory, however, does explicitly comment on IHL. Organizations form cultural worldviews and norms and professional military cultures have been imbued with codes
of chivalry, honour, and conduct since ancient times. Organizational-cultural theory predicts compliance with IHL to the extent that it formalizes pre-existing behavioural dictates of professional military codes of honour (Goodman and Jinks 2003). Lastly, legitimacy theory argues that legitimate laws exert a normative compliance pull on actors (Franck 1995; Williamson 2003, 76-78). Franck (1995, 30) identifies four indicators of legitimacy: determinacy (i.e., textual clarity), symbolic validation (i.e., legal pedigree and incorporation of rituals), coherence (i.e., rational application and principled relationship to other rules in the system), and adherence (i.e., a community of addressees). Williamson (2003, 77) also suggests that “high moral content” and “popular support” generate greater levels of compliance with norms (especially those that exist both in law and as ‘soft law norms’, but even those that exist only in ‘soft law’). Thus, IHL, as a regime “consisting of numerous instruments to which essentially all states are parties and constituting what are arguably a series of obligations erga omnes” (Bradford 2004, 1270), is expected to be widely perceived as legitimate with attendant high compliance. However, this statement is a heuristic generalization that papers over the heterogeneity of the content of ‘the IHL regime’. There is variation in the determinacy, symbolic validation (particularly in terms of age), and universality of IHL instruments and even among provisions within IHL treaties. For instance, Williamson (2003, 76)
singles out the excellent compliance with the “Ottawa Landmines Treaty’s hard law norm against exporting antipersonnel landmines” as well as “the soft law UNGA [United Nations General Assembly] resolutions calling on all states to observe a moratorium on landmine exports” (emphasis added), while highlighting the differing state opinions on the legitimacy of other norms (such as an outright prohibition) contained within the Ottawa Treaty: “While some states, such as the US, Russia, and China disagree with some of the other norms contained in the treaty and did not become parties to it, they were prepared to accept the soft law norm against export. This norm has exceptionally broad support among the public, as well as among nearly all governments.”

Lastly, there is Bradford’s (2004, 39) individual-level theory, which singles out personality traits of individual decision-makers. It posits that the presence or absence of four constructs in the personalities of head decision-makers are responsible for either state compliance or violation of IHL: (1) militarism, (2) anomism, (3) hostility, and (4) adventurism. However, this nascent theory is developed through a discussion of anticipatory self-defence, which is arguably better categorized as an issue of *jus ad bellum*—the legal regime which governs the lawful resort to the use of force—rather than IHL. This is problematic since the factors driving compliance with *jus ad bellum* are likely to be quite different from those driving compliance with *jus in bello* (legal regime which
governs conduct in war), to which IHL typically refers exclusively. Ultimately, despite the vastness of the literature on state compliance with IHL, it has reached very little consensus about the factors that matter and when. Moreover, these explanations are not mutually exclusive and it is possible for one to explain compliance in certain states or with certain obligations, while another explains compliance in other states or with other obligations. Although IHL is a particular domain within international law, its contents are still highly diverse; this plausibly prevents the coalescence of a parsimonious general theory of IHL compliance. So, the next section draws attention specifically to state commitment to and compliance with the Ottawa Treaty, the central and sole multi-lateral instrument that articulates a binding legal prohibition on anti-personnel landmines for States' Parties.

IV. State Commitment to and Compliance with the Ottawa Treaty

Unlike the first two literatures discussed, the literature relating to state signature, ratification, and implementation of the Ottawa Treaty is rather homogenous. It consists of many, largely narrative, accounts of norm diffusion and creative new diplomacy orchestrated by middle powers (starring Canada) working in consortium with civil society to bring about the Ottawa Treaty (English 1998; Dolan and Hunt 1998;
Aside from tending to focus on the innovative process, rather than the logic of state commitment, it also tends to be rather heavily invested in the logic of norms, which is at odds with the more popular theories for state compliance with international law and international humanitarian law specifically. This explanation is also particularly difficult to distill to the ANSA-level. There are two ways in which one might attempt to accomplish this: firstly, by theorizing that the same alliance at work in the Ottawa Process, middle power states and (international) non-governmental organizations (I/NGOs), is as persuasive to ANSAs as it was to states; secondly, by finding an analogous kind of alliance at the ANSA-level.

To address the first, this seems unlikely given that this was an alliance with a diplomatic process designed specifically to influence states. It is unclear what particular influence middle powers would have over ANSAs. Even though ANSAs may seek to join the society of states (as future governments of existing states or as the governments of would-be state entities), middle powers do not seem particularly well-positioned to be persuasive on matters of IHL compliance. State patrons of ANSAs (usually more powerful or regional states) would appear to be best positioned on this front, which is really an enforcement-type logic.
To address the second, while there are INGOs that work with ANSAs on IHL, which are the logical translation of the civil society actors that played a role at the state level during the Ottawa Process (and, indeed, include some of the same actors, such as the International Committee of the Red Cross (ICRC)), their number and level of institutionalized relationships with the actors in question are significantly more limited. More problematically, it is difficult to conceive of what a ‘society’ of ANSAs or an ANSA ‘middle power’ would be. Although some ANSAs do work with Geneva Call to promote the Deed of Commitment (DoC) on anti-personnel landmines, they do not appear to have the same level of influence among their peers as state middle powers, given that ANSAs, as a whole, are much more isolated from one another than their state counterparts. This isolation, particularly as it relates to ANSAs operating in different regions of a country or the world, also produces qualitative differences between a ‘society’ of ANSAs and a society of states. States negotiate arms control (and other) agreements in an environment where conflict between these actors is a possibility, negotiations take place between potential enemies. This kind of relationship does not typically exist between ANSAs—except for potential infighting between those operating in the same civil conflict—especially those operating in disparate geographical locations. On the whole, this literature on the Ottawa Process is perhaps most akin to the literature
directly pertaining to the question of anti-personnel landmine use by ANSAs that focuses on education, which will be discussed in due course.

V. ANSA Compliance with International Humanitarian Law

Recognizing that ANSAs are becoming increasingly prominent actors in ongoing and emerging conflicts and that these actors differ in structure and relationship to the international system and international law from states, recent work has addressed the motivations behind ANSA compliance with IHL. A first wave of work emphasized the tangential point that ANSA declarations to act in accordance with IHL were not merely insignificant public relations exercises (Bangerter 2011), nor was actual compliance with IHL illusionary or impossible (Krieger 2013; Krieger 2015). Krieger’s (2013; 2015) work originates in a refutation of the ‘new wars’ theorists (Kaldor 2006; Münkler 2005), who posit that ANSA compliance with IHL is fundamentally impossible because ANSAs do not have traditional motives for engaging in armed conflict (i.e., winning or political aspirations), but rather have ethnic cleansing and economic exploitation as their objectives. According to ‘new wars’ theorists, ANSAs do not and cannot care for reciprocity or reputation, nor do they exhibit a fear of sanctions. Krieger’s work dismisses the idea that the violation of IHL is intrinsic to ANSAs and argues that even
mere warlords are not irrational actors that commit violence randomly—there is a
method to the madness of using violence to further political aspirations. As such,
Krieger contends that traditional motivations for compliance with IHL, stemming from
both a logic of consequences (self-interest, reciprocity, fear of sanctions, reputation)
and a logic of appropriateness (legitimacy, substantial moral agreement, habit, sense of
duty), are applicable to ANSAs. Krieger and others have identified conditioning factors
for many of these motivations, and have elaborated on tools for improving compliance,
from dialogue and persuasion to rebel courts (Krieger 2015). All these compliance
motivations, Krieger concludes, are ‘interdependent and mutually reinforcing,’ such
that persuasion and incentives work more effectively if they are paired with coercive
instruments (such as the threat of individual criminal prosecution and targeted UN
sanctions). Such efforts, in turn, are even more effective if they are part of a concerted

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18 For instance, reciprocity requires both symmetrical interests and a direct threat of retaliation to
induce compliance, while fear of sanctions only becomes effective when there is a credible and rather
immediate threat of prosecution. Also, an ANSA’s self-interested considerations of reputation, while
important, require a level of military capability and political awareness—thus reputational self-interest
may become more relevant as a compliance factor as groups become both stronger and develop a political
wing. Legitimacy of IHL may depend on the type of actor that is engaging with an ANSA and substantial
moral agreement may be increased by allowing some ownership of the process through which the ANSA is
bound, compensating for the inherent procedural unfairness of international law as applied to ANSAs.
effort. Ultimately, this work and its conclusions are too general to generate meaningful mid-level theory expectations of when and under what conditions an ANSA would comply or not with a given piece of IHL.

To some extent the argument over ANSA rationality is reinscribed in a more focused subset of the literature that addresses ANSA compliance with (and violation of) IHL prohibitions on civilian targeting. Many scholars (Valentino 2004; Kalyvas 2006; Kalyvas and Kocher 2009; Wood 2010; Wood et al. 2012; Wood 2014; Schneider et al. 2015; Wood 2015) argue that the deliberate targeting of civilians and civilian objects by (both state and non-state) combatants is ordered and used strategically in warfare; some others contend instead that it is the result of poorly organized and insufficiently professionalized armed groups that simply lack the capacity to curb this criminal behaviour by the rank-and-file through training and discipline (Petersen 2002; Mueller 2003; Weinstein 2006; Humphreys and Weinstein 2006). Wood (2009, 140-142) acknowledges both possibilities through an application of principal-agent theory to sexual violence against civilians in conflict—ANSA leadership will strategically decide whether to encourage, permit, or prohibit sexual violence against civilians by cadre and the outcome will depend on the level of alignment between cadre’s internalized cultural norms on sexual violence and the decision of the leadership as well as the disciplinary
strength of the organization. Non-strategic organizational capacity arguments, however, seem a poor fit to the issue of anti-personnel landmine use because the non-strategic personal motivations behind this type of violence are less clear. Private use of anti-personnel landmines also requires both a higher level of training and access to the weapons themselves (or their components, but then even more training is required to self-assemble them), which are likely stored in arms caches and subject to some amount of central control. Even outside of conflict situations individuals engage in murder, rape, and theft for personal reasons (greed, revenge, power, jealousy, etc.), so it is easy to understand how people (including soldiers) might take advantage of the chaos and impunity of conflict situations to commit these acts with greater frequency. However, laying anti-personnel landmines is an oddly tedious and specific activity with little obvious personal benefit, and which few people would even contemplate. While poor training and discipline of combatants by ANSAs probably does not contribute to the use of anti-personnel landmines per se by enabling non-strategic private use, when an ANSA has already acquired and authorized the use of anti-personnel landmines in conflict weak training and discipline probably increases the risk that they will be deployed in an unlawful manner (e.g., used indiscriminately or without proper mapping). A relative
lack of organizational capacity then merely underscores the importance of ANSA commitment to a straightforward and comprehensive anti-personnel landmine ban.

Returning to strategic arguments for the targeting of civilians, it is theorized that this tactic may be used by belligerents (including ANSAs) to control, coerce, or eliminate civilian populations (Valentino 2004; Kalyvas 2006; Kalyvas and Kocher 2009; Wood 2010; Wood et al. 2012; Wood 2014; Schneider et al. 2015; Wood 2015). This may be useful if a civilian group itself poses a problem (sympathizing with the enemy, reluctance to hand-over needed resources, occupying strategic territory) or because atrocities inflicted upon the civilian group are instrumentally useful for another purpose (distracting or raising costs for the enemy, consolidating power, achieving radical goals). While compelling, this branch of the literature is only marginally useful as it seeks to explain deliberate civilian harm, whereas anti-personnel landmines cause incidental harm and are not used to, nor are they particularly optimized to, intentionally target civilians. There is a mismatch both at the level of restraint contemplated and the motivation for violence. In the case of anti-personnel landmines, the restraint phenomenon of interest is their permanent renunciation whereas strategic civilian targeting may wax and wane depending on conditions. Commitment through the DoC and subsequent compliance is different from merely temporarily restraining from using
violence against civilians when it is not needed; this is a public and enduring
commitment that incurs audience costs when reneged upon. It also (intentionally)
makes it more difficult to renge upon through the destruction of stockpiles. In terms of
motivation, in the case of strategic use of violence against civilians those deaths and the
terror they inspire are an intended means to an end. Anti-personnel landmines,
however, are typically not laid with the intention of terrorizing, maiming, and killing
civilian populations (there are ways to accomplish such objectives that are much cheaper
and more effective, efficient, and timely than laying mines that a civilian might come
across 20 years in the future)—this impact is an unintended side effect of their use for
legitimate military objectives (e.g., to impede clearance of anti-tank minefields, kill
enemy combatants, disrupt enemy supply chains, harass and slow an enemy's advance,
defend territory). Unlike the practice of civilian targeting, that there are tactical
motivations behind anti-personnel landmine use was never contested—but the specific
strategic uses are different and thus logically the motivations for renouncing their use,
especially permanently, will also differ.

Stanton's (2016) work on civilian targeting proposes a twist on classical civilian
targeting explanations that, while still not intending or purporting to explain collateral
damage from anti-personnel landmines, may offer important insight. Rather than
simply identifying when it is militarily exigent to abuse civilians (and thus, inversely, identifying conditions where those demands do not exist), Stanton (2016) posits that the costs associated with using violence against civilians are more acute for ANSAs who need broad domestic and international support, and so they are thus more likely to exercise restraint than those with narrower constituencies even when faced with the same incentive to commit violence against civilians. Stanton finds that rebel groups fighting autocratic opponents tend to exercise restraint in violence against civilians because they have a greater need for international support in the form of pressure on the state to negotiate with them. Using violence against civilians may jeopardize that needed support. Extrapolating from Stanton (2016), it may be hypothesized that if international norms against anti-personnel landmines are sufficiently strong, then ANSAs facing autocratic opponents may also be more likely to renounce their use in order to court international favour. For this to be plausible a prohibition on anti-personnel landmines need not be universal—indeed, this is not presently the case. Instead, such a prohibition, or at least the norm of working towards the eventual elimination of anti-personnel landmines, needs simply to be popular enough that the

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19 This is because autocracies are relatively insensitive to battle costs and so they tend to negotiate only when pressured by other states.
majority of the international community (or those most likely to exert pressure on the autocratic state in question) might look favourably upon an ANSA making such a commitment.

Jo (2015), also building around the concept of an ANSA’s constituency, crafts a strategic theory of ANSA compliance that is more generalizable across different IHL issue areas. She lays out a parsimonious theory about the kind of ANSA that is likely to comply not only with IHL prohibitions on civilian targeting, but with IHL more generally: strategic legitimacy theory. According to strategic legitimacy theory, legitimacy-seeking ANSAs are more likely to comply with IHL than legitimacy-indifferent ANSAs. This is, in principle, similar to the insight extrapolated from Stanton's work (albeit much more explicitly presented), and yet the ANSAs identified by Jo as 'legitimacy-seekers' are different from those that Stanton presents as having the 'greatest need for international support'. Jo's legitimacy-seeking ANSAs are those that manifest at least one of the following three qualities: (1) a (legal) political wing, (2) secessionist aims,\(^{20}\) or (3) (a) state sponsor(s) with a high number of permanent

\(^{20}\) Fazal (2018) also argues that secessionists are less likely to engage in civilian targeting (except in instances where there are high numbers of non-coethnics in a secessionist territory) as it is counterproductive to receiving from the international community what they desire: international recognition. This is not discussed in depth here because there is no need to speculate on how this could
secretariats of human rights organizations (Jo 2015, 29-30). The latter is asserted to proxy how much a state cares about human rights, although as Ratner (2017, 551) notes, “the mere presence of NGOs within a state providing funding is no guarantee that those providing the funding actually care about IHL compliance. One wonders whether the IHL practices of the funding state might have been a better measure for this concern.” Jo concedes that “human rights organizations will not dictate the foreign policy goals of a nation” (2015, 100), but argues that they nevertheless exert a normative influence on states to hold the ANSAs they fund to international standards.

Strategic legitimacy theory is supported through preliminary statistical work, and a few case studies, in three areas of IHL: (1) civilian targeting, (2) child soldiers, and (3) ICRC detention centre access, the latter purporting to proxy the humane treatment of detainees. The statistical results are intriguing but offer inconsistent support for the theory.\textsuperscript{21} Data and modelling problems also detract from the robustness of the

\textsuperscript{21} The only independent variable correlated with an increase in ANSA compliance in all three IHL issue areas under investigation is the existence of a (legal) political wing. It should also be noted that, after the first set of regression models (on civilian targeting), the political wing variable is respecified to include only instances of \textit{legal} political wings—this also restricts the samples of the later regressions to only those ANSAs with some kind of political wing. It is only this legal political wing variable that is correlated with improved ANSA compliance with regard to child soldiers and ICRC access; the original political wing variable is actually associated with an \textit{increase} in the use of child soldiers and none of the reported models apply to the issue area of anti-personnel landmines since Fazal and Konaev (2019) co-authored a paper making such an extension themselves. This is extremely valuable and discussed in the next section.
findings. The case studies are largely illustrative, and some examples contain factual inaccuracies—particularly those pertaining to anti-personnel landmines. While this is not an issue area that forms a main pillar of Jo’s study, she does explicitly extend

pertaining to ICRC access include the original political wing variable. Secessionist aims correlate with a reduction in civilian killings but an increased number of child soldiers and reduced ICRC detention access. Jo argues that an increased likelihood of child soldier use by secessionists is actually predicted by strategic legitimacy theory because secessionists tend to recruit (child) volunteers from the civilian population and they will thus privilege domestic legitimacy (and child soldiering is culturally legitimate in many places) over international rules (2015, 152). This introduces some internal inconsistency, however, since secessionism then sometimes creates incentives for non-compliance. The association between secessionism and reduced ICRC detention access is presumed to be the result of greater government interference when conflicts are secessionist (2015, 197) but this is conjecture. The impact of having a human rights-conscious sponsor seems to be a reduction in civilian killings and greater ICRC access, but there is no statistically significant effect on the use of child soldiers.

In addition to the perennial difficulties with accurate measurement of variables such as deliberate civilian killings or use of child soldiers by ANSAs, which plague many scholars of political violence, Jo faces particularly acute challenges with her proxy for humane treatment of detainees. Additionally, her models are likely misspecified due to missing variables since no full models are estimated (almost exclusively models include only her explanatory variables and one control variable). To elaborate further on the difficulty of operationalizing the humane treatment of detainees, the central problem is that there is a considerable amount of missing data. As Ratner (2017, 552) explains, “information on treatment of detainees is often known only to the International Committee of the Red Cross (ICRC), and even then only those cases where the ICRC has asked and been granted access to a rebel detention facility. And, in the vast majority of cases, the ICRC keeps this material confidential, revealing it to the public only in very limited instances.” So, Jo instead relies on the granting of ICRC access to detainees as a proxy for compliance (and refusal as a proxy for non-compliance). Yet, “in the vast majority of cases, the ICRC is not visiting detainees, and it does not publicly explain whether the reason is that the rebel group has refused a request” (Ratner 2017, 552). Jo assumes that missing data (70% of observations!) are equivalent to refusal in her estimations. Moreover, Jo’s model also assumes that granting access is a good indicator of humane detention conditions (Jo 2015, 184) even though, as Ratner (2017, 552) explains, “both states and nonstate actors have many incentives to grant the ICRC access to prisoners whose Geneva Convention rights are being violated, and she indeed acknowledges (p. 184 n. 8) that many states with poor human rights records allow for ICRC visits.” He continues, “Unless we know the results of ICRC visits to the places it actually visits, the proxy still seems somewhat speculative. As noted, the ICRC is particularly likely to persist with detainee visits despite—indeed because of—government intransigence in improving detainee welfare” (Ratner 2017, 552).
strategic legitimacy theory to this issue and determines that it travels well (231-234). For instance, Jo incorrectly identifies the Taliban as signing the Geneva Call DoC on anti-personnel landmines in 1998 (2015, 232) and also repeatedly uses the example of the Mouvement des forces démocratiques de Casamance (MFDC) in Senegal as a secessionist that signed and complied with the DoC on anti-personnel landmines (2015, 63-64, 97).

However, the MFDC never signed the DoC and, although Geneva Call was able to facilitate their consent to some limited humanitarian demining from 2008-2013 (Geneva Call 2014, 20), the group ultimately abducted and held hostage demining operators when they reached contentious areas. Nevertheless, strategic legitimacy theory is a theoretical milestone that deserves additional consideration and, at the very least,

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23 Geneva Call began engaging the MFDC on the topic of anti-personnel landmines in 2006 and in 2008 they persuaded the Kassolol faction of the MFDC to allow limited humanitarian demining by a neutral international organization in inhabited civilian areas of southern Casamance (Geneva Call 2014, 20). Humanitarian demining accelerated in 2013 with the arrival of Mecham and Norwegian People’s Aid as new demining operators (Landmine Monitor 2015). In March 2013, the scope of demining operations began to extend beyond inhabited areas and approached MFDC military bases (Geneva Call 2014, 20; Landmine Monitor 2015). Concerned, Geneva Call and local partner Association pour la Promotion Rurale de l’Arrondissement de Nyassia – Solidarité, Développement, Paix (APRAN-SDP) facilitated negotiations between the MFDC and the National Centre for Mine Action in Senegal (CNAMS) calling for a humanitarian agreement (Geneva Call 2014, 20). The MFDC called for a halt to demining and stated publicly that CNAMS had reached a ‘red line’ beyond which demining operators’ safety could not be guaranteed (Geneva Call 2013; Geneva Call 2014, 20; Landmine Monitor 2015). Demining operations continued despite this and on May 3, 2013, 12 Senegalese deminers from Mecham were abducted and held hostage by the MFDC (2013; Geneva Call 2014, 20; Landmine Monitor 2015). Geneva Call was involved in the subsequent negotiations for hostage release. All hostages were eventually released safely—the three women on May 26, 2013, and the 9 men after 70 days (Geneva Call 2013; Landmine Monitor 2015).
insists that the impact of legitimacy concerns on ANSA decision-making is taken seriously.

On balance, much of the literature on ANSA compliance with IHL is either too general or too tangential to the question of renunciation of anti-personnel landmines. However, the presentation of ANSAs as rational actors that make strategic decisions about violence and restraint is compelling. Three authors—to wit Stanton (2016), Jo (2015), and Fazal (2018)—advance strategic arguments that seem best positioned to bridge the IHL issue areas of civilian targeting and anti-personnel landmines. While their arguments are theoretically very similar, they are operationalized differently. Setting aside Fazal’s (2018) work since a later paper (Fazal and Konaev 2019) directly examines the issue area of anti-personnel landmines and is discussed in the subsequent section, two different pictures of the type of ANSA that is most likely to comply with IHL emerge: ANSAs fighting autocratic opponents (Stanton 2016) and the more highly specified legitimacy-seekers (Jo 2015). Neither theory has been specifically adapted to the issue of anti-personnel landmines and tested, but they have promising foundations and an appropriate extension is either tenable or foreseen.
VI. ANSA Commitment to and Compliance with an Anti-Personnel Landmine Ban

Of the literature that does specifically and explicitly address ANSA commitment to and compliance with a humanitarian anti-personnel landmine ban, a huge swathe is speculative. It advances assumptions or assertions about the decisions of ANSAs to renounce anti-personnel landmines through weak or absent methodology. Stott (2004) opines that educating ANSAs about anti-personnel landmines is critical to obtaining their commitment to a ban, whether unilaterally or bilaterally with their host state, and ultimately establishing a ban on anti-personnel landmines as an international norm. Unfortunately, this is not a rigorously elaborated argument but more of an extended logical assumption that forms part of an introductory primer on the broader issue of anti-personnel landmines and ANSAs. As such, Stott (2004) does not analyze data beyond a few descriptive statistics and does not address variation in outcomes after being exposed to anti-personnel landmine education. Moser (2000), drawing from field experience of encouraging unilateral mine renunciation by ANSAs in Burma, argues for education that uses specific kinds of information. In particular, he anecdotally recounts that knowledge of the death tolls of one's own people/personnel by anti-personnel landmines has an impact on changing anti-personnel landmine policies by ANSAs. He counsels to emphasize ‘political utility’ instead of ‘military utility’ and encourage groups
to write their own statements denouncing anti-personnel landmines as a way to create ownership and build capacity. Foster (2000), on the other hand, recognizes dialogue/persuasion/education, pressure, and support and monitoring all as valid strategies to engage ANSAs on the topic of an anti-personnel landmine ban but declares their effectiveness context-specific. Instead, the reader’s attention is drawn to universal guiding principles: impartiality, clarity and transparency of objectives and capacities, confidentiality, being guided by local capacities and voices, and a joint approach to state and non-state actors. One firm conclusion is that aid as conditionality does not work, although this again appears to be an assumption rather than being derived from any sort of empirical analysis. Rupiya (2000) argues that only ANSAs with political, rather than economic aspirations, will be motivated to sign onto a ban against anti-personnel landmines. This echoes, in part, the idea from Krieger (2013) that for reputation to matter there is a prerequisite level of political awareness and is also aligned with strategic legitimacy theory, calling to mind legitimacy-seekers with a political wing.

At this level, as well, there is a duo of authors (Fazal and Konaev 2019) with another ANSA type that is argued to be most likely to renounce anti-personnel landmines: the strong secessionist group. Fazal’s (2013, 2018) previous work has shown that secessionists are less likely to engage in civilian targeting than non-secessionists—a
finding that complements strategic legitimacy theory's hypotheses about secessionism. Her 2019 study with Konaev applies this insight to the issue of anti-personnel landmine renunciation by conditioning the effect of secessionism with group strength, since weak ANSAs may find the use of anti-personnel landmines necessary. Although common in humanitarian circles to emphasize the extremely limited military utility of anti-personnel landmines (ICRC 1996; ICBL n.d.), they do concede some utility. The continued use of anti-personnel landmines (particularly for defensive and area denial purposes) by state militaries and ANSAs alike suggests that their (real or perceived) military utility should be taken into consideration and is perhaps more significant than generally acknowledged. Using the signature of the DoC on anti-personnel landmines

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24 A Group of Military Experts convened by the ICRC concluded that the "material which is available on the use of AP landmines does not substantiate claims that AP mines are indispensable weapons of high military value" (ICRC 1996, 71). This is oft cited by the ICBL and other civil society actors.

25 For example, a press release by the US Department of Defense on January 31, 2020, asserts that “[l]andmines, including APL, remain a vital tool in conventional warfare that the United States military cannot responsibly forgo, particularly when faced with substantial and potentially overwhelming enemy forces in the early stages of combat.” It also explains that landmines still have a use in modern war because such “area-denial systems are a ‘force multiplier’ in key operational contexts; they can obstruct, channel, and delay/stop numerically superior adversaries and prevent them from outflanking friendly forces.” It should be noted that the DoC on anti-personnel landmines does not itself deny that there is any military utility to the use of anti-personnel landmines but does state in its preamble: “Realising that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post conflict reconciliation and reconstruction”. This echoes the language of the ICRC’s Group of Military Experts: “The limited military utility of AP mines
as their dependent variable, Fazal and Konaev (2019) offer statistical support for their hypothesis that strong secessionist groups are most likely to renounce anti-personnel landmine use. Notably, their results also show that ANSAs that control territory are less likely to sign, especially in the case of secessionists that control territory (an exception to the central hypothesis), and that government use of anti-personnel landmines has no statistically significant effect on ANSA renunciation. One weakness of this excellent study, however, is that all the independent variables are uniformly static over time for each case, which underscores the question, “Why do ANSAs renounce when they do?” for any particular ANSA. There is also no comparison of the extrapolated ANSA complier from Stanton (2016), Jo’s (2015) legitimacy-seekers, and Fazal and Konaev’s (2019) strong secessionist groups. One is left wondering what insights a structured comparison might reveal since these pieces speak past one another despite the potential to provoke theoretical nuance from one another.

Gleditsch et al. (2016) develop an interactive game theoretical model that is initially promising in terms of accounting for the timing of ANSA (and state) renunciation, however their results simply implicate some of the same factors

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is far outweighed by the appalling humanitarian consequences of their use in actual conflicts” (ICRC 1996, 73).
highlighted by Fazal and Konaev (2019) with respect to ANSAs. In terms of states, they show that “the decision of NSAs [non-state actors] to ratify Geneva Call’s deed of commitment can influence the reputation costs of governments for not signing and hence induce governments to sign the Ottawa convention in situations where they would not otherwise do so” (Gleditsch et al. 2016, 348). Yet, while states may mimic ANSAs, the inverse is not true. Data patterns show instead that ANSAs are more likely to sign the DoC if the government has not signed the Ottawa Treaty (Gleditsch et al. 2016, 359). Ultimately, Gleditsch et al. (2016, 366) are simply able report that larger ANSAs are more likely to sign while those that control territory are less so.

Moving from cross-case comparisons to one strictly focused on temporal variation, Herr (2010) conducts a study of Geneva Call and the renunciation of anti-personnel landmines by the Sudan People’s Liberation Movement/Army (SPLM/A), who became the DoC’s first signatory on October 4, 2001. Herr undertakes a single case study (across time comparison) through process-tracing, one expert interview, and three expert questionnaires. She determines that three factors influenced the decision of the SPLM/A to sign the DoC: (1) transnational pressure (shaming), (2) the “shadow of future statehood” (an increased need for legitimacy and a fear that they did not have the requisite material resources to rebuild the country on their own), and (3) the presence of
two norm entrepreneurs. While the case is interesting and contains a unique temporal focus, it fails to identify the relative importance of these three factors (whether any were necessary and/or sufficient). The small number of interviews/questionnaires can also be called into question. There is a need to evaluate both whether these factors have applicability to other cases and to triangulate their validity through other methods. Nevertheless, this is a valuable outlier paper that offers a rare case study into the topic through sound qualitative methods.

Overall, the literature relevant to the question of ANSA commitment to and compliance with a ban on anti-personnel landmines offers a laundry list of potential motivations for compliance and non-compliance, with many that are plausible. A subset of this literature presents different types of ANSAs that are most likely to comply, but frustratingly, these pieces tend to speak past each other and build similar but competing explanations based on very different statistical work and case studies. There is also a rather poorly explored gap in the literature when it comes to addressing temporal variation: most ANSAs that have now signed a DoC spent a significant amount of time as non-signatories and their change in policy is generally not accounted for by a change in their political goals, strength, nature of their government opponent, or other proposed ANSA attributes.
CHAPTER THREE
TOWARDS ACCOUNTING FOR TEMPORAL VARIATION:
THEORY AND RESEARCH DESIGN

I. Introductory Remarks

This chapter first details four main existing explanations for armed non-state actor (ANSA) commitment to and compliance with the Geneva Call Deed of Commitment (DoC) on anti-personnel landmines distilled from the review of relevant literature in Chapter Two: dialogue, persuasion, and education; state regime type; strategic legitimacy theory; and strong secessionists. Dialogue, persuasion, and education efforts targeted to ANSAs on the issue of anti-personnel landmines are frequently conducted and discussed in the humanitarian sphere, although this chapter augments that discussion with additional scholarly and practitioner insights on these techniques in other contexts, where appropriate. The state regime type argument is drawn from the insights of the civilian targeting literature (Stanton 2016). While some of the assumptions that the original argument rests upon (i.e., the deliberate nature of harm to civilians and the universality of the legal regime) are violated in the anti-personnel landmine context, its inclusion allows for the exploration of whether its utility holds even when those assumptions are relaxed. The last two explanations are tightly
connected to the work of Jo (2015) and Fazal and Konaev (2019), respectively. Strategic legitimacy theory (Jo 2015) provides important insight into ANSA renunciation of anti-personnel landmines given its claim to explain ANSA compliance with international humanitarian law (IHL) broadly. In addition, Jo explicitly contemplates its relevance to anti-personnel landmines (2015, 231-234). Lastly, Fazal and Konaev’s (2019) theorizing about strong secessionists, which takes into account the interplay between military and political incentives, offers the most direct explanation for why ANSAs have signed the Geneva Call DoC on anti-personnel landmines. As the proceeding discussion elaborates, each of these four explanations fall short of fully accounting for ANSA behaviour with respect to anti-personnel landmines. In particular, most of these explanations focus on the types of ANSA that are most likely to make IHL commitments, however most ANSAs (even if they are facing an autocratic state opponent, have civilian political wings, are strong secessionists, etc.) do not sign the DoC on anti-personnel landmines at first opportunity. Thus, the timing of signatures is a kind of variation that is particularly poorly understood. To account for this unexplained variation, this chapter introduces a novel explanation based on conciliatory signalling theory. This theory shifts the focus to situations that may make ANSAs (regardless of type) more likely to sign—namely, the
onset of negotiations with the host state. The chapter concludes with a discussion of the mixed research methods employed in subsequent chapters.

II. Dialogue, Persuasion, and Education

Proponents of dialogue, persuasion, and/or education as an explanation for ANSA commitment to and compliance with either international humanitarian law in general or the anti-personnel landmine ban in particular argue that engagement with ANSAs can lead to a voluntary adoption of legal norms (Foster 2000; Moser 2000; Stott 2004; Sassòli 2010; Bangerter 2015). ANSAs are led to this behaviour, over (often considerable) time, through some combination of (1) information-sharing about the nature and content of international law of armed conflict and human rights law, (2) education about the humanitarian impact of certain weapons or behaviours (this is particularly prominent in the literature on anti-personnel landmines), (3) strategic argumentation, and (4) supportive technological knowledge transfer or connection with relevant external resources (again, particularly relevant for anti-personnel mines as there is a technical component to demining and destruction of stockpiles). The assumption undergirding this explanation, though rarely explicitly stated, is that ANSAs are either altruistic actors that are ignorant of their relevant legal obligations, rational
actors that are operating under incomplete information because they are ignorant of the costs of their actions, and/or desirous of compliance but lacking the technical knowledge capacity to do so.

There is a general consensus that international non-governmental organizations (INGOs), particularly those endowed with the “Swiss factor” (Krieger 2013; Schneckener and Hofmann 2015, 107), are the best agents for this kind of engagement due to their flexibility and perceived neutrality. It is also almost universally cautioned that each engagement be targeted at the ‘correct’ level of an ANSA, lest engagement counterproductively lead to an officer passing on an order that he just feels uncomfortable with or a soldier being executed for insubordination. There is disagreement about which kinds of argumentation are most effective (e.g., attacking the political and military utility of an illegal act or simply attacking political utility while not disputing military utility) and the best format for commitments, but these are relatively minor disputes that are footnotes to a broader theoretical unity.

The problem with this theoretical approach when applied to the question of ANSA renunciation of anti-personnel landmines is twofold. Firstly, given the length of these INGO engagements with ANSAs it is difficult to trace a causal link between education and commitment. Secondly, it is unable to convincingly account for the
variation in ANSA behaviour after being engaged in humanitarian dialogue by Geneva Call for the purpose of inducing a commitment to the anti-personnel landmine DoC. As of 2019, only 54 of the 108 ANSAs that Geneva Call had engaged on this thematic issue were DoC signatories. That means that half the ANSAs engaged on this issue did not voluntarily adopt the norm and choose to comply. Perhaps this was due to variations in intensity of engagement (perhaps due to limitations of access) or the target of engagement within the ANSA. Or it could be that the engagements with these ANSAs have simply yet to bear fruit. However, there is neither empirical nor even anecdotal evidence that this is the case. For the purposes of this dissertation, humanitarian engagement is considered a permissive prerequisite, since an actor must know about a norm to adopt it and know about a legal instrument to commit to it, but not a sufficient condition.

III. Civilian Targeting and State Regime Type

The literature on civilian targeting is rich and includes strategic (Valentino 2004; Kalyvas 2006; Kalyvas and Kocher 2009; Wood 2010; Wood et al. 2012; Wood 2014; Schneider et al. 2015; Wood 2015; Stanton 2016) and non-strategic theories (Petersen 2002; Mueller 2003; Weinstein 2006; Humphreys and Weinstein 2006) that explain
whether and when militaries, including those of ANSAs, commit acts of violence against
civilian populations. Wood (2009) even uses an application of principal-agent theory to
sexual violence in conflict that accounts for both types of motivation. However, most of
these authors’ arguments do not travel well to the issue area of anti-personnel landmines.
Non-strategic private motivations to use anti-personnel landmines are scarce and the
*incidental* or *collateral* nature of the harm caused by anti-personnel landmines to civilians
makes them poor tools for the deliberate and strategic terrorization or killing of civilians.
However, two arguments stand out for their potential relevance and adaptability to this
context.

