

**WHY DO BORDER GUARDS SHOOT? AN EXPLANATION OF SHOOT TO KILL
POLICIES WHICH TARGET ILLEGAL BORDER CROSSERS**

Dissertation
zur Erlangung des Doktorgrades
der Wirtschafts- und Sozialwissenschaftlichen Fakultät
der Eberhard Karls Universität Tübingen

vorgelegt von
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2013

ACKNOWLEDGEMENTS

First and foremost, I would like to acknowledge my gratitude to my mother, Süheyla Öztuğ and to my cousin, Dr. Ömer Cenker Ilıcalı. They supported me and gave me strength during the long and difficult years in which I have been writing my dissertation.

I would like to express my gratitude to my supervisor, Prof. Dr. Thomas Diez whose ideas, comments and constructive criticisms enabled me to look at my study from a much broader perspective. He taught me how to question my own ideas and strengthen my arguments. I am grateful to my co-supervisor, Prof. Dr. Andreas Hasenclever. I have benefited from his insightful comments and criticisms during Ph.D. Colloquiums.

I wish to express my gratitude to Prof. Dr. Ayse Nuhoğlu for her comments about the legal dimension of shoot to kill policies. I am indebted to Prof. Dr. Gülay Kıroğlu, Associate Prof. Dr. Gülhayat Gölbaşı and Lukas Kasten for their help in statistics.

I finally would like to thank my dear friend, Dr. Lale Bükçüoğlu for supporting me when I lived in Germany.

ABSTRACT

When states are interested in excluding illegal border crossers, they have a considerable number of strategies at their disposal. States can exclude illegal border crossers by building fences, militarizing their borders, adopting a push-back policy at their maritime borders, through cross-border cooperation with their neighboring states and adopting a shoot to kill policy. The objective of this study is to answer why some states choose shoot to kill policies and other states refrain from shoot to kill policies when they are interested in excluding illegal border crossers. The majority of arguments derived from the current literature fall short of explaining this research query.

The findings of this study reveal that as the level of democracy decreases, states become more inclined to adopt shoot to kill policies at their borders. In a nutshell, it is argued that the norm of non-violent conflict regulation which is intrinsic to democracies induces policymakers to rule out a shoot to kill policy. In democracies the rule of law prevents abusive and arbitrary actions of governments. In other words, through independent legal institutions policymakers are held accountable for their actions. Most importantly, when domestic political conflicts emerge, the rule of law ensures that they are regulated non-violently. In and through non-violent practices in light of domestic political conflicts, policymakers develop an understanding that non-violence is part of their identity. When states decide to reinforce their borders, policymakers think that as a non-violent state, they should rule out a shoot to kill policy as an option.

This study also shows that when states have engaged in violent conflicts with their neighbors, they become more likely to adopt shoot to kill policies at their borders. Interestingly, violent interstate conflicts override the norm of non-violent conflict regulation. Overall, the study concludes that democracies are more likely to refrain from shoot to kill policies compared to other states given that they have not engaged in violent conflicts with their neighbors.

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WHY DO BORDER GUARDS SHOOT? AN ANALYSIS OF SHOOT TO KILL POLICIES WHICH TARGET ILLEGAL BORDER CROSSERS

CHAPTER ONE

INTRODUCTION

From the eyes of state authorities, borders symbolize security and control. Borders are seen as lines to be protected. At some borders state authority is visible with passport control points. At these borders identity documents are checked and visas are controlled. When illegal border crossers are detected, they are either detained or deported. Passport controls do control illegality of border crossings. However, this control is made by differentiating between people with proper documentation and illegal border crossers. However, most illegal border crossers eschew these control points and attempt to enter the territory of a state in which no official control takes place. Once states decide to reinforce their borders against illegal border crossers, they take extra measures between and/or beyond passport controls.

Measures taken between passport controls include fencing, militarization, and at the extreme end of the spectrum, shoot to kill policies. Shoot to kill policies differ from other strategies on the grounds that they are based on the elimination of illegal border crossers. If illegal border crossers can be excluded at borders through a number of measures, why do shoot to kill policies become a suitable strategy for policymakers? Additionally, what motivates other states to refrain from shoot to kill policies? In a nutshell, this study asks why a shoot to kill policy becomes an option for states when they are interested in reinforcing their borders.

From the eyes of illegal border crossers, borders represent hope. Human traffickers, smugglers and terrorists are only one side of the story. From the eyes of illegal immigrants, asylum seekers and border villagers, borders are steps towards a brighter future. Political instability, poverty, famines and droughts compel these people to cross borders illegally. However, hopes of a brighter future turn into despair once they reach the borders. Many die due to shoot to kill policies. A typical example is the Indian policy at its Bangladesh border. From 2002 onwards, more than 1.000 people have been killed by Indian border guards.¹ Most victims of the Indian shoot to kill policy are unarmed Bangladeshi cattle rustlers who try to

¹“Bangladesh anger over India torture,” 19 January 2012, *BBC* <http://www.bbc.co.uk/news/world-asia-india-16625104>

cross to India illegally. A Bangladeshi illegal border crosser tells with poignant clarity how the border has been turned into a dead zone:

Some of us including Monirul crossed into India around midnight to bring cows. We entered into Bangladesh through the Shing Nagar border around 6:30 a.m., when we discovered that we were being chased by the BSF. At that time we had already crossed the Chulkani Bil, which is 200 yards inside Bangladesh territory. The BSF started shooting at us from the no man's land. As gunshots were fired, everyone scattered but Monirul fell to the ground. He had been shot in the chest... Later the BSF tried to fetch Monirul's body and take it back to India. But in the meantime, a lot of villagers had already gathered around, and the BSF had to go back, leaving Monirul's body.²

This type of shoot to kill policy starts as local practices of border guards. Border agents begin to kill unarmed illegal border crossers arbitrarily. If central governments do not interfere at the local level to halt these practices such as imprisoning those who are responsible for deadly incidents and these practices are repeated for a period of time, local practices of border agents become an official state policy. Another type of shoot to kill policy starts as a top-down policy. High-level state officials give shoot to kill orders and border agents implement them. For example, in states like North Korea, Eritrea, and Iran shoot to kill orders are issued to control the movement of people.³ Shoot to kill policies could be conducted to control inward flows of people. For example, North Korea and Eritrea adopt shoot to kill policies to prevent their own people from fleeing.⁴

Although shoot to kill policies are practiced by border agents, they are official strategies of states. They cannot be considered as individual actions of border guards. Some border guards could indeed adopt arbitrary shooting practices at borders independently of official state authorities. In such a case, the behavior of state authorities is decisive. If central state authorities do not take action to halt these practices, then local practices of border agents will become an official policy. On the other hand, if investigations start and border agents involved in these practices are imprisoned, then shooting incidents will remain isolated events. In addition, it is important to take on board the fact that if border guards are attacked,

²Abdul Latif, Tarapur Munnagara, Chapainabaganj. Interviewed 25 February 2010, Human Rights Watch, "Trigger Happy" Excessive Use of Force by Indian Troops at the Bangladesh Border," p. 27 <http://www.hrw.org/sites/default/files/reports/bangladesh1210Web.pdf>

³"North Korean border guards given order of shoot-to-kill," 7 December 2009, *Digital Journal* <http://digitaljournal.com/article/283386>; Amnesty International Annual Report 2011, <http://www.amnesty.org/en/region/eritrea/report-2011>; Human Rights Watch, "Ten Long Years: A Briefing on Eritrea's Missing Political Prisoners," 22 September 2011

<http://www.hrw.org/embargo/node/101784?signature=dbdd4f8f5339a23f7cd35dec247f932b&suid=6>; "Iran issues shoot-to-kill order on Afghan bandits." 30 November 2000, *CNN* <http://archives.cnn.com/2000/WORLD/meast/11/30/iran.drugs.reut/>

⁴Ibid.

they have a legal authority to protect themselves. Therefore, if border guards act only to protect themselves from violent behavior of illegal border crossers, then their actions could not be considered as a shoot to kill policy.

It should be kept in mind that border reinforcement strategies, even though not based on a shoot to kill policy, might as well lead to sufferings for illegal border crossers. The U.S.-Mexico border is a case in point. Each year 300.000 Central Americans and 400.000 Mexicans cross the US-Mexico border.⁵ In order to prevent illegal flows of immigrants, the U.S.-Mexico border has been reinforced with fences and militarization. The U.S. border reinforcement strategy is not designed to eliminate illegal border crossers, but it has deadly consequences. Fences compel illegal border crossers to go through deserts and mountains. Some of them die due to unfavorable conditions and some are killed by smugglers. A Mexican illegal border crosser tells of his experience crossing the border:

We left from Laredo, Texas on June 8th, 2000 at five in the morning after the smugglers had driven us back and forth until they completed the group for the crossing. They gave us food, water and tortillas, and they told us we would get there in a “jump.” In reality it took us ten hours to get to the highway where a van picked us up to take us to Houston. We walked at a fast pace in a single line, jumping over barbed wire fences, loose and arid sand and, at a distance, we could see trees. When we ran out of water, we would refill with rotten water in cattle feeding ponds.... We took turns being the last one and, on some stretches, we had to use a branch to rake our prints and the path we were on. About two, it was my turn to be last. We had little water, and I felt dizzy. I began to feel there was something behind me, and I would turn to see what it was. I kept walking, but I felt a presence. I hurried and left my place, and Casimiro started to walk behind me. I offered him a little of the rotten water I still had left—“drink”—but he said no.... Casimiro tumbled a few steps and he fell over on the side of a tree. I walked near him and placed a cross on the tree trunk where Casimiro lay. The smuggler still did not want to touch him, and so he left Casimiro there. We thought he was exhausted and in pain, but we decided to let him recuperate his strength. We did not know that we were waiting on a dead man. After 15 minutes, we went over to see how he was and confirmed that he was not sleeping, that he was without life. In the heat, flies were already flying around him.... We decided to go on, and we left him under a tree with his voter registration card so that if he was found he could be identified. When we got to the highway, his companions stayed behind. We do not know what they did with him....⁶

Other states adopt push-back policies at their maritime borders. When they detect boats carrying illegal immigrants, they send them back to their country of origin. Usually, these

⁵“Police rescue 51 migrants kidnapped near U.S.-Mexico border.” 26 April 2011, *Latino Fox News* <http://latino.foxnews.com/latino/politics/2011/04/26/police-rescue-51-migrants-kidnapped-near-mexico-border/#ixzz1itkyaxTP>

⁶ Maria Jimerez, “Humanitarian Crisis: Migrant Deaths at the US-Mexican Border,” ACLU of San Diego & Imperial Counties, Mexico’s National Commission of Human Rights, 1 October 2009, p.30-3 <http://www.aclu.org/files/pdfs/immigrants/humanitariancrisisreport.pdf>

boats carry a lot of people and have a risk of sinking. Sending these boats back rather than providing rescue operations could lead to deadly results. All in all, each border reinforcement strategy poses a risk to the lives of illegal border crossers. However, the way illegal border crossers are excluded at borders shows an enormous difference. In shoot to kill policies, states deliberately aim to kill illegal border crossers. The main analytical aim of this study is to answer the question of why do some states adopt shoot to kill policies while other states resort to building fences, militarization, cross-border cooperation or push back policies at sea as instruments of border reinforcement.

I analyze this question by looking at the dynamics of democracies. The main argument is that democratic states are more inclined to refrain from shoot to kill policies as compared to other states. Since democracies regulate their domestic political conflicts non-violently, they reflect the same attitude at their borders. As non-violence is practiced systematically inside, policymakers in democracies feel obliged to refrain from physical violence at their borders. In a nutshell, the norm of non-violent conflict regulation which is intrinsic to democracies is externalized at state borders. In tune with my argument, I expect to find that as the level of democracy decreases, states become more inclined to adopt shoot to kill policies as a measure to exclude illegal border crossers.

Democracy is a mechanism which limits state power and plays a mediating role between divergent interests in political life.⁷ Democracy is characterized by electoral competition and the rule of law. Electoral competition means that actors with different ideological backgrounds and preferences can compete for political office. In essence, the rule of law is the backbone of democratic political order. In rule of law societies, nobody is above law. The power of the government is limited by other state actors such as an independent judiciary, an ombudsman and the like. These institutions limit the power of policymakers and ensure that policymakers are held responsible for their actions. The rule of law protects fundamental freedoms such as freedom of speech, freedom of religion, freedom of assembly and prevents arbitrary and abusive actions of governments.

Democracy, by its nature, leads to the norm of non-violent conflict regulation. Domestic political conflicts refer to divergent interests between citizens and the government. A typical example is protests. In protests, citizens hold positions that differ from those of their government and articulate their demands publicly. These conflicts are domestic because they

⁷ David Held, *Models of Democracy*, 3rd. ed (Cambridge: Polity Press, 2006), p. 272

take place inside states' territories; therefore, they are different from interstate conflicts. Moreover, not all conflicts which take place within states' borders are political. In order to be political, these conflicts should be transferred to the political area.

In democracies domestic political conflicts are governed through non-violent instruments. In rule of law societies, policymakers are held responsible for their actions by independent legal institutions. Through the rule of law, non-violence becomes an institutionalized practice. In specific terms, when non-violence is practiced systematically in regulating these conflicts, it becomes a norm. In and through non-violent practices, policymakers develop an understanding that non-violence is an appropriate act. Simply speaking, continuous non-violent practices become the defining characteristics of states. Therefore, policymakers share an understanding that as a non-violent state, they must act non-violently.

In sum, democracy “requires the arts of conciliation and compromise, an attitude of toleration of differences, and a willingness to lose.”⁸ In practice, the way democracies handle their internal disputes might show an enormous difference. However, the common feature of all institutionalized democracies is that domestic political conflicts are regulated with non-violent instruments. When citizens articulate their divergent interests through protests, they are not exposed to physical violence by their governments.

The same logic applies to state borders. Similar to domestic political conflicts which emerge due to conflicting interests between state authorities and citizens, states reinforce their borders because they have conflicting interests with illegal border crossers. In such a case, it is in the best interest of a state to prevent the entry of illegal border crossers and the interest of illegal border crossers is to avoid passport controls. Therefore, when democracies decide to reinforce their borders, they take similar action when they handle domestic political conflicts and rule out a shoot to kill policy as an option. Sharing an understanding that their state has a non-violent identity, policymakers agree that they should act in line with the norm of non-violence in reinforcing their borders.

Another point that should be addressed is that democracy “is not a simple dichotomy – democracy versus non-democracy – but a continuum.”⁹ There are democratic regimes with a weak rule of law system. If the rule of law is not vigorous, then it does not guarantee that non-

⁸Rudolph J. Rummel, *Power Kills: Democracy as a Method of NonViolence* (New Brunswick and London: Transaction Publishers, 2009), p. 6

⁹ *Ibid.*, p. 7

violence is practiced systematically when domestic political conflicts emerge. Given this assumption, I expect to find that states which occupy the low end of the democratic spectrum are inclined to adopt shoot to kill policies at their borders.

In addition, according to my theory, I expect to find that undemocratic states are more inclined to adopt shoot to kill policies at their borders compared to democracies. Undemocratic states also show variances within themselves. Some undemocratic states are governed by dictators who rule their countries whole their lives. Other undemocratic states allow elections, but these elections are not conducted in a competitive manner. People with alternative policies are not allowed to compete for political office and usually parties in power win subsequent elections.

Unlike democracies, undemocratic states are not characterized by the norm of non-violent conflict regulation. Most importantly, the absence of the rule of law in these societies renders non-violent practices arbitrary. Since there are no legal institutions such as a free judiciary which hold policymakers accountable for their actions, violence might always be an option in dealing with domestic political conflicts. There might be undemocratic leaders who may really believe that non-violent behavior is appropriate and use non-violent instruments. However, in such cases non-violent behavior is a personal choice, not an accepted practice in society. Since non-violent practices are not linked to institutional process, there is no guarantee that succeeding leaders do not resort to physical violence against their own citizens. The underlying logic of my argument is that in undemocratic states violence is not prohibited through the rule of law. Therefore, non-violent behavior in undemocratic states is not indicative of the norm of non-violence. According to my theory, I expect to find that when policymakers in undemocratic states are interested in reinforcing their borders, they become inclined to adopt shoot to kill policies at their borders.

Chapter Two consists of a literature review, a conceptual framework, and a theoretical framework of my study. In the first part I map out the main issues studied in the subject area. A preliminary review of the existing literature enables me to emphasize the originality of my research. In the second part I clarify conceptual definitions I use. I provide a definition of shoot to kill policies and I explain on which grounds actions of self-defense are different from shoot to kill policies. I define border reinforcement strategies and explain why they are different from border control strategies such as passport controls and customs checks. By emphasizing the common characteristics of border reinforcement strategies, I give rationale to

why I compare shoot to kill policies with other border reinforcement strategies and not with border control strategies based on passport controls. What is more, I touch upon ethical issues. Although the sovereignty principle is employed to justify border reinforcement strategies, I maintain that all strategies which are designed to exclude people at borders are ethically undesirable.

In the third part I briefly sketch possible arguments derived from the relevant literature which seem to explain my research query. These are grouped into two sub-headings: the dynamics of illegal border crossers and the dynamics of state interference. I identify their gaps and shortcomings. I maintain that arguments discussed in regards to the existing literature cannot shed light on the dynamics of shoot to kill policies at borders. This study contributes to the existing knowledge of the subject by establishing a theoretical account of the link between democracies and a shoot to kill policy. In the theoretical framework I build my own argument. I discuss the main characteristics of democracies. I give specific attention the rule of law which ensures that non-violence practices are systematic. I then discuss states which have democratic regimes, but a weak rule of law system and undemocratic states which lack the rule of law. I explain how they are different from well-established democracies and account for how this difference has implications on the way borders are governed.

I advance my argument by explaining how the norm of non-violence which is an inherent element of democracies is externalized at state borders. I explicate my claim by employing a Constructivist framework. I explain what norms are and discuss how norms affect state behavior. I explain why a common understanding shared by policymakers about the norm of non-violence has implications on the way states choose their border strategies. Then I discuss why some borders become exclusionary and sites of suffering even if the norm of non-violence creates an obligation on policymakers to refrain from a shoot to kill policy.

Furthermore, I review a range of rival arguments which describe different causal relationships counter to my argument. These are grouped into six sub-headings: the dynamics of interstate conflict, criminal law, the integration with the global refugee regime, intra-state conflicts in the neighboring state, state fragmentation and state capacity. Taking competing logics into consideration allows me to strengthen and enrich my argument.

Chapter Three consists of the methodological framework. In this chapter I operationalize all variables discussed in the Theory chapter. I first define shoot to kill policies. I give rationale to why I compare shoot to kill policies with other border reinforcement strategies and not with border control strategies. I lay out the frameworks I employ in distinguishing cases of shoot to kill policies from other border reinforcement strategies. I offer a comprehensive analysis of borders which are reinforced. I give information about when borders are reinforced and what has motivated states in their decision to reinforce their borders. Then I operationalize all variables which may seem to explain the dynamics of shoot to kill policy: democracy, interstate conflict, death penalty, Refugee Convention, intra-state conflict in the neighboring state, state fragmentation and economic capacity. Further on, I explain which methods I rely on to test my argument. I provide insights into how I conduct a statistical analysis and an illustrative case study analysis. I then provide details on data analysis and data collection.

Chapter Four and Five present the empirical findings of this study. In chapter Four I test all arguments which might seem to explain my research query employing a statistical analysis. My statistical analysis makes generalized arguments for 91 cases of border reinforcement strategies of which 21 are cases of shoot to kill policy. These findings have implications for all borders which have been reinforced. The statistical chapter illustrates parsimoniously which arguments have explanatory power for my research query.

Chapter Five presents illustrative case study narratives. While the statistical chapter presents clear-cut results, the illustrative case study narratives provide a more tangible explanation to the dynamics of shoot to kill policies. This chapter looks at official statements and reports on border reinforcement strategies. It delves into the minds of policymakers and asks whether they are concerned for the norm of non-violence. My argument expects that policymakers in democracies show a concern for their non-violent identity in regards to their border practices and rule out a shoot to kill policy as an option.

I first select countries according to their democracy strength. I look at the U.S.-Mexico border, the India-Bangladesh border, the Turkmenistan-Uzbekistan border and the Egypt-Israel border. The U.S. has a democratic regime and it is characterized by the rule of law. India occupies the low end of the democratic spectrum. It has a democratic regime, but a weak rule of law system. Surprisingly, Turkmenistan is an undemocratic state, but it is mostly stable. Rather than resorting to violence, it suppresses domestic political conflicts through non-violent instruments such as censorship and dislocation. Egypt is also undemocratic, but in

sharp contrast to Turkmenistan, it uses excessive and systematic violence against its own citizens. All states except the U.S. adopt shoot to kill policies at their borders. I then look at cases which seem to contradict my argument. Although Israel is a democratic state, it adopts a shoot to kill policy at its Palestinian border. Pakistan is an undemocratic state, but surprisingly, it does not adopt a shoot to kill policy at its Afghanistan border. Studying outliers enables me to offer new insights into my argument.

The findings of the case study chapter have important implications on my argument. The U.S. and Israel are both democracies. If the norm of non-violence which is intrinsic to democracies induces policymakers to rule out a shoot to kill policy, we would assume Israel would refrain from relying on a shoot to kill policy against unarmed Palestinians at its border. Surprisingly, Israel systematically kills Palestinians at its border. More interestingly, while Israel is engaged in systematic violence against Palestinians, why do Israeli policymakers show concern for unarmed illegal border crossers at their Egyptian border? Egypt and Pakistan share similarities on the grounds that they are both undemocratic. Then why does Egypt rely on a shoot to kill policy and Pakistan does not? What motivates Pakistan to rule out a shoot to kill policy as an option at its Afghani border? Chapter Five shifts the attention of the reader to the complexities of borders and inquires into different dynamics which shape border behavior of states.

This research makes an empirical contribution to the scholarly literature. My research question is motivated by “a social scientific puzzle” as well as “a real world problem.”¹⁰ Despite considerable attention paid to border-related violence, no systematic attention has been given to shoot to kill policies which target illegal border crossers at borders. In this context my research endeavor attempts to contribute to the cumulative knowledge. By providing an account of the link between democracies and a shoot to kill policy, this study makes a theoretical contribution to the literature. It claims that the norm of non-violence which is intrinsic to democracies is externalized at state borders. Chapter Six provides an overview of the main points of my study, summarizes the empirical findings, touches upon the shortcomings of my study and gives direction for further research.

¹⁰Gary King, Robert O. Keohane, Sidney Verba, *Designing Social Inquiry: Scientific Interference in Qualitative Research* (Princeton: Princeton University Press, 1994), p. 18

CHAPTER TWO

A THEORETICAL FRAMEWORK

2.1. Introduction

As pointed out in Chapter One, the main aim of this study is to provide the readers with an understanding of the dynamics of shoot to kill policies at borders. In order to provide an adequate explanation, I structure this chapter as follows. In the first section I undertake a review of academic discussions on borders. I provide a critical evaluation of studies on borders by showing which aspects of borders are studied and how theoretical perspectives are applied. A preliminary analysis of the existing literature enables me to locate my study in a larger body of literature with a wide array of theoretical perspectives. By mapping out what has already been done before, I emphasize what needs to be done and the main contribution of my study to the current research.

In the second section I address conceptual and ethical issues. Firstly, I define shoot to kill policies. I elaborate on different types of shoot to kill policies. By drawing upon international legal documents and theories of international criminal law, I argue that actions of self-defense by border guards in life threatening situations cannot be considered as a shoot to kill policy. Secondly, I define border reinforcement strategies. I make an analytical distinction between border reinforcement strategies and border control strategies such as passport control and custom checks. I consider a shoot to kill policy as a type of border reinforcement strategy, but different from other types of other border reinforcements such as militarization, fencing, cross-border operations and the like. In contrast to other border reinforcement strategies, shoot to kill policies are based on the elimination of illegal border crossers. I give rationale as to why I compare shoot to kill policies with other border reinforcement strategies and not border control strategies in general. Finally, I discuss border reinforcement strategies from an ethical perspective. I argue that, even though border reinforcement strategies such as militarization and fencing are not based on the elimination of illegal border crossers, they lead to ethically undesirable consequences. This enables me to look at shoot to kill policies and border reinforcement strategies from a much broader perspective.

In the third section, I identify important arguments derived from the existing literature which seem to explain my research query. These arguments are grouped into two sub-headings: the dynamics of illegal border crossers and the dynamics of state intervention. As shoot to kill

policies are conducted against illegal border crossers, one might consider the increasing flows of illegal people and goods as a possible reason. The second argument constructed by George Gavrilis looks at the dynamics of state interference and focuses on the behavior of border agents. In this line of thinking, the absence of interference from high state authorities could lead border agents to arbitrary shooting practices. I provide a critical analysis of each argument and discuss their relative strengths and weaknesses in explaining my research query.

The fourth section develops the theoretical framework of my study. I advocate the view that the norm of non-violent conflict regulation which is intrinsic to democracies is externalized at state borders. I treat the norm of non-violence as the causal mechanism between democracies and a shoot to kill policy. Democracies have electoral regimes and elections take place in a competitive manner. The rule of law is the backbone of democratic political order. The rule of law, through independent legal institutions, limits the power of policymakers and guarantees that domestic political conflicts are regulated through non-violent instruments.

By employing a Constructivist framework, I maintain that continuous practices have implications on the way policymakers think. In and through systematic non-violent practices in light of domestic political conflicts, policymakers develop an understanding that non-violence is an appropriate behavior. When democracies develop a systematic way of regulating their internal disputes non-violently, the same mentality of domestic conflict regulation comes into play when they decide to reinforce their borders. Sharing a concern for the norm of non-violence, policymakers rule out a shoot to kill policy as an option.

In order to advance this claim, I first define norms. I shed light on the relationship between norms and interests and explain how norms exert influence on policy outcomes. Then I place special emphasis on the norm of non-violence. I explain why policymakers in democracies share a concern for the norm of non-violence and how this normative concern has implications on border behavior. Lastly, I critically examine all rival arguments which present alternative explanations to my research query. These are grouped into six sub-headings: interstate conflict, criminal law, the integration into the global refugee regime, intra-state conflict in the neighboring state, state fragmentation and state capacity. Undertaking a thorough analysis of rival arguments allows me to look at my own argument from a critical standpoint.

2.2. Academic Debates on Borders

A cursory glance at studies on borders reveals that an overwhelming majority of the literature is biased towards border disputes. The first type of studies focuses on the material dimension of border disputes. Studies relying on the Realist approach concentrate on material factors which give motivation to states to fight over borders. These studies portray border disputes as a zero-sum game and associate them with militarized interstate disputes.¹ For example, Harvey Starr argues that proximity provides states with an opportunity to fight over a certain territory.² Marit Brochmann et al. take a theoretical step forward in suggesting that border length determines the dynamics of militarized border disputes. As the length of the border increases, the probability of low-intensity conflict over borders increases accordingly.³

Studies relying on the Institutional approach, on the other hand, focus on material factors which give impetus to states to refrain from fighting over their borders. This type of studies concentrates on the dynamics of border dispute settlements. In contrast to previous studies which ask why states fight over borders, these works focus on what kind of institutional benefits settlement of border disputes bring. Findings of an important study conducted by Beth A. Simmons reveal that border settlement decreases uncertainty, transactions costs and security externalities.⁴

By contrast, studies, taking a Constructivist perspective, give centrality to the non-material dimension of borders. These studies portray borders as “mental maps”⁵ and “socio-territorial constructs”⁶ and elaborate on the symbolic meanings they carry for people.⁷ Borders are not

¹Paul F. Diehl and Gary Goertz “Territorial Changes and Militarized Conflict,” *The Journal of Conflict Resolution*, Vol. 32, No. 1 (March, 1988); Robert Mandel, “Roots of the Modern Interstate Border Dispute,” *The Journal of Conflict Resolution*, Vol. 27, No. 3 (September, 1980); Paul F. Diehl (ed.) *A Road Map to War: Territorial Dimensions of International Conflict* (Nashville: Vanderbilt University Press, 1999); Paul K. Huth, “Territorial Disputes and International Conflict: Empirical Findings and Theoretical Explanations,” in Martin Pratt, Janet Allison Brown (eds) *Borderlands Under Stress* (The Hague: Kluwer, 2000).

²Harvey Starr and G. Dale Thomas “The ‘Nature’ of Contiguous Borders: Ease of Interaction, Salience, and the Analysis of Crisis,” *International Interactions*, Vol. 28, No. 3 (2002).

³Marit Brochmann Jan Ketil Rød Nils Petter Gleditsch, “International Borders and Conflict Revisited,” *Conflict Management and Peace Science*, Vol. 29, No.2 (April, 2012).

⁴Beth A. Simmons “Rules over Real Estate: Trade, Territorial Conflict, and International Borders as Institution,” *Journal of Conflict Resolution*, Vol. 49, No. 6 (December, 2005).

⁵Joel S. Migdal (ed.) *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices* (Cambridge: Cambridge University Press, 2004), pp. 10-12

⁶Henk Van Houtum, “The Geopolitics of Borders and Boundaries,” *Geopolitics*, Vol. 10, No. 4 (2005), pp. 672-4

⁷Joel S. Migdal (ed.) *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices* (Cambridge University Press: Cambridge, 2004); Hastings Donnan and Thomas M. Wilson, *Borders: Frontiers of Identity, Nation and State* (Oxford: Berg, 1999); David Newman and Anssi Paasi, “Fences

conceptualized as static lines, but as sets of practices and discourses.⁸ They are seen as part of collective identities with shared meanings and a sense of continuity between the past, the present and the future.⁹ From this point of view, arguments focusing only on the material dimension of borders do not provide an adequate answer to the question of why do some territorial conflicts instill physical violence even when territories do not carry any material value.¹⁰ This body of literature, on the other hand, explains it by looking at contradictory meanings attached to borders.

For example, Joe S. Migdal believes that borders are not only “check points” which control cross-border movements, but they are also “mental maps.”¹¹ Mental maps refer to the territories in the minds of people or the meaning and feelings that people have towards certain territories. Contestation and instability occur when these mental maps do not fit with the physical realities.¹² Similarly, Tuomas Forsberg contends that rather than strategic and economic values, feelings attached to certain territories accounts for physical violence at borders.¹³ Likewise, John Williams argues succinctly that “Good fences can still make good neighbors, but only if the fence remains a negotiated social practice, situated within an understanding of neighbourliness that recognizes, respects and values the different contributions the interlocutors bring.”¹⁴ This view implies that the absence of militarized border disputes is not sufficient for peaceful borders. Each nation should also respect and try to understand the different meanings attached to borders. Only then do borders provide for good state relations.

Despite burgeoning streams of research on borders from Realist, Institutionalist and Constructivist approaches, more attention has been devoted to the dynamics of militarized border disputes and border dispute settlement. Extensive literature on borders has largely overlooked border reinforcement strategies. There are three notable studies which examine the subject in this regard. Emanuel Brunet-Jailly and Bruno Dupeyron find that “local cross-

and Neighbours in the Postmodern World: Boundary Narratives in Political Geography,” *Progress in Human Geography*, Vol. 22, No. 2 (April, 1998), pp. 186-207

⁸ Anssi Paasi, “Boundaries as Social Practice and Discourse: The Finnish-Russian Border,” *Regional Studies*, Vol. 33, No. 7 (1999), p. 701

⁹ *Ibid.*, p. 700

¹⁰ Tuomas Forsberg, “The Ground without Foundation? Territory as a Social Construct,” *Geopolitics*, Vol. 8, No. 2 (Summer, 2003), pp. 18-9

¹¹ Migdal, *Boundaries and Belonging*, pp. 6-7

¹² *Ibid.*

¹³ Forsberg, “The Ground Without Foundation?,” p. 19

¹⁴ John Williams, “Territorial Borders, International Ethics and Geography: Do Good Fences Still Make Good Neighbours?,” *Geopolitics*, Vol. 8, No. 2 (Summer, 2003), p. 44

border culture; policy activities of multiple levels of government; local cross-border political clout and market forces and trade flows” are challenges which states face in regulating their borders.¹⁵ After examining several empirical studies, the authors come to conclusion that the compatibility of state strategies on both sides of borders is essential to control the movements of people and goods.¹⁶

Another noteworthy study conducted by Karl Eschbach et al. looks at the impact of border reinforcement strategies on illegal border crossers. This study examines the relationship between border reinforcement strategies and migrant deaths at the U.S.-Mexican border between 1993 and 1997. The findings reveal that increased border control enforcement in the U.S. led illegal border crossers to more remote and unsafe areas to cross the border. Consequently, there was an increase in the number of deaths from hyperthermia, hypothermia and dehydration at the U.S.-Mexican border. This study provides a thorough analysis about the deadly consequences of the U.S. border reinforcement strategy.¹⁷

George Gavrilis gives a comprehensive account of border reinforcement strategies by establishing a theoretical account of the link between domestic preferences and border reinforcement strategies. The basic premise of his argument is that the dynamics of state preferences determine which border reinforcement strategy a state chooses.¹⁸ The primary state preference could be either coercion or extraction. Coercion refers to an interest in preventing security challenges.¹⁹ Extraction is defined as an interest in collecting revenues in order to benefit the national economy.²⁰ Gavrilis argues that the dominant state strategy is reflected at borders. For example, if a state perceives a threat from a group of people, its state strategy is based on coercion and the state is inclined to design its border institutions so as to prevent the flow of these people at its borders through militarization, building fences and the like.²¹ On the other hand, when a state has an interest in generating revenue for its economy from trade interactions, its strategy is based on extraction. In other words, the state has a

¹⁵ Emmanuel Brunet-Jailly and Bruno Dupeyron, “Introduction: Borders, Borderlands, and Porosity,” in Emmanuel Brunet-Jailly (ed.) *Borderlands: Comparing Border Security in North America and Europe* (Ottawa: University of Ottawa Press, 2007), p. 10

¹⁶ Emmanuel Brunet-Jailly and Bruno Dupeyron, “Conclusion: Borders, Borderlands, and Security: European and North American Lessons and Public Policy Suggestions” in Emmanuel Brunet-Jailly (ed.) *Borderlands: Comparing Border Security in North America and Europe* (Ottawa: University of Ottawa Press, 2007), pp. 311-351

¹⁷ Karl Eschbach, Jacqueline Hagan, Nestor Rodriguez, Ruben Hernandez-Leon, Stanley Bailey, “Death at the Border,” *International Migration Review*, Vol. 33, No.2 (Summer, 1999), pp. 430-45

¹⁸ Gavrilis, *The Dynamics of Interstate Boundaries*, p. 21

¹⁹ Ibid. p.19

²⁰ Ibid. p.20

²¹ Ibid. p.19

tendency to facilitate the flows of people and goods across its borders.²² For example, rather than deploying military units or militarize its border, the state chooses to deploy customs officials at its borders.²³

The argument of Gavrilis stands sharp contrast to a threat-based argument. The threat-based argument contends that the primary motivation behind border reinforcement strategies is a concern over illegalities at borders. These illegalities might be refugees, the flows of nuclear weapons, armed groups, drug traffickers and the like. Gavrilis contends that states might react differently at their borders in light of similar threats they face given that they have different state strategies. It goes without saying that even if a state's borders are vulnerable against the trafficking of drugs, weapons and the like, if the state has an interest in generating revenue from these flows, then it will not restrict the movements at its border. Gavrilis provides Afghanistan as an example. According to the threat-based argument, Afghanistan should reinforce its border because its borders are porous against drug trafficking. However, contrary to expectations, Afghanistan has not reinforced its borders. Gavrilis explains this behavior by arguing that Afghanistan's primary state strategy is based on receiving revenue from drug trafficking at its borders.²⁴ Therefore, rather than restricting the movements of goods, Afghanistan has an interest in encouraging drug flows. Afghanistan reflects its state strategy by not taking measures its borders. Similarly, the Tajik economy was heavily affected during the civil war in the 1990s. In order to recuperate its economy, Tajik officials relied on smuggler groups which finance the state in exchange of state protection.²⁵ As a result, Tajikistan deployed few custom officials and border guards at its borders.²⁶ In summary, the study of Gavrilis is built upon the view that rather than illegalities at borders, the dynamics of domestic state preferences determine which state strategy on borders prevails over others.

What is more, Gavrilis addresses the core problems of borders: why are some borders better coordinated through cooperation among border guards on both sides while other borders suffer from instability and crisis escalation?²⁷ Gavrilis notes that states are more likely to coordinate their borders through cooperation when they have compatible state strategies.²⁸ If states on both sides of the border have coercive strategies, they will cooperate to solve their

²² Ibid. p. 20

²³ Ibid. p. 22

²⁴ Ibid. p. 4

²⁵ Ibid. pp. 114-5

²⁶ Ibid. p. 118

²⁷ Ibid. pp. 1-12

²⁸ Ibid. p. 25

mutual problems. The author makes a compelling argument by suggesting that when state strategies are compatible, interstate cooperation over borders takes place even when states suffer from territorial disputes.²⁹ Surprisingly, while territorial disputes do not inhibit border cooperation, conflicting state policies do. When states have conflicting state policies, there is no likelihood of cooperation. For instance, if a state on one side of the border designs its border institutions so as to tackle drug trafficking and its neighbor encourages drug trafficking, they will not have an incentive to cooperate.³⁰

Gavrilis also moves down to the local dynamics of cooperation at borders. He takes the position that when state authorities give border agents some autonomy, they will use the opportunity to find solutions to problems which emerge at the border area with their counterparts on the other side. On the other hand, when states strictly control their border institutions, border agents across borders lack the opportunity to find solutions to common problems. This in turn leads to mismanagement and instability.³¹ In summary, the convergence of state strategies on borders and the autonomy given to border agents are essential for well-managed, stable borders.³² Gavrilis comes to conclusion that when these two dynamics are present, then border issues are more easily resolved and stability is maintained.³³ When one or two dynamics are missing, then borders will be prone to instability and crisis escalation.

The previously mentioned studies which focus on border reinforcement strategies have generated fruitful results. However, most of these studies are concerned with “state security” or “national security.” In this view, security is associated with the protection of states’ territories from external threats.³⁴ Therefore, most studies are derived from the question of which border reinforcement strategy is better at excluding illegal border crossers. The main aim of this project is to shift the attention to the fact that not only border guards and soldiers face violence by illegal border crossers, but illegal border crossers are also subject to state violence. This study concentrates on shoot to kill policies and ask the question of why do some states adopt shoot to kill policies and others not when they have similar interests in

²⁹Ibid. p. 25

³⁰Ibid. pp. 24-5

³¹Ibid. pp. 27-30

³²Ibid. p. 36

³³Gavrilis posits that when two dynamics co-exist, a “boundary regime” is established. A boundary regime is defined as “the institutionalized and routinized process of regulating access to boundary zones and policing borders in a manner that bilaterally enhances border security without unduly restricting lucrative economic flows or movements that are not threatening to territorial security.” For more information, see Gavrilis, *The Dynamics of Interstate Boundaries*, p. 30

³⁴United Nations Development Programme Human Development Report 1994, “New Dimensions on Human Security,” p. 22 <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>

excluding illegal border crossers. Current studies are unable to cast light on why some states design their border institutions so as to eliminate illegal border crossers and which dynamics prevent states from adopting shoot to kill policies. This study makes an empirical and theoretical contribution to the literature. This is the first systematic study on shoot to kill policies at borders. Second, it makes a theoretical contribution to scholarly literature. It argues that there is a link between democracies and border practices. In essence, it is based on the view that the norm of non-violence which is intrinsic to democracies is externalized at state borders.

2.3. Shoot to Kill Policies

I define shoot to kill policies as shooting practices conducted by border guards against illegal border crossers as an official state policy. Shoot to kill policies may target illegal border crossers who try to cross the territory of a state. Conversely, states might adopt shoot to kill policies against their own citizens when they try to escape to other states. Shoot to kill policies could be adopted by states through a top-down strategy in which the state gives a shooting order or a bottom-up process in which border guards practice autonomy. When a shooting order is given, border agents apply this order by shooting arbitrarily at anyone who approaches the border. For example, the Border Troops of the East Germany were given a shoot to kill order against anyone who tried to escape the country.³⁵

When a shoot to kill policy is adopted through a bottom-up process, systematic shooting practices of border agents take place at the local level and then become a state policy. In this type of shoot to kill policy border guards repeatedly shoot unarmed illegal border crossers without an order from higher state officials. If officials turn a blind eye to these practices, then the process is eventually adopted as an official state policy. For example, at the Indian-Bangladesh border, Indian border agents have killed more than 1.000 people over the last ten years. There is no report that Indian authorities have given a shoot to kill order to border agents. However, no Indian border guard has been condemned or imprisoned so far for the arbitrary killings which took place at the border.³⁶ Therefore, the behavior of policymakers determines whether arbitrary killings at border become a central state policy or remain isolated events. If state authorities do not take measures against shooting incidents at the border, then local practices are approved at the central state level and constitute a state policy.

³⁵ Last Berlin Wall Shooting Case Closes <http://www.dw.de/dw/article/0,1564,1492398,00.html>

³⁶ Human Rights Watch "Trigger Happy: Excessive Use of Force by Indian Troops at the Bangladesh Border," p. 9 December 2010 <http://www.hrw.org/reports/2010/12/09/trigger-happy-0>

On the other hand, if state authorities take measures in order to halt these practices, then the practices of border agents remain isolated events.

However, what happens when border agents witness violence by illegal border crossers? International law does not prohibit border guards from resorting to force in life threatening situations. According to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the use of force and firearms is restricted only in cases in which the adoption of other means to deter attack becomes ineffective. Article 4 states that “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”³⁷ In addition to international law, all national jurisdictional systems accept the right to self-defense in life threatening situations.³⁸ The principle of self-defense is also supported by a number of theories of criminal law. The forced-choice argument gives rationale to self-defense on the grounds that the defender does not have a choice since the attacker forces him/her to make a decision between his/her life and that of the attacker.³⁹ According to a rights theory, the right to self-defense derives from the right not to be killed.⁴⁰ Taking legal documents and theories of criminal law into consideration, I do not consider actions of self-defense by border guards as a shoot to kill policy.

2.4. Border Reinforcement Strategies

Almost all borders have some forms of control.⁴¹ Border control strategies take the form of passport controls and/or customs checks. At passport controls, documents are controlled, visas are checked. When illegal border crossers are detected, they may be put in detention centers or deported. However, as Figure 2.1 shows, illegal border crossers might enter the territory of a state in areas other than passport control points. There may be people entering a country with fake documents at passport control points; however, most illegal border crossers choose other areas for entry instead of risking detection at these points.

³⁷ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 <http://www2.ohchr.org/english/law/firearms.htm>

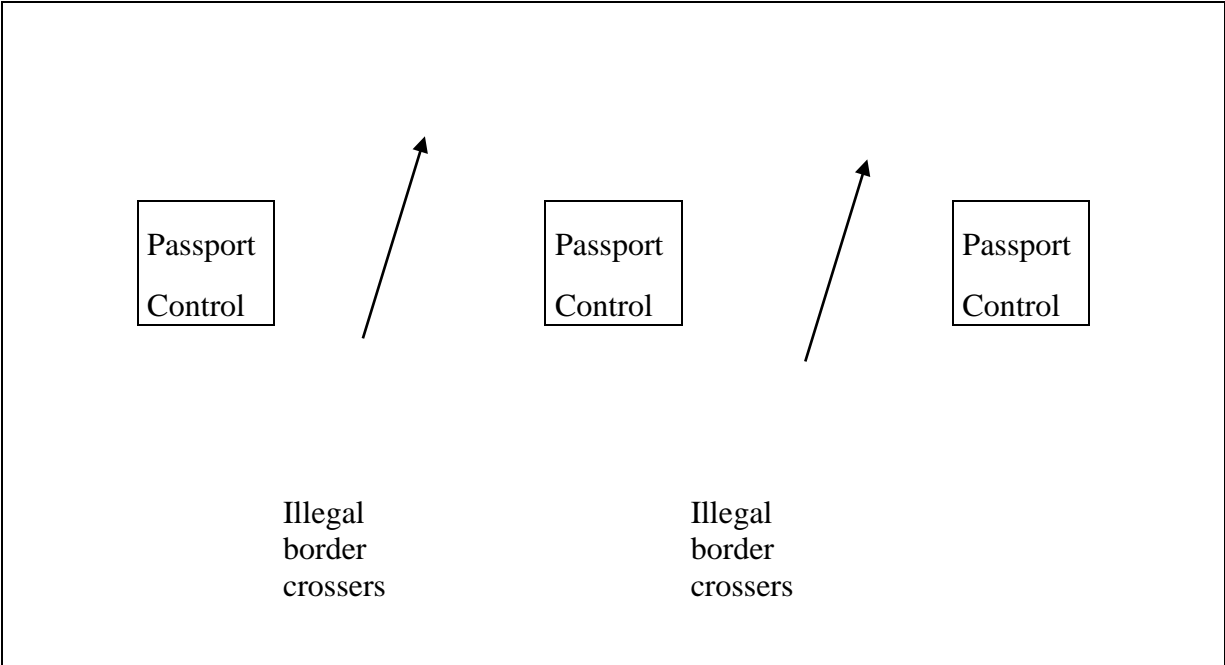
³⁸ Shlomit Wallerstein, “Justifying the Right to Self-Defense: A Theory of Forced Consequences,” *WallersteinBook*, 2005, p. 1002 <http://www.virginialawreview.org/content/pdfs/91/999.pdf>

³⁹ *Ibid.*, p. 999

⁴⁰ *Ibid.*, pp. 999-1000

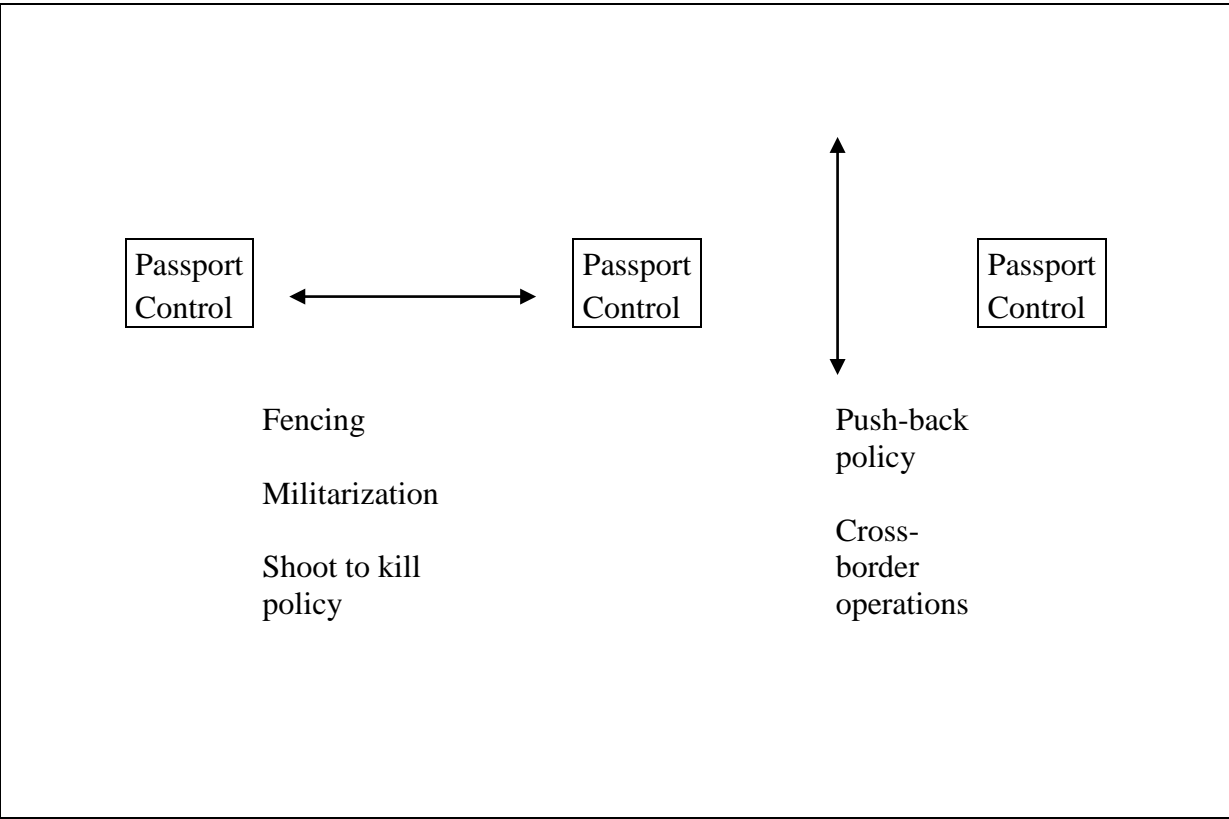
⁴¹ The only exception is open borders. At open borders citizens and non-citizens can cross to other countries without any control imposed by states.

The Figure 2.1: Border Control Strategies



By contrast, when states reinforce their borders, they take extra measures between and/or beyond passport control points. As Figure 2.2 shows states which reinforce their borders still maintain passport controls, but increase their physical presence in areas which fall between passport control points through fencing, militarization and a shoot to kill policy and/or conduct operations beyond borders by adopting a push-back policy at their maritime borders or cross-border operations with neighboring states. In summary, when states reinforce their borders, they do not abandon passport controls, but move beyond them. States might adopt a number of measures concomitantly. For instance, they might protect their borders with fences as well as adopting a push-back policy at their maritime borders.

Figure 2.2: Border Reinforcement Strategies



In order to understand the dynamics of shoot to kill policies, I need to compare them with other border reinforcement strategies. Comparing shoot to kill policies with strategies based on passport controls is problematic. Perhaps states which rely only on passport controls are not interested in reinforcing their border control or the level of illegal flows is not high enough to motivate states to reinforce their borders. As I mentioned previously, there are states which even encourage illegal border crossings. Therefore, in order to understand the dynamics of shoot to kill policies, I need to find states which reinforce their borders but do not rely on shoot to kill policies at their borders. This necessitates narrowing the level of comparison. Only through such a comparison will I be able to find valid examples for analysis.

2.4.1. Ethical Considerations

Even though International Law does not condone states for indirect deaths caused by border practices, I argue that all forms of border reinforcement are problematic from an ethical perspective. The exclusion of illegal border crossers is justified evoking the sovereignty principle which states that countries should have full control over their territory. According to this view, borders are under territorial jurisdiction of states and border practices derive from the very sovereign right of states. Mark B. Salter asserts with poignant clarity how states exert control on their borders. He goes on to say that:

The sovereign decides the political status of the individual as they cross the frontier: national, stateless, refugee, foreigner, alien. This decision is absolute. The agent of the sovereign's customs decides not only the nationality and status of foreigners but of all travelers. There is a zone of indistinction wherein a traveler possesses not even his/her nationality unless it is confirmed by the decision of the sovereign. Nothing can compel a particular decision; no appeal can be made; the only expulsion that bears any intersovereign consequence is denationalization or becoming a refugee. Thus, the traveler only gains some kind of advantage with other sovereigns once s/he can prove that s/he is abject, will be afforded no protection whatsoever, that one is bare international life, a seeker of refuge, a life that without state rights but subject to the law of states.⁴²

Indeed, states decide which border reinforcement strategy is suitable. However, from an ethical perspective, the very exclusion of refugees and illegal immigrants could be interpreted as an "unjust act"⁴³ Fernando Teson subscribes to the view that the sovereignty principle has an instrumental, not intrinsic value and its instrumental value is maintained as long as it serves humanitarian values.⁴⁴ Therefore, "the sanctity of national borders should not be a predicament to the protection of human rights."⁴⁵ Joseph E. Carens convinces the reader that border restrictions should take into consideration the fact that all human beings are equal. He supports liberal universalism which is based on open borders.⁴⁶ From this perspective, he provides an ethical justification of open borders by comparing current borders with barriers

⁴² Mark B. Salter, "The Global Visa Regime and the Political Technologies of the International Self: Borders, Bodies, Biopolitics," *Alternatives*, Vol. 31 (April, 2006), p. 171

⁴³ Onora O'Neill, "Bounded and cosmopolitan justice," in Ken Booth, Tim Dunne and Michael Cox (eds) *How Might We Live?: Global Ethics in the 20th Century* (Cambridge: Cambridge University Press: 2001), p. 46

⁴⁴ Fernando R. Teson, "The liberal case for humanitarian intervention," In J.L Holzgrefe and Robert O. Keohane (eds) *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), p. 93

⁴⁵ *Ibid.*, p. 129

⁴⁶ Joseph E. Carens, "Aliens and Citizens: The Case for Open Borders," *The Review of Politics*, Vol. 49, No. 2 (1987), p. 44

erected in the feudal times to maintain inequality among people.⁴⁷ Carens explicates his view by positing that:

Borders have guards and the guards have guns. This is an obvious fact of political life but one that is easily hidden from view – at least from the view of those of us who are citizens of affluent Western democracies. To Haitians in small, leaky boats confronted by armed Coast Guard cutters, to Salvadorans dying from heat and lack of air after being smuggled into the Arizona desert, to Guatemalans crawling through rat-infested sewer pipes from Mexico to California – to these people the borders, guards and guns are all too apparent. What justifies the use of force against such people. Perhaps borders and guards can be justified as a way of keeping out criminals, subversives, or armed invaders. But most of those trying to get in are not like that. They are ordinary, peaceful people, seeking only the opportunity to build decent, secure lives for themselves and their families. On what grounds can these sorts of people be kept out? What gives anyone the right to point guns at *them*?⁴⁸

This thesis looks into shoot to kill policies at borders. It nevertheless is based on the view that all border reinforcement strategies create ethically undesirable conditions for illegal border crossers. Borders, by their nature, determine “binary distinctions” between people.⁴⁹ Border reinforcement strategies exacerbate these distinctions and lead to sufferings of people. Even if a border reinforcement strategy is not based on a shoot to kill policy, it is by no means peaceful. Fences have deadly consequences. They push illegal border crossers to unsafe areas. Due to push-back policies at maritime borders, most boats carrying illegal immigrants sink. When illegal border crossers are not affected indirectly by these strategies and reach borders, they are detected by border agents. After their detection, they are either held in detention centers or deported. In detention centers they suffer from bad health conditions, lack of medical care and lack of space.⁵⁰ Most illegal border crossers who are deported back to their home countries face the risk of being killed or tortured or being tried unlawfully.

I am aware that my research query covers a narrow area. However, understanding why states adopt shoot to kill policies at their borders is essential. Refraining from shooting at borders is a small but a first step towards peaceful borders. Secondly, this research aims to make a theoretical contribution to the existing literature. This thesis advocates the view that the norm of conflict regulation which is intrinsic to democracies is externalized at borders. Therefore,

⁴⁷Ibid., p. 270

⁴⁸Ibid., p. 251

⁴⁹Gerard Delanty, “Borders in a Changing Europe: Dynamics of Openness and Closure,” *Comparative European Politics*, Vol. 4, No. 2/3 (2006), p. 187

⁵⁰ “Greece: Unacceptable living conditions for migrants in Lesbos Detention Centre,” 22 October 2009, Doctors Without Borders

http://www.msf.org.uk/unacceptable_living_conditions_in_migrant_detention_centre_GREECE_20100114.news

beyond this narrow issue, readers acquire an understanding about how the dynamics of democracies affect border practices of states.

2.5. A Review of the Current State of Art

This section reviews arguments derived the scholarly literature on the border behavior of states. Two strands of arguments explain border behavior of states: the dynamics of illegal border crossers and the dynamics of state interference. I analyze each of them and discuss whether they are relevant in explaining the dynamics of shoot to kill policies at borders.

2.5.1. The Dynamics of Illegal Border Crossers

Especially after the end of the Cold War, borders witness criminalization with trafficking of illegal commodities such as weapons and drugs, trafficking of persons, illegal immigration and the like. Willem van Schendel argues that “The border stands precariously between the legitimate sovereignty of the state and a shadowy outer world of more or less organized crime.”⁵¹ As shoot to kill policies target illegal border crossers, the most immediate answer to the research question might take the dynamics of illegal movements at borders into consideration. According to this view, states adopt shoot to kill policies because they are concerned over growing illegalities at their borders.

The literature on illegal border crossers makes controversial arguments about the effect of illegal movements on border practices of states. The studies which concentrate on illegal border crossers can be divided into two types. The globalization literature suggests that changes in air transport, satellite, missiles and cyber technology, flows of currency domains as well as activities of trans-national and trans-governmental networks have rendered traditional exclusionary and defensive functions of borders redundant.⁵² It is implied that in contrast to military threats which come from neighboring states, illegal flows at borders are much harder to identify.⁵³ For example, military threats at borders are visible with the deployment of military personnel and missiles on the other side of the border. Even though

⁵¹ Willem van Schendel, “Spaces of Engagement: How Borderlands, Illegal Flows, and Territorial States Interlock,” in Willem van Schendel and Itty Abraham (eds) *Illicit Flows and Criming Things: States, Borders, and the Other Side of Globalization* (Bloomington: Indiana University Press, 2005), p. 40

⁵² Mathew Horsman & Andrew Marshall, *After the Nation-State: Citizens, Tribalism and the New World Disorder* (London : HarperCollins, 1995), p. 47

⁵³ Gearóid Ó Tuathail, “Post Modern Geopolitics: The Modern Geopolitical Imagination and Beyond,” in Gearoid O Tuathail and Simon Dalby (eds), *Rethinking Geopolitics* (London and New York: Routledge, 1998), p. 31

whether they are deployed for defensive or offensive functions is ambiguous, states identify them and react in a certain way according to their calculations.

However, illegal immigrants, rebel groups and drug traffickers are less visible. In contrast to military threats, their location continuously changes. They are always in motion and eschew passport control points. Therefore, traditional forms of border control which are designed to respond to military threats fall short of identifying illegal border crossers. Gearóid Ó Tuathail makes this change explicit by suggesting that that cross-border terrorism, arms smuggling, and refugee flows:

...are threats in the form of dangerous flowmations, semi-permanent yet fluid structures of movement, transit and flow that challenge, erode and undermine the jurisdictional power and authority of states. They are often difficult to combat because they are amorphous and decentralized, mobile and shifting webs that cannot be discretely located on a map. Advances in technologies of transportation, transmission and communication have made these threats more potent.”⁵⁴

At the extreme end of the spectrum, the dynamics of illegal border crossers have led some scholars to believe that “spaces of flows” have replaced “spaces of places.”⁵⁵ Likewise, Timothy W. Luke and Gearóid Ó Tuathail reason that the political map has become a “cartographic illusion.”⁵⁶ Joseph A. Camilleri and Jim Falk posit that “The image of a world where space is appropriated and exclusively controlled by sovereign states is a conceptual tool of doubtful utility.”⁵⁷ Furthermore, Ronald J. Deibert notes that: “...postmodern world order is a place inhabited by de-territorialized communities, fragmented identities, transnational corporations, and cyber spatial flows of finance....postmodern world order...a pastiche of multiple and overlapping authorities – a quasi-federal, ‘multicentric’ system.”⁵⁸ Some scholars go so far to conclude that we live in a “borderless world.”⁵⁹

⁵⁴Gearóid Ó Tuathail, “De-Territorialized Threats and Global Dangers: Geopolitics and Risk Society,” in David Newman (ed.) *Boundaries, Territory and Postmodernity* (London and Portland Or: Frank Cass Publishers, 1999), pp. 21-22

⁵⁵ Manuel Castells, *The Information City* (Oxford: Blackwell, 1991).

⁵⁶ Timothy W. Luke and Gearóid Ó Tuathail, “Global Flowmations, Local Fundamentalisms, and Fast Geopolitics,” In Herod, A., O Tuathail, G. and Roberts, S. (eds) *An Unruly World? Globalization, Governance and Geography* (London: Routledge: 1998), p. 79

⁵⁷ Joseph A. Camilleri and Jim Falk, *The End of Sovereignty: The Politics of a Shrinking and Fragmenting World* (Albanshot: Edward Elgar Publishing, 1992), p. 250

⁵⁸ Ronald J. Deibert, *Parchment, Printing and Hypermedia Communication in World Order* (New York: Colombia University Press, 1997), p. ix

⁵⁹ Kenichi Olmae, *The End of the Nation State: The Rise of Regional Economies* (London: HarperCollins, 1995).

The core argument of this type of literature is that the dynamics of illegal border crossers have decreased the ability of states to control their borders. Border control methods which are designed for territorial protection against an aggressive neighboring state are no longer adequate in the age of globalization. Challenges to borders no longer come from military threats, but from illegal border crossers. Therefore, states can no longer protect their borders effectively.

The second strand of literature challenges the idea that state practices at borders have become redundant. Instead, it is argued that the dynamics of illegal border crossers, rather than diminishing states' authority, have motivated states to establish even stronger forms of border protection. As the globalization literature suggests traditional forms of border protection become redundant due to the dynamic nature of illegal border crossers. This very dynamics have weakened traditional methods of border protection, but have not decreased states' ability of border protection. Instead, states have adapted to this new environment by reinforcing their borders through high-tech methods.⁶⁰

In this body of literature, a differentiation is made between territorial control and border control. Paul Hirst and Grahame Thompson agree that globalization has decreased the exclusive autonomy of states in their territory. For example, governments are no longer the sole actors with responsibility to control and regulate activities in a state territory. Like governments, local actors, international organizations or NGOs might also carry out a certain degree of territorial control.⁶¹ However, the authors imply that changes in territorial control are not translated at borders because territorial control is different from border control. Even if governments share their role of territorial control with other actors, they are unique actors in controlling their very borders. Therefore, the regulation of borders remains a core state activity.⁶²

The main thrust of this literature is that while military functions of borders are on decline, policing functions of borders are on increase. Carl Grundy-Warr and Schofield capture these two contradictory tendencies by stating that:

⁶⁰ James Anderson, "The Exaggerated Death of the Nation-State," in James Anderson, Chris Brook and Allan Cochrane (eds) *A Global World? Re-ordering Political Space?* (Oxford: Open University, 1995), p. 67

⁶¹ Paul Hirst and Grahame Thompson, *Globalization in question: The International Economy and the Possibilities of Governance*, 2nd ed. (Cambridge: Polity, 1999), pp. 183-194

⁶²Ibid., p. 171

We live in paradoxical times, whereby borders are both increasingly permeable yet are continually being reified and reasserted in the light of perceived security threats. Whilst the military significance of international boundaries has declined due to space-time compression technologies and new weapons systems, states have still tended to strengthen the 'security' role of borders as barriers and filters against 'hostile' elements'...⁶³

In studying the dynamics of current border practices of states, Peter Andreas analyzes border functions in three stages. Border functions are divided into military, economic and policing functions. Andreas maintains that these functions belong to different historical trajectories. While traditional military and economic functions of borders are declining, policing functions of borders are increasing with growing illegalities at borders. Borders no longer carry military functions to deter armies of aggressive states. Similarly, their economic functions in terms of generating revenue such as collecting taxes are decreasing.⁶⁴ He goes on to state that:

The intensification of border controls in recent years is evident in sharply rising law enforcement budgets; new and more invasive laws; the development of more sophisticated surveillance and information technologies; stricter visa regimes and more technologically advanced and forgery-resistant travel documents; enhanced cooperation with source and transit countries and a greater extension of tracking and control mechanisms beyond the point of entry (i.e., a "thickening" of borders and the creation of buffer zones); and in some places, growing use of military and intelligence hardware, personnel, and expertise for policing tasks. The importance of policing territorial access is also evident in the rising prominence of law enforcement in international diplomacy and in the policy discourse about borders, with many states formally promoting policing from the traditional status of "low politics" to the "high politics" of security. ..⁶⁵

In summary, the literature on the dynamics of illegal border crossers offers an avenue for innovative and fruitful research. While the globalization literature subscribes to the view that the dynamics of illegal border crossers decreases the power of states on their border institutions, the second type of literature suggests that it is very dynamics of illegal border crossers which motivates states to reinforce their borders with technologies such as advanced surveillance, military and intelligence equipments and cooperation with neighboring states.⁶⁶ While studies in this body of literature do provide insight into why states reinforce their borders, by design they are not able to answer the question of why would a state choose a shoot to kill policy at its borders while it has a variety of measures to prevent illegal border crossers at its disposal.

⁶³ Carl Grundy-War and Clive Schofield, "Reflections on the Relevance of Classic Approaches and Contemporary Priorities in Boundary Studies," *Geopolitics*, Vol. 10 (2005), p. 654-5

⁶⁴Peter Andreas, "Redrawing the Line: Borders and Security in the Twenty-first Century," *International Security*, Vol. 28, No. 2 (Fall, 2003), p. 85

⁶⁵Ibid., p. 79

⁶⁶Ibid.

2.5.2. The Dynamics of State Interference

Another possible answer derived from the current literature focuses on the dynamics which shape the behavior of border guards. As elaborated previously, Gavrilis asserts that when states refrain from directly intervening at their borders, border guards naturally begin to cooperate. When border agents are given autonomy, problems at the border are resolved without the interference of state authorities. Therefore, disputes are resolved at the local level instead of escalating. As local disputes are dealt with among border guards across borders, they are not transferred to the interstate level for resolution.⁶⁷ However, when state authorities directly interfere with the activities of border agents and impose policies to them, borders become prone to instability. Policies developed at the national level do not always fit the realities at the border.⁶⁸ When borders are governed within strict state hierarchy, border-related problems are transferred to higher state officials and this creates misunderstandings and instability in interstate relations.

This argument could be modified to fit my research question. What if border guards who are not controlled by central state authorities develop arbitrary practices? Instead of finding common solutions for the prevention of illegal border crossers at the border through cooperation, border guards might use this freedom negatively by systematically relying on shooting practices. This reasoning considers the behavior of border guards decisive in shoot to kill policies instead of the behavior of policymakers. I argue otherwise. As I have argued previously, shoot to kill policies could start with arbitrary actions of border agents. However, if state authorities demonstrate inaction in light of a systematic brutality of border agents, it constitutes a state policy. Therefore, shoot to kill policies cannot be explained solely by the actions of border guards.

Concluding that the absence of state authority on border agents leads to arbitrary shooting practices of border agents produces faulty logic. If the absence of state authority is the case, it raises the question “why do policymakers turn a blind eye to the shooting practices of border agents in the first place?” Starting from this premise, this thesis provides an explanation of a shoot to kill policy by taking an account of policymakers. Another compelling and relevant question is “what if policymakers do not have the power to control their borders?” In this case, it may not be that policymakers chose not to impose control over their borders, but they

⁶⁷ Gavrilis, *The Dynamics of Interstate Boundaries*, pp. 28;34

⁶⁸ *Ibid.* p.7

simply may not have such power. It is the most likely case in fragmented states which I review comprehensively in the following section.

2.6. Towards a Theoretical Framework of the Study

2.6.1. Introduction

The main aim of this section is to develop a theoretical framework that accounts for the dynamics of shoot to kill policy at borders. As I stated in Chapter One, my argument posits that democracies are more likely to refrain from shoot to kill policies as compared to other states. As the level of democracy decreases, states become more inclined to adopt shoot to kill policies at their borders. In this section I firstly define what a democracy is. Then I specify the causal mechanism between a democracy and a shoot to kill policy. In a nutshell, democracy, by its nature, leads to the norm of non-violent conflict regulation. This norm which is intrinsic to democracies induces policymakers to rule out a shoot to kill policy as an option. The rule of law, by preventing arbitrary and abusive actions of governments, ensures that domestic political conflicts are regulated non-violently.

In order to explain this causal link, I first explain what norms are and elaborate on the way in which norms have an impact on state behavior. I address the crucial dimension of the interplay between norms and interests. I argue that norms refer to a consistency of behavior, but they also have an intersubjective dimension. That is to say, when certain practices are applied systematically, they are seen as appropriate and deviation from these practices is considered inappropriate. In democracies, since the rule of law ensures that non-violence is a consistently applied in light of domestic political conflicts, policymakers develop an understanding that non-violence is an appropriate behavior.

I argue that the norm of non-violence is externalized at state borders. Sharing an understanding that violence is inappropriate, policymakers rule out a shoot to kill policy when they are interested in reinforcing their borders. Then I explain why even though democracies rule out shoot to kill policies, maintain an exclusionary attitude at their borders. Finally, I review other possible arguments. These arguments are interstate conflict, the integration with the global refugee regime, criminal law, intra-state conflict in the neighboring state, state fragmentation and economic capacity. These arguments provide competing logics. Taking alternative arguments into consideration enables me to make a strong test for my argument.

2.6.2. Democracy

Democracy is a mechanism which limits state power and plays a mediating role between divergent individual and collective preferences and provides the accountability of political decisions taken by state leaders. In political life which is characterized by different identities, values and interests, democracy is a forum in which these differences are discussed and tolerated.⁶⁹ Democratic states have electoral regimes and elections are held in a competitive manner. Of particular importance is that democracy is grounded on the rule of law. In rule of law societies, there are institutions which limit the power of the government such as a free judiciary, ombudsman and the like. Therefore, when policymakers are engaged in arbitrary and abusive practices, they are held responsible for their actions. The rule of law, by preventing arbitrary and abusive actions of governments through independent legal institutions, ensures that domestic political conflicts are regulated through non-violent instruments.

2.6.2.1. Electoral Competition

Democratic institutions allow citizens to participate in decision-making process. In Seymour M. Lipset's terms, democracy is "a political system which supplies regular constitutional opportunities for changing the governing officials, and a social mechanism which permits the largest possible part of the population to influence major decisions by choosing among contenders for political office."⁷⁰ Broadly speaking, democracy is based on the view that "agents and subjects of power should be the same" and if not, agents of power should be representatives of subjects of power.⁷¹

Elections are *sine qua non* for democracies. However, what is of paramount importance is that in democracies elections are conducted in a competitive manner. Joseph A. Schumpeter summarizes electoral competition as "free competition for a free vote."⁷² Mike Alvarez et al. specify that in electoral regimes, not all public officials are subject to elections. For example, judges do not obtain their positions through national polls. However, what is a common

⁶⁹ David Held, *Models of Democracy*, 3rd. ed. (Cambridge: Polity Press, 2006), p. 143

⁷⁰ Seymour M. Lipset, *Political Man* (Garden City, NY: Doubleday, 1960), p. 27

⁷¹ Terry MacDonald, "Review Article: Boundaries Beyond Borders: Delineating Democratic 'Peoples' in a Globalizing World," *Democratization*, Vol. 10, No.3 (August, 2003), p. 174

⁷² Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (London & New York: Routledge, 1994), p. 271

feature of all democratic states is that “the chief executive office” and parliamentary seats are either directly or indirectly elected by citizens.⁷³

Electoral competition refers to a struggle for power. Democracy is maintained through the struggle of the opposition against the power of the ruling party.⁷⁴ It goes without saying that people in power are not permanent. If they do not produce satisfactory policies, they lose power in upcoming elections. Therefore, in democratic states “ideologically and socially different groups are legally entitled to compete for political power and in which institutional power holders are elected by the people and are responsible to the people.”⁷⁵ In contrast to undemocratic states in which some values and interests are suppressed by the threat or the actual use of force, in democratic states divergent values and interests can find platform for expression and compete.⁷⁶

In democracies, the will of people is reflected in elections. Following the intellectual tradition of Schumpeter, Samuel Huntington indicates that a regime is democratic “to the extent that its most powerful decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.”⁷⁷ In addition, in electoral competition, elections are based on secret ballots.⁷⁸ That is, citizens’ choices are unknown in local, national elections and the like. Citizens are not forced to vote for a specific party.⁷⁹

In summary, electoral competition is characterized by “ex ante uncertainty,” “ex post irreversibility,” and “repeatability.”⁸⁰ Ex ante uncertainty means that certain parties do not hold power permanently and might lose power in elections. That there is uncertainty in elections does not mean that the outcomes of elections might not be predicted. Surveys may predict which party might get what percentage of votes. It rather means that there is always a chance that the party in power might lose in competition.⁸¹ Ex post irreversibility ensures that

⁷³ Mike Alvarez, Jose Antonio Cheibub, Fernando Limongi and Adam Prezowski, “Classifying Political Regimes,” *Studies in Contemporary International Development*, Vol. 31, No. 2 (Summer, 1996), pp. 4-5

⁷⁴ Ibid., p. 34

⁷⁵ Tatu Vanhanen, *The Process of Democratization: A Comparative Study of 147 States, 1980- 1988* (New York: Crane Russak, 1991), p. 11

⁷⁶ Ibid.,p.5

⁷⁷ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press: 1991), p. 7

⁷⁸ G.Bingham Powell, Jr. *Contemporary Democracies: Participation, Stability, and Violence* (Cambridge: Harvard University Press, 1982), p. 3

⁷⁹ Ibid.

⁸⁰ Alvarez, et al., “Classifying Political Regimes,” p. 5

⁸¹ Ibid.

the outcomes of elections are respected. Therefore, losers of elections do not try to eliminate their opponents; they respect the outcome of elections and prepare themselves for upcoming elections. Finally, repeatability means that elections are held on a regular basis. Parties which hold government offices do not attempt to abolish elections.⁸²

Some undemocratic states might also allow elections. These elections might also be held on a regular basis. However, what differentiates elections in democratic states from elections in undemocratic states is not regularity, but competitiveness. In democratic states opposition parties might bring different agendas and have a chance of winning. In sharp contrast, undemocratic leaders suppress opposition parties by sending them into exile or imprisoning them. Therefore, these elections are not characterized by “ex ante uncertainty.” Even though undemocratic leaders allow elections, opposition parties are prevented from winning elections.

2.6.2.2. The Rule of Law

The rule of law is the backbone of the democratic rule. Kenneth A. Bollen takes the position a system is democratic “*the extent to which political power of the elites is minimized and that of the nonelites is maximized.*”⁸³ Democratic rule takes place when the government is accountable to citizens and when citizens have the right to participate directly or indirectly in decision-making process.⁸⁴ The rule of law protects fundamental liberties and ensures that “the various agencies of electoral, societal, and horizontal accountability function effectively, without obstruction and intimidation from powerful state actors.”⁸⁵ In other words, the rule of law protects democratic political order by protecting citizens from arbitrary and abusive actions of governments through “various legal and institutional instruments.”⁸⁶

The instruments of the rule of law are a free judiciary, a written constitution based on the protection of human rights, independent prosecutors⁸⁷ and the ombudsman.⁸⁸ Through these

⁸² Ibid.

⁸³ Kenneth A. Bollen, “Issues in the Comparative Measurement of Political Democracy,” *American Sociological Review*, Vol. 45 (June, 1980), p. 372

⁸⁴ Kenneth Bollen, “Liberal Democracy: Validity and Method Factors in Cross-National Measures,” *American Journal of Political Science*, Vol. 37, No. 4 (November, 1993), p. 1209

⁸⁵ Guillermo A. O'Donnell, “Why the Rule of Law Matters,” *Journal of Democracy*, Vol. 15, No. 4 (October, 2004), p. 32

⁸⁶ Adriaan Bedner, “An Elementary Approach to the Rule of Law,” Vol.2, No.1 *Hague Journal on the Rule of Law* (March, 2010), p. 50

⁸⁷ Thomas Carothers, “The Problem of Knowledge”, in Carothers, *Promoting the Rule of Law Abroad: In Search of Knowledge* (Carnegie Endowment for International Peace, 2006), p. 21 Adriaan Bedner, “An Elementary Approach to the Rule of Law,” *Hague Journal on the Rule of Law* Vol.2, No.1 (March, 2010), p. 70

instruments the rule of law “ensures political rights, civil liberties, and mechanisms of accountability which in turn affirm the political equality of all citizens and constrain potential abuses of state power.”⁸⁹ It goes without saying that in democracies the government can only exercise its authority in certain ways. There are limitations on “the legal exercise of power” applied by the government. In a rule of law society law applies to everybody and nobody is exempt from legal consequences in regards to human rights violations.⁹⁰ The rule of law rejects “...unrestrained rule by another, even by a wise person, out of concern for the potential abuse that inheres in the power to rule.”⁹¹

2.6.2.3. The Norm of Non-Violent Conflict Regulation

In explaining why democracies rule out a shoot to kill policy, I devote my attention to the way domestic political conflicts are regulated in democracies. I treat the norm of non-violent conflict regulation as the causal mechanism between democracies and a shoot to kill policy. Democracy, by its nature, leads to the norm of non-violent conflict regulation. The rule of law, by creating legal constraints on policymakers, ensures that non-violence is practiced systematically in light of domestic political conflicts. In other words, it guarantees that internal disputes in the society “are decided by pursuant to law and not by the arbitrary or discretionary acts of the government.”⁹²

Domestic political conflicts are inherent elements of democracies. Participation in politics gives rise to domestic political conflicts. As Jacques Rancière posits where there is participation, the emergence of conflicts is inevitable.⁹³ Similarly, William E. Connolly acknowledges that democratic political life is characterized by different political expressions.⁹⁴ In particular, domestic political conflicts refer to different positions and interests between political actors and between citizens and the government. Domestic conflicts take place within states’ territories. Therefore, they are different from conflicts and crises which emerge between states. Not all conflicts which place within states’ territories are

⁸⁸Bedner, “An Elementary Approach to the Rule of Law,” p. 70

⁸⁹O’Donnell, “Why the Rule of Law Matters,” p. 32

⁹⁰H. Victor Conde, *A Handbook of International Human Rights Terminology*, 2nd. ed. (Lincoln and London: University of Nebraska Press, 2004), p.234

⁹¹Brian Z. Tamahana, *On the Rule of Law: History, Politics, Theory* (Cambridge: Cambridge University Press, 2004),p. 122

⁹²Conde, *A Handbook of International Human Rights Terminology*, p. 234

⁹³Jacques Rancière, *Disagreement: Politics and Philosophy* (Minneapolis: University of Minnesota Press: 1998), pp. 99-100

⁹⁴ William E. Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox* (Minnesota: University of Minnesota Press, 1991), p. 211

political. There may be incompatibility of interests among individuals or groups. In order to be political, conflicting values and interests should be transferred to the political arena.⁹⁵

Elections are instruments to manage conflicts peacefully. In elections, agendas, objectives, preferences of the ruling party and the opposition parties compete. In democracies competition in elections does not take place violently. Winners and losers respect the outcome of elections. Political actors do not try to eliminate one another.⁹⁶ A common example of a domestic political conflict is protests. Protests are organized activities which enable citizens and civil society organizations to make their opinions heard. In other words, when citizens have differing positions and interests on certain issues with their governments, they organize protests.

In democratic societies citizens might criticize current education or health policies. Some citizens might have different preferences about local administration. They might demand federalism or confederalism. Some citizens might demand more rights. Some ethnic groups might demand more language rights. These groups might establish political parties and civil society organizations for advocating their rights. Along with citizens, non-citizens such as immigrants might demand citizenship rights, more work opportunities, equality in payment and the like. In addition, civil society organizations might produce alternative policies in regards to environment, education and the like. Needless to say, democratic governments do not use physical violence when citizens articulate their demands.

It should be stressed that non-violent behavior in democratic states is not an arbitrary behavior, but linked to institutional process. In a rule of law society “the government is embedded in a comprehensive legal framework, its officials accept that the law will be applied to their own conduct, and the government seeks to be law-abiding.”⁹⁷ As I will explain in great length, continuous non-violent practices have implications on the way policymakers think. In and through systematic non-violent practices, policymakers develop an

⁹⁵Frank R. Pfetsch, *Negotiating Political Conflicts* (London: Palgrave, 2007), p. 16

⁹⁶William J. Dixon, “Democracy and the Peaceful Settlement of International Conflict,” *American Political Science Review*, Vol. 88, No. 1 (March, 1994), p. 15-16

⁹⁷Thomas Carothers, “The Problem of Knowledge”, in Carothers, *Promoting the Rule of Law Abroad: In Search of Knowledge* (Carnegie Endowment for International Peace, 2006), p. 21

understanding that the usage of physical violence in light of domestic political conflicts is inappropriate.⁹⁸

The way democracies handle domestic political conflicts might show differences such as “bargaining, compromise, concessions, the tolerance of differences, and even the acceptance of defeat....”⁹⁹ Seymour M. Lipset defines the norm of non-violence as the resolution of political conflicts through accommodation or consensus.¹⁰⁰ In Lipset’s understanding, through the norm of non-violence conflicts are not eliminated, but transformed.¹⁰¹ When situations change, rather than showing resistance, democratic states adapt themselves to new situations. They make changes in rules, regulations and institutions through consensus.¹⁰² Juan J. Linz and Alfred Stephan define the norm of non-violence as “the resolution of conflict within the specific laws, procedures, and institutions sanctioned by” democratic process.¹⁰³ To Adam Przeworski, the norm of non-violence refers to the toleration towards incompatible interests. Different groups can be organized around their different opinions and interests and participate in politics. There are institutional mechanisms which protect their right of participation.¹⁰⁴ Similarly, Bruce Russett underlines that in democracies the use of “...organized lethal violence, or the threat of it, is considered illegitimate, and unnecessary to secure one’s “legitimate” rights. Dissent within broad limits by a loyal opposition is expected and even needed for enlightened policy-making, and the opposition’s basic loyalty to the system is to be assumed in the absence of evidence to the contrary.”¹⁰⁵

I define the norm of non-violence as the regulation of domestic political conflicts non-violently. I define violence as an action which causes direct deaths. A conceptualization provided by Dennis Wrong offers a valuable insight into the way I understand violence. Wrong considers violence as the ultimate form of force which imposes “direct assault upon

⁹⁸Christian Davenport, *State Repression and the Domestic Democracies* (Cambridge: Cambridge University Press, 2007), p. 10

⁹⁹Rudolph J. Rummel, *Power Kills: Democracy as a Method of Nonviolence* (New Brunswick and London : Transaction Publishers, 2009),p. 101

¹⁰⁰Gary Marks and Larry Diamond (eds) *Reexamining Democracy: Essays in Honor of Seymour Martin Lipset* (Newbury Park, Calif.: Sage Publications, 1992), pp. 1-13

¹⁰¹Ibid.

¹⁰²Ibid.,p. 255

¹⁰³Juan J. Linz and Alfred Stephan, “Toward Consolidated Democracies,” in Larry Diamond et al. (eds) *Consolidating the Third Wave Democracies: Themes and Perspectives* (Baltimore: The Johns Hopkins University Press, 1997), pp. 15-16

¹⁰⁴Adam Przeworski, “Some Problems in the Study of the Transition to Democracy,” in O’Donnell and Schmitter (eds), *Transitions from Authoritarian Rule: Tentative Conclusions* (Baltimore: John Hopkins University Press, 1986), p. 56

¹⁰⁵Russett, *Grasping the Democracies*, p. 31

the body of another in order to inflict pain, injury or death.”¹⁰⁶ A broader conception of violence, on the other hand, moves beyond the physical aspect of violence. For instance, Robert Audi focuses on psychological harm as well as physical one.¹⁰⁷ Johan Galtung develops the concept of “structural violence” as a form of indirect violence. In structural violence, there is no actor resorting to violence. Instead, violence is embedded in the very structure of a society. Structural violence is associated with social injustice and unequal power relationships.¹⁰⁸ By the same token, James Gilligan describes structural violence as “the increased rates of death and disability suffered by those who occupy the bottom rungs of society, as contrasted with the relatively lower death rates experienced by those who are above them.”¹⁰⁹ From this line of thinking, malnutrition or starving due to political actions are interpreted as violence.¹¹⁰

Here I give rationale to why I use violence narrowly. It is important to take on board the fact that not all conflicts in democracies are resolved in the literal sense. Some demands of civil society organizations might be ignored by decision makers. Political parties in the parliament may not always reach a consensus over legislation. Furthermore, the way democracies handle their domestic political conflicts may not always be peaceful. As William J. Dixon specifies in democratic states political elites might indeed resort to illegal or unjust methods during their competition for office.¹¹¹ Even in the most democratic states, police might use harsh methods during protests such as beating or pouring tear gas onto protesters. Therefore, not all methods adopted in democracies are peaceful and not all conflicts are resolved through consensus or negotiation.

Bearing in mind that there is no “perfect” democracy,¹¹² I specify that I adopt a narrow conception of violence to illustrate a common characteristic of all institutionalized democracies. For instance, some democracies might show more toleration towards domestic political conflicts and give concessions to ethnic and minority groups continuously. Others

¹⁰⁶Dennis H. Wrong *Power, Its Forms, Bases, and Uses: With a New Preface* (Chicago: University of Chicago Press, 1988), p. 24

¹⁰⁷Robert Audi, “On the Meaning and Justification of Violence,” in Jerome A. Shaffer (eds) *Violence* (New York: David McKay, 1971), p. 59

¹⁰⁸Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research*, Vol. 6, No. 3 (1969), p. 171

¹⁰⁹James Gilligan, *Violence: Reflections on a National Epidemic* (New York: Vintage Books, 1997), p. 89

¹¹⁰Jamil Salmi, *Violence and Democratic Society: New Approaches to Human Rights* (London: Zed Books, 1993), p. 17

¹¹¹William J. Dixon, “Democracy and the Peaceful Settlement of International Conflict,” *American Political Science Review*, Vol. 88, No. 1 (March, 1994), pp. 14-32

¹¹²Larry Diamond, *Developing Democracy. Towards Consolidation* (Baltimore: John Hopkins University Press, 1999), p. 17

might opt for negotiation. However, democracies which are characterized by the rule of law are not engaged in arbitrary killings against its own citizens. In particular, in democratic states protests are not suppressed with lethal force. Opposition leaders, human rights activists and journalists are not killed either directly or indirectly by the government. When extrajudicial killings occur, investigations start immediately. Political elites encourage that those who commit extrajudicial killings are found and put on trial. New social groups can participate in politics and as such cleavages in political life are not radicalized and radical movements do not come into being.¹¹³

Furthermore, it should be stressed that that some degree of coercion is found in all states. Coercion is “the use of threats of pain, negative deprivation, or some other negative outcome to get what is wanted.”¹¹⁴ Prison and armies are example of coercion in every society.¹¹⁵ However, William J. Dixon draws attention to the fact that “All states retain exclusive rights to coercion, but democratic states do not ordinarily use coercion for day-to-day management of political competition (though they may do so under extraordinary circumstances).”¹¹⁶

Another point to note that all states hold the monopoly of violence. As Marx Weber notes “...a state is a human community that successfully claims *the monopoly of the legitimate use of physical force* within a given territory.”¹¹⁷ According to this definition the monopoly of violence is necessary to maintain political order. Theoretically speaking, if democracies do not have the monopoly of violence, they cannot protect themselves from enemies of democracy in their societies who try to eliminate democratic institutions¹¹⁸ By employing a hypothetical reasoning, I argue that if there are enemies of democracy who attempt to abolish democracy through violence, then violence becomes an option also in democracies.

However, this hypothetical situation does not contradict the argument that democracies regulate their domestic political conflicts non-violently. If enemies of democracies use violence against a democratic government, it does not refer to a domestic political conflict. In contrast to citizens who hold divergent opinions, different interests and criticize current

¹¹³ Marks and Diamond, *Reexamining Democracy: Essays in Honor of Seymour Martin Lipset* (Sage Publications, Inc.: 1992), pp. 1-13

¹¹⁴Rummel, *Power Kills: Democracy as a Method of Nonviolence* , p. 118

¹¹⁵Ibid.

¹¹⁶ Dixon, “Democracy and the Peaceful Settlement of International Conflict,” p. 16

¹¹⁷ Marx Weber, *From Marx Weber: Essays in Sociology* (New York: Oxford University Press, 2001), p.78

¹¹⁸Karl Popper notes that in democracies rights which protect minorities should not apply to enemies of democracies who intend to abolish democracies through violence. See Karl Popper, *Open Society and Its Enemies* (Princeton: Princeton University Press, 2000), p. 145

policies, these enemies attempt to abolish the ground on which divergent views and interests are expressed. Therefore, actions which are taken in extraordinary circumstances to protect democratic political order should be differentiated from the way in which domestic political conflicts are regulated.

Furthermore, most studies indicate that the norm of non-violence is respected only in fully institutionalized democracies. David Sobek et al. note that there are a number of states with democratic institutions but which have poor human rights records.¹¹⁹ Contrary to the majority of studies which demonstrate a negative relationship between democracy and human rights violations,¹²⁰ a study conducted by Christian Davenport demonstrates that violence is more likely to be found in regimes which are in between full democracies and full autocracies.¹²¹ By analyzing 147 states from a large span of time, the author comes to conclusion that “there is a threshold for “domestic peace.”¹²² The author suggests that only highly institutionalized democratic states refrain from violence in managing domestic political conflicts. If a state does not reach the level of fully institutionalization, some steps taken in democratization process do not make the state less violent inside. However, after a certain threshold of democratization is passed, a state is more likely to refrain from violence.¹²³

Similarly, Bueno de Mesquita et al. find that institutional reforms are not sufficient for the guarantee of physical integrity rights. Based on their findings, the authors emphasize the point that “structural change is necessary for behavior to change, but behavior does not change until enough structures are in place to make it compelling for political leaders to restrain themselves and to respect the rights of their subjects.”¹²⁴ Caroline Beer and Neil J. Michell

¹¹⁹ David Sobek, M. Rodwan Abouharb and Chris Ingram, “The Human Rights Peace: How the Respect for Human Rights at Home Leads to Peace Abroad,” *The Journal of Politics*, Vol. 68, No. 3 (August, 2006). Other scholars also find that that semi-democracies are more likely to resort to lethal force than full democracies and non-democracies. See Helen Fein, “More Murder in the Middle: Life Integrity Violations and Democracy in the World,” *Human Rights Quarterly*, Vol. 17, No.1 (February, 1995); Patrick M. Regan, and Errol A. Henderson “Democracy, Threats and Political Repression in Developing Countries: Are Democracies Internally Less Violent?” *Third World Quarterly*, Vol. 23, No. 1 (February, 2002).

¹²⁰ Christian Davenport, “Multi-Dimensional Threat Perception and State Repression: An Inquiry Into Why States Apply Negative Sanctions,” *American Journal of Political Science*, Vol. 39, No. 3 (August, 1995), pp. 683-713.

¹²¹ Davenport and Armstrong, “Democracy and the Violation of Human Rights,” p. 545

¹²² *Ibid.*, p. 551

¹²³ Davenport, “Multi-Dimensional Threat Perception and State Repression,” pp. 683-713.

¹²⁴ Bueno de Mesquita, George W. Downs, Alastair Smith and Feryal M. Cherif “Thinking inside the Box: A Closer Look at Democracy and Human Rights,” *International Studies Quarterly*, Vol. 49, No. 3 (September, 2005), p. 455

make a compelling argument by suggesting that without cultural norms and rules, democratic institutions are not sufficient to maintain non-violent state behavior.¹²⁵

Without a vigorous rule of law, democratic institutions such as electoral competition might even increase violent state behavior.¹²⁶ Similarly, Larry Diamond maintains that the process of democratization might trigger ethnic sensitivities. During this process governments, rather than accommodating ethnic conflicts, might suppress them.¹²⁷ This kind of suppression induces ethnic groups to rely on violence. As they cannot express their demands through civil society organizations or through political parties in the parliament, violence becomes the only option to reach political ends. Consequently, the government responds violently and instability prevails.

2.6.3. Undemocratic States

Undemocratic states lack competitive elections and the rule of law. Even though some undemocratic states allow elections, in contrast to democracies, these elections are not characterized by competitiveness. Undemocratic states are not rule of law societies. Since legal institutions are not independent, policymakers are not held responsible for their arbitrary and abusive actions. Even if undemocratic states have a written constitution, fundamental liberties are not protected. In this sense, citizens cannot enjoy basic rights such as the freedom of expression, the freedom of assembly and the like.

Undemocratic states show variety within themselves. An undemocratic state can be a totalitarian regime. A totalitarian regime is a regime type which abolishes any kind of diversity in political life by establishing a state ideology which mobilizes whole population.¹²⁸ Totalitarianism is “essentially a system of government in which one party holds all political, economic, military, and judicial power. This party attempts to restructure society, to determine the values of society, and to interfere in the personal lives of individual citizens in such a way as to control their preferences, to monitor their movements, and to restrain their

¹²⁵ Caroline Beer and Neil J. Michell, *Comparing Nations and States: Human Rights and Democracy in India*, Vol. 39, No. 8 (October, 2006), p. 1000

¹²⁶ Ibid., p. 1015

¹²⁷ Larry Diamond, *Developing Democracy: Towards Consolidation* (Baltimore: John Hopkins University Press, 1999), p. 5

¹²⁸ Juan J. Linz and Alfred Stephan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-communist Europe* (Baltimore: Johns Hopkins University Press, 1996), p. 40

freedoms.”¹²⁹ Totalitarian states are characterized by a single party of a dictator, monopolized police force, media, the military and the economy.¹³⁰

The most common undemocratic regime is an authoritarian regime. In contrast to totalitarian states, authoritarian states are not characterized by a state ideology mobilizing all citizens. They allow some limited opposition. Nevertheless, they are not based on the principle of separation of powers through legal frameworks.¹³¹ Authoritarian regimes can further be divided into tinpot regimes, monarchies, military regimes, theocratic regimes and electoral authoritarian regimes. Tinpot regimes do not rely on excessive repression. Leaders do not interfere with the daily lives of their citizens. Instead, they use a small amount of repression to maintain their power and increase their personal wealth.¹³² In monarchies rulers acquire their position through royal rules and practices.¹³³ In military regimes military leaders rule states directly or indirectly.¹³⁴ In theocratic regimes, a group of religious leaders play a crucial political role.¹³⁵

Some authoritarian states might also have regular elections. These states are mostly referred as “electoral authoritarianism.”¹³⁶ Electoral authoritarian regimes, as Andreas Schedler argues, organize regular elections, but systematically violate fundamental norms of democratic decision-making.¹³⁷ These regimes lack transparency as citizens do not have sufficient knowledge about decision-making process. Even when elections do take place, citizens do not have the choice to take unwanted leaders from office.¹³⁸ Authoritarian leaders might create support parties and establish loyal army to weaken the opposition.¹³⁹ Therefore, even though

¹²⁹Roskin, et. al. *Political Science: An Introduction*, p. 70

¹³⁰See Carl J. Friedrich and Zbigniew K. Brzezinski, *Totalitarian Dictatorship and Autocracy* (Cambridge: Harvard University Press, 1965).

¹³¹Juan Linz, “An Authoritarian Regime: Spain,” in Erik Allardt and Yrjo Littunen (eds) *Cleavages, Ideologies, and Party Systems* (Helsinki: Academic Book Store, 1964), pp. 96-16

¹³²Ronald Wintrobe, *The Political Economy of Dictatorship* (Cambridge: Cambridge University Press, 2000), p. 11

¹³³ Axel Hadenius and Jan Teorell, “Authoritarian Regimes: Stability, Change, and Pathway to Democracy, 1972-2003,” Working Paper, No. 331 (November, 2006), p. 5

¹³⁴*Ibid.*, p. 6

¹³⁵*Ibid.*, p. 8

¹³⁶See Andreas Schedler, “The Menu of Manipulation,” *Journal of Democracy*, Vol. 13, No. 2 (April, 2002), p. 36. See also Yonatan L Morse, “The Era of Electoral Authoritarianism,” Vol. 64 No. 1, *World Politics* (January, 2012), pp. 161-198

¹³⁷Andreas Schedler, “Authoritarianism's Last Line of Defense,” *Journal of Democracy*, Vol. 21, no. 1 (January 2010), p. 69

¹³⁸Barbara Geddes, “Why Parties and Elections in Authoritarian Regimes?” paper prepared for presentation at the annual meeting of the American Political Science Association, Washington DC, 2005, p. 3

¹³⁹*Ibid.*, pp. 4; 18

some authoritarian regimes allow elections, they do not allow the proper conduct of elections like in democracies.

The differences between undemocratic states notwithstanding, it is important to note that undemocratic states share some similarities on the grounds that they are not characterized by the norm of non-violent conflict regulation. Undemocratic states indeed differ in the way they respond to domestic political conflicts. Some undemocratic states suppress domestic political conflicts violently and others maintain stability through non-violent suppression mechanisms. However, it should be born in mind that since undemocratic states are not rule of law societies, even when they show non-violent behavior, non-violence does not become an institutionalized practice in these societies.

Undemocratic leaders are rather isolated from their people and other political actors. Therefore, receiving a challenge from their people is perceived as a direct threat to authority because these regimes do not rest on the consent of the people in the first place. Most undemocratic leaders come from the military and they have a very strict vision. According to them, resorting to violence is an appropriate way of resolving a conflict.¹⁴⁰ Quincy Wright maintains that autocrats tend to have aggressive personalities and they do not feel bound by the law.¹⁴¹

Since the rule of law does not act as a safeguard against abusive state power in undemocratic states, the physical integrity of people is not guaranteed. Therefore, people might directly resort to violence when they have political demands. Since they know that they risk their lives when they criticize policies of their governments, establish political parties or civil society organizations, they use violence as a method to protect themselves. When they do so, undemocratic governments resort to violence in response. Caroline Beer and Neil J. Mitchell make a compelling argument by stating that:

...elections present the opposition with an opportunity for voice, and peaceful achievement of power. Electoral participation and competition also provide the opposition the opportunity to mobilize citizens to hold government violators accountable at the next election and oust abusive leaders. In contrast, without fair elections, opposition forces may be more prone to

¹⁴⁰ Ibid., pp. 42-43

¹⁴¹ Quincy Wright, *A Study of War Vol. I-II* (Chicago: The University of Chicago Press, 1942), p. 847

violence, thereby prompting and providing policy legitimacy for government violence in response.¹⁴²

I maintain that as undemocratic states are not rule of law societies, non-violence does not become an institutionalized practice. In other words, non-violence is not linked to institutional process. Therefore, in undemocratic states non-violence is practiced arbitrarily just as violence. Since there is no rule of law which protects citizens against abusive state power, I assume that non-violent behavior in undemocratic states is not indicative of the norm of non-violence.

Here, a notable distinction should be drawn between the rule of law should and legality. Most undemocratic regimes have also written rules. They have a constitution. Legal rules regulate the appointment of state leaders, the administration of parties and the military.¹⁴³ However, in contrast to states in which the rule of law is exercised, these legal arrangements do not constrain the power of government leaders.¹⁴⁴ In undemocratic states, legality means that legal orders replace arbitrary orders.¹⁴⁵ However, the elimination of arbitrary orders does not mean that the rule of law is established. If there is no independent judiciary which ensures that nobody is above law and holds policymakers responsible for their arbitrary and abusive actions, non-violence does not become an institutionalized practice.

It goes without saying that there might be undemocratic leaders who believe that non-violence is an appropriate act and rule their states non-violently. However, if the rule of law is not exercised, this non-violent behavior derives from a personal choice, not from an accepted practice in the society. For example, if that leader is succeeded with another leader, there is no guarantee that he/she does not use physical violence. Undemocratic leaders do not face institutional and legal constraints. Even when they choose non-violence, this behavior is not linked to institutional process. As there is no free judiciary, free media, this arbitrariness is perpetuated.

In most undemocratic states stability is provided through the suppression of different values, interests and preferences. The restriction of liberties without lethal force enables “government officials to regulate behavior without provoking the negative ramifications associated with

¹⁴² Beer and Mitchell, “Comparing Nations and States: Human Rights and Democracy in India,” p. 1002

¹⁴³Yossi Shain and Juan Linz, *Between States: Interim Governments and Democratic Transitions* (Cambridge: Cambridge University Press, 1995), p. 10

¹⁴⁴Ibid.

¹⁴⁵Ibid.

state-sponsored violent action.”¹⁴⁶ In undemocratic regimes, citizens and the government are strictly separated from one another. The ruling elite becomes associated with the state. In these kinds of circumstances, any political challenge against the ruling elite is interpreted as a challenge against the state itself. Hence, when rival groups emerge and desire political office, the ruling elite, by presenting them against threats to the state, legitimizes their punishment.¹⁴⁷

However, cannot undemocratic societies be committed to non-violence? For example, the Buddhist doctrine, by promoting values such as compassion and patience aims to decrease sufferings of people.¹⁴⁸ The Buddhist doctrine rests on the view that “...political institutions and policies should themselves be nonviolent and directed primarily to the eradication of violence in society.”¹⁴⁹ An undemocratic Buddhist state might develop a culture of non-violence and maintain its pacifist attitude. Even though not linked to institutional process, non-violence might be an accepted practice in a Buddhist society. That is to say, rather than being a personal choice of a dictator, non-violent behavior is embedded in larger cultural setting. Would this kind of state be inclined to adopt shoot to kill policies at its borders?

Before answering this question, I acknowledge that a democratic society is not the only form of a “good” society. Each society has its own values. From this perspective, there might be different political orders which establish good societies according to their own values. For example, rather than the rule of law, the Confucian thought is based on a virtuous rule.¹⁵⁰ In contrast to the democratic political order, in the Confucian political order individual rights come secondary to harmonious society. Therefore, in order to provide harmonious, wealthy society, the interference of the government on the lives of its citizens is considered acceptable.¹⁵¹

In a nutshell, there might be other societies which achieve internal peace and harmony, not through the rule of law, but through pacifist doctrines. I acknowledge that if a country becomes generous and harmonious as envisaged by these doctrines, one might also expect them to abandon exclusionary practices at their borders. When states reinforce their borders,

¹⁴⁶Davenport, *State Repression and the Domestic Democracies*, p. 49

¹⁴⁷Leslie Lipson, *The Great Issues in Politics, An Introduction to Political Science*, 10th ed. (Upper Saddle River, N.J.: Prentice Hall, 1997),p. 236

¹⁴⁸Jay. L. Garfield, “Buddhism and Democracy,”p. 3

http://www.smith.edu/philosophy/Banu/faculty/jgarfield/papers/recently_published/buddhism.htm#*

¹⁴⁹Ibid.

¹⁵⁰Shaun O’Dwyer, “Democracy and Confucian Values,” *Philosophy East&West*, Vol.53, No.1 (January, 2003), p. 43

¹⁵¹ Ibid., p. 45

they exclude illegal border crossers and this exclusion causes sufferings of people. On the other hand, when policymakers internalize pacifist doctrines, we may also expect them to show compassion and generosity to people who are in need at their borders.

My argument applies to states which reinforce their borders. It suggests that democracies are more likely to refrain from shoot to kill policies when they are interested in reinforcing their borders as compared to other states. Strikingly, even the most democratic states are based on a strict separation between citizens and non-citizens. Democracies externalize the norm of non-violent conflict regulation at their borders and rule out a shoot to kill policy, but they still maintain exclusionary practices and create undesirable conditions for people who are in need at their borders. This is a limitation to my argument. Even though the norm of non-violence ensures that a shoot to kill policy is ruled out, it is not sufficient to provide peaceful and harmonious borders. There might be different norms which even induce policymakers to abandon exclusionary border practices. States which internalize pacifist norms and abandon exclusionary border practices are beyond the scope of this thesis. However, this type of states offers an avenue for exciting research projects. These states might reveal insights into different ways of organizing borders and pathways to more peaceful borders.

In summary, bearing in mind that all states hold the monopoly of violence, what differentiates states in regards to the norm of non-violence is “arbitrariness.” In democracies, regulating domestic political conflicts non-violently becomes an institutionalized practice through the rule of law.¹⁵² In other words, non-violent behavior is related to institutional process. In rule of law societies, policymakers face legal constraints. The rule of law ensures that policymakers act in a certain way in regards to domestic political conflicts. In and through systematic non-violent practices policymakers develop an understanding that non-violence is an appropriate act.