First, Wood (2014, 2015) finds that ANSAs tend to inflict the most suffering on
civilian populations when they are (or perceive themselves to be) under existential threat
or suffering major setbacks. Under such conditions ANSAs resort to the intentional and
strategic short-term victimization of civilians to survive, recoup resources, or accomplish
specific goals. While the specifics would not be the same—anti-personnel landmines
seem unlikely to assist with tasks such as forcibly acquiring supplies, recruits, or labour
from civilian populations—the broader logic of ‘desperate times call for desperate
measures’ can be plausibly applied. ANSAs that are under existential threat or suffering
major setbacks are probably more likely to resort to the use of anti-personnel landmines
and thus less likely to relinquish them. This is incorporated into the military utility that Fazal and Konaev (2019) consider in their theory of strong secessionists, which is explored further in Section V. Wood's (2010, 2014, 2015) work benefits from a more sophisticated operationalization of ANSA strength than that of Fazal and Konaev (2019), accounting for temporal granularity and strength relative to state forces, but unfortunately the same kind of data is not available for the sample that Fazal and Konaev (2019)—and this dissertation—need to use. The present dissertation follows the imperfect but possible precedent of Fazal and Konaev (2019) in accounting quantitatively for this argument (Chapter Four) by including a variable for the number of troops under an ANSA's command. It is a somewhat crude proxy, but ANSAs with fewer soldiers are more likely to be in dire or existentially threatening circumstances than more powerful ones.

The second argument that shows promise, is one of Stanton's (2016) hypotheses. Stanton (2016, 25) explores the questions of why some governments and ANSAs attack civilians deliberately during civil war and why they choose the particular forms of violence that they do. Her strategic theory includes several hypotheses relating to either states or ANSAs, but most relevant to the question of why ANSAs renounce antipersonnel landmines, she theorizes that ANSAs fighting autocratic state opponents have a particularly significant need for international support (Stanton 2016, 41-42). This is
because autocratic regimes, since they are less accountable to their citizens than
democratic regimes, are insensitive to the increasing costs of war and thus much harder
to pressure into negotiations (and most civil conflicts now terminate in a negotiated
settlement). International pressure on autocracies is often required for them to
participate in negotiations or make political concessions. Since there is a strict and clear
prohibition on the targeting of civilians in IHL and the international community
generally finds the practice abhorrent, rebel groups with such opponents will then
exercise restraint in order to curry favor and secure sympathetic international pressure
on their opponent. A similar mechanism could possibly explain anti-personnel landmine
renunciation.

Within the context of this argument, the most significant difference between
civilian targeting and anti-personnel landmines as issue areas is that the legal
prohibition on civilian targeting, which springs from the fundamental principle of
distinction, is well-established in customary international law and thus is universally
binding on belligerents. In contrast, the legal prohibition on anti-personnel landmine
use is constrained to the Ottawa Treaty regime. Nevertheless, with 164 countries who
have ratified or acceded to the treaty, the legal prohibition may be sufficiently widespread
that ANSA commitment to the ban would be welcomed by the international community.
This may be particularly true given the emerging norm on the eventual elimination of anti-personnel landmines, preferences for a state monopoly over the use of anti-personnel landmines, and the normative popularity of the ban in humanitarian and civil society spheres. Moreover, an ANSA going beyond what is strictly legally required of it in such a way could potentially be more impressive than compliance with fundamental obligations. As such, although a stretch in some respects, this explanation is evaluated systematically in the case studies (Chapters Five and Six).

IV. Strategic Legitimacy Theory

Along the same lines as the above extrapolation from Stanton (2016), is the more explicit and complex strategic legitimacy theory. Strategic legitimacy theory is the conceptual child of Jo (2015), who argues that there is a certain class of ANSA that is likely to exercise restraint in conducting warfare by complying with IHL: ANSAs that seek legitimacy in the eyes of constituencies that care about humanitarianism. Her argument is a rational choice theory-based model, whereby ANSAs ‘calculate’ when to comply with IHL. Compliance occurs when the benefits of non-compliance (subtracting any costs to non-compliance) are outweighed by the benefits of compliance (subtracting any costs to compliance). In general, the benefits of non-compliance are large, the costs
to non-compliance almost non-existent, the benefits of compliance slim, and the costs of compliance large. This holds true almost all the time for all ANSAs except for legitimacy-seekers (provided the constituencies they hope to appease care about IHL compliance). Other factors condition compliance in different IHL issue areas (so not all legitimacy-seekers are expected to comply all of the time), such as a rebel group’s funding portfolio, its military strength, and actions of an opposing government, but the legitimacy-seeking motivation of certain ANSAs is the ultimate driver of compliance.

Legitimacy-seeking ANSAs are operationalized as those that (a) have a political wing (better if it is legally permitted by the opposing government), (b) has secessionist aims, and/or (c) is supported by a state that is host to a large number of permanent human rights organization delegations. Strategic legitimacy theory is supported with limited statistical work and illustrative examples with some within country comparative value in three IHL issue areas: (1) civilian killing, (2) child soldiers, and (3) International Committee of the Red Cross (ICRC) access to detention centres. Although the empirical work is not extended to the issue of anti-personnel landmines, Jo (2015) contends that the theory seemingly applies and discusses a few immediately apparent examples (although the featured example of the Mouvement des forces démocratiques de Casamance (MFDC) has proven problematic). She perhaps overstates the universality of the anti-
personnel landmine ban in international law, noting that “[a]bout 160 states have signed up to the [Ottawa Treaty], affirming the universality of the norm” (2015, 231), however, as with the previous explanation, it may be possible to relax the assumption that international law must indisputably require a behaviour of an ANSA in order for strategic legitimacy theory to apply. Indeed, Jo’s (2015, 152) discussion of child soldiering grapples with a similar lack of universal norm acceptance—although this then becomes an issue area that deviates from baseline theoretical predictions as the legitimacy-seeking drive of secessionist ANSAs contributes to their increased use of child soldiers. To extend strategic legitimacy theory to the issue area of anti-personnel landmines, the legal and humanitarian norm of the anti-personnel landmine ban needs only to be strongly supported by the relevant domestic or international audience from which an ANSA craves legitimacy.

As such, strategic legitimacy theory (perhaps with some minor modifications) could still offer a potential explanation for why ANSAs renounce the use of anti-personnel landmines. For instance, whether a state sponsor is a State Party to the Ottawa Treaty may be more important than the number of permanent human rights organization delegations operating within their territory. This is particularly true since Article 1(c) of the Ottawa Treaty obliges States Parties to not “assist, encourage or
induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.” Domestic civilian constituencies could be presumed to similarly support a ban on anti-personnel landmines, as it would be primarily for their benefit. This explanation is evaluated directly in the case studies (Chapters Five and Six), as well as more indirectly and to the extent permitted by data limitations in the quantitative analysis (Chapter Four).

A weakness of the theory that will impact this exercise is its trouble in accounting for when a legitimacy-seeking ANSA will comply with a particular IHL norm. Jo (2015) acknowledges and accounts for switchover compliers (legitimacy-seeking ANSAs that have not always been in compliance, but who come to act in a compliant manner eventually) with the compounding costs to ANSAs of unhappy constituencies that care about IHL, but this is not given much greater precision. On the issue of anti-personnel landmines, ANSAs are often switchover compliers but there is little direct theoretical guidance about what the tipping points may be. This leaves open the possibility for further theorizing, as is advanced here by way of an application of conciliatory signalling theory, about sets of circumstances that catalyze buy-in by legitimacy-seeking ANSAs (or perhaps are so compelling as to induce compliance even in legitimacy-indifferent ANSAs).
V. Strong Secessionist Groups

Fazal and Konaev (2019) draw on Fazal's (2013; 2018) previous work on secessionism and civilian targeting, arguing that secessionist war aims are a key variable in explaining why some ANSAs sign the Geneva Call DoC on anti-personnel landmines. There are echoes of Jo's (2015) strategic legitimacy theory here, as secessionism is also one of her legitimacy seeking indicators.\(^26\) Although Fazal and Konaev (2019) do not explicitly engage with Jo's (2015) work when discussing their approach, both Fazal and Konaev as well as Jo are interested in identifying types of ANSAs that need legitimacy.\(^27\) There are, however, two key divergences in the work of these authors. Firstly, Jo has a more complex theory regarding the kinds of ANSAs that ‘seek legitimacy'; it includes considerations of both domestic and international legitimacy (which may contradict) and differentiates three main indicators of legitimacy-seeking and a number of conditioning variables depending on the issue area. Meanwhile, Fazal and Konaev are much more straightforward. One type of ANSA

\(^{26}\) This is unsurprising as Jo also draws on Fazal's (2013) earlier work in the elaboration of this indicator (Jo 2015, 96).

\(^{27}\) If one considers ‘international support' as a synonym for or a type of ‘legitimacy' then the explanation derived from Stanton's (2016) work also contributes to this aim.
encapsulates their theory: strong secessionists. Herein lies the second difference: to Fazal and Konaev (2019), military strength matters significantly, whereas Jo (2015, 21, 158, 175) emphasizes the importance of political legitimacy concerns over military strength. According to Fazal and Konaev, secessionist groups must be strong in order to renounce anti-personnel landmines because weak secessionist groups must do what they can to survive and do not have the luxury of fretting about international opinion. Anti-personnel landmines are inexpensive and effective weapons that may be critical to the survival of weak secessionist groups. Meanwhile, ANSAs with other kinds of motivations simply do not care about international opinion, regardless of strength.

The statistical work is an empirical milestone on this question and strongly supports Fazal and Konaev’s (2019) hypotheses, including their main one that strong secessionists are significantly more likely to sign the DoC. Unfortunately, their results are not directly comparable to Jo’s findings as the authors use different models on different sets of data. From a theoretical point of view this explanation leaves essentially the same gap in the literature as strategic legitimacy theory; it cannot account for when a strong secessionist group will sign the DoC and renounce landmines. Indeed, the authors themselves admit that both strength and the presence of secessionist aims are completely static for all cases in their main regression. This work adds to the small body
of literature that attempts to identify ANSA types that are most likely to commit to
and/or comply with IHL norms and has the added benefit of having been developed
specifically in relation to the issue area of anti-personnel landmines, however it
accounts for the timing of a decision even more poorly than strategic legitimacy theory.
Regardless, this work is the preeminent alternative explanation that is evaluated
alongside this dissertation’s novel contribution (an application of conciliatory signalling
theory) throughout. An expansion of Fazal and Konaev’s (2019) statistical work is the
bedrock of the proceeding quantitative chapter (Chapter Four) and their findings figure
as an important alternative explanation in the subsequent case studies (Chapters Five
and Six).

VI. Conciliatory Signalling Theory

Setting aside the discussion of dialogue, persuasion, and education—which does
not form a mature theory and is accounted for in this dissertation instead as a
prerequisite but not a stand-alone explanation—existing explanations for anti-
personnel landmine renunciation through the DoC all have difficulty accounting for the
timing of the commitment. Noting this outstanding challenge, this dissertation proposes
and trials an application of conciliatory signalling theory, also referred to as ‘costly’
signalling theory or ‘credible commitment theory’ (Simmons and Danner 2010), as an explanation for ANSA commitment to and compliance with a total prohibition on anti-personnel landmines through the DoC. Conciliatory signalling theory, perhaps originally a theory of evolutionary psychology (McAndrew 2019), is borrowed from its elaboration in the negotiation literature by various authors, including Mitchell (2000), Kydd (2000), Höglund and Svensson (2006), and Simons and Danner (2010). Its application will entail less focus on the inherent type of ANSA most likely to sign the DoC, and thus does not quibble over which inherent characteristics are associated with seeking legitimacy or support but instead highlights a situation (the onset of negotiations with the host state) that creates unique strategic incentives to communicate intent and normative pull to commit to the DoC. As such, this theory is better able to account for the timing of ANSA anti-personnel landmine renunciation. This is so because situations of negotiation and non-negotiation, being tied to conflict dynamics, are much more fluid in nature than more structural attributes, such as whether or not an ANSA is secessionist. So, conciliatory signalling theory explains a variety of situations, including those where ‘unlikely’ types of ANSAs commit to the DoC on anti-personnel landmines, situations where clear cut ‘most likely’ ANSAs do not, and the common occurrence of commitments taking place at times other than first opportunity. That said, this
situational contribution is not mutually exclusive to theories of ideal-type ANSAs. It may well still be the case that ideal-type ANSAs more readily take advantage of the strategic opportunity that negotiations present or are sufficiently motivated to sign even the absence of these specific situational incentives.

To start, it is important to recognize that the renunciation of anti-personnel landmines through the DoC is distinct from *de facto* compliance with the prohibition on anti-personnel landmines through non-utilization (or even non-stockpiling). While ANSAs may not resort to anti-personnel landmine use for any number of reasons, including a lack of military utility from anti-personnel landmines at a particular point in the conflict, frozen ground (Garbino 2020), or a lack of access to anti-personnel landmines, they reserve the option to use them should circumstances change. The renunciation of anti-personnel landmines through the DoC, however, entails a permanent commitment to non-use; the destruction of stockpiles; disengagement from their production, transfer, and sale; and conducting mine action in controlled territory. This commitment is made publicly and with much fanfare through an (or multiple) official high-ranking signature(s) on behalf of the ANSA, which is witnessed by Geneva Call, to an instrument which is deposited with and bears the seal of the Government of the Republic and Canton of Geneva. Copies are then uploaded (in English) to a
searchable digital public database, Geneva Call publicizes the commitment immediately and reports on it annually (perhaps with high-resolution photos from a signing ceremony in Geneva), and Landmine Monitor notes it henceforth in its publications. Not only are audience costs incurred in this way, but signatories must also update their internal procedures and codes of conduct to align with their commitment and allow and cooperate with a tripartite monitoring and verification system that includes self-reporting; monitoring by such independent international and national organizations that Geneva Call may enlist; and on-site, all-access verification investigations with public findings upon Geneva Call’s request. In these ways, the DoC is comparable to the formality of the Ottawa Treaty and requires even greater transparency. This is a significantly larger commitment than de facto non-use and, in effect, binds the hands of

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28 Article 4 of the Deed of Commitment Under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action commits the signatory to “issue the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information and training, as well as disciplinary sanctions in case of non-compliance.”

29 Article 3 of the Deed of Commitment commits the signatory to “allow and cooperate in the monitoring and verification of [its] commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organizations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where anti-personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.” Furthermore, Article 7 of the Deed of Commitment states: “We understand that Geneva Call may publicize our compliance or non-compliance with this Deed of Commitment.”
ANSAs into an uncertain future. Conditions may always change (anti-personnel landmines may become easily accessible, the ground thaws, the conflict shifts to include a greater need to defend or deny territory, it becomes profitable to produce and sell on the black market, etc.); indeed, this is highly probable in conflict situations, and it is risky to renounce a weaponry option (and potential revenue stream) that may become useful. As such, the unequivocal renunciation of anti-personnel landmines, in addition to whatever benefits it may provide (such as international approval and claim to moral high ground) is costly to ANSAs, regardless of whether or not they have used or are currently using anti-personnel landmines.

ANSAs, then, will be reluctant to commit to and comply with a renunciation of anti-personnel landmines even if they have never and are not currently deploying them, barring an incentive to offset certain and/or uncertain costs (cost envisaged should circumstances change multiplied by the probability of such changes occurring) of this sacrifice. Logically, however, the costs of renunciation are much more certain and immediate for ANSAs that are using anti-personnel landmines at the moment of renunciation. Since ANSAs that have or are actively using anti-personnel landmines incur definite upfront costs (and probably greater cost overall), it is to be expected that they will always be less likely to renounce anti-personnel landmines than those that have
not and are not presently using them. Nevertheless, neither type of ANSA should be
willing to renounce a weapon or potential weapon spontaneously; remember that ANSAs
who have never used anti-personnel landmines also actually have less to gain by
renouncing them since it is likely to be seen as a ‘cheap’ commitment or ignored
outright. Thus, it is not just the commitment and compliance of active users of anti-
personnel landmines that needs to be explained, nor is a present-day or historical stock-
taking of use sufficient to explain which ANSAs comply with the prohibition and when.

Given the forces promoting a default status quo of non-renunciation for ANSAs,
the theory presented here argues that ANSAs are most likely to renounce anti-personnel
landmines when significant situational changes shift the underlying structure of
incentives and normative expectations such that the renunciation of anti-personnel
landmines becomes a valuable and appropriate conciliatory signal, namely during
periods of peace negotiations with the host state. Similar situational incentive shifts,
such as those caused by imminent military success (e.g., Herr’s “shadow of future
statehood”) or defeat, may also increase the likelihood of renouncing anti-personnel
landmines but this wider proposition is beyond the scope of the present dissertation to
investigate. The onset of negotiations is such an enormous shift in circumstances
(encompassing a shift in role, constituency, and strategy) that ANSAs are more
vulnerable to both a logic of appropriateness (normative persuasion) and a logic of consequences (incentives and coercion). The onset of peace negotiations requires a sudden shift from the role of warring actor to trustworthy negotiating partner in the eyes of other negotiating parties. This usually includes a government actor and possibly (an) international mediator(s) or (an)other armed non-state actor(s), none of whom are likely to have been core constituency groups for the ANSA during active conflict. If the ANSA fails to present itself as a legitimate actor in the negotiations, this may mean being excluded from those negotiations and any negotiated settlement or the failure of negotiations—which is particularly unfortunate since most favorable conflict resolution outcomes for ANSAs result from negotiated settlements. As such, for negotiations to be successful there is a need to focus on a new objective: building trust. Other parties must believe an ANSA's claimed willingness to pursue peace negotiations in good faith.

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30 Here, as in Jo (2015) and Fazal and Konaev's (2019) work (and that of Stanton (2016) if one includes legitimacy by any other name), legitimacy does matter. So does operationalization. Conciliatory signalling theory casts the spotlight upon a different kind of legitimacy in terms of role and audience: legitimacy as a negotiating partner from the perspective of the host state and any mediators (rather than governed civilians or 'the international community'). If interpreted in the broadest possible sense, strategic legitimacy theory could arguably subsume the application of conciliatory signalling theory as advanced here, but the author does not pretend to presume the desirability of this. In any event, this investigation constitutes a contribution to the literature since it is a specific approach that has not been articulated and tested in relation to the research question at hand.
However, “after a long and protracted conflict, the relationship between parties is more likely to be characterized by mistrust, fear, hatred, and other negative emotions and attitudes” (Höglund and Svensson 2006, 371). Simmons and Danner (2010, 233-234) also note that wartime atrocities “can fuel mistrust among victim groups and render a stable peace harder to negotiate. The perpetration of atrocities tends to make it harder to form cooperative coalitions with an interest in dispute settlement.” This is exacerbated by the fact that ANSAs often have an incentive to misrepresent their intentions. The pursuit of negotiations is not always motivated by a desire to find a peaceful solution to conflict. As Zartman warns, “[n]egotiations may be a tactical interlude, a breather for rest and rearmament, a sop to external pressure, without any intent of opening a sincere search for a joint outcome” (2000, 227). Höglund and Svensson echo this, stating that “conflicting parties may promise peaceful behaviour in order to elicit rewards from third parties or in order to fool the other side into an exploitable position” (2006, 371). As such, ANSAs are thus hard-pressed to communicate critical private information (their desire to engage in negotiations towards a peaceful settlement in good faith) credibly to their erstwhile opponents.

Scholars suggest that actors in a negotiation can improve their credibility by taking certain unilateral actions that are costly, which act as signals (Mitchell 2000;
Kydd 2000; Höglund and Svensson 2006; Simmons and Danner 2010). To be effective
the costs of signalling must be negatively correlated with peaceful intent.31 As Mitchell
(2000) states, a “party seeking trustworthiness needs to place itself in a position of
increasing its own losses as a result of its failure to fulfill verbal promises or
commitments by subsequent deeds” (Mitchell 2000, 175). Building on Rubin et al.’s (1994)
typology of potential costs involved in de-escalation (image loss, position loss, and
information loss), Höglund and Svensson (2006) propose three different kinds of costs
that parties can risk: image costs, security costs, and information costs. Commitment to
and compliance with the DoC is well-positioned to act as just such a credible conciliatory
signal, particularly for ANSAs presently using anti-personnel landmines, because while
ANSAs sacrifice virtually nothing in signing the DoC in the event that a peace agreement
is reached successfully (since this would render choice of weaponry moot, conceding
that there may be some decommissioning costs still), they incur a heavy self-inflicted
security cost should negotiations fail. The risk of security costs is incurred, argue
Höglund and Svensson (2006), when a party reduces or gives up some of their means to

31 This adapts Spence’s (1973) formulation from his seminal “Job Market Signaling” article, which
argues: “It is not difficult to see that a signal will not effectively distinguish one applicant from another,
unless the costs of signaling are negatively correlated with productive capability” (358).
security, such as giving up power and positions on the ground and opening up access to
territory. It is argued here that permanently renouncing a weapon, particularly one that
is commonly used to defend camps and deny access to territory, falls within the category
of a security cost risk. Thus, signing and complying with the DoC fulfils the stipulation
that “the trustworthy actor must do something that the untrustworthy actor would
hesitate to do” (Kydd 2000, 399), allowing for the credible communication of privately
held information.

It might be noted that a promise to give up anti-personnel landmines may not
immediately actualize an increase in ANSA vulnerability as demining, stockpile
destruction, related activities may be time-consuming. The same, however, could be
said of most acts that incur security costs, such as promised withdrawal from an area. In
both instances the signal will likely not be fully communicated until there is at least some
level of follow-through, which may be initiated in this instance through promulgating
updates to internal codes of conduct and meeting self-reporting obligations (which
exposes private military information such as the locations and numbers of anti-
personnel landmine caches or minefields). It does appear more likely when considering
anti-personnel landmine renunciation, though, that the follow-through will be
incomplete. This introduces the problem of time-inconsistent preferences. An ANSA
may genuinely participate in negotiations in good faith and renounce anti-personnel landmines as a conciliatory gesture but, if negotiations fail, what prevents it from minimizing its military losses by reneging when it comes time to actually comply with its obligations in a high-stakes security environment?

While reneging is possible, the form of the commitment (via the DoC) creates a substitution effect between military costs and reputational ones. These reputational costs have three sources. First, deliberate non-compliance detected by Geneva Call (which is made more likely by virtue of the monitoring and verification provisions of the DoC) jeopardizes an ANSA’s relationship with this well-respected INGO and ensures that the embarrassing situation of that ANSA not living up to its own word will be broadcast to its international audience. Second, non-compliance detected by the host state will brand the ANSA as deceptive, undermining any future possibility of negotiations. As in many modelled games, this kind of reneging may be beneficial if negotiations are seen as a one-off but undermine the betrayer if negotiations are iterative. To rebuild trust and credibility after such a deception would be very difficult, likely requiring an even more costly conciliatory sacrifice—and ANSAs are not flush for choice with regard to self-binding commitments that they are eligible to adopt. Lastly, reneging may cause internal confusion, as it will require the reversal of changes to
internal codes of conduct and contradicting previous orders and training. This may cause frustration, harm morale and discipline, cause friction with early norm internalizers, and call into question the willingness of leadership to deliver on promised benefits to members. These are still significant costs to incur, which (while they may not outweigh the military costs of compliance \textit{ex post} in all instances) should still dissuade ANSAs who are not participating in negotiations in good faith from making such a commitment \textit{ex ante} and thus maintain the credibility of the signal.

External actors interested in the renunciation of anti-personnel landmines (e.g., Geneva Call, the host state, interested mediators, affected states) should also find that an ANSA in a negotiation is particularly sensitive to their efforts at persuasion, conditional incentivization, or coercion on this issue. For instance, framing or demanding the renunciation of anti-personnel landmines as a conciliatory gesture may increase the chances that an ANSA more rapidly deploys this particular signal of their intent. Offers of technical assistance for demining or stockpile destruction may sweeten the pot by further reducing any costs associated with compliance for ANSAs negotiating in good faith. Conversely, the threat to tarnish an ANSA’s reputation by drawing attention to its anti-personnel landmine use should be especially acute at a juncture where it is engaging in confidence-building and reputational rehabilitation.
VII. Research Design

To trial and evaluate the usefulness of applying conciliatory signalling theory to the question of anti-personnel landmines, this dissertation employs both quantitative and qualitative tools. Firstly, Chapter Four (next) builds on the empirical work of Fazal and Konaev (2019) by updating and expanding their binomial logistic regression model in order to test for the statistical significance of negotiations while controlling for other variables, including Fazal and Konaev’s (2019) own hypotheses. The data are restructured to the level of the dyad episode and the sample is updated to include recent developments, although it is still comprised solely of ANSAs that have been engaged on humanitarian issues by Geneva Call. Fazal and Konaev (2019, 157) note that Geneva Call does not engage ANSAs at random and so while it would be ideal to analyze the selection stage, available data preclude this possibility. They argue that this is so because “Geneva Call’s universe of possible rebel groups is not circumscribed by lists commonly used by scholars, such as the UCDP [Uppsala Conflict Data Program] list of armed conflicts” and so “it is not possible to identify groups with which Geneva Call could have engaged but did not” (Fazal and Konaev 2019, 157). Impossible might overstate the facts somewhat, however regardless of the assumptions used to generate a universe of cases it would entail expanding coding efforts exponentially—especially because not all ANSAs
engaged by Geneva Call figure in traditional scholarly lists as Geneva Call does not have a fatality threshold requirement. Coding was already quite onerous given the lack of a pre-existing database on negotiation episodes and some unexpectedly missing replication material for Fazal and Konaev’s (2019) work,\(^3\) and a further expansion was unfortunately beyond the scope of this project. Furthermore, changes in the information made public by Geneva Call allows for the refinement of the ANSA sample to those ANSAs that were specifically engaged on the issue of anti-personnel landmines, thus controlling for the potential impact of this engagement.

Selection effects should be minimized by the fact that the participation in negotiations is not used explicitly as an eligibility or prioritization criterion by Geneva Call. It should be conceded, however, that access to ANSAs may be improved by negotiations. Governments might be more willing to allow Geneva Call access to their ANSAs during negotiations or travel to conflict regions may be safer at these times, thus making Geneva Call more likely to engage with ANSAs during periods of negotiations. As such, some of the effect of negotiations may be driven by improved access considerations rather than their impact on the utility of anti-personnel landmine

\(^3\) See footnotes 47 and 48.
renunciation as a conciliatory signal. Again, it is not possible to precisely measure how much of Geneva Call's humanitarian engagement takes place during negotiation episodes due to a lack of data (precise dates of engagement are not public and Geneva Call declined to share these records). However, there is good reason to be skeptical of the idea that negotiations so often or so greatly improve Geneva Call's access that this drives the effect of negotiations on signature. First, both Geneva Call and ANSAs display great ingenuity: meetings often take place in Europe or across porous international borders, bypassing the need for state consent and/or the safety concerns of an active conflict zone. Second, states do not always politicize access to their ANSAs by impartial INGOs in the absence of a peace process, nor does a lack of negotiations necessarily entail great security risks when travelling to a country depending on the scope and intensity of the conflict. In fact, since negotiations can occur in parallel to ongoing conflict, that they are being conducted is no guarantee that security risks resolve. Finally, negotiation

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33 For instance, meetings between Geneva Call and the PKK, and also the signing of the DoC itself, took place in the mountains that straddle the borders of Turkey, Iraq, and Iran.

34 If an ANSA has effective control over some territory, as in the case of Somaliland, it may even be able to provide a higher level of security and stability—regardless of whether there is a negotiation process—in that area than the rest of the country enjoys.
processes may make humanitarian engagement *more difficult* in some ways because relevant actors may be preoccupied.

Another weakness of the quantitative work undertaken here is that data limitations do mean that the statistical power of this highly sensitive model is taxed already by the number of variables included in the original analysis and restricts the ability to quantitatively control for all alternative explanations. To complement, then, the statistical probe presented in Chapter Four, Chapters Five and Six examine four critical case studies. Each case study investigates through process-tracing a different type of expected or unexpected outcome based on the predictions derived from conciliatory signalling theory. Interaction of the dependent variable of this study (ANSA signature of the DoC on anti-personnel landmines) with the proposed independent variable (onset of negotiations between an ANSA and its host state) results in four possible outcome combinations: signature during negotiations, signature in the absence of negotiations, no signature in the absence of negotiations, and no signature in the presence of negotiations. Conciliatory signalling theory would expect the signature during negotiations and no signature in the absence of negotiations outcomes, while instances of the other two outcomes appear to challenge the theory. Each case study is chosen because the quantitative data classify it as representing one of these expected or
unexpected outcomes. Expected outcome cases are illustrative examples that show the conciliatory signalling logic at work in a real-life context, while unexpected outcome cases act as least likely tests of the theory. When the expected outcome is not observed, these serve as explorations into the details of why this may be the case (e.g., confounding factors or misspecification of conditions) and test whether alternative explanations of ANSA behaviour can account for these outcomes better than conciliatory signalling theory. To this end, Chapter Five examines the DoC signatures of ANSAs in Somalia (where negotiations occurred simultaneously with commitments) and Turkey (where the Kurdistan Workers’ Party (PKK) committed in the absence of negotiations with the host state). Chapter Six then gives accounts of the non-signature behaviour of the de facto authorities of Nagorno-Karabakh in Azerbaijan (where international negotiations have excluded representatives of the enclave) and the Communist Party of Nepal—Maoist (CPN-M) (which engaged in several rounds of negotiation with the government) in Nepal. When selecting cases that represent possible outcomes, attention was also given to their geographical dispersion. The selected case studies have the additional benefit of representing different geographical regions: Africa, the Middle East, Eurasia, and South Asia, respectively.
I. Introductory Remarks

While Fazal and Konaev's (2019) study represents the best quantitative work, at present, on the determinants of armed non-state actor (ANSA) signatures to the Geneva Call Deed of Commitment (DoC) for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action, it is limited in the types of independent variables that it tests. To wit, the focus of Fazal and Konaev's (2019) econometric analysis is on structural variables (such as size or secessionist aims at the group level or difficult terrain and the absence or presence of lootable resources at the host state level), to the exclusion of temporal variables. While this may yield some information about the types of ANSAs that are likely to sign the DoC, this cross-sectional analysis of highly static variables is incapable of generating predictions about when ANSAs might be likely to do so. Temporal variation in ANSA signature requires additional explanation. It is hypothesized here that negotiation dynamics between an ANSA and its host state may help to explain why ANSAs sign at particular times.
The ensuing econometric exploration in this chapter seeks to account for this
temporal variation in ANSA signature and, to that end, will revisit and expand upon
Fazal and Konaev’s (2019) original modelling. The following section will detail the
theoretical divergences from Fazal and Konaev’s (2019) work. Next, the data used in this
analysis is introduced, which includes highlighting the modifications from Fazal and
Konaev’s (2019) dataset. Section IV specifies the estimating equation, while Section V
discusses the results. Most importantly, these empirical results are supportive of the
application of conciliatory signalling theory advanced here. They also corroborate some
key findings of Fazal and Konaev (2019). This chapter concludes with a discussion of the
limitations of the quantitative analysis and how the proceeding qualitative chapters will
enrich and deepen the findings.

II. Theoretical Motivations

According to Fazal and Konaev (2019), ANSAs engage in cost-benefit decision-
making when choosing whether to renounce anti-personnel landmines, weighing both
the political incentives of renunciation and the military utility of anti-personnel
landmines themselves. The political incentive to consider is the support from the
international community that can be garnered through demonstrating “willingness and
capacity to abide by the laws of war” (154). The counterweight of ‘military-strategic costs’ is derived from an interplay of the following four factors: (1) ANSA military strength (operationalised as troop numbers), (2) territorial control, (3) terrain, and (4) state use of anti-personnel landmines (159). The authors determine that the political objectives of an ANSA, whether secessionist in nature or not, condition how valuable international support is perceived to be for that actor. Secessionist ANSAs, having a greater need for international support to acquire their objectives (lest they be stuck in a political no man’s land of non-recognition), are posited to weight the political incentives relatively more heavily than non-secessionist ANSAs. Nevertheless, this interacts crucially with military strength. Weak ANSAs with few soldiers—even those that are secessionist—will find the military-strategic costs of renouncing a cheap, readily available, force-multiplying weapon to be incredibly steep. In short, Fazal and Konaev (2019) predict that strong secessionist groups should be most likely to renounce anti-personnel landmines by signing the DoC; weak secessionist groups, potentially struggling for survival, simply don’t have the luxury. Additionally, all else being equal,

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35 Although, in the case of signature of the DoC on anti-personnel landmines, depending on the legal regime applicable within the state in question, it might be more accurate to say that support is expected to follow from being seen to go beyond what the laws of war strictly require.
they also argue that groups that control territory, fight in rough terrain, or face a state opponent that uses anti-personnel landmines should be more likely to use anti-personnel landmines, and thus less likely to sign the DoC (159).

This dissertation does not dispute the central premise that ANSAs (or their leaderships) are rational actors that must make a cost-benefit analysis regarding the renunciation of anti-personnel landmines. However, it proposes that the onset and conduct of negotiations between an ANSA and its host state produces a fundamentally different cost-benefit equation than that which faces an ANSA in periods of non-negotiation. Negotiations, considering that nowadays most favourable conflict outcomes for ANSAs stem from negotiated settlement (DeRouen 2015, 127), are incredibly valuable to ANSAs—secessionist or not. As such their onset creates new intermediate objectives: to maintain the negotiating dialogue and to be taken seriously at the negotiation table. Thus, ANSAs face new incentives to signal their trustworthiness, credibility, and commitment to the negotiation process—primarily to the state, their erstwhile enemy, but possibly to international mediators as well. The renunciation of anti-personnel landmines, for all the reasons of military-strategic utility that Fazal and Konaev (2019) elaborate, is well-positioned to act as such a signal. For an action to be an effective signal of commitment and trustworthiness, it must be an action
that an uncommitted or untrustworthy actor would balk at performing. A signal should be both costly, and comparatively more costly for an uncommitted or untrustworthy actor than for the genuinely committed one. This is often accomplished by raising the cost of defection *ex post*, as in economic transactions where a bond is held by a third party in case of defection (Simmons and Danner 2010, 232). In such an instance the committed actor risks very little (although potentially incurring an opportunity cost as funds are tied up rather than earning interest), being certain that its own intended behaviour will ultimately allow for the recovery of the bond, while the untrustworthy actor would face a certain forfeit if bound by the same arrangement. Thus, the committed actor may effectively distinguish itself from the uncommitted or untrustworthy actor by rationally accepting some upfront cost and the risk of large potential costs because the untrustworthy party, knowing that the *ex post* costs are a certain consequence of its own planned behaviour, cannot easily make use of the same signal.

In the instance of the renunciation of anti-personnel landmines, the costs are similarly (although not identically) arranged. Renunciation of anti-personnel landmines is costly to ANSAs both in terms of the cost of destruction and in terms of military disadvantage. The first cost is rather upfront but, if an ANSA is in a negotiation process,
the larger cost of military disadvantage is largely *ex post*: incurred if the negotiation process fails. Even if the removal and destruction of anti-personnel landmines immediately leaves an ANSA more vulnerable, since these are largely used for defensive purposes, that vulnerability may be moot if a negotiated solution can be found. However, the costs involved here are a little more complex than in the traditional economic transaction scenario described above because it cannot be said that the *ex post* costs will be incurred by the ANSA if *and only if* the negotiation process fails, as fighting sometimes continues in parallel to negotiation processes. Nor is it the case that the success or failure of negotiations is entirely within the control of the ANSA; negotiations may fail despite the most sincere efforts of an ANSA committed to a negotiated settlement and peace.