In sharp contrast, non-violent behavior in undemocratic states is fundamentally different. The absence of rule of law in undemocratic societies renders non-violent practices arbitrary. In undemocratic states there are no legal constraints which ensure a consistency of behavior in regards to domestic political conflict regulation. Since there are no independent legal institutions which constrain the power of policymakers, physical violence might be an option

¹⁵²Rummel, *Power Kills: Democracy as a Method of Nonviolence*, p. 101

in responding domestic political conflicts. Therefore, I assume without a vigorous rule of law system, non-violent behavior is not indicative of the norm of non-violence.

2.6.4. Why do Democracies Rule out a Shoot to Kill Policy?

In this section I establish a theoretical link between democracies and shoot to kill policies. I explain why democracies rule out a shoot to kill policy as an option. As pointed out in democracies, non-violence becomes an institutionalized practice through the rule of law. In and through non-violent practices policymakers develop an understanding that non-violence is an appropriate behavior. They think that a non-violent state, they must act non-violently. When they are interested in reinforcing their borders, they take into consideration the obligation brought by the norm of non-violence and rule out a shoot to kill policy as an option.

I first define what norms are and present Rationalist and Constructivist arguments about how norms have an impact on state behavior. Then I present different schools of thought within the Constructivist camp and specify within which specific camp I situate myself. I elaborate on the relationship between norms and interests and discuss the impact of their interplay on state behavior. In the following section I elucidate my own position. I explain why the norm of non-violence is the causal mechanism between democracies and a shoot to kill policy. I account for why the norm of non-violence which is related to domestic governance is externalized at state borders. Finally, I analyze four counter arguments: interstate conflict, criminal law, the integration with the global refugee regime, intra-state conflict in the neighboring state, state fragmentation and state capacity. Taking into consideration competing logics allows me to strengthen my own argument.

2.6.4.1. Norms

Norms are “a set of intersubjective understandings and collective expectations regarding proper behavior of states and other actors in a given context or identity.”¹⁵³ They reveal “collective intentionality”¹⁵⁴ by demonstrating “society's consensus about appropriate

¹⁵³Annika Björkdahl, “Norms in International Relations: Some Conceptual and Methodological Reflections,” *Cambridge Review of International Affairs*, Vol. 15, No. 1 (2002), p. 15

¹⁵⁴John G. Ruggie, *Constructing the World Polity: Essays on International Institutionalization*. (London: Routledge, 1998).

behavior.”¹⁵⁵ As Peter J. Katzenstein posits norms “are prefabricated action channels that establish links between the values that individuals hold and the problems they seek to solve.”¹⁵⁶ Kai Alderson defines norms as “...explicit beliefs or implicit assumptions about what actions are possible, permissible, or advisable for state authorities to perform or to refrain from performing...”¹⁵⁷

Norms are prescriptive. That is, they create a sense of “oughtness.”¹⁵⁸ Normative obligation is the defining characteristics of a norm. In general terms, normative obligation is “a collective expectation about the proper course of behavior that identified actors should follow in specified situations.”¹⁵⁹ Jon Elster emphasizes that “The simplest norms are of the type ‘Do X’, or ‘Don’t do X’. More complex norms say, ‘If you do Y, then do X’, or ‘If others do Y, then do X’.”¹⁶⁰ Similarly, James D. Fearon touches upon an obligatory sense which norms bring by asserting that “Good people do (or do not do) X in situations A, B, C . . .” since “...we typically do not consider a rule of conduct to be a social norm unless a shared moral assessment is attached to its observance or non-observance.”¹⁶¹ By carrying a moral obligation, norms legitimize certain actions and delegitimize others.¹⁶²

What is more, norms have behavioral implications. They establish “patterns of behavior” compatible with their prescriptions.¹⁶³ They are “standards of behavior, defined in terms of rights and obligations.”¹⁶⁴ Therefore, to “endorse a norm not only expresses a belief, but also creates impetus for behavior consistent with the belief.”¹⁶⁵ When norms become

¹⁵⁵Vaughn P. Shannon, “Norms Are What States Make of Them: The Political Psychology of Norm Violation,” *International Studies Quarterly*, Vol. 44, No. 2 (June, 2000), p. 300

¹⁵⁶Peter J. Katzenstein, *Cultural Norms and National Security: Police and Military in Postwar Japan* (Ithaca, NY: Cornell University Press, 1996), p. 19

¹⁵⁷Kai Alderson, “Making Sense of State Socialization,” *Review of International Studies* Vol. 27, No. 3 (July, 2001), p. 422

¹⁵⁸Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization*, Vol. 52, No. 4 (Autumn, 1998), p. 891

¹⁵⁹Richard K. Herrmann and Vaughn P. Shannon, “Defending International Norms: The Role of Obligation, Material Interest, and Perception in Decision Making,” *International Organization*, Vol. 55, No. 3 (Summer, 2001), p. 624

¹⁶⁰Jon Elster, *The Cement of Society* (Cambridge: Cambridge University Press, 1989), p. 98

¹⁶¹James Fearon cited in Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization*, Vol. 52, No. 4 (Autumn, 1998), p. 892

¹⁶²*Ibid.*

¹⁶³Martha Finnemore, *National Interests in International Society* (Ithaca, NY: Cornell University Press, 1996), p. 23

¹⁶⁴Stephen D. Krasner, “Structural Causes and Regime Consequences: Regimes as Intervening Variables,” *International Organization*, Vol. 36, No. 2 (Spring, 1982), p. 81

¹⁶⁵Thomas Risse and Steven C. Ropp. “International Human Rights Norms and Domestic Change,” in Thomas Risse, Steven Ropp, and Kathryn Sikkink (eds) *Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999), p. 7

institutionalized practices, the actions of majority of political leaders are determined by the patterns prescribed by the norm.¹⁶⁶ Regularity and consistency are the main characteristics of norms.¹⁶⁷ If a state behavior often deviates from a norm, then the state behavior is not governed by the obligation derived from the norm.¹⁶⁸

Social norms are different from legal norms and private norms. Although legal norms are also prescriptive like social norms, compliance to legal norms is provided through a threat of punishment.¹⁶⁹ In this sense, obedience to legal norms derives mostly from rational considerations. For example, an individual knows that deviation from legal norms can be costly in terms of fines or imprisonment. By contrast, when an individual complies with a social norm, he/she thinks that he/she realizes an appropriate behavior. An individual obeys a norm not due to a threat of punishment, but due to a sense of appropriateness. Social norms also differ from private norms. Private norms may also lay out prescriptions about appropriate behavior. In contrast to social norms which have “explicit intersubjective quality,”¹⁷⁰ private norms are not shared by others.¹⁷¹

While norms have an impact on behavior by bringing a sense of appropriateness, the scholarly literature presents controversial arguments about whether interests or norms determine state behavior. Most theoretical approaches discussed in the existing literature provide a one-sided account by strictly separating norms from interests. The Rational approach is a case in point. Rationalist scholars mostly treat interests as given¹⁷² and downplay the impact of norms on state behavior. Among Rationalists, Realists argue that state behavior is mainly determined by the quest for power.¹⁷³ Defensive Neorealists take the position that states seek to guarantee their survival¹⁷⁴ Offensive Neorealists argue that states seek to maximize their security.¹⁷⁵ These approaches treat norms secondary to state interests and argue that states would violate norms whenever norms clash with state interests.

¹⁶⁶Schmitter and Karl, “What Democracy Is...And is Not,” p. 247

¹⁶⁷Gary Goertz and Paul F. Diehl, “Toward a Theory of International Norms: Some Conceptual and Measurement Issues,” *The Journal of Conflict Resolution*, Vol. 36, No. 4 (December, 1992), p. 636

¹⁶⁸*Ibid.*, p. 636-7

¹⁶⁹Elster, *The Cement of Society*, p. 101

¹⁷⁰Risse and Ropp. “International Human Rights Norms and Domestic Change,” p. 7

¹⁷¹Elster, *The Cement of Society*, p. 103

¹⁷²Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 2nd. ed. (New York: Knopf, 1954); Kenneth A. Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley Pub. Co., 1979).

¹⁷³Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Chapter I.

¹⁷⁴Kenneth A. Waltz, *Theory of International Politics*.

¹⁷⁵John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York, NY: Norton, 2001).

Neoliberal approach places more emphasis on norms by treating them as intervening variables between interests and state behavior.¹⁷⁶ This approach is built on the view that security is not the primary motivation of states. Military functions of states to which Realists give primary attention remain ineffective in light of growing interdependence among states.¹⁷⁷ Taking this into consideration, this approach argues that although states are power-maximizers, sometimes they may find it in their interest to cooperate in a number of areas.¹⁷⁸ Therefore, they establish regimes and comply with its norms.¹⁷⁹ Regimes can have an impact on state behavior in various ways. They can:

- 1) Change standard operating procedures for national bureaucracies; 2) present new coalition opportunities for subnational actors and improved access for third parties; 3) change the attitudes of participants through contacts within institutions; 4) provide information about compliance with rules, which facilitates learning about others' behavior; and 5) help to delink one issue from others, thus facilitating learning with specialized groups of negotiators.¹⁸⁰

It goes without saying that although this approach takes the position that norms have an impact on state behavior, norms are still regarded as secondary to state interests. Put blatantly, states are rational actors and make cost-benefit analysis. If states calculate that they would gain more by cooperating rather than acting alone, they would abide by norms. Otherwise, they would disregard norms. The premise of this approach is that norms have an impact on state behavior to the extent that they tackle problems related to collective action.¹⁸¹ No emphasis is given to the obligatory sense that norms bring. To conclude, Neoliberals do not deny that norms are totally irrelevant, but they do not share view that interests are determined by norms either.¹⁸²

¹⁷⁶Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984) Kenneth A. Oye, *Cooperation under Anarchy* in Judith Goldstein and Robert Keohane (eds) *Ideas and Foreign Policy* (Ithaca: Cornell University Press, 1993); Judith Goldstein, *Ideas, Interests, and American Trade Policy* (Ithaca: Cornell University Press, 1993).

¹⁷⁷Robert O. Keohane and Joseph S. Nye, *Power and Interdependence*, 2nd ed. (London: Scott, Foresman/Little, 1989), p. 8

¹⁷⁸Stephen D. Krasner "Structural Causes and Regime Consequences: Regimes as Intervening Variables" *International Organization*, Vol. 36, No. 2, (Spring, 1982), pp. 185-205

¹⁷⁹ Shannon, "Norms Are What States Make of Them," p. 296

¹⁸⁰ Keohane and Nye, *Power and Interdependence*, p. 266

¹⁸¹For a detailed analysis see Paul Kowert and Jeffrey Legro, "Norms, Identity, and Their Limits: A Theoretical Reprise," in Peter O. Katzenstein (ed.) *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), p. 455

¹⁸²Kenneth Waltz, *Social Theory of International Politics*, p. 19

Taken together, Rationalist arguments are based on a materialist ontology. They ignore the social dimension of state interests.¹⁸³ The Rational approach is built on the view that actors' interests and identities are fixed and behavior of actors is strategic.¹⁸⁴ According to James G. March and Johan P. Olsen rationalist arguments rest on "the logic of consequences."¹⁸⁵ This logic presupposes that when faced with a situation, actors immediately ask "How do I get what I want?" "What are my values?" "What are the consequences of my alternatives for my values?"¹⁸⁶ Preferences and anticipation about the consequences of preferences determine state behavior.¹⁸⁷ Behavior of actors reflects "an attempt to make outcomes fulfill subjective desires, to the extent possible."¹⁸⁸ Therefore, actors take into consideration various alternatives and choose an action which fits their personal and collective interests.¹⁸⁹

This logic takes the position that divergent interests of actors are subject to negotiation in political order. The success of coordination and the conditions underlying the coordination depend on bargaining power of each actor.¹⁹⁰ In summary, utility maximization prevails over duties and responsibilities both in national politics and foreign policy behavior. Political actors may indeed follow some obligation in their actions. However, it is not because they see obligations in terms of appropriateness, but because these obligations are "created through consent and contracts grounded in calculated consequential advantage."¹⁹¹

In contrast to Rationalist approaches, Constructivist approach provides a much more comprehensive account of norms. This approach presupposes that the dynamics of state behavior is directly related to norms.¹⁹² The main premise of this approach is that ideational factors are as much important as material factors.¹⁹³ Ideational factors are characterized by normative and institutional dimensions. They entail individual and collective intentions. To

¹⁸³ Ibid., p. 114

¹⁸⁴ Thomas Risse, "Let's Argue!": Communicative Action in World Politics," *International Organization*, Vol. 54, No. 1 (December, 2000), p. 3

¹⁸⁵ James G. March and Johan P. Olsen, *Rediscovering Institutions* (New York: Free Press, 1989), p. 23

¹⁸⁶ Ibid.

¹⁸⁷ Ibid., p. 160

¹⁸⁸ Ibid.

¹⁸⁹ James G. March and Johan P. Olsen, "The Institutional Dynamics of International Political Orders," *International Organization*, Vol. 52, No. 4 (Autumn, 1998), p. 949

¹⁹⁰ Ibid., pp. 949-950

¹⁹¹ Ibid., p. 950

¹⁹² For more information, see Finnemore, *National Interests in International Society*; Risse and Ropp, "International Human Rights Norms and Domestic Change,"; Kowert and Legro, "Norms, Identity, and Their Limits: A Theoretical Reprise."

¹⁹³ John G. Ruggie, *Constructing the World Polity: Essays on International Institutionalization* (New York: Routledge, 1998), p. 33

use March and Olsen's terms, this approach rests on "the logic of appropriateness."¹⁹⁴ According to this logic, rather than calculating the results of actions, actors ask themselves "What kind of situation is this?" and "What am I supposed to do now?"¹⁹⁵ Actions of political actors are determined by a sense of obligation.¹⁹⁶ Political actors associate the situations they face with existing norms.¹⁹⁷

The logic of appropriateness is determined by "cognitive and ethical dimensions, targets, and aspirations."¹⁹⁸ As March and Olsen put it, individuals are "imagined to follow rules that associate particular identities to particular situations, approaching individual opportunities for action by assessing similarities between current identities and choice dilemmas and more general concepts of self and situations."¹⁹⁹ While individual action is norm-driven, political institutions are "collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and situations."²⁰⁰ Although compliance to a norm derives from a sense of appropriateness, norm obedience is not irrational either. March and Olsen state that:

To say that behavior is governed by rules is not to say that it is either trivial or unreasoned. Rule-bound behavior is, or can be, carefully considered. Rules can reflect subtle lessons of cumulative experience, and the process by which appropriate rules are determined and applied is a process involving high levels of human intelligence, discourse, and deliberation. Intelligent, thoughtful political behavior, like other behavior, can be described in terms of duties, obligations, roles, and rules.²⁰¹

The most important point is that abiding by a norm is not irrational, but rationality gives only a partial explanation. As John Elster stresses "norms provide an important kind of motivation for action that is irreducible to rationality or indeed to any other form of optimizing mechanism."²⁰² Although the logic of consequences and the logic of appropriateness are different, it does not mean that they always clash with one another. Decisions might be ruled-governed as well as based on cost-benefit analysis.²⁰³ As March and Olsen assert:

¹⁹⁴March and Olsen *Rediscovering Institutions: The Organizational Basis of Politics*, p. 23

¹⁹⁵*Ibid.*, p. 23

¹⁹⁶*Ibid.*, p. 23

¹⁹⁷*Ibid.*, p. 160

¹⁹⁸March and Olsen, "The Institutional Dynamics of International Political Orders." p. 951

¹⁹⁹*Ibid.*, p. 951

²⁰⁰March and Olsen *Rediscovering Institutions: The Organizational Basis of Politics*, p. 160

²⁰¹*Ibid.*, p. 22

²⁰²Elster *The Cement of Society*, p. 15

²⁰³Abram Chayes and Antonia Handler Chayes, "On Compliance," *International Organization*, Vol. 47, No. 2 (Spring, 1993), pp. 175-205; March and Olsen, "The Institutional Dynamics of International Political Orders,"

...political action generally cannot be explained exclusively in terms of a logic of either consequences or appropriateness. Any particular action probably involves elements of each. Political actors are constituted both by their interests, by which they evaluate their expected consequences, and by the rules embedded in their identities and political institutions. They calculate consequences and follow rules, and the relationship between the two is often subtle.²⁰⁴

In tune with the theoretical assumption laid down by the Constructivist approach, empirical studies stress the importance of norms on state behavior. In *The Purpose of Intervention: Changing Beliefs about the Use of Force*, Martha Finnemore analyzes the dynamics of military interventions under three categories: the collection of debts, providing humanitarian relief and maintaining national security and international order and reaches the conclusion that there are states which conduct humanitarian interventions even in the absence of economic or strategic interests.²⁰⁵ In their analysis of the impact of the norm of decolonization on military conflict, Garry Goertz and Paul F. Diehl find that economic and political interests are important determinants of state behavior, but the norm of decolonization has also a considerable impact on decreasing the amount of military conflict even when economic and political interests were at stake.²⁰⁶

There are major variants of Constructivism which offer different views on the relationship between norms and state behavior. The Constructivist position on state behavior can be grouped into four schools of thoughts.²⁰⁷ The first school of thought is based on systemic theorizing. This type of literature is based on the premise that actors' identities depend on actors' roles on the international arena. The international system constitutes states actors' identities. Identities of state actors which are derived from the international system shape actors' interests.²⁰⁸ For example, Alexander Wendt states that “[a]narchy and the distribution of power only have meaning for state action in virtue of the understandings and expectations that constitute institutional identities and interests. Self-help is one such institution,

International Organization, pp. 943-970; Martha Finnemore and Kathrine Sikkink, “International Norm Dynamics and Political Change,” pp. 887-918

²⁰⁴March and Olsen *The Institutional Dynamics of International Political Orders*, p. 952

²⁰⁵ Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, New York: Cornell University Press, 2003).

²⁰⁶Goertz and Diehl, “Towards a Theory of International Norms,” pp. 634- 664

²⁰⁷Thomas Christiansen et. al categorize constructivist arguments into three strands. I add the reflexivist constructivism as the fourth strand. For a more detailed analysis, see Thomas Christiansen, Knud Erik Jørgensen, Antje Wiener, *The Social Construction of Europe* (London: Sage Publication, 2001),p. 26

²⁰⁸ Alexander Wendt, David Dessler Hedley Bull, Anthony Giddens, and Barry Buzan belong to this school of thought. See Christiansen, Jørgensen, Wiener, *The Social Construction of Europe*, p. 26

constituting one kind of anarchy but not the only kind...²⁰⁹ According to this line of thinking, it is not anarchy, but interactions among states that determine state identities and interests.²¹⁰ Depending on the patterns of interactions, an international system could be based on a self-help system in which the relationship between states is characterized by conflict and mistrust or collective security which is based on cooperation and trust among states.²¹¹

The second school of thought follows the same line of reasoning by arguing that state behavior is shaped by state identities and interests. According to this point of view, interests are not given, but they are socially constructed entities. Norms are able to transform state interests by helping political actors understand their very interest.²¹² Therefore, norms do not only have a constraining but also a constituting effect on state behavior.²¹³ However, this school is not based on systemic theorizing. Rather than putting a primary emphasis on interaction among states, it takes “cultural matrix” as a starting point. The main thrust of its argument is that actors’ interests depend on their very cultural settings. Norms, derived from these settings, determine collective choices that actors make.²¹⁴

The third school of thought argues that actors’ interests are determined by epistemic communities.²¹⁵ An epistemic community is defined as “a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area.”²¹⁶ The central insight of this school of thought is that the knowledge of policymakers is fallible given that they do not know all technical dimensions of political problems. Increasing complexities of issues in the

²⁰⁹ Alexander Wendt, “Anarchy is what States Make of it: The Social Construction of Power Politics,” *International Organization*, Vol. 46, No. 2. (Spring, 1992), p. 401

²¹⁰ *Ibid.*, p. 423

²¹¹ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999).

²¹² Jeffrey T. Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” *International Studies Quarterly*, Vol. 43, No. 1 (March, 1999), p. 84

²¹³ Peter Katzenstein (ed.) *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996); Peter Katzenstein (ed.) *Cultural Norms and National Security: Police and Military in Postwar Japan* (Ithaca, NY: Cornell University Press, 1996); Ethan A. Nadelmann, “Global Prohibition Regimes: The Evolution of Norms in International Society,” *International Organization* Vol. 44, No. 4 (Autumn, 1990); Martha Finnemore, “International Organizations as Teachers of Norms: The United Nations Educational, Scientific and Cultural Organization and Science Policy,” *International Organization* Vol. 47, No. 4 (Autumn, 1993), pp. 565-598. Martha Finnemore, *National Interests in International Society* (Ithaca, NY: Cornell University Press, 1996).

²¹⁴ John Meyer, Friedrich Kratochwil, Christian Reus-Smit, Keith Krause, and Bill McSweeney belong to this school of thought. See Thomas Christiansen, Knud Erik Jørgensen, Antje Wiener, *The Social Construction of Europe*, p. 26

²¹⁵ Peter Katzenstein, Emanuel Adler, Peter Haas and Andrew Farkas belong to this school of thought. See Christiansen, et. al. *The Social Construction of Europe*, p. 26

²¹⁶ Peter M. Haas, “Introduction: Epistemic Communities and International Policy Coordination,” *International Organization*, Vol. 46, No. 1 (Winter, 1992), p. 3

modern age necessitate expert knowledge.²¹⁷ For example, in order to find the most efficient way to avoid a nuclear crisis or diminish environmental threats, policymakers need information from experts.²¹⁸ In this regard, experts help state actors identify their interests by giving information about a number of technical issues.²¹⁹ Consequently, they obtain more bureaucratic power and have a larger say in decision making processes and shape policy outcomes.²²⁰

The fourth school of thought is based on Reflexivist or Critical Constructivism. Reflexivist Constructivists are anti-essentialists in the sense that they even question the very ground on which their arguments are based and assert that it is “impossible” to reach an objective truth.²²¹ In contrast to Conventional Constructivism, this school of thought does not focus on the behavioral dimension of norms. In other words, it does not see norms as fixed standards of behavior.²²² Instead, it argues that norms are constantly changing entities.²²³ The fundamental premise of this approach is that state identity is not unique and there are multiple identities in a given state. Most importantly, each identity is associated with a norm. Rather than arguing that norms have an impact on state behavior by being internalized into a state identity, it is argued that “contestation and wider socio-cultural context in terms of the multiple social identities associated with the state...have the potential to influence decision making process.”²²⁴ According to this argument interests are dependent on identities, but some norms might be dismissed depending on other identities which influence state interests.²²⁵

²¹⁷Ibid., p. 1-4

²¹⁸Ibid., p. 4

²¹⁹Ibid., p. 1-4

²²⁰Ibid., p. 4

²²¹Ibid. For Critical Constructivists, see David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Manchester: Manchester University Press, 1998); Jim George, *Discourses of Global Politics: A Critical (Re)introduction to International Relations* (Boulder: Lynne Rienner, 1994); James D. Derian, *On Diplomacy: A Genealogy of Western Estrangement* (Oxford: Blackwell, 1987); Robert B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge : Cambridge University Press, 1993); Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge: Polity, 1998); J. Ann Tickner, *Gender in International Relations: Feminist Perspectives on Achieving Global Security* (New York: Columbia University Press, 1992).

²²²Jodie Anstee “Constructivism, “Norms and Identity: A Challenged Relationship?” Paper presented at the 57th Political Studies Association Annual Conference, University of Bath, 11th-13th April 2007, pp. 3-4

²²³ Ibid., pp. 2-3

²²⁴ Ibid., p. 3

²²⁵ Ibid., p. 12

Furthermore, rather than attributing independent role to norms, Critical Constructivists evaluate norms within the context of language and discourses.²²⁶

I take a Constructivist position by employing “the logic of appropriateness” in building my argument. I situate myself within the second school of thought. I argue that norms which are embedded in cultural settings determine actors’ identities and interests. By seeing norms associated with their identity, actors think that obeying the obligation brought by the norm is an appropriate behavior. As Finnemore points out norms “may provide states, individuals, and other actors with understanding of what is important or valuable and what are effective and/or legitimate means of obtaining those valued goods. These social structures may supply states with both preferences and strategies for pursuing those preferences.”²²⁷ However, I do not totally rule out an interest-based view. The impact of norms on state behavior does not always take place in the absence of state interests, but even when state interests are at stake. Therefore, state interests are not irrelevant, but they are not given either. When norms matter, interests are not eliminated, but they are reconfigured in line with norms. In the below section I give a justification of my own position by explaining how the norm of non-violent conflict regulation compels policymakers to rule out a shoot to kill policy.

2.6.4.2. The Norm of Non-violence and a Shoot to Kill Policy

Actors obey norms because “the actor’s sense of its own interests is partly constituted by a force outside itself, that is, by the standards, laws, rules, and norms present in the community, existing at the intersubjective level.”²²⁸ Through continuous practices, obedience to a norm becomes a way of doing things²²⁹ and deviation from the norm seems an inappropriate act. Even though some methods seem more efficient than others, they are ruled out if they conflict with the norm.²³⁰ In democracies, the rule of law ensures that non-violence is practiced systematically in light of domestic political conflicts. In other words, the rule of law, through independent legal institutions, holds policymakers accountable for their actions. Therefore, policymakers refrain from resorting to violence in light of domestic political conflicts.

²²⁶See Shannon, “Norms Are what States Make of Them: The Political Psychology of Norm Violation,” p. 297 For a more detailed analysis, see Cynthia Weber, *Simulating Sovereignty: Intervention, the State, and Symbolic Exchange* (Cambridge: Cambridge University Press, 1997).

²²⁷Finnemore, *National Interests in International Society*, p. 15

²²⁸Instead of the term socialization, Hurd uses the term internalization See Hurd “Legitimacy and Authority in International Politics,” p. 388

²²⁹Ibid.

²³⁰Goertz and Diehl, “Toward a Theory of International Norms: Some Conceptual and Measurement Issues), p. 637

Through continuous non-violent practices, policymakers believe that non-violence is an appropriate act.

The crucial point is that obedience to the norm of non-violence cannot solely be explained by legal constraints. In democracies policymakers believe that non-violence is an appropriate method in regulating domestic political conflicts. In and through continuous non-violent practices, non-violence becomes the main defining characteristics of the state. As policymakers are cognizant of the fact that they are policymakers in a democratic society, it is in their best interest to maintain identity of their state. Therefore, they share a concern that if they deviate from this norm, they will not be a non-violent state anymore. As Rudolph J. Rummel points out in democracies “Politics and society work together to produce and reinforce the democratic culture and it is this culture that inhibits the reluctance of democratic peoples and representatives to engage in violence.”²³¹

The Constructivist approach suggests that social structure or culture has a constitutive impact on identities and interests of individuals.²³² In contrast to Individualism which argues that individuals can be extracted from their social settings, Constructivism asserts that individuals are not independent from their social settings and they are constituted by socially shared knowledge.²³³ Moreover, differing from Holism which asserts that social structure cannot be reducible to individuals,²³⁴ the Constructivist approach provides a more comprehensive account by acknowledging that “There are not structures without agents, and no agents...without structures.”²³⁵

I take the Constructivist position in explaining the causal mechanism between democracies and their border behavior. In this attempt, I give a primary attention to policymakers. Policymakers refer to individuals who play key roles in state structures.²³⁶ Obedience to the norm of non-violence by policymakers is decisive because border reinforcement strategies are official strategies of states and policymakers are actors who control states’ political agenda.²³⁷ Seen from this standpoint, state action on border is not isolated from actions of policymakers. As Wendt points out “...we never actually see the state. What we see is at most *government*,

²³¹Rummel, *Power Kills: Democracy as a Method of Nonviolence*, p. 138

²³²Wendt, *Social Theory of International Politics*, p. 144

²³³*Ibid.*, pp. 26;178

²³⁴*Ibid.*, p. 26

²³⁵*Ibid.*, p. 186

²³⁶Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” p. 85

²³⁷Peter Bahrach and Morton S. Baratz, “Decisions and Non-Decisions: An Analytical Framework,” *American Political Science Review*, Vol. 57, No. 3 (September, 1963).

the aggregate of concrete individuals who instantiate a state at a given moment. State action depends on the actions of those individuals....”²³⁸

However, state actions are not reducible to individual actions. That is to say, individual actions are not isolated from state structures, but depend on belief systems which are established through systematic practices. In these terms, policymakers are “constituted by state structures with political authority over societies.”²³⁹ Therefore, when non-violence is practiced systematically, it has an impact on the belief systems of policymakers. Consequently, policymakers rule out physical violence believing that it is an inappropriate act.

The core argument is that norms constitute state interests by shaping identities of policymakers.²⁴⁰ Identities are defined as “relatively stable, role-specific understandings and expectations about self.”²⁴¹ Identity, here, does not refer to reflections that individuals have for themselves. It refers to “the official and professional identity of an actor.”²⁴² It is an “institutionally defined” identity.²⁴³ Institutional identities of actors determine which actions are seen as appropriate by bringing duties and obligations.

Norms lay out prescriptions and attribute identities. Identity attribution comes before prescriptions. In other words, without understanding a cognitive dimension of norms, one cannot understand its normative dimension. For example, there is a norm which delegitimizes intermarriages among members of a clan. In order for this norm to have an effect on individual behavior, an individual should first know that he/she is a member of that clan. The norm on the prohibition of intermarriage is the defining characteristics of that clan. If an individual is not cognizant of the fact that he/she is part of that clan, then the norm is

²³⁸Wendt, *Social Theory of International Politics*, p. 216

²³⁹Ibid., p. 209

²⁴⁰Jeffrey T. Checkel, “International Norms and Domestic Politics: Bridging the Rationalist–Constructivist Divide,” *European Journal of International Relations*, Vol. 3, No. 4 (December, 1997); Jeffrey T. Checkel “The Constructivist Turn in International Relations Theory,” *World Politics*, Vol. 50, No. 2 (January, 1998); Risse, “‘Let’s Argue!’: Communicative Action in World Politics;” Richard Price and Christian Reus-Smit “Dangerous Liaisons? Critical International Theory and Constructivism,” *European Journal of International Relations*, Vol. 4, No. 3 (September, 1998).

²⁴¹Wendt, “Anarchy is what States Make of it,” p. 397

²⁴²Ole Jacop Sending, “Constitution, Choice and Change: Problems with the ‘Logic of Appropriateness’ and its Use in Constructivist Theory,” *European Journal of International Relations* Vol. 8, No.4 (December, 2002), p. 449

²⁴³March and Olsen, *Rediscovering Institutions*, pp. 23,59

meaningless for the individual; it has no affect on that particular person. However, once this person acquires the knowledge that he/she is part of that clan, he/she begins to act according to norms of the clan. Being a member of that clan necessitates realizing certain actions and refraining from other actions. Norms, in this sense, legitimize and delegitimize certain actions by giving individuals knowledge about their identity.²⁴⁴ Inability to act according to norms of identity has consequences. An individual can lose his/her identity if he/she is incapable of acting on the basis of norms which constitutes this very identity.²⁴⁵

Another example comes from samurai culture. Inspired by Shinto, Buddhist, Confucian and Zen viewpoints, samurai culture put honor before life. Samurai during the feudal era in Japan were trained by strict moral codes and they were taught the idea that failing to obey by these codes would disgrace them and their families. Through this process, Japanese warriors defined their identity with honor and they believed that dishonor would threaten their samurai identity. They were ready to die by taking revenge against an insult or when they cannot fulfill the obligations of moral codes of their society. Consequently this kind of belief influenced their actions. They carried a long knife to attack a rival and a short one to commit suicide.²⁴⁶

Broadly speaking, institutional identities necessitate following certain actions.²⁴⁷ By following a norm-governed behavior, an actor achieves consistency between his/her behavior and his/her institutional identity.²⁴⁸ March and Olsen illustrate this point by stating that:

Human actors are imagined to follow rules that associate particular identities to particular situations, approaching individual opportunities for action by assessing similarities between current identities and choice dilemmas and more general concepts of self and situations. Action involves evoking an identity or role and matching the obligations of that identity or role to a specific situation. The pursuit of purpose is associated with identities more than with interests, and with the selection of rules more than with individual rational expectations.²⁴⁹

Norms constitute political communities. Social practices are meaningful according to norms embedded in political culture. As Peter Winch explains “the meaning and rationality of an

²⁴⁴Peter L. Berger and Thomas Luckman, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (London: Penguin Books, 1966), p. 111

²⁴⁵Wendt, *Social Theory of International Politics*, p. 233

²⁴⁶Boye Lafayette de Mente, *Samurai Strategies: 42 Martial Secrets from Musashi's Book of Five Rings* (Tokyo: Tuttle Publishing, 2008), pp.9-29

²⁴⁷Ole Jacop Sending, “Constitution, Choice and Change: Problems with the ‘Logic of Appropriateness’ and its Use in Constructivist Theory,” *European Journal of International Relations*, Vol. 8, No. 4 (December, 2002), p. 449

²⁴⁸March and Olsen, *Rediscovering Institutions*, pp. 160-1

²⁴⁹March and Olsen, “The Institutional Dynamics of International Political Orders,” p. 951

action are derived from understanding its role in relation to the prevailing norms and beliefs of the form of life of which it is a part.”²⁵⁰ However, that interests are shaped by norms which constitute actors’ identities does not mean that interests are irrelevant. Rather, it means that interests and identities are interrelated. While identities define actors, interests indicate motivations about certain actions. If an actor is not cognizant of him/herself, then he/she is unable to judge what he/she wants. It goes without saying neither identities nor interests alone explain a state behavior. Identities alone give a one-sided explanation to actions.²⁵¹ Wendt makes this point explicit by stating that:

...identities by themselves do not explain an action, since being is not the same thing as wanting, and we cannot “read-off” the latter from the former... Without interests identities have no motivational force, without identities interests have no direction....As such there will always be at least implicit assumption about identity in “interest explanations” and vice-versa. They play complementary explanatory roles, and so rather than define them as rivals we should explore how they work in tandem.²⁵²

Policymakers do not obey norms because there are external sanctions, nor do they act only according to self-interest. They obey norms because they are norms shape their institutional identity through duties and obligations.²⁵³ In this sense, the norm of non-violence has an impact on state behavior because it shapes the identity of a state. It defines what a “civilized state” is.²⁵⁴ In democracies, policymakers first think that they are policymakers in democratic states. They identify themselves with democratic, non-violent character of their state. Since their identity presupposes an obligation to refrain from physical violence, it becomes their interest. Deviating from the norm of non-violence would ruin the non-violent identity of their state and it is in their best interest to maintain this identity.

The argument on democracy can specify which policy options will be ruled out, but it cannot specify which policy options will prevail over others. When a state is interested in reinforcing its borders, it faces numerous alternatives: building fences, militarization, adopting push-back policy and the like. By using a Constructivist argument, I outline that democracies are inclined to refrain from a shoot to kill policy. However, this type of argument cannot specify

²⁵⁰Peter Winch, *The Idea of Social Science* (London: Routledge, 1963), p. 18

²⁵¹Wendt, *Social Theory of International Politics*, p. 231

²⁵²Ibid.

²⁵³Sending “Constitution, Choice and Change,” p. 449

²⁵⁴Rather than the norm of non-violence, Thomas Risse uses the term “human rights norms.” See Risse, ““Let’s Argue!”: Communicative Action in World Politics,” p. 5

which border reinforcement strategy in democracies prevails over others such as building fences or conducting cross-border cooperation.

Wendt gives an example to illustrate this point. For example, being a professor is an identity and this identity necessitates certain interests such as publishing and teaching. However, a Constructivist argument cannot determine a priori whether publishing prevails over teaching or vice versa. A decision to choose interests also depends on personal and contextual elements.²⁵⁵ Therefore, a professor can focus both on publishing and teaching; can do publishing more than teaching; can teach more than publishing or publish or teach only.

By the same token, when a democracy is interested in reinforcing its borders, it can build fences at its border, adopt a push-back policy at its maritime borders or use a couple of methods at the same time such as building fences and militarization. My argument can explain why democracies refrain from shoot to kill policies. However, it cannot predict which method democracies choose instead of a shoot to kill policy. Contextual or other elements might be at play when states choose their border reinforcement strategies.

My argument posits that the norm of non-violent conflict regulation is externalized at state borders. Moreover, the bulk of literature on democratic peace casts doubt on the externalization of the norm of non-violence beyond borders. Democratic peace literature demonstrates that democracies are not necessarily more peaceful in their foreign relations. Especially after the end of the Cold War, democracies have been increasingly involved in militarized disputes to topple dictators, to prevent grave human rights violations and to prevent the proliferation of weapons of mass destruction.²⁵⁶ Ironically, it is implied that it could be the norm of domestic conflict regulation which justifies aggressive stance of democratic states towards undemocratic states. A number of scholars have outlined its theoretical justification. For example, John Rawls indicates that the respect for human rights in liberal democracies is not peculiar to liberal democracies, but it is a universal right for all people in the world. From this line of thinking, liberal democratic states have the right to condemn, sanction or intervene at states which conduct gross human rights violations. This view is justified on the basis that if no intervention takes place, these states create even more violence.²⁵⁷

²⁵⁵Wendt, *Social Theory of International Politics*, p. 233

²⁵⁶Harald Müller, "The Antinomy of Democratic Peace," *International Politics*, Vol. 41 (2004), p. 493

²⁵⁷John Rawls, *The Law of Peoples* (Cambridge, Mass. : Harvard University Press, 1999), pp. 80-81

More interestingly, democracies fight with other democracies. Bruce Bueno de Mesquita et al. argues that if a stronger democracy calculates that there is less risk of winning the war against weaker democracy, it might become more willing to be engaged in militarized dispute. On the other hand, the weaker state follows pacifist policies and opts for negotiation. The difference between capabilities among democracies causes “low-level, one-sided attacks by big democracies against small ones.” The attack of the U.S. against Panama in 1965 is a typical example.²⁵⁸

Therefore, there is sufficient evidence to argue that the norm of non-violence does not necessarily make interstate relations more peaceful. Therefore, the question arises: “if the norm of non-violence is not externalized beyond borders, why would it be externalized at borders?” I argue that interstate relations and border reinforcement strategies rest on two different logics. Interstate relations take place between two states. Border reinforcement strategies, on the other hand, are designed against illegal border crossers. As elaborated previously, domestic political conflicts arise due to different preferences between citizens, non-citizens, civil society organization and the government. Similar to other domestic political conflicts, border reinforcement refers to an incompatibility of preferences between states and illegal border crossers.

In order to illustrate this point, I give legal border crossers as an example. The entry of non-citizens into the territory of other states is conditional except for open borders. For non-citizens, identity papers and/or visa documents are required to enter a foreign state.²⁵⁹ As long as non-citizens fulfill these requirements, they are allowed to enter the territory of a foreign state. When non-citizens fulfill these conditions, no incompatibility of preference arises between legal border crossers and state actors. Because border crossers want to enter the state in question and the state allows them in as long as they fulfill certain requirements. Therefore, for legal border crossings, preferences of states and legal border crossers are compatible.

However, there is no such compatibility of preferences between state actors and illegal border crossers when states decide to reinforce their borders. Illegal entry to state borders poses a challenge to the authority of the state. While states prefer to allow only border crossers with legal documents, illegal border crossers avoid passport controls. Not all states react to illegal

²⁵⁸Bruce Bueno de Mesquita, Alastair Smith, Randolph M. Siverson, James D. Morrow, *The Logic of Political Survival* (Cambridge: MIT Press, 2003), p. 242

²⁵⁹Mark B. Salter, “The Global Visa Regime and the Political Technologies of the International Self: Borders, Bodies, Biopolitics,” *Alternatives*, Vol. 31, No.2 (April, 2006), p. 170

movements at their borders in the same way. Some states might turn a blind eye to illegal border crossings and prefer to maintain control through passport control points. Some states might even encourage illegal crossings. However, the point is that once a state decides to take extra measures in areas other than passport control, then there is a conflict which arises due to incompatibility of preferences between the state and illegal border crossers. When policymakers face with such a conflict, they show similar behavior when they regulate their domestic political conflicts.

It is crucial to take on board the fact that, although the norm of non-violence compels policymakers to refrain from using physical violence, border reinforcement strategies designed by democracies are not peaceful. States detect boats carrying illegal immigrants and asylum seekers and send them back. Many people die at sea. Some illegal border crossers are deported when they are found entering into the territory of the state illegally. When they are deported to their country of origin, they face illegal prosecution, even physical violence. Some states hold illegal border crossers in detention camps. In these camps, most illegal border crossers suffer from inhumane conditions. If the norm of non-violence prescribes states to refrain from physical violence against illegal border crossers, why do borders of democracies become sites of exclusion and suffering?

I answer this question by looking at the very configuration of democracies. Democratic institutions belong to specific communities which consist of citizens.²⁶⁰ Friedrich Whelan states, in an explicit manner, that democracy “practically requires the division of humanity into distinct, civically bounded groups that function as more or less independent political units . . . democracy requires that *people* be divided into *peoples*.”²⁶¹ Therefore, even policymakers in the most institutionalized democracies differentiate citizens from non-citizens. This strict separation between citizens and non-citizens has implications on policy outcomes at borders. Policymakers see the exclusion of non-citizens at borders justifiable for the protection of their own well-being and stability.

In justifying their act of exclusion of illegal immigrants, asylum seekers and the like, policymakers invoke the sovereignty principle. According to the sovereignty principle, states have rights to unilaterally control their borders. They can decide whom to accept and whom to

²⁶⁰Arash Abizadeh, “Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders.” *Political Theory*, Vol. 36, No. 1 (February, 2008), p. 43

²⁶¹Frederick G. Whelan, “Citizenship and Freedom of Movement: An Open Admission Policy?,” in Mark Gibney (ed.) *Open Borders? Closed Societies?* (New York: Greenwood, 1988), pp. 16–17; 28.

exclude. Nevertheless, this raises a moral problem. States have rights as well as duties. As Michael Blake notes accepting that “states exist, and provisionally taking their borders to be the ones we see today, does not commit us to accepting as gospel what governments say about their own powers. We seek, instead, to derive principles by which the exercise of state power might be justified to all those who are subject to such power.”²⁶² According to the coercion principle the implementation of coercion towards non-citizens is problematical, because they cannot participate in decision making. Therefore, people who are affected by the coercive authority of a state should be included in decision making process.²⁶³ Arash Abizadeh emphasizes the illegitimacy of current border practices by stating that:

...borders are one of the most important ways that political power is coercively exercised over human beings. Decisions about who is granted and who is denied membership, and about who controls such decisions, are among the most important instances of the exercise of political power. We should keep in mind what we are talking about here: modern border controls rely on a terrifying array of coercive apparatuses, ranging from police dogs, electric wires, and helicopters, to incarceration, deportation, torture, shooting on sight, and so on. The point is that, *by its very nature*, the question of boundaries poses an *externality problem*: while democracy claims to legitimate the exercise of political power by reference to those over whom power is exercised, civic boundaries, which by definition distinguish between members and nonmembers, are always instances of power exercised over both members *and nonmembers*—and nonmembers are precisely those whose will, views, or interests the bounded democratic polity claims to be able legitimately to ignore. In other words, the act of constituting civic borders is always an exercise of power over both insiders and outsiders that intrinsically, by the very act of constituting the border, disenfranchises the outsiders over whom power is exercised.²⁶⁴

Furthermore, Abizadeh suggests that political power should be in line with freedom and equality and justifiable to people who are subject to it.²⁶⁵ Treating the individual as prior to the community, Abizadeh contends that non-citizens, who are subject to coercive border control strategies, should also participate in decision making about border control. Only when jointly controlled by citizens and non-citizens, would a border regime be “democratically legitimate.”²⁶⁶

The coercion principle is criticized on the grounds that coercion which citizens face is rather different than coercion which non-citizens face at the border. It is simply stated that while

²⁶² Michael Blake, “Distributive Justice, State Coercion, and Autonomy,” *Philosophy&Public Affairs*, Vol. 30, No. 3 (Summer, 2001),p. 264

²⁶³ Claudio Lopez-Guerra, “Should Expatriates Vote?” *The Journal of Political Philosophy*, Vol. 13, No. 2 (June, 2005), pp.216–34; Abizadeh “Democratic Theory and Border Coercion,” pp.. 37–65

²⁶⁴Arash Abizadeh, “Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders.” *Political Theory*, Vol. 36, No. 1 (February, 2008), p. 46

²⁶⁵ Abizadeh, “Democratic Theory and Border Coercion,” p.47

²⁶⁶ Ibid.

citizens have no choice but face coercion by state authorities, illegal border crossers, on the other hand, do have a choice. They may choose not enter the territory of a foreign state.²⁶⁷ From this point of view, their participation into the decision making process is justifiable only if they witness long-term coercion.²⁶⁸ I take the position that this view is problematical from a moral perspective as it ignores the fact that some illegal border crossers such as illegal immigrants and asylum seekers may not have such a choice. Poverty, wars, civil strife and natural disasters may force these people to seek refuge in other states and from a moral perspective states have an obligation to accept these people.

I take the position that states have a moral responsibility to ensure the safety of illegal border crossers and accept them when they are in need. This does not mean that all illegal border crossers including drug traffickers and arm dealers should be accepted. Instead, borders should be regulated in line with humanitarian principles, not in line with the sovereignty principle alone. Just as the norm of non-violence prescribes policymakers in democracies an obligation to refrain from actual physical force in reinforcing borders, a common understanding which gives equal importance to non-citizens as well as citizens can make borders more inclusionary and peaceful.

2.6.5. Counter Arguments

There are a number of rival arguments which seem to explain why states adopt shoot to kill policies at their borders and others not. I group them into six subheadings: interstate conflict, criminal law, the integration with the global refugee regime, intra-state conflict in the neighboring state, state fragmentation and state capacity. The first argument rests on the view that a shoot to kill policy is induced by adversarial interstate relations due to interstate conflict. The second argument is devoted to the dynamics of law criminal law. According to this argument, if a state practices death penalty inside its borders, it might equally adopt a shoot to kill policy at its border.

The third argument sees the ratification of the Refugee Convention decisive in the prevention of shoot to kill policies at borders. Similar to my argument, this argument posits that norms matter, but emphasizes a different way of norm obedience. In this line of reasoning, policymakers of states which have ratified the Refugee Convention feel an obligation to obey

²⁶⁷Sarah Song, "The Boundary Problem in Democratic Theory: Why the Demos should be Bounded by the State," *International Theory*, Vol. 4, No. 1(2012), p. 52

²⁶⁸ *Ibid.*

the norms prescribed by the global refugee regime. This argument shifts the attention from a domestic level to an international level.

The fourth argument is concerned with intra-state conflict in the neighboring state. The premise of this argument is that intra-state conflicts induce the flows of refugees and rebels across borders. The flows of refugees and rebels across border create tension among states. Even if a state might accept refugees on humanitarian grounds and does not encourage the flows of rebel within its territory, the very flows of these people might lead the state suffering from intra-state conflict to believe that its neighbor is trying to undermine its regime. Consequently, it might retaliate through a military attack. In order to thwart this type of attack, the state whose neighbor suffering from an intra-state conflict might adopt a shoot to kill policy towards these people to deter further violence.

The fifth argument concentrates on state fragmentation. In a nutshell, in fragmented states, state authorities may not have power to control their security institutions. Therefore, border agents might start arbitrary shooting practices against illegal border crossers or a high-level official who deflected from the army might give a shoot to kill order to its forces at the border. The final argument identifies state capacity as the explanatory tool for shoot to kill policies at borders. According to this argument, states with lower values of economic capacity are inclined to rely on shoot to kill policies because they cannot afford to reinforce their borders with fences, high-tech equipments and the like.

Taking competing logics into consideration allows me to make a hard test for my argument. These arguments might challenge my argument's causal logic or lay out scope conditions of my argument. Rather than my argument, one or two of these argument might explain why states adopt shoot to kill policies and others not. One of variables discussed in these arguments might positively or negatively affect the way in which the norm of non-violence affects the prevention of shoot to kill policies at borders. This would necessitate reconsidering the internal logic of my argument.

2.6.5.1. The Dynamics of Interstate Conflict

The traditional literature on borders sees border behavior of states inextricably linked to their diplomatic relations. This body of scholarship argues that policies, actions and attitudes of states determine whether a border is peaceful or troubled. Jacques Ancel takes the position that “[t]here are no problems of borders. There are only problems of nations [states].”²⁶⁹ Similarly, Nicholas J. Spykman sees borders as “points of contact of territorial power structures.”²⁷⁰ Borders are considered as mirrors of interstate relations. Subsequent work by Gerald Blake underscores that good bilateral relations (political goodwill) is of fundamental importance for peaceful borders. Quite to the contrary, he asserts that when bilateral relations are hostile, borders might be instruments through which political antagonism is demonstrated.²⁷¹ Finally, Oscar Martinez takes the position that the deterioration of bilateral relations due to wars, political confrontation, cultural, religious or ethnic conflicts between neighboring states increases the probability of massive violence at borders.²⁷²

In contrast to my argument which assumes a link between the dynamics of domestic politics and border behavior, this type of studies sees the dynamics of interstate relations decisive in border behavior of states. Subscribing to this view, one can argue that a shoot to kill policy becomes more likely when state relations deteriorate. In specific terms, it could be argued that when state dyads have engaged in violent interstate conflict, states might target their rivals’ citizens through a shoot to kill policy at their borders.

It is important to take on board the fact that interstate conflicts between states do not always take the form of physical violence. In contrast to the Realist brand of literature which associates the absence of violent conflict with peace, the Constructivist brand of literature sees conflict in a much broader perspective.²⁷³ In a nutshell, Thomas Diez et al. define conflicts as differences of subject positions between parties. In these terms, violence is not used to identify conflicts, rather it comes into play according to the intensity of conflicts. The

²⁶⁹Jacques Ancel, *Géographie Des Frontières* (Paris: Gallimard, 1938).

²⁷⁰Nicholas J. Spykman, “Frontiers, Security and International Organization,” *Geographic Review*, Vol. 32 (July, 1942), p. 437

²⁷¹Blake, “Borderlands Under Stress: Some Global Perspectives,” in Martin Pratt, Janet Brown, Allison. (eds) *Borderlands Under Stress* (The Hague: Kluwer, 2000).

²⁷²Oscar Martinez, “The Dynamics of Border Interaction: New Approaches to Border Analysis,” in Clieve H. Shofield (ed.) *World Boundaries –Volume I Global Boundaries* (London: Routledge: 1994), pp. 1-14

²⁷³Thomas Diez, Mathias Albertand Stephan Stetter, “The Transformative Power of Integration: Conceptualizing Border Conflicts,” in Thomas Diez, Mathias Albert and Stephan Stetter (eds) *The European Union and Border Conflicts: The Power of Integration and Association* (Cambridge: Cambridge University Press, 2008), p. 6

authors analyze conflicts into three stages. The first stage is issue conflict. This type of conflict is not characterized by violent confrontation between parties. However, conflict parties hold different positions about an issue and each side tries to persuade the other side that their position is true.²⁷⁴ For example, the UK and Spain hold opposite positions in regards to the status of Gibraltar and drawing on legal documents, they try to persuade one another.²⁷⁵

The second stage of conflict is identity conflict. In identity conflicts, differences between parties are not only articulated as differences of subject positions, but as threats to the identity of parties. In particular, an action is interpreted as a challenge only because it comes from the rival. These conflicts are constituted “by diametrically opposed ways in which both sides experience conflict in the context of an increasingly self-referential perception of it.”²⁷⁶ Each side accuses the other side about the cause of the conflict.²⁷⁷ A typical example is the Greek-Macedonian conflict. Greece interprets every move made by Macedonia as a hostile action. For example, Greece opposes the name of Macedonia on the grounds that it refers to a region in Greece and that could mean that Macedonia has territorial claim on that region.²⁷⁸ Therefore, in such conflicts, conflicting parties do not only hold differing positions in regards to certain issues, but every action made by the other side is seen as a challenge and consequently opposed.

The final stage of conflict is subordination conflict. In this type of conflict, conflicting parties see one another not only as rivals, but also as inferiors. Seeing themselves superior to the other side, both conflicting parties share an understanding that the other side should be eliminated. In this stage of the conflict, the use of physical violence against the rival is legitimized.²⁷⁹ A typical example is Yugoslav Wars.²⁸⁰

The argument on interstate conflict challenges the internal logic of my argument. It shifts the attention from domestic politics-the way domestic political conflicts are regulated-to the dynamics of interstate relations. As I will point out in the Methodology chapter, in measuring interstate conflict, I only take into consideration militarized or violent interstate conflict between state parties. I do not analyze different levels of conflicts and their impacts on shoot to kill policies.

²⁷⁴ Ibid., p. 18

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Ibid. p. 19

²⁸⁰ Ibid.

2.6.5.2. Criminal Law

According to the argument on criminal law, whether states practice death penalty is decisive in adoption of shoot to kill policies. Death penalty is a legal punishment conducted by states.²⁸¹ Even though it is regulated by law and it is not carried out arbitrarily, death penalty is a method which causes deprivation of life. According to the European Convention on Human Rights, death penalty constitutes a violation of the right to life and it is forbidden. In addition, the Rome Statute of the International Criminal Court which gives authority to the International Criminal Court for crimes such as war crimes, crimes against humanity, the crime of genocide and the crime of aggression does not consider death penalty as an applicable penalty. Rather imprisonment for a number of years and life time imprisonment are considered as applicable penalties.²⁸² According to the Second Optional Protocol to the International Covenant on Civil and Political Rights, the elimination of death penalty “...contributes to enhancement of human dignity and progressive development of human rights...[and] should be considered as progress in the enjoyment of the right to life...”²⁸³

According to this argument, when states deprive people of their lives by practicing death penalty, they might also evaluate a shoot to kill policy as a viable strategy for preventing illegal border crossers. However, it should be stressed that state murder in the case of death penalty is different from state murder in the case of shoot to kill policy. Even if death penalty is a state murder, it is linked to a legal institutional process. People who are claimed to be guilty are brought into justice and death penalty is applied only when they are found guilty of certain crimes. Death penalty is located at the extreme end of the legal institutional process. However, a shoot to kill policy is related to arbitrariness even when a shoot to kill order is issued. When states adopt a shoot to kill policy, border agents apply shooting practices against any illegal border crossers, armed or unarmed. Illegal border crossers are not brought into justice. They are assumed guilty and shot instantly.

Bearing in mind the difference between death penalty and a shoot to kill policy, the argument on criminal law is a strong rival to my argument. My argument claims a link between the

²⁸¹ Diez et. al. *The European Union and Border Conflicts: The Power of Integration and Association*, p. 530

²⁸² Rome Statute of the International Criminal Court (U.N. Doc. A/CONF.183/9*)
<http://untreaty.un.org/cod/icc/statute/romefra.htm>

²⁸³ UN General Assembly, *Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty*, 15 December 1989, A/RES/44/128,
<http://www.unhcr.org/refworld/docid/3ae6b3a70.html>

norm of non-violence and shoot to kill policies. This argument shifts the attention to a state murder in terms of death penalty. According to this logic, policymakers' acceptance of the deprivation of life through death penalty determines whether a shoot to kill policy is preferred or not.

2.6.5.3. The Integration with the Global Refugee Regime

The argument on the integration with the global refugee regime argues that the ratification of the Refugee Convention determines the prevention of a shoot to kill policy at borders. The United Nations Convention relating to the Status of Refugees was adopted in 1951. The Convention entails norms such as non-discrimination, non-penalization and non-refoulement.²⁸⁴ The norm of non-discrimination prohibits discrimination on the basis of religion, nationality, sex and the like. The norm of non-penalization requires that states do not punish refugees for trying to enter the state illegally.²⁸⁵ Finally, the norm of non-refoulement prohibits the expulsion of refugees to a territory where their lives are under threat.²⁸⁶ The Refugee Convention does not apply to drug smugglers, illegal immigrants and the like. However, shoot to kill policies target any illegal border crosser at the border without making a distinction between criminals and refugees. If the ratification of the Refugee Convention is decisive, states would obey the obligation of the norm of non-penalization and refrain from any practice which might put the lives of refugees at risk.

In contrast to my argument which gives special emphasis on a norm derived from domestic governance, this argument emphasizes “socialization process” promoted by the global refugee regime. In socialization process “states internalize norms arising elsewhere in the international system and situated it in relation to contrasting and cognate terms.”²⁸⁷ The process in which learning results in norm adoption can also be described as diffusion. Diffusion is the “transfer or transmission of objects, processes, ideas and information from one population or region to another.”²⁸⁸ Simply speaking, in contrast to my argument which explains a shoot to kill policy by looking at the dynamics of domestic conflict regulation, this argument is based on a systemic approach and argues that it is external environment which

²⁸⁴ Convention and Protocol Relating to the Status of Refugees, UNHCR, <http://www.unhcr.org/3b66c2aa10.html>

²⁸⁵ Convention and Protocol Relating to the Status of Refugees, UNHCR, <http://www.unhcr.org/3b66c2aa10.html>,

²⁸⁶ Ibid.

²⁸⁷ Alderson, “Making Sense of State Socialization,” p. 426

²⁸⁸ Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” p. 85

changes state behavior by affecting state identities.²⁸⁹ This type of argument establishes a link between foreign norms and behavioral compliance.²⁹⁰

Socialization process, as Thomas Risse and Kathryn Sikkink put it, takes place in several stages.²⁹¹ According to the spiral model, the first process of socialization is characterized by “instrumental adaptation and strategic bargaining.”²⁹² At this stage, governments which violate humanitarian norms might change their policies due to strategic reasons such as to receive foreign aid, lift sanction on the economy or to calm down domestic opposition. During this process, the norm violating governments might also start bargaining with international community and domestic opposition. Although there is some behavioral change in this process, it is not because government officials accept the validity of humanitarian norms.²⁹³ The second stage of the socialization process is characterized by argumentative discourses such as “communication, argumentation, and persuasion.”²⁹⁴ At this stage, international human rights community uses the method of “shaming” to persuade repressive governments to change their policies. Domestic opposition groups might also ally with international human rights community to put pressure on repressive governments. At the final stage, actors obey the obligation brought by the norm because it is considered normal.²⁹⁵

This argument, like my argument, gives a primary attention to policymakers. It is built on the view that the belief system of policymakers determines border behavior of states. In sharp contrast to my argument which posits that the belief system of policymakers is determined by continuous non-violent practices guaranteed by the rule of law, this argument rests on the view that the belief system of policymakers is determined by the diffusion of international norms to the domestic area.

2.6.5.4. Intra-state Conflict in the Neighboring State

In the Literature Review, I have discussed the previous literature on the relationship between the dynamics of illegal border crossers and a shoot to kill policy. The globalization literature suggests that states have lost their control on their borders due the dynamic nature illegal border crossers. In sharp contrast, there is a burgeoning literature which argues that it is the

²⁸⁹ Alderson, “Making Sense of State Socialization,” p. 424

²⁹⁰ Ibid., p. 423

²⁹¹ Risse and Sikkink, *The Power of Human Rights*, p. 5

²⁹² Ibid., p. 5

²⁹³ Ibid., p. 12

²⁹⁴ Ibid., p. 13

²⁹⁵ Ibid., p. 17

very dynamics of illegal border crossers which have led states to reinforce their borders. I have maintained that arguments in this body of literature cannot adequately explain why states adopt shoot to kill policies at their borders. While they can explain why some borders are reinforced and others not, they cannot answer why at some borders shoot to kill policies become preferable strategies.

However, instead of the dynamics of illegal border crossers, the type of illegal border crossers might determine whether shoot to kill policies are preferred by states. In addition to illegal immigrants or smugglers, some borders become a hub for refugees and rebel groups. Typically, states might react to refugees and rebel groups differently compared to illegal immigrants and smugglers. If a state suffers from an intra-state conflict, the most likely border crossers are refugees and rebel groups.²⁹⁶ In intra-state conflicts refugees might flee due to government-sponsored violence such as ethnic cleansing²⁹⁷ or violence conducted by rebel groups.²⁹⁸ Unlike refugees who cross borders to protect their lives, rebels cross borders to better fight with the government. James D. Fearon and David D. Laitin assert that rebel groups are weaker than the states against which they are fighting. Therefore, in order to survive they need to smuggle illegal goods to buy weapons.²⁹⁹ Since rebel groups cannot directly challenge armies of states, they attempt to launch attacks from the neighboring state.³⁰⁰

The previous literature finds evidence to suggest that the movement of refugees and rebels is likely to trigger armed violence among states.³⁰¹ In its most basic sense, even if a state accepts refugees only on humanitarian reasons, the state undergoing intra-state conflict might think

²⁹⁶Richard L. Millett, "Colombia's Conflicts: The Spillover Effects of a Wider War," The Strategic Studies Institute October 2002 <http://www.strategicstudiesinstitute.army.mil/pdf/files/pub14.pdf>

²⁹⁷John. Mueller, *The Remnants of War* (Ithaca, NY: Cornell University Press, 2004); Gerard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1997); Gerard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca, NY: Cornell University Press, 2005).

²⁹⁸Macartan Humphreys and Jeremy M. Weinstein, "Handling and Manhandling Civilians in Civil War," *American Political Science Review*, Vol. 100, No. 3 (August 2006), p. 430

²⁹⁹James D. Fearon and David D. Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review*, Vol. 97, No.1 (February, 2003), p. 13

³⁰⁰Ariel Merari, "Terrorism as a Strategy of Insurgency," *Terrorism and Political Violence*, Vol. 5, No. 4 (Winter 1993), pp. 213-251

³⁰¹See Alan Dowty and Gil Loescher, "Refugee Flows as Grounds for International Action," *International Security*, Vol. 21, No. 1 (Summer, 1996); Barry Posen, "Military Responses to Refugee Disasters," *International Security*, Vol. 21, No.1 (1996) Idean Salehyan, "The Externalities of Civil Strife: Refugees as a Source of International Conflict," *American Journal of Political Science*, Vol. 52, No. 4 (October, 2008).

that the receiving state protects political dissidents, militarize refugees³⁰² or supports a regime change. The movement of rebel groups across borders is equally threatening for states which have neighbors suffering from intra-state conflicts. Even if a state does not encourage the flows of rebel groups at its borders, the very flows of rebels across borders can lead the sending state to claim that its neighbor tries to undermine its regime.³⁰³ This, in turn, deteriorates diplomatic relations and raises a probability of a military attack by the neighboring state.³⁰⁴

Therefore, when a state has a neighbor suffering from an intra-state conflict, it becomes more vulnerable against the aggression of its neighbor. In such a situation it is extremely difficult for the receiving state to prove that it is not helping opponents of the regime.³⁰⁵ Therefore, policymakers in a state which has a neighbor embroiled in an intra-state conflict may be wary of the costs and uncertainties associated with the movements of refugees and rebels. They might make a cost-benefit analysis and reach a conclusion that adopting a shoot to kill policy against refugees and rebel groups would outweigh the costs of interstate conflict with the neighboring state. A shoot to kill policy, in this sense, would be used as an instrument to deter further violence. By deterring the flows of refugees and rebels through a shoot to kill policy, the state might avoid large-scale costs such as a military confrontation with its neighbor.

2.6.5.5. State Fragmentation

In the Literature Review I have reviewed the argument on the dynamics of state interference. According to this argument when there is an absence of direct state intervention, border guards across borders cooperate to solve their common problems. When central state authorities directly intervene at borders, they miscalculate the local dynamics. Therefore, their policies lead to unintended consequences. For example, small problems which take place at borders are reported to higher authorities and create tension at the interstate level rather than being resolved among border guards.

In the Literature Review I have turned this argument upside down and asked whether a shoot to kill policy might be explained by the absence of state interference. When given autonomy, border guards might cooperate over border-related issues. However, at the same time,

³⁰² Salehyan, "The Externalities of Civil Strife: Refugees as a Source of International Conflict," p. 791; March R. Rosenblum and Idean Salehyan "Norms and Interests in US Asylum Enforcement," *Journal of Peace Research*, Vol. 41, No. 6 (November, 2004), pp. 677-90

³⁰³ Salehyan, "The Externalities of Civil Strife: Refugees as a Source of International Conflict," p. 791

³⁰⁴ Ibid., pp. 788-791

³⁰⁵ Ibid., p. 791

knowing that they are independent from central state authorities, they might adopt systematic shooting practices at borders. This argument seems to shift the attention to the local level. However, I have argued that even if border guards act in the absence of state authorities, the preference of state authorities is decisive. Because they choose to give border guards this type of autonomy in the first place. Therefore, if they show inaction when border practices become unlawful, it constitutes an official state policy.

However, what if state authorities lack the power to control arbitrary actions of their border guards? In other words, what if they prefer to halt arbitrary practices of border guards, but lack the power to impose control over their local institutions. In fragmented states, that is, in states which suffer from an intra-state conflict, security forces might act independently from higher authorities and the government may not impose authority over its security forces. Similarly, an army official who deflected from the army might give its security forces a shoot to kill order and forces under his command may obey this rule and adopt shoot to kill practices at borders.

In the Literature Review shoot to kill policies are defined as official strategies of states and strong emphasis is given to the fact that they are different from individual actions of border guards. Therefore, a shoot to kill policy is either designed at the central state level or might start as local practices of border guards and becomes a state policy through continuous inaction by state authorities. In either case, the preference of policymakers is decisive. From this point of view, shoot to kill practices in fragmented states cannot be considered as a policy. As states are fragmented, state authorities do not have the power to control their borders. In other words, there is an analytical difference between shoot to kill policies and shoot to kill practices which emerge during intra-state conflicts. Bearing this analytical distinction in mind, state fragmentation might account for the majority of shooting practices which are implemented at borders.

2.6.5.6. State Capacity

According to the capacity-related argument, if a state attracts large-scale of flows at its borders and lacks economic capacity to employ advanced technologies at its border such as building fences, it can adopt a shoot to kill policy to deter illegal flows. As wealthy states have the capacity to build fences covering thousands of kilometers and to deploy high-tech equipments at their borders, they do not need a shoot to kill policy as an option. On the other hand, poor states do not have a variety of options at their disposal. Since they lack the

economic capacity to build fences at their borders, when they are interested in reinforcing their borders, a shoot to kill policy might be the only option available. According to this view, it is the dynamics of state capacity which induce states to adopt shoot to kill policies at their borders.

The previous scholarly literature demonstrates that weak states might indeed establish strong borders by making a cost-benefit analysis. In *States and Power in Africa: Comparative Lessons in Authority and Control*, Jeffrey Herbst provides insight into state building in Africa and discusses its implications on border reinforcement strategies. He notes that in contrast to Europe or Asia, territorial control in Africa is more costly. This cost is the consequence of unevenly distributed population which stems from unfavorable physical conditions.³⁰⁶

The thrust of Herbst's argument is that the African state building trajectory is fundamentally different from that of Europe. In Europe wars played a central role in state building. Since wars were frequent, European states imposed territorial control by mobilizing the mass through taxes, military services and the like. This enabled European states to integrate remote areas with the core.³⁰⁷ In sharp contrast, territorial control in Africa is characterized by a different trajectory. Uneven distribution of peasants in vast areas distant from the centre made centralization an extremely difficult task.³⁰⁸ There were some attempts by African leaders to integrate remote areas with the core. However, in addition to physical conditions, the resistance of peasants³⁰⁹ and the economic crisis in 1970s³¹⁰ prevented this integration.³¹¹

The inability of African states to provide territorial integration produced significant challenges. While migratory flows increased border porosity,³¹² weak citizenship ties made states vulnerable against the manipulation of unfriendly neighbors.³¹³ In order to cope with these challenges, African states, rather than integrating all areas, opted for reinforcing their borders. In a nutshell, due to their limited economic capacity, they left remote areas

³⁰⁶ Jeffrey I. Herbst, *Comparative Lessons in Authority and Control* (Princeton: Princeton University Press, 2000), p. 12

³⁰⁷ Charles Tilly, *Coercion, Capital, and European States* (Cambridge, MA: Blackwell, 1990), p. 11; Herbst, *Comparative Lessons in Authority and Control*, p. 14

³⁰⁸ Herbst, *Comparative Lessons in Authority and Control*, p. 17

³⁰⁹ Michael Bratton, "Peasant-State Relations in Postcolonial Africa: Patterns of Engagement and Disengagement," in Joel S. Migdal, Atul Kohli and Vivienne Shue (eds) *State Power and Social Forces: Domination and Transformation in the Third World* (New York: Cambridge University Press, 1994), p. 231

³¹⁰ Herbst, *Comparative Lessons in Authority and Control*, p. 19

³¹¹ *Ibid.*, p. 17

³¹² *Ibid.*, 227-46

³¹³ *Ibid.*, p. 21

uncontrolled and poured their resources to strengthen their borders.³¹⁴This strategy enabled African states to increase their power over their territories and protect themselves from various security challenges.³¹⁵Herbst states that:

The fundamental problem with the boundaries in Africa is not that they are too weak but that they are too strong. It is not that they are artificial in light of current political systems but that they are too integral to the broadcasting of power in Africa. It is not that they are alien to current African states but that African leaders have been extraordinarily successful in manipulating the boundaries for their own purposes of staying in power rather than in extending the power of their states. To say that the boundaries have been a barrier to state consolidation in Africa is largely a non sequitur. The states, to a certain extent, are their boundaries.³¹⁶

This study indicates that poor resources compel policymakers to make a cost benefit analysis. Policymakers in African states reasoned that providing a homogenous territorial integrity is almost impossible within their territories. Since they do not have sufficient resources to integrate all areas homogeneously with the centre, they chose to maintain territorial integrity by strengthening their borders. In economic terms, they calculated that the benefit of devoting more resources at borders would outweigh the benefit of providing homogenous integration. It goes without saying that it could be the same logic which gives impetus to weak states to adopt a shoot to kill policy at their borders. Poor states, lacking sufficient resources to allocate to their borders, might see a shoot to kill policy as an attractive choice.

2.6.6. Conclusion

In this chapter I fleshed out a theoretical account which explains the dynamics of shoot to kill policies at borders. I reviewed the existing literature and pointed out its shortcomings. I argued that most studies in the existing literature devoted their attention to the territorial integrity of states. Surprisingly, little attention is paid to the impact of state practices on the lives of illegal border crossers. Reviewing the main topics studied in the literature enabled me to show the importance of my research. I also pointed out that arguments derived from the existing literature are unable to provide a satisfactory explanation to the dynamics of shoot to kill policies.

This study is built upon the view that there is a link between democracies and a shoot to kill policy. The norm of non-violence which is intrinsic to democracies compels policymakers to

³¹⁴Ibid.

³¹⁵Ibid., p. 25

³¹⁶ Ibid., p. 253

rule out a shoot to kill policy as an option when they are interested in reinforcing their borders. In particular, the norm of non-violence is the causal mechanism between democracies and a shoot to kill policy. The rule of law, by ensuring safeguards against abusive and arbitrary actions of policymakers, guarantees that non-violence is practiced systematically in light of domestic political conflicts. In and through non-violent practices, policymakers develop an understanding that violence is inappropriate. By sharing an understanding that their state has a non-violent identity, they rule out violence as an option.

Border reinforcement strategies share similarities with domestic political conflicts. While domestic political conflicts emerge due to conflicting interests between citizens and governments, states reinforce their borders because they have conflicting interests with illegal border crossers. In such a case, while states are interested in excluding illegal border crossers, illegal border crossers are interested in entering the territory of states illegally. In this case, policymakers adopt the same mentality when they regulate domestic political conflicts. They think that as a non-violent state, they should act non-violently and rule out a shoot to kill policy as an option.

After specifying the causal relationship between democracies and a shoot to kill policy, I reviewed alternative arguments which explain the dynamics of shoot to kill policies at borders. These arguments are interstate conflict, criminal law, the integration with the global refugee regime, intra-state conflict in the neighboring state, state fragmentation and state capacity.

CHAPTER THREE

A METHODOLOGICAL FRAMEWORK

3.1. Introduction

In this section I develop the methodological framework of my research. I first operationalize all variables discussed in the theoretical framework. In other words, I transform abstract terms discussed in theoretical arguments into applied terms. I describe their operational measures and specify coding scheme. Then I discuss how I test my argument. I use quantitative and qualitative analyses. A quantitative analysis allows me to test the argument that democracies are more likely to refrain from shoot to kill policies as compared to other states. As I have argued in the previous chapter, there are arguments which provide alternative explanations to my research query. A quantitative analysis enables me to test the causal power of all other rival arguments along with my argument. This type of analysis tests whether one of these arguments explains the research puzzle rather than my argument; whether one of these arguments equally has explanatory power along with my argument and whether one or more variables discussed in these arguments negatively or positively affects the relationship between a democracy and a shoot to kill policy.

While a quantitative analysis assesses the causal power of each argument, a qualitative analysis specifies causal chains between variables.¹ In other words, a statistical analysis is useful for demonstrating whether democracies are more likely to refrain from shoot to kill policies. Furthermore, in illustrative case narratives I describe the process by which policymakers in democracies rule out a shoot to kill policy as an option. I analyze states according to their democracy scores and trace processes which lead to the prevention and the adoption of shoot to kill policies. After giving rationale to illustrative case study narratives, I explain which cases I select and which questions I ask in conducting illustrative case study narratives. Finally, I indicate which data I rely on.

¹ Alexandre L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005). Chapter I.

3.2. The Operationalization of Shoot to Kill Policy

I define a shoot to kill policy as systematic shooting practices which target illegal border crossers as an official state policy. In order to determine whether shooting practices are a shoot to kill policy, I establish several criteria. Shooting practices might start at the local level and become a state policy. For these cases I need to differentiate shoot to kill policies from individual actions of border guards such as self-defense or arbitrary killings. As explained in detail in the Theory chapter, physical violence at borders is not one-sided. In particular, physical violence is not always conducted by border guards. Smugglers and terrorists may use physical violence against border guards to enter the territory of a state illegally. In such a case, national law and international law give authority to border guards to defend themselves. In situations of self-defense, border guards attack only when they are attacked. If border guards use physical violence only to protect themselves against armed illegal border crossers, I do not consider these actions as a shoot to kill policy.

However, what is of particular importance at this point is that, if shooting practices target unarmed illegal border crossers repeatedly, they count as shoot to kill policies. Repeated shooting practices demonstrate that these practices are systematic and they give insight into how policymakers respond. In light of repeated shooting practices, if policymakers do not take necessary measures to stop these practices, it constitutes a state policy. In such a case, local practices of border agents are approved at the central level. However, if policymakers do take actions to halt these practices, then these practices remain isolated events. Therefore, shooting practices should be repeated in order to be a shoot to kill policy.

A shoot to kill policy can also start with a shoot to kill order given by high-level officials. If there is an official shoot to kill order at borders, I do not look at whether shooting incidents are repeated. In such a case, it may well be that there is no attempt to cross the border illegally. For instance, North Korea officially gave a shoot to kill order in 2009. However, reports demonstrate that only 3 North Koreans were killed in their attempts to flee the country in 2012. No deaths occurred in 2009, 2010 and 2011.² When a shoot to kill order is given, repeated shooting practices are not decisive in judging whether a state has a shoot to kill policy or not.

²Andrew Moran, "North Korean border guards given order of shoot-to-kill," 7 December, 2009, *Digital Journal* <http://digitaljournal.com/article/283386>

In summary, a shoot to kill policy could start as a bottom-up process or could be designed by state officials. The first type of shoot to kill policy starts with arbitrary actions of border guards. In this type of policy, repeated shooting practices are important because they cast light on how policymakers respond to these practices. If policymakers respond in order to stop these practices, these practices remain isolated events. If, on the other hand, policymakers remain silent, then they give a tacit approval to these practices and these practices become an official policy. By contrast, a shoot to kill order is sufficient for a shoot to kill policy. If there are no shooting incidents in certain years, it means that there is no attempt of illegal crossing.

Some states conduct a shoot to kill policy at their borders against their own people who try to cross to the other side. For instance, Eritrea and the North Korea apply shoot to kill policies against their own people.³ Egypt adopted a shoot to kill policy against African refugees and illegal immigrants who residing in Egypt decided to cross Israel for better living conditions.⁴ Similarly, Syria has adopted a shoot to kill policy against Syrians who attempted to escape into the Turkish territory following the political unrest which began in 2011.⁵

In order to understand the dynamics of shoot to kill policy, I need to provide a variation on the dependent variable. I am interested in the occurrence (a shoot to kill policy) and the absence of a phenomenon (no shoot to kill policy). Therefore, I am selective in choosing negative cases. I do not compare shoot to kill policies with all types of border control strategies such as passport control and custom checks. I only make a comparison among border reinforcement strategies. As pointed out in the Theory chapter, I define border reinforcement strategies as extra measures taken by states between and/or beyond passport control points. When states reinforce their borders, they maintain, but move beyond passport controls. Border reinforcement may take the form of border fencing, militarization of the border, joint border operations, push-back policies and shoot to kill policies.

³ Amnesty International Annual Report Eritrea 2011 <http://www.amnesty.org/en/region/eritrea/report-2011>
“North Korea border guards appear to have shoot-to-kill orders against fleeing refugees,” 8 April 2011 *Newstime Africa* <http://www.newstimeafrica.com/archives/19120>

⁴ Column Lynch, “They shoot migrants, don’t they?” 8 October 2010
http://turtlebay.foreignpolicy.com/posts/2010/10/08/they_shoot_migrants_dont_they

⁵ “Syrian security forces adopt shoot-on-sight policy,” 17 August 2011, *The Telegraph*
<http://www.telegraph.co.uk/news/worldnews/middleeast/syria/8707101/Syrian-security-forces-adopt-shoot-on-sight-policy.html>

I stress that the logics of border control strategies and border reinforcement strategies are fundamentally different. A shoot to kill policy is a type of and falls at the extreme end of border reinforcement strategies. Although other border reinforcement strategies such as fencing, militarization, cross-border operations and push-back policies are different from shoot to kill policies on the grounds that they are not designed to eliminate illegal border crossers, they share some similarities. All these strategies are extra measures taken by states against illegal border crossers. Therefore, it is adequate to compare shoot to kill policies with other border reinforcement strategies and not with border practices which are based on passport controls.

I can resort to a hypothetical comparison to illustrate my point. I consider three states. The first state protects its borders with passport controls. The second state militarizes its borders and builds fences. The third state conducts a shoot to kill policy at its border. The latter two states reinforce their borders; that is, they take extra physical measures to combat illegal border crossings beyond passport control points. On the other hand, the first state does not take extra measures to control its borders. It may not be interested in reinforcing their borders or even it may encourage illegal crossing at its borders. In order to understand the dynamics of shoot to kill policies, I need to look at cases in which the same conditions for shoot to kill policies exist but in which shoot to kill policies have not become an option. Only if I compare states with similar interest in taking extra measures to curb illegal border crossings, can I understand why some states apply shoot to kill policies at their borders and others not.

My unit of analysis is border behavior of states. My sample data set consists of 91 border cases. I define them as border cases because observations may include more than one border reinforcement strategy of states. For example, a state may build fences at one of its borders and it may also adopt a shoot to kill policy at its border with another state. In such a case, I include strategies of the same state as different cases. The inclusion of more than one strategy of a state does not result in multiple counting because other factors such as interstate conflict, intra-state conflict in the neighboring state and the like change.

In the below list I have collected data on borders which are reinforced after 1990s. I have not included cases of shoot to kill policies before 1990s. For instance, during the Cold War era, the East German guards were given a shoot to kill order against anyone who tried to flee the country. The order was issued in 1973. The order stated that “Don’t hesitate to use your

weapon even when border breaches happen with women and children....”⁶As a result, 1.000 people were killed in their attempts to flee the border.⁷ Similarly, in Cuba a shoot to kill order was issued against anyone who attempted to flee the country without authorization.⁸Archives reveal that from 1963 to 1999, 81 people were killed by border guards.⁹ My explanation is not time sensitive. My data has a temporal limitation due to the difficulty of collecting data about all borders which were reinforced prior to 1990. I have tried to include all borders which are reinforced after 1990s that I am aware of. The sample includes all possible cases. Cases include border behavior of states from almost all continents: America, Europe, Africa, Australia and Asia. Territorial borders include land and maritime borders.

I do not analyze cross-border raids as part of border control strategies. When cross border raids are launched by governments, temporary military operations are conducted in the territory of the neighboring state. Cross-border raids are usually launched by governments as a response to the attacks against their own territory by rebel forces. For instance, Colombia launched cross-border raid in the territory of Ecuador to fight against FARC guerillas. Turkey has launched operations in the Northern Iraq to root out the camps of PKK rebels. Similarly, Iran launches operations in the Iraqi territory to fight against PJAK rebels. Although cross-border operations are part of official strategies of governments, they are not subject to analysis in this study, as they do not target illegal border crossers at borders. They are temporary responses towards rebel attacks.

In the below list, I make a division between states which do not adopt a shoot to kill policy and states which adopt a shoot to kill policy. For states which do not adopt a shoot to kill policy, I take the year in which the border is reinforced such as building fences as decisive. If a state reinforces its borders by building a fence, I take the year which fencing project starts as decisive. Therefore, rather than looking at the completion year, I look at the beginning year of the fencing project. Some states might recently decide to reinforce their border, but no physical change might occur yet. In such a case, I take the decision year as decisive. Even though their borders have not been reinforced yet, their inclusion in the list is essential because they are interested in reinforcing their borders and have not opted for a shoot to kill

⁶ “East German Border Guards had ‘Shoot-to-Kill’ Orders to Stop Deflections to the West,” 12 August 2007, *London Times*, <http://www.foxnews.com/story/0,2933,293045,00.html#ixzz1qJY7o6hx>

⁷ “Last Berlin Wall Shooting Case Closes,” 17 February 2005, *Deutsche Welle* <http://www.dw.de/dw/article/0,1564,1492398,00.html>

⁸ “Cubans executed or assassinated by the Castro regime for attempting to flee,” p. 2 Cuba Archive Truth and Memory Project <http://cubaarchive.org/home/>

⁹ “Cubans executed or assassinated by the Castro regime for attempting to flee,” Cuba Archive Truth and Memory Project <http://cubaarchive.org/home/>

policy. Overall, it enables me test how states behave when they are interested in reinforcing their borders.

If shooting practices take place at the local level and then become a state policy, the decisive year is the year in which the first shooting incident is reported. If a shoot to kill order is issued, I take the year in which this order is given as decisive. States which adopt a shoot to kill policy may strengthen their borders with other measures such as militarization, fences prior to the beginning of shoot to kill policies. Since I aim to explain the dynamics of shoot to kill policies, even when some measures were adopted before or after, I consider the beginning year of a shoot to kill policy as decisive.

I collected data based on local and international newspapers, academic articles and books written on specific borders and reports of human rights organizations. In describing border reinforcement strategies, I elaborate on what motivated states to reinforce their borders and which specific changes took place at these borders. In determining shoot to kill policies, I mainly rely on reports of Greek Helsinki Monitor, Human Rights Watch and Amnesty International. If no report is published by human rights organizations, I mainly rely on local and international newspapers. I report whether a shoot to kill order is issued and if not, how many times border shooting incidents took place, whether all of them or some of them are actions of self-defense, and whether border guards involved in these incidents were brought into justice. The length of information depends on data availability.

3.2.1. Border Reinforcement Strategies not based on a Shoot to Kill Policy

- 1. The United States-Mexico border:** The U.S. started to militarize and fence its border with Mexico in 1994 through Operation Gatekeeper. Prior to that period its policy was based on deporting illegal border crossers after they cross the border. The aim of the Operation Gatekeeper was to deter illegal border crossers from crossing the border in the first place.¹⁰ In line with Operation Gatekeeper, fences were erected at the border. Helicopters, heat-sensors and night-vision telescopes were deployed at the border. In addition, the number of border agents was increased significantly.¹¹ Shooting

¹⁰Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide*, 2nd ed. (Ithaca and London: Cornell University Press, 2009),p. 92

¹¹ Justin Akers, "Operation Gatekeeper: Militarizing the Border," *International Socialist Review*, Vol. 18, June-July 2001 <http://www.isreview.org/issues/18/gatekeeper.shtml>

incidents have taken place at the U.S.-Mexico border. According to the criteria I have established above, I argue that these shooting incidents do not correspond to a shoot to kill policy. First, these incidents have not become systematic practices. Second, most of these incidents take place as a result of self-defense. The U.S. border guards are attacked by hundreds of rocks by illegal border crossers. Only from 2007 to 2008, there were more than 500 “rocks throwing incidents.”¹² Third, border guards involved in arbitrary shooting incidents are imprisoned.¹³ In 2006, two border agents were imprisoned for shooting and wounding a Mexican illegal border crosser in 2005.¹⁴ In 2011, the Justice Department imprisoned a border guard for “improperly lifting the arms of a 15-year-old drug smuggling suspect while handcuffed” at the border. The Justice Department ruled that it caused “a deprivation of the teenager’s constitutional right to be free from the use of unreasonable force.”¹⁵

2. **The United States-Canada border:** The U.S. and Canada agreed to conduct joint maritime law enforcement operations in 2009 against drug smuggling, illegal immigration, money counterfeiting and the movement of armed groups.¹⁶
3. **The Mexico-Guatemala border:** Mexico started to build fence along its Guatemala border in 2010 to prevent the flows of armed groups and illegal immigrants.¹⁷
4. **The Australian maritime border:** In 2001, a Norwegian ship, called Tampa, rescued 424 undocumented people at sea. The Australian government used military force to

¹² Marc Lacey, “Border Shootings Strain Tensions with Mexico,” 8 June 2010, *New York Times* http://www.nytimes.com/2010/06/09/world/asia/09border.html?_r=2&adxnnl=1&adxnnlx=1330939392-6RUT/cjSDtJGJByx+oX29A&

¹³ “Border patrol agents sentenced to prison for 11-12 years for shooting drug smuggling” 20 October 2006, *WND Poll*, <http://www.wnd.com/2006/10/38477/>

¹⁴ Fair Immigration Report, Online Edition http://www.fairus.org/DocServer/Nov06_NL.pdf?docID=6110

¹⁵ “Border patrol agents sentenced to prison U.S. border agent jailed for improper arrest of suspected drug smuggler,” 25 October 2011, *Washington Times* <http://www.washingtontimes.com/news/2011/oct/25/border-agent-jaile-arrest-teen-drug-smuggler/>

¹⁶ Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, 2009 http://www.publicsafety.gc.ca/prg/le/_fl/int-cross-brdr-maritime-eng.pdf

¹⁷ “Mexico Building Fence... on Its Southern Border” 23 September 2010, *Fox Nation* <http://nation.foxnews.com/us-mexico-border-fence/2010/09/23/mexico-building-fence-its-southern-border>
“Mexico Condemns US Border Fence, Then Builds Guatemala Wall,” 21 September 2010, *SadHill News* <http://sadhillnews.com/2010/09/24/mexico-condemns-us-border-fence-then-builds-guatemala-wall>

deter the entry of the ship.¹⁸ Following the Tampa incident, the Australian maritime border has been increasingly militarized.¹⁹ Operation Relex was launched between 2001 and 2006.²⁰ The Operation was based on “forward deterrence strategy.”²¹ Rather than preventing illegal border crossers after they reach Australian waters, the objective of the operation was to prevent the entry of unauthorized boats inside Australian contiguous zone.²²

5. **The Ireland-the UK (Northern Ireland) border:** The Republic of Ireland deployed 120 soldiers against loyalist violence and cross-border cattle smuggling in 1996 at its border with Northern Ireland.²³
6. **The Germany-Poland border:** Germany reinforced its border with Poland against the flows of illegal immigrants, smuggling of drugs and other illegal commodities in 1993.²⁴ The decision of Germany to strengthen its border was a consequence of a dramatic increase in the flows of illegal immigrants at its Eastern border following the collapse of the Soviet Union.²⁵ Germany reinforced its border by increasing the number of border guards significantly and deploying night vision cameras.²⁶ In addition, a legal measure adopted in 1994 extended the authority of border guards from 2 km to 30 km in the border zone.²⁷
7. **The Finland-Russia border:** In order to prevent illegal economic activities along the Russian border, Finnish authorities gave the Police, Customs and Border Guard the

¹⁸ Daniel Pipes, “[Australia’s] Crisis of Illegal Immigration,” 5 September 2001, *Jerusalem Post* <http://www.danielpipes.org/50/australias-crisis-of-illegal-immigration>

¹⁹ A Norwegian ship, called Tampa, rescued 424 undocumented people, which were distressed at sea. Then the ship started to head way to Australia. Rather than seeing the incident as rescue operation, the government saw it as a “national security issue.” Michael Grewcock, *Border Crimes, Australia’s War on Illicit migrants* (Sydney: Institute of Criminology Press, 2009), p. 160

²⁰ Maritime Incident Report, http://www.aph.gov.au/senate/committee/maritime_incident_ctte/report/c02.htm

²¹ *Ibid.*

²² *Ibid.*

²³ “Border security is tightened,” 11 July 1996, *The Irish Times* <http://www.highbeam.com/doc/1P2-24966466.html>

²⁴ Andreas, *Policing the US-Mexico Divide*, p. 118

²⁵ *Ibid.*, p. 118

²⁶ *Ibid.*, pp. 119-122

²⁷ *Ibid.*, p. 119

authority for joint cooperation in 2010. Border reinforcement includes joint intelligence activities for crime prevention task.²⁸

8. **The Estonia-Russia border:** Estonia and Russia decided to conduct joint operations against drug trafficking in 2009.²⁹
9. **The Poland-Ukraine/Belarus borders:** Poland started to reinforce its borders with Ukraine and Belarus in 2002 against illegal immigration and smuggling of weapons and drugs. Poland deployed units which are professionally trained, surveillance equipments and helicopters at its borders.³⁰
10. **The Latvia-Lithuania border:** Latvia and Lithuania started controlling their borders mutually in 2012.³¹
11. **The Austria-Hungary/Slovakia border:** In order to prevent the flows of illegal immigrants following the fall of the Berlin Wall, Austria deployed approximately 2.000 soldiers at its borders with Hungary and Slovakia in 1990.³²
12. **The Greece-Turkey border:** Greece started to build a razor-wired fence at its Turkish border to prevent the flows of illegal immigrants in 2012.³³
13. **The Greece-Cyprus maritime border:** Greece and Cyprus agreed to conduct police cooperation in the areas of terrorism and organized crime in 2007.³⁴
14. **The Turkey-Bulgaria border:** Turkey and Bulgaria agreed to launch joint border patrolling against illegal immigration, human smuggling and drug trafficking in 2012.³⁵

²⁸ Finnish Customs Intelligence and Investigation Report, 2009
http://www.tulli.fi/en/finnish_customs/publications/annual_reports/rikostorjunta_09_eng.pdf

²⁹ "Russia, Estonia strengthen drug trafficking cooperation," 25 November 2009, *Ria Novosti*
<http://en.rian.ru/russia/20091125/156985536.html>

³⁰ "Poland to reinforce new EU border," 31 July 2002, *The Guardian*
<http://www.guardian.co.uk/world/2002/jul/31/eu.poland>

³¹ "Latvia and Lithuania conduct joint border control operation," 6 July 2012, *TISPOL*
<https://www.tispol.org/news/articles/latvia-and-lithuania-conduct-joint-border-control-operation>

³² Truppendienst International, "15 Years of Border Surveillance," 2006
http://www.bmlv.gv.at/english/td_international/index.shtml

³³ "Greeks build fence to ward off asylum seekers," February 2002, *EU Observer*
<http://euobserver.com/9/115161>

³⁴ "Illegal immigration a common problem for Greece and Cyprus," 3 December 2007, *Financial Mirror* <http://news.pseka.net/index.php?module=article&id=7740>

- 15. The Italian maritime border:** Italy adopted a “push back policy” in 2009 at its maritime border to prevent illegal immigration. Prior to that period, Italy held detected undocumented people in temporary custody up to 30 days for identity checks line with the Single Act issued in 1998. They were either given asylum status or expelled.³⁶ With a “push back policy,” rather than investigating whether they are asylum seekers or not, Italy has started to intercept illegal immigrants at sea and send them back to Libya. On the other hand, if vessels are detected within 12 nautical miles, undocumented people are brought to the Italian territory and asylum process begins.³⁷
- 16. The Spain-Morocco border:** Spain started joint border patrolling with Morocco in 2004.³⁸
- 17. The Saudi Arabia-Iraq border:** In order to prevent the entry of Islamist militants and illegal immigrants, Saudi Arabian authorities began constructing a 700 km security fence along the border with Iraq in 2006. Remote sensors and telecameras are planned to be placed at the fence to detect illegal border crossers.³⁹
- 18. The United Arab Emirates-Oman border:** The United Arab Emirates built a separation barrier at its border with Oman to prevent illegal immigration in 2007.⁴⁰
- 19. The Kuwait-Iraq border:** Kuwait began constructing a metal barrier at its Iraqi border in 2005.⁴¹

³⁵ “Bulgaria, Turkey to Launch Joint Border Patrols,” Contact Center, 29 September 2012, *Sofia News Agency* http://www.novinite.com/view_news.php?id=143661

³⁶ Giovanna Zincone, “Italy: Main features of Italian immigration flows,” *Mediterranean Migration Observatory* <http://www.mmo.gr/pdf/library/Italy/Main%20features%20of%20Italian%20immigration%20flows.pdf>

³⁷ Report to the Italian Government on the visit to Italy carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 to 31 July 2009, Council of Europe, Strasbourg, 28 April 2010, <http://www.cpt.coe.int/documents/ita/2010-inf-14-eng.pdf>

³⁸ Thomas Sipijkerboer, “The Human Costs of Border Control,” *European Journal of Migration and Law*, Vol. 9 (2007), p. 131

³⁹ Heba Saleh, “Saudis to press ahead with Iraq border fence,” 15 November 2006, *The Financial Times*, <http://www.ft.com/cms/s/0/77ec0632-744e-11db-8dd7-0000779e2340.html#ixzz1TVgT01NQ>

⁴⁰ “World of Barriers,” http://www.u-tt.com/pdf/090209_WorldofBarriers.pdf Julian Borger, “Security fences or barriers to peace? The US segregation of Sunni and Shia areas of Baghdad marks a resurgent trend,” 24 April 2007, *The Guardian* <http://www.guardian.co.uk/world/2007/apr/24/iraq,julianborger>

⁴¹ “Iraq minister in Kuwait to discuss border fence,” 5 December 2005, *Team Infidel* <http://www.military-quotes.com/forum/iraq-minister-kuwait-discuss-border-t17251.html>

20. The Iran-Pakistan border: Iran started to build a security fence along its border with Pakistan to prevent the movement of armed groups in 2011.⁴²

21. The Israel-Egypt border: Israel decided to reinforce its border with Egypt by building a fence in 2010. The fence is planned to be built along the Red Sea city of Eilat and the Gaza Strip.⁴³ There were several deadly incidents along the border with Egypt. 5 Egyptian border guards were killed by Israeli troops. The Israeli Prime Minister made an official statement and apologized to Egypt.⁴⁴ In 2011 one person illegally entering the territory of Israel through Egypt was shot by Israeli forces. Israeli authorities claim that it was an action of self-defense.⁴⁵ Taking into consideration that these events have not turned into systematic shooting practices, I do not define the Israeli strategy at the Egyptian border as a shoot to kill policy.

22. The Israel-Lebanon border: Israel started to build a fence at its border with Lebanon in 2012.⁴⁶ In 2010 Israeli and Lebanese soldiers exchanged fire across the border causing one person to die. Israeli soldiers also opened fire on Palestinian protesters in 2011 near the Lebanese border.⁴⁷ This incident should be evaluated under a shoot to kill policy which is adopted against Palestinians, not against illegal border crossers. This incident took place when Palestinians were protesting along the border, not when they were attempting to cross it. Israel does not practice shooting practices at its border with Lebanon against illegal border crossers.

⁴² “Iran constructing fence on Pakistan border, 16 April 2011, *The Express Tribune* <http://tribune.com.pk/story/150669/iran-constructing-fence-on-pakistan-border/>

⁴³ “Israel construct barrier along Egyptian border,” 11 December 2010, *BBC* http://news.bbc.co.uk/2/hi/middle_east/8451085.stm

“Israel’s growing wall of steel fences off Egypt,” 12 December 2011, *Egypt Independent* <http://www.egyptindependent.com/news/israels-growing-wall-steel-fences-egypt>

⁴⁴ Yoav Zitun, “Two Egyptian policemen killed near border,” 24 November 2011, *Y Net News* <http://www.ynetnews.com/articles/0,7340,L-4152478,00.html>

⁴⁵ However Egyptian authorities say otherwise. See “Israel kills one after shooting on Egyptian border,” 28 February 2012, *Al Akhbar English* <http://english.al-akhbar.com/content/israel-kills-one-after-firing-over-egypt-border>

⁴⁶ “Israel fortifies border fence with Lebanon” 2 May 2012, *Haaretz* <http://www.haaretz.com/news/diplomacy-defense/israel-fortifies-border-fence-with-lebanon-1.428007>

⁴⁷ Hagai Einav, “Deadly clashes on Israeli borders with Syria and Lebanon,” 15 May 2011, *Y Net News* <http://www.ynetnews.com/articles/0,7340,L-4068829,00.html>

23. The Israel-Jordan border: Israel decided to build a security fence along its border with Jordan in 2012. The work is planned to begin once the fence along the Egyptian border is completed.⁴⁸

24. The South Africa-Zimbabwe border: During President Thabo Mbeki's rule, the border was demilitarized and started to be controlled by police forces in 2003. However, as the border witnessed a large scale of migratory flows from Zimbabwean nationals due to economic decline in Zimbabwe, South Africa reinforced its border in 2010 by deploying its Special Forces.⁴⁹ A shooting incident took place in 2009. A South African soldier opened fire on a Zimbabwean illegal border crosser. After the incident the soldier was arrested.⁵⁰ Since there are no systematic shooting practices along the South Africa-Zimbabwe border, I do not define the South African border strategy as a shoot to kill policy.