As such, the renunciation of anti-personnel landmines is a very costly signal. It is still able to be an effective signal because, although upfront cost and potential *ex post* risk are overall higher for an ANSA here than for an economic actor in the classic example above, it continues to be the case that a committed ANSA which does not intend to defect from negotiations may effectively distinguish itself from an untrustworthy ANSA that intends negotiations merely as a ruse or stalling tactic by rationally accepting the inherent costs of the renunciation agreement. This is so because an untrustworthy
party, with the private knowledge that failure is a certainty due to its intention to defect, would never rationally accept such costs. While the committed ANSA risks incurring the full costs of the renunciation if negotiations fail, there is also the possibility of avoiding the bulk of the cost should negotiations succeed.\footnote{Consider that the \textit{ex post} costs incurred are the product of the cost of an outcome and the likelihood that it occurs. 
\[
\text{Cost Incurred} = (\text{cost of outcome}) \times (\text{probability of outcome}); \text{ or } CI = C \times P
\]
If, arbitrarily, the \textit{ex post} cost of anti-personnel landmine renunciation was set at 1000, the cost calculation for a deceptive ANSA uncommitted to the peace dialogue would be: 
1000 \times 1 = 1000
However, for the ANSA genuinely committed to the peace dialogue, if the onset of negotiations raises the chances by 20\% that a negotiated settlement will be achieved, then the cost of anti-personnel landmine renunciation falls: 
1000 \times 0.8 = 800
\footnote{Even the strategy of doubling-down on deception (i.e., defecting from negotiations and then reneging on the DoC by reacquiring anti-personnel landmines) is not a real loophole. In such an instance, the ANSA is merely substituting the audience costs of reneging for the military-strategic costs. Not only is it expensive and time-consuming to remove, relinquish, and destroy anti-personnel landmines only to reacquire them, but the DoC is a unilateral commitment that is made and monitored with great publicity.}

Meanwhile, a deceptive ANSA would surely incur the full costs as it is their intention to defect from the negotiations.\footnote{Even in cases where armed clashes continue alongside a negotiation process, the upfront costs of anti-personnel landmine renunciation may be stemmed by agreements of an intermediate nature: ceasefires, cessations of hostilities, agreements to mutually exercise restraint in the conduct of hostilities, etc. A committed ANSA negotiating in good faith and signalling as such is more likely to be able to conclude such intermediate agreements.} Even in cases where armed clashes continue alongside a negotiation process, the upfront costs of anti-personnel landmine renunciation may be stemmed by agreements of an intermediate nature: ceasefires, cessations of hostilities, agreements to mutually exercise restraint in the conduct of hostilities, etc. A committed ANSA negotiating in good faith and signalling as such is more likely to be able to conclude such intermediate agreements.}
agreements. This argument also explains why the same ANSA might be more willing to renounce anti-personnel landmines at certain times, rather than others. The benefit of credibility at the negotiation table is unlikely to be gained by renouncing anti-personnel landmines outside of an ongoing or imminent negotiation process and the full costs would be incurred since there is no opportunity to conclude intermediate or final agreements with the host state. An ANSA may also be more or less committed to different negotiation processes, depending on such factors as signals received from the state, trust in the mediation process, etc.

So, given that negotiation both introduces a new reputational incentive (credibility) and, simultaneously, potentially lowers the military-strategic costs of renunciation, the novel prediction advanced here is that: all else being equal, ANSAs should be more likely to renounce anti-personnel landmines via the DoC when they find themselves in an episode of negotiation with their host state than when they are in an episode of no negotiation. This is formulated probabilistically because this theory would still predict cases of ANSAs participating in negotiations opportunistically or deceptively (or begrudgingly, if forced into them by external intervention) and they would not be expected to commit themselves to the DoC. Additionally, this prediction is not mutually exclusive to Fazal and Konaev's strong secessionist argument as there is nothing
preventing it from being especially or uniquely true for (strong) secessionist groups—or, for that matter, for any other sort of ideal-type ANSA identified by other authors. This dissertation is ultimately agnostic as to whether this is the case, although there is no particularly compelling rationale within conciliatory signalling theory for why this would be true. Indeed, it seems plausible that situational incentives may water down or swamp those that stem from group-level characteristics, such as size or political objectives. While this empirical analysis will test if Fazal and Konaev’s (2019) findings concerning strong secessionists persist in this expanded and updated analysis, which includes a negotiation variable, it is not possible due to data limitations to test all competing ideal-type ANSA theories.

Nevertheless, there are also three practical reasons why peace negotiations may not be conducive to DoC signatures. As a senior staff member of Geneva Call related, “peace processes can be good and bad” with respect to engagement on international humanitarian law (IHL).38 Firstly, one must consider the finite resources available to an ANSA, particularly compared to the states they are likely to be negotiating with, which usually have developed institutions and specialized personnel within the state

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38 Interview with author on July 24, 2019.
apparatus. Peace negotiations can be incredibly taxing to the senior leadership of an ANSA. With finite energy and hours in a day, the peace negotiations may leave little to no room for discussions about anti-personnel landmine renunciation. As a senior staff member of Geneva Call related in a discussion of windows of opportunity for IHL dialogue work, “depending on the group, [peace processes] can be also quite problematic in the sense [that] they may be very busy and no longer have time for you because they don’t necessarily have a lot of people.”  

Furthermore, in certain contexts, individuals from an ANSA fluent in a major international language, such as English or French, may be highly in-demand during peace negotiations and thus, similarly, have little ability to attend or facilitate dialogues about IHL. This was again flagged by a senior staff member who explained, “we were mostly meeting with English speakers or we would have to have someone from the group do translation, so, of course, these people are busy.”  

Another consideration must be that a DoC signature is not the only credible signal in a negotiation process—any act that is understood in the context to be less costly only for good faith participants may be suitable. Indeed, in some contexts (as when ANSAs are

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39 Interview with author on July 24, 2019.

40 Interview with author on July 24, 2019.
not making use of anti-personnel landmines due to limited field utility or access), the renunciation of anti-personnel landmines may be a weak signal indeed. A final concern is that of deceptive ANSAs, those who do not enter negotiations in good faith, but rather to stall while they regroup militarily. In such circumstances the ANSA has not adopted new intermediate objectives related to the negotiation and its \textit{ex ante} incentive structure is unchanged. The theory does not predict that such deceivers will be any more likely to sign the DoC during episodes of negotiation, so the premise that DoC signatures are more likely during episodes of negotiation relies upon the assumption that most negotiations are in good faith. One way to reconcile the potentially countervailing impacts spawned by negotiation processes is via empirical work, such as the econometric analysis that follows. This analysis has limitations—including an inability to control for good faith in negotiations—which will be discussed in greater detail at the conclusion of the chapter, however patterns and insight gained from aggregate data serve as a good initial plausibility probe.
III. Hypothesis and Operationalization

There is a singular, novel, hypothesis advanced here, which may be stated as the following:

\[(H1)\] ANSAs are more likely to renounce anti-personnel landmines via a DoC signature during episodes of negotiation with their host states.

If \(H1\) is true the predicted values should resemble the distribution illustrated in Table I, with a disproportionately high number of signatures during negotiation episodes and a disproportionately high absence of signatures during no negotiation episodes.

**Table I: Predicted Signature Distribution of DoC Signatures**

<table>
<thead>
<tr>
<th></th>
<th>Signature</th>
<th>No Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negotiation Episode</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>No Negotiation Episode</td>
<td>Low</td>
<td>High</td>
</tr>
</tbody>
</table>

In order to test this hypothesis, the dependent, independent, and control variables first need to be conceptualized and operationalized. The proceeding will address each variable or set of variables in turn, borrowing heavily from Fazal and Konaev (2019) where appropriate, but also emphasizing departures from that methodology along with the justifications for doing so.
The dependent variable in this analysis is ANSA signature of the DoC, the data for which is taken from Geneva Call’s *Their Words: The Directory of Armed Non-State Actor Humanitarian Commitments*, which is a public database that includes copies of all DoC commitments. This variable is a binary dummy variable (1 = signature; 0 = no signature). The level of analysis is dyadic (ANSA-host state dyads) and episodic, the unit of analysis is the dyad episode, and it is discrete. To be coded as 1 an ANSA must have signed the DoC in a particular episode, otherwise it is coded as 0. The dyad episode is an irregular time period, or spell of time, characterized by the presence or absence of negotiations between an ANSA and its host state. In the event that the central state has collapsed completely, as in Somalia until 2004, the presence of these negotiations is operationalized as participation in national peace processes. The dataset possesses data for this variable for 265 dyad episodes that occur between 2000-2020. Since the Geneva Call DoC on anti-personnel landmines (and, indeed, Geneva Call itself) did not exist prior to March 2000, it would be nonsensical to include dyad episodes prior to 2000. Any dyad episode that begins before 2000, but which stretches into 2000 or beyond is effectively considered to begin in 2000. Any dyad episode that ends after 2020, but

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41 In one instance, the Southern Transitional Council (STC) in Yemen, information on its DoC signature is taken instead from Geneva Call Press releases (Geneva Call 2019, Geneva Call 2020).
which begun sometime between 2000-2020, is effectively considered to have ‘ended’ in 2020. Dyads also drop out of the sample if an ANSA either signs the DoC or ceases to exist at any point.

The sample of ANSA-state dyads, which were analyzed to code the dyad episodes, include all ANSAs that had been engaged by Geneva Call on the thematic area of anti-personnel landmines by February 2019. Although Geneva Call no longer maintains public lists of the ANSAs it engages and has engaged, this was previously the case, and the sample has been sourced from the most recent available web archives of these public lists. This sample differs slightly from that of Fazal and Konaev (2019) whose cross-sectional sample is comprised of all groups engaged (on any thematic whatsoever) by Geneva Call by 2014 and covers the years 2000-2014. The sample used in the present econometric analysis has been expanded temporally by six years, which adds

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42 With the exception, again, of the STC in Yemen, which has been added to the sample derived from these lists due to its signature of the DoC on anti-personnel landmines in July 2019, alongside its signatures of the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict and the Deed of Commitment Prohibiting Sexual Violence in Armed Conflict and towards the Elimination of Gender Discrimination (Geneva Call 2019, Geneva Call 2020). The exact start date of Geneva Call’s humanitarian engagement with the STC is not public, but it necessarily falls within the 2000-2020 time period analyzed here.

43 Disaggregation by thematic engagement(s) was not published by Geneva Call in 2014, however it was in later years.
The criterion of having been engaged on the thematic area of anti-personnel landmines in particular excludes four ANSAs that exist in Fazal and Konaev’s (2019) dataset: Hamas and Hezbollah in Israel, the Palestinian National Security Forces and other Palestinian factions in Lebanon, and the Mouvement National pour la Libération de l’Azawad (MNLA) in Mali. This criterion, while it results in dropping a few cases, ensures that the entire sample is consistent in terms of having had IHL education on anti-personnel landmines from Geneva Call, thus controlling for awareness of the DoC.

The final difference is that some other ANSAs appear under updated or corrected names in the present sample and one is assigned a different host state. In total, the updated

44 The Democratic Karen Benevolent Army (DKBA), Karenni National Progressive Party/Karenni Army (KNPP/KA), New Mon State Party/Mon National Liberation Army (NMSP/MNLA), and Pa’O National Liberation Organization/Pa’O National Liberation Army (PNLO/PNLA) in Burma (Myanmar); the Alliance des Patriotes pour un Congo Libre et Souverain (APCLS) in the Democratic Republic of the Congo; the Kurdistan Freedom Party (PAK) in Iran; Affiliate Groups of the Popular Mobilisation Forces (PMF), Ezidkhan Protection Forces (HPE), and the Kurdistan Regional Government-Peshmerga Forces in Iraq; Fatah Army & affiliated factions, Free Syrian Army – 23rd Division (FSA – 23rd D), Free Syrian Army – Al Watan Liberation Movement, Free Syrian Army – Brigade 51, Free Syrian Army – Brigade Al Motasem, Free Syrian Army – Central Division (FSA – CD), Free Syrian Army – Division Hamza, Free Syrian Army – First Coastal Division (FAS – FCD), Free Syrian Army & other affiliated factions, Free Syrian Army – Southern Front, Raqqa Internal Security Forces (RISF), and Syrian Democratic Forces (SDF) in Syria; and the Southern Transitional Council (STC) in Yemen.

45 However, Fazal and Konaev (2019) are missing key data for the Palestinian National Security Forces and other Palestinian factions in Lebanon, so this case does not make it into their regressions.

46 Geneva Call and Fazal and Konaev (2019) disagree over the associated host state of the National Socialist Council of Nagaland-Khaplang (NSCN-K), with Geneva Call listing it under India and Fazal and Konaev listing it under Burma/Myanmar. The present analysis lists it under India.
dataset, which spans from 2000-2020, contains 108 ANSAs across 23 states. Fazal and Konaev’s dataset included 90 ANSAs across 24 states. Appendix II contains a complete comparison of the present sample to Fazal and Konaev’s (2019) sample, in addition to highlighting the complete list of ANSA signatories to the DoC.

The novel hypothesis that ANSAs are more likely to sign the DoC in episodes of negotiation will be operationalized as a new independent variable called ‘Episode Type’ based on the author’s original coding from various sources. Originally, this variable was coded as a categorical variable taking one of three possible values: No Negotiation Episode, Negotiation Episode, or Peace Episode. The associated nominal coding was: 0 = No Negotiation Episode, 1 = Negotiation Episode, and 2 = Peace Episode. To be coded as a ‘No Negotiation Episode’, a time period (episode), during which an active ANSA exists, must have no evidence of ceasefire or peace negotiations underway between an ANSA and its host state. Usually these are periods of active or frozen conflict. Such an episode may end by transition to a ‘Negotiation Episode,’ the definitive end of a conflict (‘Peace Period’), and/or the demise of the ANSA in the dyad (at which point the dyad drops out of the sample). To be coded as a ‘Negotiation Episode,’ there must be ongoing ceasefire or peace negotiations (which may be bilateral or multilateral) in that time period between an ANSA, which actively exists, and its host state. This can include
‘preliminary’ negotiations, but it should be more sustained than a mere proposal for negotiations that is swiftly rejected. Negotiation processes may stall, evolve slowly, be contentious, suffer delays, and coexist with ongoing violent conflict without a negotiation period ending, so long as a dialogue or process still exists between the parties. A ‘Negotiation Episode’ may end via reversion to a ‘No Negotiation Episode,’ transition to a ‘Peace Episode,’ or through the extinction of the ANSA in the dyad (at which point the dyad drops out of the sample). ‘Peace Episodes’ are coded in instances of a post-agreement peace or a peace following unilateral ceasefire. It is also used in rare instances where ANSAs have not yet initiated an active conflict with the state. Ultimately, only 23 dyad episodes were coded as peace episodes and the variable was recoded prior to estimation to collapse the negotiation and peace episodes. This is because, practically speaking, there is often little difference: once an agreement is made, negotiations (around implementation; demobilization, disarmament, and reintegration; elections; constitutional and security sector reform; post-conflict justice; etc.) tend to continue, if not intensify. Furthermore, in rare instances of unilateral ceasefires or inactive nascent ANSAs the incentive structures facing those ANSAs are often similar to those facing ANSAs in active negotiation processes, whereby the military-strategic costs of weapon renunciation may be delayed, at worst, if not altogether lower.
All the variables in Fazal and Konaev's (2019) base model were retained as control variables in this analysis: secessionist, number of rebel troops (logged), the interaction term of secessionist and number of rebel troops (logged), territorial control, mountainous terrain, forested terrain, state anti-personnel landmine use, and rebel anti-personnel landmine use. Additionally, the interaction term for secessionism and territorial control and a control variable for ratification/accession to the Ottawa Treaty by the host state, which are represented in Fazal and Konaev's (2019) final model, are also included. Where possible, Fazal and Konaev's (2019) replication data were used. However, due to the cross-sectional nature of the replication data, the updated dataset's expansion of Fazal and Konaev's (2019) sample, and corrections and supplementation with new data, there are some inconsistencies. Unfortunately, three additional control variables used by Fazal and Konaev (2019)—lootable resources

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Fazal and Konaev (2019) indicate in their paper that panel data was collected, but that this was collapsed into a cross-sectional format: "Although we collected time-series data, we found that many variables of interest did not change over time; we therefore collapsed the time-series data to a cross-sectional format to avoid artificially inflating our number of observations" (161). The publicly available replication data is in this cross-sectional format. When contacted, the authors communicated that the disaggregated panel data no longer existed—presumably it has been lost or deleted. Since the present dataset requires (unevenly spaced) panel data, some variables needed to be reverse engineered. Others, however, due to their static nature, which Fazal and Konaev (2019) aptly highlight, were easier to source directly from the replication data. The rest of the section outlines which approach was used with each control variable.
(present in models 2, 3, and 4), rebel political wing (present in model 3), and the number of armed groups engaged by Geneva Call in each country (present in model 2, 3 and 4)—were excluded due to coding disaggregation issues and/or low observations.48

The ‘secessionist’ variable is a dummy variable \((1 = \text{yes}, 0 = \text{no})\) which classifies an ANSA as secessionist or not. Fazal and Konaev code ANSAs as secessionist based on Bridget Coggins’ list of secessionist movements from 1931 to 2002 (Coggins 2014, 235-241), where secessionist movements are defined “as national separatist movements that [have] formally declared independence, making a claim to both territory and population over which the movement presides” (Fazal and Konaev, 2019). Fazal and Konaev (2019) transform this list of secessionist movements into secessionist groups for their analysis by coding “armed groups that claim to exclusively represent a particular identity group and recruit fighters from its midst in pursuit of an independent state […] as secessionist.”

48 Although Fazal and Konaev (2019) indicate that their codebook is available upon request, upon request only a partially completed version of the codebook with notes pertinent only to the landmine use variables was furnished by the authors. Without additional guidance on inclusion/exclusion and definitional criteria, it was not possible to replicate, let alone disaggregate or extend the lootable resources variable. The rebel political wing variable drastically reduces observations and does not achieve significance in Fazal and Konaev’s (2019) analysis. The number of armed groups in the country engaged by Geneva Call was problematic for a couple of reasons: first, it is unclear if this variable is supposed to proxy contagion or the general level of effort invested in a country by Geneva Call. Second, in either instance, there is insufficient available data to disaggregate the number of armed groups engaged by Geneva Call over time and in the latter instance this variable is likely endogenous. A different contagion proxy is used in the current analysis’ robustness checks.
This excludes communist or socialist groups that do not actively advocate for secession, but rather revolutionary goals, even though they may be linked to ethnic populations that have expressed a desire for independence (158). For this variable the coding is maintained from Fazal and Konaev’s (2019) replication dataset and logically expanded by the author to the new cases.

Rebel strength is operationalized in the control variable ‘rebel troop estimate’. This is a log transformation of the best estimate of the number of troops (plus 1) under the command of an ANSA. Fazal and Konaev (2019) used troop strength estimates from Cunningham et al.’s Non-State Actors (NSA) dataset (Cunningham, Gleditsch, and Salehyan 2013) and supplemented with original coding based on a “variety of case specific sources” (Fazal and Konaev 2019, 159). While it would be preferable to use a variable that captures ANSA strength relative to state military strength, Fazal and Konaev (2019, 159) note that “these data are not currently available for our universe of cases.” For

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49 The log transformation of x+1, rather than simply x, is used to prevent the exclusion of the PSLF/TNLA case, which has a troop estimate of 0 as its armed wing was not founded until two years after it signed the DoC. It is not possible to log transform zero or negative numbers, thus 1 is added to every observation in the sample.

50 Fazal and Konaev (2019) indicate that these sources are cited in the ‘Country Notes’ section of their codebook, which is available upon request. Upon request, only a partially completed version of the codebook with notes pertinent only to the landmine use variables was furnished by the authors. It was thus not possible to attempt to match sources/methodology when coding updates and new cases.
this updated dataset the newest version (3.4) of Cunningham et al.’s Non-State Actors (NSA) dataset was cross-referenced with Fazal and Konaev’s (2019) coding and the most appropriate estimate for each episode was kept where applicable. Missing data were coded by the author from a variety of sources, including other datasets such as Uppsala Conflict Data Program’s (UCDP) Conflict Encyclopedia and the Mapping Militant Organizations project, scholarly papers, and news reports.\footnote{Sources for estimates can be found in the Codebook, which is available upon request.} To form the main explanatory variable of their analysis, Fazal and Konaev (2019) interact this variable with the secessionist variable. The present analysis follows suit.

The defensive utility of anti-personnel landmines, including area denial and protection of camps and assets, is elaborated by Fazal and Konaev (2019) who then infer that ANSAs that control territory should be more likely to use anti-personnel landmines. Consequently, they should be less likely to sign the DoC. Fazal and Konaev’s coding for an ANSA’s territorial control is also taken from Cunningham et al.’s (2013) NSA dataset and supplemented by their own coding. Once again, for the present analysis the author cross-referenced the newest version (3.4) of Cunningham et al.’s Non-State Actors (NSA) dataset with Fazal and Konaev’s (2019) coding and the most appropriate value is retained.
for each dyad episode where applicable. Missing data were supplementally coded by the author. Following the lead of Fazal and Konaev (2019), this term is also used to create an interaction term with the secessionist variable. The interaction variable is a dummy variable coded as 1 in instances where an ANSA has both secessionist aims and control of territory, and 0 otherwise.

The impact of rough terrain on the utility of anti-personnel landmines appears ambiguous. One consideration is that rough terrain (including forests and mountains) may increase the utility of anti-personnel landmines, since natural terrain obstacles can be enhanced with anti-personnel landmines strategically laid in predictable or necessary routes such as forest paths or mountain valleys. However, steep or unstable terrain can be unsuitable for anti-personnel landmines as they may shift considerable distances (Fazal and Konaev 2019). Moreover, if rough terrain already provides an advantage to insurgents practicing guerilla warfare (Fearon and Laitin 2003) then they may be less necessary to them. Fazal and Konaev (2019) code mountainous terrain and forested terrain variables that indicate what percentage of the conflict area is covered in mountains or forests, respectively. This georeferenced data comes from Buhaug, Gates, and Lujala (2009). The present author maintains this coding for the dyads common across Fazal and Konaev’s (2019) dataset and the present expanded version. However,
for missing data, it was not possible to reproduce the methodology: Buhaug, Gates, and Lujala (2009) took their conflict data from the UCDP/Peace Research Institute Oslo (PRIO) Armed Conflict Dataset v. 3-2005 (Gleditsch et al. 2002), however after 2005 UCDP/PRIO dropped the latitude, longitude, and radius variables—which could be combined to map a conflict area—from new versions of its dataset. So, instead, the missing data was minimized in two ways. First, where new ANSAs operated in existing conflict areas (as in Burma/Myanmar) it was simple to extend the coding from other ANSAs in the area.

Second, special attention was paid to Syria since the majority (12/22) of the new cases operate in Syria as the ongoing civil war has, hydra-like, spawned numerous factions. Here the decision was made to code the mountainous terrain and forested terrain variables for all ANSAs operating in Syria as the percentage of the country that is mountainous and forested, respectively. While substituting national values for the conflict area values for these variables is often considered poor practice (Buhaug and Lujala 2005), it is considered appropriate in this case for two reasons. First, the main argument behind the unacceptability of this practice is based on the logic that conflict areas are incongruous with national boundaries and thus the terrain features of an entire country are not as relevant as the terrain features of, say, a particular province
where a conflict is concentrated. “The interaction between geography and civil war is characterized by two facts that most empirical studies fail to account for: civil conflicts are by definition sub-national events, and the fighting rarely spans entire countries. For example, the ongoing secessionist conflicts in the Basque Provinces (Spain), Cabinda (Angola), and Chechnya (Russia) cover only a fraction of the countries’ territories” (Buhaug and Lujala 2005, 403). To water down Chechnya’s approximately 43% mountainous terrain (Buhaug, Gates, and Lujala 2009) to Russia’s 14.2% (Fearon and Laitin 2003), for instance, is a large distortion. However, in this instance, Syria is no Russia. Nor is the Syrian civil war a ‘mere’ provincial secessionist movement. The Syrian Civil War, which has raged for over a decade, has engulfed the entire country. Illustratively, Figure 1 below maps all the battles, explosions (e.g., air strikes, drone strikes, landmines, etc.), and mixed events in the Armed Conflict Location and Event Data (ACLED) Project from the start of the civil war until May 2021.
Figure 1: Map of Battles and Explosions/Remote Violence in the Syrian Civil War

The second reason dovetails nicely with the first: one feature (and, admittedly, limitation)\(^5\) of the conflict areas that can be mapped with the 2005 and earlier versions of the UCDP/PRIO Armed Conflict Dataset via its latitude, longitude, and radius.

\(^5\) The Codebook (14) states, “Users should be aware of the limitations of this variable. At a given point in time, the actual conflict zone might be more constrained than the maximum size that is recorded here. Furthermore, we define a circular zone of conflict whereas the actual shape is more likely to follow the contours of international boundaries, mountains, rivers, etc. In fact, the circular conflict zone might also cover territory not directly affected by the conflict and even the territory of a neighboring country” (14).
variables is that they are always circular. The latitude and longitude variables, in combination, mark a fixed ‘conflict center point’ that represents “the geographic mid-point of all significant battle-zones during the conflict, including territory occupied by the opposition actors” (Strand et al. 2005, 13). This is then combined with the radius variable, which “indicates the largest geographic extent of the conflict zone from the center point during the course of the conflict” (measured in 50-kilometer intervals) (Strand et al. 2005, 14), to map a circular conflict area. While the exact methodology for determining the center point and radius is not public, and may have been somewhat subjective to the coder, it seems difficult to conceive of a conflict area circle that would not encompass the entire country of Syria (and some of its neighbours by purely mathematical accident!). As such, in this specific instance, a national-level value may be a better fit anyhow.

Fazal and Konaev (2019) list two reasons why state use of anti-personnel landmines may be associated with a greater likelihood of use by ANSAs. Namely, that state anti-personnel landmine use provides a source of these weapons for ANSAs (as stockpiles can be captured and laid mines may be lifted and reused) and that state use provides ANSAs with moral reciprocal justification for their own use. It is thus expected that state use of anti-personnel landmines is positively correlated with ANSA anti-
personnel landmine use and negatively correlated with ANSA anti-personnel landmine renunciation. Fazal and Konaev (2019) also make the point that an ANSA’s own use of anti-personnel landmines is a proxy indicator of the (perceived) utility that anti-personnel landmines hold for that actor. Straightforwardly then, ANSAs that use anti-personnel landmines are less likely to renounce them. So, Fazal and Konaev (2019) code ‘state landmine use’ and ‘rebel landmine use’ variables based on new deployment reported by the Landmine Monitor Reports published from 1999-2014. Great efforts were made, in line with dyadic coding, to identify therein any targeted use of state anti-personnel landmines against each specific ANSA and vice versa. While these data were collected initially as panel data, they have since been lost. Only a somewhat clumsy aggregation of this variable exists in the cross-sectional replication dataset.

As such, the present author recoded these variables to reflect any new deployment each year from 2000-2020 (to match the timeframe of the expanded

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53 Defining ‘use’ narrowly as ‘new deployment of anti-personnel landmines’ does fail to capture certain elements of reliance on previously deployed minefields. For instance, previously laid minefields may still be ‘used’ for defence and it is possible to capture positions that were previously mined by another party and simply leave protective perimeter mines in place. This definition is, nevertheless, practical for operationalization purposes. An attempt to account for previously laid anti-personnel landmines by actors is discussed in Section VI.

54 See footnote 47.
dataset), but without the criterion of targeted use. This modification was made because the coding rule was theoretically unsound. If the reason that state use of anti-personnel landmines is relevant to the analysis is in part because anti-personnel landmines can be stolen and/or reused and in part because their use begets a ‘just desserts’ sort of use by ANSAs, then these causal mechanisms operate whether or not the state is using anti-personnel landmines in a targeted way against any particular ANSA or more generally. Anti-personnel landmines on a border (even if emplaced to counter external threats to the state rather than internal) may still serve as a source of anti-personnel landmines for insurgents. Giving the state a ‘taste of its own medicine’ via anti-personnel landmines still applies even if the state doesn’t intend for your troops or constituents to be maimed or killed by the anti-personnel landmines they lay. Verifying anti-personnel landmine use, including attribution and when the anti-personnel mines were laid, is also an already incredibly difficult task (which surely leads to an underreporting bias in the variable). To attempt to code the intended target of an inherently indiscriminate weapon is an exercise in futility; to make no mention of the fact that an ANSA on the ground is not likely to ponder for very long about whether the casualties caused to them by anti-personnel landmines were intended by their state opponent or accidental. In terms of rebel use, whether or not anti-personnel landmines have utility for an ANSA vis-à-vis
the state in particular—as opposed to, for instance, having utility in factional infighting or against mutual enemies—should make little difference in respect to the military-strategic costs of renouncing anti-personnel landmines via the DoC. The DoC is a total renunciation of anti-personnel landmines, not simply an agreement not to use them within a dyadic conflict. As such, ANSAs must consider all costs of renouncing anti-personnel landmines and not simply the cost of doing so within its conflict with the state. This chapter contends that, even if an ANSA finds anti-personnel landmines to be useful only in its conflicts with other ANSAs, then it will still be less likely to sign the DoC because of that externality.

In the present analysis, ‘state anti-personnel landmine use’ and ‘rebel anti-personnel landmine use’ are operationalized as the approximate percentage of the episode during which a state or ANSA, respectively, deployed new anti-personnel landmines. This is more granular than Fazal and Konaev's (2019) categorical measure since they complain that a lack of granularity may have scuttled the expected results in their own regression. To construct these variables, each dyad year that falls within a dyad episode was first coded with one of the following nominal values (0 = no use, 1 = use, and 2 = suspected use) for each actor from the 2000-2020 Landmine Monitor reports. Given the reporting cycle of Landmine Monitor (i.e., the reporting period
spans, typically, from May or October of one year to the same month in the next year), for each dyad year under examination the entries for the relevant states (and sometimes entities) were cross-referenced between the reports for the year being coded and the following year. An entry was coded zero if Landmine Monitor indicates no new use of anti-personnel landmines by the relevant actor in the year of interest. The entry is coded 1 if Landmine Monitor does indicate new use of anti-personnel landmines by the relevant actor in that year of interest. Finally, an entry is coded as 2 if, according to Landmine Monitor, there is suspected use of anti-personnel landmines by the relevant actor during the year of interest. It is important to note that in instances where the central state has effectively collapsed (e.g., Somalia before 2004 or Yemen after 2015), then state use is coded as 0. Once the yearly panel data were obtained it was then aggregated to the episode level in the final dataset, whereby the percentage of years within the episode (in whole or in part) during which the relevant actor used anti-personnel landmines was calculated.\textsuperscript{55} Suspected use was collapsed with use in the aggregation of these variables because anti-personnel landmine use is typically

\textsuperscript{55} For example, an actor that never used anti-personnel landmines in a hypothetical 2-year episode would be coded as ‘0’, an actor that used (or is suspected to have used) them consistently would be coded as ‘100’, and an actor that used (or is suspected to have used) them during only 1 year of the 2-year episode would be coded as ‘50’. 
underreported and under-observed. Additionally, this version of the variable produced a better goodness of fit for the model compared to a more strictly coded version. A more detailed discussion of robustness checks run with different specifications of these variables can be found after the interpretation of the main regression results.

Finally, the Ottawa Treaty ratification control variable is a dummy variable that indicates whether the host state of the dyad has ratified or acceded to the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, colloquially known as the Ottawa Treaty, prior to or during the relevant episode. This variable is coded 1 when the relevant host state has ratified or acceded to the Ottawa Treaty prior to the end of the relevant episode and 0 otherwise. The inclusion of this variable by Fazal and Konaev (2019) and here is motivated by the work of Gleditsch et al. (2018) who initially theorize that ANSAs should be more likely to sign the DoC in response to government ratification of the Ottawa Treaty, although their own findings in the end suggest otherwise. It would also be logical, and consistent with Fazal and Konaev's (2019) theory, if ANSAs were more likely to sign the DoC following the government's ratification of the Ottawa Treaty since this would mean that a prohibition on anti-personnel landmines *already* legally applies to them and is being reciprocally observed, lowering the cost of signature.
Table II: Variable Summary Statistics

<table>
<thead>
<tr>
<th></th>
<th>Observations</th>
<th>Mean</th>
<th>Median</th>
<th>Standard Deviation</th>
<th>Min</th>
<th>Max</th>
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<td>Signature in Episode</td>
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<td>Rebel Troop Estimate</td>
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<td>7.82</td>
<td>1.70</td>
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<td>12.10</td>
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<td>Secessionist * Rebel Troop Estimate</td>
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<td>0.50</td>
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<td>1</td>
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<tr>
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<td>0</td>
<td>0.40</td>
<td>0</td>
<td>1</td>
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<tr>
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<td>32.62</td>
<td>15</td>
<td>30.02</td>
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<td>96</td>
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<td>Forested Terrain (%)</td>
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<td>2.84</td>
<td>32.47</td>
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<td>43.62</td>
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<td>0.47</td>
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Above, Table II, provides the summary statistics for each dependent and independent variable outlined in this section.

IV. Econometric Model and Diagnostics

Given the binary nature of the dependent variable, this econometric estimation, like that of Fazal and Konaev (2019), employs a binomial logistic regression using Stata. Binomial logistic regressions, or logit for short, estimate the natural log of the odds (log odds) that an observation falls into one or the other categories of a dichotomous dependent variable based on one or more continuous or categorical regressors. A link function (a function of the mean of the dependent variable $y$) is thus the response in the regression equation rather than $y$ itself, as in a more traditional linear regression equation. As such, the logistic regression equation in general form is:

(Equation I)

$$\ln\left(\frac{p}{1-p}\right) = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \cdots + \beta_k X_k$$

In this instance, the full model equation can be expressed as:
(Equation II)

\[
\ln \left( \frac{p}{1-p} \right) = \beta_0 + \beta_1 \text{eptypesimple} + \beta_2 \text{secxlogrebnunestplus} + \\
\beta_3 \text{secessionist} + \beta_4 \text{logrebnunest} + \beta_5 \text{terrcon} + \beta_6 \text{secxterrcon} + \\
\beta_7 \text{mountain} + \beta_8 \text{forest} + \beta_9 \text{stateusepersuspect} + \beta_{10} \text{rebusepersuspect} + \\
\beta_{11} \text{ottrat}
\]

Since these data can be variously understood as a cross-section of spells or an unbalanced, censored, and unevenly spaced panel, estimations are also run using the \textit{xtlogit} command, which is appropriate for panel data. The Likelihood rho=0 test fails to reject the null that rho=0, indicating that panel level variance is unimportant and thus the panel estimator is no different from the pooled estimator, however both estimations are reported in the main regression results table for transparency.

While parametric assumptions, like normality and homoskedasticity, are irrelevant to logistic regression there are several basic assumptions that must be met for logistic regression, including independence of observations, no or low multicollinearity, a fully represented data matrix, perfect measurement, accurate model specification, and no inappropriately influential cases (Osborne 2017, 85-86). Independence of observations is potentially a concern here given that some ANSAs appear in the dataset more than once over time, which could lead to serial correlation, also known as
autocorrelation. However, there are limited cross-temporal observations and clustering the standard errors on the ANSA does not significantly affect the results. The Collin program, a Stata package by Philip B. Ender, was used to check for multicollinearity in the independent variables. This test, unsurprisingly, indicates severe multicollinearity between secessionist (VIF 34.28, tolerance 0.03) and its interaction term of secessionist and rebel troop estimate (VIF 43.88, tolerance 0.02). Severe multicollinearity tends to create very large (inflated) standard errors for coefficients and estimated regression coefficients may be highly unreliable (UCLA n.d.). However, it is acceptable to ignore high variance inflation factors (VIFs) caused by the inclusion of products of other variables because the p-value of the product (interaction term) will not be affected, nor will the variables not suffering from multicollinearity be affected (Allison 2012). The coefficients on both variables may be unstable, however, and the p-value of the secessionist term should be interpreted with caution. Aside from these two variables, there are no multicollinearity concerns as the remaining variables display VIF scores of less than 10 (highest is the interaction term of secessionist and territorial control at 5.09) and, conversely, tolerance scores higher than 0.10 (lowest is the interaction term of secessionist and territorial control at 0.20). Lastly, cross-tabulations of categorical (in this instance, binary) variables indicate that the data matrix is fully represented. There is
no zero-cell problem, which is where there is an instance of zero cases of the dependent variable for a category of an independent variable causing odds to trend towards infinity, in this dataset. A discussion of the assumptions of accurate model specification and no inappropriately influential cases can be found in Sections V and VI, respectively. The assumption of perfect measurement is often shaky in the social sciences where rough proxies and estimates are used, and this analysis is no exception. This will be further discussed alongside other limitations of this econometric approach at the conclusion of the chapter.