25. The South Africa-Mozambique border: South Africa made cooperation with Mozambique in 2011 to reinforce its borders against piracy, rhino hunting and other cross-border crimes. The two sides reached an agreement over joint border training, patrolling, information and intelligence sharing.⁵¹

26. The Brazilian borders: Brazil launched Operation Sentinel in 2010 to combat illegal border crossings such as weapons and drugs smuggling at its borders with Bolivia, Peru, Colombia and Paraguay. Under this operation, armed forces were equipped with tanks and helicopters and the police and the army were united for border patrolling.⁵²

27. The Belize maritime border: Belize started to conduct counter-terrorism operations within its territorial waters in 2007.⁵³

⁴⁸ Ben Hartman, "PM: Security Fence to be built along Jordan border," 1 January 2012, *Jerusalem Post* <http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=251750>

⁴⁹ "South Africa: Troops reinforcing a porous and dangerous border," 26 May 2010, *Irin Humanitarian News and Analysis*, <http://www.irinnews.org/Report/89262/SOUTH-AFRICA-Troops-reinforcing-a-porous-and-dangerous-border>

⁵⁰ "SA soldier held over shooting of Zimbabwe woman," 11 December 2009, *News Zimbabwe* <http://www.newzimbabwe.com/pages/asylum40.17421.html>

⁵¹ SA, Mozambique to tackle piracy, 3 June 2011 <http://www.southafrica.info/news/international/samoz-030611.htm>

⁵² "Policing of Brazil Borders Increased," 3 May 2011, *Rio Times* <http://riotimesonline.com/brazil-news/front-page/policing-of-brazil-borders-increased/#>

⁵³ United States Department of State, *Country Reports on Terrorism 2007 - Belize*, 30 April 2008, <http://www.unhcr.org/refworld/docid/48196cc944.html>

- 28. The Ecuador-Colombia border:** Ecuador militarized its border with Colombia to prevent the movement of rebel groups in 2011.⁵⁴
- 29. The Ecuador-Peru border:** Ecuador and Peru decided to cooperate in order to prevent drug smuggling and money counterfeiting along their border in 2008.⁵⁵
- 30. The Guyana-Suriname:** Guyana and Suriname started to cooperate and coordinate their efforts against weapon and drug trafficking at their border in 2008.⁵⁶
- 31. The Indonesia-Malaysia border:** Indonesia and Malaysia started to conduct joint patrolling against illegal flows in 2013.⁵⁷
- 32. The Malaysia-Thailand border:** In 1991 Malaysia decided to build a fence along its Thailand border to prevent the flows of illegal narcotics, cigarettes and other illegal products.⁵⁸ Thailand decided to erect a fence at its border with Malaysia to prevent cross-border smuggling and the flows of militants in 2004.⁵⁹
- 33. The Indonesia-Philippines border:** Indonesia and Philippines agreed to reinforce their border through coordination of border patrolling in 2011 against rebels and illegal fishing.⁶⁰
- 34. The Kazakhstan-China border:** Kazakhstan and China jointly reinforced their border in 2011. Both sides started to tackle the flows of militants, smugglers and

⁵⁴ “Ecuador Sends New Military Units to Border with Colombia,” 7 November 2011, *Dialogo* http://www.dialogo-americas.com/en_GB/articles/rmisa/features/regional_news/2011/11/07/feature-ex-2650

⁵⁵ “Peru and Ecuador sign cooperation agreement to combat drug trafficking,” 2 August 2008, *Peruvian Times* <http://www.peruviantimes.com/02/peru-and-ecuador-sign-cooperation-agreement-to-combat-drug-trafficking/537/>

⁵⁶ “Guyana, Suriname meet to strengthen cooperation in fight against crime,” 10 March 2010, *K News* <http://www.kaieteurnewsonline.com/2010/03/10/guyana-suriname-meet-to-strengthen-cooperation-in-fight-against-crime/>

⁵⁷ “Malaysian and Indonesian armies to hold joint border patrols,” 1 January 2013, *Borneo Post* <http://www.theborneopost.com/2013/01/01/malaysian-and-indonesian-armies-to-hold-joint-border-patrols/>

⁵⁸ Michael Richardson, “Malaysia border-wall plan strains Thailand ties,” 10 July 1991, *New York Times* <http://www.nytimes.com/1991/07/10/news/10iht-fenc.html>

⁵⁹ “Thailand to build fences along Malaysia border,” 17 February 2004, *Reuters* <http://www.thaivisa.com/forum/topic/6392-thailand-to-build-fences-along-malaysia-border/>

⁶⁰ Mich M. Basa “Indonesia, Philippines tighten border security,” 20 February 2011, *MB* <http://www.mb.com.ph/node/305349/indone>

human traffickers through “joint exercise, joint reconnaissance, joint patrol, joint deterrence and joint interaction.”⁶¹

35. The Kazakhstan-Uzbekistan border: Kazakhstan started building a security fence with barbed wire along its border with Uzbekistan in 2006 to prevent smuggling activities.⁶²

36. The Kyrgyzstan-Tajikistan border: Kyrgyzstan and Tajikistan decided to jointly patrol their border against terrorist activities and drug smuggling along the border in 2008.⁶³

37. The China-North Korea border: Following the Korean War, China did not heavily guard its border with North Korea. However, due to economic decline in North Korea, China decided to shift its policy by reinforcing its border against illegal immigration. China started to erect barriers with barbed wires on major points at the border in 2003. Border reinforcement continued in 2006.⁶⁴

38. The Mongolia-Russia border: In order to tackle illegal cross-border cattle trading and smuggling activities, Mongolia reinforced its borders with Russia in 2005. The Central Intelligence Agency and the Criminal Police of the General Police Board conducted joint intelligence operations along border areas.⁶⁵

39. The India-Burma border: India started to construct a security fence along its border with Burma to curb insurgency along the border in 2003. In order to regulate the border more intensively, the Border Security Force was replaced by Assam Rifles and they were given extra operational responsibility.⁶⁶

⁶¹“Chinese &Kazakhstani militaries hold 1st joint border patrol in 2011” <http://www.defence.pk/forums/chinese-defence/93195-chinese-kazakhstani-militaries-hold-1st-joint-border-patrol-2011-a.html>

⁶²“Kazakhstan to fence section of border,” 19 October 2006, *RFE/RL*
<http://www.rferl.org/content/article/1072141.html>

⁶³ Daniyar Karimov “Kyrgyz, Tajik border guards to jointly guard borders,” 30 April 2008, *24 News Agency*
<http://eng.24.kg/cis/2008/04/30/5282.html>

⁶⁴Jen Quarishi, “Not Exactly the Great Wall, but China Building a Fence along North Korean Border,” 16 October 2006 <http://motherjones.com/mojo/2006/10/not-exactly-great-wall-china-building-fence-along-north-korean-border>

Global Security “China/North Korea Border Fence,” <http://www.globalsecurity.org/military/world/war/china-norkor.htm>

⁶⁵Dashdavaa Dashtseren, *Border Protection and National Security of Mongolia*, September 2006, Naval Postgraduate School Thesis, p.40 www.dtic.mil/dtic/tr/fulltext/u2/a456961.pdf

⁶⁶ “India, Burma to fence the border,” 17 May 2003, *Mizzima News*

- 40. The India-Pakistan (Kashmir) border:** India constructed a security fence along its border with Kashmir administered by Pakistan to prevent the flows of rebel groups in 2004.⁶⁷
- 41. The Pakistan-Afghanistan border:** In order to stop of the flows of rebels along its border with Afghanistan, Pakistan deployed 5.000 soldiers at its border in North West Frontier Province and 4.500 soldiers at its border Baluchistan province in 2005.⁶⁸
- 42. The Burma-Bangladesh border:** Burma started fencing its border with Bangladesh to stop the flows of illegal drugs and human trafficking in 2009.⁶⁹
- 43. The Brunei-Malaysia border:** Brunei constructed a security fence along its border with Malaysia in 2005 to prevent the flows of immigration.⁷⁰
- 44. The Botswana-Zimbabwe border:** Botswana began constructing a security fence along the border with Zimbabwe in 2003 a response to growing illegal immigration from Zimbabwe.⁷¹
- 45. The Nigeria-Benin border:** Nigeria and Benin established a joint patrol at their border in 2011 against piracy and smuggling of illegal commodities such as arms.⁷²
- 46. Nigeria-Niger:** Authorities in Nigeria and Niger decided to establish joint patrolling against rebel groups, weapon and drug trafficking in 2012.⁷³
- 47. The Mauritania-Mali/Algerian border:** In order to stop terrorist activities, Mauritania deployed 4.000 soldiers to its borders with Algeria and Mali in 2009.⁷⁴

<http://www.burmalibrary.org/TinKy/archives/2003-05/msg00018.html>

⁶⁷ A World with Barriers http://www.u-tt.com/pdf/090209_WorldofBarriers.pdf

⁶⁸ "Pakistan plans Afghan border fence," 12 September 2005, *Al Jazeera*

<http://www.aljazeera.com/archive/2005/09/2008410151129552298.html>

⁶⁹ Myanmar/Bangladesh Fence <http://www.globalsecurity.org/military/world/myanmar/myanmar-bangladesh-fence.htm>

⁷⁰ "A World with Barriers, http://www.u-tt.com/pdf/090209_WorldofBarriers.pdf

⁷¹ "Botswana, Zimbabwe row over electric border fence," 3 September 2003, *Afrol News*

<http://www.afrol.com/articles/10498>

⁷² "Nigeria and Benin to strengthen security along common border," 27 October 2011, *Daily Times Nigeria*

<http://dailytimes.com.ng/article/nigeria-and-benin-strengthen-security-along-common-border>

⁷³ Jacop Zenn "Niger, Nigeria Step Up Cooperation Against Boko Haram," 31 October 2012, *World Politics Review* <http://www.worldpoliticsreview.com/articles/12463/niger-nigeria-step-up-cooperation-against-boko-haram>

⁷⁴ United States Department of State, *2009 Country Reports on Terrorism - Mauritania*, 5 August 2010, <http://www.unhcr.org/refworld/docid/4c63b634b.html>

- 48. The Tunisia-Libya border:** Tunisia started to build fence along its border with Libya in 2012 in order to stop smuggling activities.⁷⁵
- 49. The Kenya-Somalia border:** Kenya deployed 400 troops at its Somalia border to curb the flows of rebels in 2011.⁷⁶ Troops were supported with armored vehicles and helicopters.⁷⁷
- 50. The Sudan-Chad border:** Sudan and Chad established a joint border force which consists of 3.000 soldiers to monitor their border against the flows of rebels in 2010.⁷⁸
- 51. The Angola-Zambia border:** Angola and Zambia unilaterally deployed troops at their border to tackle the movement of armed groups in 2000.⁷⁹
- 52. The Uzbekistan-Afghanistan border:** Uzbekistan built a separation barrier with barbed wires along its border with Afghanistan border in 2001 to curb illegal immigration.⁸⁰

3.2.2. Shoot to Kill Policies

- 1. The India-Bangladesh border:** Indian border authorities have killed 1.000 Bangladeshi citizens since 2002.⁸¹ Most of these shootings target unarmed civilians. The Indian border behavior at the Bangladesh border constitutes a shoot to kill policy. First, shooting practices do not stem from the actions of self-defense. Investigations of Human Rights Watch show that most of the murdered illegal border crossers were either unarmed or they carried small arms such as sticks and knives.⁸² Reports

⁷⁵ “Libya to build anti-smuggling fence along Libyan border,” 3 June 2012, *Libya Herald* <http://www.libyaherald.com/2012/06/03/tunisia-to-build-anti-smuggling-fence-along-libyan-border/>

⁷⁶ “Kenya deploys troops to Somali border,” 19 November 2011, *Pres TV* <http://www.presstv.ir/detail/210880.html>

⁷⁷ “Kenya deploys troops at border,” 6 October 2011, *In 2 East Africa* <http://in2eastfrica.net/kenya-deploys-troops-at-border/>

⁷⁸ “Khartoum to lead joint Sudan-Chad border force,” 5 February 2010, AFP <http://www.google.com/hostednews/afp/article/ALeqM5jmdxC0v61zuE0jH-dF3OE22B7Mhw>

⁷⁹ “Tensions on Angola-Zambia border” 7 January, 2000 *BBC* <http://news.bbc.co.uk/2/hi/africa/594753.stm>

⁸⁰ http://www.u-tt.com/pdf/090209_WorldofBarriers.pdf

⁸¹ “Bangladesh anger over India torture video,” 19 January 2012, *BBC* <http://www.bbc.co.uk/news/world-asia-india-16625104>

⁸² Human Rights Watch, “Trigger Happy: Excessive Use of Force by Indian Troops at the Bangladesh Border,” 9 December 2010, p. 5 <http://www.hrw.org/reports/2010/12/09/trigger-happy-0>

demonstrate that most illegal border crossers were killed at the back. In most cases rather than attacking border guards, they were escaping from them.⁸³ Second, shooting practices are systematic and the government does not act in order to stop shooting practices. The Indian legal system gives border guards immunity for their task. No prosecution can be conducted against border guards unless the government gives approval for investigation.⁸⁴ So far, no border guard has been imprisoned for shooting practices conducted along the border.⁸⁵

2. **The Israel-Palestine border:** Israel adopts indiscriminate killings at its Palestinian border. In 2000, an Israeli authority admitted that Israeli soldiers were given a shoot to kill order against Palestinian people.⁸⁶ However, in practice Israeli soldiers shoot Palestinians indiscriminately whenever they get near the border. Although armed militants are killed due to self-defense by border agents, many civilians have been killed by indiscriminate shootings.⁸⁷
3. **The Iran-Afghanistan border:** In Iran a shoot to kill order was issued to prevent the flows of Afghan smugglers in 2000.⁸⁸ In 2007, 5 Afghans were killed by Iranian border forces.⁸⁹ In 2008, 13 Afghan refugees were killed at the border.⁹⁰ In 2011, Iranian border forces killed 4 Afghan refugees⁹¹ and shot and wounded two people who tried to enter Iran for seasonal work.⁹²
4. **The Iran-Iraq border:** Iran adopts a shoot to kill policy against drug smugglers at its Iraqi border. The International Campaign for Human Rights reports that Iranian border

⁸³ Ibid.

⁸⁴ Ibid., pp. 7-8

⁸⁵ Ibid., p. 8

⁸⁶ "Israel admits 'shoot to kill policy'" 21 December 2000, *News 24*

<http://www.news24.com/xArchive/Archive/Israel-admits-shoot-to-kill-policy-20001221>

⁸⁷ "Two Palestinians killed at Gaza-Israeli border," 20 March 2011, *BBC* <http://www.bbc.co.uk/news/world-middle-east-12799772>

⁸⁸ "Iran issues shoot-to-kill order on Afghan bandits," 30 November 2000, *CNN*

<http://archives.cnn.com/2000/WORLD/meast/11/30/iran.drugs.reut/>

⁸⁹ Human Rights Watch "Iran : Halt Mass Deportations of Afghans," 20 June 2007, <http://www.hrw.org/news/2007/06/17/iran-halt-mass-deportation-afghans>

⁹⁰ Human Security Report "Iran kills 13 Afghan Refugees: Afghan Police," 9 April 2009

<http://www.conflictmonitor.org/countries/Afghanistan/daily-briefing/archives/briefing-details/!k/Afghanistan-conflict-monitor/2008/04/09/iranians-kill-1>

⁹¹ "Four Afghans killed by Iranian border police," 28 December 2011, *Arian News* <http://ariananews.af/regional/four-afghans-killed-by-iranian-border-police/>

⁹² "Crowds of Afghans have demonstrated against Iran in Kabul and Herat this month over what they say are Tehran's oppressive policies over their country," 24 January 2011

<http://www.middleeastwarpeace.info/2011/01/24/shooting-to-kill-on-the-iran-afghan-border/>

guards systematically shot 138 unarmed illegal border crossers between 2011 and 2012.⁹³

5. **The Saudi Arabia-Yemen border:** In order to cope with illegal flows, Saudi Arabia attempted to build a physical barrier along the border in 2003. The barrier comprised of an electric surveillance system. The constructions were halted as Yemen opposed to the erection of the barrier on the basis of Border Treaty of Jeddah.⁹⁴ In 2008 Saudi authorities restarted the construction of the barrier. They started to evacuate villages and build defense network along the border.⁹⁵ Saudi Arabia started a shoot to kill policy at its Yemeni border in 2008. Like U.S. border guards, Saudi Arabian border guards are under attack by Yemeni rebels at the border. From 2002 to 2003, 30 border guards were murdered.⁹⁶ In 2010, 133 border guards were murdered.⁹⁷ However, unlike U.S. border guards, Saudi Arabian border guards target unarmed immigrants including children. In 2008, 6 Yemeni boys were killed by Saudi border authorities. In addition, 18 Yemeni illegal immigrants were murdered by Saudi authorities and one African was shot and injured.⁹⁸ There are hundreds of children in Yemeni border villages who were exposed to shootings of Saudi authorities.⁹⁹ Yemeni villagers further note that there are many Yemeni children are disabled due to physical force by Saudi authorities.¹⁰⁰ Furthermore, 7 Somali migrants were killed by Saudi Arabian border authorities in 2009.¹⁰¹

⁹³ International Campaign for Human Rights in Iran “Callous Border Security Guns Down 70 Couriers in Iran,” 26 April 2012 <http://www.iranhumanrights.org/2012/04/kulbaran/>

⁹⁴ “Illegal Immigrants Die; Saudi Arabia Set Hurdle before Yemeni Workers,” 4 August 2008, *Yemeni Post*, <http://www.yemenpost.net/41/LocalNews/20083.htm>

⁹⁵ Robert F. Worth, “Saudi Border With Yemen Is Still Inviting for Al Qaeda,” 26 October 2010, *New York Times* <http://www.nytimes.com/2010/10/27/world/middleeast/27saudi.html>

⁹⁶ “The World’s Most Complex Borders: Saudi Arabia/Yemen,” 26 July 2005 <http://www.pbs.org/wnet/wideangle/episodes/border-jumpers/the-worlds-most-complex-borders/saudi-arabiyemen/2343/>

⁹⁷ Robert F. Worth, “Saudi Border With Yemen Is Still Inviting for Al Qaeda,” 26 October 2010, *New York Times* <http://www.nytimes.com/2010/10/27/world/middleeast/27saudi.html>

⁹⁸ “Two Yemenis are found dead from thirst in the Saudi desert,” 4 August 2008, *Yemen Times* <http://www.yementimes.com/DefaultDET.aspx?i=1178&p=local&a=1>

⁹⁹ “Yemen: Dicing with death to reach Saudi,” 6 July 2010, *Spero News* <http://www.speroforum.com/a/36104/Yemen---Dicing-with-death-to-reach-Saudi>

¹⁰⁰ Ibid.

¹⁰¹ “7 Somali migrants killed between Yemen and Saudi,” 21 November 2009, *Alshahid* <http://english.alshahid.net/archives/2601>

6. **The Turkmenistan-Uzbekistan border:** According to reports, 62 people were killed on the Turkmenistan-Uzbekistan border from 1993 to 2009.¹⁰² Shooting practices against Uzbek citizens continued in 2010.¹⁰³ Since the beginning of the shoot to kill policy, no border guard has been imprisoned.¹⁰⁴
7. **The Thailand-Cambodia border:** Thailand adopts a shoot to kill policy against unarmed Cambodian migrants. Systematic killings of Cambodian civilians by Thai border forces date back to 2008.¹⁰⁵ 10 Cambodians were killed by Thai border forces between 2010 and 2011.¹⁰⁶
8. **The Thailand-Burma border:** In Thailand a shoot to kill order was issued against drug-traffickers at its Burmese border in 1999.¹⁰⁷
9. **The Egypt-Israel border:** Egypt started a shoot to kill policy at its Israeli border against any African immigrant who attempted to reach Israeli territory in 2007.¹⁰⁸ Between 2007 and 2010, Egyptian border forces killed 85 African migrants.¹⁰⁹ Egyptian government officials publicly justify the use of force. In addition, no investigation has started after deadly incidents.¹¹⁰ In most of the reported cases, the Egyptian police resort to force against unarmed border crossers.¹¹¹ Navi Pillay, the United Nations High Commissioner for Human Rights, stated in 2010 that she knew

¹⁰² Turkmenistan border guards killed an Uzbek and wounded another 4 May 2009, *Ferghana Ru News* <http://enews.ferghananews.com/news.php?id=1156>

¹⁰³ Turkmen Border Guards Shoot Uzbek Citizen: Human Rights NGO, 13 August 2010, *Eurasia* <http://www.eurasianet.org/node/61737>

¹⁰⁴ Elnur Ataguly, "Turkmenistan border guards shoot to kill," 9 May 2009 Central Asia http://centralasiaonline.com/en_GB/articles/caii/features/2009/05/09/feature-03?change_locale=true

¹⁰⁵ "Cambodia-Thai meeting focuses on border killings," 3 March 2008, *Sokheoun News* <http://sokheounnews.wordpress.com/cambodia-thai-meeting-focuses-on-border-killings/>

¹⁰⁶ Pravit Rojanaphruk, Group alleges Thai soldiers kill Cambodian loggers, 13 April 2011, <http://www.thaivisa.com/forum/topic/460143-group-alleges-thai-soldiers-kill-cambodian-loggers/>

¹⁰⁷ "World: Asia-Pacific Thais shoot to kill," 30 July 1999, *BBC* <http://news.bbc.co.uk/2/hi/asia-pacific/408075.stm>

¹⁰⁸ "Egyptian border guards target also pregnant women and children," 31 March 2010, *RT News* <http://rt.com/news/egypt-and-israel-violate-refugee-laws-report/>
<http://www.jpost.com/MiddleEast/Article.aspx?id=172284>

¹⁰⁹ Column Lynch, "They shoot migrants, don't they?," October 8, 2010 http://turtlebay.foreignpolicy.com/posts/2010/10/08/they_shoot_migrants_dont_they

¹¹⁰ Human Rights Watch "Egypt: Guards Kill 3 Migrants on Border with Israel," 31 March 2010 <http://www.hrw.org/en/news/2010/03/31/egypt-guards-kill-3-migrants-border-israel>

¹¹¹ Human Rights Watch, "Sinai Perils: Risk to Migrants, Refugees, and Asylum Seekers in Egypt and Israel," 2008, p.3 <http://www.hrw.org/sites/default/files/reports/egypt1108webwcover.pdf>

“of no other country where so many unarmed migrants and asylum seekers appear to have been deliberately killed in this way by government forces.”¹¹²

10. The Eritrea-Ethiopia border: In Eritrea, a shoot to kill order was given against any people who try to escape from Eritrean without permission.¹¹³ Systematic killings date back to 2008.¹¹⁴ The policy is currently implemented.¹¹⁵

11. The North Korea-South Korea border: Like Eritrea, in North Korea a shoot to kill order was issued against North Korean citizens who attempt to escape to South Korea in 2009. Since then 3 North Korean citizens have been killed.¹¹⁶

12. The Syria-Turkey border: After the unrest which took place in 2010 in Syria, Syrian border authorities have started shooting practices against civilians who tried to escape from Syria. Reports indicate that in 2011 dozens of civilians were killed in their attempt to cross the Turkish side.¹¹⁷

13. The Namibia-Angola border: A shoot to kill order was issued in Namibia against anyone who crosses the border with Angola in 1994. Even though Angola’s civil war ended, the Namibian government refused to open the border and allow the passage of humanitarian aid to the Angolan side. With a shoot to kill order, 3 Namibian men were killed along the border in 1994. In 1995, one young woman was shot and wounded and 4 men were killed by the Namibian soldiers. Documents show that in 1996, 376 people were either killed or gone missing along the border.¹¹⁸

14. The Uganda-Kenya border: Uganda began a shoot to kill policy in 2007 to eliminate cattle-rustling. During an army operation along the border with Kenya, 66 children

¹¹² Ibid.

¹¹³ Amnesty International, Annual Report 2011, <http://www.amnesty.org/en/region/eritrea/report-2011>
<http://www.hrw.org/embargo/node/101784?signature=dbdd4f8f5339a23f7cd35dec247f932b&suid=6>

¹¹⁴ “Eritrean People’s Party, Department of Information and Culture: The Shoot-to-Kill Heinous Policy Brings the Death of Four Innocent Teenager Boys,” 11 February 2009 <http://www.connection-ev.de/z.php?ID=582>

¹¹⁵ Human Rights Watch, *Libya: Don't Send Eritreans Back to Risk of Torture*, 15 January 2010 <http://www.unhcr.org/refworld/docid/4d33e63c2.html>

¹¹⁶ Andrew Moran, “North Korean border guards given order of shoot-to-kill,” *Digital Journal* <http://digitaljournal.com/article/283386>

¹¹⁷ “Syrian security forces adopt shoot-on-sight policy,” 17 August 2011, *The Telegraph* <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/8707101/Syrian-security-forces-adopt-shoot-on-sight-policy.html>

¹¹⁸ “Namibia’s Shoot on Sight Policy,” Frontline Fellowship http://www.frontline.org.za/news/namibia_shootonsight.htm

were killed. In another operation conducted in the same year, the Ugandan army killed 8 Kenyan cattle rustlers.¹¹⁹

15. **The Albania borders:** In Albania a shoot to kill order was given in 1994 against illegal border crossers.¹²⁰

16. **The China-Nepal border:** Chinese border guards systematically shoot Tibetan refugees who try to cross into Nepal. The policy dates back to 1998. In 1998 Chinese border guards shot and killed a 15 year old Tibetan. In 2002, eye witnesses report that shootings at Tibetans continued. In 2003, Chinese border guards opened fired on 34 Tibetan refugees.¹²¹ In 2006, they shot 70 refugees trying to cross Nepal. 2 of them were killed.¹²² In 2007, they continued shooting practices.¹²³ No border guard has been prosecuted by Chinese authorities on the grounds that they were involved in shooting practices.

17. **The Uzbekistan-Kyrgyzstan border:** Uzbekistan adopted a shoot to kill policy at its border with Kyrgyzstan in 2010.¹²⁴ In 2011, Uzbek border agents killed 13 people illegally crossing the border. Uzbek officials do not take action to halt these practices. Furthermore, they officially accept that border guards shoot illegal border crossers at the border.¹²⁵

18. **The Greece-Albania border:** Greece adopts a shoot to kill policy at its Albanian border. Shooting practices date back to 2003. Word Organization against Torture indicates that Greek border officials murdered a number of Albanian illegal border

¹¹⁹ “Ugandan army kills 66 children,” 30 March 2007, *BBC* <http://news.bbc.co.uk/2/hi/africa/6509623.stm>
Uganda admits Kenya border deaths <http://news.bbc.co.uk/2/hi/africa/6272576.stm>

¹²⁰“ Albania: Information on a 1994 directive of the Albanian authorities that authorized the shooting of anyone attempting to cross the border illegally,” 1 May

1995, ALB20585.E, <http://www.unhcr.org/refworld/docid/3ae6abf444.html>

¹²¹ “The Death of Kelsang, Namtso,” China Rights Forum, No. 4, 2006,

<http://www.tibetmurderinthesnow.com/assets/files/ict-report-death-of-kelsang-namtso.pdf>

¹²² “Chinese guards 'killed Tibetans,” 5 October 2006, *BBC* http://news.bbc.co.uk/2/hi/south_asia/5409916.stm

¹²³ “Death on Tibetans’ long walk to freedom,” 30 October 2006, *The Guardian*
<http://www.guardian.co.uk/world/2006/oct/30/china.worlddispatch>

¹²⁴ Kyrgyz Farmer Shot On Uzbek Border 30 September 2010 Radio Free Europe
http://www.ecoi.net/local_link/147053/248173_en.html

¹²⁵ “Shooting Deaths Reportedly Rise on Uzbek-Kyrgyz Border,” 23 June 2011, *Radio Free Europe*
http://www.rferl.org/content/shooting_deaths_on_uzbek-kyrgyz_border/24244641.html

crossers at the Albanian border.¹²⁶ In 2004, Committee against Torture reported incidents involving “excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police and, in particular, border guards. Many of the victims are reportedly Albanian citizens or members of other socially disadvantaged groups.”¹²⁷ Greek Helsinki Monitor points out that border guards involved in shooting incidents are not brought into justice.¹²⁸

19. The Dominican Republic-Haiti border: The Dominican Republic adopts a shoot to kill policy at its Haiti border. Reported incidents date back to 2000. In 2000, border security forces of the Dominican Republic opened fire on a truck crossing the Haiti border and killed 6 Haitians and one citizen of the Dominican Republic. In addition, 14 people were wounded due to shootings.¹²⁹ In the same year, two people at the border were murdered by Dominican security forces.¹³⁰ In 2010, the Chief of Police noted that “the responsibility to arrest those who violate the law is secondary to the responsibility to respect life.”¹³¹

20. The Venezuela-Colombia border: In 2012, a shoot to kill order was issued in Venezuela against planes suspected of carrying illegal drugs.¹³²

21. The Zimbabwe-Mozambique border: Zimbabwean soldiers started to adopt a shoot to kill policy against Mozambican traders at the border in 2004.¹³³ Zimbabwean

¹²⁶World Organization Against Torture “Greece: Greece: severe beatings, injuries and/or killings of Albanian citizens at border areas,” 16 October 2003 <http://www.omct.org/urgent-campaigns/urgent-interventions/greece/2003/10/d16537/>

¹²⁷ Greece, CAT, A/60/44 (2004) 20 at paras. 47 Quote taken from Office of the High Commissioner for Human Rights, in cooperation with the Global Alliance Against Traffic in Women Human rights at international borders: exploring gaps in policy and practice 22-23 March 2012 http://www.ohchr.org/Documents/Issues/Migration/Events/HumanRightsatInternationalBorders_backgroundpaper2012.pdf

¹²⁸ Greek Helsinki Monitor (GHM) “Abuses Against Albanians in Greek-Albanian Border Among Prevailing Impunity in Greece and Indifference of Albanian Government.” 25 September 2003 http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghmA_25_09_03.doc

¹²⁹ Amnesty International, *Dominican Republic: Killings by security forces*, 1 August 2000, AMR 27/001/2000, available at: <http://www.unhcr.org/refworld/docid/3b83b6e7a.html>

¹³⁰ Amnesty International, *Dominican Republic: United Nations Human Rights Committee's recommendations must be implemented*, 13 June 2001, AMR 27/003/2001 <http://www.unhcr.org/refworld/docid/3c29def00.html>

¹³¹ Amnesty International, “‘Shut up If you do not want to be killed!’ Human Rights Violations by Police in the Dominican Republic” 2011 <http://www.amnesty.org/en/library/asset/AMR27/002/2011/en/6ead3e9d-0684-40ae-aa71-73c3dc5382dc/amr270022011en.pdf>

¹³²“Venezuela to adopt ‘shoot-down policy’ for suspected drug flights,” <http://www.insightcrime.org/news-briefs/venezuela-to-adopt-shoot-down-policy-for-suspected-drug-flights>

officials justify the shoot to kill policy on the grounds that shooting practices target illegal traders.¹³⁴

2.2. 3. Coding Scheme

I make a division between states which adopt a shoot to kill policy and states which do not adopt a shoot to kill policy. I code border reinforcement strategies such as fencing, militarization, joint border patrolling and push back policies as 0. I code shoot to kill policies as 1.

3.3. The Operationalization of Democracy

My hypothesis is that as the degree of democracy decreases, states become more likely to apply shoot to kill policies at their borders. Democracies are more likely to refrain from adopting shoot to kill policies as compared to other states. In the Theory section I argued that democracies have electoral regimes and elections are held in a competitive manner. Most importantly, the rule of law limits the power of policymakers and protects fundamental liberties of citizens. In a nutshell, democracy leads to the norm of non-violent conflict regulation. The rule of law guarantees that domestic political conflicts which emerge in democratic societies are regulated through non-violent instruments.

As specified in the Theory section, the norm of non-violence is the causal mechanism between democracies and shoot to kill policies. In particular, my main argument is that the norm of non-violent conflict regulation is not a separate variable; rather, it is intrinsic to full democracies and it is the causal mechanism which explains why democracies rule out shoot to kill policies. Therefore, in order to measure democracies, I devote my attention to the main characteristics of democracies which are competitive elections and the rule of law.

I use Freedom House index as it measures both democratic performance of states and the rule of law. Scores of political and civil rights are listed from 1 to 7. Indicators of political rights are listed as electoral process; political pluralism and participation; functioning of government. Free electoral process are measured by looking at free and fair elections; the existence of competitive political parties; “fair electoral laws, equal campaigning

¹³³Nedson Popiwa, “*The border moves at night!*” *Smuggling activities on the Zimbabwe-Mozambique border—the case of Penhalonga and Nyaronga communities astride the border*, M.A. Thesis submitted to the University of Zimbabwe, p. 13

¹³⁴*Ibid.*, p. 13

opportunities, fair polling, and honest tabulation of ballots.”¹³⁵ Political pluralism and participation are measured by the right to establish political parties or other political groups; the existence of considerable opposition vote, the powerful opposition, the possibility for the opposition to win elections; the absence of the intervention of the military, foreign, religious and other powers in the political decisions of people and the participation of minority groups into political process. The functioning of governing institutions is measured by looking at whether elected leaders freely determine the government agenda; whether the government functions without corruption; the accountability of the elected to the people; transparency and openness of political system.¹³⁶

Civil rights are measured by looking at freedom of expression and belief; associational and organizational rights; the rule of law; personal autonomy and individual rights; freedom of expression and belief is determined by independence of media and religious institutions, academia, private debates. Associational and organizational Rights are measured by looking at freedom of assembly, protests and public debates; freedom of political groups; freedom of trade unions, peasant groups and the like. The rule of law is determined by the existence of free judicial system; whether police is under civil control; the absence of police terror, unfair imprisonment, exile, or torture; freedom from war and rebellion; equal, lawful treatment for all. Personal autonomy and individual rights are measured by looking whether there is personal freedom; freedom for travelling, accommodation, employment; the right to acquire property, establish private business; absence of intervention of government on private business; gender equality, equality of opportunity.¹³⁷

When all these indicators exist, a country rating is given 1. When domestic politics is dominated with corruption and violence; when minorities witness discrimination and when military or foreign actors determine political decisions, a country rating is given 2.¹³⁸ When country rating is given 3, 4, 5 same conditions exist when the rating is 2. Moreover, political rights in a given state are further disrupted by military intervention, civil war, unfair elections, the dominance of one-party and the like. However, members of society can still establish political groups or other instruments to influence political process.¹³⁹ Countries with a rating of 6 suffer from military or one-party dictatorship, the dominance of religious groups or

¹³⁵ Freedom House Index <http://www.freedomhouse.org/template.cfm?page=35&year=2005>

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

autocrats. These regimes give only minimum degree of freedom to minorities. They may allow political debates and public petitions. However, political violence is rampant. When the rating is 7, almost no right exists in the country. There is a well-founded fear in the society about political participation and civil rights.¹⁴⁰ These types of regimes might be oppressive with extreme violence or violence might result due to the collapse of political authority.¹⁴¹

According to Freedom House, countries with ratings from 1.0 to 2.5 are categorized as “free” and from 3.0 to 5.0 as “partly free,” and from 5.5 to 7.0 as “not free.”¹⁴² It is noted that while there is a distinction between categories, there is also a significant distinction within these categories. Countries which are situated at the lowest end of the “free” group are different from the countries which are located at the highest end of the group. For example there is a difference between states whose political rights are coded as 3 and civil liberties are coded as 2 and states whose political and civil rights indicators are coded as 1 although they have both democratic regimes.¹⁴³

In order to provide a more comprehensive account of the dynamics of shoot to kill policies, I combine a statistical analysis with illustrative case study narratives. In these narratives, I analyze states according to their democracy scores. A detailed analysis of different kinds of states allows me to demonstrate that only in democracies, policymakers share a concern about the norm of non-violence and rule out a shoot to kill policy due to this normative concern.

3.3.1. Coding Scheme:

I look at Freedom House indicators according to the beginning year of border reinforcement strategies. If a border is reinforced with a measure other than a shoot to kill policy such as a fence, I consider the year in which the fencing starts or planned as decisive. For example, if a fencing project starts in 2003, I look at Freedom House indicators as of 2003. If a state conducts a shoot to kill policy, I look at Freedom House indicators according to the beginning year of the shoot to kill policy. A state which adopts a shoot to kill policy might have reinforced its border with other measures previously. Since I aim to explore the dynamics of shoot to kill policies, I take the beginning year of shoot to kill policies as decisive. In order to simplify measurement, I inverse the numbering system in Freedom House index. In my analysis, 7 refers to the most democratic state and 1 refers to the most undemocratic state.

¹⁴⁰ Freedom House Index <http://www.freedomhouse.org/template.cfm?page=35&year=2005>

¹⁴¹ Ibid.

¹⁴² <http://www.freedomhouse.org/report/freedom-world-2013/methodology>

¹⁴³ Freedom House Index http://www.freedomhouse.org/template.cfm?page=351&ana_page=379&year=2011

3. 4. The Operationalization of Interstate Conflict

The argument on interstate conflict maintains that when neighbors have engaged in interstate conflicts, they become more likely to adopt shoot to kill policies against their rivals' citizens at their borders. As discussed in the Theory chapter, there is a difficulty of drawing a clear-cut distinction between good and hostile diplomatic relations on an operational level. In order to facilitate measurement, I use militarized interstate conflicts as a proxy. In operationalizing interstate conflicts, I draw on the Uppsala Conflict Data Programme.¹⁴⁴ I look at whether state dyads have engaged in armed conflicts since 1975. An Armed conflict is defined as “contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year.”¹⁴⁵

As pointed out in the Theory chapter interstate conflicts differ in terms of intensity. While in issue conflicts, disputes are centered on an issue in which each side tries to persuade one another, in identity conflicts disputes are interpreted on the basis of the self and the other. The movement of the other side is interpreted as a threat to the identity of the other side. The final episode of conflict is subordination conflict in which each side sees the other side as inferior. Consequently, conflicting parties attempt to eliminate one another.

While conflicts vary in intensity, the index does not specify them. Conflicts are measured in terms of conflict parties and battle deaths. It should be born in mind that a statistical analysis which takes into consideration of this variable does not offer insight into different levels of conflicts. While this facilitates the measurement, it goes without saying that in addition to militarized conflicts, other types of non-violent interstate conflicts might offer an insight into the dynamics of shoot to kill policies. As I point out in Chapter Six, this constitutes a limitation of my research.

3.4.1. Coding Scheme:

If state parties have engaged in armed conflict with at least 25 battle deaths within the time period of 1975-2011, I code it as 1. When state parties have not engaged in an armed conflict, I code it as 0. I note that the Uppsala Conflict Data Programme evaluates the Israeli-

¹⁴⁴ Uppsala Conflict Data Programme http://www.pcr.uu.se/research/ucdp/program_overview/

¹⁴⁵ Uppsala Conflict Data Programme <http://www.pcr.uu.se/research/ucdp/definitions/>

Palestinian and the Israeli-Southern Lebanon conflicts as intra-state conflicts. I specify that I study the Israeli behavior at its borders with Palestine and Lebanon as a border reinforcement strategy. Therefore, rather than intra-state conflicts, I consider the Israeli-Palestinian and Israeli-Southern Lebanon conflicts as interstate conflicts.

3.5. The Operationalization of Criminal Law

In operationalizing criminal law, I look at whether a state practices death penalty at the time of border reinforcement. I draw on the reports of Amnesty International.¹⁴⁶

3.5.1. Coding Scheme:

Amnesty International divides states as retentionist, abolitionist for ordinary crimes, abolitionist and abolitionist in practice. Retentionist states practice death penalty. If a state is abolitionist for ordinary crimes, death penalty for ordinary crimes such as theft is abolished, but death penalty for specific crimes such as treason, terrorism, war crimes and the like is retained. If a state is abolitionist, it does not practice death penalty. Moreover, if a state is abolitionist in practice, even though it retains death penalty, it does not carry out death penalty; in general, it has a policy of abstaining from death penalty. In operationalizing criminal law, I look at whether a state practices death penalty or not. While retentionist states and states which are abolitionist for ordinary crimes practice death penalty, abolitionist states and states which are abolitionist in practice do not. Therefore, if a state is retentionist or abolitionist for ordinary crimes, I code it as 1 and if a state is abolitionist or abolitionist in practice, I code it as 0.

3. 6. The Operationalization of the Integration with Global Refugee Regime

In operationalizing the integration with the global refugee regime, I look at whether states have ratified the 1951 Refugee Convention at the time of border reinforcement.¹⁴⁷

3.6.1. Coding Scheme

If a state has ratified the Refugee Convention, I code it as 1. If a state has not ratified the Refugee Convention, I code it as 0.

¹⁴⁶Amnesty International <http://www.amnesty.org/en/death-penalty/abolitionist-and-retentionist-countries>

¹⁴⁷ The data can be found at UNHCR Refugee Agency <http://www.unhcr.org/pages/49da0e466.html>

3.7. The Operationalization of Intra-state Conflict in the Neighboring State

The argument on intra-state conflict in the neighboring state suggests that states which witness the flows of refugees and rebel groups at their borders from their neighbors suffering from intra-state conflicts are more likely to adopt shoot to kill policies as compared to other states. This hypothesis cannot be tested directly because no reliable data exists on the number of refugees and rebels crossing borders in specific years. Therefore, I test this hypothesis indirectly by looking at whether neighboring states suffer from an intra-state conflict or not. As previous literature demonstrates at times of intra-state conflict, the most likely border crossers are refugees and rebels.¹⁴⁸

In operationalizing intra-state conflict, I rely on the Intra-state Conflict Data Set provided by the Uppsala University. Intra-state conflicts refer to conflicts which take place between a government and a non-state actor with 25 battle-related deaths per year.¹⁴⁹ In contrast to interstate conflicts in which conflict parties are states, intra-state conflicts are fought between rebel groups and the state. While state parties fight with big-sized battle units like armies, rebel groups in intra-state conflicts fight with medium-sized battle units.¹⁵⁰

3.7.1. Coding Scheme

When a state reinforces its border, its neighboring state suffers from an intra-state conflict, I code it as 1. When the neighboring state does not undergo an intra-state conflict, I code it as 0.

3.8. The Operationalization of State Fragmentation

In operationalizing state fragmentation, I look at whether a state which reinforces its borders suffers from an intra-state conflict. I rely on the Intra-state Conflict Data Set provided by the Uppsala University.¹⁵¹

3.8.1. Coding Scheme:

If a state undergoes an intra-state conflict at the time of border reinforcement, I code it as 1. If a state is not embroiled in an intra-state conflict, I code it as 0.

¹⁴⁸ Salehyan, "The Externalities of Civil Strife: Refugees as a Source of International Conflict;" Alan Dowty and Gil Loescher, "Refugee Flows as Grounds for International Action," *International Security*; Barry Posen, "Military Responses to Refugee Disasters."

¹⁴⁹ The Uppsala Conflict Data Programme http://www.pcr.uu.se/research/ucdp/definitions/#incompatibility_2

¹⁵⁰ Ibid.

¹⁵¹ The Uppsala Conflict Data Programme http://www.pcr.uu.se/research/ucdp/definitions/#incompatibility_2

3.9. The Operationalization of State Capacity

In operationalizing state capacity, I draw on the data provided by the United Nations. I look at the Gross Domestic Product (GDP) per capita at current prices (US dollars).¹⁵² GDP per capita is “gross domestic product divided by midyear population.” GDP is “the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products.”¹⁵³ If the data on GDP per capita is not available for the most recent years, the score from the most recent previous year is used.

3.9.1. Coding Scheme

I do not provide a coding scheme for economic capacity variable as this variable is continuous.

3.10. The Methodology of the Research

In order to test my argument, I need to demonstrate that democracies are more likely to refrain from shoot to kill policies as compared to other states. In other words, I need to show that as the level of democracy decreases, states become more inclined adopt shoot to kill policies. In addition, I need to demonstrate that policymakers in democracies show concern for the norm of non-violence. In order to provide a robust measurement, I combine a statistical analysis with illustrative case narratives. In the quantitative analysis, I show whether there is a consistency in the behavior of democracies in regards to shoot to kill policies. In illustrative case study narratives, I show processes between the norm of non-violence and a shoot to kill policy. In this section I give rationale to methods I choose. I discuss advantages and disadvantages of each of them. I specify how I conduct them. In the last part, I give information on how I select cases and elaborate on data collection.

3.10.1. Statistical Analysis

The causal inference of my argument has implications for all borders which have been reinforced after 1990s. Therefore, I conduct a statistical analysis to “say something about the

¹⁵²UN DATA

<http://data.un.org/Data.aspx?d=SNAAMA&f=grID%3A101%3BcurrID%3AUSD%3BpcFlag%3A1#SNAAMA>

¹⁵³ The World Bank <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD/countries>

larger population pattern.”¹⁵⁴ Since my argument posits that democracies are more likely to refrain from a shoot to kill policy as compared to other state types, my analysis should take into consideration states with different levels of democracy. Simply speaking, relying only on a case study analysis would not be sufficient to test my argument. Suffice it to note that if the majority of democracies adopt shoot to kill policies at their borders, it would cast doubt on my argument. Needless to say, if undemocratic states refrain from shoot to kill policies like undemocratic states, my argument would be weakened.

Furthermore, in addition to my argument there are six alternative arguments. Testing all these arguments with a few cases would not produce satisfactory findings. In this sense, a large N-analysis solves “many variables, small N” problem.¹⁵⁵ This type of analysis maximizes confidence in testing hypotheses.¹⁵⁶ It can “provide the degrees of freedom necessary to handle many variables and complex relationships.”¹⁵⁷

Since my dependent variable is dichotomous, I run a logistic regression analysis which is suitable for dummy dependent variables. A logistics regression analysis shows whether and how much a one unit change in the democracy score makes states more inclined towards a shoot to kill policy. In other words, it measures the change in democracy scores step-by-step. In addition, by employing a logistic regression analysis, I can also compare the likelihood of shoot to kill policy in the most democratic and in the least democratic states. This enables me to show the full impact of the democracy variable on the dependent variable.

However, a quantitative analysis has some pitfalls. This type of analysis cannot specify processes between variables. That is to say, a quantitative analysis cannot demonstrate why and in which settings certain variables have an impact on the dependent variable. In particular, a quantitative analysis shows whether democracies are more inclined to refrain from shoot to kill policies, but it cannot specify why they rule out a shoot to kill policy as an option. In a nutshell, my argument posits that the norm of non-violent conflict regulation is the causal mechanism between democracies and shoot to kill policies. In order to reveal the process in between, I need to conduct a different type of analysis.

¹⁵⁴ James Mahoney, “Toward a Unified Theory of Causality,” *Comparative Political Studies*, Vol. 41, No. 4/5 (April, 2008), p. 413

¹⁵⁵ Michael Coppedge, “Theory Building and Hypothesis Testing: Large-vs.Small-N Research on Democratization,” Paper prepared for presentation at the Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, April 25-27, 2002, p. 14

¹⁵⁶ Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994), p. 24.

¹⁵⁷ Coppedge, “Theory Building and Hypothesis Testing,” p. 14

3.10. 2. Illustrative Case Study Narratives

I use illustrative case study narratives to single out the process by which policymakers in democratic states rule out a shoot to kill policy as an option. As indicated previously, a statistical analysis shows the causal effects of variables, but it falls short of laying out the causal process. More precisely, showing that democracies are more likely to refrain from shoot to kill policies compared to undemocratic states is not sufficient. I need to show that policymakers in democracies refrain from shoot to kill policies at borders due to an obligation brought by the norm of non-violence.

According to my argument, I expect to find that in democratic states policymakers share a concern for the norm of non-violence when they are interested in reinforcing their borders. In order to test this argument, I need to compare states with different levels of democracy and look whether policymakers in these states share a concern for the norm of non-violence. If policymakers in democratic states do not share a concern in regards to the norm of non-violence, my argument should be reconsidered. If policymakers in states which occupy the low end of the democratic spectrum and undemocratic states are concerned for the norm of non-violence when they decide to reinforce their borders, it would be weakening for my argument.

Last but not least, case studies are suitable in generating new theoretical propositions. While in a statistical analysis, the researcher is bound by certain hypotheses, a case study analysis might provide new insights into theoretical arguments.¹⁵⁸ In other words, illustrative case study narratives might reveal new variables which have an impact on the dynamics of shoot to kill policies.

3.10.2.1. Case Selection

I first select cases on the variation on the independent variable. In other words, I select countries according to their degree of democracy. As indicated before, in Freedom House index, states which have scores from 7 to 5,5 are considered as “free.”¹⁵⁹ I consider states which have scores from 7 to 5,5 as democratic regimes. By looking at Freedom House index, I determine that 7 refers to the most democratic state. States with a score of 5,5 have

¹⁵⁸ George and Bennet, *Case Studies and Theory Development in the Social Sciences*, p.7

¹⁵⁹ As I noted I inverted the numbering system in order to facilitate measurement for statistical analysis.

democratic regimes, but located at the lowest end of the democratic spectrum. According to Freedom House index, states which have scores ranging from 2,5 to 1 are considered as “not free.” I consider these states as undemocratic states.

The U.S. reinforced its border with Mexico through fencing in 1994. As of 1994, the U.S. has highest score in Freedom House index. Therefore, I consider the U.S. as the most democratic state. India started a shoot to kill policy at its Bangladesh border in 2002. According to Freedom House index as of 2002, India occupies the lowest end of the democratic spectrum. Turkmenistan started a shoot to kill policy at its Uzbekistan border as of 1993. According to Freedom House index, its score as of 1993 is 1. 1 refers to the most undemocratic state. Although Turkmenistan does not rely on physical violence, it places high restrictions on freedom of speech and press, freedom of assembly, freedom of association, freedom of movement and the like.¹⁶⁰ It limits freedoms in all aspects of political, social and economic life. For example, Turkmenistan employs forced displacement as a method of non-violent repression. Forced relocation is legalized in Turkmenistan as a method of punishment.¹⁶¹

For example, many ministers and government officials are taken away from their position and sent to exile where they face house detention.¹⁶² Like regime opponents, ethnic minorities also witness forced dislocation. Forced displacement for ethnic communities is used in order to create a homogenous Turkmen society. Furthermore, this policy is legitimized under “Turkmenification” of non-ethnic Turkmen.¹⁶³ It could be argued that with this policy the state aims to assimilate non-ethnic Turkmen rather than allowing them to maintain their own identity. In addition to forced displacement, Turkmenistan prevents people from moving freely. It prevents certain citizens from leaving the country and the entry of representatives of human rights organizations.¹⁶⁴ All in all, a report from Human Rights Watch indicates Turkmenistan as “one of the world’s most repressive countries.”¹⁶⁵

¹⁶⁰ The US State Department, Country Reports on Human Rights Practices for 2011, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186479#wrapper>

¹⁶¹ “Turkmenistan: government uses forced displacement as tool of repression,” 18 October 2005 Global IDP Project, [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/445B7E4296658EC1802570B5004D2925/\\$file/Turkmenistan_summary.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/445B7E4296658EC1802570B5004D2925/$file/Turkmenistan_summary.pdf), p.1

¹⁶² Ibid., p.2

¹⁶³ Turkmenistan: government uses forced displacement as tool of repression, Global IDP Project, 18 October 2005 [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/445B7E4296658EC1802570B5004D2925/\\$file/Turkmenistan_summary.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/445B7E4296658EC1802570B5004D2925/$file/Turkmenistan_summary.pdf), p.4

¹⁶⁴ United States Mission to the OSCE prepared for delivery by Kathleen Newland, OSCE Human Dimension Implementation Meeting Thursday, 29 September 2011

Egypt started a shoot to kill policy at its Israeli border as of 2007. According to Freedom House Index, its score as of 2007 is 2,5. It is considered under the category of “not-free.” Therefore, I consider Egypt as an undemocratic state. In contrast to Turkmenistan which is characterized by stability, Egypt suffers from instability and violence.¹⁶⁶ The Uppsala University Conflict Database reports that in 2005 peaceful demonstrations were handled in a violent manner and resulted in the deaths of 36 people.¹⁶⁷

After I select cases on the variation on the independent variable, I select cases which seem to contradict my theory. The variation on both dependent and independent variables is preferable for the research. However, if these variations are chosen to fit the hypothesis, then results are biased.¹⁶⁸ For example, a critic might argue that I choose a democratic state which refrains from a shoot to kill policy and an undemocratic state which adopts a shoot to kill policy. In order to prevent a research bias, I study a democratic state which adopts a shoot to kill policy and an undemocratic state which does not adopt a shoot to kill policy.

Israel started adopting a shoot to kill policy at its Palestinian border in 2000. According to Freedom House index as of 2000, the score of Israel is 6. According to my argument, I expect democracies to refrain from a shoot to kill policy. The Israeli border behavior at its Palestinian border runs counter to my argument. The Pakistan-Afghanistan border is also an unexpected case for my argument. According to Freedom House index, Pakistan is evaluated as “not free.”¹⁶⁹ Pakistan reinforced its border with Afghanistan in 2007. Its rating as of 2007 is 2,5. My theory expects Pakistan to be inclined towards a shoot to kill policy. Surprisingly, Pakistan opted for other methods for border reinforcement. By studying outliers, I make a hard test for my theory and attempt to enrich findings of my study.

http://photos.state.gov/libraries/osce/242783/hdim2011/SEP_29_11_HDIMSession6_Freedom%20of%20MovementI.pdf

¹⁶⁵ Human Rights Watch World Report 2012 <http://www.hrw.org/world-report-2012/world-report-2012-turkmenistan>

¹⁶⁶ According to Political Terror Scale, Egypt is rated 4. Rating 4 refers to large scale human rights violations. Political Terror Scale

<http://www.politicalterroryscale.org/countries.php?region=Africa&country=Egypt&year=2007>

The Uppsala University Conflict Database reports that in 2005 peaceful demonstrations were handled in a violent manner and resulted in the deaths of 36 people. Uppsala Conflict Data Programme

http://www.ucdp.uu.se/gpdata/gpcountry.php?id=50®ionSelect=10-Middle_East#

¹⁶⁷ Uppsala Conflict Data Programme

http://www.ucdp.uu.se/gpdata/gpcountry.php?id=50®ionSelect=10-Middle_East#

¹⁶⁸ Gary, et al. Designing Social Inquiry, p. 142

¹⁶⁹ Freedom House Index <http://www.freedomhouse.org/report/freedom-world/2007/pakistan>

3.10.2.2. Data Analysis

In illustrative case study analysis, I look at official statements and reports on border reinforcement strategies. I look at which line of reasoning policymakers follow in reinforcing their borders. I ask which proposals policymakers make for protection of their borders and how they justify their current strategies. Then I look at normative concern held by policymakers. In other words, in democracies policymakers should be concerned for adopting a shoot to kill policy and this concern should be guided by their non-violent identity. In specific terms, in democracies, I need to map out a concern for adopting shoot to kill policies by policymakers on the grounds that shoot to kill policies are not legitimate forms of border behavior as they are not in line with non-violent identity of their states. This normative concern should also apply when policymakers justify their border reinforcement strategies.

In all states, there is a sharp division between liberal/ democratic and nationalist or right-wing parties in terms of immigration and border reinforcement strategies. While policymakers from a liberal/democratic tradition follow more integrationist policies, policymakers from nationalist or right-wing parties take a hard line on immigration and support more exclusionary practices. If the norm of non-violence creates an obligation on policymakers in democracies, it should also apply to policymakers from right-wing parties. If they support shoot to kill policy at borders, it would weaken my argument. In particular, if only policymakers from a liberal/democratic tradition identify themselves with the norm of non-violence and policymakers from right-wing parties support a shoot to kill policy, then it becomes more reasonable to suggest that there is not a common understanding among policymakers in regards to the norm of non-violence and policymakers from liberal/ democratic parties emphasize the norm of non-violence due to their belonging to particular political positions.

The length of cases could differ depending on the availability of data. While it is possible to find official statements of policymakers from different political traditions in democratic states; in undemocratic states, statements are mostly limited to the statements of presidents or some officials from ministers. As different opinions are suppressed, it is not possible to find a wide range of proposals in regards to border reinforcement strategies. Instead, most statements are made in order to justify official border reinforcement strategies. Still, statements in undemocratic states cast light on whether policymakers show concern for the norm of non-violence.

When I present official statements and reports, I look at proposals and justifications. Proposals are made before or after a border reinforcement strategy is operationalized. For example, before a state fences its border, policymakers might recommend a variety of strategies. Some policymakers might also propose different strategies after fencing is completed such as militarization, cross-border operations and the like. On the other hand, justification of a border reinforcement strategy comes after a specific strategy is put into practice. For example, policymakers might justify fencing the border by referring to normative concern or national interests.

In order to understand whether policymakers do take the norm of non-violence into consideration, I analyze official statements and reports with respect to proposals and normative concern. I first look at what kinds of proposals were made. Then I look at whether policymakers share normative concern in making proposals and justifications. I define normative concern as normative guidelines that inform policymakers about their identity. Normative concerns throw light on whether policymakers share a concern for the norm of non-violence. Do policymakers rule out a shoot to kill policy or support any other border reinforcement strategy by identifying themselves with the norm of non-violence? Do they justify their current strategies on the grounds that it is compatible with the norm of non-violence? After the analysis, I summarize the findings in tables.