V. Econometric Results and Analysis

A simple contingency table, Table III below, shows a distribution of DoC signatures in line with the distribution predicted by H1, as illustrated in Table I. The expected values (should the null hypothesis, that there is no correlation between ANSA-host state negotiations and ANSA signature of the DoC, be true) are in parentheses below the actual values.
Table III: Actual Distribution of DoC Signatures

<table>
<thead>
<tr>
<th></th>
<th>Signature</th>
<th>No Signature</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negotiation Episode</td>
<td>42</td>
<td>97</td>
<td>139</td>
</tr>
<tr>
<td></td>
<td>(28.32)</td>
<td>(110.68)</td>
<td></td>
</tr>
<tr>
<td>No Negotiation Episode</td>
<td>12</td>
<td>114</td>
<td>126</td>
</tr>
<tr>
<td></td>
<td>(25.68)</td>
<td>(100.32)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>54</td>
<td>211</td>
<td>265</td>
</tr>
</tbody>
</table>

This contingency table has a Chi-Square value of 17.44 and is highly significant with a p-value of <0.00. While this supports the hypothesis that ANSAs are more likely to sign the DoC in episodes of negotiation with their host states, it is unable to account for confounding variables. The subsequent econometric analysis will be better able to account for the effects of other explanatory variables.

Table IV reports the main results for each variable from four regression model versions: full model logit (Model 1), full model xtlogit (Model 2), refined model logit (Model 3), and refined model xtlogit (Model 4). The refined model was arrived at by the elimination of the mountain variable, the only variable which never attained statistical significance (ignoring those variables that are components of significant interaction terms). The fitstat command in Stata was used to compare the goodness of fit of the full model to the refined model, with strong support found for the refined model. For both
the full and refined logit models the `linktest` results are insignificant (_hat is significant, _hatsq is insignificant), indicating that the models are not suffering from a specification error. The results are essentially identical whether pooled or panel estimator is used in either the full or refined model, as would be expected given the aforementioned results of the Likelihood rho=0 test.

---

The `linktest` command may be used after a regression command to test the specification of the model. It does this by rebuilding the model, using the linear predicted value (_hat) and linear predicted value squared (_hatsq) as predictors. The _hat variable will be statistically significant unless the model is completely misspecified but _hatsq should not be statistically significant. If it is, the `linktest` is significant, suggesting omitted variables or an incorrectly specified link function (UCLA n.d.).
Table IV: Results of Binomial Logistic Regression on DoC Signatures of ANSAs

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Episode Type</td>
<td><strong>1.44</strong>*</td>
<td><strong>1.44</strong>*</td>
<td><strong>1.46</strong>*</td>
<td><strong>1.46</strong>*</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Secessionist * Rebel</td>
<td><strong>1.02</strong>*</td>
<td><strong>1.02</strong>*</td>
<td><strong>1.03</strong>*</td>
<td><strong>1.03</strong>*</td>
</tr>
<tr>
<td>Troop Estimate</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Secessionist</td>
<td><strong>-5.24</strong>**</td>
<td><strong>-5.24</strong>**</td>
<td><strong>-5.37</strong>**</td>
<td><strong>-5.37</strong>**</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
</tr>
<tr>
<td>Rebel Troop Estimate</td>
<td><strong>-0.49</strong>***</td>
<td><strong>-0.49</strong>***</td>
<td><strong>-0.48</strong>***</td>
<td><strong>-0.48</strong>***</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Territorial Control</td>
<td>0.19</td>
<td>0.19</td>
<td>0.12</td>
<td>0.12</td>
</tr>
<tr>
<td></td>
<td>(0.71)</td>
<td>(0.71)</td>
<td>(0.81)</td>
<td>(0.81)</td>
</tr>
<tr>
<td>Secessionist * Territorial Control</td>
<td><strong>-3.41</strong>***</td>
<td><strong>-3.41</strong>***</td>
<td><strong>-3.38</strong>***</td>
<td><strong>-3.38</strong>***</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Mountainous Terrain (%)</td>
<td>0.00</td>
<td>0.00</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>(0.63)</td>
<td>(0.63)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forested Terrain (%)</td>
<td><strong>-0.04</strong>***</td>
<td><strong>-0.04</strong>***</td>
<td><strong>-0.04</strong>***</td>
<td><strong>-0.04</strong>***</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>State AP Mine Use</td>
<td><strong>0.01</strong>**</td>
<td><strong>0.01</strong>**</td>
<td><strong>0.01</strong>**</td>
<td><strong>0.01</strong>**</td>
</tr>
<tr>
<td></td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Rebel AP Mine Use</td>
<td><strong>-0.01</strong>*</td>
<td><strong>-0.01</strong>*</td>
<td><strong>-0.01</strong>*</td>
<td><strong>-0.01</strong>*</td>
</tr>
<tr>
<td></td>
<td>(0.06)</td>
<td>(0.06)</td>
<td>(0.07)</td>
<td>(0.07)</td>
</tr>
<tr>
<td>Ottawa Treaty</td>
<td><strong>-1.09</strong>**</td>
<td><strong>-1.09</strong>**</td>
<td><strong>-1.05</strong>*</td>
<td><strong>-1.05</strong>*</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.05)</td>
<td>(0.05)</td>
</tr>
<tr>
<td>Observations</td>
<td>239</td>
<td>239</td>
<td>239</td>
<td>239</td>
</tr>
<tr>
<td>Degrees of Freedom</td>
<td>(LR chi2) 11</td>
<td>(Wald chi2) 11</td>
<td>(LR chi2) 10</td>
<td>(Wald chi2) 10</td>
</tr>
<tr>
<td>Probability</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

P-value in parentheses. *p<0.1, **p<0.05, ***p<0.01
Overall, these results support the claim that ANSAs are more likely to sign the DoC during episodes of negotiation with their host state. Additionally, while these results are not directly comparable to those of Fazal and Konaev (2019), due to differences in the dataset and the inclusion of different control variables, it is worth noting that many of the findings are consistent with their results, particularly those most central to their argumentation. This lends additional support to those hypotheses.

Table V offers a summary comparison of the statistically significant findings from the two studies and is followed by a more detailed discussion that reports predicted probabilities (from Model 3) generated by Clarify (Tomz, Wittenberg, and King 2001), which are more intuitively meaningful than logit regression coefficients. Through this command, the simulated effect of changing one variable on the probability of an ANSA signing the DoC can be generated. Dichotomous variables are switched from their mode to the opposite value, while continuous variables are moved from the first to third quartile. In both instances, other variables are held constant.\footnote{Dichotomous variables are held constant at their mode, while continuous variables are held constant at the mean, except for interaction variables. This means that the baseline simulation is for a non-secessionist ANSA in a negotiation episode that controls territory, commands approximately 2644 troops, and uses anti-personnel landmines for 27.65% of the episode. It operates in a conflict area that is 26.92% forested with a host state that has not ratified or acceded to the Ottawa Treaty and that state uses}
### Table V: Summary of Statistically Significant Findings

<table>
<thead>
<tr>
<th>Variable</th>
<th>Current</th>
<th>Fazal and Konaev</th>
</tr>
</thead>
<tbody>
<tr>
<td>Episode Type</td>
<td>Positive (+)</td>
<td>—</td>
</tr>
<tr>
<td>Secessionist * Rebel Troop Estimate</td>
<td>Positive (+)</td>
<td>Positive (+) Models 1, 2, and 4</td>
</tr>
<tr>
<td>Secessionist</td>
<td>Negative (-)</td>
<td>Negative (-) Models 1, 2, and 4</td>
</tr>
<tr>
<td>Rebel Troop Estimate</td>
<td>Negative (-)</td>
<td>None</td>
</tr>
<tr>
<td>Territorial Control</td>
<td>None</td>
<td>Negative (-) Models 2 and 3</td>
</tr>
<tr>
<td>Secessionist * Territorial Control</td>
<td>Negative (-)</td>
<td>Negative (-) Model 4</td>
</tr>
<tr>
<td>Mountainous Terrain (%)</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Forested Terrain (%)</td>
<td>Negative (-)</td>
<td>Negative (-) Models 2 and 3</td>
</tr>
<tr>
<td>State AP Mine Use</td>
<td>Positive (+)</td>
<td>None</td>
</tr>
<tr>
<td>Rebel AP Mine Use</td>
<td>Negative (-)</td>
<td>Negative (-) Model 4</td>
</tr>
<tr>
<td>Ottawa Treaty</td>
<td>Negative (-)</td>
<td>None</td>
</tr>
<tr>
<td>Lootable Resources</td>
<td>—</td>
<td>Positive (+) Model 3</td>
</tr>
<tr>
<td>No. of Armed Groups</td>
<td>—</td>
<td>Positive (+) Models 2 and 4</td>
</tr>
<tr>
<td>Rebel Political Wing</td>
<td>—</td>
<td>None</td>
</tr>
</tbody>
</table>

As posited in H1, the episode type variable is positive and statistically significant across models. An ANSA is approximately 3.4 times as likely (predicted probability of signature rises to 19.49% from 5.74%) to sign the DoC when it is negotiating with its host state, compared to otherwise. There is also support for Fazal and Konaev’s (2019) main hypothesis, consistent with their own findings: the interaction term between secessionist and rebel troop estimate is also significant and positive across all models, anti-personnel landmines for 35.59% of the episode. The predicted probability that this simulated ANSA will sign the DoC is approximately 19%. 
indicating that strong secessionist ANSAs are indeed more likely to sign the DoC than weak non-secessionist ANSAs, even after accounting for negotiation dynamics. That the secessionist component variable is negative and statistically significant suggests, also in line with Fazal and Konaev's (2019) findings, that weak secessionists are much less likely to sign the DoC. It is difficult, however, to obtain a simulated predicted probability for the interaction terms and their components, due to their interdependency. Recall, additionally, that the coefficients may be inflated for both secessionist and the interaction term of secessionist and rebel troop estimate due to their severe multicollinearity.

On its own, rebel troop estimate never achieves significance in Fazal and Konaev's (2019) reported models. Here, however, it is consistently negative and statistically significant. This suggests that, as a non-secessionist group becomes larger it is less likely to sign the DoC. Varying the rebel troop estimate from the 25th percentile to the 75th cuts the predicted probability of the ANSA signing the DoC roughly in half (from 27.72% to 13.42%). It is likely that the spell structure of the present data, which allows for more variation in this variable over time, teased out this result. However, while a divergent result, it is not necessarily inconsistent with Fazal and Konaev's (2019) logic, as their prediction for strong non-secessionist groups is ‘unclear’ (156). It is also not
inconsistent with the idea that negotiation dynamics matter. While the mean of the rebel troop estimate for negotiation episodes and non-negotiation episodes does not really vary, suggesting that strong ANSAs are just as likely to engage in negotiations, it may be the case that stronger ANSAs have less of a credibility problem to overcome in those negotiations. For instance, the New People’s Army (NPA) in the Philippines will, ceteris paribus, be taken more seriously in negotiations than the Kuki National Organisation (KNO) in India simply because of the relative size difference. ANSA strength can incentivize a state to negotiate even without conciliatory signals. There is also less incentive for an ANSA to deceptively participate in negotiations when it is strong (and thus less need for conciliatory signalling to reassure the state), as using negotiations in poor faith as cover for rebuilding tends to be a tactic to be wary of in recently weakened ANSAs.

In this analysis, territorial control fails to achieve significance in any of the models, while in Fazal and Konaev’s (2019) results it was statistically significant—at an alpha level of 0.1—and negative in approximately half of the models (models 2 and 3). In Fazal and Konaev’s (2019) final model, which is the only one to include an interaction term for secessionist and territorial control, the coefficient is not significant. When the interaction term is removed from the present models, territorial control does not
achieve significance; however, in all instances, neither do the secessionist nor the Ottawa Treaty ratification variables. Consistent with Fazal and Konaev’s (2019) results, in all the present models the interaction term between secessionist and territorial control is statistically significant and negative. This suggests that secessionists who control territory are less likely to sign the DoC.

Similar to Fazal and Konaev’s (2019) results, forested (but not mountainous) terrain in the conflict area appears to decrease the likelihood of DoC signature by ANSAs. Varying the amount of forest coverage in the conflict area from the 25th percentile to the 75th percentile results in an ANSA that is approximately 5 times (from 40.65% predicted probability to 7.89%) less likely to sign the DoC. Meanwhile, the variable for mountainous terrain fails to reach significance in either model. A squared version of the variable, to account for the fact that mountainous terrain may not have a linear effect, also failed to achieve significance in either model. Given that anti-personnel landmines have been used extensively in countries like Somalia and Syria, with very little mountainous coverage, it is simply not clear that mountainous terrain provides an advantage for these weapons as Fazal and Konaev (2019) theorize. Indeed, it has been noted that anti-personnel landmine emplacement in mountainous areas is problematic since fresh snowfall can cover mines, rendering them ineffective (ICRC
Rain and snowmelt can also send anti-personnel landmines sliding down slopes, even into streams or rivers, meaning that they migrate unpredictably up to many kilometers away from where they were originally emplaced (ICRC 1996, 57-58). This was a documented problem in the India-China War of 1962 (ICRC 1996, 29). Such movement of emplaced anti-personnel landmines may, at best, render them less effective (as they wash away from strategically mined areas), and, at worst, create a hazard for the very actors emplacing them since their location cannot be known or mapped with certainty. It may simply be that, at the aggregate level, the disadvantages of emplacing anti-personnel landmines in mountainous terrain cancels out any potential advantages and thus that a mountainous conflict area does not affect an ANSA's likelihood of signing the DoC.

While Fazal and Konaev (2019) find no statistically significant results for state anti-personnel landmine use and only one model returns a statistically significant (negative) result for rebel anti-personnel landmine use, the present analysis returns consistently positive and statistically significant coefficients for state anti-personnel landmine use and a negative and statistically significant (at the highest alpha level, 0.1) coefficient for rebel anti-personnel landmine use. This is counter to Fazal and Konaev's (2019) prediction that state anti-personnel landmine use should decrease the likelihood
that an ANSA will sign the DoC but offers some support for their prediction that ANSA use should decrease the likelihood of signature, although the result for anti-personnel landmine use is not particularly robust (as discussed in the following section). These results suggest that an ANSA is slightly more likely to sign the DoC if faced with a state opponent that uses anti-personnel landmines, while more consistent ANSA users of anti-personnel landmines may be slightly less likely to sign. Varying state anti-personnel landmine use from the 25th percentile to the 75th percentile generates the prediction that the ANSA will be almost 3 times as likely (from a predicted probability of 12.92% to 35.38%) to sign the DoC when its host state uses anti-personnel landmines more frequently. In turn, varying ANSA anti-personnel landmine use from the 25th percentile to the 75th percentile indicates that the ANSA will be 1.8 times less likely to sign the DoC when it uses anti-personnel landmines more frequently. Faced with the inconsistencies of their own results, Fazal and Konaev (2019) posited that they were due to the crudeness of their binary operationalization of these variables, however one result that is inconsistent with their predictions appears to persist even given the more refined measure used here (although the other inconsistency resolves somewhat). It may be the case that there is a reputational ‘moral high ground’ benefit that accrues to an ANSA that
renounces anti-personnel landmines in the face of continued state use. Indeed, if the host state is using anti-personnel landmines, it likely has a sense of their military-strategic value in the conflict and thus an ANSA’s renunciation of that same weapon will be seen by it, and international mediators, as a particularly conciliatory signal in the context.

Lastly, Fazal and Konaev’s (2019) models did not return a statistically significant coefficient on the measure of whether a host state ratified or acceded to the Ottawa Treaty. However, the effect here is statistically significant across all models and negative. The greater granularity of the spell data, rather than the dyadic cross-section used by Fazal and Konaev, may explain this difference. This indicates that ANSAs are less likely to sign the DoC if the government has ratified or acceded to the Ottawa Treaty; approximately 2.3 times (from 19.49% predicted probability to 8.31%) less likely according to the Clarify analysis. Gleditsch et al. (2018) report trends in the sequence of government and ANSA signatures that are consistent with this: “This suggests that [A]NSAs are more likely to sign the Geneva Call convention if the government has not

58 Dr. Olivier Bangerter mentions this idea briefly in his 2011 article in the International Review of the Red Cross, “Reasons Why Armed Groups Choose to Respect International Humanitarian Law or Not,” and states that it should not be overlooked, despite not elaborating further.
signed the Ottawa convention” (359). There is not an explicit rationale given for this finding by Gleditsch et al., although it likely speaks, again, to a reputational benefit of the moral high ground for an ANSA.

VI. Robustness Checks

The results reported in Table IV, in addition to being consistent across the full and refined as well as pooled and panel model versions, are also largely consistent across model versions with robust standard errors. These display minor changes in the alpha level of significance for some variables and the coefficient for rebel anti-personnel landmine use no longer attains significance in both pooled models with robust standard errors. Logit models clustered on ANSA are also largely consistent, again with only the level of significance fluctuating and rebel anti-personnel landmine use failing to achieve significance. When logit models are clustered on country, both episode type and rebel anti-personnel landmine use are not significant. However, this is likely because clustering on country greatly reduces the number of observations in an already overspecified and sensitive regression. That episode type maintains significance when clustered on country if the rebel anti-personnel landmine use variable—the significance of which is not robust to multiple model specifications—is dropped to create a simpler
model supports concerns about overspecification. For the panel models, using robust standard errors is the equivalent to clustering on the ANSA and other cluster options are not supported. Population-averaged panel models are consistent with the reported results. An analysis of the Pearson residuals and the Deviance residuals do not flag any overly influential observations. Nor does excluding each case sequentially significantly alter the results, with the exception that the exclusion of the Arakan Liberation Party (ALP) case results in an insignificant secessionist coefficient and the exclusion of any of nine specific cases results in an insignificant coefficient for the rebel anti-personnel landmine use variable. The lack of robustness of the finding for rebel anti-personnel landmine use may simply be driven by sparse data or it may be that rebel use of anti-personnel landmines is not a good proxy for the utility of the weapon to an ANSA, as it does not capture other possible elements of anti-personnel landmine utility such as their monetary value on the black market or consider the value of anti-personnel landmine

59 Those cases which, if excluded, generate models where the coefficient for rebel anti-personnel landmine use is not statistically significant are: the Karen National Union/Karen National Liberation Army (KNU/KNLA), Conseil National pour la Défense de la Démocratie-Forces de Défense de la Démocratie (CNDD-FDD), Party for the Liberation of the Hutu People – National Liberation Forces (Palipehutu-FNL), Kuki National Organisation (KNO), National Socialist Council of Nagalim (NSCN), Rahanweyn Resistance Army/Somalia Reconciliation and Restoration Council – Hassan Mohamed Nur “Shatigudud” (RRA/SRRC-Shatigudud), Somali Patriotic Movement (SPM) – General “Morgan”, Sudan People’s Liberation Movement – North (SPLM-N), or the Al-Houthi Movement/Ansar Allah (Ansar Al-lah/Al-Houthi).
renunciation as a signal (which, in fact, would increase alongside use due to increased signalling costs).

To test the sensitivity of the results to the specification of certain control variables, alternate specifications of the Ottawa Treaty variable and anti-personnel landmine use variables were substituted. Table VI, below, reports the results of the full logit model with substitutions of alternate specifications for these three control variables. Firstly, rather than coding the Ottawa Treaty variable to indicate only if the host state of the dyad has ratified or acceded to the Ottawa Treaty prior to or during the relevant episode, it is coded to also include those host states that have signed the Ottawa Treaty prior to or during the relevant episode. This variable is coded 1 when the relevant host state signed (regardless of whether it has ratified) or acceded to the Ottawa Treaty prior to the end of the relevant episode and 0 otherwise. There is not much theoretical motivation supporting this alternate variable specification as a mere signature is not binding upon the state, it mostly suggests an intention,\(^6\) much less all domestic actors.

\(^6\) To be precise, according to Article 18 of the Vienna Convention on the Law of Treaties (which is considered now to be customary international law), a state that has signed a treaty only has an obligation to “refrain from acts which would defeat the object and purpose of [the] treaty”.
Nevertheless, the results are reported under Model 5, and are consistent—other than the result for rebel anti-personnel landmine use, which is not significant.

Models 6, 7, and 8 each substitute a slightly different specification of the state and rebel anti-personnel landmine use variables. Model 6 uses strict binary versions of these variables, whereby they indicate for each episode whether the relevant actor has refrained from the use of anti-personnel landmines (0) or used anti-personnel landmines (1). In this instance suspected use is collapsed with non-use, thus coding use only in confirmed instances of new use of anti-personnel landmines by the relevant actor. Model 7 uses less strict, but still binary, versions of these variables whereby suspected use is instead collapsed with use, thus coding use in both suspected and confirmed instances of new use of anti-personnel landmines by the relevant actor. Lastly, Model 8 uses versions of these variables that most closely approximate those used in the main regression models. They indicate the approximate percentage of the episode for which the relevant actor used anti-personnel landmines. However, this specification is stricter than the version used in the main regression models, collapsing suspected use with non-use and thus coding use only in confirmed instances of new use of anti-personnel landmines by the relevant actor. For most variables, the results are remarkably consistent across these three alternate models. The main differences are
that in Model 6 (binary, strict) the coefficient for state anti-personnel mine is not significant and in Model 8 (percentage, strict) neither anti-personnel landmine use coefficient is significant. Further models run with additional alternate specifications of the state and rebel anti-personnel landmine use variables that account also for any prior use by those actors (acknowledging that anti-personnel landmines are weapons of duration and utility may derive also from previously laid minefields) are consistent with the reported regressions too, outside of fluctuations in the significance of state and rebel anti-personnel landmine use variables themselves and, in one instance, secessionism failing to achieve significance.
Table VI: Alternate Variable Specifications

<table>
<thead>
<tr>
<th></th>
<th>Model 5</th>
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<td>Episode Type</td>
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<td>1.45***</td>
<td>1.51***</td>
<td>1.45***</td>
</tr>
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<td>(0.00)</td>
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</tr>
<tr>
<td>Secessionist * Rebel Troop</td>
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<td>0.87**</td>
<td>0.99***</td>
<td>0.85**</td>
</tr>
<tr>
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<td>(0.01)</td>
<td>(0.00)</td>
<td>(0.01)</td>
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<tr>
<td>Secessionist</td>
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<td>-5.00*</td>
<td>-4.26*</td>
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<td>(0.08)</td>
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<tr>
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<td>-0.44**</td>
<td>-0.49**</td>
<td>-0.45**</td>
</tr>
<tr>
<td></td>
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<td>(0.01)</td>
<td>(0.00)</td>
<td>(0.01)</td>
</tr>
<tr>
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<td>0.10</td>
</tr>
<tr>
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</tr>
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<td>0.00</td>
<td>0.01</td>
</tr>
<tr>
<td></td>
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<td>(0.71)</td>
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<td>(0.57)</td>
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<tr>
<td>Forested Terrain (%)</td>
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<td>-0.04***</td>
<td>-0.04***</td>
<td>-0.04***</td>
</tr>
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<td></td>
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<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>State AP Mine Use</td>
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</tr>
<tr>
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<td>(0.01)</td>
<td>(0.42)</td>
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<td>(0.10)</td>
</tr>
<tr>
<td>Rebel AP Mine Use</td>
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<td>-1.01**</td>
<td>-0.01</td>
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<td></td>
<td>(0.13)</td>
<td>(0.02)</td>
<td>(0.04)</td>
<td>(0.14)</td>
</tr>
<tr>
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<td>-1.08**</td>
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<td>(LR chi2) 11</td>
<td>(Wald chi2) 11</td>
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<td>Probability</td>
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<td>0.00</td>
<td>0.00</td>
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</tr>
</tbody>
</table>

P-value in parentheses. *p<0.10, **p<0.05, ***p<0.01
As mentioned in Section III, certain control variables that Fazal and Konaev (2019) included in one or more of their models were dropped from the present analysis due to a variety of issues, including low observations or an inability to disaggregate. One of these variables was the number of armed groups engaged by Geneva Call in each country. At first blush there is some ambiguity about what this variable captures, as Fazal and Konaev (2019) do not specify—is it a proxy for contagion or for the amount of effort Geneva Call devotes to a particular country? In either case there is not enough data available on when Geneva Call started its engagement with a particular group to disaggregate this control variable to the episode-level. Additionally, if it is meant to proxy level of effort on the part of Geneva Call, it fails to account for the fact that the number of armed groups in existence may vary from host state to host state and that there is likely to be an endogeneity problem here—the organization is likely to expend more resources in precisely those places where it gains more traction with armed groups. If, however, it is meant to proxy contagion—the idea that an ANSA is more likely to sign because other ANSAs are, via causal pathways such a demonstration effect—then it is possible to include a differently-constructed control for contagion at the episode-level. Table VII, below, shows results for models including a count variable for how many other ANSAs in the same country signed the DoC on anti-personnel
landmines in the same episode. This is an imperfect measure given that the episodes in question are not uniform in length, but it should allow for some assessment of the role of contagion in signature. Model 9 includes the new control variable in the full logit model, Model 10 is a stepwise refinement, Model 11 is the refined model with robust standard errors, and Model 12 is the refined xtlogit version (although, again, the likelihood rho=0 test indicates that the panel estimator is not significantly different from the pooled estimator).

The results of models 9-12 suggest that there may indeed be a contagion effect, with a positive and statistically significant coefficient for the number of other ANSA signatures in the country in the same episode. Most of the other results are consistent with previous models, excluding that both the rebel anti-personnel landmine use and Ottawa Treaty ratification variables are not significant and are dropped from refined versions. Support for a contagion effect makes intuitive sense for a number of reasons: allied groups may make anti-personnel landmine decisions in concert, particularly if they are a negotiating block; splinter groups vying to be seen as the ‘true inheritor’ of a fractured parent group, especially at a negotiation table, may imitate the commitments of (an)other splinter(s) to avoid being forgotten or dismissed as less cooperative; and neutral or rival groups may be influenced by a demonstration effect. Indeed, Geneva
Call routinely recruits signatories to act as ambassadors to other ANSAs in hopes of capitalizing on this effect. It may, however, be difficult to disentangle the effects of negotiation episodes and contagion, since multilateral negotiations may create a platform for contagion to occur via negotiating blocks or mere proximity—as it could be argued occurred during the Eldoret peace process in Somalia when over a dozen Somali ANSAs signed the DoC following a workshop by Geneva Call on anti-personnel landmines. Nevertheless, the episode type variable remains significant across models 9-12. The main difference to note between these models and the main regression models is that neither the ratification of the Ottawa Treaty by the host state nor rebel use of anti-personnel landmines variables attain significance.
Table VII: Contagion-Conscious Models

<table>
<thead>
<tr>
<th></th>
<th>Model 9</th>
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<th>Model 11</th>
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<td>1.25***</td>
<td>1.25**</td>
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<td>1.03**</td>
<td>1.03***</td>
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<td>(0.01)</td>
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</tr>
<tr>
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<td>(0.04)</td>
<td>(0.06)</td>
<td>(0.04)</td>
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<tr>
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<td>0.42</td>
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<td>—</td>
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</tr>
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<td>Forested Terrain (%)</td>
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<td>-0.04***</td>
<td>-0.04***</td>
<td>-0.04***</td>
</tr>
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</tr>
<tr>
<td>State AP Mine Use</td>
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<td>0.02***</td>
<td>0.02***</td>
<td>0.02***</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
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<td>(0.00)</td>
</tr>
<tr>
<td>Rebel AP Mine Use</td>
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<td></td>
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<td>—</td>
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<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
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<td>Observations</td>
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<tr>
<td>Degrees of Freedom</td>
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<td>(Wald chi2) 9</td>
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<tr>
<td>Probability</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

P-value in parentheses. *p<0.1, **p<0.05, ***p<0.01
VII. Concluding Remarks

This empirical analysis, although inevitably limited by the number of observations available (particularly the number of instances of DoC signature), the inability to control for good faith, and the likely imperfect measurement of certain variables (a frequent problem with difficult-to-gather conflict data), offers consistent support for H1, namely that ANSAs are more likely to sign the DoC when engaged in negotiations with their host state than otherwise. Additional novel findings include that larger non-secessionist ANSAs are less likely to sign the DoC (perhaps because they are harder to ignore or exclude from negotiations and thus rely on conciliatory signals less) and that state use of anti-personnel landmines increases the likelihood that an ANSA will sign the DoC, while state ratification or accession to the Ottawa Treaty reduces this likelihood. In combination, these latter results suggest that there may be a ‘moral high ground’ effect. Rather than being more inclined to sign when military costs to signature are potentially lower and political costs to non-signature higher (once the state has ratified the Ottawa Treaty, which extends itself to ANSAs on the territory of the State Party by way of domestic implementing legislation), ANSAs instead are more likely to sign when the state has not made such a commitment. This should be puzzling for Fazal and Konaev (2019), but conciliatory signalling theory would suggest that taking the moral high ground to
renounce anti-personnel landmines—by virtue of being a step the state hesitates to undertake itself due to its perceived utility of these weapons—may be a particularly salient choice of olive branch. It could also have an antagonistic function though, in some contexts. This analysis also suggests a contagion effect is at play with respect to DoC commitments. Further, without intent, this investigation has also independently produced results that reinforce certain previous findings of Fazal and Konaev (2019). Namely, that strong secessionists are more likely to commit to renouncing anti-personnel landmines through the Geneva Call mechanism and that weak non-secessionists, secessionists that control territory, and ANSAs operating in heavily-forested terrain are less likely. It also provides some further support for the hypothesis that ANSA users of anti-personnel landmines are less likely to renounce them in such a fashion, but this finding is still not robust.

In order to explore more fully the role that negotiations with a host state plays in the renunciation of anti-personnel landmines by way of the Geneva Call DoC, the following chapters will investigate two pairs of case studies. First, focusing on signatories, the next chapter will explore the illustrative case of several Somali ANSAs that signed the DoC on the sidelines of the Eldoret Peace Conference in Somalia as well as the hard case of the PKK, which signed outside of a negotiation process with Turkey. Next, to
focus on non-signatories, the cases of the *de facto* Nagorno-Karabakh authorities in Azerbaijan (illustrative) and the Communist Party of Nepal – Maoist (CPN-M) in Nepal (counter case) will be explored.
Chapter Five
Examining Signatory Cases from Somalia and Turkey

I. Introductory Remarks

The previous chapter explored aggregate-level correlations between explanatory variables and signatures to the Deed of Commitment (DoC) on anti-personnel landmines and found evidence of the plausibility of conciliatory signalling theory. To further test the explanatory power of this theory, this chapter examines in detail the renunciation decisions made by armed non-state actors (ANSAs) in Somalia and Turkey. This pairs a case demonstrating an expected outcome—Somalia, where sixteen Somali ANSAs signed the anti-personnel landmine DoC on the sidelines of the Eldoret peace conference—with another whose outcome is unexpected—Turkey, where the Kurdistan Workers’ Party (PKK) signed the anti-personnel landmine DoC absent any negotiations with the government. In each case the explanatory power of conciliatory signalling theory is evaluated against three alternative explanations. All three posit that there is a certain ideal type of ANSA that should be most likely to renounce anti-personnel landmines or comply with international humanitarian law (IHL) in general, although there is no consensus about which ANSA type that is. These are either ANSAs fighting autocratic regimes, those seeking legitimacy, or those who are strong secessionists.
The systematic assessment of the Somali and Turkish cases finds that conciliatory signalling theory best explains the renunciation of anti-personnel landmines by these ANSAs, accounting for both the decisions to sign the DoC and the timing of those signatures. In Somalia, negotiation constraints that required the whittling down of delegates provided strong incentives for ANSAs to signal their commitment to the negotiation process via the DoC on anti-personnel landmines. Only those who were not invested in being a part of a national resolution to the conflict refrained. While negotiations were not taking place between Turkey and the PKK at the time of the PKK's signature to the DoC on anti-personnel landmines, it did form part of their (ultimately unsuccessful) strategy to entice the Turkish government into negotiations. Alternative explanations fare particularly poorly with respect to the Somali case study, either lacking applicability (state regime type explanation) or failing to correctly predict DoC signatures (strategic legitimacy and strong secessionist explanations). Regarding the Turkish case, the state regime type explanation fails to predict the signature while the other two do predict it but cannot account for its timing.

The remainder of the chapter is split between the two cases, beginning with Somalia. Each case study is prefaced with historical context, and then analyzes ANSA decisions to sign the anti-personnel landmine DoC through the lens of conciliatory
signalling theory. This is then followed, in each instance, by an evaluation of the three competing ideal-type complier explanations.

II. Somalia: An Illustrative Case

Somalia serves as a case study rich in within-case variation, featuring twenty contemporaneous ANSAs engaged by Geneva Call on the issue of anti-personnel landmines in the early 2000s—well before Somalia acceded to the Ottawa Treaty on April 16, 2012. While most Somali ANSAs engaged by Geneva Call signed the DoC, some did not. Further, most of these ANSAs signed the DoC simultaneously, while some signed at different times. Thus, both the decision to sign, as well as the particular timing of those decisions, needs to be explained. This case clearly demonstrates how conciliatory signalling theory best accounts for that behaviour, illustrating how this commitment was instrumentalized by a host of ANSAs at the moment their negotiation delegations to the Eldoret Conference were jeopardized. The few ANSAs that did not sign the DoC on anti-personnel landmines despite having been engaged by Geneva Call were either not participants in the peace process or were spoilers. None of the assessed

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alternative explanations fare as well. The state regime type explanation is inapplicable due to the collapse of the central state, while strategic legitimacy and strong secessionist explanations fail to make accurate predictions.

1. Historical Context: A Factionalized Conflict

The Federal Republic of Somalia is a coastal country in the Horn of Africa, bordered by Ethiopia, Djibouti, and Kenya. It was established in the 1960s through the unification of two former European colonies (Italian Somaliland in what is now east, central, and southern Somalia and British Somaliland in the northwest) and has been marked by a legacy of colonialism, corruption, political instrumentalization of clan identities, and persistent internal conflict. Bringing an end to several years of post-independence civilian rule, which struggled with the development and integration of the country while balancing clan and north-south divisions, General Mohammed Said Barre overthrew the government in an October 1969 military coup (Lewis 1988; Carroll and Rajagopal 1993, 654). The coup was retroactively rebranded as a socialist revolution and Mohammed Said Barre’s autocratic rule—which encompassed shifts of Cold War patronage, Somalia’s defeat in the Somali-Ethiopian war of the late 1970s, and the
blatant manipulation of and violent treatment of select clan identity groups—persisted for over two decades (Kapteijns 2013).

However, by the late 1980s, Somalia was waging war internally against the Somali National Movement (SNM) and was in the throes of a profound economic crisis: unemployment and inflation soared, basic urban service delivery failed, government corruption was rampant, the International Monetary Fund (IMF) refused further loans as of May 1988, and the United Nations High Commissioner for Refugees (UNHCR)—whose aid, when it wasn’t being siphoned off through corruption, had been supporting hundreds of thousands of refugees from Ethiopia—announced its withdrawal in November 1988 (Kapteijns 2013, 93-94). As the national armed forces, who were without pay, began to disintegrate and the government gradually lost control of its territory, new Somali armed groups cropped up and joined the violent uprising against the regime, including, notably, the Somali Patriotic Movement (SPM) and United Somali Congress (USC) (Kapteijns 2013, 96 and 99). In addition, armed bandits and deserting and marauding soldiers also wielded violence and regional conflicts between neighbours multiplied in the absence of an effective central government (Kapteijns 2013, 99). Against this backdrop, both the regime—in an attempt to prevent the coalescence of a unified opposition—and armed opposition groups—to “channel the anger, suffering, and
ambitions of their followers” (Kapteijns 2013, 101) and/or to achieve strategic war aims—
politicized clan identities such that “the struggle between the brutal dictatorship and the
vast majority of Somalis who opposed it [was] transformed into a war between groups
defined in clan terms” (Kapteijns 2013, 100). The July 1989 mosque massacre by the Barre
regime, in which the government—only mere days after a visit by Amnesty International
(Kapteijns 2013, 102)—responded to mass demonstrations against recent arrests with
the robbery, rape, and murder of civilians, marked the beginning of a phase of
increasing brutality directed towards civilians in a collective punishment fashion
(Kapteijns 2013, 106). The chaotic Battle for Mogadishu, the capital and Barre’s last
stronghold, began on December 30, 1990 (Kapteijns 2013, 118) on the heels of particularly
violent anti-rebel sweeps conducted by the Red Berets (regime special forces). On
January 23, 1991, Barre had negotiated with the Reconciliation Committee (assembled
previously as a half-hearted reform measure) that he would step down; however, it was
too little, too late (Kapteijns 2013, 119). Merely three days later, on January 26, he was
expelled from Mogadishu (Kapteijns 2013, 130).

Unfortunately, the violence in Somalia did not end with the overthrow of the
Barre regime—which one faction of the USC unilaterally attempted to replace with a
transitional administration headed by Ali Mahdi Mohamed (Kapteijns 2013, 133).
Instead, the USC continued the violent politicization of clan identity with an organized campaign of clan cleansing (Kapteijns 2013, 154). Following a sneak attack in service of this campaign on the largely Darood SPM, the anti-regime alliance fractured before Barre had even left the country. This and a power struggle between Mahdi and General Mohamed Farah Aideed for control of the USC unleashed upon the country an increasingly factionalized civil conflict waged between clan-based insurgent forces over the remnants of the state. Two National Reconciliation Conferences were held in Djibouti in June and July 1991, involving the Somali Salvation Democratic Front (SSDF), SPM, USC, the Somali African Muki Organization (SAMO), the Somali National Union (SNU), and the Somali Democratic Movement (SDM) (Interpeace 2009, 6). However, representation at the conferences was not comprehensive and General Aideed, violently contending for USC leadership, rejected the Djibouti agreement (which had reaffirmed Mahdi’s interim presidency) out of hand (Interpeace 2009, 10-11). The continuing war ravaged the dwindling remnants of private and public infrastructure while, simultaneously, a severe drought caused widespread famine.

61 It was not until April 29, 1992, that Barre finally fled to the Kenyan border and surrendered to Kenyan authorities at Wajeer. He received asylum in Nigeria and remained there until his death in January 1993.
On April 24, 1992, the UN Security Council established, through the adoption of resolution 751, the United Nations Operation in Somalia (UNOSOM). In December 1992, UNOSOM massively scaled up its operation to manage the extensive infrastructure destruction, looting of aid supplies, armed banditry, and general lawlessness that challenged the effective delivery of humanitarian supplies (United Nations n.d.). The Security Council authorized the use of force to secure humanitarian relief efforts in Somalia via resolution 794 on December 3. Merely six days later the Unified Task Force (UNITAF), a multinational force supporting UNOSOM, spearheaded by the United States, began deployment to Mogadishu. The UN brokered the Addis Ababa Accord with 15 Somali factions in 1993 and, with the endorsement of UNSC resolution 814, expanded its role in Somalia under UNOSOM II. UNOSOM II, with some 28,000 peacekeepers, had an ambitious mandate to restore peace, law, and order in the country and re-establish a national government (Interpeace 2009, 12). Tensions flared, however, between international forces and General Aideed and disputes quickly arose over the interpretation of the Addis Ababa Accord (Interpeace 2009, 12). In June 1993 Aideed initiated armed confrontations with UNOSOM forces, which led to the infamous October 3 firefight that downed two US Black Hawk helicopters in Mogadishu and killed

From November 1996 to January 1997, Ethiopia hosted some 41 Somali leaders representing 26 factions at the Sodere talks. However, Hussein Aideed (who succeeded his father after his death in 1996) and Somaliland boycotted the negotiations (Interpeace 2009, 14). In November 1997, Egypt hosted the Cairo Conference, which attempted to bring Aideed into a political solution. Abdullahi Yusuf and General Aden Abdullahi Nur “Gabyow” withdrew, however, precluding a successful outcome (Interpeace 2009, 15). In 2000, the Somalia National Peace Conference (SNPC), hosted in Arta, Djibouti, represented a shift in peace process strategy. It included not only faction leaders, but broad representation of civilian leaders—from intellectuals and clan elders to businessmen and religious leaders (Interpeace 2009, 15; AMISOM n.d.). The Arta process culminated in the Arta Declaration and the formation, in August 2000, of the Transitional National Government (TNG). However, the Somali Restoration and Reconciliation Council (SRRC)—an Ethiopia-backed alliance of military factions—openly opposed the TNG, which could not project its authority within Somalia (Interpeace 2009, 16).
In 2002, the Intergovernmental Agency on Development (IGAD)—whose mandate was revised in 1996 to include peace and security—began a process to bring the TNG and the SRRC into a comprehensive political settlement (Interpeace 2009, 16). The Somalia National Reconciliation Conference (SNRC) opened in Eldoret, Kenya in October 2002 and a cessation of hostilities agreement was signed on October 27. On the sidelines of the peace conference, Geneva Call hosted a workshop on anti-personnel landmines and secured the commitments of sixteen Somali ANSAs to the DoC on November 11, 2002. This represents all but one of the DoC signatures obtained in Somalia—the last being the signature of the Juba Valley Alliance (JVA) on January 20, 2005. The IGAD process moved to Mbagathi, Nairobi in January 2003 and, in 2004, resulted in the formation of the Transitional Federal Government.

2. Somali Faction Signatures Through the Lens of Conciliatory Signalling Theory

It is immediately clear that every ANSA in Somalia that signed the DoC on anti-personnel landmines did so while participating in internationally-sponsored national-level negotiations. Sixteen of the seventeen signatories committed to this DoC simultaneously following a workshop on the sidelines of the Eldoret Conference, while the Juba Valley Alliance signed later in the same IGAD process. Of the three other ANSAs
that were engaged by Geneva Call, but which did not sign the DoC, two did not participate in the IGAD peace process (Somaliland and the Islamic Courts Union). The last, General Morgan’s faction of the SPM, was, however, present for much of the process. **Table VIII**, below, compares the ANSAs who signed the Eldoret Declaration on October 27, 2002, to those ANSAs engaged by Geneva Call, as well as indicating their date of signature (if any) to the DoC. While neither the Benadiri nor Madobe’s faction of the Rahaweyn Resistance Army (RRA) signed the Eldoret Declaration, both were present at the conference. By way of explanation, Madobe arrived late to the conference after originally boycotting it because his demand that all RRA seats be given to his faction of the RRA was unmet (IRIN News 2002; Abdiwali 2002). The Benadiri, for their part, had no real military capability, likely precluding their agreement to a cessation of hostilities.
Table VIII: Comparative Summary of Eldoret Declaration and DoC Signatories

<table>
<thead>
<tr>
<th>Armed Non-State Actor</th>
<th>Eldoret Declaration</th>
<th>Engaged by Geneva Call</th>
<th>DoC Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benadiri</td>
<td>—</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>Hiran Patriotic Alliance (HPA/SRRC)</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>Islamic Courts Union (ICU)</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Jowhar Administration</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>Juba Valley Alliance (JVA)</td>
<td>✓</td>
<td>✓</td>
<td>30/01/2005</td>
</tr>
<tr>
<td>RRA/SRRC-Shatigudud</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>Republic of Somaliland</td>
<td>—</td>
<td>✓</td>
<td>—</td>
</tr>
<tr>
<td>SAMO/SRRC/Nakuru</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>SNF/SRRC</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>SPM-Faction of General “Morgan”</td>
<td>✓</td>
<td>✓</td>
<td>—</td>
</tr>
<tr>
<td>SSNM/BIREM</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
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<td>SSNM/SNA/SRRC</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>USC-NM/SRRC</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
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<tr>
<td>USC/SSA</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2002</td>
</tr>
<tr>
<td>SPM/Nakuru</td>
<td>✓</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

*Prima facie*, the fact that all ANSAs but one that were both engaged by Geneva Call and present at the IGAD peace process signed the DoC provides strong evidence that peace negotiations matter for DoC signatures. One might wonder why no such signatures were obtained during the Arta process in 2000. This is because the SNPC
took place from April 20 until May 5, 2000, when the Arta Declaration was signed.

Geneva Call had only been founded in March 2000 and was not yet widely known (it did not even have a public facing website until over two years after its founding), nor in a position to engage Somali factions during that time. The IGAD process, then, represents the first national-level peace and reconciliation process in Somalia since Geneva Call’s DoC had become an option: and during the Eldoret Conference the signatures rolled in.

However, to determine whether the correlation between the negotiation process and the DoC signatures is causal and explained by conciliatory signalling theory, requires a deeper look. Conciliatory signalling theory, as applied to DoC signature, posits that ANSAs sign the DoC to signal their commitment to and good faith involvement in the process—but why would this be necessary or advantageous in this instance? Moreover, what additional benefit could the DoC signify in this respect for the signatories of the Eldoret Declaration itself?

The Eldoret Conference, opening after repeated delays in October 2002, and the IGAD process more broadly, represent the first serious international attempt to bring the TNG (formed at Arta) and the SRRC into a comprehensive political settlement. The TNG, which had received some level of international recognition but thus far failed to project its power into Somalia, needed to build trust to come to a settlement with the
SRRC, a coalition whose *raison d’être* was to oppose it. Similarly, the SRRC—marginalized by the international community save for Ethiopia—needed to demonstrate its commitment to the process to both the TNG and the international community. Both blocs faced additional complexities in conveying credibility due to a lack of unity: the TNG was allied with other independent groups, namely the JVA and the United Somali Congress/Somali Salvation Army (USC/SSA), while the SRRC represented an uneasy alliance of over a dozen armed factions with varying levels of rapprochement to the TNG, as revealed by the divisions within the SRRC caused by the December 2001 Nakuru Accords (*BBC News* 2001) and internal tensions. While signing a ceasefire agreement was vital, it did not significantly raise the *ex post* costs in the case of negotiation failure, which conciliatory signalling theory notes is a key element of a credible signal. The DoC, on the other hand, did meet this requirement.

In addition to a coalition-level need to signal credibility and commitment to the negotiations, there was also a threat to each delegate's continued representation at the conference that they may have attempted to mitigate through signalling their cooperativeness and good faith via DoC signature. Originally, the organizers of the Eldoret Conference, the IGAD Technical Committee, compiled “an impressive list of 300 participants representing all the significant actors and stakeholders in the political,
social and economic interests of the country” (Awad 2004). However, after corruption
led to tampering and manipulation of the list (Awad 2004), over 1000 Somalis turned up
in Kenya for the conference (ICG 2002a, 4). “[C]haos ensued as would-be delegates
traded, bartered, sold and forged conference badges. By the time the dust had settled,
more than 800 delegates had been admitted to the conference and were costing
organisers roughly U.S. $80,000 daily to feed and house” (ICG 2002a, 4). This was an
enormous financial strain on the Kenyan government, which was responsible for the
delegates’ bills of approximately $100 USD per delegate per day (VOA News 2003; Pana
Press 2003). By January 2003 hotels in Eldoret were threatening to evict delegates if the
government did not settle their accounts (VOA News 2003). Moreover, “[a]s they arrived
in Eldoret some of the invited factional leaders [...] found out that their status had
changed with the change of their political fortunes on the ground and some of them
[were actually treated] as persona non grata by the organizers of the conference” (Awad
2004).

It was clear by early November that the second, technical phase of the talks was
in jeopardy and the entire month was lost to the contentious process of finding an
acceptable formula by which to reduce the conference delegates to a manageable
number (ICG 2002a, 4). Disputes led to over a dozen revisions of the list in the first week
of November alone and “[h]aggling between Technical Committee members became so intense that calculations of proportional representation had to be worked out to two decimal places” (ICG 2002a, 4). One formula, based ostensibly on the principle of factional representation, being considered for the reduction of delegate numbers did not even include all the signatories of the Eldoret Declaration:

The formula for factional representation, which (after multiple revisions) proposed 262 seats to be distributed between sixteen factions, with 100 additional seats reserved for ‘civil society’, was complex and in many respects incoherent. The sixteen factions did not correspond with the original signatories of the Eldoret Declaration (or even with the members of the Leaders’ Committee). Some original signatories were excluded while new groups were added in a seemingly arbitrary manner. (ICG 2002a, 4)

The stakes for representation in the conference were particularly high due to the “perception among delegates that the distribution of seats during the second phase would predetermine the final power-sharing arrangements” (ICG 2002a, 5). A representative of a Mogadishu-based non-governmental organization (NGO) told the International Crisis Group in November 2002 that, “People think the total number of delegates will elect the new President. The Technical Committee hasn’t been clear about this so the confusion persists” (ICG 2002a, 5). It thus seems plausible, given the scarcity
of delegate seats moving into the second phase, that ANSA leaders were well-motivated
to signal their cooperativeness and commitment to the Technical Committee and
international community. The DoC was available to be used as an effective signal to this
end, particularly given how devastated the country had become by the landmine
situation.\footnote{By 2002, Somalia was heavily contaminated with anti-personnel landmines, particularly in the
south and central regions, due to extensive use during both the civil war and previous conflicts such as the
Somalia-Ethiopia war of 1977-78 and inter-clan conflicts (Landmine Monitor 2002a, 744; IRIN News 2003). Landmine Monitor 2002 reported that there were “at least 28 known mined roads, 63 known
minefields, and 17 suspected minefields in the country” and that, in the Lower Jubba region, the threat of
landmines was so high that people were forced to travel in convoys led by local guides with knowledge of
mined areas (2002a, 744). Comprehensive surveys are still missing for Somalia, but the country is still
considered significantly contaminated by anti-personnel landmines (Landmine Monitor 2021b). In 2018,
UNMAS reported “that mine and ERW contamination in Somalia continued to restrict community access
to basic services and economic opportunities and remained an impediment to stability, security, and
ultimately, recovery, and development” (Landmine Monitor 2021b).}

This may have been a particularly attractive strategy for some of the weaker
ANSAs such as the Benadiri or the United Somali Congress/Somali National
Army/Somali Restoration and Reconciliation Council (USC/SNA/SRRC). An emphasis
on factional representation at the outset of the Eldoret Conference had legitimized “self-
styled factional leaders, some of whom had long become irrelevant” (ICG 2002a, 5). The
leaders of those factions that “consist[ed] of little more than a few hired cronies and a
briefcase full of letterhead” (ICG 2002a, 5) were likely desperate to maintain their status...
and influence in the outcome of negotiations. Some other ANSAs, such as the RRA, had recently experienced a split and competition between the resulting splinter factions would further raise the appeal of having the (or at least a) seat at the negotiating table. In the case of the RRA, which experienced the founding of a splinter faction under the leadership of Sheykh Adan “Madobe” in July 2002 (with the remainder under the control of Hassan Mohamed Nur “Shatigudud”), Madobe originally attempted to claim all the RRA seats at the Eldoret Conference since he maintained that he was its rightful representative. When this demand was ignored by the Technical Committee, he briefly boycotted the conference before relenting, apparently deciding that being at the conference alongside the Shatigudud faction was preferable to not being included at all. Vying for status as the RRA leader may have created a conciliatory outbidding dynamic, making both leaders eager to signal commitment to the peace process. Additionally, Madobe, upon having his bluff called, needed to make up for his earlier absence in the first phase as the Technical Committee made it clear that the conference could and would proceed without him. Lastly, even more powerful and united ANSAs still had incentive to signal their cooperative and peace-loving nature to maximize their delegations in the second phase, which finally was able to proceed on December 3 after settling on the so-called ‘4.5 formula’ to reduce the number of delegates (ICG 2002a, 5).
There is, of course, the question of why General Morgan's faction of the SPM did not sign the DoC and, related, why the JVA signed belatedly compared to other groups that were engaged by Geneva Call and present at the IGAD process. Conciliatory signalling theory would predict that General Morgan was not committed to the peace process, and thus unwilling to incur the costs associated with signing the DoC. Indeed, the evidence is consistent with that prediction. From June 2003 onwards General Morgan's military build-up on the Ethiopian border with Gedo presented such a threat to the JVA-held Kismayo that it began to notably hinder the IGAD peace process (Interpeace 2009, 56 and 102). Kismayo, with its seaport and airport, is a hub for trade and imports which had made for a lucrative opportunity for militia enrichment throughout the civil war via import tariffs, taxes, and charges (Sharamo 2012). General Morgan had been based out of Kismayo from 1993-1999, where he reportedly was able to fund his militia from khat trade proceeds (Sharamo 2012, 221). Estimates from 2005 give an idea of the kind of profit he had made (and suffered the loss of to the JVA when they ousted him from the city in June 1999):

It was estimated that on average the Kismayu airport [...] received about 2 khat flights daily each loaded with 60 kilograms of khat with an import tax of $12.5 per bag, landing fee of $200 and $20 per individual [...] This generated an estimated revenue of $58,200 per month. On an annual basis, this translated to about


$698,400 lining Morgan's pockets and strengthening his militia and allied clan institutions. (Sharamo 2012, 221)

Additionally, the Kismayo seaport was estimated by an Ethiopian intelligence official familiar with its operations to generate a revenue of about $1.5 – $2 million per month during the 2002-2004 period (Sharamo 2012, 235). General Morgan had briefly retaken the city in 2001, only to be swiftly defeated by the JVA again. It has been noted that the “battle for the control of Kismayu, its seaport and other strategic infrastructure and resources frequently pitted Colonel Barre Hirale's JVA militia against those of General Morgan, preventing the two leaders from effectively participating in the Mbagathi talks” (Sharamo 2012, 233).

When the Transitional Federal Charter of the Somali Republic was signed on January 29, 2004, General Morgan disowned it and walked out of talks. Absent from the third phase of the IGAD peace process, prompting discussions of sanctions, he prepared to attack Kismayo (Interpeace 2009, 59). It was not until General Morgan suffered a devastating defeat by the JVA in September 2004 that he fled to Kenya, surrendered to authorities, and rejoined the IGAD peace process. It seems plausible that General Morgan's desire to control Kismayo (and the wealth and influence that accompanied
that) had not wavered in 2002, precluding his commitment to the IGAD peace process and a DoC signature in Eldoret. It also appears likely that the JVA, concerned with General Morgan’s lack of commitment to the process and his longstanding interest in Kismayo, foresaw continued hostilities on that front and that this contributed to their reluctance to sign the DoC at Eldoret alongside many other faction leaders. Instead, the JVA signed in 2005 after the threat from General Morgan had evaporated.

3. Alternative Explanations

This section assesses, in turn, whether alternative explanations of ANSA behaviour can account for the signing patterns of Somali faction leaders to the DoC on anti-personnel landmines. One tenable alternative explanation premised on state regime type is inapplicable to this case due to the collapse of central state authority in Somalia throughout the period in question. The other two—strategic legitimacy theory and Fazal and Konaev’s (2019) theory of strong secessionists—both predict signatures that did not take place and fail to predict almost all those signatures that did.
3.1. Regime Type Explanation

One alternative explanation for this case could be extrapolated from Stanton (2016), who finds evidence that ANSAs “in need of building international support—in particular, rebel groups facing more autocratic opponents—are more likely to adopt strategies of restraint” (Stanton 2016, 42). Stanton argues that rebel groups succeed either by military victory or by forcing political concessions from their government opponent to settle the conflict—and that the latter is statistically more promising (Stanton 2016, 41). However, autocratic state opponents, as opposed to more institutionally-constrained democratic opponents, tend to be insensitive to popular demands for peace and are thus unlikely to make political concessions. So, rebel groups facing autocratic state opponents are especially likely to exercise restraint when it comes to violence against civilians in order to court international favour, in the hopes that international pressure can force concessions from the government instead. Perhaps the international norms against anti-personnel landmine use are sufficiently strong that signing the DoC could be another way to attract positive international attention.

64 Stanton’s theory is explicitly about intentional violence against civilians and not unintentional or collateral violence caused to civilians (Stanton 2016, 28), thus it never discusses anti-personnel landmines. However, Stanton’s fourth hypothesis nevertheless appears to have a plausible extension to the issue of anti-personnel landmines and their renunciation.
Stanton (2016) reflects that a heightened contrast between government and rebel behaviour may be particularly effective:

In addition to having greater need for international support, rebel groups facing autocratic opponents are better positioned to make international appeals. In an age in which international norms heavily favour democratic forms of government, rebel groups facing democratic opponents are likely to have difficulty proving the legitimacy of their grievances; their democratic opponents are already likely to be considered legitimate by Western international actors. Rebel groups facing autocratic governments, however, tend to be able to win international sympathy more easily, particularly if the government abuses civilians; these rebel groups can contrast their respect for international humanitarian law with the government’s brutality against civilians. (42)

This seems to echo the findings from the previous quantitative chapter that suggest a benefit to the moral high ground, with ANSAs being more likely to sign the DoC when the government is not already a State Party to the Ottawa Treaty.

Unfortunately, while plausible, this explanatory logic does not readily explain the Somali case, since the state itself had collapsed in 1991. While the Polity IV Project ranked Somalia as an autocracy with a score of -7 in 1990, 1991-2011 is coded as an interregnum period (-77). The Polity IV Project codebook defines an interregnum period as one “during which there is a complete collapse of central political authority” (Marshall, Gurr, and Jaggers 2019, 19). It is not until 2012 that Somalia is again restored
to the Polity IV scale, with a score of 5 (open anocracy). It is thus not the case that an autocratic state opponent drove DoC signatures in Somalia. However, as noted above, the underlying mechanism alluded to by Stanton, the need to build international support, may have been one of the reasons Somali factions were motivated to send conciliatory signals at Eldoret. This alternative explanation will be revisited in subsequent case studies, which, set in functional states, may serve as fairer tests.

3.2. Strategic Legitimacy Explanation

Jo (2015) also has an alternative explanation of ANSA restraint in warfare, strategic legitimacy theory, whereby legitimacy-seeking ANSAs are more likely to comply with international humanitarian law (IHL) than legitimacy-indifferent ANSAs. However, rather than consider state or political regime characteristics the relevant variables that condition an ANSA’s desire for international political legitimacy, Jo (2015) instead focuses on group-level characteristics. The existence of a (legal) political wing, secessionist objectives, and/or a reliance on foreign supporters that care about international humanitarian and human rights (operationalized by the number permanent secretariats of human rights organizations that a foreign state hosts) is what characterizes a legitimacy-seeking ANSA (Jo 2015, 29-30). The logics are that ANSAs with
(legal) political wings are seeking legitimacy as governing actors with their domestic constituencies and foreign actors, secessionist groups have the greatest imperative for international legitimacy, and that foreign states that care about human rights will influence the ANSAs that they sponsor. Another aspect of Jo’s (2015) work is that, rather than narrow the applicability of the argument to a specific type of IHL—as Stanton does—Jo builds a general theory from three disparate issue areas (civilian targeting, child soldiers, and International Committee of the Red Cross (ICRC) access to detention centres). It is also purported to apply to most other issue areas in IHL, including, explicitly, anti-personnel landmines (Jo 2015, 231-232). Assessing the usefulness of Jo’s theory in explaining the anti-personnel landmine DoC signature behaviour of Somali factions is thus more relevant and straightforward.

ANSAs from Somalia do not feature in the case studies of Jo’s (2015) book. It does include a brief discussion of the SNM, which will be addressed directly toward the end of this section, but Somalia is not further analyzed specifically—although Al Shabaab appears in vignettes and, along with the Alliance for the Re-liberation of Somalia/Union of Islamic Courts (ARS/UIC), Hizbul-Islam, SNM, SPM, SRRC, and USC from 1989-
In order to investigate, then, how well strategic legitimacy theory predicts anti-personnel landmine DoC signature among Somali factions, Table IX below lists the Somali ANSAs engaged by Geneva Call and the corresponding values of Jo's three dependent variables. Data on secessionist aims had already been compiled for the preceding quantitative chapter, data on rebel political wings were taken from Fazal and Konaev's (2019) replication data and supplemented by the author where possible. External state sponsorship attribution is inexact, but gleaned from the footnoted references and matched in the proceeding analysis with Murdie and Bhasin's (2011) data on permanent secretariats of human rights organizations—this was the data that Salehyan et al. (2014) transformed and Jo (2015) subsequently used.

Table IX: Strategic Legitimacy Factors for Somali Factions

<table>
<thead>
<tr>
<th>Armed Non-State Actor</th>
<th>Secessionist</th>
<th>Political Wing</th>
<th>External Sponsor</th>
<th>Signed DoC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiran Patriotic Alliance (HPA/SRRC)</td>
<td>—</td>
<td>—</td>
<td>Ethiopia</td>
<td>11/11/2002</td>
</tr>
</tbody>
</table>

Jo, pulling from the Non-State Actors Dataset, does not differentiate between different SPM or USC factions. All SRRC groups are also collapsed together.

Source: ICG (2002b). This source was used as the basis of naming the state sponsor of all SRRC factions to be Ethiopia.
<table>
<thead>
<tr>
<th>Organization</th>
<th>DJ</th>
<th>EGY</th>
<th>ETH</th>
<th>LIB</th>
<th>SYR</th>
<th>SAU</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Islamic Courts Union (ICU)</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
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<tr>
<td>Jowhar Administration</td>
<td></td>
<td></td>
<td>N/A</td>
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<tr>
<td>RRA/SRRC-Shatigudud</td>
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<td>11/11/2002</td>
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<tr>
<td>RRA/SRRC-Madobe</td>
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<td>11/11/2002</td>
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<tr>
<td>Republic of Somaliland</td>
<td>✓</td>
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<td>SAMO/SRRC/Nakuru</td>
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<td>SNF/SRRC</td>
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<td>11/11/2002</td>
</tr>
</tbody>
</table>

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67 Source: Stanford University (2019).


69 Source: ICG (2002b).
Of the twenty Somali factions engaged by Geneva Call, Somaliland alone has secessionist aims. Somaliland, Puntland State of Somalia, and the Islamic Courts Union all have had political wings, although none of them were legal.\textsuperscript{70} Foreign sponsorship loomed large in the Somali civil war, with many regional states exerting influence on warlords and factions in Somalia, the Djibouti-backed TNG and the Ethiopia-backed SRRC being notable examples. The Islamic Courts Union (ICU) was also supported by a contingent of states from Africa and the Middle East. However, with the exception of the United States, none of these states are sponsors that particularly cared about human rights if one is to judge, as Jo (2015) suggests, by the number of permanent secretariats of human rights organizations within them. Ethiopia, Iran, Libya, Syria, and Saudi Arabia hosted zero such permanent secretariats between 1990 and 2006, Egypt hosted three between 1993 and 2008, and no data exist for Eritrea or Djibouti. In contrast, the United States consistently hosted seventy-one from 1996 to 2008. Only the Puntland State of Somalia has clear support from the United States circa 2002. So, of these ANSAs, only three meet any of the criteria laid out by strategic legitimacy theory: The

\textsuperscript{70} Jo (2015) takes the variable for ‘legal political wing’ from the NSA dataset developed by Cunningham et al. Political wings are considered legal when they are legally allowed to operate and participate in political life in the state in which the group operates.
Islamic Courts Union, Puntland State of Somalia, and Somaliland. Of those three legitimacy-seekers, only the Puntland State of Somalia signed the DoC on anti-personnel landmines—in the company of sixteen allegedly ‘legitimacy-indifferent’ ANSAs.

If sponsoring states’ ratification of or accession to the Ottawa Treaty, instead of the number of permanent secretariats of human rights organizations they host, is used to identify ‘legitimacy-seeking’ groups, the number of legitimacy-seekers increases by one. Although, it should be noted that such a modification transforms this from merely an issue of ANSAs seeking legitimacy through normative alignment with sponsor states to an issue of legal constraints on the sponsor. States Party to the Ottawa Treaty have legal obligations to refrain from supporting continued anti-personnel landmine use. States Party to the Convention on Conventional Weapons’ (CCW) amended Protocol II also face some legal constraints; namely in that they are prohibited from transferring anti-personnel landmines to ANSAs. Of the external state sponsors, only Djibouti and Eritrea had ratified the Ottawa Treaty by 2002. Of note, none of these external state sponsors had

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71 Djibouti signed the Ottawa Treaty on December 3, 1997, and ratified it on May 18, 1998. It became a State Party upon the treaty’s entry into force on March 1, 1999, and its President finally signed domestic implementing legislation on March 11, 2006. Eritrea acceded to the Ottawa Treaty on August 27,
sponsors, save the United States, is a State Party to the amended CCW Protocol II. So, with this adjustment to the ‘legitimacy-seeking’ indicators, a total of four of the Somali ANSAs now qualify: The ICU, Puntland State of Somalia, Somaliland, and the TNG. Still, only half of these signed the DoC on anti-personnel landmines—alongside fifteen ‘legitimacy-indifferent’ ANSAs.

In addition, Jo’s (2015, 229) group of ‘all-compliers’—which is to say, ANSAs that comply with all three areas of IHL examined in depth—includes the SNM in Somalia (2015, 229). The SNM was founded in 1981 (Kapteijns 2013, 84) and declared the independent Republic of Somaliland in May 1991. It is clearly a secessionist entity and it has refrained from using anti-personnel landmines. Landmine Monitor (2019) states that, “There are no indications that Somaliland has produced, exported, or acquired new landmines since proclaiming independence. There have been no confirmed instances of new use of antipersonnel mines.” Somaliland authorities have also frequently expressed their commitment to an anti-personnel mine ban since 1997 (Landmine Monitor 2019).

On the same day that the Ottawa Treaty came into effect, March 1, 1999, The House of Representatives of Somaliland adopted a unilateral resolution committing to ensure the

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destruction of all stockpiled anti-personnel mines in its possession, as well as perimeter-mark all known or suspected areas within its territory where anti-personnel landmines have been emplaced and to destroy those emplaced landmines as soon as possible. Somaliland’s Anti-Personnel Mine Ban Act, which bans the use, possession, development, production, acquisition, and transfer of anti-personnel mines by any civilian or government official, came into force in 2009 (Landmine Monitor 2019).

The Republic of Somaliland thus remains an ‘all-complier’ even when considering the additional issue area of anti-personnel landmines. However, despite this and being one of the ANSAs engaged by Geneva Call, it steadfastly refuses to sign the anti-personnel landmine DoC. This perhaps brings attention to the distinction between norm compliance in practice (Jo’s focus) and formal renunciation via the DoC (the focus of this dissertation). In this instance, it appears that Somaliland refuses to sign the DoC because of its advanced secessionist aims and quest for international legitimacy as a state. As a Geneva Call employee related, “Other armed movements who don’t consider them[elves] really as ‘armed groups’ (like de facto authorities or non-recognized states), like Somaliland, they say, ‘No, we don’t want to sign this Deed of
Commitment. This is for the warlords, for the rebel groups; we are states!” Somaliland is holding out for the ability to sign the Ottawa Treaty, rather than an instrument designed for non-state actors. While avoiding the DoC in favour of one day acceding to the Ottawa Treaty may not be particularly concerning for norm compliers like Somaliland, in theory ANSAs remaining outside the formalized DoC framework may permit definitional inconsistency, a lack of transparency, and a lack of external accountability. This could set a dangerous precedent and example for other, potentially less honorable, armed non-state actors seeking to reap reward without risk. Ultimately, the Republic of Somaliland chose to unilaterally renounce anti-personnel landmines not as a conciliatory signal, but rather as a way to demonstrate its legislative capability through state mimicry, which accounts for the mechanism of the renunciation. This is logical since a lack of interest in Somalia’s national-level negotiations precluded any need for a conciliatory gesture on its part.

72 Interview with author on July 12, 2019.

73 Although, in these cases, Geneva Call will attempt to find a ‘third way’ (between the DoC and the Ottawa Treaty) with these non-recognized states by offering to assist with the crafting their internal legislation in alignment with international norms and standards, which mitigates this concern. Interview with author on July 12, 2019.
3.3. Strong Secessionist Explanation

Lastly, Fazal and Konaev (2019) posit that strong secessionists should be most likely to sign the DoC. But here too, the trouble is Somaliland, which is the sole secessionist group of the lot, strong too in the region with an estimated 12,900 troops, and yet a resolute non-signatory. It is possible that other factors accounted for by Fazal and Konaev’s quantitative work might explain this behaviour. For instance, they argue that ANSAs, particularly secessionist ones, that control territory should be less likely to sign the DoC. Somaliland does effectively control and govern its territory—arguably, more effectively than neighbouring Somalia—and is a non-signatory; however, the causal logic does not entirely fit. Fazal and Konaev (2019, 159) argue that groups that control territory should be more likely to use anti-personnel landmines “in a defensive effort to deter access or assault by enemy troops or to protect their base camps, armed caches, and population centers from government forces or rival armed factions,” and thus are less likely to sign the DoC. In this case, though, Somaliland is not an anti-personnel landmine user.

The other significant finding of Fazal and Konaev’s work is that weak non-secessionist groups are particularly unlikely to sign the DoC. However, in Somalia there are plenty of weak non-secessionist signatories. Fazal and Konaev’s predictions are
probabilistic in nature, so the lack of explanatory power here does not completely undermine their hypotheses. Conciliatory signalling theory, though, is able to account for the behaviour of weak secessionist groups and Somaliland by considering their participation, or lack of interest altogether, in negotiations.

III. Turkey: An Anomalous Case

The Turkish case poses a challenge to conciliatory signalling theory as an explanation for ANSA anti-personnel landmine renunciation via the DoC. The PKK signed the DoC on anti-personnel landmines on July 18, 2006, at a time when no negotiations with the Turkish government were underway, and has complied with its obligations. However, a detailed look at the historical context makes clear that the PKK’s DoC signature did occur as part of a package of conciliatory gestures made during a period of de-escalation in a bid to entice the Turkish government into bilateral negotiations. This conforms with conciliatory signalling logic even if the PKK made

74 On September 13, 2007, 770 anti-personnel landmines and 2500 other unexploded ordnance (UXO) were removed and destroyed in compliance with international safety standards and in accordance with the PKK’s commitment (Geneva Call 2007, 31). Although the media has periodically alleged violations by the PKK and the Turkish government has prevented Geneva Call from conducting verification missions, which were welcomed by the PKK, investigations by other parties, such as local NGOs and the Turkish military, have exonerated the PKK (Geneva Call 2007, 31; Geneva Call 2010).
their conciliatory gamble a little earlier on in the negotiation process and it proved unsuccessful. It is also of note that this case is the only one, of the four discussed in this dissertation, where the Ottawa Treaty applied domestically during part of the conflict, as Turkey acceded to the Ottawa Treaty on September 25, 2003 (and the amended CCW Protocol II on March 2, 2005). It seems unlikely, however, that this considerably influenced the PKK's decision to commit to the DoC on anti-personnel landmines, considering that even membership in the PKK is proscribed under domestic Turkish terrorism laws. Again, the three alternative explanations are also assessed but none have the same level of explanatory power for this case as conciliatory signalling theory. The first—a state regime type explanation—predicts no signature. Strategic legitimacy theory and Fazal and Konaev's (2019) strong secessionist explanation both predict the PKK's signature, but neither explains its timing.