I expect to find that policymakers in democracies feel an obligation to respect the norm of non-violence when they propose and/or justify their border reinforcement strategies and that policymakers in other states do not show such concern. In other words, policymakers in democracies should rule out a shoot to kill policy as a policy option and propose other strategies and justify their current strategies by identifying themselves with non-violent, democratic character of their states. On the other hand, policymakers in other states should not emphasize the norm of non-violence by identifying themselves with non-violent, democratic character of their states.

3.10.2.3. Data Collection

In conducting illustrative case study narratives, I heavily rely on secondary source materials. These materials include books and articles on border reinforcement strategies of particular states, official documents and media reports. I select articles and books written on specific border reinforcement strategies. For example, if a state chooses fencing as its strategy, I look at articles and books written specifically on this specific fencing project. For example, they

might examine how this strategy came into being, its impacts and the like. They mostly reveal insights into the context within which borders are reinforced. In articles and books, I look at discussions of policymakers and their statements on border strategies. Some authors of articles and books make interviews with policymakers. Interviews of this kind also offer insight into whether policymakers share a concern for the norm of non-violence. Official reports might be written for parliaments, sub-committees of parliaments, Congress, the Ministry of Foreign Affairs and the like. Media reports include local and international newspapers, magazines. I browse government documents and media reports by statements of policymakers.

3.11. Conclusion

In this chapter I operationalized all variables discussed in the Theory chapter. I first defined shoot to kill policies. I argued that shoot to kill policies are official strategies of states. There are two types of shoot to kill policies. The first type of shoot to kill policy starts at the local level. Border agents apply indiscriminate shooting practices against illegal border crossers. In light of inaction by state authorities, shooting practices become an official state policy. On the other hand, in the second type of shoot to kill policy, high-level officials give a shoot to kill order and border agents obey this order by applying shooting practices at borders. Then I operationalized the independent variables discussed in the Theory chapter: democracy, interstate conflict, death penalty, Refugee Convention, intra-state conflict in the neighboring state, state fragmentation and economic capacity. I explained how I measure them and specified their coding schemes.

I elaborated on how I test my argument. I gave a rationale to why I combine a statistical analysis with illustrative case study narratives. I pointed out that while statistical analysis are adequate in determining causal impacts of independent variables on the dependent variable, illustrative case study narratives reveal how these variables have an impact on the dependent variable. Then I clarified on which grounds I select cases, how I conduct data analysis and collect data for my research.

CHAPTER FOUR

THE STATISTICAL CHAPTER

4.1. Introduction

In this chapter I test whether the variables discussed in the Theory chapter have causal powers in explaining the dynamics of shoot to kill policies at borders employing a statistical analysis. Before moving to a statistical analysis, I provide an introduction to the data referring to the Appendix section. The Appendix section presents the variables in tables. Included variables are democracy, interstate conflict, death penalty, Refugee Convention, intra-state conflict in the neighboring state, state fragmentation and economic capacity. In each table the independent variable data is presented together with the type of border reinforcement strategy data. Each table lists the year in which the border reinforcement strategy began. Border reinforcement strategies are divided into 2 groups. The first group consists of cases in which no shoot to kill policy is observed. The second group refers to cases of a shoot to kill policy. The dataset consists of 91 cases. Among those 91 cases, there are 70 cases in which a shoot to kill policy is absent and 21 cases in which a shoot to kill policy is observed.

Firstly, I provide a preliminary data analysis through descriptive statistics. This enables me to compare the general characteristics of variables for two groups: cases in which no shoot to kill policy is observed and for cases of a shoot to kill policy. I report the most repeated scores of variables for these groups and display them in the graph. As the economic capacity variable is continuous, I report the mean of this variable. I discuss whether the findings of the descriptive statistics are compatible or at odds with the expected outcomes discussed in the Theory chapter. If a variable shows a variation among two groups like the argument expects, I argue that findings are in line with the argument. If, on the other hand, two groups have the same characteristics, they counter the arguments. I state that the descriptive statistics only map out and compare the general tendencies of variables for each group. It is not sufficient to refute theoretical arguments. In other words, it can neither describe correlation nor causal relationship between variables. In the following section I conduct a logistical regression analysis. This kind of analysis enables to me to test the causal relationship between independent variables and the dependent variable. After I report the results, I evaluate them and discuss their implications on my study.

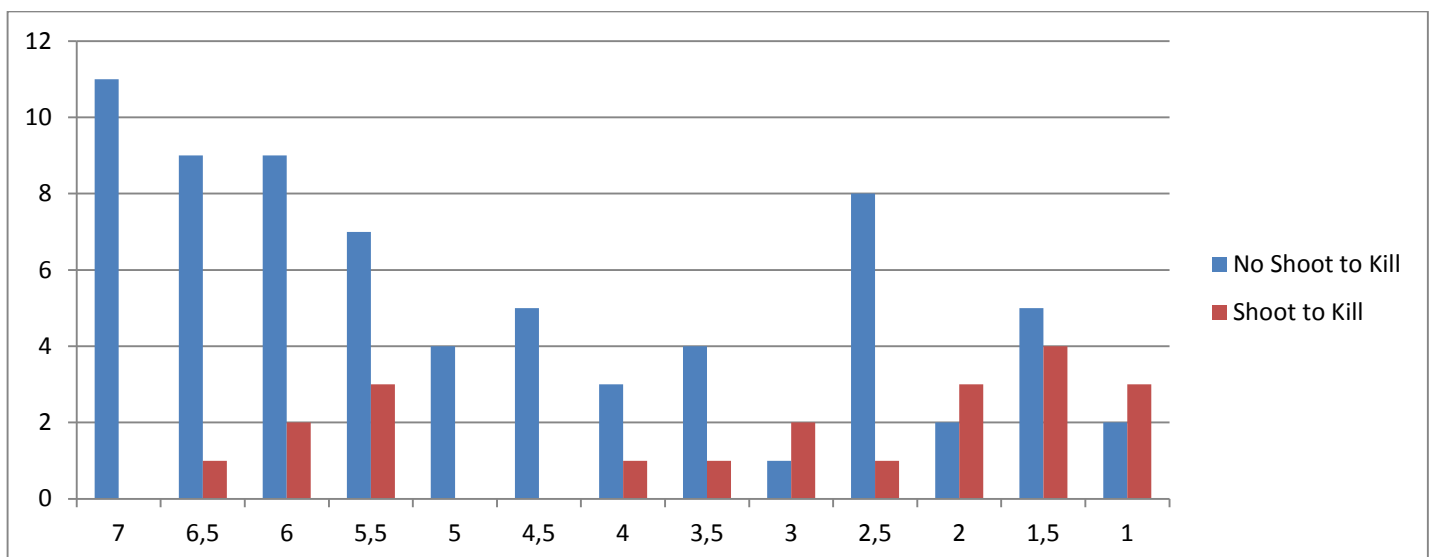
4.2. Descriptive Statistics

4.2.1. Democracy

Table 1, in the Appendix section, presents countries in terms democracy scores. As I stated in the Methodology chapter, I reversed the numbering system in order to facilitate measurement. This variable indicates an order from 7 to 1. While 7 represents the highest score in democracy, 1 represents the lowest democracy score.

The argument on democracy predicts that democracies are less likely to adopt shoot to kill policies at their borders as compared to other states. As seen from Figure 4.1 the most repeated democracy score for countries in which a shoot to kill policy is observed is 1,5 and the most repeated democracy score for countries in which no shoot to kill policy is observed is 7. In line with the argument while the majority of countries which adopt a shoot to kill policy have a low democracy score, the majority of countries which refrain from a shoot to kill policy have the highest democracy score. However, upon closer analysis, democratic countries also adopt shoot to kill policies. In particular, there are also a significant number of countries which occupy the low end of the democratic spectrum (score 5,5) and adopt a shoot to kill policy. The implications of this will be explored in more detail.

Figure 4.1. Democracy Strength and Shoot to Kill Policies

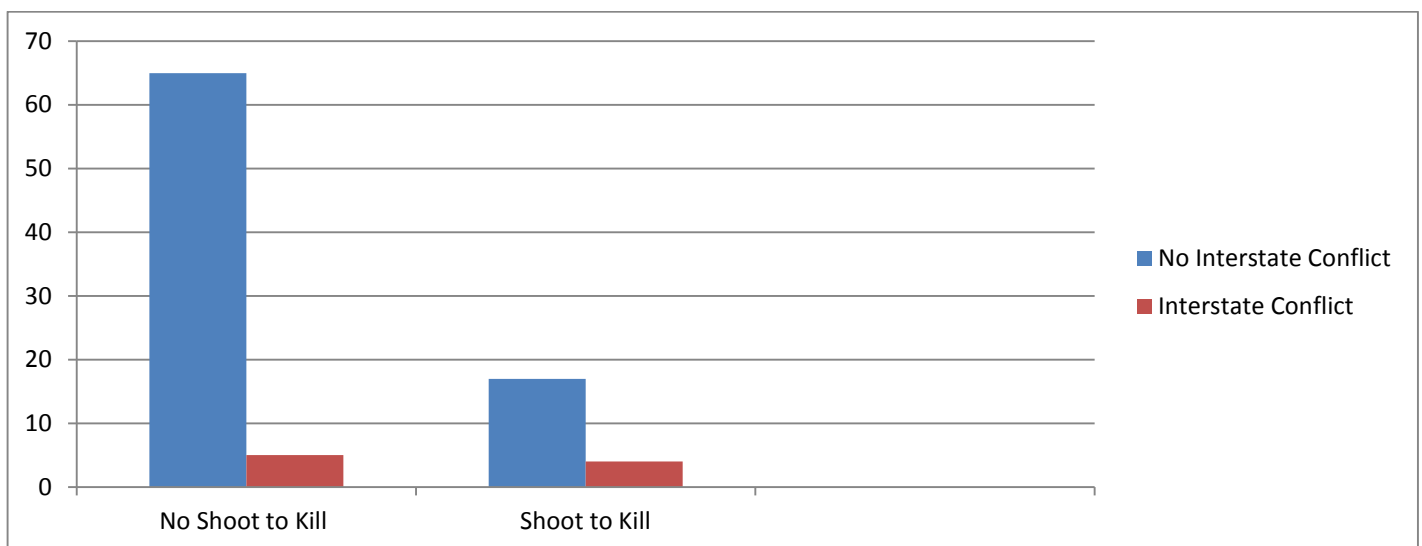


4.2.2. Interstate Conflict

Table 2, in the Appendix section, presents countries in terms of interstate conflicts. The table displays the conflict period. This variable is a categorical variable. Countries are grouped into whether they have engaged in interstate conflict or not over the past 25 years. 0 refers to the absence of violent conflict among states and 1 refers to neighboring states that have been engaged in violent conflict.

The argument on interstate conflict predicts that the majority of countries which adopt shoot to kill policies have engaged in interstate conflicts and the majority of countries which refrain from shoot to kill policies have not embroiled in interstate conflicts with their neighbors. As Figure 4.2 reveals, the findings run counter to the expectations of the argument. The majority of countries in both groups have not experienced violent conflict with their neighboring states. In addition, in each group the number of countries which have experienced interstate conflict is surprisingly low. On the surface, these findings seem to contradict the expectations of the argument on interstate conflict.

Figure 4.2. Interstate Conflict and Shoot to Kill Policies

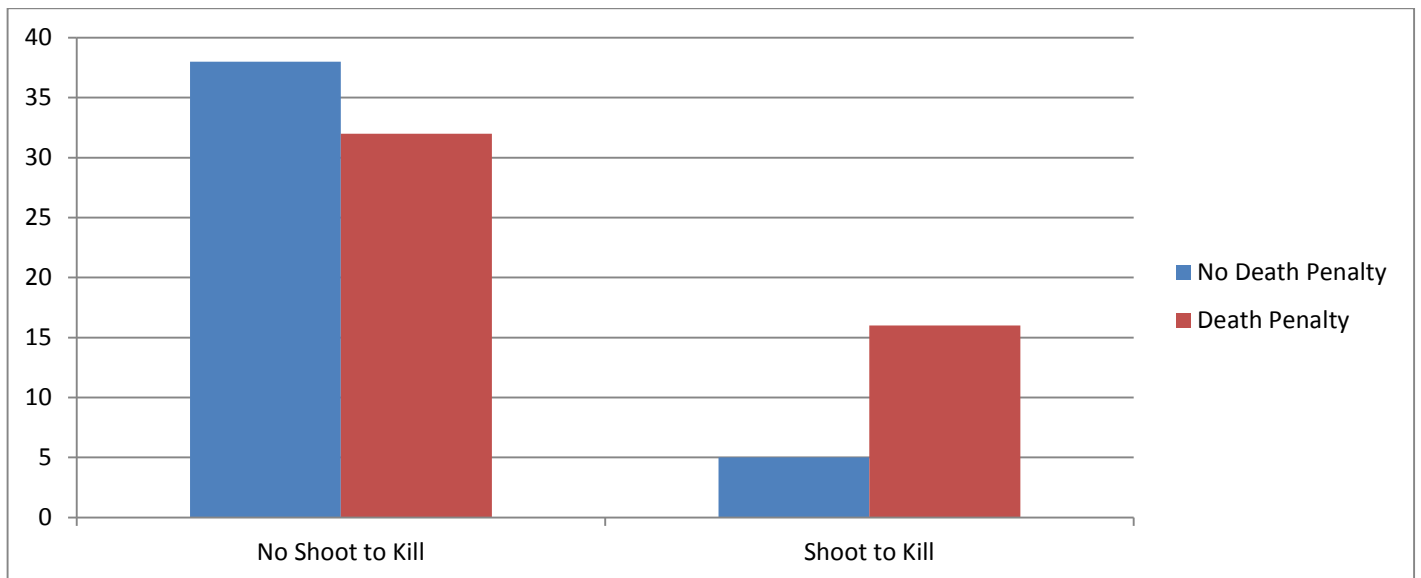


4.2.3. Death Penalty

Table 3, in the Appendix section, provides information on the application of the death penalty in states which reinforce their borders. Table 3 shows the criminal law of states at the time of border reinforcement. States are grouped into whether they practice the death penalty or not. 0 refers to the absence of death penalty and 1 refers to the application of the death penalty. Table 3 also specifies whether a country is retentionist, abolitionist, abolitionist in practice and abolitionist for ordinary crimes. As mentioned in the Methodology section, if a country is retentionist and abolitionist for ordinary crimes, it is coded as 1. On the other hand, if a country is abolitionist, abolitionist in practice, it is coded as 0.

The argument on criminal law predicts that countries which use the death penalty are more likely to adopt shoot to kill policies as compared to countries which do not use the death penalty. Figure 4.3 shows that the majority of countries which do not practice a shoot to kill policy do not use the death penalty. On the contrary, the majority of countries which adopt shoot to kill policies practice the death penalty. The findings are in line with the argument on criminal law.

Figure 4.3. Death Penalty and Shoot to Kill Policies

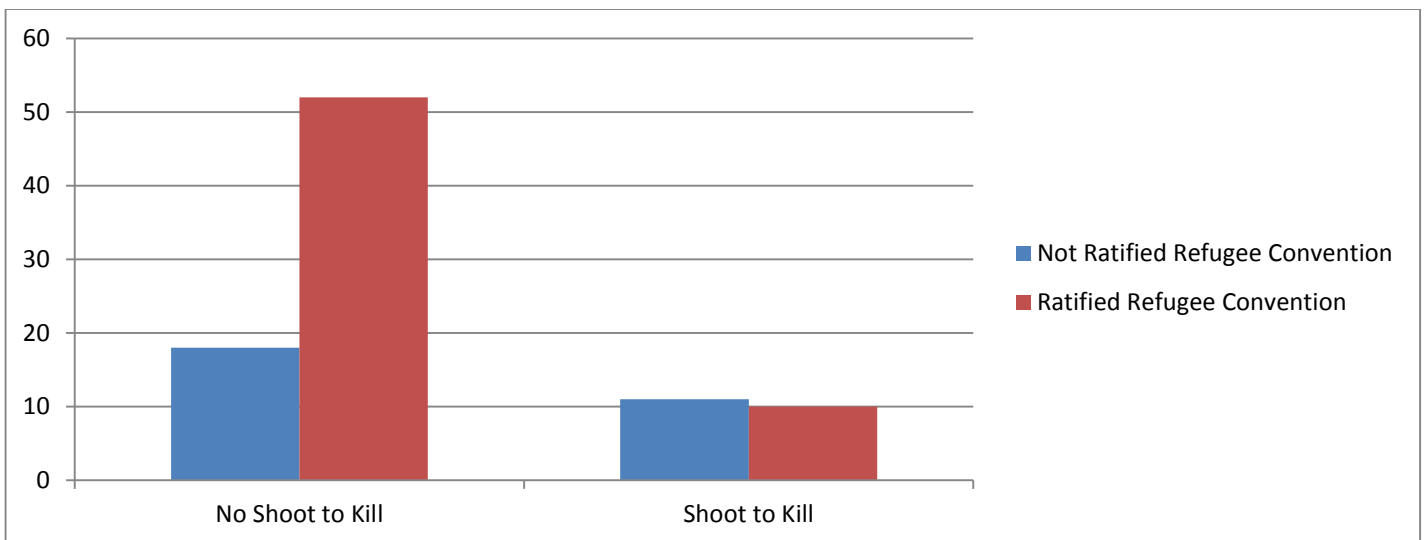


4.2.4. Refugee Convention

Table 7, in the Appendix section, shows the countries as whether or not they have ratified the Refugee Convention. It also shows the year in which the countries have ratified the Refugee Convention.

The argument on the integration with the global refugee regime predicts that states which have ratified the Refugee Convention are more likely to refrain from a shoot to kill policy as compared to states which have not ratified the Refugee Convention. As Figure 4.4 shows the majority of countries which refrain from a shoot to kill policy have ratified the Refugee Convention. Quite the contrary, the majority of countries which adopt a shoot to kill policy have not ratified the Refugee Convention. The findings are in line with the argument on the integration with the global refugee regime. Furthermore, in the first group the number of countries which have ratified the Refugee Convention exceeds the number of countries which have not ratified the Refugee Convention. In sharp contrast, in the second group the number of countries which have ratified the Refugee Convention and the number of countries which have not ratified the Refugee Convention are almost the same.

Figure 4.4. Refugee Convention and Shoot to Kill Policies

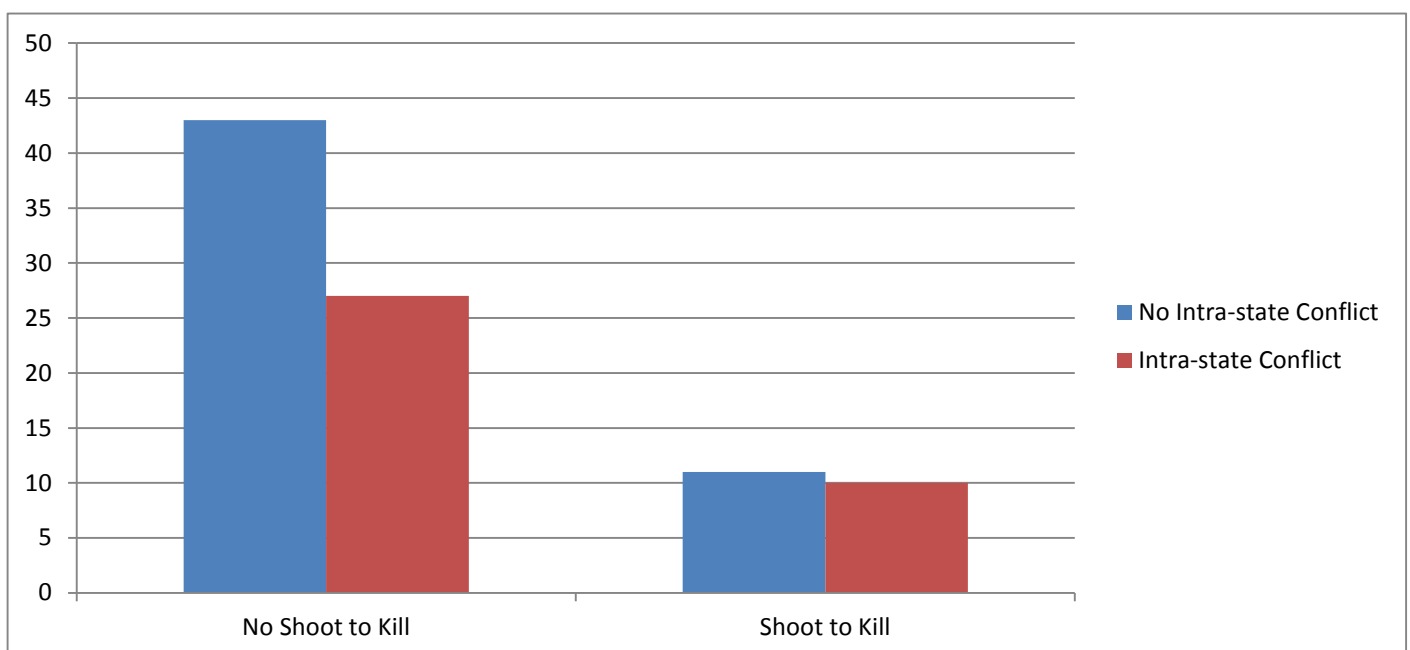


4.2.5. Intra-state Conflict in the Neighboring State

Table 5, in the Appendix section, presents the data on intra-state conflict in the neighboring state. It gives information about conflicting states. It specifies which armed groups are responsible for which intra-state conflict in a given state. In addition, the table also shows whether the intra-state conflict was terminated and when it was terminated. 0 refers to the absence of intra-state conflict in the neighboring country. 1 refers to whether the neighboring state is embroiled in an intra-state conflict within its territory.

The argument on intra-state conflict in the neighboring state predicts that states which have neighbors suffering from intra-state conflicts are more likely to adopt shoot to kill policies at their borders as compared to states which do not have neighbors embroiled in intra-state conflicts. Figure 4.5 shows that the majority of countries which do not adopt a shoot to kill policy do not have a neighbor embroiled in an intra-state conflict. Similarly, the majority of countries which adopt a shoot to kill policy do not have a neighbor embroiled in an intra-state conflict. In contrast to the argument on intra-state conflict in the neighboring state, the majority of countries in both groups do not have a neighboring state suffering from an intra-state conflict. However, it should be specified that among countries which adopt a shoot to kill policy, there is a significant number of countries which have a neighbor suffering from an intra-state conflict within its territory.

Figure 4.5. Intra-state Conflict in the Neighboring State and Shoot to Kill Policies

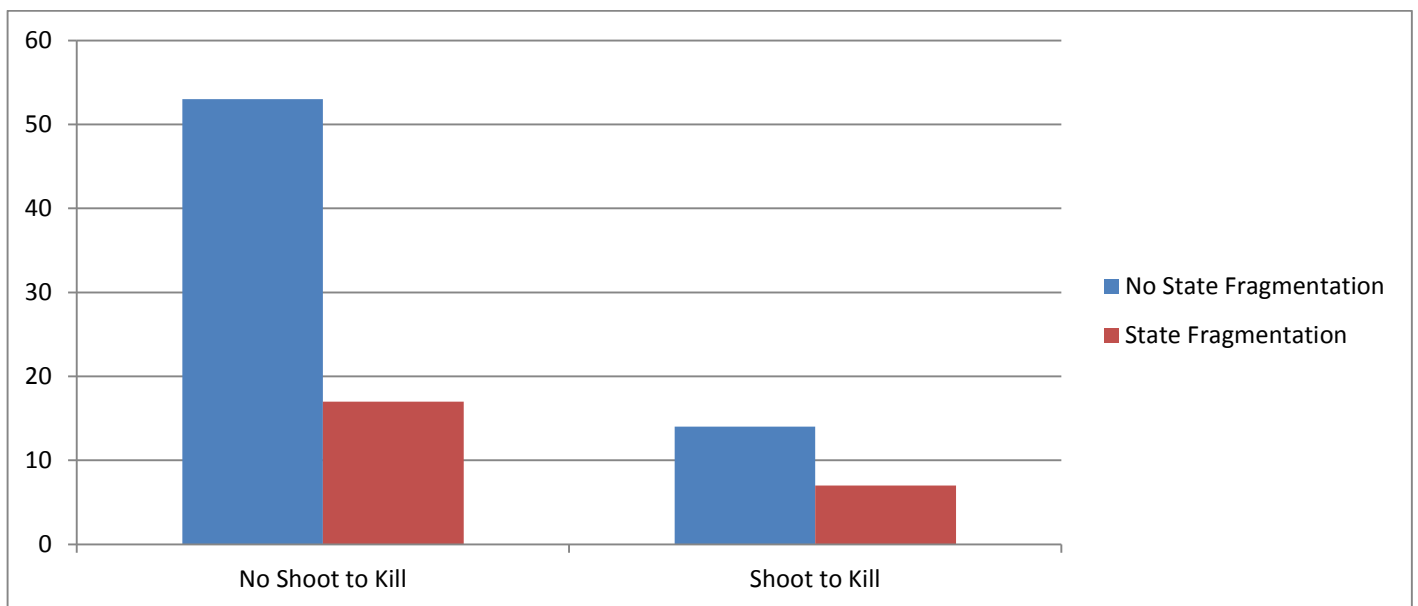


4.2.6. State Fragmentation

Table 6 in the Appendix section shows whether states which reinforce their borders suffer from intra-state conflicts within their territories. The table also shows the conflicting countries and the conflict period. 0 refers to the absence of an intra-state conflict and 1 refers to the presence of an intra-state conflict.

The argument on state fragmentation predicts that states which are embroiled in intra-state conflicts within their territories are more likely to adopt shoot to kill policies as compared to states which do not suffer from intra-state conflicts. Figure 4.6 shows that the majority of countries which refrain from a shoot to kill policy and the majority of countries which adopt a shoot to kill policy are not embroiled in intra-state conflicts within their territories. The findings do not fit the expectations of the argument on state fragmentation.

Figure 4.6. State Fragmentation and Shoot to Kill Policies

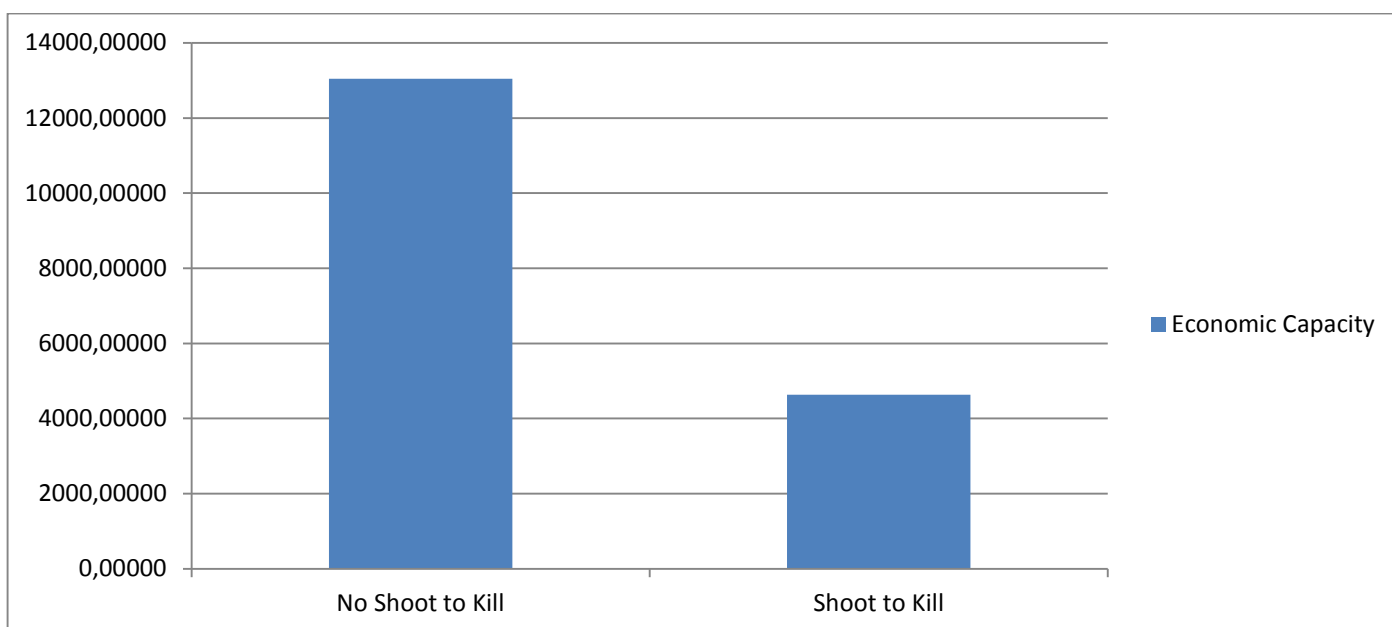


4.2.7. Economic Capacity

Table 6, in the Appendix section, shows the economic capacities of states. The table shows Gross Domestic Product at current prices (USD). This variable is a continuous variable. Therefore, rather than showing the most repeated value, I compare the mean of this variable for both groups.

The argument on state capacity predicts that states with low economic capacity are more likely to adopt shoot to kill policies compared to advanced economies. As Figure 4.7 shows the mean of economic capacity variable for the first group in which no shoot to kill policy is observed is higher than \$1.200.000.000. In sharp contrast, the mean of economic capacity variable for the second group in which a shoot to kill policy is observed ranges between 400.000.000\$ and 500.000.000\$. While countries which refrain from a shoot to kill policy are characterized by high economic capacity, countries which adopt a shoot to kill policy are characterized by low economic capacity. The findings for this variable are in line with the predictions of the argument on state capacity.

Figure 4.7. Economic Capacity and Shoot to Kill Policies



4.2.8. The Evaluation of the Descriptive Statistics

In conclusion, the descriptive statistics map out the general characteristics of variables for cases in which a shoot to kill policy is absent and for cases of a shoot to kill policy. As the findings show there is a large difference between cases in which a shoot to kill policy is absent and cases of a shoot to kill policy in terms of the democracy variable. While the majority of countries in which no shoot to kill policy is observed have the highest democracy score; in sharp contrast, the majority of countries which adopt a shoot to kill policy are undemocratic. This is a sharp difference which indicates that the argument for democracy is compatible with the findings. However, it should be noted that there are also a significant number of countries which

adopt a shoot to kill policy and occupy the low end of the democratic spectrum. These findings require further examination.

In sharp contrast to the democracy variable, the findings for the interstate conflict variable seem incompatible with the expectation of the argument for interstate conflict. Unlike the prediction of the argument on interstate conflict, the majority of countries in both groups have not engaged in violent conflicts with their neighbors over the past 25 years. On the contrary, the findings for the death penalty variable indicate strong support for the argument for criminal law. While the majority of countries which refrain from a shoot to kill policy do not use the death penalty, the majority of countries which adopt a shoot to kill policy use the death penalty.

In support of the argument on the integration with the global refugee regime, the majority of countries which refrain from a shoot to kill policy have ratified the Refugee Convention and the majority of countries which adopt a shoot to kill policy have not ratified the Refugee Convention. However, the second group does not show much difference. Among countries which adopt shoot to kill policy, there are also a considerable number of countries which have ratified the Refugee Convention.

The intra-state conflict variable in the neighboring state does not indicate a strong support for the argument on intra-state conflict. In contrast to the prediction of the argument, the majority of countries in both groups do not have a neighbor suffering from an intra-state conflict. However, among countries which adopt a shoot to kill policy, there are also a significant number of countries which have a neighbor suffering from an intra-state conflict. Similarly, the findings for the state fragmentation variable seem at odds with the argument. In sharp contrast to the argument on state fragmentation, the findings reveal that the majority of countries in both groups are not fragmented. Last but not least, the economic capacity variable is in line with the prediction of the argument on state capacity. While countries which do not adopt a shoot to kill policy are characterized by high economic capacity, countries which do adopt a shoot to kill policy are characterized by low economic capacity.

As the preliminary data analysis reveals, democracy, death penalty and economic capacity variables show differences in both groups like the arguments discussed in the Theory chapter predict. In tune with the argument on democracy, the majority of cases which do not adopt a shoot to kill policy are characterized by the highest democracy score and the majority of cases which adopt a shoot to kill policy have a low democracy score. In support of the argument on criminal law, the majority of cases which do not adopt a shoot to kill policy do not practice the death penalty and the majority of cases which adopt a shoot to kill policy use the death penalty. As the argument on state capacity predicts the majority of countries which

refrain from a shoot to kill policy have higher economic capacity and the majority of countries which adopt a shoot to kill policy are characterized by lower economic capacity.

As elaborated previously, the descriptive statistics reveal neither correlation nor causal relationships between the independent variables and the dependent variable. The descriptive statistics rather map out general tendencies of variables. In other words, I can discuss whether the findings revealed in the descriptive statistics are in line with arguments discussed in the Theory section. However, I cannot refute these arguments on the basis of these findings. Therefore, in the below section, I conduct a statistical analysis to reveal causal relationships between these variables and a shoot to kill policy.

4.3. Measurement

In this section I run a logistic regression analysis to test the causal relationship between independent variables and the dependent variable. My dependent variable is categorical (the absence of a shoot to kill policy and a shoot to kill policy) which is why I use logistics regression.¹ I conduct tests at a threshold p-value of 10%. If p-value is above 10%, H_0 is accepted. If p-value is below 10%, H_1 is accepted.² My explanatory analysis consists of democracy, interstate conflict, death penalty, Refugee Convention, intra-state conflict in the neighboring state, state fragmentation and economic capacity variables.

Logistics regression is used to predict how much a one unit change in the independent variable increases or decreases the odds ratio of the dependent variable. Odds ratio analyzes probability of an outcome though a unit analysis. In other words, odds ratio analyzes probability only by a one unit difference. That is to say, it predicts whether states with a democracy score of 6 are more likely to adopt shoot to kill policies compared to states with a score of 7. The logistic regression analysis enables me to predict whether with a one unit decrease in the democracy score, states become more inclined towards a shoot to kill policy. The odds ratio of the dependent variable is shown as $\text{Exp}(B)$.³ If $\text{Exp}(B)$ is equal to 1, the independent variable does not have an impact on the dependent variable. If $\text{Exp}(B)$ is below 1, the independent variable decreases the odds ratio of the dependent variable. On the other hand, if $\text{Exp}(B)$ is above 1, the independent variable increases the odds ratio of the dependent variable.

¹ Samprit Chatterjee, Ali S. Hadi, Bertram Price, *Regression Analysis by Example*, 3rd. ed (New York: John Wiley&Sons, Inc,1999), p. 15

² H_0 means that there is no statistically significant relationship between the dependent variable and the independent variable. H_1 means that there is a statistically relationship between the dependent variable and the independent variable. A threshold probability value for the rejection of the null hypothesis is 0,1. For example, if p value is 0.02, there is a 98% chance that the difference observed reflects a real difference between Group 1 and Group 2 and there is only a %2 chance that the difference observed is due to coincidence. Therefore, H_0 is rejected and H_1 is accepted at the 0.02 threshold level. On the other hand, if the p value is above 0.1, for example 0.6, there is a %40 chance that the difference reflects a real difference between Group 1 and Group 2 and there is a %60 chance that the difference observed is coincidental. Therefore, H_1 is rejected and H_0 is accepted.

³ Ajai S. Gaur, Sanjaya S. Gaur, *Statistical Methods for Practice and Research*, 2nd ed. (Response: Sage Pub, 2009), p. 121

After analyzing the logistic regression, I evaluate the predictive capacity of the analysis. I report how many cases in which a shoot to kill policy is absent and cases of a shoot to kill policy are classified correctly. Then I report the results. For variables which are statistically significant, I look at the column which reads Exp (B). Then I discuss how much a one unit change in the dependent variable will impact the dependent variable.

In the following section, I conduct tests for multicollinearity. I conduct multicollinearity test for all variables included in the logistic regression analysis. If some variables in the analysis suffer from collinearity, then it is difficult to identify their individual impact on the dependent variable. I report correlation matrix of variables. All variables are presented in the left and upper axis. If, when the variables in the left and upper axis meet, the result is 1, I conclude that the variables are highly correlated and that findings are biased.

After I conduct multicollinearity test, I measure the full impact of democracy variable on a shoot to kill policy. As mentioned previously, the odds ratio only analyzes an inclination towards a shoot to kill policy by a one-unit difference. In order to measure the full impact of democracy variable on a shoot to kill policy, I transform the odds into predicted probabilities. By so doing, I will be able to answer how much states are inclined towards a shoot to kill policy at each score and compare the results for the most and the least democratic states. Then I visualize the impact of democracy variable on a shoot to kill policy through a graph.

4.3.1. The Output of the Logistics Regression Analysis

Table 4.1. Classification Table

Observed		Predicted		
		Shoot_to_Kill		Percentage Correct
		0	1	
Shoot_to_Kill	0	64	6	91,4
	1	12	9	42,9
Overall Percentage				80,2

Table 1 reports the predictive capacity of the logistic regression analysis. Among the first group which consists of 70 cases in which no shoot to kill policy is observed, the analysis predicts 64 cases correctly. It misclassifies 6 observations. The predictive capacity of the analysis for cases in which shoot to kill policy is absent is 90%. The second group consists of 21 cases of shoot to kill policy. The analysis predicts 9 cases correctly. It misclassifies 12 observations. The predictive capacity of the analysis for cases of shoot to kill policy is 42.9%. The overall predictive capacity of the analysis for both groups is 80.2%. It could be argued that the predictive capacity of the analysis is adequate.

Table 4.2. Variables in the Equation

	B	S.E.	Wald	df	Sig.	Exp(B)
Democracy	-,350	,167	4,390	1	,036	,704
Interstate_Conf	1,621	,898	3,262	1	,071	5,059
Death_Penalty	,951	,657	2,093	1	,148	2,588
Refugee_Con	-,785	,595	1,739	1	,187	,456
Intra_State_Conflict	-,111	,582	,037	1	,848	,895
State_Fragmentation	-,941	,679	1,923	1	,166	,390
Economic Capacity	,000	,000	3,614	1	,057	1,000
Constant	,702	1,067	,433	1	,510	2,018

a. Variable(s) entered on step 1: Democracy, Interstate_Conf, Death_Penalty, Refugee_Con, Intra_State_Conflict, State_Fragmentation, Economic Capacity.

Table 2 shows that the variables which are found to be statistically significant are democracy, interstate conflict and economic capacity. The variable with highest statistical significance is the democracy variable. Its p value is 0,036. It is significant even at the 0,05 threshold level. The column in the right axis reads Exp (B). Since Exp (B) is 0,7, I conclude that a one unit decrease in the democracy score makes states 1,3 times more likely to adopt a shoot to kill policy. In other words, in contrast to states with the highest democracy score, states with a score of 6 are 1,3 times more likely to adopt a shoot to kill policy.

The interstate conflict variable is statistically significant at the 0,1 threshold level. Its p value is 0,071. Since Exp (B) is 5, I conclude that when state parties have engaged in violent conflicts with their neighbors, they become 5 times more likely to adopt a shoot to kill policy compared to neighbors which have not engaged in violent conflicts. The economic capacity variable is also found statistically significant at the 0,1 threshold level. However, its Exp (B) is 1. As indicated previously if Exp (B) is 1, then the independent variable has no causal impact on the dependent variable. Therefore, I only take two variables into consideration: democracy and interstate conflict.

4.3.2. Collinearity Test

The correlation Matrix in the below table allows me to check for multicollinearity. If the variables included in the analysis are correlated, this would cast doubt on the causal relationship between the independent variables and the dependent variable. In other words, multicollinearity obscures the real causal relationship between the independent variables and the dependent variable. The correlation matrix presented in the below table enables me to test the independence of each variable. For example, in my analysis there are democracy and Refugee Convention variables. If all states which ratify the Refugee Convention happen to be democracies, then one can conclude that the Refugee Convention variable is not independent. Likewise, if all states which do not use the death penalty are democracies, then the death penalty variable is not independent. Findings of collinearity between variables result in standard errors.

In Table 2 variables included in the analysis are presented in the left axis and in the upper axis. When a variable in the left axis meets the same variable in the upper axis, the result is 1. This is valid for all variables. For example, when the democracy variable in the left axis meets the democracy variable in the upper axis, the result is 1. In order to check for multicollinearity, one has to look at the number when a variable on the left axis meets with another variable. If the number is 1, one can argue that these two variables are correlated. For example, when the democracy variable in the left axis meets the interstate conflict variable in the upper axis, the result is $-.192$. When the democracy variable in the left axis meets the Refugee Convention variable in the upper axis, the result is $.005$. When the death penalty variable on the left axis meets the Refugee Convention variable on the upper axis, the result is $.190$. As the below table displays when the variables in the left axis meet other variables in the upper axis, the result is not 1. Therefore, it could be concluded that the variables included in the analysis do not suffer from multicollinearity.

Table 4.3. Correlation Matrix

	Constant	Democracy	Interstate Conflict	Death Penalty	Refugee Convention	Intra-State Conflict	State Fragmentation	Economic Capacity
Constant	1,000	-,634	,187	-,516	-,470	-,385	-,371	-,231
Democracy	-,634	1,000	-,192	,085	,005	,085	,243	-,041
Interstate Conflict	,187	-,192	1,000	-,042	-,068	-,133	-,280	-,323
Death Penalty	-,516	,085	-,042	1,000	,190	,068	-,118	-,088
Refugee Convention	-,470	,005	-,068	,190	1,000	,141	,099	,116
Intra-State Conflict	-,385	,085	-,133	,068	,141	1,000	,017	,065
State Fragmentation	-,371	,243	-,280	-,118	,099	,017	1,000	,343
Economic Capacity	-,231	-,041	-,323	-,088	,116	,065	,343	1,000

4.3.3. The Full Impact of Democracy on a Shoot to Kill Policy

The output of the logistic regression reports that democracies are more inclined to refrain from a shoot to kill policy compared to other states. In other words, as the level of democracy decreases, states become more inclined to adopt a shoot to kill policy. In this section, by converting odds into probabilities, I assess the inclination of states towards a shoot to kill policy at each score. By so doing, I measure the full impact of democracy variable on a shoot to kill policy. I then illustrate the relationship between democracy and a shoot to kill policy with a graph.

Table 6 reports the predicted probability of shoot to kill policies at each score. The mean of the predicted probability for the least democratic states is 0,5. It means that among 100 most undemocratic states, 51 of them are inclined to adopt shoot to kill policies at their borders. In addition, the mean of the predicted probability for the most democratic states is 0,07. It means that among 100 most democratic states, only 7 of them are inclined to adopt shoot to kill policies at their borders. This indicates a very sharp difference compared to the most undemocratic states.

Table 4.4. Predicted Probability of Shoot to Kill Policy

Democracy	Mean	N	Std. Deviation
1,0	,5104954	5	0E-8
1,5	,4576914	9	0E-8
2,0	,4058211	5	0E-8
2,5	,3559707	9	0E-8
3,0	,3090587	3	0E-8
3,5	,2657777	5	0E-8
4,0	,2265703	4	0E-8
4,5	,1916371	5	0E-8
5,0	,1609691	4	0E-8
5,5	,1343930	10	0E-8
6,0	,1116208	11	0E-8
6,5	,0922959	10	0E-8
7,0	,0760304	11	0E-8
Total	,2307692	91	,14548308

Figure 4.8. The Full Impact of Democracy on the Probability of Shoot to Kill Policy

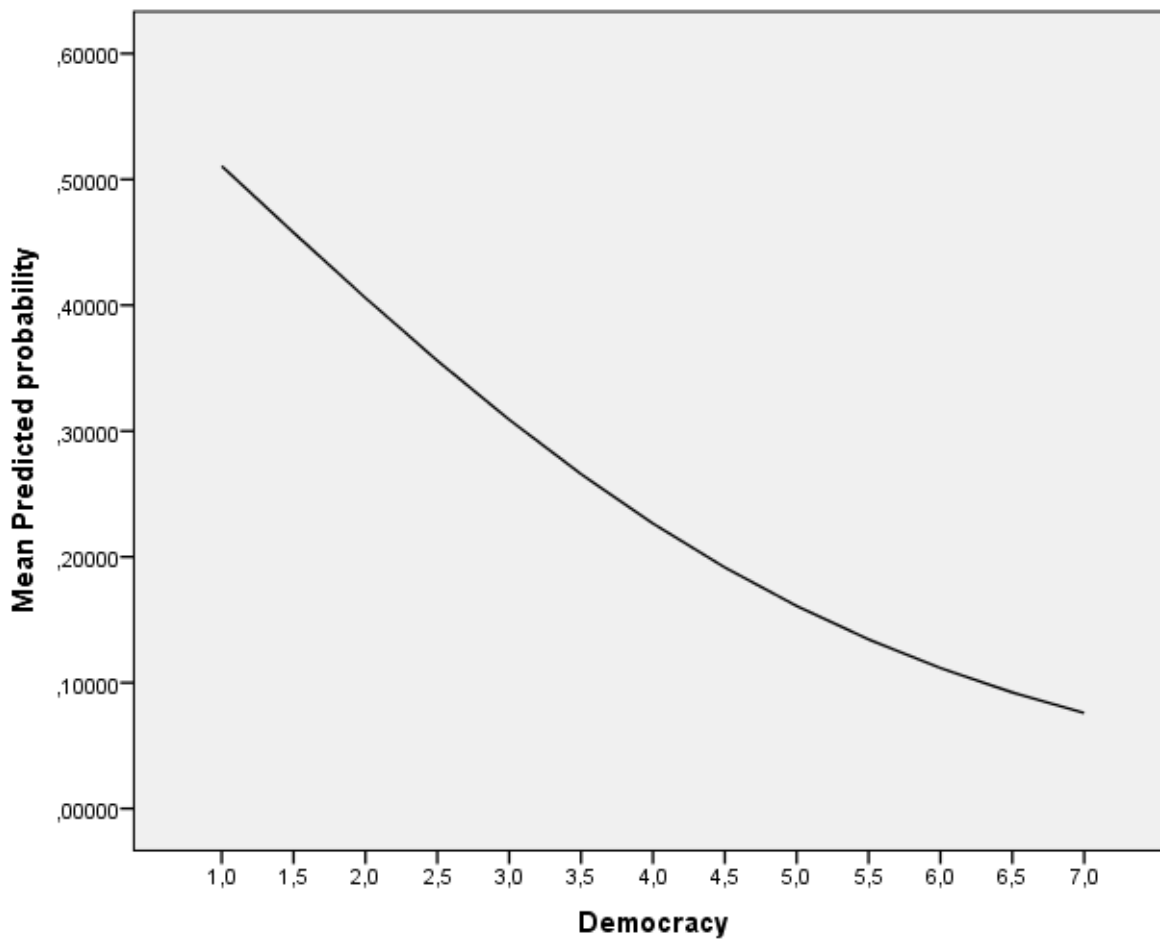


Figure 4.8 enables me to visualize the relationship between a democracy and a shoot to kill policy. As the graph displays when the level of democracy decreases, states become more and more likely to adopt shoot to kill policies at their borders. There is a negative relationship between a democracy and a shoot to kill policy.

4.4. Conclusion

This chapter first provided a glimpse into the general tendencies of variables both for cases in which a shoot to kill policy is absent and for cases of shoot to kill policy through the descriptive statistics. As the descriptive statistics shows only variations found in democracy, death penalty and economic capacity variables are in tune with arguments discussed in the Theory chapter. However, I pointed out that the descriptive statistics cannot specify causal relationships. Therefore, in the following section, I employed a logistic regression analysis to test whether there is a causal relationship between the independent variables

and the dependent variable. The results reported in this chapter provide a strong support for the arguments on democracy and interstate conflict variables. Although the economic capacity variable is found to be statistically significant, it has no impact on the dynamics of shoot to kill policies. All other variables are found statistically insignificant.

Democracy is the most statistically significant variable. Its p value is 0,036. It is significant even at 0,05 threshold level. The findings reveal that a one unit decrease in the democracy score makes states 1,3 times more likely to adopt a shoot to kill policy at their borders. In addition to democracy variable, interstate conflict is found to be statistically significant. Its p value is 0,071. It is significant at 0,1 level of significance. The findings show that states which have engaged in violent conflicts with their neighbors are 5 times more likely to adopt a shoot to kill policy compared to states which have not engaged in violent conflicts with their neighbors.

After evaluating the output of the logistics regression, I proceeded to measure the full impact of democracy on a shoot to kill policy. The output of the logistic regression reported the impact of democracy on a shoot to kill policy through a one-unit analysis. By transforming odds into probabilities, I measured the inclination of states towards a shoot to kill policy at each score. The findings make abundantly clear that there is a sharp difference between the most democratic and the least democratic states in regards to their inclination towards a shoot to kill policy. For states which have the highest democracy score there is only a 7% chance that a shoot to kill policy might be adopted. On the other hand, for states which have the lowest democracy score, there is a 51% chance that a shoot to kill policy might be applied. Therefore, it can be concluded that democracies are much more likely to refrain from a shoot to kill policy as compared to other states. By displaying the results in a graph, I visualized the full impact of democracy on a shoot to kill policy.

CHAPTER FIVE

ILLUSTRATIVE CASE NARRATIVES

5.1. Introduction

In the previous chapter I showed that as the level of democracy decreases, states become more inclined to adopt shoot to kill policies. The findings of my statistical analysis are compatible with the predictions of my theory. While in democracies, there is only a small likelihood of a shoot to kill policy, in the least democratic states, the likelihood of a shoot to kill policy increases sharply. As my finding shows among 100 the most undemocratic states, 51 of them are inclined to adopt shoot to kill policies. In sharp contrast, among 100 states with the highest democracy score, only 7 of them are likely to rely on a shoot to kill policy.

In this chapter my intention is to show that the norm of non-violent conflict regulation which is intrinsic to democracies induces policymakers to rule out a shoot to kill policy as an option. What is of particular importance is that a norm is not only a consistent behavior, but it also has an intersubjective dimension. In democracies, through continuous practices of non-violence, non-violent behavior becomes an accepted practice in society. Policymakers share an understanding that non-violence is part of their identity. They think that as a non-violent state, they must act non-violently. When policymakers decide to reinforce their borders, they think in terms of frameworks set by the norm of non-violence and rule out a shoot to kill policy as a policy option.

According to my theoretical framework, democratic regimes which occupy the low end of the democratic spectrum are inclined to adopt a shoot to kill policy at their borders. Even though these states allow competitive elections, since the rule of law is weak, arbitrary and abusive actions of policymakers are not prevented by independent legal institutions. It follows that violence might be an option in dealing with domestic political conflicts. Since non-violence is not linked to institutional process, these states are not characterized by the norm of non-violent conflict regulation. Due to the fact that policymakers are not bound by the norm of non-violence, when they are interested in reinforcing their borders, they become likely to adopt shoot to kill policies at their borders.

Undemocratic states lack both competitive elections and the rule of law. While there are undemocratic states which are characterized by non-violence and stability, there are also undemocratic states which rely on excessive violence against their citizens. My main argument is that non-violence in undemocratic states is not indicative of the norm of non-violence. The norm of non-violence should be evaluated under the context of the rule of law. In undemocratic states, non-violence is not linked to institutional process. If not safeguarded by the rule of law, non-violence remains an arbitrary practice in these societies. Therefore, violence might always become an option in regulating domestic political conflicts. Relying on this reasoning, my argument expects that undemocratic states are inclined to adopt a shoot to kill policy.

My statistical findings made it apparent that there is a consistency in the behavior of democracies in regards to shoot to kill policies. In this chapter, I explain why there is a consistency as such. I explain why policymakers in democracies rule out a shoot to kill policy as an option. In order to test my argument comprehensively, I analyze two democratic and two undemocratic regimes. By separately analyzing these states, I trace processes between democracies and shoot to kill policies.