1. Historical Context: A Punctuated Conflict

The Partiya Karkerên Kurdistanê, or Kurdistan Workers' Party (PKK), was formed in 1978, against a background of Turkish oppression and cultural-linguistic erasure of
Kurdish people in Turkey. Up until 1991, the Turkish government imposed severe restrictions on the use of the Kurdish language in both public and private life, as well as bans on Kurdish dress, folklore, names, and even the terms ‘Kurds’ or ‘Kurdish’. The group’s raison d’être is the establishment of linguistic, cultural, and political rights for Turkey’s ethnic Kurdish minority and it initially advocated, although it has maintained some flexibility in this position over the following decades, for these rights to be granted by way of the creation of an independent, socialist, Kurdish state in the areas of Turkey with the largest Kurdish proportions of the population, namely in Turkey’s eastern and southeastern regions. Ethnic Kurds make up approximately 42 and 65 percent of these regional populations in Turkey, respectively, and together the Kurdish populations in these two regions represent the majority of ethnic Kurds inside Turkey.

75 Even after 1991, the use of the Kurdish language in government, education, and media continued to be heavily restricted. In addition, Turkey’s Anti-Terrorism Law, which was passed in 1991, has been used as a vehicle to harass and prosecute those citizens, activists, journalists, and politicians who write or speak about Kurdish rights or autonomy.

76 While the PKK never wavered in its demands for autonomy for Turkey’s Kurdish population, this was not always explicitly framed as the creation of a separate state. In some interviews PKK leader Abdullah Öcalan insisted that the PKK was open to solutions that could grant autonomy within the existing borders of the Turkish state. For instance, in a 1995 interview he stated: “We are not insisting on a ‘separate state’ under any condition. What we are calling for very openly is a state model where a people’s basic economic, cultural, social, and political rights are guaranteed. These rights could be used in a single state structure or in a separate state” (Serxwebun, 1995).
The PKK’s insurgency against the Turkish government began on August 15, 1984, with the PKK’s first attacks on Turkish military targets and the distribution of leaflets that announced the insurgency.

The PKK primarily attacked military and police targets in its early years. However, in 1993, after the Turkish government snubbed the PKK’s unilateral ceasefire and calls from PKK leader Abdullah Öcalan to negotiate a solution—perhaps even one that fell short of independent statehood for the Kurdish people—the PKK escalated the conflict and announced a shift to a strategy of terrorism focusing on civilian targets, particularly those that were touristic or economic in nature. In June 1993, several weeks after the announced end of the ceasefire, the PKK began to make good on its threats and detonated three bombs at two hotels and a shopping area in Antalya, a popular tourist destination on Turkey’s Mediterranean coast. The bombs killed twenty-six civilians, including twelve foreign tourists. Terrorist attacks by the PKK persisted—interspersed with occasional unilateral ceasefires as overtures to the Turkish government to negotiate—until 1999, when Öcalan’s capture, arrest, and trial forced the group to declare a unilateral ceasefire, during which they withdrew to regroup outside the country and seek a political resolution to the conflict.
In 2004, after frustrations with the slow progress of peaceful political self-advocacy boiled over, the PKK started their second insurgency. During this second insurgency, however, the PKK commanded fewer resources and smaller numbers of combatants and so there was a tactical shift to smaller field units and guerrilla-style tactics, including increased use of anti-personnel landmines (Jenkins, 2007); although, the use of anti-personnel landmines had been common by both sides throughout the conflict. On October 1, 2006, after an August bombing campaign by the Kurdistan Freedom Hawks (TAK) that the PKK condemned, the organization’s fifth unilateral ceasefire came into effect. Turkey, however, again refused to negotiate with the designated terrorist group and fighting resumed the following year. Fighting between the PKK and Turkish security forces was ongoing and seasonally fiercer in the summer, punctuated by the occasional unilateral ceasefire offered by the PKK, until late 2012 when then Turkish Prime Minister Recep Tayyip Erdoğan and imprisoned PKK leader Abdullah Öcalan engaged in serious bilateral negotiations to arrive at a political solution. On March 21, 2013, two pro-Kurdish members of Parliament read a letter from Öcalan to the people calling for a ceasefire, disarmament, and end to armed struggle in exchange for constitutional and legal changes that recognize the rights of ethnic Kurds in Turkey (Candar, 2013). The PKK declared their intent to comply and began to
withdraw troops to Northern Iraq. Unfortunately, in 2014 tensions flared again as a result of the conflict in Syria.\textsuperscript{77} By 2015 the ceasefire had broken down entirely over three points of contention. First, Turkey was accused of assisting the Islamic State of Iraq and the Levant (ISIL) by allowing transit to militants through Turkish territory to Kobanî, Syria. Second, the Suruç bombing blamed on a Turkish ISIL-affiliated group. Third, Turkey’s Operation Martyr Yalçin, which involved the targeted bombing of alleged PKK bases in Iraq and Democratic Union Party (PYD) bases in Syria’s Kurdish \textit{de facto} autonomous region of Rojava. The conflict is presently considered ongoing and evidently has been complicated by other ongoing regional conflicts and instability.

\textsuperscript{77} On September 13, 2014, militants from ISIL launched the Siege of Kobanî. Kobanî is a canton in northern Syria, with its eponymous main city of Kobanî, that has a Kurdish majority population and is part of the \textit{de facto} autonomous Rojava. The siege was planned in order to capture the canton and by January 2015 it had displaced some 400,000 Kurds who had fled over the border to Turkey. Large pro-Kobanî protests were organized in Turkey by Kurdish co-ethnics and these rapidly descended into violence between protestors and Turkish police. Moreover, Turkey ignored calls from Kurdish citizens to intervene on behalf of besieged Kobanî and refused to allow Kurdish fighters to cross the border into Syria to help the People’s Protection Units (YPG) fight ISIL.
2. The PKK Signature Through the Lens of Conciliatory Signalling Theory

Applying conciliatory signalling theory to the case of the PKK requires a more flexible understanding of peace negotiations than hitherto employed in this dissertation, recognizing that they are a process that involves negotiation overtures and ‘prenegotiations’. While true that the PKK was not engaged in official bilateral negotiations with the Turkish government at the time of signing the DoC on anti-personnel landmines on July 18, 2006, approximately ten weeks later it declared a unilateral ceasefire and called for dialogue (BBC News 2006; Brandon 2007, 130). Senior PKK commander Murat Karayilan announced this ceasefire on September 30, 2006 (BBC News 2006), following Öcalan’s August 27 call for the organization to pursue a peaceful solution with Turkey (BBC News 2006) and the PKK’s condemnation of the late-August TAK bombing campaign (Brandon 2006; White 2015, under “The Unilateral Ceasefire Ends”). The ceasefire came into effect on October 1, 2006 (Al Jazeera 2006). In fact, there

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78 Prenegotiations, or ‘talks about talks,’ are “the first stage of negotiations” and “their job is to establish that substantive, around-the-table negotiations are worthwhile, and then to agree the agenda and the necessary procedures for tackling it. In bilateral relationships, these discussions are usually informal and well out of the public gaze” (Berridge 2015, 27). Zartman (1989, 240) proposes that, “[p]renegotiation begins when one or more parties considers negotiation as a policy option and communicates this intention to other parties. It ends when the parties agree to formal negotiations (an exchange of proposals designed to arrive at a mutually acceptable outcome in a situation of interdependent interests) or when one party abandons the consideration of negotiation as an option.”
is evidence that the PKK had been open to negotiations with Turkey since at least August 19, 2005, when it jumped to offer a one-month ceasefire after Prime Minister Erdoğan, cognizant of European pressure in the lead-up to European Union (EU) accession negotiations in October 2005, made a speech that admitted to “past mistakes” (Al Jazeera 2005) and promised to handle Turkey’s ‘Kurdish problem’ democratically (Balta 2005).

The PKK later extended the ceasefire for another month (Uzun 2014, 25) but at no point did Turkey reciprocate. General Hilmi Özkök, Chief of the General Staff of the Turkish Armed Forces, dismissed the ceasefire with a statement that the “aim of the Turkish armed forces is to ensure that the separatist terrorist organization bows down to the law and mercy of the nation” (Balta 2005). Uzun (2014, 25) indicates that “the Turkish army declared that ‘military operations will continue until there is not one single person in the mountains’ and stepped up attacks.” Having repeatedly offered (and repeatedly ended) unilateral ceasefires, it simply was not enough to be taken seriously. Not long after, in October 2005, the PKK sent a letter to Geneva Call expressing a willingness to discuss anti-personnel landmines (having already made an internal decision to cease deploying them) (Geneva Call 2006, 74).

By 2006, Kadioğlu (2019, 921) explicitly characterizes the conflict as a hurting stalemate and ripe moment. Indirect talks and diplomatic efforts to encourage conflict
resolution were underway prior to and concurrently with the PKK’s commitment to the
DoC, heralding the possibility of formalized negotiations:

Intense clashes followed in spring and summer of 2006, accompanied by ongoing talks. Iraqi President Jalal Talabani and the President of the Kurdistan Regional Government, Masud Barzani, were in dialogue with both sides and called for a ceasefire. The US Secretary of State made similar calls. Most importantly, the Turkish state was talking with the Kurdish Democratic Society Party (DTP)—the first time that the Turkish state accepted Kurdish names. Meetings with Öcalan also took place. The concrete steps needed to resolve the issue were discussed at these meetings, which included two PKK peace groups (one from Europe and one made up of PKK militants deployed in South Kurdistan); in return, the Turkish state was supposed to begin amending certain laws. (Uzun 2014, 25)

The PKK signature to the anti-personnel landmine DoC on July 18, 2006, was thus well-timed to act as a conciliatory signal in a nascent peace process and was followed by again initiating a unilateral ceasefire and calling for negotiations. Although parties were ultimately unsuccessful in ushering in an official peace process in 2006, it is still reasonable to interpret the PKK’s renunciation of anti-personnel landmines via the DoC in light of the atmosphere of imminent (though thwarted) negotiations. Moreover, while official bilateral negotiations were not initiated at this time (this would occur only in 2013), secret backchannel meetings were conducted intermittently from 2006.
The secret ‘Oslo talks,’ which were eventually leaked to the press in 2011 (Kadioğlu 2019, 921), were a series of meetings between the Turkish National Intelligence Organisation (MİT) and PKK leaders mediated by British intelligence (Kadioğlu 2019, 920). These ‘prenegotiations’ “were the beginning of official negotiations with the PKK” and “had an important contribution in establishing direct talks even if they were organized secretly, as they provided hope for both sides to solve the military-dominated conflict with political, nonviolent measures. It also provided a framework for the future of the peace process” (Kadioğlu 2019, 920). This is in line with Zartman’s (1989) characterization of prenegotiation as,

a purposive period of transition that enables parties to move from conflicting perceptions and behaviours (unilateral attempts at solutions) to co-operative perceptions and behaviours. Where they once saw only an enemy, bound on undoing its opponent and untrustworthy in any joint efforts (and behaved accordingly themselves, thus justifying similar perception on the part of the opponent), by the end of the period they have to be able to see an adversary who is nonetheless capable of co-operative behaviour and of some trust (and to reflect such characteristics themselves). (243)

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79 In fact, Kadioğlu (2019) argues that the Oslo talks were more than just prenegotiations that laid the groundwork for political settlement and encompassed both prenegotiation and negotiation efforts, but the latter occurred during later years.
Although the Oslo talks are usually discussed as having taken place between 2009 and 2011, both Etyen Mahçupyan—chief advisor to Prime Minister Ahmet Davutoğlu—and Nuriye Kesebir, a senior PKK member who attended the talks—have asserted that meetings were launched in 2006, although the exact dates have not been published (Kadioğlu 2019, 921). If these informal talks took place after the series of conciliatory signals by the PKK in July through October 2006, then the communication of intent to de-escalate was perhaps more successful than the above reading. If they took place prior to or alongside these conciliatory signals, then that further situates the PKK’s actions as conciliatory signalling within the context of a prenegotiation process. In fact, secret channels may heighten the utility and necessity of conciliatory signals since secrecy eliminates many of the audience costs normally inherent in negotiation. “[T]he principal armed protagonists may find it difficult to assess the other party’s sincerity regarding resolution. The secrecy of the talks makes it difficult to commit to them” (Kadioğlu 2019, 917). One strategy for overcoming this difficulty when one’s participation in the talks themselves cannot be public to demonstrate commitment, might be to lean on conciliatory signals (such as signing the DoC) to convey intent.

While the foregoing explanation is in line with conciliatory signalling theory, why did the PKK not make its commitment earlier? The existence of Geneva Call’s DoC
on anti-personnel landmines overlaps, after all, with the PKK’s third unilateral ceasefire from 1999-2004. Here, it is important to note that the third unilateral ceasefire took place under unique conditions that were not amenable to the group considering and undertaking innovative new commitments as a cohesive whole. Unlike the unilateral ceasefires of 2005 and 2006, which were overtures for negotiations, the PKK largely had their hand forced in 1999 with the capture, arrest, and trial of their leader. This did not defeat the organization but did thrust its leadership and goals into chaos. The group experienced great organizational upheaval and heavy infighting during this time. It temporarily dissolved to form the born-again ‘purely political’ Kurdistan Freedom and Democracy Congress (KADEK) in 2002, switching again to rebrand as the Kurdistan People’s Congress (KONGRA-GEL) in 2003, splintering as more radical elements joined the Revolutionary Party of Kurdistan (PŞK) or the newly formed TAK, and finally having conservative leaders in the organization overthrow and oust reformist elements. The regrouping of the PKK took place as it was gearing up to resume armed conflict. 2005-2006 thus represents the first time the PKK attempted to seriously pursue bilateral negotiations since the creation of the DoC. That the PKK used the DoC at that juncture to further that aim offers support to conciliatory signalling theory even though the hoped-for negotiations did not fully materialize.
3. Alternative Explanations

How well do alternative explanations of ANSA restraint account for the PKK’s behaviour, including its signature of the DoC on anti-personnel landmines in July 2006? Both Stanton (2016) and Jo (2015) discuss the PKK extensively with respect to other IHL issue areas, removing some of the guesswork in applying their variables of interest to this case. Fazal and Konaev (2019), who advance a strong secessionist explanation, also have coded their variables of interest for the PKK. Ultimately, the state regime type explanation predicts no signature while the other two explanations accurately predict the DoC signature itself but not when the PKK signed.

3.1. Regime Type Explanation

Stanton (2016) analyzes the PKK and its conflict with the Turkish authorities in the context of the civilian targeting practices of the PKK (high casualty terrorism) and the counterinsurgency strategy of the Turkish government (low casualty cleansing and terrorism). Nevertheless, it is possible to infer an explanation for anti-personnel landmine renunciation from Stanton’s causal logic. To refresh, Stanton argues that ANSAs with an authoritarian opponent face constraints on the use of violence because they need the support of the international community more acutely than ANSAs facing
democratic opponents. This is because autocracies are insensitive to the costs of conflict, compared to democracies where leaders are accountable to their constituents for the rising costs of conflict, and as such will not negotiate with ANSAs unless they are pressured by external actors from the international community. Negotiations are important because most conflicts that end favourably for ANSAs end by negotiated settlement. The need for the support of the international community imposes a constraint on the violent options available to an ANSA because the international community has norms against civilian targeting and is less willing to champion the cause of an ANSA that targets civilians, especially to the point of bringing costly political and economic sanctions to bear on the authoritarian regime. A similar logic can be used to explain ANSA renunciation of anti-personnel landmines: if international norms against the use of anti-personnel landmines are sufficiently strong, they should constrain ANSAs from using them when facing an authoritarian regime. If true, the inverse corollary—that ANSAs facing democratic regimes should face no such constraints and are thus not more likely to sign the DoC on anti-personnel landmines—should also hold.

Since the start of the PKK’s first insurgency, Turkey has been a democratic state. As Stanton notes (2016, 215), although Turkey’s democratic political system was paused
due to a 1980 military coup, democratic institutions recovered rapidly with the creation of a new constitution in 1982 and the holding of parliamentary elections in November 1983. The Polity IV Project gives Turkey a polity score increase from -5 to 7, thus categorizing Turkey as a full democracy, on November 7th, 1983—the day after the country’s parliamentary elections took place. Since then, Turkey has remained a full democracy according to the Polity IV criteria, with scores ranging between 7 and 9. As such, the PKK’s signature of the anti-personnel landmine DoC can hardly be attributable to it facing an authoritarian government opponent. Indeed, to the extent that Stanton discusses the PKK it is to reiterate that the PKK has very little constraints on its use of violence at all—since its domestic constituency is exclusionary, its government opponent is democratic, and, moreover, that “Turkey’s strong relationships with Western governments and intergovernmental organizations meant that PKK appeals to this international constituency for support were unlikely to be effective” (2016, 216). Any application of Stanton’s logic to the issue area of anti-personnel landmines would predict, in the case of the PKK, that the organization would not sign a DoC. Yet, not only did the PKK sign the anti-personnel landmine DoC, but they have also signed two subsequent DoCs as well: the Deed of Commitment Protecting Children in Armed Conflict on
October 25, 2013, and the *Deed of Commitment Prohibiting Sexual Violence and Against Gender Discrimination* on April 18, 2016.

Jo (2015) also dismisses the argument that opponent regime type is a primary driver of rebel group compliance with IHL. Examining ICRC access to detention centres, Jo offers a brief comparative study of the PKK as it operated in Turkey, Iraq, and Iran. Jo finds that the PKK did conform to IHL principles by allowing some ICRC access to detention centres in both Turkey (democracy) and Iraq (autocracy), but not Iran (autocracy), concluding,

> [t]his evidence is in line with the statistical results indicating that the role of the state or political regime does not necessarily determine a rebel group’s decision to grant access to detention centres; rather, at least in the case of the PKK, it is group characteristics that drive this decision. [...] [T]he explanatory power for access lies more in having a ‘legally permissible political wing,’ than in ‘political regime.’ (2015, 202-203).

Regime type of an ANSA’s host state, therefore, is unable to explain the PKK’s behaviour regarding both anti-personnel landmines and ICRC access to detention centres. That the democratic nature of the Turkish government does predict very well PKK civilian targeting practices (Stanton’s original goal) suggests that there may be unique features of civilian targeting that are distinct from other IHL issue areas and serves as a
cautionary tale against flattening the differences between and conflating different kinds of IHL.

3.2. Strategic Legitimacy Explanation

Indeed, it is precisely with this conflation that Jo (2015) seems to struggle. Jo rejects the argument about the power of opponent regime type to explain ANSA compliance with IHL, and instead points to ANSAs with one or more of the following legitimacy-seeking characteristics: (1) a (legal) political wing, (2) secessionist aims, or (3) a foreign state sponsor who highly values human rights (as demonstrated by a high number of human rights organizations' permanent secretariats). How well, then, does Jo's strategic legitimacy theory explain the PKK's decision to renounce anti-personnel landmines via the DoC?

To begin, the PKK in Turkey fulfills two of the three specified legitimacy-seeking characteristics: a legal political wing and secessionist aims. Both classifications require some clarification but are in line with how Jo classifies the PKK in Turkey. First, the PKK itself is best thought of as a political/militant organization, with its armed wing being the People's Defence Forces (HPG). The PKK, however, is definitely illegal in Turkey as it has been classified as a terrorist group by the Turkish government. Despite this, over the
years PKK members and affiliates have founded and participated in political life in Turkey through various legal political parties. In response, the Constitutional Court in Turkey has repeatedly banned these pro-Kurdish nationalist parties on the basis of their connections to the PKK—at times this even resulted in the arrest of large numbers of political candidates. Nevertheless, despite these attempts at repression, it is clear that the PKK has a long history of operating within the political system in Turkey and has mechanisms within its organization for members to hold their leadership accountable.

Jo’s illustrative comparative study of the PKK in Turkey, Iraq, and Iran, definitively codes the PKK in Turkey as operating a legal political wing (2015, 202-203). At the time of the Turkish PKK’s signature of the anti-personnel landmine DoC, which is also the time frame that Jo appears to analyze, the relevant Kurdish political party in Turkey was the Democratic Society Party (DSP). The DSP was founded in 2005 as a merger between

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80 The People’s Labour Party (HEP) was founded in 1990 and banned by Turkey’s Constitutional Court in 1993. Its successor, the Democratic Party (DEP), was founded in 1993 and banned in 1994. Moreover, the Turkish Parliament rescinded the parliamentary immunity of DEP members, resulting in the arrest, trial, and guilty verdicts of membership in the PKK for several DEP members. The People’s Democratic Party (HADEP) was created in 1994 to replace DEP. All members of HADEP were arrested in 1996 after the PKK flag was raised at their party congress. HADEP survived this only to be banned by the Constitutional Court in 2003 for supporting the PKK.

81 For instance, the PKK held several national conferences. The policy of forced conscription was one that PKK members ended at the second national conference in 1990.
the Democratic People's Party (DEHAP) and the Democratic Society Movement (DTH).

On December 11, 2009, the Constitutional Court of Turkey banned the DSP, which was succeeded by the Peace and Democracy Party (BDP).

In terms of secessionist aims, although the PKK did maintain some flexibility in its position on how Kurdish autonomy could be realised (often reiterating that they believed that such autonomy could take place within existing Turkish borders and advocating for a federated Turkish state), they always foresaw a governance role for the organization.

In response to a question about the role the PKK would play if the conflict were to reach a negotiated settlement, Öcalan responded, “We can play an active role. If there is a federal state, we will want to run it. The PKK is the voice of the [Kurdish] people.” The PKK thus saw itself as representing a particular civilian constituency within Turkey—the Kurdish minority—and the PKK’s goal was to govern these constituents within an autonomous region. (Stanton 2016, 217)

This is consistent with Jo’s definition of a secessionist group: those that seek secession or political autonomy of a certain region with governance aims (2015, 101).

Having established then that the PKK in Turkey satisfies both the legal political wing and secessionist aims criteria of Jo’s legitimacy-seeking ANSAs, the case would then seem in line with a strategic legitimacy explanation. As a legitimacy-seeking ANSA,
it should be expected that the PKK comply with IHL, including the popular (even if not universal) anti-personnel landmine ban of the Ottawa Treaty regime and emerging norm on the elimination of anti-personnel landmines. That the PKK signs the anti-personnel landmine DoC is, then, unsurprising. However, Jo’s strategic legitimacy theory has difficulty in maintaining its own internal consistency in this particular case. It has difficulty accounting for the variation both within the case of the PKK, across issue areas, as well as unexplained variation across the comparative cases of the PKK in Turkey, Iraq, and Iran when considering anti-personnel landmines. Lastly, strategic legitimacy theory also has difficulty accounting for the timing of the PKK’s decision to sign the anti-personnel landmine DoC.

To elaborate the first instance of inconsistency—that of unaccounted for variation within the case of the PKK but across issue areas—although the PKK signed the DoC on anti-personnel landmines, which is the focus here, it is a rather notorious non-complier in the three IHL issue areas that Jo examines:

Among contemporary rebel groups, outright “non-compliers”—groups committing violations in all three issue areas—are numerous. The FARC [Revolutionary Armed Forces of Colombia] in Colombia, the Khmer Rouge in Cambodia, the LRA [Lord’s Resistance Army] in Uganda, and the PKK in Turkey are examples of groups that killed at least one civilian, used child soldiers, and
did not permit detention access. [...] Note that the PKK in Turkey is classified as a non-complier. (2015, 229-230).

This is both slightly confusing, since Jo codes the PKK in Turkey as allowing ICRC access to detention centres in the comparative analysis of the PKK (202-203), and frustrating because it seems to undermine the correlation between the PKK in Turkey being a legitimacy-seeker and its compliance with IHL. How does strategic legitimacy theory explain that the PKK in Turkey will renounce anti-personnel landmines, but it will continue to deliberately target civilians, utilise child soldiers, and block ICRC access to detention centres? Is the DoC signature a function of the PKK’s legitimacy-seeking characteristics or a spurious correlation? Stanton’s theory may not account for the PKK’s DoC signature, but at least it fully accounts for what it does purport to explain, which is the PKK’s civilian targeting behaviour in Turkey.

In terms of that illustrative study comparing the PKK across Turkey, Iraq, and Iran, the waters muddy further when the issue area of anti-personnel landmines is considered. Recall that Jo dismissed the role of opponent regime type in favour of a legitimacy-seeking indicator (having a legal political wing) based on the results of that comparative table (reproduced below from Jo 2015, 202-203) because it showed that the PKK in both Turkey (a democracy) and Iraq (an autocracy) have legal political wings and
both permitted detention centre access to the ICRC, while the PKK in Iran (autocracy, no political wing) did not:

Figure 2: One Rebel, Three States: Comparison of Kurdistan Rebels

<table>
<thead>
<tr>
<th>State</th>
<th>Political regime</th>
<th>Name of political party</th>
<th>Legally allowed?</th>
<th>Did the rebel group allow access to ICRC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turkey</td>
<td>Democratic (polity score of 7, 8, or 9, depending on years)</td>
<td>Democratic Society Party (DSP)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Iraq</td>
<td>Authoritarian (polity score of −9 throughout the years)</td>
<td>Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Iran</td>
<td>Authoritarian (polity score of −6 throughout the years)</td>
<td>Kurdistan Democratic Party in Iran (KDPI)</td>
<td>No</td>
<td>Missing</td>
</tr>
</tbody>
</table>

The same correlational pattern does not hold for the issue of anti-personnel landmines, however. In all three countries the Kurdish ANSAs, the PKK in Turkey, the Kurdish Democratic Party of Iran (KDPI), and the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) in Iraq, have signed the DoC on anti-personnel landmines.\(^8^2\) That the KDPI in Iran has signed onto the DoC, despite its lack of a legal

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\(^8^2\) The Patriotic Union of Kurdistan (also known as Liwa 70) signed the DoC on anti-personnel landmines on August 10, 2002, and the Kurdistan Democratic Party (also known as Liwa 80) signed on
political wing, calls into question (at least in the case of anti-personnel landmines) the explanatory power of the presence/absence of a legal political wing.

Lastly, the lack of variation in the explanatory variables of strategic legitimacy theory makes it hard to account for the timing of the DoC signature. Geneva Call first created the DoC on anti-personnel landmines in 2000. Given that, since 2000, the PKK in Turkey has had invariable secessionist aims and a more or less invariable legal political wing, why sign in July 2006? Why not earlier or later? There is no obvious answer to be distilled from strategic legitimacy theory, as it focuses primarily on cross-case variation and not temporal variation within cases. This, coupled with the inconsistencies across issue areas, both within the single case of the PKK in Turkey and comparatively across cases of the PKK in multiple countries, undermines its explanatory power in the Turkish case. Jo does acknowledge that there are inconsistencies in compliance across issue areas:

The case of the PKK illustrates that not all compliance behaviors go hand in hand. At face value, this low correlation may look like a challenge to the strategic legitimacy theory I propose in this book. This pattern across three issue areas shows that rebel compliers with legitimacy-seeking characteristics do not always comply across the board. With a closer look, however, this pattern does not

provide a challenge to the theory, but rather urges us to pay closer attention to the differences across issue areas (2015, 228-229).

Jo thus recognizes a trade-off between theoretical generalizability and specificity. Although legitimacy writ broadly may matter in all IHL issue areas, how and when it does so may vary, opening the door to more nuanced theorizing such as the present application of conciliatory signalling theory to and the consideration of a situational variable in the issue area of anti-personnel landmines.

3.3. Strong Secessionist Explanation

How well does Fazal and Konaev’s (2019) strong secessionist theory explain the PKK case? Fazal and Konaev argue that legitimacy in the eyes of the international community is critical for secessionists because ultimately only the international community is able to give them what they need: recognition as a state. Similar to the explanations of ANSA behaviour inferred from Stanton (2016) and Jo (2015), it is assumed that signing the DoC on anti-personnel landmines is a good way for ANSAs to be perceived as more legitimate governing actors by the international community, and thus secessionists face particularly strong incentives to do so. However, survival is
necessarily a more primary concern than success and so weaker secessionists—those
who are more vulnerable to counter-insurgency—have these incentives to sign
outweighed by the military disincentives of renunciation.

The PKK, with an estimated troop force of 10,000, is an exemplary case in Fazal
and Konaev's (2019) dataset. It commands troops in excess of the variable's mean and
median in the dataset, making it a strong secessionist that has signed the DoC. Yet,
although Fazal and Konaev's (2019) model predicts the PKK's DoC signature, it too falls
short in terms of explaining temporal variation. Why did the PKK sign in 2006,
specifically? The authors admit that their original intention was to do a time series
analysis but that they collapsed their data into a cross-sectional analysis due to lack of
variation on the key variables of interest. The question then remains, if the PKK in
Turkey was invariably secessionist and always 'strong,' then why did it choose to sign
when it did? Although potentially strong 'enough'—which is assumed to be any troop
level greater than the variable's mean and median—in 2006 to contemplate international
opinion, there is no evidence that the PKK was any stronger than in 2004 or 2005.
Indeed, it was much weaker than at its peak in the mid-1990s. While the DoC did not

83 The log value for the estimated number of rebel troops in Fazal and Konaev's (2019) replication
data is 9.21034, which exceeds the variable's mean of 7.666 and median of 7.6.
exist at the time of peak PKK strength and support, one might still expect this decline to affect its self-perception of strength. Moreover, from an international public relations perspective, the PKK appears to have missed a window of opportunity to have their DoC signature help frame their second insurgency as compliant with international humanitarian law from the outset.

IV. Concluding Remarks

The case studies of ANSAs in Somalia and the PKK in Turkey each present two types of observations to be explained. First, the fact that ANSAs either did or did not sign the DoC on anti-personnel landmines and second, the timing of those signatures. Conciliatory signalling theory, despite its prima facie unlikely application in the case of the PKK in Turkey, does quite well in accounting for both types of observations—offering a plausible and internally consistent explanation for signatory behaviour and timing. The three competing explanations did not fare as well. From the outset, the state regime type explanation extrapolated from Stanton (2016) that ANSAs facing autocratic governments should be more likely to sign a DoC was a non-starter, since Somalia was in an interregnum period and Turkey is—and has been since the start of the PKK insurgency—a democratic state. This explanation, then, is not applicable to the Somalia
context and, in terms of Turkey, makes the opposite prediction (no DoC signature) to what we observe. Strategic legitimacy theory was able to account for the signatures of the Puntland State of Somalia (and, with modification, that of the TNG but not the other Somali factions) and the PKK, but not the timing, due to a lack of variation in the explanatory variables. Moreover, Jo’s own analysis of the PKK suffers from internal inconsistencies that intensify as multiple IHL issue areas are considered—perhaps a warning against trying to create a theory that explains very disparate IHL issue areas. Fazal and Konaev’s (2019) strong secessionist ideal-type complier theory is internally consistent, but it was not useful in explaining the behaviour of Somali factions. It does predict the PKK’s signatory behaviour, but without temporal variation in the explanatory variables it is simply unable to account for the timing of that signature. Conciliatory signalling theory is not necessarily at odds with either strategic legitimacy theory or Fazal and Konaev’s (2019) proposed theory of strong secessionists. These are all probabilistic theories and it is perfectly plausible that there is an ideal type of ANSA that is most likely to renounce anti-personnel landmines (although these authors must come to a consensus about what that ‘type’ might be) and that all ANSAs are more likely than their baseline to renounce anti-personnel landmines when they are in or angling for peace negotiations. The following chapter examines two non-signatory case studies to
evaluate the relative explanatory power of conciliatory signalling theory and alternative explanations of ANSA behaviour in these instances.
Chapter Six
Examining Non-Signatory Cases from Azerbaijan and Nepal

I. Introductory Remarks

If conciliatory signalling theory best explains why and when armed non-state actors (ANSAs) sign Geneva Call’s Deed of Commitment (DoC) on anti-personnel landmines, it should also be able to explain why ANSAs do not sign. This chapter examines two such cases. The first case of the de facto Nagorno-Karabakh authorities in Azerbaijan illustrates how excluding an ANSA from peace negotiations undermined the ability of Geneva Call to secure a DoC signature, as predicted by conciliatory signalling theory. The second, the case of the Communist Party of Nepal – Maoist (CPN-M) in Nepal, poses a difficult challenge to conciliatory signalling theory, as no DoC signature was obtained despite engagement by Geneva Call and multiple negotiation episodes between the ANSA and its host state over the course of the conflict. In both cases, competing explanations for ANSA behaviour generally predict that these groups should have signed the DoC on anti-personnel landmines, or are unable to offer a clear explanation for a failure to sign. However, the de facto authorities of Nagorno-Karabakh do fulfil the criteria for a special case exception within Fazal and Konaev’s (2019) strong secessionist theory. The analysis cannot definitively adjudicate which explanation is better in this case; given that the two
are not mutually exclusive, it suggests that these theories may complement one another, providing a richer, layered explanation for ANSA renunciation of anti-personnel landmines.

This chapter is divided into two parts, addressing each case in turn. Each case begins with important historical context, followed by an analysis of the failure of each ANSA to sign the DoC on anti-personnel landmines. For both cases the explanatory power of conciliatory signalling theory is evaluated against plausible competing explanations for ANSA behaviour, namely the nature of the opposing state regime, the legitimacy-seeking characteristics of the ANSA, and Fazal and Konaev's (2019) strong secessionist theory.

II. **Azerbaijan: An Illustrative Case**

Azerbaijan serves as an illustrative case study because it clearly shows the logic of conciliatory signalling theory, specifically, how a lack of negotiations between an ANSA and its host state eliminates the incentives for the ANSA to offer conciliatory signals, such as signing the DoC on anti-personnel landmines. There can be no use in 'sticking one's neck out' to build trust between parties if there is no bilateral communication at all. The case of the Nagorno-Karabakh conflict in Azerbaijan is interesting because,
while a great deal of negotiations have taken place between Azerbaijan and Armenia—although to impressively little effect—the ANSA party to the conflict, the de facto authorities of Nagorno-Karabakh, has been shunned. Competing explanations of ANSA behaviour account less well for the lack of DoC signature on the part of the de facto authorities of Nagorno-Karabakh, apart from Fazal and Konaev’s strong secessionist explanation which has a built-in exception: namely, that ANSAs with secessionist aims that control territory are more likely to rely on anti-personnel landmines to control that territory and thus more unwilling to sign the DoC. Both conciliatory signalling theory and Fazal and Konaev’s strong secessionist explanation then predict the same outcome in this instance; the case analysis below does not conclusively validate one or the other. Conciliatory signalling theory does, however, add an important new component to the cost-benefit equation contemplated by Fazal and Konaev (2019)—the political utility of anti-personnel landmine renunciation in negotiation settings. This is what allows it to account for cases that Fazal and Konaev’s theory cannot explain and it is possible (though a counterfactual) that Fazal and Konaev’s explanation would not hold in this case either were the negotiations inclusive of the de facto Nagorno-Karabakh authorities.
1. Historical Context: A Protracted Conflict in Nagorno-Karabakh

Spanning over three decades, the Nagorno-Karabakh conflict is one of a set of protracted conflicts in the Caucasus. A former Soviet Republic, Azerbaijan is located at the boundary of Eastern Europe and Western Asia. The Caspian Sea lies to the East and it is bordered by Iran to the South, Armenia to the West, and Georgia and Russia to the North. In the southwest of the former Azerbaijan Soviet Socialist Republic was the Armenian-majority autonomous oblast of Nagorno-Karabakh: a minority enclave in Azerbaijan separated from Armenia to the west by the mountains of the Karabakh Range. The oblast petitioned several times—in 1945, 1965, 1977, and 1987—to be transferred to the Armenia Soviet Socialist Republic, but this was repeatedly denied by Moscow (CSS 2013, 2). In 1988, the predominantly Armenian population of Nagorno-Karabakh demanded its unification with Armenia, later advocating for its complete independence. Once again Moscow, concerned with inspiring nationalist movements across the Soviet Union, and Azerbaijan opposed these changes (CSS 2013, 2). This inflamed long-standing ethnic antagonisms between Armenians and Azeris in the region (dating back to the 19th century), resulting in inter-ethnic clashes and massacres. Both Armenia and Azerbaijan obtained their independence from the collapsing Soviet Union in 1991 and the self-proclaimed Republic of Nagorno-Karabakh declared its
independence on January 6, 1992; full-scale war then erupted between Armenians and Azeris in the enclave (Minorities at Risk Project 2004). During the early 1990s, amid stuttering negotiation attempts, Karabakh Armenian forces supported by Armenia gained control of much of southwestern Azerbaijan, including Nagorno-Karabakh, a corridor of territory connecting it to Armenia, and a buffer zone of seven Azeri districts (amounting to 15% of Azeri territory) surrounding Nagorno-Karabakh (CSS 2013, 2). A Russian-brokered ceasefire was signed in 1994 in Bishtek, Kyrgyzstan.

This ceasefire, though strained by episodic violations on multiple occasions, largely held for more than two decades. During this time the Republic of Nagorno-Karabakh functioned as a de facto state, holding several democratic elections and governing a population of 140,000 across a territory of approximately 7,000 square kilometers (the former autonomous oblast in the Azerbaijan Soviet Socialist Republic covered only an approximate 4,400 square kilometers). The Organization for Security and Co-operation in Europe’s (OSCE) ‘Minsk Group’ (so-called for the envisioned, but never realized, peace conference in Minsk), co-chaired by France, Russia, and the United States, mediated regular peace talks, although these failed to result in a peace agreement. Although engaged by Geneva Call on the issue of anti-personnel landmines,
which have been used in the conflict,\(^84\) the *de facto* authorities of the Republic of Nagorno-Karabakh have not signed the DoC.

Armenia’s peaceful 2018 revolution, which swept long-time ruler Serzh Sargsyan from power, briefly buoyed hopes for a renewed dialogue on the status of Nagorno-Karabakh. Armenia’s new Prime Minister, Nikol Pashinyan, agreed with Azerbaijani President, Ilham Aliyev, to deescalate tensions and set up the first military hotline between the two countries (*BBC News* 2020). However, in July 2020 border skirmishes occurred along the Armenian-Azerbaijani border and by August Prime Minister Pashinyan was declaring to crowds assembled in Stepanakert, the capital of the self-proclaimed Republic of Nagorno-Karabakh, that “Artsakh [the Armenian name for Karabakh] is Armenia, full stop” (*BBC News* 2020). War resumed over Nagorno-Karabakh on September 27, 2020. This time, with Turkish support and several years of significant military spending, Azerbaijan had the upper hand militarily. The war lasted

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\(^84\) An estimated one hundred thousand landmines were deployed by all sides across the disputed region on Nagorno-Karabakh during the first war in the 1990s (UN MCPU 1996; Landmine Monitor 1999, 762). Additional landmines were added in 2013 (Landmine Monitor 2013) by the *de facto* authorities of Nagorno-Karabakh. The landmine contamination was compounded by the resumption of hostilities in 2020, although the extent of that contamination is currently unknown (Kuzio 2021). In addition to landmines, the region is also contaminated with unexploded ordnance (UXO) and cluster munitions (Cookman 2021). Neither Armenia nor Azerbaijan are State Parties to the Ottawa Treaty, the Convention on Conventional Weapons’ (CCW) amended Protocol II, or the Convention on Cluster Munitions.
44 days before Armenian forces were devastated; a Russian-brokered ceasefire was signed on November 9, 2020, wiping out much of the Armenian gains achieved in the first Nagorno-Karabakh war. The cultural capital of Shusha/i was relinquished to Azerbaijan, Armenian troops were forced to withdraw from the seven formerly occupied districts beyond Nagorno-Karabakh, and some 2000 Russian peacekeepers were deployed to monitor the fragile region for five years, particularly the frontlines and the Lachin Corridor.

2. The Enclave’s Non-Signature Through the Lens of Conciliatory Signalling Theory

Prima facie, the case of the de facto Nagorno-Karabakh authorities in Azerbaijan appears to undermine the application of conciliatory signalling theory to the phenomenon of anti-personnel landmine renunciation via the DoC. Despite ongoing negotiations over the disputed territory and engagement of the de facto Nagorno-Karabakh authorities by Geneva Call on the issue of anti-personnel landmines, they have yet to sign the DoC. In fact, no unilateral actions against anti-personnel landmines have been taken by the authorities in Nagorno-Karabakh. According to a statement by Nagorno-Karabakh’s military chief, General Movses Hakobyan, new anti-personnel landmines were even emplaced in 2013 “along the Armenian-Azerbaijani ‘line of contact’
east and north of the disputed territory” to prevent sabotage attacks from Azerbaijani troops (Landmine Monitor 2013). When asked for clarification by the International Campaign to Ban Landmines (ICBL), the Minister of Foreign Affairs of Nagorno-Karabakh confirmed that “due to the ongoing conflict with Azerbaijan [...] today we are not in a position to refrain from using AP [anti-personnel] mines for defensive purposes along the line of contact. [...] These mines are neither aimed at the civilian population nor at the extermination of the adversary but for limiting its advances and ceasing any possible military aggression against us” (Landmine Monitor 2013).

On closer examination, however, conciliatory signalling theory does in fact explain the failure of the *de facto* Nagorno-Karabakh authorities to sign the DoC on anti-personnel landmines. While negotiations between Armenia and Azerbaijan have been ongoing, the *de facto* Nagorno-Karabakh authorities have been formally excluded from the Minsk process negotiations since 1998 (CSS 2013, 1; Vasilyan 2019, 234). While from 1994-1997 a separate Nagorno-Karabakh delegation joined Armenian and Azerbaijani delegations in all stages of talks, this was not without protest by Azerbaijan (Hakobyan 2016). Then, after Robert Kocharyan (President of Nagorno-Karabakh since December 19, 1994) became President of Armenia in February 1998 following a constitutional coup against President Ter-Petrosyan, Nagorno-Karabakh was represented in negotiations
only by the Armenian delegation. This exclusion of the Nagorno-Karabakh authorities has continued, despite protests by the enclave's leadership. In 2002, President of Nagorno-Karabakh, Arkadi Ghuskayan, told the co-chairmen of the Minsk Group and Russian First Deputy Foreign Minister Vyacheslav Trubnikov in Stepanakert that there was very little chance of reaching a permanent peace agreement so long as representatives of the Republic of Nagorno-Karabakh are excluded from bilateral talks on the issue between Armenia and Azerbaijan (Fuller 2002). In 2006, President Ghuskayan characterized Azerbaijan's rejection of direct talks as conveying a lack of interest in a negotiated solution:

The negotiating process that was going on within the Minsk Group Framework is non-existent today [...]. We can find a way out of this situation only in a real negotiating format involving Nagorno-Karabakh [...]. When Azerbaijan talks only to Armenia without Nagorno-Karabakh, Azerbaijan engages only in propaganda. Once Azerbaijan starts talking to Karabakh, for me it will be a signal that Azerbaijan is looking for a solution to the issue. (Fuller 2006)

In truth, then, conciliatory signalling theory predicts the failure of the de facto authorities of Nagorno-Karabakh to sign the DoC on anti-personnel landmines. These authorities are not engaged in negotiations with Azerbaijan, nor have they been since prior to the DoC's creation. In fact, Azerbaijan has attempted to bypass them from the
start. The de facto authorities of Nagorno-Karabakh perceive no good faith on the part of their host state. Thus, there is no incentive to send conciliatory signals, such as a DoC signature, to the party that is steadfastly ignoring their existence.

3. Alternative Explanations

Can the alternative explanations for ANSA behaviour discussed in Chapter Five account for the failure of the de facto authorities of Nagorno-Karabakh to sign the DoC? Two of the most plausible alternative explanations—one rooted in state regime type, the other rooted in an ANSA’s structure, aims, and dependencies—both predict a DoC signature. Fazal and Konaev’s strong secessionist theory is more ambiguous: while the primary hypothesis would suggest DoC signature, the theory treats secessionists that control territory as a special case.

3.1. Regime Type Explanation

The explanation for ANSA behaviour extrapolated from Stanton (2016) states that ANSAs facing autocratic state opponents should be especially likely to sign the DoC in order to court international favour. While the Republic of Nagorno-Karabakh could certainly use international support for its plight—currently no state recognizes its
independence—and its opponent’s regime has been classified as an autocracy since prior to 2000,\(^{85}\) it has not signed DoC on anti-personnel landmines. This is so even though it would give the enclave a ‘moral advantage’ over Azerbaijan in this issue area, which has not signed or acceded to the Ottawa Treaty (nor is it a State Party to the amended CCW Protocol II). In this case the regime-type alternative explanation fails to explain Nagorno-Karabakh’s lack of signature.

3.2. Strategic Legitimacy Explanation

Jo’s (2015) strategic legitimacy theory divides ANSAs into those that are legitimacy-seeking and those that are legitimacy-indifferent. Those ANSAs that have legitimacy-seeking characteristics (they have a legally-recognized political wing, espouse secessionist goals, or receive sponsorship from states with significant interest in promoting human rights) are theorized to be more likely to comply with various areas

\(^{85}\)Azerbaijan, Nagorno-Karabakh’s host state, first earned a Polity V score in 1991 when it gained independence from the collapsing Soviet Union. It was classified then at -3, a closed anocracy. Anocracies are “a middling category [between institutionalized democracies and institutionalized autocracies] rather than a distinct form of governance. They are countries whose governments are neither fully democratic nor fully autocratic but, rather, combine an often incoherent mix of democratic and autocratic traits and practices” (Marshall and Cole 2014, 21). An improvement the following year to a score of 1 re-classified the state as an open anocracy. However, from 1993-1997 it reverted to greater levels of autocracy (slipping to -3, then -6). From 1998 until 2018 (the most recent year for which data is available) Azerbaijan was classified as an autocracy.
of international humanitarian law (IHL), whereas those that are legitimacy-indifferent should have no incentives for such restraint. Jo’s *Compliant Rebels* (2015) does not specifically mention Nagorno-Karabakh, however it is clear that, as an ANSA, the *de facto* authorities of Nagorno-Karabakh meet at least two of the theory’s ‘legitimacy-seeking’ criteria—namely, secessionist aims and a political wing (although Azerbaijan objects to the *de facto* government in Nagorno-Karabakh as illegal). The enclave authorities are indeed seeking international legitimacy as an independent state, although without much success to date. In terms of a state sponsor that cares about human rights, Armenia is clearly the most significant state sponsor of the *de facto* Nagorno-Karabakh authorities but it is not a standout supporter of human rights or IHL.  

For instance, Human Rights Watch (2021) noted that, during the 2020 fighting over Nagorno-Karabakh, “Armenian forces carried out indiscriminate attacks, launching unguided artillery rockets, and firing heavy artillery shells and ballistic missiles on population centers, including in some places where there were no evident military targets, causing civilian deaths and injuries.” In terms of Armenia’s position on anti-personnel

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86 The data for Armenia is missing for all observation years in the Murdie and Bhasin (2011) dataset for the variable of number of permanent secretariats of human rights organizations in the country (Jo’s measure of how invested a state sponsor is in human rights).
landmines, it is not a State Party to the Ottawa Treaty nor the amended CCW Protocol II.

The de facto Nagorno-Karabakh authorities should be classified as 'legitimacy-seekers' under the strategic legitimacy theory framework, predicting their signature of the DoC on anti-personnel landmines. While the domestic illegality of their political constituencies and the state sponsorship of Armenia (which is driven much more by ethnic ties than by conditionality for respect for human rights and IHL) may water down their need for legitimacy in some constituencies, Nagorno-Karabakh is still clearly seeking broader international support. Strategic legitimacy theory thus fails to predict or explain the no signature outcome of this case.

3.3. Strong Secessionist Explanation

As with strategic legitimacy theory, Fazal and Konaev (2019) identify that secessionist ANSAs have a particularly acute need for international legitimacy and support. However, they condition the impact that this will have on an ANSA’s choice to

87 For instance, it seems clear that Armenia’s support is relatively unconditional while the support of the Azeri population is considered irrelevant, particularly given a history of displacing Azeri civilians from territory under the control of the Republic of Nagorno-Karabakh.
sign (or not sign) the anti-personnel landmine DoC on its military strength. According to Fazal and Konaev, only strong secessionist groups have the luxury of courting international favour by renouncing anti-personnel landmines. With an estimated troop force of 19,000 the *de facto* Nagorno-Karabakh authorities fall squarely within the category of strong secessionists. However, as in the case of Somaliland, these authorities are resolute non-signatories. Unlike Somaliland, though, Nagorno-Karabakh admits to continued use of these weapons. This case does fit the notable exception that Fazal and Konaev (2019) identify; namely, that ANSAs that control territory—especially secessionist ones—should be less likely to sign the DoC. This is because these groups are more likely to use anti-personnel landmines in a defensive manner, “to deter access or assault by enemy troops or to protect their base camps, armed caches, and population centers from government forces or rival armed factions” (Fazal and Konaev 2019, 159).

The kind of usage Fazal and Konaev (2019) suggest does match with the anti-personnel landmine placement by Nagorno-Karabakh forces along the ‘line of contact’

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88 The log value for the estimated number of rebel troops of the *de facto* Nagorno-Karabakh authorities in Fazal and Konaev’s (2019) replication data is 9.852194, which exceeds the variable’s mean of 7.666 and median of 7.6.
and official statements implying their effectiveness or necessity in defensive strategy (Landmine Monitor 2013). In essence, the alternative explanation their theorizing poses is that because of the need to defend territory from incursion by Azerbaijan, the military costs to Nagorno-Karabakh of renouncing anti-personnel landmines outweigh the political utility of their renunciation. This may be true; however, a complementary consideration of conciliatory signalling theory only enhances the explanatory power of Fazal and Konaev’s (2019) rational choice calculation by shifting how the political utility side of the equation is measured. Rather than assuming that signing the DoC on anti-personnel landmines (only) reaps approbation from the international community—which is itself still somewhat divided on the legality and legitimacy of anti-personnel landmines as weapons—conciliatory signalling theory suggests its real (or at least additional) political utility is as a credible signal in negotiation processes. It thus may be only or especially true that the military utility considerations associated with territorial control by an ANSA tips the scales against the renunciation of anti-personnel landmines via the DoC when the ANSA is not engaged in negotiations with the host state. The absence of a bilateral negotiation process reduces or eliminates the political incentives (one half of the equation). It remains unclear, however, whether military utility would outweigh those political incentives if they were present in this case. However, the cases
of Somalia and Turkey have shown that, when ANSAs are engaged in (pre)negotiations, the political benefits of renunciation can override military considerations.

III. Nepal: An Apparent Outlier Case

In contrast to Nagorno-Karabakh, the case of Nepal poses a harder challenge to conciliatory signalling theory. This is a case where the local ANSA, the Communist Party of Nepal – Maoist (CPN-M), participated in negotiations with the host state on four separate occasions, including after explicit engagement by Geneva Call on the issue of anti-personnel landmines. Yet, it still failed to sign the DoC. A more thorough examination of the case, however, reveals an explanation for the CPN-M’s behaviour that is consistent with conciliatory signalling theory. Specifically, conciliatory signalling theory predicts a signature of the DoC on anti-personnel landmines when doing so clearly signals a credible commitment to a negotiated solution in the context of a peace process. Yet, in the Nepal case, a DoC signature would likely not have been construed as an effective signal and might have even undermined trust and goodwill among the parties. Their choice to not pursue it, then, is congruent with the logic of conciliatory signalling theory as the effectiveness of signals is not divorced from context. Alternative theories of ANSA behaviour do not satisfactorily account for this case, either predicting
ANSA behaviour that is the opposite of what is observed or unable to make a clear prediction at all.

1. **Historical Context: A ‘People’s War’**

Nepal, located in the Himalayas, is a landlocked South Asian country. It shares a long land border with India to the south, west, and east. Tibet (a Chinese autonomous region), with which Nepal shares Mount Everest, lies to the north. The modern state was developed by the Shah kings, the first of whom seized the throne of the hill kingdom of Gorkha in the mid-sixteenth century (Hutt 2004, 2). In the latter half of the eighteenth century, Prithvi Narayan Shah conquered and consolidated the other petty principalities of central and eastern Himalaya into the Kingdom of Nepal (Hutt 2004, 2). This territorial expansion ended in 1816 after a series of confrontations with the British East India Company—the defeated kingdom, through the Treaty of Sugauli, retained its internal independence at the cost of territorial concessions (Hutt 2004, 2). Thirty years later the Shah kings’ power was eclipsed by the Rana dynasty, who reduced the Shah monarch to a figurehead and ruled as a hereditary totalitarian government that treated the country as their personal fiefdom for the next 105 years (Hutt 2004, 2; Thapa and Sijapati 2004, 14). Nepal’s first political party, Praja Parisha, was established in
Kathmandu in 1936 but was crushed by the regime through the execution of its four leading members upon the discovery of a plot to assassinate multiple members of the Rana dynasty (Hutt 2004, 3; Whelpton 2013, 39). The next political parties, the Nepali Congress Party and the Communist Party of Nepal, formed in India in the 1940s and, in 1951, allied with the Shah king, Tribhuvan, and disgruntled Rana elites to overthrow the Rana regime (Hutt 2004, 3).

Nepal's first general elections were not held until 1959 and during the intervening period power became increasingly concentrated in the Royal Palace (Whelpton 2013, 54). This was due, in part, to chronic divisions between party politicians, which were so debilitating that India's Prime Minister Nehru—who had brokered the tripartite Delhi Agreement between the King, the Nepali Congress Party, and the Rana in 1952—recommended that King Tribhuvan rule for a time with a council of royal advisors (Whelpton 2013, 54). After King Mahendra's accession to the throne in 1955, this royal centralization of power was more deliberate (Whelpton 2013, 54). King Mahendra reneged on his father's commitment to an elected constituent assembly and imposed the Constitution of 1959 (Whelpton 2013, 54.) He expected the elections to produce a hung Parliament, leaving the Crown with considerable *de facto* power (Whelpton 2013, 54). Instead, the Nepali Congress Party won a majority. So, in 1960, King Mahendra used
clashes between the Tamang and high-caste landlords and moneylenders as pretext to dismiss the government, via emergency powers provided for in the Constitution (Whelpton 2013, 54; Hutt 2004, 3). He asserted that multi-party parliamentary democracy was an alien system wholly unsuited to the circumstances of Nepal (Hutt 2004, 3).

In 1962, a new Constitution was promulgated that enshrined a new partyless method of governance: the Panchayat system. This system, which featured indirectly elected village, district, and zonal assemblies (that lacked any real legislative powers), was intended to provide a veneer of democratic accountability while the king retained ultimate control (Hutt 2004, 3; Thapa and Sijapati 2004, 18). Political party activity was banned, although they continued to operate underground. While education and political consciousness was growing in Nepal, the deficits of the Panchayat system became clear: it was exclusive and unaccountable, unable to deliver development to the country, and resorted to the suppression of dissent (Hutt 2004, 3). So, opposition to the system proliferated and in 1979 student activists led an anti-Panchayat movement that initiated countrywide unrest (Hutt 2004, 3; Thapa and Sijapati 2004, 19). In 1980, King Birendra ordered a national referendum on the Panchayat system and this provided it with a fresh mandate, although the process is widely believed to have been rigged (Hutt 2004, 3;
There was an abortive anti-Panchayat movement in 1985, which was followed by the ‘People’s Movement’ or *jan andolan* in February 1990. This was led by the Nepali Congress Party and a United Left Front (comprised of several of the communist parties formed by the splintering of the Communist Party of Nepal). The Panchayat system was dissolved in April 1990.

With the palace having relinquished its powers and acquiesced to a strictly constitutional role, a new democratic constitution was promulgated in November 1990 that created a bicameral parliament (Hutt 2004, 4). General elections were held in 1991, producing a Nepali Congress Party majority, however the government collapsed due to internal divisions in 1994 (Hutt 2004, 4). At that time the Communist Party of Nepal (Unity Centre) split into two factions; only one faction was recognized by the Electoral Commission. The unrecognized faction led by Pushpa Kamal Dahal (*nom de guerre*: Prachanda), soon to rename itself the Communist Party of Nepal – Maoist (CPN-M), then boycotted electoral politics and began preparations for an armed revolution. On February 13, 1996, after a coalition government led by the Nepali Congress Party failed to respond to a list of 40 demands, the CPN-M carried out surprise attacks on police stations in Rukum and Rolpa districts in the west and the eastern district of Sindhuli. The stated purpose of the revolution was to overthrow the Nepalese monarchy and
establish a people’s republic. Although initially almost unheard of at the outset of the ‘People’s War’ (Thapa and Sijapati 2004, 85), the CPN-M quickly gained the sympathy of those disenchanted with unctuous and ineffectual politicians. Some half a dozen coalition governments, featuring haphazard and implausible partnerships, fell from power between 1995 and 1999 (Hutt 2004, 4). In June 2002, an ex-Maoist (Rajan Raj Sampang) was quoted as saying: “The battle for power and the greed within and among the different parliamentary parties has provided enough grounds for the Maoists to gain public sympathy. It is not because of their ideologies that people are sympathizing with the Maoist movement, it is because of the frustrating behaviour of parliamentary parties” (Dasgupta 2006, 47).

Furthermore, police brutality and indiscriminate violence—deployed to suppress the Maoist insurgency—backfired, instead increasing public support for the guerillas. In 1998, under Prime Minister Koirala (the fourth Prime Minister since the war had begun scarcely more than two years prior), the state conducted ‘Operation Kilo Sierra Two,’ a notorious police search and kill mission that killed some 500 people, including many innocent civilians, and inflicted rape and horrors upon communities (Thapa and Sijapati 2004, 92). Although new recruits flocked to the Maoists, the May 1999 general elections proceeded relatively smoothly. The Nepali Congress Party formed a majority
government under Prime Minister Bhattarai who convened a ‘High-Level Committee to Provide Suggestions to Solve the Maoist Problem’ under the leadership of former Prime Minister Sher Bahadur Deuba. The Committee was authorized in February 2000 to hold talks with CPN-M; it established contact and received a positive response that detailed negotiation preconditions and offered a ceasefire (Thapa and Sijapati 2004, 95).

However, Bhattarai was quickly undermined by his own party. Party President Koirala and others who wanted the Maoists to be dealt with more firmly forced Bhattarai’s resignation in March 2000 (Thapa and Sijapati 2004, 96). Koirala resumed his previous post as Prime Minister, immediately declaring the restoration of law and order as his top priority (Thapa and Sijapati 2004, 96). An outraged CPN-M resumed armed hostilities on April 6, 2000 (Thapa and Sijapati 2004, 96).

By 2001, Prime Minister Koirala faced considerable scrutiny and calls for his resignation from not only the Maoists, but from leftist political parties, student unions, and senior members of his own party (Thapa and Sijapati 2004, 96). In the wake of the palace massacre that eventually brought the unpopular King Gyanendra to the throne,\(^{89}\)

\(^{89}\) On June 1, 2001, ten members of the royal family were killed or fatally injured in a shooting at the Narayanthiti Palace in Kathmandu, including King Birendra and his wife, only daughter, brother Dhirendra Shah, and younger son Nirajan. Crown Prince Dipendra, Birendra’s oldest son, is thought to have committed the massacre and then shot himself. Crown Prince Dipendra survived his gunshot wound in a coma for three days, during which time he was crowned King, before dying of his injuries. Upon
Koirala dispatched the Royal Army to rescue 69 police officers held hostage by the Maoists. However, senior army staff—distrustful of politicians, accustomed to orders from the King, and having never yet been deployed in the civil conflict—refused to order their soldiers into action (Hutt 2004, 9-10; Thapa and Sijapati 2004, 118). Humiliated, Prime Minister Koirala resigned. He was replaced by Deuba, who immediately declared a ceasefire. An official meeting between the Nepali government and CPN-M took place in Kathmandu on August 30, 2001, where a commitment to further talks was made (CNN 2001; Thapa and Sijapati 2004, 120). The next round of talks occurred two weeks later (Thapa and Sijapati 2004, 120) but the process broke down in November and the CPN-M ended the ceasefire (Pradhan 2001; Thapa and Sijapati 2004, 121). Prime Minister Deuba characterized the resumption of hostilities as a betrayal; imposed a state of emergency on November 26, 2001, that suspended all fundamental rights; and promulgated an ordinance that declared the CPN-M a terrorist organization (Thapa and Sijapati 2004, 123). On October 4, 2002—as Deuba struggled to organize elections in a

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Dipendra’s death, Prince Gyanendra, the only surviving brother of the late King Birendra, became king. King Gyanendra was an unpopular monarch from the outset because his son was widely believed to have been implicated in some notorious drunk driving accidents, including at least one involving a fatality (Hutt 2004, 6-7).
country ravaged by insurgency after dissolving Parliament due to contestation over renewing the state of emergency—King Gyanendra removed the Prime Minister for ‘incompetence’ and seized executive authority, appointing a new government under three-time former Prime Minister Lokendra Bahadur Chand (Thapa and Sijapati 2004, 129). A new ceasefire was announced on January 23, 2003, and peace talks opened on April 27, 2003. However, the Maoists again walked out of negotiations on August 27, 2003 (Thapa and Sijapati 2004, 181).

On February 1, 2005, King Gyanendra seized all state power in an army-backed coup (Gobyn 2009, 431). This, however, led in November to the formation of an alliance between the seven main political parties and the CPN-M against the palace. The alliance spurred a countrywide uprising that eventually forced the King to reinstate Parliament on April 24, 2006. On May 19, 2006, Parliament assumed total legislative control and restored executive power to the Government of Nepal under Prime Minister Koirala. Koirala swiftly started talks with CPN-M. A permanent ceasefire and associated Code of Conduct was agreed between the government and CPN-M on May 26, 2006. On November 21, 2006, a landmark peace deal ended the war that had raged for over a decade. In 2007, CPN-M’s armed wing demobilized as its political wing became part of
the interim government (Subedi 2015). The political wing itself dissolved in 2018 in order to create a merger political party (Gupta 2019).

2. Maoist Decisions Through the Lens of Conciliatory Signalling Theory

Despite the CPN-M engaging in negotiations with the Government of Nepal on four separate occasions (February – March 2000; August 30, 2001 – November 23, 2001; April 27, 2003 – August 27, 2003; and May 2006 through to the inclusion of CPN-M in the interim government in 2007) and having been engaged by Geneva Call, the CPN-M never signed the DoC—although the November 2006 Comprehensive Peace Agreement did commit both the government and the CPN-M to halt the use of landmines and required the parties to assist each other to mark and clear mines and booby-traps within a certain time. This appears to run counter to conciliatory signalling theory, which predicts that CPN-M should have had an incentive to sign the DoC during negotiations with the government of Nepal as a signal of good faith. This incongruity cannot be explained away by pointing to the landmine provisions of the 2006 peace agreement. The inclusion of landmine provisions in the Comprehensive Peace Agreement is not an equivalent signal to DoC signature since the reciprocal and conditional nature of this agreement means that the cost of defection to a deceitful actor is negligible. Should the
peace agreement collapse, both parties simply return—more or less—to the status quo ante. While some previously laid mines may have been cleared, both sides would be permitted to resort to the new use of anti-personnel landmines. In fact, an untrustworthy party might even be able to eke some advantage from such an arrangement if it were to drag its feet on implementing the provisions on landmine clearance or use the negotiating period to stockpile landmines. So, while certainly a provision beneficial to civilians to include in the peace agreement, it hardly qualifies as a conciliatory signal on the part of the CPN-M. A deeper examination is needed to explain the apparent discrepancy with conciliatory signalling theory.

To begin, it should be noted that the first period of negotiation from February to March 2000 was abortive. The ruling party’s infighting undermined the credibility of negotiations and, indeed, the Government of Nepal swiftly reversed course. Moreover, this short negotiation period suffers from the same problem as Somalia’s Arta process in 2000: Geneva Call itself was only founded in March 2000. In fact, it appears to have first engaged in Nepal only in 2003 when then Geneva Call Director for Asia, Soliman Santos, participated in a visit to Nepal as part of a delegation of the International Campaign to Ban Landmines (ICBL) Non-State Actors Working Group (ICBL NSAWG 2004, 218; Chitrakar 2004, 85). That places the 2001 negotiation period prior to engagement on the
issue of anti-personnel landmines as well. Even the local Ban Landmines Campaign Nepal (NCBL) appears to have been unable to engage with CPN-M at the time: “The Maoists and the government announced a cease-fire on August 2001 which lasted up to November of the same year and peace talks were initiated, but the NCBL could not play a direct role during the period” (Chitrakar 2004, 84). Moreover, there were questions about the sincerity of the commitments (on both sides) to that round of negotiations. Thapa and Sijapati (2004, 122-123), commenting on the strikingly successful Maoist armed attacks on November 23, 2001, and the formation of a parallel government the next day, entertain whether the Maoists used the negotiations as a cover for military preparations:

In hindsight, it becomes pertinent to ask, did the Maoists do a Brest-Litovsk and Chunking to Deuba by preparing for an armed offensive while talking peace and thus taking the heat off them (similar to the Bolshevik manoeuvre), and holding out the possibility that they would join an interim government while building up their strength (not unlike what Mao did to the Kuomintang)? There were some indications that the CPN (Maoist) was preparing some form of precipitate action. A week before the third round of talks, a newspaper quoted a ‘high-level’ Maoist source as saying that the talks would not move beyond that stage.

Gobyn (2009, 423) flatly argues that both sides “were generally unprepared and lacked a sincere commitment to a negotiated settlement.”
In 2003, though, Geneva Call and other humanitarian actors engaged the CPN-M on the topic of anti-personnel landmines during the ceasefire and (arguably brief) four-month negotiation period. The ICBL Non-State Actors Working Group delegation, of which the then-Geneva Call Director for Asia Soliman Santos was a part, visited Nepal from June 8-14, 2003 (ICBL NSAWG 2004, 218). During a meeting with Maoist leader Krishna Bahadur Mahara, the delegation was told that “the party was ready to sign the Deed of Commitment of the Geneva Call” (Chitrakar 2004, 85). However, just before the third round of peace talks, “Maoist leaders went underground, their offices closed and telephone lines were cut off. It was extremely difficult to establish contact with the Maoist leaders” (Chitrakar 2004, 85). As such, the CPN-M appears to have gotten closest to signing the DoC after having been engaged by Geneva Call on the issue of anti-personnel landmines and during a negotiation period with the Government of Nepal; it could be argued that their signature was scuttled by the rapid collapse of negotiations. Yet, if this were so, one might expect to see the Maoists seek to sign the DoC during the subsequent 2006 negotiations, or the run-up to them, as witnessed, for example, with the Turkish PKK. However, the 2003 visit unearthed a piece of information even more relevant to the CPN-M’s incentives to sign (or not) the DoC: the CPN-M was not a user of anti-personnel landmines.
While the NCBL, as the first organization to collect data on mine victims in Nepal, had been reporting anti-personnel landmine use by the Maoists,\(^{90}\) it became clear that there were problems with their data sources, methodology, and that certain incidents involving explosives or unexploded ordinance (UXO) had been misclassified as anti-personnel landmine incidents. As a Geneva Call employee related,

The Nepal Campaign to Ban Landmines was saying there was mine use. We went to look into that, so did UNICEF. And then we found out once we got there that actually they weren’t using landmines. They were using what they called ‘socket bombs,’ which were handmade grenades that, if they didn’t explode (which, quite frankly, they weren’t that great), they would work as any other UXO. They caused a lot of civilian casualties.\(^{91}\)

A 2009 evaluation by the Geneva International Centre for Humanitarian Demining (GICHD), writes that “NCBL’s data collection was based on reports from the national media and from human rights organisations. The accuracy of the data was not confirmed and as such the victim information collected in the early years of the insurgency is considered by UNMAT [United Nations Mine Action Team] and others to

\(^{90}\) Including to Landmine Monitor, from which the quantitative section of this paper drew its data on anti-personnel landmine use.

\(^{91}\) Interview with author on July 24, 2019.
be unreliable” (3 - 4). The ICBL NSAWG report on its 2003 visit to Nepal lists the following in its findings:

The CPN-Maoists generally use command-detonated improvised explosive devices (IEDs), as evidenced by the photographs and samples of “bucket bombs,” “pipe bombs,” “pressure-cooker bombs,” etc., shown to the Mission by the Nepalese Police officials who also said that all these bombs have detonators. The Army and the ICRC in Nepal likewise gave the same information based on their respective field reports. CPN-Maoist official Mr. Krishna Bahadur Mahara also claimed they only use command-detonated IEDs (2004, 220).

The fact that the CPN-M was not a user of anti-personnel landmines offers a more compelling explanation in line with conciliatory signalling theory for why they did not pursue signing the DoC. Namely that, in their instance, a DoC signature had little utility as a conciliatory signal. While there may be some cost to the renunciation of anti-personnel landmines by a non-user (in terms of the removal of a weapon option that may be desirable in the future), it is much less immediate and definite. In the CPN-M’s instance, it simply would not send much of a conciliatory signal to ‘sacrifice’ something that it wasn’t using anyhow (presumably because the group has decided that anti-personnel landmines have little utility for them). In fact, given that Nepal’s security forces were employing anti-personnel landmines at the time—to the self-admitted tune of approximately 10,000 anti-personnel landmines, mostly used to defend some 50 army
posts around the country (ICBL NSAWG 2004, 219)—a DoC signature by the CPN-M could have been interpreted as an antagonizing gesture, as it would risk being perceived as a sort of one-upmanship. Moreover, the distinction between anti-personnel landmines and other types of explosives or UXO seemed to be unclear to many local actors in the country (which had affected the information collected by NBCL), so a renunciation of anti-personnel landmines in that context could have led to falsely high audience hopes and attendant resentment, confusion, and backlash when those hopes were disappointed. A Geneva Call employee relates that,

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92 Journalistic and eyewitness accounts of ‘mine’ incidents can often be misleading if appropriate verification is not conducted. Command-detonated mine casualties or accidents caused by UXO can easily be confused by laypeople as incidents involving anti-personnel landmines. Clearly articulating the distinction between command-detonated improvised explosive devices, UXO, and anti-personnel landmines may even be challenging for police or politicians, who may conflate all of these things under the simple term of ‘mines’—particularly as they may have an incentive to represent the actions of insurgents in the worst possible light. While the findings of the ICBL mission did not indicate victim-activated anti-personnel mine use by the CPN-M, parliamentarians and police and army officials have accused the CPN-M, explicitly or implicitly, of victim-activated anti-personnel landmine use. It seems likely that this is the result of misrepresentation, confusion, or imprecision. For instance, Landmine Monitor (2002b) cites a parliamentarian speaking of ‘Mining Groups’ established by CPN-M to train Maoists to use mines—however, there is no reason to assume that the mines they are trained to use are anti-personnel landmines. A further citation by a police official explicitly states that “the rebels use both victim-activated and command-detonated mines,” but the claim appears to be substantiated only by the NCBL’s victim reports, photographs, and research but this data is now widely considered to be unreliable. The descriptions provided appear to describe pipe and pressure cooker bombs or UXO (with references to pipes being used in their construction and ‘mines’ being activated by sunlight). It was not until January 2006 that the Informal Sector Service Centre (INSEC) established a victim surveillance system across Nepal that uses district representatives to verify incidents by interviewing survivors, families, and witnesses using standardized forms with clear definitions and differentiation by device types and detonation mechanisms. INSEC data is considered much more reliable than that of NCBL (GICHD 2009, 3 – 4).
Local actors really wanted them [CPN-M] just to stop use of all explosive devices, which wasn't really what we were working on and we couldn't really support that. As an international actor, we couldn't advocate for them to stop using all explosive devices. Local civil society might be able to, but we were not in that position. After all, IHL allows for the use of explosive devices, as long as use is done following IHL principles.\(^9\)

In such an atmosphere, the desired conciliatory signal was clearly a renunciation of all explosive devices, but this would have been far too steep a cost for the CPN-M to offer. Unable to offer that, it was perhaps prudent to steer clear of signing the DoC and, in so doing, risk sending a signal that fell far short of local expectations. Instead, the Maoists offered other conciliatory signals, such as the commitment to the seven constitutional parties in the 2005 12-point agreement to join a multiparty system that cemented an alliance that served them well after the reinstatement of Parliament.