I delve into the thinking of policymakers and speculate whether they are concerned for the norm of non-violence. In order to do this, I analyze official statements and reports. Official statements include proposals for border reinforcement strategies and/or justification of border reinforcement strategies. Proposals on certain border strategies could take place before the government decides on a border reinforcement strategy or after a border reinforcement strategy is established. On the other hand, justification of border reinforcement comes after the border is reinforced. Official statements are made by presidents, prime ministers, political party members and mayors. Official reports are written for parliaments, sub-committees of parliaments, Congress, the Ministry of Foreign Affairs and the like

I analyze official statements and reports with respect to normative concern. Normative concern refers to normative guidelines that inform policymakers about their identity in regards to their preferences over policy options. According to my theory, I expect to find that in democracies, policymakers take into consideration the non-violent character of their states. They should think in terms of “this is our identity, therefore we should rule out a shoot to kill policy.”

Policymakers propose a variety of strategies and justify them when they are operationalized. If a shoot to kill policy is ruled out as a policy option, I look at which normative concern policymakers point out in ruling out this policy. If they propose other strategies, I look at how these strategies are presented. The same logic applies to justification. I analyze on which grounds policymakers justify their strategies. If they only emphasize national interests such as territorial integrity, I conclude that they do not share a concern in regards to the norm of non-violence. On the other hand, if they emphasize the importance of the lives of illegal border crossers by identifying themselves with non-violent, democratic character of their states, I conclude that they take the norm of non-violence into consideration. By analyzing statements and reports from this perspective, I aim to trace the norm of non-violence.

My objective is to test the argument that policymakers in democracies are concerned for the norm of non-violence. If they do not take into consideration the norm of non-violence in proposing or justifying border reinforcement strategies, my argument should be reconsidered. In addition, if, in contrast to the expectation of my argument, policymakers in states which occupy the low end of the democratic spectrum and undemocratic states do emphasize the non-violent identities of their states and associate their identity with the norm of non-violence, it equally casts a doubt on my argument

As pointed out in the Methodology section, in all states there is a difference between liberal/democratic/leftist parties and right-wing parties in terms of their policies on border reinforcement strategies and immigration in general. This difference also applies to democracies. Normally, right-wing parties adopt a more exclusionary attitude towards immigrants and illegal immigrants. Therefore, I do not expect to find that these parties adopt a more inclusionary attitude towards these people in democracies. However, if I find that in democracies only policymakers from liberal/democratic/leftist parties declare that shoot to kill policies are illegitimate, but policymakers from right-wing parties propose a shoot to kill policy as an option, it would weaken my argument. In such a case, one could easily suggest that rather than sharing an inter-subjective understanding with other policymakers, policymakers from liberal/democratic parties support certain principles of their parties. If these policymakers associate their identity with non-violence, it may not be because political life in general is characterized by the norm of non-violence; but because they are socialized into the norms of their own parties. Therefore, in analyzing democracies, I adopt a more critical attitude towards statements of policymakers from right-wing parties. If they do not propose shoot to kill policies as an option, it would strengthen my argument.

The same logic applies to states which occupy the low end of the democratic spectrum. If a shoot to kill policy is proposed only by right-wing parties and liberal/democratic/leftist parties share a concern for the norm of non-violence, it would equally weaken my argument. Rather than arguing that the norm of non-violent conflict regulation has an impact on the way policymakers think and identify themselves, one could suggest policymakers think in line with their party principles and that the way domestic political conflicts are regulated does not have implications on their belief systems. Therefore, in this type of states, my critical attitude concentrates on liberal/democratic/leftist parties. If they support shoot to kill policies, my argument should be reconsidered.

Since undemocratic states witnesses a crackdown on political parties and people with differing political views, it is not possible to find statements from a wide political spectrum. In undemocratic states, discussions of border reinforcement strategies are limited. Therefore, I analyze statements made by presidents or official reports.

After analyzing official statements and reports, I summarize them in tables. I divide statements and reports in terms of proposals and normative concern. In the column of proposals, I note whether a shoot to kill policy is proposed and if not which alternatives were discussed. In the column of normative concern, I note whether policymakers, by ruling out a shoot to kill policy, by proposing different alternatives and by justifying current strategies, identify themselves with democratic, non-violent character of their states.

Displaying policymakers' attitudes about border reinforcement strategies from different political backgrounds allows me to map out whether they share an intersubjective understanding about the norm of non-violence. For democratic regimes, I make a division between the official statements of members of right-wing/nationalist parties and liberal/democratic/leftist parties. I summarize official reports in the column of "other." For undemocratic states it is difficult to find statements of policymakers from different political parties. Therefore, I do not summarize official statements by dividing them into different party positions.

As pointed out in the Methodology section, I look at 6 states for the case study analysis. These states vary according to their democracy scores. The U.S. is a democracy. India is located at the lowest end of the democratic spectrum. Turkmenistan and Egypt are both undemocratic states. However, while in Turkmenistan stability prevails, Egypt is unstable and violent. All states except the U.S. adopt shoot to kill policies at their borders. I also look at two outliers.

Although Israel is a democracy, it applies a shoot to kill policy at its Palestinian border and even though Pakistan is an undemocratic state, it does not adopt a shoot to kill policy at its border with Afghanistan. The outlier cases are critical as they can either weaken or enrich my argument

5.2. The U.S.-Mexico border

The U.S. reinforced its border with Mexico through Operation Gatekeeper in 1994. As a result of Operation Gatekeeper, the southern US border was provided an increase in the number of border agents, fencing and militarization.¹ From 1994 to 1995 more than 1.000 extra border agents were deployed along the Mexican border.² The amount of border fencing was doubled.³ Militarization entailed the deployment of “Black Hawk helicopters, heat sensors, night-vision telescopes, electronic vision detection devices, and computerized fingerprinting equipment.”⁴ Military personnel were not given the task of arresting illegal border crossers; rather they worked in coordination with law enforcement officials.⁵ Through Operation Gatekeeper, areas between The Pacific Ocean and San Ysidro international port and between San Diego County to the California/Arizona border were reinforced.⁶

Some efforts to reinforce the Mexican border were made during previous administrations. For instance, during the Carter administration, some fences were built and helicopters and ground sensors were deployed at the Mexican border.⁷ During the Reagan administration, the number of border agents was increased.⁸ However, Operation Gatekeeper is different as it transformed the internal logic of border control. More specifically, it changed the border practice “from a low-intensity, low-maintenance, and politically marginal activity to a high intensity, high-maintenance campaign...”⁹ As a consequence, the Mexican border evolved from “a zone of transition” to “a line of strict demarcation.”¹⁰ Operation Gatekeeper was

¹Akers, “Operation Gatekeeper: Militarizing the Border,” pp. 1-5

² The U.S. Border Patrol, “Border Patrol Strategic Plan 1994 and Beyond: National Strategy,” July 1994, p. 8 <http://cw.routledge.com/textbooks/9780415996945/gov-docs/1994.pdf>

³ Joseph Nevins, *Operation Gatekeeper: The Rise of the “Illegal Alien” and the Making of the U.S.-Mexico Boundary* (Routledge: Newyork and London, 2002), p. 4

⁴ Akers, “Operation Gatekeeper: Militarizing the Border,” pp. 1-5

⁵Andreas, *Border games: Policing the U.S.–Mexico divide*, p. 91

⁶ Nevins, *Operation Gatekeeper*, pp. 125-126

⁷Timothy J. Dunn, *The Militarization of the U.S.-Mexico Border, 1978-1992: Low Intensity Conflict Doctrine Comes Home* (Austin: Center for Mexican American Studies, the University of Texas, 1996), pp.36-41

⁸ Nevins, *Operation Gatekeeper*, p. 69

⁹ Andreas, *Border games: Policing the U.S.–Mexico divide*, p. xi

¹⁰Nevins, *Operation Gatekeeper*, p. 13

based on “prevention through deterrence.”¹¹ In contrast to other border control practices which aimed to arrest illegal border crossers once they crossed the border, this border reinforcement strategy aimed at deterring people from crossing the border¹² by rendering the entrance into the U.S. territory more “costly.”¹³

During the 20th century, the need to reinforce the Mexican border was not strongly emphasized by policymakers. However, starting from 1970s, U.S. policymakers voiced their concern over growing immigration from the southern border.¹⁴ During the 1970s, the Carter administration proposed increasing the number of border agents and a legalization programme.¹⁵ Jimmy Carter justified his view on the grounds that illegal immigrants violate the U.S. immigration laws and render many Americans jobless and they constitute a burden on the national economy.¹⁶ After his proposal was unsuccessful, he set up the U.S. Select Commission on Immigration and Refugee Policy in 1978.¹⁷ In its report in 1981, the Commission considered illegal immigration as one of the most important issues in the U.S. The Commission proposed that more resources should be devoted to the border and legal frameworks should be designed so as to decrease working opportunities for illegal immigrants. It is emphasized that it is “more humane and cost effective to deter people from entering the United States than it is to locate and remove people from the interior.”¹⁸ Rather than making a comparison between shoot to kill policies and other border reinforcement strategies, this statement compares the consequences of preventing illegal border crossers from entering the U.S. territory and deportation of illegal border crossers. It can be concluded that excluding people at the border is a better solution than deporting them from a humanitarian policy and economic perspective. If this statement reveals a concern for the deportation of illegal immigrants in terms of “humaneness,” it can be understood that the adoption of a shoot to kill policy is considered illegitimate due to humanitarian considerations.

¹¹Ibid., p. 2

¹²Andreas, *Border games: Policing the U.S.–Mexico divide*, p.92

¹³ Nevins, *Operation Gatekeeper*, p. 129

¹⁴Mark Purcell, Joseph Nevins “Pushing the boundary: state restructuring, state theory, and the case of U.S.–Mexico border enforcement in the 1990s,” *Political Geography* 24 (2005), p.219 Nevins, *Operation Gatekeeper*, p. 61

¹⁵Nevins, *Operation Gatekeeper*, p. 65

¹⁶Ibid., p. 65

¹⁷ Ibid.

¹⁸ Quoted in Joseph Nevins, p. 66 The quote comes from the U.S. Select Committee 1981

During the 1990s, political debates intensified about the need to reinforce the Mexican border.¹⁹ Drug trafficking along the Mexican border was indeed a concern among political elites. The Bush Administration stated that “a civilized society does not leave its border totally open to those who would harm its citizens. Interdiction has both symbolic and real value. It demonstrates our national will to oppose drug traffickers on every available front.”²⁰ However, policymakers during this period increasingly devoted their attention to illegal immigration. Washington officials successfully “endeavored to raise the profile of the southern boundary and construct it as a grossly under-resourced line of defense against what were framed as invading hordes from Mexico and other points in Latin America.”²¹

As a consequence, preventing illegal immigration at the border was “elevated from one of the most neglected areas of federal law enforcement to one of the most politically popular.”²² Policymakers both at the national and local levels emphasized the dangers of a porous Mexican border against large-scale immigration from Mexico²³ and took the position that the Mexican border is “out of control.”²⁴ Most of these concerns can be grouped under socio-economic, ethno-cultural and bio-physical concerns. Policymakers emphasizing socio-economic concerns asserted that illegal flows from the Mexican border pose an economic burden for the U.S. by decreasing employment opportunities for U.S. citizens. Policymakers concentrating on ethno-cultural concerns based their claims on the grounds that illegal immigrants are damaging “the ethno-cultural character of the American nation.”²⁵ Policymakers emphasizing bio-physical concerns asserted that illegal immigrants would increase criminalization in the society.²⁶ They devoted their attention to the negative consequences of illegal immigration for the lives of U.S. citizens.

While Republicans and Democrats differ in their view on illegal immigration, there are also interstate differences in the U.S. about illegal immigration. California was the forerunner of the anti-immigrant rhetoric.²⁷ California is the most intolerant of the states against illegal

¹⁹Purcell, Nevins, “Pushing the boundary,” p. 221

²⁰ Quoted in Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide*, 82 The quote is taken from Office of National Drug Control Policy, *National Drug Control Strategy* (Washington, D.C., 1991).

²¹Purcell, Nevins, “Pushing the boundary,” p. 220

²² Andreas, *Border Games: Policing the U.S.-Mexico Divide*, p. 85

²³ Nevins, *Operation Gatekeeper*, p. 2

²⁴ Purcell, Nevins “Pushing the boundary,” p. 221 Nevins, *Operation Gatekeeper*, p. 2

²⁵Purcell, Nevins “Pushing the boundary,” p. 230

²⁶*Ibid.*, p. 222

²⁷ Nevins, *Operation Gatekeeper*, p. 11

immigration.²⁸ Even Texas, due to its economic integration with Mexico, does not take as strict a position against illegal immigration as California.²⁹ These interstate differences can partially be explained by their proximity to the border. Although California and Texas share a border with Mexico, San Diego is much closer to the border than Houston and Dallas. In addition, although California has a population with ethnic diversity today, it was characterized by a huge white majority in the past.³⁰ Racial thoughts were dominant in the history of California and consequently, a significant number of anti-immigrant groups emerged.³¹ In the 1980s policymakers in California maintained their exclusionary attitude against illegal immigrants by emphasizing negative consequences that illegal immigration brings. Local officials in San Diego generated fear in the public by associating illegal immigrants with criminals.³² For example, in 1986 Clyde Romney, a Republican member of the San Diego County Board of Supervisors said that:

Nowhere else in San Diego County do you find the huge gangs of illegal aliens that line our streets, shake down our schoolchildren, spread diseases like malaria and roam our neighborhoods looking for work or homes to rob. We are under siege in North County, and we have been deserted by those whose job is to protect us from this flood of aliens.³³

Along similar lines, Alan Nelson, the former immigration commissioner as well as a San Francisco Bay Area lawyer,³⁴ stressed the indispensability of border reinforcement by stating that illegal immigrants “seriously hurt all areas of California society: employment, welfare, health, crime, housing and our basic values”³⁵ Likewise Pete Wilson, a Republican politician and also the Governor of California, accused the Washington Government of failing to protect the Mexican border.³⁶ Howard Ezell, the former Western Regional Commissioner of Immigration and Naturalization Service, reached the conclusion that “the process of

²⁸Ibid., p.93 Sam Howe Verhovek, “Texas and California: 2 Views of Illegal Aliens,” 26 June 1994, *The New York Times* <http://www.nytimes.com/1994/06/26/us/texas-and-california-2-views-of-illegal-aliens.html>

²⁹Sam Howe Verhovek, Texas and California: 2 Views of Illegal Aliens, 26 June 1994, *The New York Times*, <http://www.nytimes.com/1994/06/26/us/texas-and-california-2-views-of-illegal-aliens.html>

³⁰ For a more detailed analysis, see Peter Schrag, *Paradise lost: California’s experience, America’s future* (New York: The New Press, 1998).

³¹For a more detailed analysis, see Thomas Almaguer, *Racial fault lines: The historical origins of white supremacy in California* (Berkeley: University of California Press, 1994).

³²Purcell, Nevins, “Pushing the boundary,” p. 223

³³ Quoted in Purcell, Nevins, “Pushing the boundary,” p. 222

³⁴ “Alan Nelson; Co-Author of Prop. 1987,” 5 February 1997, *Los Angeles Times* http://articles.latimes.com/1997-02-05/news/mn-25785_1_alan-nelson

³⁵Quoted in Nevins, *Operation Gatekeeper*, p. 85 The quote comes from “Former INS official urges crackdown on illegal immigrants,” 21 November 1991 *The San Diego Union-Tribune*.

³⁶Purcell, Nevins, “Pushing the boundary,” p. 225

continuous large-scale immigration means that southern California will become a third world country with unemployment and uneducated people.”³⁷

In parallel to the growing concern regarding illegal flows at the border, policymakers from different backgrounds and political affiliations suggested various measures to reinforce the Mexican border. For example, in 1986 the sheriff of San Diego County proposed that U.S. Marine Corps should be deployed at the border for every 5 meters. The sheriff justified his view by reasoning that “Illegal aliens are gradually affecting the quality of life as we know it. For example, now we have to admit illegal aliens into our colleges, which means my grandchildren may not be granted entry because of an illegal alien...”³⁸

In order to tackle the illegal flows along the Mexican border, two politicians from the Republican Party, Romano Mazzoli and Alan K. Simpson proposed a bill (the Immigration Reform and Control Act) to Senate in 1986 which called for an increase in the number of border agents, punishing those who harbor, transport and employ illegal immigrants and legalizing illegal immigrants who have resided in the US for five years.³⁹ In his signing of the bill, US President Ronald Reagan stated that “Future generations of Americans will be thankful for our efforts to humanely regain control of our borders...”⁴⁰

In his statement, Ronald Reagan shows a concern not only for controlling the border, but he also shows a concern for taking control of the border in a humanely manner. Even though Republicans adopt a more exclusionary attitude against illegal immigrants, Reagan, the Republican President, sees a need to justify the border reinforcement on the grounds of humanitarian standards. The emphasis on “humanely controlling the border” reveals a perspective derived from the norm of non-violence. As elaborated previously, starting from in 1970, there has been a growing concern amongst U.S. policymakers about illegal immigrants. Policymakers continuously insist that the Mexican border should be reinforced. If the U.S. president, a Republican, puts an emphasis on “humanely controlling the border” amidst increasing anxiety amongst policymakers and in public about illegal immigration, it can be

³⁷Quoted in Fred Siegel, *The Future Once Happened Here* (San Francisco: Encounter Books, 2000), p. 178

³⁸Quoted in Nevins, *Operation Gatekeeper*, p. 76 The quote comes from J.S. Meyer, “Sheriff Urges Posting Marines Along Border,” 6 April 1986 The San Diego Union

³⁹Muzaffar Chishti, Doris Meissner, and Claire Bergeron, “At Its 25th Anniversary, IRCA's Legacy Lives On” <http://www.migrationinformation.org/USFocus/display.cfm?ID=861>

⁴⁰ Ronald Reagan Statement on Signing the Immigration Reform and Control Act of 1986, 6 November 1986 <http://www.presidency.ucsb.edu/ws/index.php?pid=36699#axzz1dKCIUhsf>

reasoned that there is an intersubjective understanding among U.S. policymakers about the use of physical violence and the president feels obliged to make sure that physical violence does not become an option.

The Immigration Reform and Control Act stirred up more political debates over the flows of illegal immigrants at the Mexican border.⁴¹ The U.S. attorney for Southern California, a Republican, Peter Nunez advocated the militarization of the Mexican border in 1988.⁴² In 1991, Culver City Mayor Steven Gourley proposed closing the US border to illegal border crossers. He stated that “Every other country has control over its borders, except the United States. . . . We have that right (to close the border). We have a legal immigration policy that lets in hundreds of thousands of people a year.” He further suggested that “If you can put 500.000 men on the border between Iraq and Kuwait, you can put 500.000 on the border between California (other states) and Mexico.”⁴³ Similarly, Pat Buchanan, a former Republican presidential candidate, emphasized strong support for border fencing.⁴⁴ He recommended that the whole Mexican border should be sealed off. In the same year, two Republican Congressmen “introduced a bill to strengthen the federal government’s ability to prevent owners of property along the boundary from blocking the government from building access roads and boundary ‘security fences.’ The bill also called for the establishment of a five-hundred-foot-wide ‘demilitarized zone’ along the boundary...”⁴⁵ Unexpectedly, amidst proposals for restricting the border against illegal flows, the Border Mayors Conference in Tijuana focused on facilitating the movements of goods and people. In line with this objective, the mayors proposed the establishment of an almost 40 km length transboundary zone.⁴⁶

In light of growing concern over illegal immigration, Bill Clinton took a stand on this issue in his 1993 presidential campaign. Throughout the 1993 election campaign, Bill Clinton outlined his policy for border protection. In *Putting People First: How We can All Change America*,

⁴¹Andreas, *Border games: Policing the U.S.–Mexico divide*, p. 39

⁴² Quoted in Joseph Nevins. The quote comes from Arthur Golden and J.Stryker Meyer, “Nunez Would Deploy Troops at the Border,” 27 June 1988 *The San Diego Union*

⁴³Barbara Koh, “Close the U.S. Border, Mayor Says: Culver City: Steven Gourley urges the country to ‘draw a line’ against illegal immigrants” 28 March 1991, *Los Angeles Times* http://articles.latimes.com/1991-03-28/news/we-1386_1_culver-city

⁴⁴Nevins, *Operation Gatekeeper*, p. 85

⁴⁵Ibid.,p.86

⁴⁶ Quoted in Nevins, *Operation Gatekeeper*, p.81 The quote comes from from Roger M. Showley, “A Tale of Two Cities Slowly, Inexorably, Inextricably Linked,” 3 November 1988, *The San Diego Union*

Bill Clinton emphasized three goals of border reinforcement: the respect for human rights and offering accountability in border patrol and the reliance on new technology.⁴⁷

This statement does not propose a specific policy on border reinforcement. Rather, it sets frameworks on how the U.S. should reinforce its Mexican border. It reveals a policy perspective derived from the norm of non-violence. It is implied that border guards are responsible for controlling the border, but at the same time they have a responsibility to respect the rights of all immigrants including illegal ones. It is also implied that if they fail to do so, they will be brought to justice.

Bill Clinton's statement is crucial to understand whether policymakers are motivated by the norm of non-violence in the U.S. As mentioned earlier, states have a variety of options to reinforce their borders. Border reinforcement options range from building fences to shoot to kill policies. In this statement, even though Clinton does not talk about a specific policy, an emphasis on human rights and accountability sets limitations over preferences on border reinforcement strategy. By looking at Clinton's statement, one can see that a shoot to kill policy is implicitly ruled out due to a concern over the norm of non-violence.

While Clinton established the standards for border reinforcement strategies, policymakers from the Democratic Party discussed alternative ways of border reinforcement. Dianne Feinstein, Democratic Senator, advocated a 1\$ border toll to finance the deployment of more border agents.⁴⁸ Another Democratic Senator Barbara Boxer suggested that the National Guard should be placed at the Mexican border.⁴⁹ Lee H. Hamilton of Indiana, from the Democratic Party, in taking into consideration the concern for illegal immigration, emphasized that reinforcing borders does not pose a solution to the problem. He suggested a more comprehensive plan be established. In his speech to the House of Representatives, he stated that that:

It is clear that border security is currently inadequate, and that improvements must be made. The long-term solution to the problem of illegal immigration, though, lies in the answer to the question "Why do illegal immigrants come here?" We can improve border enforcement, strictly limit financial assistance, and punish employers who hire illegal aliens. But there is broad agreement that in the long run the solution to our illegal immigration problems

⁴⁷Bill Clinton and Al Gore, *Putting People First: How We can All Change America* (New York: Times Books, 1992), p. 117

⁴⁸ Seth Mydans, Pushing Against Tide at Mexico Border, 19 February 1994, *The New York Times*
<http://www.nytimes.com/1994/02/19/us/pushing-against-tide-at-mexico-border.html>

⁴⁹ Sam Howe Verhovek, Texas and California: 2 Views of Illegal Aliens, 26 June 1994, *The New York Times*
<http://www.nytimes.com/1994/06/26/us/texas-and-california-2-views-of-illegal-aliens.html>

depends on expanding economic opportunities in the countries from which immigrants come.⁵⁰

Lee H. Hamilton's statement also indicates strong support for the norm of non-violence, but from a different perspective. Hamilton poses a problem solving approach to border security. While the traditional argument is based on the view that excluding illegal immigrants would be sufficient for border security, Hamilton thinks that the problem does not lie at the border, but beyond it. This statement suggests that unless problems beyond borders are solved, reinforcing the border alone would not be sufficient to tackle illegal flows. As long as the U.S. has poor neighbors, illegal immigrants will keep coming irrespective of border reinforcement strategies. Therefore, the U.S. should devote its attention to increasing the economic standards of its neighbors. The norm of non-violence manifests itself in this statement. While it is not stated explicitly whether the physical well-being of illegal immigrants should be respected, this statement reveals that there is more than just the physical well-being of illegal immigrants. If strong emphasis is placed on the economic well-being of illegal immigrants, it can be posited that any violent act against the physical integrity of illegal border crossers is viewed as unacceptable from this point of view.

Similarly, Democratic Congress member Harry Reid argues that illegal immigrants should not be accused for illegal immigration. He also brings a different perspective to border reinforcement strategies. In his speech to Congress, he notes that:

Arguably, the greatest root cause of our current problem is a porous border. Our Border Patrol is understaffed and our enforcement operations are underfinanced....I want to emphasize that the root cause of our problems is law enforcement. It is not immigrants. In recognizing that the root cause is one of law enforcement--or lack thereof--we must ask ourselves what price are we willing to pay by allowing our laws to carry meaning only in the books in which they are printed? The States suing the Federal Government make a pretty compelling case that this price is enormous...As a humane nation, we cannot refuse to provide emergency medical assistance because someone is unlawfully within the country. As a nation dedicated to education and justice, we cannot refuse to educate those children borne to illegal immigrants. That is unfairly punitive and does not serve the interests of building a more productive society.⁵¹

This statement is also indicative of the norm of non-violence. In his statement Harry Reid emphasizes the words "humane nation" and "a nation dedicated to education and justice." It is noted that even if people illegally enter U.S. territory, this does not justify their elimination. It

⁵⁰ Congressional Record Volume 140, Number 80, 22 June 1994 <http://www.archives.gov/legislative/research/>

⁵¹ Ibid.

does not justify the denial of medical service to them. It is noted that the border should not be arbitrarily controlled by border agents. Border agents are bound by certain laws and they have a responsibility to enforce the law. However, at the same time, they have a moral responsibility to ensure the security of illegal border crossers. This statement establishes a link between moral responsibility and state identity. It reveals a concern that the denial of basic rights to illegal border crossers would destroy the humane character of the U.S. The mutual emphasis on humaneness and justice is important. It is implied that the U.S. identity is based on non-violence. In other words, the obligation to respect the norm of non-violence is associated with the U.S. identity which that of a humane nation, a nation dedicated to justice. If U.S. authorities fail to act on this basis, this behavior will have negative ramifications for the U.S. identity.

While the U.S. is determined to prevent illegal flows, she is nevertheless decisive to maintain economic ties with Mexico. Alan Bersin, the Attorney General's Southwest Border Representative, reflects this decisiveness by stating that:

Our border is intended to accomplish twin purposes; on the one hand, it is intended to facilitate trade in order to bring our nation the significant benefits of international commerce and industry. At the same time, it is geared to constrain and regulate the free movement of people and goods in order to block the entry of illegal immigrants and unlawful merchandise. The key to resolving these apparently contradictory purposes lies in the strategic application of modern technology. We can and must have a border that is both secure and business-friendly.⁵²

In his quote, Alan Bersin proposes the deployment of high-tech materials at borders as a means of border reinforcement. He emphasizes that while the U.S. border reinforcement strategy excludes the flows of illegal immigrants and illegal goods, it should not curb the flows at the border. Strong emphasis given to the application of modern technology in reinforcing the border. In the following years, he stated that “[W]e are moving decisively toward a border that functions effectively; one that is a lawful and orderly gateway; one that

⁵² Andreas, *Border games: Policing the U.S.–Mexico divide*, p.80 The quote is taken from a testimony of Alan Bersin, U.S. attorney for the Southern District of California, House Appropriations Subcommittee of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies, Departments of Commerce, Justice, and State, The Judiciary and Related Agencies Appropriations for 1996, 104th Congress 1st session, 29 March 1995.

manages significantly better the problems of illegal immigration and smuggling; and one that routinely delivers handsome dividends from an investment in regional integration.”⁵³

After Operation Gatekeeper was put into practice, several policymakers voiced their concern about the current border reinforcement strategy. They argued that the government is not putting enough effort into curbing the flows of illegal border crossers.⁵⁴ Ohio Democratic Representative James Traficant, from the Democratic Party, supported further militarization of the border by stating that “If the Pentagon can send hundreds of thousands of U.S. troops to protect our allies, it should be able to spare about 10,000 military personnel to protect America.”⁵⁵In response to these concerns, the Democratic Party’s 1996 National Platform justified the current border reinforcement strategy on the basis of the U.S. identity. It is stated that:

Today’s Democratic Party... believes we must remain a nation of laws. We cannot tolerate illegal immigration and we must stop it. For years Bill Clinton became President, Washington talked tough but failed to act. In 1992, our borders might as well not have existed. The border was under-patrolled, and what patrols there were, were under equipped. Drugs flowed freely. Illegal immigration was rampant. Criminal immigrants, deported after committing crimes in America, returned the very next day to commit crimes against. President Clinton is making our border a place where the law is respected and drugs and illegal immigrant are turned away.⁵⁶

In this excerpt the U.S. border reinforcement strategy is justified on the basis that the U.S. is “a nation of laws.” Therefore, when the border reinforcement strategy is discussed, rather than justifying it on national security concerns and implying that any action could be possible to tackle the porosity of the border, the Democrat Party’s 1996 National Platform placed strong emphasis on the U.S. identity by stating that “we must remain a nation of laws,” the statement signifies that “this norm is who we are, so we must act on the basis of this norm, because it is a part of our identity.” Even though the decisiveness of the U.S. in controlling the Mexican border against illegal immigration and drug trafficking is mentioned, it is implied that if the

⁵³Alan D. Bersin, “Threshold Order: Bilateral Law Enforcement and Regional Public Safety on the U.S./Mexico Border,” *San Diego Law Review*, Vol. 35 (August, 1995), p. 715

⁵⁴Andreas, *Border Games: Policing the U.S.-Mexico Divide*, p. 110

⁵⁵ Quoted in Peter Andreas, “The Escalation of U.S. Immigration Control in the Post-NAFTA Era,” *Political Science Quarterly* Vol. 113, No. 4 (1998-9), p. 597 The quote comes from Stephen Green, “House Authorizes Sending Up To 10,000 GI’s to Border,” 21 June 1997*San Diego Union-Tribune*

⁵⁶Quoted in in Matthew Jardine, “Operation Gatekeeper,” *Peace Review: A Journal of Social Justice*, Vol. 10, Issue 3 (1998), pp. 330-1

border is controlled arbitrarily by allowing border guards to use violence against unarmed civilians, then we will not be “a nation of laws” any more. It is acknowledged that illegal border crossers and drug traffickers should be excluded from the border, but this exclusion should take place within certain frameworks. By stressing that “we must remain a nation of laws,” the government feels an obligation to protect the identity of the U.S. which is based on the respect of law.

In a Memorandum on illegal immigration written for the Heads of the Executive Departments and Agencies which was submitted in 1995, it was reported that “All illegal immigration enforcement measures shall be taken with due regard for the basic human rights of individuals and in accordance with our obligations under applicable international agreements.”⁵⁷ In the following year, in regards to the coordination of law enforcement and military personnel at the Mexican border, Doris Meissner, Immigration and Naturalization Service Commissioner stated that “Think of this as one team, different roles, different uniforms, but with the same game plan – and that is to restore the rule of law to the border.”⁵⁸

In conclusion, the need to reinforce the Mexican border began in the early 1970s and was recognized by policymakers from the Republican Party and the Democrat Party. In the below table I summarize statements of policymakers. Proposals come from members of the Democratic Party, the Republican Party, bureaucrats and policy documents, memorandums, etc. I have divided the speeches and statements by Democrats, Republicans and the rest as the other. In analyzing normative concern, I look at whether the speeches and statements reveal a concern over the norm of non-violence. I also divide it into Democrats, Republicans and the other.

⁵⁷ Memorandum on Illegal Immigration, 7 February 1995, The American Presidency Project
<http://www.presidency.ucsb.edu/ws/index.php?pid=50909>

⁵⁸ Quoted in Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide*), p.91 The quote is taken from Doris Meissner and Janet Reno news conference, 12 January 1996

Table 5.1.

PROPOSALS			NORMATIVE CONCERN		
Democrats	Republicans	Other	Democrats	Republicans	Other
<p>Increasing the number of border agents along with a legalization programme</p> <p>1\$ border tolling</p> <p>Creating economic opportunities in the neighboring countries</p> <p>The deployment of 10,000 military personnel</p>	<p>U.S. Marines should be deployed along the border</p> <p>Increasing the number of border agents</p> <p>Militarization of the border</p> <p>Deployment of 500,000 border agents</p> <p>Fencing the border</p> <p>Establishment of security fences along with demilitarized zones</p>	<p>More resources should be devoted to the border</p> <p>The establishment of transboundary zone</p> <p>The application of modern technology</p>	<p>Respect for human rights in controlling the border</p> <p>Providing medical services to illegal immigrants because we are a humane nation</p>	<p>Humanely regaining control of borders</p>	<p>Deterrence at the border is more humane than deportation.</p> <p>All illegal immigration enforcement should be realized with an eye to human rights</p>

As seen from the table 5.1, policymakers from the Democratic Party proposed border reinforcement strategies such as financial punishment and more comprehensive plans such as creating economic opportunities in the neighboring countries and the deployment of military personnel at the border. Policymakers from the Republican Party proposed policies such as militarization, border fencing and the like. At the Border Mayors Conference, the establishment of transboundary zone was proposed. Alan Bersin, the Attorney General's Southwest Border Representative proposed the usage of modern technology in preventing the illegal flows at the Mexican border.

In none of these speeches and statements, was a shoot to kill policy offered as an option. In addition, the obligation to respect the norm of non-violence came both from the Democrats and the Republicans. The U.S. Select Commission on Immigration and Refugee Policy argued that it is more humane to prevent illegal flows at the border than deporting people afterwards. Republican President Ronald Reagan saw a need to refer to the humanitarian dimension of border control. Bill Clinton established the standards of border reinforcement strategy within the limitations set by human rights. In addition, the Democrat Party's 1996 National Platform justified the U.S. border control strategy on the grounds that "we must remain a nation of laws." In discussing the border reinforcement, the U.S. identity based on non-violence, justice, and humaneness is repeatedly emphasized. It means that policymakers associate their identity with the norm of non-violence and feel obliged to justify the U.S. border strategy by referring to the U.S. identity.

In his detailed analysis of the Operation Gatekeeper, Joseph Nevins interviewed political authorities in the Clinton administration. His interviews reveal a strong association between border reinforcement and the rule of law and justice in general. A number of policymakers during the Clinton Administration saw border reinforcement as a positive measure which protects not only U.S. citizens but also illegal immigrants. These interviewees reveal a concern for physical violence conducted by border bandits against illegal immigrants. They suggest that a border reinforcement strategy be designed to bring the rule of law along the border area and to decrease the amount of violence directed against illegal immigrants.⁵⁹ A significant number of policymakers took the position that the establishment of the rule of law along the Mexican border is necessary because if state authorities turn a blind eye to illegal immigration, this would result in more illegality along the border area. They argued that the

⁵⁹ Nevins, *Operation Gatekeeper*, p. 139

acceptance of one illegality would result in a slippery slope and would destroy “the larger culture of respect for the rule of law.”⁶⁰

In the U.S. the respect for the rule of law is not only emphasized by the Democrats. There is a larger culture which entails the norm of non-violence. Even a Republican President could justify the U.S. border behavior by referring to “humaneness.” As mentioned earlier, Republicans take a stricter position against illegal immigration than the Democrats. California is a U.S. state which takes the toughest attitude against illegal flows. I take a critical position and look at the Republicans in California. As their speeches and statements reveal, they support specific border reinforcement strategies such as militarization; but a shoot to kill policy is not proposed. Their speeches and statements do not imply that any method is seen justifiable in order to curb illegal flows. They support the exclusion of illegal immigrants. However, a shoot to kill policy is not considered as an option either explicitly or implicitly.

In sum, the statements of policymakers in the U.S. show that the norm of non-violence is part of the identity of policymakers. The norm of non-violence delegitimizes the use of arbitrary physical force. Policymakers have suggested that the adoption of physical violence against illegal border crossers would have negative consequences for the U.S. identity which is constituted by the norm of non-violence. As predicted from my hypothesis, the U.S. is a democracy and policymakers in the U.S. feel an obligation to refrain from violence on the basis of the norm of non-violence. Policymakers have shown that the non-violent character of their state is who they are and if they do not take into consideration their identity in a border reinforcement strategy like they adopt in other domestic political conflicts, they will lose their identity. They also suggest that, in order to keep this identity, they see a need to fulfill the obligations brought by the norm.

5.3. The India-Bangladesh border

The India-Bangladesh border is protected by the Border Security Force (BSF). Many illegal border crossers from Bangladesh are Bangladeshi Muslims. This situation cultivated a sense of Indian nationalism and generated fear in Indian society.⁶¹ The first proposal to fence the Bangladesh (at that time East Pakistan) border completely came around the 1960s.⁶² In line

⁶⁰ Ibid., p. 139

⁶¹ Willem van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia* (London: Anthem Press, 2005), p. 221

⁶² Josy Joseph, “Securitization of Illegal Immigration of Bangladeshis to India,” *Institute of Defence and Strategic Studies*, No. 100 (January 2006), p. 10

with this proposal, the Indian government started to reinforce the border with barbed wires in certain areas.⁶³ In 1964, 2,000 police forces were deployed and watchtowers were built along the border.⁶⁴ In 1986, the Indian government stated a project which entailed the building of a 900 km fence with Bangladesh. The project continued with interruptions. Finally, in 1996, a 800 km fence was completed along the border.⁶⁵ In 2003, the Bharatiya Janata Party (BJP) reinforced the border with Bangladesh with an additional 50,000 troops.⁶⁶ As of 2007, the BSF has started to implement a shoot to kill policy against Bangladeshi border crossers who attempt to cross the border illegally.⁶⁷ Over the last ten years, thousands of Bangladeshi citizens have been murdered by the BSF.⁶⁸ The BSF justifies these shootings on the basis that they were terrorists. On the other hand, the investigations by Human Rights Watch show that most of the murdered illegal border crossers were unarmed.⁶⁹

Before the implementation of a shoot to kill policy at the Bangladesh border, illegal immigration from Bangladesh to India was a matter of concern for policymakers. After the Bangladesh Liberation War in 1971, many Bangladeshi people crossed the border to seek refuge in India. In regards to flows of Bangladeshi people, the Indian External Minister, Swaran Singh stated that:

Social friction, the fear of epidemics and the possibilities of communal and other tensions had to be countered. The refugees became an incalculable hindrance to our economic development for years to come. Their continuing exodus, without any hopes of their return, was a destructive obstacle to the very socio-political fabric of India.⁷⁰

During the 1980s the influx of Bangladeshi migrants created further outrage in India. The Seventy-third Report of the Committee of Petitions, issued in 1981, reported that:

No sovereign nation can permit the influx of foreign nationals into its territory. But the North Eastern region of the country in general and Assam in particular have been experiencing the area being utilised as the dumping ground for a large numbers of foreigners being vomited out by a neighbouring country since a long time. Besides, a large number of such foreigners were appeased with political rights by entering their names in the voters' list of the state for petty political games at the instance of the vested political forces that were at the helm of affairs since Independence.⁷¹

⁶³ Makhantal Kar, *Muslims in Assam Politics* (Omsons Publications, 1990), pp. 136; 142

⁶⁴ Joseph, *Securitization of Illegal Immigration of Bangladeshis to India*, p. 8

⁶⁵ Kar, *Muslims in Assam Politics*, pp. 212;237

⁶⁶ Joseph, *Securitization of Illegal Immigration of Bangladeshis to India*, p. 10

⁶⁷ Human Rights Watch, "Trigger Happy," p. 5

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Quoted in Joseph, *Securitization of Illegal Immigration of Bangladeshis to India*, p. 11

⁷¹ Seventy-third Report of the Committee of Petitions, Rajya Sabha, 22 March 1982, p. 2 <http://rajyasabha.nic.in/>

In 1992, the Indian Home Ministry issued a statement. In the statement, it was noted that:

The illegal immigration from Bangladesh into the eastern and north-eastern states and several other states in the country has become a serious problem. Immigration into border states such as Assam and West Bengal was taking place prior to the formation of Bangladesh but the magnitude of the problem has assumed serious dimensions as large-scale infiltration has challenged the demographic landscape of the borders, and affected Delhi, Rajasthan, Gujarat, Maharashtra.⁷²

Governor of Assam, S.K. Sinha submitted a report to the President of India in 1998. In the report, the concern over illegal immigration from Bangladesh was stressed. It was written that:

The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State has been a matter of grave concern. It threatens to reduce the Assamese people to a minority in their own State, as happened in Tripura and Sikkim. There is a tendency to view illegal immigration into Assam as a regional matter affecting only the people of Assam. Its more dangerous dimensions of greatly undermining our national security is ignored. The long-cherished design of Greater East Pakistan/Bangladesh, making in-roads into (the) strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North-east, with all its rich resources from the rest of the country. They will have disastrous strategic and economic consequences.⁷³

The report portrays illegal immigration from Bangladesh as a threat to national security in terms of demographic, strategic and economic consequences. It is underlined that a massive influx of illegal Bangladeshi immigrants is a step towards a greater Bangladesh. The report focuses on the fact that disconcert for illegal immigration from Bangladesh might lead to a territorial loss. In light of these concerns, several strategies for border reinforcement were proposed. The report further stated that:

Considering the large-scale immigration, several border reinforcement strategies were proposed. A border fence may be a fool proof method of preventing infiltration but there is no better way of doing so. To be effective, border fencing has to be supplemented by vigorous patrolling and other measures. The motivating factors behind infiltration must be addressed. If this can be done successfully, then a permanent solution of the problem can be found....Additional BSF battalions should be provided in the East with each battalion having a frontage of 30 kilometres.⁷⁴

⁷²Quoted in Josy Joseph, *Securitization of Illegal Immigration of Bangladeshis to India*, p. 17

⁷³ Quoted in Chanan Nandy, *Illegal Immigration from Bangladesh to India: The Emerging Conflicts*, Mellon-Mit Foundation on NGOs and Forced, pp.105-106

http://web.mit.edu/cis/www/migration/pubs/rwp/chandan_nandy_immigrants.pdf

Report to the Union Home Ministry, Government of India Sinha, Lt. Gen. (retd) S.K, Illegal Immigration into Assam, 8 November 1998

⁷⁴ Report on Illegal Immigration, submitted to the President of India, S.K. Sinha, 8 November 1998

http://www.satp.org/satporgtip/countries/india/states/assam/documents/papers/illegal_migration_in_assam.htm

The late 1990s witnessed intensive debates amongst policymakers about alternative border reinforcement strategies. In 1998, the BJP district secretary, Biswaroop Bhattacharya recommended that illegal flows can be prevented by making the lives of illegal immigrants more difficult.⁷⁵ In 1999, West Bengal's Chief Minister Jyoti Basu described illegal flows from Bangladesh as “a major headache for many Indian cities.” He noted that after negotiations with Dhaka illegal border crossers would be deported.⁷⁶ In 2001 the Government of India issued a report on Reforming the National Security System. The report was written by a number of ministers directed by Lal Krishna Advani, Indian Deputy Prime Minister under BJP. The report underlined that:

Illegal immigration from across our borders has continued unabated for over five decades. We have yet to fully wake up to the implications of the unchecked immigration for the national security. Today, we have about 15 million Bangladeshis, 2.2 million Nepalese, 70,000 Sri Lankan Tamils and about 1 lakh (100,000) Tibetan migrants living in India. Demographic changes have been brought about in the border belts of West Bengal, several districts in Bihar, Assam, Tripura and Meghalaya as a result of large-scale illegal migration. Even states like Delhi, Maharashtra and Rajasthan have been affected. Such large-scale migration has obvious social, economic, political and security implications. There is an all-round failure in India to come to grips with the problem of illegal immigration. Unfortunately, action on this subject invariably assumes communal overtones with political parties taking positions to suit the interest of their vote banks. The massive illegal immigration poses a grave danger to our security, social harmony and economic well being.⁷⁷

So far the speeches, statements and reports of the Indian government show some similarities to those of the U.S. government. In both countries illegal immigration is considered a threat to societies and its consequences on various dimensions are repeatedly emphasized. However, the statement of the West Bengal's Chief Minister Buddhadeb Bhattacharjee, from the Communist Party, demonstrates with poignant clarity how the mentality of policymakers in India is different. The Minister noted that “our government can no longer tolerate *infiltration*

⁷⁵ “Illegal Immigrants, Political Pawns,” 10 August 1998, *India Today*
<http://www.indiatoday.com/itoday/10081998/bangl.html>

⁷⁶ “Basu asks Hasina to curb infiltration,” 29 January 1999, *Rediff*
<http://www.rediff.com/news/1999/jan/29hasina.htm>

⁷⁷ Quoted in Nandy, *Illegal Immigration from Bangladesh to India: The Emerging Conflicts*, p.89 Government of India, Border Management, Chapter 5, *Report of the Group of Ministers on National Security*, February 2001, pg. 60.

across the border, which has reached alarming proportions. Enough is enough this can't go on any longer.”⁷⁸ He went on to say that:

On the question of dealing with illegal infiltrators from Bangladesh, our state government is in agreement with the government of India that whenever such infiltration detected, the foreign nationals should be pushed back.⁷⁹

Therefore, Bhattacharjee proposes that illegal border crossers should be pushed back from the border. However, rather than stressing moral responsibility in border practices, the Minister ensures that no tolerance should be shown to illegal border crossers. By placing special emphasis on “no toleration,” the Minister implies that any method is considered legitimate in order to tackle illegal flows. Similarly, the former Deputy Indian Prime Minister Lal Krishna Advani recommended all provinces to be aware of the problem of illegal immigration and help to detect illegal immigrants and deport them.⁸⁰ He also stressed that the deportation should take place firmly and lawfully.⁸¹ Advani went on to say that “Our borders (with Bangladesh) are such that infiltration is possible even if security forces are there.”⁸² He further stated that illegal Bangladeshi border crossers had no right to stay permanently in India. He expressed the view that in no country of the world, does such illegal immigration take place.⁸³

Advani's statements reflect the views of his right wing party, the BJP. The party adopts “an uncompromising approach” towards illegal immigrants.⁸⁴ It gives the impression that the Indian government gives concessions to the Muslim population and it negatively affects the interests of the Hindu population.⁸⁵ As a consequence, the party tries to mobilize the public by claiming that Muslim minorities gain more and more political clout and tries to achieve solidarity among the nation. In Anuj Nadadur's terms, manipulative politics performed by the

⁷⁸ Quoted in Global Commission on International Migration (GCIM), *Indifference, Impotence, and Intolerance: Transnational Bangladeshis in India*, September 2005, Global Migration Perspectives, No. 42, p. 14 <http://www.unhcr.org/refworld/docid/435f84da4.html>

⁷⁹ “Buddha speaks in Delhi's voice,” 9 February 2003, *The Telegraph* http://www.telegraphindia.com/1030209/asp/nation/story_1653861.asp

⁸⁰ Global Commission on International Migration (GCIM), *Indifference, Impotence, and Intolerance*, p.2

⁸¹ “Illegal immigrants have to be deported: Advani,” 16 February 2003, *Times of India* http://articles.timesofindia.indiatimes.com/2003-02-16/india/27284960_1_illegal-immigrants-illegal-migration-ration-cards

⁸² Ibid.

⁸³ “They have no right to stay here: Advani,” 5 February 2003 *The Hindu* <http://hindu.com/2003/02/06/stories/2003020605540100.htm>

⁸⁴ Global Commission on International Migration (GCIM), *Indifference, Impotence, and Intolerance*, <http://www.unhcr.org/refworld/country,,GCIM,,BGD,,435f84da4,0.html>

⁸⁵ Anuj Nadadur, “The ‘Muslim Threat’ and the Bharatiya Janata Party's Rise to Power,” *Peace and Democracy in South Asia*, Vol. 2 No.1-2 (2006), p. 88

BJP “served to emphasize the perpetual conflict between Hindus and Muslims and demonstrate the increasing upper hand that the Muslims were gaining.”⁸⁶ By giving emphasis on firm and lawful deportation, Advani implies that the deportation of illegal immigrants should not take place arbitrarily, but rather it should take place according to standards laid out in law. In sharp contrast to the U.S. in which the rule of law is repeatedly emphasized, Advani mentions strict application of legal rules.

In a parliamentary meeting in 2003, President APJ Abdul Kalam said that “the problem of illegal migration from Bangladesh has assumed serious proportions and affects many states. The government is determined to take all necessary steps to check this problem.”⁸⁷ This statement also stands in sharp contrast to statements of U.S. presidents. While US presidents, Republican or Democrat, set the limits of border reinforcement strategies by referring to “humaneness” and “human rights,” the Indian President, by stating that all necessary steps should be taken, implies that a shoot to kill policy is also one of the options in reinforcing the border.

The Indian External Affairs Minister Yashwant Sinha, from the BJP, stated in 2003 that “snake charmers cannot spoil our relations, we can get over these problems, if Bangladesh acknowledges the fact and decides to talk.”⁸⁸ This statement reveals that illegal flows at the border are not seen from the perspective of human rights and human dignity. By calling illegal border crossers snake charmers, the Minister implies that these people are inferior. This statement reflects a bias against the illegal border crossers. Instead, strong emphasis is given to the Indian-Bangladesh relations. What is at stake here is that the Minister does not take the viewpoint that if India uses violence against illegal border crossers, this would have repercussions for the Indian identity.

Similarly, Shri Mukhtar Abbas Naqvi, the BJP General Secretary stated that:

...the BJP welcomes the pro-active role of the Hon'ble Deputy Prime Minister of India Shri L.K. Advani on the issue of illegal immigration from Bangladesh. Infiltration is a serious problem and no effort should be spared to put an early end to it. The socio-economic and political manifestations of illegal immigration are seriously affecting the fabric of the country. Given the implications of continuing illegal infiltration into India, the BJP supports every

⁸⁶ Ibid., pp. 103-104

⁸⁷ Jyoti M. Pathania, *India & Bangladesh - Migration Matrix- Reactive and not Proactive South Asia Analysis* Group Paper no. 632 <http://www.southasiaanalysis.org/paper632>

⁸⁸ Quoted in Priyankar Upadhyaya, “Securitization Matrix in South Asia,” p. 14

move and effort including use of force, if the deemed fit, by the Government. No stone should be left unturned in solving the problem of illegal immigration for once and all.⁸⁹

By asserting that every method including the use of force should be used, Shri Mukhtar Abbas Naqvi explicitly proposes a shoot to kill policy as a viable option. He emphasizes the socio-economic and political consequences that illegal immigration brings and notes that the government should stop illegal immigration even at the cost of killing illegal border crossers. In contrast to the U.S., rather than setting the framework of border reinforcement strategies by taking into consideration the human rights and human dignity, this statement explicitly justifies a shoot to kill policy by considering the socio-economic and political aspects of illegal immigration.

In stark contrast to the previous statement which explicitly justifies a shoot to kill policy, the Union Home Minister Palaniappan Chidambaram, a member of the Indian National Congress, emphasizes obligations derived from national law and international law, and democracy. In his speech at the conference of chief ministers on internal security in New Delhi in 2011, he asserted that:

We live in a troubled neighbourhood. Some of our neighbours appear to be vulnerable not only to acts of terror but also to destabilising political developments, the consequences of which affect India in one way or another. Some obvious consequences are cross border terrorism, covert support to insurgents, arms smuggling, fake Indian currency notes (FICN), inflow of refugees, and immigration. We have to deal with each one of them within the constraints of our obligations under international law and domestic law and in consonance with our open and democratic system.⁹⁰

In contrast to other statements made by Indian policymakers, Chidambaram takes into consideration the obligation brought by national law and international law and stresses that India is an open and democratic society. What are the implications of this statement? Does this statement mean that the Indian policymakers share an intersubjective understanding of the norm of non-violence? I argue otherwise. This statement is indeed different compared to statements by other Indian policymakers. Rather than legitimizing a shoot to kill policy

⁸⁹Statement issued by Shri Mukhtar Abbas Naqvi, BJP General Secretary & Spokesman, 6 February 2003 http://www.bjp.org/index.php?option=com_content&view=article&id=4760&catid=68:press-releases&Itemid=494

⁹⁰ Union Home Minister's Speech at the Chief Minister's Conference on Internal Security, 1 February 2011, <http://www.satp.org/satporgtp/countries/india/document/papers/2011/hmspeechjan.htm>

implicitly or explicitly, this statement emphasizes obligations derived from national law, international law, and democracy.