3. Alternative Explanations

Do alternative explanations of ANSA behaviour provide insight into the decisions of the CPN-M regarding anti-personnel landmines, including their choice not to sign

\(^9\) Interview with author on July 24, 2019.
the DoC? Here, the most persuasive alternative explanations either predict ANSA signature or are unable to make clear predictions about the CPN-M at all. Both the regime type explanation and strategic legitimacy theory expect a signature, while Fazal and Konaev’s (2019) strong secessionist explanation is unable to predict the behaviour of strong non-secessionists. This brings into sharper focus the limitations of these theories of ANSA behaviour and how conciliatory signalling theory can address some of the predictive gaps.

3.1. Regime Type Explanation

In considering whether state regime type matters for DoC signature, the Nepal case is possibly the most interesting of the four case studies presented because the chaotic nature of Nepali governance after 1990 means that during the time period under investigation major fluctuations in regime type occurred. When the war started in 1996, and through to 1998, Nepal had a Polity IV score of 5, which classified it as an open anocracy. This improved to a 6, ranking it as a democracy, in 1999 through 2001. In 2002, the year the king seized executive authority, Nepal's score plummeted to a -6, reclassifying it as an autocracy for the next four years. With the reinstatement of Parliament in 2006 it recovered democratic status, and a score of 6. The alternative
explanation extrapolated from Stanton's (2016) work, is that ANSAs fighting autocracies would be more likely to sign the DoC to garner international support. While the CPN-M did come closest to signing the DoC in 2003, which correlates with the period of autocracy, the dropping of the issue as the negotiation process deteriorated (even as autocracy continued to be well-established in the regime) indicates that negotiation dynamics with the host state better explain CPN-M behaviour.

Indeed, the CPN-M does not act congruently with the causal logic underlying the autocratic host state explanation. This logic predicts that an ANSA facing an autocratic state should sign the DoC to court international favour—premised on the assumption, which is a bit of a stretch, that there are sufficiently strong international norms against anti-personnel landmine use—so that international pressure can force political concessions from the autocratic government. However, not only did the CPN-M fail to sign the DoC during the 2003 negotiations, but it also proceeded to act openly hostile with seemingly little regard for international opinion. It was the CPN-M that walked out of negotiations in August 2003, sneering at the government’s third-round proposal even though a number of foreign diplomats had publicly praised it (Thapa and Sijapati 2004, 263). In September 2003, Prachanda practically laid the failure of negotiations at the feet of the international community:
The serious effort by our Party and the people to arrive at a peaceful and forward-looking political solution has failed because of foreign imperialist intervention and the national capitulationist [sic] attitude of the old state. From this it has become clear that the genuine sovereignty, the freedom of the country and the aspiration for the peace and progress of the people cannot be achieved unless one fights [a] decisive battle against this reactionary feudal state which is being bred and fed by the imperialists (Thapa and Sijapati 2004, 189).

In the face of CPN-M's overt hostility, it was the Nepali government that instead received international sympathy and military support. The resumption of hostilities “allowed the government to blame the Maoists for yet again breaking the ceasefire unilaterally and seek external assistance, which was readily forthcoming from the US, the UK and India” (Thapa and Sijapati 2004, 190). Those countries furnished millions of dollars of military assistance, in the form of cash, weapons, helicopters and vehicles, and logistical and communications equipment, to the Nepali government in spite of its autocratic features (Thapa and Sijapati 2004, 190) and, incidentally, its continued use of anti-personnel landmines.⁹⁴ Ultimately, not only did the transition to an autocratic

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⁹⁴ This furnishing of international aid to not only an autocratic government, but also a government deploying anti-personnel landmines in a civil conflict, appears to run contrary to the assumptions underlying all three alternative explanations of ANSA behaviour (state regime type, strategic legitimacy theory, and the strong secessionist explanation). Namely, the assumptions that an anti-personnel landmine ban is crystalizing as a norm of customary international humanitarian law such that it is comparable to the prohibition on civilian targeting and that international legitimacy and/or political and material support are somehow conditional upon the renunciation of anti-personnel landmines by an
regime not induce CPN-M to sign the DoC, it scarcely seemed to influence the CPN-M to do anything to improve its reputation in the eyes of the international community.

3.2. Strategic Legitimacy Explanation

Of the three legitimacy-seeking characteristics identified by Jo’s (2015) strategic legitimacy theory, the CPN-M had one. It did not have secessionist aspirations, nor any state sponsors (much less one that is home to a large constituency of humanitarian organizations or, which might be more applicable to the present issue, that has signed the Ottawa Treaty), but it did have a political wing. Maoist teachings identify the three ‘magic instruments of the New Democratic Revolution’ as the Party, the Revolutionary United Front, and the People’s Army and, of these, the Party is the most important (Thapa and Sijapati 2004, 103). So was the revolution in Nepal structured. The Communist Party of Nepal – Maoist served as the Party (or political wing) and “apex bodies at the central level of the CPN (Maoist) came to consist of a standing committee actor. In this instance both the UK, which is a State Party to the Ottawa Treaty, and the US, which Jo (2015) identifies as a country that cares about human rights based on consistently hosting seventy-one human rights organizations’ permanent secretariats from 1996 to 2008, supported Nepal militarily despite its use of anti-personnel landmines. All three state donors (India, US, and the UK) are States Party to the amended CCW Protocol II.
of the politbureau with about seven members; a politbureau of around 15, including alternate members; and a 40 to 50-member central committee” (Thapa and Sijapati 2004, 103). Importantly, the central committee designed all policies that pertained to the ‘People’s War’ (Thapa and Sijapati 2004, 103). CPN-M was deemed a terrorist organization, and thus illegal, from November 26, 2001 (Gobyn 2009, 423), until shortly after the government was reconstituted under Koirala in 2006 (Gobyn 2009, 432). But outside of this period, it was able to function as a legal political wing, although it had no experience participating in domestic elections as such since it was formed as a result of a party split just prior to the 1994 elections, in which the electoral commission recognized its rival faction. However, many CPN-M politicians did have some prior experience in regular politics in the various predecessor communist parties. Thus, the CPN-M checks both boxes of the first legitimacy-seeking indicator (i.e., engagement in normal politics; usually operationalized as the presence of a legal political wing): having a political wing with some control over the armed wing and past political experience in normal politics (Jo 2015, 101).

Strategic legitimacy theory would therefore predict that the CPN-M is more likely to comply with international law than armed groups that display no legitimacy-seeking characteristics. Perhaps the likelihood is not as great as groups that have more
than one characteristic—although legitimacy-seeking indicators are not explicitly theorized as additive. However, Jo specifically notes the CPN-M as an outlier in her analysis and emphasizes the probabilistic nature of her hypotheses:

The presence of one or more legitimacy indicators does not guarantee compliance behaviours by rebel groups. They only serve as predictors of compliance and my hypotheses are probabilistic conjectures. It is also notable that some groups fail to engage external actors despite their legitimacy seeking records. [...] In the case of the Maoists in Nepal, maintaining governance functions did not guarantee that the group would refrain from committing abuses against the civilian population. The group enjoyed popular support, but committed numerous acts of violence against citizens (2015, 100).

At least in the issue area of anti-personnel landmines, however, the CPN-M actually did appear to comply with the still-nascent prohibition on victim-activated anti-personnel landmines (although without formal commitment) even as it flouted other established elements of IHL. Still, this compliance would appear to be more happenstance than based on principle, a sense of legal obligation, or a desire to be viewed positively by the international community. The theoretical ambiguity of strategic legitimacy theory prevents it from being dismissed outright, but it does not provide a useful narrative to explain the lack of CPN-M commitment, via the DoC, to the renunciation of anti-personnel landmines—or its other behaviour. Comparatively, conciliatory signalling
theory is much more precise, accounting for its failure to sign the DoC on anti-personnel landmines in part because not being a user of anti-personnel landmines worked to undermine the usefulness of signature as a conciliatory signal. Mistreatment of civilians is also not such a puzzle for conciliatory signalling theory, since it highlights the importance of clear communication of intent with the host state government rather than civilian constituencies.

3.3. Strong Secessionist Explanation

Fazal and Konaev’s (2019) strong secessionist hypothesis also explains little with regard to the case of the Maoists in Nepal. In this instance, simply because there is no clear prediction according to this argument that emerges from the observed features of the CPN-M. With approximately 5,000 troops in the People’s (Liberation) Army it is a strong ANSA, but decidedly not a secessionist one. Fazal and Konaev indicate that strong non-secessionist ANSAs have a peculiar mix of incentives: low political incentives to sign the DoC, but also low military-strategic costs to signing. This results in an unclear prediction (2019, 156). The conciliatory signalling analysis for this case, above,

95 The log value for the estimated number of CPN-M rebel troops in Fazal and Konaev’s (2019) replication data is 8.517193, which exceeds the variable’s mean of 7.666 and median of 7.6.
actually arrives at much the same conclusion (though by weighting slightly different factors) about the CPN-M’s incentive structure in the decision to sign the DoC: low political incentives (given the lack of clarity around anti-personnel landmines in the domestic context and the possibility of antagonizing the government) paired with low military-strategic costs (since the CPN-M was a non-user of victim-activated anti-personnel landmines anyhow). The difference in the end is that conciliatory signalling theory generates a prediction (since DoC signature is not a credible or effective signal in this context, the CPN-M will not avail itself of it) that has more explanatory power.

IV. Concluding Remarks

The paired case studies of Nagorno-Karabakh in Azerbaijan and the Maoist revolutionaries in Nepal, are an interesting exploration of the other value of the dependent variable in this study: non-signature of the DoC. Conciliatory signalling theory has again proven to be useful in explaining why and when ANSAs sign (or do not sign) the Geneva Call DoC on anti-personnel landmines. The case of the de facto Nagorno-Karabakh authorities illustrates that a lack, or in this instance refusal, of negotiations between the ANSA and the host state means the absence of direct communication and a context that incentivizes conciliatory signals such as a DoC
signature. The Nepali case is initially more perplexing, as numerous negotiation periods failed to incentivize the CPN-M to sign the DoC. However, upon closer investigation it is congruent with the causal logic of conciliatory signalling theory: a DoC signature would not have offered the CPN-M much benefit in the negotiations, and was likely to be misinterpreted and generate confusion or hostility. A signal is not useful and will thus be avoided if it is not appropriate or credible in a given context. Similar to how a gesture that usually considered positive in most countries, like the thumbs up sign, would be avoided if trying to express approval in certain countries of West Africa and the Middle East (where it is considered an extremely offensive gesture).

Alternative explanations for ANSA behaviour did not fit quite as well. The state regime type (autocratic host government) explanation failed to satisfactorily explain either case. Behaviour ran contrary to prediction in the Azerbaijan case and in the Nepali case study, regime type displayed variation, but the absence of a signature was static. Strategic legitimacy theory was not a complete mismatch, but it was unable to provide a particularly compelling explanation for either case. In terms of Nagorno-Karabakh, ANSA behaviour was the opposite of the theory’s prediction although there were some mitigating factors. The CPN-M in Nepal technically fit the theory’s prediction in terms of compliance, but it was a compliance without commitment and there is no real evidence
of the theory's causal mechanism at play. Lastly, Fazal and Konaev's (2019) strong secessionist argument has a mixed record. The case of the *de facto* Nagorno-Karabakh authorities illustrates well one of the noted exceptions to their explanation, that secessionists who control territory are particularly unlikely to sign the DoC due to a need to defend that territory. However, their variables of interest simply do not give a clear prediction for the Nepal case.
Chapter Seven
Negotiation as a Ripe Moment for ANSA Engagement

I. Costly Commitments as Conciliatory Signals

The purpose of international humanitarian law (IHL) is to preserve humanity in the midst of warfare: to limit the impact of armed conflict on people and property and to protect particularly vulnerable groups of people. However, compliance with it is largely a raw deal for armed non-state actors (ANSAs). Not only are ANSAs systematically excluded from the creation of international law, but they are also bound to it without their consent and offered little in the way of traditional recompense for exercising the restraint it demands. They are denied equality with belligerents in international armed conflicts, particularly with respect to domestic criminal prosecution. Thus, despite the devastating and enduring impact of anti-personnel landmines on civilian populations, it is confounding that certain ANSAs go beyond their existing legal obligations (such as may exist) pertaining to anti-personnel landmines by committing themselves to and complying with the Geneva Call Deed of Commitment (DoC) for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action. Existing theory and explanations suggest that there are different types of ANSAs—those that may be redeemed by their need for international legitimacy or support and may thus be persuaded to act with
restraint and those that are not—although the devil is in the details of sorting one from the other. Is it the secessionists that are redeemable? The militarily powerful secessionists that are not quite powerful enough to control territory? Those ANSAs with political wings, humanitarian-minded state patrons, or autocratic opponents? Some combination of the aforementioned? Sassòli remarks that these kinds of categorization attempts are common in discussions about ANSAs and IHL:

Armied groups are diverse in their degree of organization and control over their members, territory or people, their aims, and in particular in their inclination to respect IHL. Most people who write about them make distinctions between different categories of groups and suggest certain methods to improve compliance only for some of these categories. Very often it is argued that some groups (e.g., Al-Qaeda) cannot possibly be made to respect IHL (2010, 14).

This dissertation has not set out with the goal of weighing in on the most redeemable or compliant type of ANSA, although it generates some incidental findings relevant to that parallel pursuit nonetheless. Instead, it approached the research question of why some ANSAs voluntarily and unilaterally choose to commit themselves to and comply with a total anti-personnel landmine ban via the Geneva Call DoC from a different angle. Rather than search for highly static characteristics of ANSAs that might make them more desperate to please the international community on this issue (which,
problematically assumes a homogeneity of opinion in the international community on anti-personnel landmines that has not been forthcoming, except insofar as there is a general preference that states maintain a monopoly over these weapons and all other means of violence), it proposes that driving factors must be situational. This is also a more optimistic approach, which does not assume from the outset that only certain types of ANSAs are inclined to be law abiding or make humanitarian commitments. Rather, in the right situation or circumstances, these choices could be rational decisions for any type of ANSA. As Sassòli argues, whether an ANSA “is ‘serious’ or not, or whether it is willing to comply with restraints, will be shown by the result of the process and therefore cannot be a precondition to the process” (2010, 15). Furthermore, the attributes upon which these categorizations are made tend to be relatively invariable over the course of a conflict, whereas DoC signatory status usually changes abruptly during a conflict, which further suggests that there might be situations related to conflict dynamics that may dramatically alter otherwise stable incentive structures when they arise. It is apparent that negotiations are events that may occur within any conflict regardless of ANSA type (secessionist or not, ‘terrorist’ or not, large or small, externally-
sponsored or not, etc.) or state regime type, and that they radically alter incentive structures.

Negotiations shake-up existing incentive structures regarding the decision to renounce anti-personnel landmines through the Geneva Call mechanism because they represent an opportunity for both an ANSA’s aim and its relevant constituency to change. Given that a negotiated settlement may represent an ANSA’s best chance for a favourable conflict outcome, war aims may be set aside to focus on being taken seriously as a negotiating party and achieving peace on the best possible terms. When this happens, an ANSA’s constituency also widens to include the host state—its erstwhile enemy—and any mediators. As such, there is value in evaluating the applicability of a theory of negotiation to the question of ANSA commitment to a total ban on anti-personnel landmines via the Geneva Call DoC. Conciliatory signalling theory argues that parties to a conflict can credibly reveal their intent to seriously engage in a negotiation process—thus reducing the barrier of mistrust between parties—by “taking measures that involve significant degrees of risk,” including security risks (Höglund and Svensson 2006, 368). In many cases, the renunciation of anti-personnel landmines via a credible

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96 Which, admittedly, is more properly a state attribute and one of the more dynamic attributes pulled from existing literature.
and monitored avenue entails such security risks and thus can be considered a manifestation of the “sticking one’s neck out” strategy (Mitchell 2000, 177), used to convey credibility in negotiation. This study has evaluated the usefulness of applying conciliatory signalling theory to the phenomenon of ANSA signature of the antipersonnel landmine DoC, relative to other potential explanations from relevant literatures, through quantitative analysis and a detailed look at four qualitative case studies. Across the board the results are compelling that the application of conciliatory signalling theory to this issue enhances understanding. The results of the quantitative analysis in Chapter Four indicate that whether an ANSA is in a negotiation episode with its host state is statistically significant, with ANSAs in negotiation episodes being more likely to sign the DoC on anti-personnel landmines. The same regression analysis shows that, additionally, ANSAs that are strong secessionists and whose government opponent uses anti-personnel landmines or has not signed the Ottawa Treaty are also statistically more likely to sign the DoC, while weak secessionists, strong non-secessionists, secessionists that control territory, and ANSAs that operate in highly forested territory, are statistically less likely to sign the DoC. It also suggests that ANSA users of anti-personnel landmines are less likely to sign the DoC, although this finding is less robust, and that there may be a contagion effect. Conciliatory signalling theory also provides
compelling explanations for the DoC signatures (and their timing) witnessed in Somalia and Turkey (Chapter Five), as well as reasonable narratives to explain the lack of DoC signatures in the cases of Azerbaijan and Nepal (Chapter Six).

While conciliatory signalling theory does not supplant all other alternative explanations, indeed the aforementioned quantitative analysis suggests the other variables that may work in tandem to explain ANSA decisions to sign the DoC on anti-personnel landmines, it fares at least as well as some, and better than most other explanations of ANSA behaviour. Although state regime type as a variable was not tested in the regression analysis, the theory (loosely extrapolated from Stanton 2016) that ANSAs facing autocratic state opponents should be more likely to sign the DoC to curry favour with the international community could not explain ANSA behaviour in any of the four case studies. In the Somalia case the interregnum period made it inapplicable, in the Turkey and Azerbaijan cases ANSA behaviour ran counter to theory predictions, and in Nepal the state regime type varied but at no point did the Communist Party of Nepal – Maoist (CPN-M) sign the DoC. It is likely that the fact that the emerging legal norm to eliminate anti-personnel landmines and the Ottawa Treaty regime constitute a far less established and universal prohibition than the customary obligations proscribing deliberate civilian targeting (a key part of the causal logic in Stanton's
original argument about patterns of civilian targeting by ANSAs) matters considerably here. Ultimately, state regime type does not offer a useful explanation for ANSA DoC signatures.

Strategic legitimacy theory, the conceptual child of Hyeran Jo (2015), fares somewhat better in its application to the issue area of anti-personnel landmines. A test of this theory was also not explicitly included in the regression analysis of Chapter Four; however, the analysis does have findings about different types of secessionist groups—secessionism being one of the three proxy variables of interest to strategic legitimacy theory. The findings seem to indicate that strong secessionist groups are more likely to sign the DoC, while weak secessionists and secessionists that control territory are less likely. This kind of nuance is not predicted by strategic legitimacy theory but does lend some weight to the idea that secessionists may have a particularly strong strategic need for international legitimacy that may, in certain conditions, incentivize them to make commitments such as signing the Geneva Call DoC on anti-personnel landmines. Fazal and Konaev (2019), upon whose work the quantitative analysis in Chapter Four builds, also include the variable for rebel political wing—the second of three proxy variables of interest to strategic legitimacy theory—in their third model. The variable fails to reach
statistical significance, but its inclusion also reduces the number of observations from 71 to 55 and the relatively small-N is a limitation of the analysis.

Strategic legitimacy theory also offers little explanatory power in the four case studies. The theory serves as a poor predictor in Somalia, correctly predicting only one (or two, with a modified explanatory variable) of 17 actual DoC signatures and falsely predicting two signatures that did not materialize. In Turkey, the Kurdistan Workers’ Party (PKK) does have certain legitimacy-seeking characteristics and did sign the DoC, but strategic legitimacy theory is unable to account for the timing of the signature as well as inconsistencies with the theory across issue areas and countries. Strategic legitimacy theory also cannot fully account for ANSA behaviour in the Azerbaijani and Nepali cases, with an incorrect prediction in the former instance and a technically correct prediction in terms of de facto compliance (but not commitment via the DoC) in the latter; however, key elements of the hypothesized causal mechanism are absent.

Fazal and Konaev’s (2019) insights about strong secessionists in particular, and the balance of military and political incentives more broadly, are the most useful of the alternative explanations explored in this dissertation. The quantitative results of Chapter Four, which builds on Fazal and Konaev’s (2019) own analysis, is largely consistent with their findings even as it gives weight to the explanatory power of
conciliatory signalling theory. These two are not mutually exclusive, and it appears that both may be at work in a complementary fashion: with both strong secessionists and ANSAs in negotiations with their host state (regardless of if they have independence aims) being more likely to sign the DoC on anti-personnel landmines. In terms of the case studies, Fazal and Konaev’s (2019) strong secessionist hypothesis cannot explain anything in the Somali or Nepal cases. In Somalia, the only strong secessionist (Somaliland) has refused to sign the DoC and, while Fazal and Konaev (2019) do indicate that secessionists that control territory should be exceptions, the specified causal mechanism for this exception is lacking in Somaliland. In Nepal, the fact that the CPN-M is a strong non-secessionist group simply means that Fazal and Konaev’s (2019) work is unable to generate a prediction about whether the group will sign. Fazal and Konaev’s (2019) explanation for ANSA behaviour fares better in the Turkey and Azerbaijan cases. In Turkey, although their explanation cannot account for the timing of the signature decision, the PKK is a strong secessionist signatory of the DoC. The case of the de facto Nagorno-Karabakh authorities in Azerbaijan could be reasonably explained as an instance of the exception for secessionists that control territory. While the strong secessionist explanation is not quite as strong as that of conciliatory signalling theory, it still performs the best of the examined alternative explanations and it can be layered
with conciliatory signalling theory for a fuller picture of the incentive structure facing an ANSA at any given time.

II. Ripe Moments, Not Only Predisposing Attributes

Important theoretical and practical implications follow from this dissertation’s findings. In terms of theory, establishing that negotiation dynamics between ANSAs and their host governments matter enables a better understanding of the situations and timing of ANSA renunciation of anti-personnel landmines through the DoC. Theoretical dead ends are also as useful to understand as promising avenues and it is instructive that throughout this analysis state regime type failed to be a useful predictor for ANSA DoC signature. From a policy standpoint, this study shows that an important window of opportunity exists to push for ANSA commitments to the DoC on anti-personnel landmines (and potentially some other stand-alone unilateral IHL commitments) alongside ongoing peace negotiations, that investments in sufficient translation and interpretation capacity to capitalize on these windows of opportunity even though English-speaking ANSA members may be preoccupied should be seriously considered, that there may be utility in encouraging the framing of commitment to the anti-personnel landmine ban as a conciliatory signal, and that there may be a benefit to
encouraging ongoing inclusive negotiation or communication between ANSAs and their host states even if a final solution does not appear readily apparent. This section will address these theory and policy implications in greater depth and in turn.

1. Theoretical Implications

This study builds on existing theories that highlight the centrality of legitimacy in forming the incentive structures upon which ANSAs make choices about committing to and exercising restraint in warfare. However, by looking at legitimacy from a novel angle (legitimacy as a serious negotiating party rather than legitimacy as a potential new state or government) it is possible to make predictions about anti-personnel landmine renunciation for a greater variety of ANSA types and better account for the temporal variation in DoC signatures. Traditionally, when considering other types of IHL-compliant behaviour that ANSAs demonstrate (such as refraining from civilian targeting or the use of child soldiers) the international community of states is the relevant audience considered (Stanton 2016; Fazal and Konaev 2019). Domestic constituencies (either of a region or a whole state) may also be taken into account (Jo 2015). Applying conciliatory signalling theory, however, draws attention to the opposing state itself (and potentially mediator actors) as a relevant audience in the event of negotiations. In many
cases, the heterogeneity of legal obligations and norms pertaining to anti-personnel landmines within the international community may make it more difficult to strategically use commitments pertaining to those weapons to gain the sympathy of ‘the international community’ writ large. However, this disagreement at the global level does not impact the self-sacrificing element of anti-personnel landmine renunciation and thus does not impede an ANSA’s ability to use a unilateral renunciation of anti-personnel landmines in the context of negotiations with their host state as a credible conciliatory signal that the ANSA is very serious about participating in good faith.

While significant that, due to the potential that signing the DoC on anti-personnel landmines holds as a conciliatory signal, negotiation dynamics matter for understanding when and by whom this commitment is made, this variable does not necessarily supplant other explanatory variables for which there is evidence. For instance, this study corroborates previous findings that suggest that strong secessionists are more likely to sign the DoC overall, while weak secessionists, secessionists that hold territory, ANSAs operating in heavily-forested conflict zones,

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97 Case studies suggest, however, that the causal logic may need further development. While it indeed seems that there are cases (e.g., Nagorno-Karabakh in Azerbaijan) where the need to defend territory militarily incentivizes the use of anti-personnel landmines and thus makes a DoC signature much less likely, there also appear to be cases where strong secessionists that control territory (e.g., Somaliland) function so completely as (unrecognized) states that they face political disincentives to signing
ANSA users of anti-personnel landmines, and those facing state opponents that have signed the Ottawa Treaty are less likely to sign (Gleditsch et al. 2018; Fazal and Konaev 2019). It also finds that strong non-secessionists are less likely to sign the DoC and that there may be a contagion effect at play. Effectively, the application of conciliatory signalling theory to the phenomenon of ANSA signatures to the DoC adds another layer to the (dis)incentives that face ANSAs when they make the decision to bind themselves (or not) to a total ban on anti-personnel landmines. Sagarin (2015), argues that scholars and practitioners who try to understand and mitigate international change and conflict should occasionally take inspiration from the natural sciences; insights from the study of the Daffodil Cichlid may be instructive here. Studies of *Neolamprologus pulcher*, a freshwater species endemic to Lake Tanganyika in Africa that is also known as the Daffodil Cichlid, often investigate the submissive signals of these communal and cooperatively breeding fish (Taborsky and Grantner 1998; Ruberto et al. 2020). Their submissive repertoire features a tail quiver, which is energetically costly—increasing energy expenditure 3.3 times over normal (Taborsky and Grantner 1998, 1375)—and so-

to DoC (even when they already embrace a ban on anti-personnel landmines) because it would be demeaning and undermine the ANSA's governing authority to sign onto a commitment for armed non-state actors.
called ‘head up displays’ in which a fish “tilts its body upwards in the water column, revealing its underbelly to another fish” (Ruberto et al. 2020, 2). Ruberto et al. (2020) find that submissive head up displays are correlated with smaller fish size (individual attribute), scarcity of shelter (environmental attribute), and in response to aggressive behaviour (situational variable). Although human and ANSA behaviour is more complex than that of fish, there appears to be a similar role for individual attributes (e.g., size and secessionist aims), environmental context (e.g., sparsely forested terrain), and situational variables (e.g., negotiation onset) to influence an ANSA’s decision to sign the DoC as a conciliatory signalling behaviour. The clear contribution of this dissertation is the introduction of a new situational variable—the onset of peace negotiations between an ANSA and its host state—that holds up to both quantitative and qualitative scrutiny. The findings here further suggest that host state regime type is not a relevant environmental attribute with regard to ANSA commitment to a total ban on anti-personnel landmines via the DoC.

2. Policy Implications

Fortunately, the onset of negotiations is a variable that is easier and more acceptable to manipulate than some of the other variables that influence ANSA
signature of the DoC on anti-personnel landmines. While it could be difficult—or at least highly problematic—to adopt a policy of converting ANSAs to secessionism or supplying additional troops, for instance, encouraging and facilitating the settlement of disputes by peaceful means is actually enshrined in the Charter of the United Nations (Article 2, para. 3). Mediation and good offices are well-institutionalised at the international level, with a variety of actors (non-governmental organizations, states, and intergovernmental organizations) regularly engaging in these practices in an effort to manage international and civil conflict. From a policy standpoint, it may be important to consider a wide spectrum of ‘successful’ mediation outcomes, which could include the incentivization of conciliatory signals that ultimately deescalate conflicts or bring them more into line with existing or aspirational IHL. Continued investment (in terms of funding, resources, venues, time, and political clout) in mediation and provision of good offices for civil conflicts should be prioritized in light of not only the lasting solutions that may result, but also the potential for conciliatory signals (such as commitment to the DoC on anti-personnel landmines) that reduce the severity of the conflict on civilian populations.

Additionally, Geneva Call and other international non-governmental organizations (INGOs) with similar aims (such as Fight for Humanity or the
International Campaign to Ban Landmines), should recognize the window of

opportunity provided by such negotiation processes and strategically, in parallel, engage

ANSAs for signatures at these points in time. Since the preoccupation of ANSAs

engaged in negotiation processes with the negotiation proper (particularly their

English-speakers) has been identified as an issue that prevents their parallel

engagement on the issue of anti-personnel landmines, it may be necessary to fund

additional translation and interpretation capacity for the work of Geneva Call. More

broadly, the work of Geneva Call on anti-personnel landmines could be supported by

efforts (from within the organization and without) to increase conceptual

understanding of anti-personnel landmines and related terminology and frame

signatures to the Geneva Call Deed of Commitment for Adherence to a Total Ban on Anti-

Personnel Mines and for Cooperation in Mine Action as conciliatory signals. This is true

because a clear and shared understanding in local contexts of the weapons in question,

the parameters of the commitment, and the voluntary and pacific nature of this type of

diying is important for it to function effectively as the intended conciliatory

signal.
III. Limitations and Future Research

While plausibly satisfying, the findings of this study are nevertheless constrained by certain data limitations. Firstly, the quantitative sample is relatively small, which both restricts the statistical power of the regression analysis and limits, due to overdetermination concerns, the inclusion of additional variables. Similarly, a lack of granularity and reliability in certain variables creates a more foundational issue. For instance, granular and reliable data on the troops of armed non-state actors are extremely difficult to come by. Much of the existing data is in the form of expert estimates, estimates from state armed forces, or self-reporting by the ANSA in question, the latter two sources both having an incentive to misrepresent. New anti-personnel landmine use is also inherently difficult to measure reliably due to the confidential or clandestine nature of the activity, poor recordkeeping by actors, the (possibly very long) time delay between emplacement and detonation, the misreporting of unexploded ordinance (UXO) or other explosive incidents as anti-personnel landmine incidents, etc. Conclusions derived from sparse and questionable data must be interpreted with caution. Finally, it was not possible to triangulate findings with primary data collected directly from the leadership of ANSA groups, which would have been incredibly valuable.
There is ample opportunity for researchers to replicate and enrich the quantitative work with additional and novel data that addresses some of the limitations discussed above. For instance, more resources can be expended to code a larger sample of ANSAs, novel proxy approaches may create more granular and reliable data for certain variables, and there may be improved availability of certain types of data in the future. Increasing the sample size and reducing the missing observations for certain variables, for instance, may allow for a regression that includes Fazal and Konaev’s (2019) variables, alongside the episode type variable of conciliatory signalling theory, state regime type, and the explanatory variables of strategic legitimacy theory.

Conducting ethnographic research with ANSAs would also provide valuable insight into the actual decision-making processes on anti-personnel landmine DoC signatures that have occurred.

Further, this study suggests that there are certain differences between the IHL issue area of anti-personnel landmines and other issue areas, such as civilian targeting, that may account for how ANSAs approach them. For example, the fact that state regime type is an extremely useful variable in Stanton’s (2016) work on civilian targeting but not for predicting commitment to a total ban on anti-personnel landmines likely derives from distinctions between the two issue areas, such as the far better elaborated and
established universal prohibition on civilian targeting or the deliberate rather than incidental nature of the harm caused to civilians. However, it would be instructive to apply conciliatory signalling theory to other types of IHL commitments by ANSAs to gain a greater understanding of the role of negotiations (if any) in the decision to make and timing of those commitments. For instance, do negotiations and other factors (or some of those factors) that influence ANSAs to sign the DoC on anti-personnel landmines also influence them to sign other Geneva Call Deeds of Commitment?

Geneva Call presently has five Deeds of Commitment, that address, in addition to anti-personnel landmines, children, sexual violence, health care, and food insecurity in armed conflicts. A deeper analysis of the incentive structures relating to signatures of the other DoCs will help to establish the issue scope of the utility of conciliatory signalling theory, which could plausibly be limited to commitments related to weapon renunciation (such as a total ban on anti-personnel landmines) but should be considered when assessing other issue areas.

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98 These are the Deed of Commitment Protecting Children in Armed Conflict launched in 2010, the Deed of Commitment Prohibiting Sexual Violence and Against Gender Discrimination launched in 2012, the Deed of Commitment on the Protection of Health Care in Armed Conflict launched in 2018, and the newest Deed of Commitment on the Prevention of Starvation and Addressing Conflict-Related Food Insecurity launched in 2021.
APPENDIX I: TEXT OF THE DEED OF COMMITMENT UNDER GENEVA CALL FOR ADHERENCE TO A TOTAL BAN ON ANTI-PERSONNEL MINES AND FOR COOPERATION IN MINE ACTION

DEED OF COMMITMENT UNDER GENEVA CALL FOR ADHERENCE TO A TOTAL BAN ON ANTI-PERSONNEL MINES AND FOR COOPERATION IN MINE ACTION

WE, the (NAME OF THE NON-STATE ACTOR), through our duly authorized representative(s),

Recognising the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim combatants and civilians, mostly innocent and defenceless people, especially women and children, even after the armed conflict is over;

Realising that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post-conflict reconciliation and reconstruction;

Rejecting the notion that revolutionary ends or just causes justify inhumane means and methods of warfare of a nature to cause unnecessary suffering;

Reaffirming our determination to protect the civilian population from the effects or dangers of
military actions, and to respect their rights to life, to human dignity, and to development;

Resolved to play our role not only as actors in armed conflicts but also as participants in the practice and development of legal and normative standards for such conflicts, starting with a contribution to the overall humanitarian effort to solve the global landmine problem for the sake of its victims;

Accepting that international humanitarian law and human rights apply to and oblige all parties to armed conflicts;

Acknowledging the norm of a total ban on anti-personnel mines established by the 1997 Ottawa Treaty, which is an important step toward the total eradication of landmines;

NOW, THEREFORE, HEREBY SOLEMNLY COMMIT OURSELVES TO THE FOLLOWING TERMS:

1. TO ADHERE to a total ban on anti-personnel mines. By anti-personnel mines, we refer to those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. By total ban, we refer to a complete prohibition on all use, development, production, acquisition, stockpiling, retention, and transfer of such mines, under any circumstances. This includes an undertaking on the destruction of all such mines.

2. TO COOPERATE IN AND UNDERTAKE stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action, especially where these programs are being implemented by independent international and national organizations.

3. TO ALLOW AND COOPERATE in the monitoring and verification of our commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organizations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where anti-
personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.

4. TO ISSUE the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information dissemination and training, as well as disciplinary sanctions in case of non-compliance.

5. TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflicts.

6. This Deed of Commitment shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.

7. We understand that Geneva Call may publicize our compliance or non-compliance with this Deed of Commitment.

8. We see the desirability of attracting the adherence of other armed groups to this Deed of Commitment and will do our part to promote it.

9. This Deed of Commitment complements or supercedes, as the case may be, any existing unilateral declaration of ours on anti-personnel mines.

10. This Deed of Commitment shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds and similar unilateral declarations.

Done this (Day Month Year), in (City)
For the **NAME OF THE SIGNATORY**

(Name)  
(Title)  

For **GENEVA CALL**

(Name)  
(Title)  

For the **GOVERNMENT OF THE REPUBLIC AND CANTON OF GENEVA**

(Name)  
(Title)
# Appendix II: Comparative ANSA Sample Construction

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<th>Signatory Subset&lt;sup&gt;99&lt;/sup&gt;</th>
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<sup>99</sup> Contains all signatories of the Deed of Commitment on Landmines to date (30 January 2021).


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<tr>
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Jenkins, Gareth. 2007. “PKK Changes Battlefield Tactics to Force Turkey into Negotiations.” Terrorism Focus 4.34.