However, upon closer analysis, there is a difference between this statement and the statement of U.S. policymakers. Although an emphasis on law and democracy is made, the statement makes no emphasis on the Indian identity or the Indian nation. In other words, there is no association between the Indian identity with the norm of non-violence. While this statement suggests a need to refrain from a shoot to kill policy in line with the obligation of national law, international law, and democracy, unlike the U.S. this policy does not associate the India's identity with the norm of non-violence. Most importantly, as previous statements explicitly support a shoot to kill policy as an option, it can be inferred that policymakers in India do not share a common understanding of the norm of non-violence.

The table below summarizes the statements of policymakers from different party affiliations. Since there are more than two political parties in India, I classify the BJP as the right wing party. I group the Communist Party and the Indian National Congress which is a centre-left party⁹¹ under the heading of the left-wing party. Since the president is not affiliated with a political party, I include his statement in the column of "other." I also include the report of the Governor of Assam, S.K. Sinha in the same column.

⁹¹ "Indian National Congress,"
http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Indian_National_Congress.html

Table 5.2.

PROPOSALS			NORMATIVE CONCERN	
Right-Wing Party	Left-Wing Party	Others	Right-Wing Party	Left-Wing Party
Deportation Every move including the use of force	Push-back Any measure is justifiable	Border fencing with vigorous patrolling and other measures All necessary steps	Firm and lawful deportation	Obligations under international law, in line with open and democratic system

In summary, the statements made by Indian policymakers in regards to border reinforcement strategies reveal that they are not concerned for the norm of non-violence. Firstly, a shoot to kill policy is explicitly proposed as an option both from the right-wing and left-wing parties. The BJP General Secretary, Shri Mukhtar Abbas Naqvi, stated that illegal immigration poses a massive threat to India and it should be prevented at all costs. By saying that physical force could be considered as an option, he proposed a shoot to kill policy to prevent illegal border crossings. Even the President of India said that all necessary steps should be taken to prevent illegal immigration. This statement stands in sharp contrast to statements of the U.S. presidents who set the limits for border reinforcement strategies. Even though both presidents did not propose specific policies, the presidents of the U.S. such as Clinton and Reagan stated that the border should be reinforced within the limits set by human rights. Therefore, it can be concluded that in India there is no intersubjective understanding of the norm of non-violence.

However, law and democracy are not totally ignored within Indian official statements. When Advani discussed the deportation of illegal immigrants, he emphasized that they should be deported lawfully. When the Union Home Minister Palaniappan Chidambaram discussed border security, he emphasized obligations brought by international, national law, and democracy. A critic might suggest that there is no difference between the U.S. official statements and Indian official statements as law and democracy are mentioned in both statements. However, the devil is in the details.

Even in the Indian official discourse democracy and law are not totally out of the picture, official statements reveal that the Indian policymakers have not reached a stage where they associate their identity with these concepts. Although they are cognizant of the fact that they have open and democratic regime, they do not associate their identity with the norm of non-violence. Since non-violent state behavior has not become a systematized practice in India, policymakers are not concerned for the norm of non-violence. The norm has not become a part of their identity. In other words, they do not feel that their identity is associated with non-violent state behavior. In contrast to the U.S. where policymakers emphasize that the U.S. is a humane nation, a nation dedicated to justice, a nation of laws in discussing border reinforcement strategies, in India policymakers only stress that India is an open and democratic system. Moreover, there is no mention of the norm of non-violence which constitutes the democratic system. Therefore, policymakers do not think in terms of “this is our identity and if we use physical violence at our borders, then we do not respect an important constituent of our identity.” That is why policymakers in India could propose a shoot to kill policy as a policy option or legitimize any necessary step in border reinforcement.

There is a sharp contrast between the U.S. mentality and the Indian mentality in terms of border reinforcement strategies. In the U.S., there is a collective understanding that border agents should not use physical force against illegal border crossers. This understanding does not deny the importance of reinforcing borders. It is by all means exclusionary. However, it is based on the recognition of human rights and the respect for law. This understanding is justified by taking into consideration the U.S. identity. On the other hand, in India there is no such understanding which delegitimizes the use of violence on the basis of Indian identity. Although democracy and law are incorporated in discussions on border security, policymakers in India are not concerned for the norm of non-violence.

This finding is in line with the predictions of my theory. I argue that the rule of law is the backbone of democratic political order. The rule of law ensures that domestic political conflicts are regulated through non-violent instruments. The norm of non-violent conflict regulation is the causal mechanism between a democracy and a shoot to kill policy. It induces policymakers to refrain from a shoot to kill policy when they are interested in reinforcing their borders. However, states which occupy the lowest end of the democratic spectrum have recurring and competitive elections, but a weak rule of law system. When the rule of law is weak, then there is no guarantee that non-violence is practiced systematically. If legal institutions are not independent, policymakers may not always be held accountable for their arbitrary behavior.

The weak rule of law system has implications for border practices. One should not lose sight of the fact that in weak rule of law societies non-violence is not linked to institutional process. As a consequence, policymakers are not bound by the norm of non-violence. Therefore, when they are interested in reinforcing their borders, they become likely to adopt shoot to kill policies at their borders. The Indian case strengthens the causal logic of my argument. The norm of non-violent conflict regulation which derives from the rule of law induces policymakers to rule out a shoot to kill policy. In other words, without a rule of law which functions vigorously, democratic regimes are also inclined to rely on shoot to kill policies at their borders.

5.4. The Turkmenistan-Uzbekistan Border

Like most of the borders of Central Asian states, the Turkmen-Uzbek border suffers from “transit migration, criminal operations, smuggling, and participation in the activities of illegal extremist groups.”⁹² Turkmenistan began killing illegal border crossers from Uzbekistan in 1993. Turkmenistan and Uzbekistan delimited their borders in 2000. After the delimitation, Turkmenistan has also relied on other border reinforcement strategies along with its shoot to kill policy. Turkmen authorities increased the number of border agents⁹³ and passport control

⁹²Sergey V. Golunov, “Border Security in Central Asia: Before and After September 11,” Paper written for the joint workshop of the PfP- Consortium Study Groups “Regional Stability in Central Asia” and “Security Sector Reform,” p.15 http://www.dcaf.ch/.../ev_reichnau_041105_papers_golunov.pdf

⁹³ Gavrilis, “The Dynamics of InterState Borders,” p. 124

points and began fencing its border with Uzbekistan.⁹⁴ Border fencing was designed to curb smuggling and illegal immigration at the border.⁹⁵

In contrast to the U.S. and India, Turkmenistan does not have a democratic regime. Political life is under strict control of the state. Due to a lack of transparency, it is not possible to find proposals regarding border reinforcement strategies by policymakers from different backgrounds. Rather, political discussions are dominated by statements of Turkmen presidents. Therefore, I provide a glance into the statements of two presidents: Saparmyrat Niyazov and Gurbanguly Berdymukhammedov. These statements reveal whether they are motivated by the norm of non-violence in reinforcing Turkmen borders.

The Turkmen President, Saparmyrat Niyazov, justified the Turkmen policy at the Uzbek border by stating that the reinforcement of border is necessary to:

...maintain order on the border, to protect ourselves from violators and dishonest people and to prevent our goods from being smuggled. There are special crossing-points to prevent such things, and to ensure permitted and regulated border crossing on a legal basis. We have this in Koytendag [eastern Turkmenistan] as well as in other border districts of Lebap Region. Yesterday we started this [construction of wire fences] in Lebap, and earlier in Dashoguz. You must finish putting up this fence, all 1,700 km of it, by the end of this year. We need this to avoid any future dispute between us and to prevent any violators from entering. As we all are sovereign states, we cannot keep the borders open any more, for there could be trespassers from third countries.⁹⁶

Niyazov describes illegal border crossers as violators, dishonest people and smugglers. While he emphasizes that legal border crossing is possible, he stresses the importance of controlling Turkmen borders on the basis of sovereignty. The condition of illegal border crossers who are refugees or illegal immigrants goes neglected. The Turkmen leader does not mention the Turkmen identity being based on non-violence when discussing the need to reinforce Turkmen borders.

⁹⁴International Crisis Group, "Central Asia: Border Disputes and Conflict Potential," Asia Report 33, 4 April 2002, p.10 <http://www.crisisgroup.org/en/regions/asia/central-asia/033-central-asia-border-disputes-and-conflict-potential.aspx>

⁹⁵ "Turkmenistan's Niyazov wants fence along the border," 2 April 2001, *EurasiaNet* <http://web.archive.org/web/20070706201023/http://www.eurasianet.org/resource/turkmenistan/hypermail/200104/0001.html>

⁹⁶ Justin Burke, "Niyazov Calls For Fortifying Borders," 2 April 2001, *EurasiaNet* <http://www.eurasianet.org/resource/turkmenistan/hypermail/200104/0000.html>

When Niyazov died in 2006, Gurbanguly Berdymukhammedov became the new president in 2007. In the following year the Delegation of the Uzbekistan National Security Service Committee on Protection of State Borders visited Turkmen authorities. In the official statement, it was noted that:

Uzbekistan-Turkmenistan state border remains the border of friendship, uniting brotherly nations of Uzbekistan and Turkmenistan. Stable system of interaction, enabling successful solving of any issues at state borders on the basis of friendship, good-neighbourly relations and mutual understanding, formed between frontier guards of the two countries.⁹⁷

Like the statement of Niyazov, the statement of Berdymukhammedov does not reveal a concern about the lives of illegal border crossers. He stresses that problems which emerge along the border area should be solved with cooperation on both sides, but no emphasis is placed on Turkmen identity. However, this statement does not imply that Turkmenistan should refrain from physical violence because it has a non-violent character.

Berdymukhammedov stated in 2009 that the maritime border of Turkmenistan would be reinforced through coastal radars and ships. In his statement, he emphasized that reinforcing the border is necessary to fight effectively against smugglers, terrorists and any other forces who try to illegally use our state sea border or create an unstable situation.”⁹⁸ Shoot to kill practices continued in 2010. Local villagers are exposed to systematic shooting practices by Turkmen border agents while crossing the border.⁹⁹ In light of shooting practices, Berdimuhamedov remained silent on the issue, rather than justifying a shoot to kill policy or delegitimizing it by referring to the norm of non-violence. Instead, he stated that Turkmenistan plans to deploy modern equipments at its borders.

President Gurbanguly Berdimuhamedov presided over a meeting in the State Secretary Council in 2012. In his speech, the president placed emphasis on the prevention of unauthorized flows across Turkmen borders and stressed that border guards should be

⁹⁷“Leaders of Uzbekistan and Turkmenistan Border Services hold negotiations,” 13 October 2008, *Trend* <http://en.trend.az/regions/casia/uzbekistan/1318977.html>

⁹⁸ Quoted in Jim Nichol, “Turkmenistan: Recent Developments and U.S. Interests,” *Congressional Research Service*, 17 August 2012 p. 10 <http://www.fas.org/sgp/crs/row/97-1055.pdf> The quote come from Open Source Center. *Central Eurasia: Daily Report* (hereafter *CEDR*), August 31, 2009, Doc. No. CEP-950194.

⁹⁹ “Turkmen border guards kill Uzbek carrying can of gasoline,” 16 August 2010, *Central Asia Newswire* <http://www.universalnewswires.com/centralasia/viewstory.aspx?id=1430>

comfortable and stress-free. He noted that modern border units should be established in order to provide comfort for border guards.¹⁰⁰ While strong emphasis is given to the comfort of border guards in controlling borders, no instruction is given about humanely controlling the border. It is reported that since 1993, Turkmen border guards have systematically relied on shooting practices against illegal border crossers at the Uzbek border. However, the president makes no suggestion that border guards should refrain from committing violent acts against illegal border crossers. He sets no framework for border reinforcement by associating non-violent behavior with Turkmen identity.

The below table summarizes statements of Turkmen presidents. Since political life is under strict control, it is not possible to find proposals made by policymakers from different political viewpoints. Therefore, I make a division between the statements of two presidents.

¹⁰⁰“A meeting of the State Security Council of Turkmenistan,” 4 May 2012, *State News Agency of Turkmenistan* http://www.turkmenistan.gov.tm/_eng/?id=758

Table 5.3.

PROPOSALS		NORMATIVE CONCERN	
Niyazov	Berdymukhammedov	Niyazov	Berdymukhammedov
Fencing	Cross-border cooperation Reinforcement through radars and ships The deployment of modern equipments Border guards should be comfortable and stress-free Modern units should be deployed	n/a	n/a

The statements of the previous and current Turkmen leaders are similar. When they discuss border issues, they take into consideration the best possible option to keep out illegal border crossers. However, no emphasis is placed on the lives of illegal border crossers. The two statements reveal that there is a consistency between the mentalities of the two presidents and there is no intersubjective understanding about the norm of non-violence. When presidents discuss border issues, they do not look at these issues from the perspective of human rights, human dignity and tolerance. These statements do not reveal an obligation to refrain from violence at Turkmen borders. A shoot to kill policy is not proposed as an option, but the norm of non-violence is not referred to in discussing border reinforcement strategies either.

As my theory predicts, Turkmen leaders show no concern for the norm of non-violence in reinforcing Turkmen borders. Turkmenistan relies on non-violent suppression of domestic political conflicts. As stated in the Methodology chapter, ethnic minorities witness forced relocation; opponents of the regime are sent into exile. Rather than suppressing domestic political conflicts violently, the regime opts for eliminating these conflicts through other repressive actions. Since the rule of law is not established in Turkmenistan, non-violent behavior shown by the regime is arbitrary. In other words, non-violence is not protected and maintained by the rule of law. Therefore, policymakers in Turkmenistan do not associate their identity with the norm of non-violence.

As the Turkmen case shows even though Turkmenistan does not use violence, this does not mean that the Turkmen leaders are concerned for the norm of non-violence. As stated in the Theory chapter, in democracies, the rule of law ensures that non-violence is practiced systematically. It guarantees that policymakers engaged in abusive and violent practices are held responsible for their actions. However, in undemocratic states, the rule of law is not institutionalized. Even when undemocratic states show non-violent behavior, violence might always be an option in dealing with domestic political conflicts. As non-violence is not guaranteed by the rule of law, when undemocratic states are interested in reinforcing their borders, they become inclined to adopt shoot to kill policies at their borders.

5.5. The Egypt-Israel Border

Egypt started to adopt a shoot to kill policy at its Israeli border in 2007. However, in contrast to other states which adopt shoot to kill policies mostly against citizens of their neighboring states, Egypt adopts a shoot to kill policy against illegal immigrants who attempt to leave its territory to reach Israel. Economic inequality, oppression, violence and conflicts in the neighboring states make Israel a good destination.¹⁰¹ Most people attempt to reach Israel via Egypt. In the past Egypt was a destination for thousands of Sudanese who fled the Second Sudanese Civil War which started in 1983. Egypt started to accept Sudanese refugees from 1994 onwards.¹⁰² Sudanese people constitute the largest immigrants in Egyptian society.¹⁰³

¹⁰¹Human Rights Watch, "Sinai Perils: Risk to Migrants, Refugees, and Asylum Seekers in Egypt and Israel," November 2008, p.17 <http://www.hrw.org/sites/default/files/reports/egypt1108webwcover.pdf>

¹⁰²Haim Yacobi, "'Let Me Go to the City': African Asylum Seekers, Racialization and the Politics of Space in Israel," *Journal of Refugee Studies*, Vol. 24, No.1(December, 2010), p. 5

¹⁰³Human Rights Watch, "Sinai Perils," p. 11

Nevertheless, most of them are living in poor conditions and under oppression and discrimination.¹⁰⁴ Many of them desire to go to Israel for better opportunities.¹⁰⁵ There was an increase of illegal migratory flows from Egypt to Israel in 2005.¹⁰⁶ The porous nature of the Egypt-Israel border also encouraged people from countries such as Eritrea, Ghana, Kenya, Nigeria and Ivory Coast.¹⁰⁷

In light of the increasing influx of illegal immigrants, the Israeli Prime Minister Ehud Olmert and the Egyptian President Husnu Mubarek met to discuss border-related problems in 2007. Ehud Olmert requested that Egypt take more steps to prevent illegal flows into its territory. A consensus was reached among the two states to curb illegal cross-border flows. According to the agreement, Egypt agreed to take back illegal border crossers detected by Israel on the border.¹⁰⁸ Moreover, Olmert insisted that Mubarak assure the safety of deported illegal immigrants from Israel to Egypt.¹⁰⁹ On the contrary, 3 days after the agreement, Egypt started to adopt a shoot to kill policy at its Israeli border. The Egyptian border authorities turned the border into a “dead zone” by killing African migrants who attempted to cross the border.¹¹⁰ From 2007 to 2008, 32 Africans were killed.¹¹¹ The actual number of those who were killed might be much higher since no numbers were officially declared.

Like Turkmenistan, Egypt did not hold discussions regarding alternative methods of border reinforcement by policymakers from different political backgrounds. Rather, the statements in Egypt are based on the justifications of its border strategy which had already been operationalized. Egypt justifies the usage of lethal force against illegal immigrants by arguing that the Egypt-Israel border has turned into a hub for smuggling activities.¹¹² Egypt also shows the murdered Egyptian border guards by Palestinians at the Gaza border as a justification for its shoot to kill policy. In 2006, two Egyptian border guards were shot by

¹⁰⁴ “Israel-Sudan: Government to turn back refugees at border,” 4 July 2007

Irin Humanitarian News and Analysis

<http://www.irinnews.org/Report.aspx?ReportId=73078>

¹⁰⁵ Human Rights Watch, “Sinai Perils,” p. 17

¹⁰⁶ Yacobi, ‘Let Me Go to the City,’”p. 5

¹⁰⁷ Ibid. pp. 5-6

¹⁰⁸ “Israel-Sudan: Government to turn back refugees at border,” 4 July 2007, *Irin Humanitarian News and Analysis* <http://www.irinnews.org/Report.aspx?ReportId=73078>

¹⁰⁹ Yacobi, ‘Let Me Go to the City,’”p. 7

¹¹⁰ Human Rights Watch “Egypt: Guards kill 3 migrants on border with Israel,” 31 March 2010,

¹¹¹ “Egypt/Israel: Egypt should end ‘shoot to stop’ practice at Sinai border crossings” 12 November 2008, Human Rights Watch <http://www.hrw.org/en/news/2008/11/12/egypt-end-shoot-stop-practice-sinai-border-crossings>

¹¹² Human Rights Watch, “Sinai Perils,” p. 3

Palestinians who infiltrated the wall between Egypt and Gaza with a bulldozer.¹¹³ In 2007, the report of the Ministry of Foreign Affairs noted that:

The number of people trespassing to Israel through the Egyptian-Israeli borders has increased exponentially over the last couple of years. Both countries [should prevent] illegal activities such as trespassing across the borders or smuggling ... after the outrageous terrorist attacks on Sinai. Egyptian authorities are combating this growing phenomenon since it jeopardizes security and should be firmly dealt with, especially now there are organized networks that facilitate illegal trespassing.¹¹⁴

In the same report it is stated that “If those crossing refuse to heed the orders of authorities to stop, then authorities are forced to deal with them in such a manner to ensure respect for the law.”¹¹⁵ The report also stated that national law and international law would permit Egypt to use physical force to prevent illegal flows of people.¹¹⁶ Officials from the Foreign Ministry asserted that the Egyptian strategy at the Israeli border is justifiable because there is a flow of weapons at its Sinai border. Another official from the Ministry noted that the Egypt-Israel Peace Treaty of 1979 limited the number of border guard. If Egypt could increase the number of border units, it would abandon lethal force at its border.¹¹⁷

After the border shootings at the Israeli border in 2009, General Muhammad Shousha, Governor of North Sinai acknowledged that these shootings are “necessary” for border control. He went on to say that: “Of course it's not a mistake that we shoot them - it's necessary to shoot them. To deal with an infiltrator, he has to be fired at. If we say, ‘Stop where are you going?’ he's not going to stop so we have to shoot him. The distance to the border is only a few meters so if the infiltrator does not realize that if he goes near the border he will be shot at, the situation will be chaotic.”¹¹⁸

¹¹³“Two Egyptian soldiers killed after Palestinians breach border wall with bulldozer,” 5 January 2006, *The Guardian* <http://www.guardian.co.uk/world/2006/jan/05/israel>

¹¹⁴ The Ministry of Foreign Affairs statement, “Egyptian efforts to combat trespassing across the international borders with Israel,” 11 August 2007 <http://www.mfa.gov.eg/Missions/canada/OTTAWA/Embassy/en->

¹¹⁵“Egypt says it wo’nt take take back refugees who cross into Israel,” 10 August 2007, *Sudan Tribune* <http://www.sudantribune.com/Egypt-says-won-t-take-back,23227>

¹¹⁶ *Ibid.*

¹¹⁷ Interviews made by Human Rights Watch, “Sinai Perils,” p. 37

¹¹⁸ Human Rights Watch, *Egypt: Stop Killing Migrants in Sinai*, 10 September 2009 <http://www.unhcr.org/refworld/docid/4aaf4caf1a.html>

Authorities in Egypt also argue that the flows of illegal immigrants and refugees constitute a threat to the national security of Egypt since it is related to transborder organized crime.¹¹⁹ Officials argue that the use of force is necessary to thwart national security concerns.¹²⁰ In 2009, Foreign Ministry Spokesman, Hossam Zaki justified the shoot to kill policy by stating that “This is a vast desert area, manned by fewer troops than you may think. When our troops see individuals at night, they ask them to stop through loudspeakers. If the individuals fail to do that, we fire in the air. After that, they are forced to shoot at the individuals.”¹²¹

The below table summarizes speeches and statements of policymakers. Like Turkmenistan it is not possible to find speeches and statements of policymakers from various political parties. Therefore, I divide the statements as the reports of Foreign Ministry and state officials.

¹¹⁹ Human Rights Watch, “Sinai Perils,” p. 37

¹²⁰ “Human Rights Watch faults Egypt’s ‘shoot to stop’ policy,” 13 November 2008, *Christian Monitor*
<http://www.csmonitor.com/World/Middle-East/2008/1113/p06s03-wome.html>

¹²¹ Anauk Lorie, “Dangers await Africans seeking Asylum in Israel,” 11 December 2009, *Time*
<http://www.time.com/time/world/article/0,8599,1946861,00.html>

Table 5.4.

PROPOSALS		NORMATIVE CONCERN	
Foreign Ministry reports	State Officials	Foreign Ministry reports	State Officials
The use of physical force	<p>The use of physical force could be abandoned only if the number of border units was increased.</p> <p>It is necessary to shoot at the border.</p>	n/a	n/a

As seen from these statements Egyptian authorities justify a shoot to kill policy at its Israeli border. However, they turn a blind eye to the fact that most of them who were killed were unarmed illegal immigrants. An official states that the shoot to kill policy is in line with national law and international law. Another official from the Ministry stated that if the number of Egyptian border agents were high, the shoot to kill policy would be stopped. The Foreign Ministry Spokesman noted that the shoot to kill policy would be implemented as a last resort to prevent illegal flows. There is an intersubjective understanding among Egyptian policymakers that the shoot to kill policy is necessary to stop illegal flows. However, no distinction is made between armed groups and unarmed illegal immigrants. From 2007 onwards, Egyptian border authorities have systematically relied on shooting practices against illegal immigrants who try to cross the border to reach Israel. Nevertheless, there is no official statement which declares that the shoot to kill policy against unarmed people is unacceptable.

There is no emphasis on the norm of non-violence among policymakers. In tune with my argument, as Egypt is an undemocratic state, policymakers do not share a concern for the norm of non-violence.

5.6. The Israel-Palestine Border

Israel has a shoot to kill policy at its Palestinian border. The Israel-Palestine border is an outlier case because Israel is a democracy. However, Israeli soldiers are ordered to shoot and kill any Palestinians irrespective of their location.¹²² It should be noted that the Israeli policy against Palestinians is more than a border reinforcement strategy. It is a general policy towards Palestinians which has implications for its border reinforcement strategy. It is not only implemented at the Palestinian border. The Israeli army kills Palestinians on Palestinian territory, such as in Gaza¹²³ and at the borders of other states when they protest at the Syrian and Lebanon borders.¹²⁴ In regards to killings at the Syrian border, Prime Minister Benjamin Netanyahu stated that: “Unfortunately, extremist forces around us are trying today to breach our borders and threaten our communities and our citizens. We will not let them do that.”¹²⁵ In this statement, no emphasis is given to the democratic and the non-violent character of Israel.

Israeli policymakers do not directly comment on the illegal border crossers. However, they openly support the killing of Hamas leaders. Transportation Minister Yisrael Katz asserted that it is legitimate to kill Hamas leaders.¹²⁶ The Israeli government confirmed that it pursues a policy which is based on the assassination of military and political figures in Gaza.¹²⁷ In the same year, the Israeli government admitted that it killed Yasser Arafat's deputy in a raid

¹²²“ Israel admits 'shoot to kill' policy,” 21 December 2000, *News 24*
<http://www.news24.com/xArchive/Archive/Israel-admits-shoot-to-kill-policy-20001221>

¹²³ Peter Symonds, “Israeli atrocities in Gaza: a political impasse and moral collapse,” 7 January 2009, *Global Research* <http://www.globalresearch.ca/israeli-atrocities-in-gaza-a-political-impasse-and-moral-collapse/>

¹²⁴ Allyn Fisher-Ilan, “Israeli forces kill six protesters,” 5 June 2011, *Reuters*
<http://www.reuters.com/article/2011/06/05/us-palestinians-israel-violence-idUSTRE7540NV20110605>

¹²⁵ “6 dead as Israeli troops fire along Syrian border,” 5 June 2011 *Emirates 24/7*
<http://www.emirates247.com/news/world/6-dead-as-israeli-troops-fire-along-syrian-border-2011-06-05-1.401182>

¹²⁶ “Minister: Haniyeh, Zahar legitimate targets,” 16 November 2012, *Ynet News*
<http://www.ynetnews.com/articles/0,7340,L-4306565,00.html>

¹²⁷ “Israel’s Shortsighted Assassination,” 16 November 2012, *The New York Times*
http://www.nytimes.com/2012/11/17/opinion/israels-shortsighted-assassination.html?_r=0

which took place in Tunisia in 1988.¹²⁸ Although the Israeli government admitted to the assassination, it did not apologize for the incident. These statements reveal no concern for the use of physical violence against Palestinians.

Surprisingly, the Israeli attitude towards its Egyptian border is radically different. When Israeli Prime Minister Ehud Olmert entered into negotiations with the Egyptian President Husnu Mübarek, Olmert put pressure on him to prevent illegal flows of people at the border. He stressed a guarantee from the Egyptian President that the lives of illegal border crossers should be protected.¹²⁹ When Egypt started to implement a shoot to kill policy against people illegally attempting to leave the country, the Israeli parliament issued a petition which would prevent the deportation of Sudanese refugees to Egypt. In the petition, it was stated that “The refugees who arrived here need protection and shelter. Their absorption as refugees is a moral duty, considering the history of the Jewish people and the values of democracy and humanity.”¹³⁰

Policymakers from religious parties also stressed the importance of the lives of illegal border crossers from the Egyptian border. For instance, Zevulun Orlev from the National Religious Party stated that “Jewish morals and Jewish history obligate us to treat refugees in peril with the utmost sensitivity.”¹³¹ Similarly, Yuli Edelstein from the Likud Party asserted that “The State of Israel has to do all in its power to aid the Darfur refugees, because they’ve been through a terrible massacre, and returning them to where they’ve fled from could cost them their lives.”¹³² Not only are policymakers concerned with the lives of African refugees, but they stress that Israel should provide protection to them.

Rather than holding heated discussions regarding alternative border reinforcement strategies, Israeli political parties from different backgrounds emphasize obligations derived from the norm of non-violence in discussing the African refugees along the Israel-Egypt border. Hence, the table below summarizes official statements and reports only by normative concern.

¹²⁸ “Israel admits killing Palestinian leader's deputy,” 25 December 2012, *The Telegraph* <http://www.telegraph.co.uk/news/worldnews/middleeast/palestinianauthority/9650197/Israel-admits-killing-Palestinian-leaders-deputy.html>

¹²⁹ Yacobi, “Let Me Go to the City,” p. 7

¹³⁰ MKs behind Darfur refugees,” 3 August 2007, *YNET News* <http://www.ynetnews.com/articles/0,7340,L-3433224,00.html>

¹³¹ *Ibid.*

¹³² *Ibid.*

In order to illustrate the different attitudes of Israeli policymakers towards the Palestinian and the Egyptian border, I divide the statements by African refugees and Palestinians.

Table 5.5.

NORMATIVE CONCERN			
Palestinians	African refugees		
n/a	National Religious Party	Likud Party	Other
	Jewish morals and Jewish history obligate us to treat refugees in peril with the utmost sensitivity	The State of Israel has to do all in its power to aid the Darfur refugees	It is a moral duty to protect refugees

These statements reveal that, while Israeli policymakers show concern for the lives of illegal border crossers at the Egyptian border, no emphasis is given to the lives of Palestinians at the Palestinian border. Normally, right-wing parties are expected to show a restrictive attitude towards immigrants. In sharp contrast, Israeli religious and nationalist parties show an inclusive attitude towards African refugees. They do so by associating their identity with the norm of non-violence. Therefore, in Israel policymakers share an intersubjective knowledge that the use of physical violence is unacceptable. This intersubjective understanding is derived

from their Jewish heritage. It appears that there is much more concern for Africans than Palestinians.

While Israel refrains from a shoot to kill policy due to a concern over the norm of non-violence, why does it behave differently at the Palestinian border? In analyzing the Israeli strategy at its Palestinian border, certain background conditions should be emphasized. In contrast to Egypt, Israel is currently engaged in military conflict with Palestine. As my statistical findings demonstrate states which have engaged in violent conflicts are 5 times more likely to rely on shoot to kill policies compared to states which have not engaged in violent conflicts.

As I have argued in the Theory section, in analyzing interstate conflicts, I have only looked at whether state dyads have engaged in militarized conflicts over the past 25 years. Diez et al. have broken the conflicts into three types of conflicts: issue conflicts, identity conflicts and subordination conflicts. In issue conflicts, parties have different opinions about an issue and try to persuade the other party that their position is correct. In identity conflicts, the conflict moves beyond a disagreement about certain issues. Conflicting parties see one another as enemies and consider any action of their enemies as a challenge and consequently reject it. Subordination conflicts, on the other hand, constitute the ultimate stage of conflicts where conflicting parties intend to eliminate one another. In this stage, the systematic killing of the enemy becomes an acceptable practice.¹³³

Being a violent, militarized conflict, the Israeli-Palestinian conflict refers to a subordination conflict elaborated by Diez et al. It goes without saying that this conflict is not an ordinary conflict in which state parties have incompatible interests. It has reached a stage in which two parties desire to eliminate one another. Indeed, in Israel there is an accepted practice of killing Palestinians. As seen from the above-statements, Israeli policymakers openly support the killing of Palestinian leaders and they even admit that they killed Palestinian people in the past. As Frank Jacobs points out, this conflict has reached a stage in which both parties think that the other side has a “hidden agenda” designed for “total territorial annihilation of the

¹³³ Thomas Diez, Mathias Albert and Stephan Stetter, “The transformative power of integration: conceptualizing border conflicts,” in Diez, et. Al. *The European Union and Border Conflicts*, p. 19

opponent.”¹³⁴ Moreover, the conflict originates from and perturbed by Israel’s strong attachment to its disputed territory. Therefore, Israeli policymakers share a concern for losing their territory as such. David Newman throws light on the dynamics of this concern by stating that:

The concept of an ancient homeland was maintained through a process of territorial socialization that penetrated many facets of religious and cultural behavior. This socialization drew both directly and indirectly on the spritual roots for territorial attachment to be found in scriptural sources and interpreted through both prayer and precept. ...

Contextually, the symbolic attachment to the biblical Land of Israel is an exclusive one. The land in question is perceived to being divinely promised to a specific group/nation, while all other groups have, at best, the rights of alien residents. As long as the other groups do not endanger the security or stability of the political entity they can remain within the area. The concept of a binational, emocratic entity in which all population groups have equal rights to own land, obtain power, and/or share equally in all resources is unacceptable from the perspective of territorial exclusivity. Both Israelis and Palestinian strongly reject the option of a single binational state. Either they are opposed to any form of conflict resolution or they prefer some form of territorial separation between the two peoples and the creation of ethnoterritorial, homogenous entities. But they refuse to consider the notion of shared spaces.¹³⁵

Through a socialization process, a strong attachment to territory determines how Israel behaves. Both Israelis and Palestinians believe that the territory exclusively belongs to them. Consequently, this belief prevents any kind of settlement about the territory. Likewise, David Newman posits that the association of Israeli identity with territory has been a major determining factor in the Israeli approach towards Palestine.¹³⁶ Haim Yacobi and David Newman shed light on the the Israeli-Palestinian conflict by stating that:

In all of its history...the Israeli-Palestinian conflict has been characterized by a strong identity dimension. Territorial claims were always couched in the terminology of Jewish/Palestinian homeland and historical/religious rights, with borders (tangible issues) being no more than a spatial and geographical expression of the core identity issues underlying the conflictive aspirations between Zionism as a national movement and Palestinian nationalism.

...

The power of Israel vis-a-vis the Palestinians became intricately linked with the irredentist and ethno-exclusive identity constructions of larger parts of the Israeli population. For many,

¹³⁴ Frank Jacobs, “The Elephant in the Map Room,” 7 August 2012, *The New York Times* <http://opinionator.blogs.nytimes.com/2012/08/07/the-elephant-in-the-map-room/#ftn18>

¹³⁵ David Newman, “Real Spaces, Symbolic Spaces: Interrelated Notions of Territory in the Arab-Israeli Conflict,” in Paul F. Diehl (ed.) *A Road Map to War: Territorial Dimensions of International Conflict* (Vanderbilt University Press, Nashville, 1999),p.15

¹³⁶ *Ibid.*, p.26

identity became transformed into a politics of territory, with notions of homeland and ancestral rights determining the nature of the conflict.¹³⁷

As my theory predicts, Israel is a democracy and Israeli policymakers are bound by the norm of non-violence. They emphasize it by referring to the Israeli identity. It is implied that the Israeli identity is based on the norm of non-violence and it is important to protect this identity by applying the norm of non-violence in regards to African refugees. Since policymakers from right-wing parties make a connection between Jewish culture and illegitimizing violence, one can infer that their border strategies are related to the norm of non-violence derived from their Jewish identity.

As the Israeli-Palestinian conflict shows violent interstate conflicts override the norm of non-violence. Democracies normally demonstrate their obligations to immigrants. However, in the Israeli-Palestinian case study, one can see these different behaviors occurring towards rival groups. Policymakers in democracies construct their identity on the basis of non-violence. However, Israelis and Palestinians do not look at their territory as a piece of land, but as part of their identity. Many Israelis believe that the loss of their physical territory may lead to a loss of their identity. Therefore, Israeli policymakers rely on the use of force to maintain their identity.

The findings for the statistical and case study analyses recalibrate our understanding of the relationship between democracies and shoot to kill policies. While democracies are more likely to refrain from shoot to kill policies as compared to other states, violent interstate conflicts make states more likely to adopt a shoot to kill policy. As the Israeli case demonstrates when democracies have experienced violent interstate conflicts with their neighbors, they also become inclined to adopt shoot to kill policies at their borders. In light of these findings I posit that democracies are inclined to refrain from a shoot to kill policy given that they have not embroiled in violent conflicts with their neighbors.

¹³⁷ Haim Yacobi and David Newman, "The EU and the Israel-Palestinian conflict," in Diez, et al. *The European Union and Border Conflicts*, pp. 178-9

5.7. The Pakistan-Afghanistan Border

Pakistan started to militarize its border with Afghanistan in 2005 in order to prevent the flows of rebel groups.¹³⁸ Between 2007 and 2009, Pakistan fenced 37 km of its border with Afghanistan. Pakistani authorities decided to extend the fencing to other parts of the border in 2011. While Pakistani border guards do not practice a shoot to kill policy against illegal border crossers, the Pakistani-Afghan border is nevertheless deadly. Since 2004, in a CIA-led operation, militant areas have been attacked by drones. While official sources are controversial on the number of deaths, there are various sources which indicate that drone attacks cause civilian deaths. The Pakistani Human Rights Commission notes that while thousands of people have been killed by drone attacks since 2004, 20 percent have been civilians.¹³⁹ Other sources indicate that more than 2,000 people have died due to drone attacks and 392 of them were civilians.¹⁴⁰ Pakistani authorities officially condemn drone attacks. The Foreign Ministry of Pakistan stated that these attacks are illegal and violate Pakistan's territorial sovereignty.¹⁴¹

Although the Pakistani-Afghan border is deadly, these deaths do not result from a border reinforcement strategy. Drone attacks target militants located along the border area. These attacks are related to foreign intervention. Intervention along the border area is not the result of an official policy. Most importantly, illegal border crossers are not attacked by Pakistani border agents. Although there are violent clashes between border authorities and rebel groups,¹⁴² Pakistani border agents do not implement a shoot to kill policy against unarmed illegal border crossers. Taking these into consideration, I note that the Pakistani border reinforcement strategy at the Afghan border is not based on a shoot to kill policy. The Pakistan-Afghan border is an outlier case because even though Pakistan is an undemocratic state, it does not adopt a shoot to kill policy.

¹³⁸“Pakistan plans Afghan border fence,” 12 September 2005, *Al Jazeera* <http://www.aljazeera.com/archive/2005/09/2008410151129552298.html>

¹³⁹Stephanie Nebehay, “U.N. investigator decries U.S. use of killer drones” 19 June 2012, *Reuters* <http://uk.reuters.com/article/2012/06/19/uk-usa-un-drones-idUKBRE85I0FR20120619>

¹⁴⁰ Chris Woods, “Drone War Exposed – the complete picture of CIA strikes in Pakistan,” 10 August 2011, *The Bureau of Investigate Journalism* <http://www.thebureauinvestigates.com/2011/08/10/most-complete-picture-yet-of-cia-drone-strikes/>

¹⁴¹ “Pakistan condemns U.S. drone strikes,” 4 June 2012, *Reuters* <http://www.reuters.com/article/2012/06/04/us-pakistan-usa-drones-idUSBRE8530MS20120604>

¹⁴² “Many dead in Pakistan clashes,” 24 December 2010, *Al Jazeera* <http://www.aljazeera.com/news/asia/2010/12/2010122445056478564.html>

Rather than relying on a shoot to kill policy, Pakistan has opted for fencing its Afghan border. Before fencing the border, other border reinforcement strategies were taken into consideration by Pakistani policymakers. For instance, Pakistan considered mining the border as an alternative measure against illegal border crossers. In 2007 the Pakistani Foreign Minister Khurshid Kasuri stated that :

In fact, we wanted to mine the border so that there would no movement across the border. But as a mark of respect to the sensitivity of our European colleagues, we have decided that we will not mine the border for the time being. We will only fence it in certain areas.¹⁴³

It is clear that Pakistan considered the option of mining its border, but then ruled it out due to concern over criticism from European states. In contrast to democracies in which policymakers reveal a concern over associating their identity with non-violence, the Pakistani Foreign Minister is concerned over how mining the border would affect the perception of Pakistan by European states. In other words, border mining is not ruled out due to concern for the norm of non-violence. Rather, it is ruled out to prevent strains with diplomatic relations.

In his speech at the Brookings Institution in Washington the Foreign Minister of Pakistan, Makhdoom Shah Mahmood Quereshi said that “Pakistan believes that there is an intrinsic link between peace and development. Peace on our borders can strengthen stability and bring economic development as well as the much needed improvement in the quality of life of our people.”¹⁴⁴ He went on to say that “We, in Pakistan, have been the victims of terrorism and extremism, and we have paid a heavy price, and more than 1.000 of our brave soldiers have made the ultimate sacrifice while confronting this menace. But the fight against terrorism is a multifaceted fight, not just a military one. Our comprehensive strategy seeks to isolate and marginalize the extremists and combines political engagement, economic development and social reforms.”¹⁴⁵

In his speech at Princeton University, the Foreign Minister discussed the implications of militants located along the Afghanistan-Pakistan border area. While this statement concentrates on the fight of Pakistan against terrorism, it also touches upon its border reinforcement strategy. About dealing with insurgency, the Minister went on to say that:

¹⁴³ “Pakistan Ready To Fence Afghan Border,” 8 February 2007, *Radio Free Europe*
<http://www.rferl.org/content/article/1074592.html>

¹⁴⁴ Address by Makhdoom Shah Mahmood Quereshi, Foreign Minister of Pakistan, at the Brookings Institution, Washington, DC July 11, 2008 <http://www.mofa.gov.pk/mfa/pages/article.aspx?id=763&type=3>

¹⁴⁵ Ibid.

Force is certainly the most important ingredient in fighting any insurgency in the short term. However force alone will never be sufficient. The terrorism we see in FATA is a toxic brew of many elements - Taliban and Al Qaeda presence, ideology, ignorance, lack of economic, social and political opportunities, governmental neglect, marginalization and an insular way of life. The strategy to combat it must be equally comprehensive. The objective is to win the hearts and minds of the populace so that the Taliban and Al Qaeda find it difficult to hide in the population. Single minded reliance on force will however result in further alienation of the populace...Force must be complemented by political, economic and social engagement. We must not undertake any action that hardens the resolve of those already committed to violence or to sway the hostile neutrals to join them.

The capacity of both Pakistani and Afghanistan forces to fight the insurgents must be augmented. ..There should be a matching response on the Afghanistan side to the border control measures we have instituted. We have some 1100 posts along the border. There are about a hundred or so on the Afghanistan side. These posts and measures should act as a double net. Those that manage to evade one should be ensnared in the other.”¹⁴⁶

In this speech, the Minister proposes that border agents on both sides of the border should act in a cooperative manner in order to prevent the flows of rebel groups. The Minister does not propose a shoot to kill policy against militants, but he proposes cross-border cooperation. Nevertheless, this proposal is not related to the norm of non-violence. However, in the same speech, much to the surprise of the readers, the Minister emphasizes democracy. He stated that:

A democracy is inherently better suited to deal with the complex challenges that confront nations. Democracies are better at retaining and discharging their people’s trust. If this were not the case then the world would be full of autocracies instead of democracies. In the final analysis it is only a democratic dispensation which can evolve the kind of national consensus needed to deal with a threat as existential as terrorism.

Democracy is the only cure of the difficulties Pakistan faces. Our first effort is to ensure the primacy of the Parliament. ¹⁴⁷

This speech reveals that the Minister does not touch upon the democratic character of Pakistan. In other words, Pakistan is not identified with democracy. Instead, democracy is seen from an institutional perspective. In other words, when there is a democratic system, there is less opportunity for radical groups. Therefore, policymakers concerned with how democratic decision making mechanisms can solve their national problems. However, they do not think in terms of “we are a democratic society, so we should act in line with democratic norms.

¹⁴⁶ Talk by H.E. Makhdoom Shah Mahmood Qureshi, The Foreign Minister of Pakistan at Princeton University on 2nd October, 2008 <http://www.mofa.gov.pk/mfa/pages/article.aspx?id=750&type=3>

¹⁴⁷ Ibid.

More recently, the Foreign Minister Hina Rabbani Khar made an extensive speech concerning Pakistan's Afghan border. Similar to Quereshi's speech, the Minister emphasized democracy. He noted that democracy is being implemented in Pakistan. He speaks about Pakistan's transformation from a military to a civilian government; he also speaks about the establishment of free judiciary system, free media and the like.¹⁴⁸ Rather than emphasizing the importance of democracy and non-violence in border reinforcement strategies, he discussed the implications of democracy for fighting terrorism inside Pakistan territory. In regards to security along the Afghan border, he placed emphasis on peace and stability in Afghanistan. He went on to say that:

Pakistan today fears for instability in Afghanistan because instability from Afghanistan permeates through the 2,000-plus kilometer border that we have with Afghanistan directly into Pakistan's territory, as it has for the last three decades. There are 53,000 people which cross the Pakistan-Afghan border every day. So you can imagine the permeation and the instantaneous effects of any instability in Afghanistan.

....

Because we know from history that until and unless there is peace and stability in Afghanistan, we will not be able to find our peace and stability. And we will not be able to grow economically the way we wish. We will not be able to achieve the social goals for our children that we wish to achieve. So it is -- we consider it to be in our core national interest to have a peaceful, stable Afghanistan and it is time that we put all our energy together to be able to achieve those ends.

...

The other area that I want you to concentrate on is what Pakistan is trying to achieve within the region, what type of relations it is pursuing within the region. Because one thing that is clear to us is that we will not be able to see peace within if we do not find peace on our boundaries, on our borders with our neighbors.

And as far as the bigger question of Afghan presence -- or presence of Afghan nationals in Pakistan is concerned, I think we need to find serious answers to that, because we will be very happy to look for border controls, for biometric system, for ensuring that as 53,000 people cross the border in and out.¹⁴⁹

The Minister does not propose a shoot to kill policy. His speech on biometric systems emphasizes the importance that Pakistan attaches to the peaceful flows of people along the border. In addition, the Minister emphasizes the improvement of democracy in Pakistan. On the other hand, in contrast to democracies, no emphasis is made on the connection between non-violence and Pakistani identity.

¹⁴⁸ Council on Foreign Relations, "Pakistan Relations Beyond National Security Concerns," 21 September 2012, <http://www.cfr.org/pakistan/pakistan-relations-beyond-national-security-concerns/p29106>

¹⁴⁹Ibid.

Since the Pakistani political discourse is mostly dominated by statements of the foreign minister, I summarize his speeches and statements in terms of proposals and normative concern in the table below.

Table 5.6.

PROPOSALS	NORMATIVE CONCERN
Foreign Minister	Foreign Minister
Fencing Cooperation with Afghanistan over border control The establishment of a biometric system	Democracy is the only cure for Pakistan

In Pakistan if the norm of non-violence does not compel policymakers to refrain from adopting a shoot to kill policy, what compels them? As in the Israeli case, the background conditions of the Pakistan-Afghan border should be uncovered. Afghanistan is currently undergoing an intrastate conflict. In the statistical chapter, I tested whether an intrastate conflict in a neighboring country causes states to adopt a shoot to kill policy at their borders. As my statistical finding suggests an intrastate conflict in the neighboring country does not lead states to adopt a shoot to kill policy. However, an intrastate conflict in the neighboring state alone does not prevent states from adopting a shoot to kill policy either. For example, as pointed out in the Methodology chapter, Iran is a neighbor of Afghanistan, but it adopts a

shoot to kill policy against illegal border crossers at its border with Afghanistan.¹⁵⁰ Therefore, an intrastate conflict alone does not prevent states from adopting a shoot to kill policy.

So what makes Pakistan different? Pakistan, like Iran, fights with rebel groups inside its territory. Between 2003 and 2006, 1,600 civilians were killed by rebel groups in Pakistan. Between 2007 and 2012, more than 8,000 civilians died due to terrorist attacks in Pakistan.¹⁵¹ Most interestingly, rebel groups which fight against the Pakistani government have close linkages with rebel groups which fight against the Afghan government. They share religious and ethnic affinities. Pashtun tribes straddle the Pakistan-Afghanistan border. For example, the Taliban consists of Ghilzai Pashtuns who resided many years in Pakistan. Tehrik-i-Taliban Pakistan (TTP) consists of supporters of Afghan Taliban. The TTP includes the Mehsud, Ahmedzai Wazir, Karmazkhel Wazir, Bhattani, Utmanzai Wazir, Daur, Utmanzai Wazir, Bajaur, Qandhari and Mohmand tribes. These tribes have linkages to the Taliban and Al-Qaeda. The Mehsud tribe has increased its support to the Taliban and Al-Qaeda by building training camps after the Taliban was overthrown in Afghanistan.¹⁵² These tribes are mostly concentrated in areas such as South Waziristan and North Waziristan.¹⁵³ They also have linkages among themselves. For example, the Mehsud and Ahmedzai tribes have strong relationship through inter-marriages.¹⁵⁴ The TTP also have close linkages with the Haqqani network, an Afghan rebel group located in Pakistan which fights against the Afghan government along with the Afghan Taliban.¹⁵⁵

Since Pakistan has many rebel groups within its territory, the country tries to tackle the problems domestically.¹⁵⁶ As of 2008, there were 85,000 Pakistani troops along the Afghan

¹⁵⁰ "Iran issues shoot-to-kill order on Afghan bandits," 30 November 2000, CNN <http://archives.cnn.com/2000/WORLD/meast/11/30/iran.drugs.reut/>

¹⁵¹ Jayshree Bajoria, and Jonathan Masters, "Pakistan's New Generation of Terrorists," 26 September 2012 *Council on Foreign Relations* <http://www.cfr.org/pakistan/pakistans-new-generation-terrorists/p15422>

¹⁵² Ibid.

¹⁵³ Ehsan Mehmood Khan, "Internal Security Strategy for Pakistan," January 2011, *Pakistan Institute for Peace Studies*, p. 17 <https://www.san-pips.com/download.php?f=75.pdf>

¹⁵⁴ "The Tribe: Ahmadzai Wazir," Programme for Culture & Conflict Studies, NPS http://www.nps.edu/programs/ccs/Docs/Pakistan/Tribes/Ahmadzai_Wazir.pdf

¹⁵⁵ Jayshree Bajoria and Jonathan Masters, "Pakistan's New Generation of Terrorists," 26 September 2012, *Council on Foreign Relations* <http://www.cfr.org/pakistan/pakistans-new-generation-terrorists/p15422> Ashley Fantz, "The Haqqani Network, a family and a terror group," 8 September 2012, *CNN* <http://edition.cnn.com/2012/09/07/world/who-is-haqqani/index.html>

¹⁵⁶ Ashley J. Tellis, "Pakistan and the War on Terror: Conflicted Goals, Compromised Performance," 2008, *Carnegie Endowment for International Peace*, p. 14 http://www.carnegieendowment.org/files/tellis_pakistan_final.pdf

border to conduct counter-terrorism operations.¹⁵⁷ The former Pakistani Prime Minister Pervez Musharraf stated that the most threatening situation in Pakistan is “talibanization” of Pakistan.¹⁵⁸ Tribal relations are important in order to combat terrorism because these local tribes can control the Taliban and Al-Qaeda. Therefore, when conducting military operations against the Taliban, Pakistani authorities are fearful that these operations would affect tribal sensitivities and would negatively affect the cooperation between tribal leaders and the military. The collaboration of the tribal leaders is essential, because without their support, terrorist organizations cannot be eliminated.

Pakistan wants to prevent the flows of rebel groups along its border. Most local tribes located inside Pakistan have Pashtun origins. Pakistani authorities try to win over local tribes so they do not support the Taliban and Al-Qaeda. However, if Pakistan adopts a shoot to kill policy against unarmed Afghans who are mostly Pashtun, it would negatively affect the relationship between Pakistan and these tribes. In retaliation, the Pashtun tribes could give more support to the Taliban and Al-Qaeda. In the long run, this would curb Pakistan’s ability to solve its own terrorism problem. Therefore, it is more likely that Pakistan does not rule out a shoot to kill policy due to the obligation brought by the norm of non-violence, but due to a rational calculation which evaluates the costs and benefits.

As findings show democracies are more likely to refrain from shoot to kill policies compared to other state types. However, it does not mean that all undemocratic states apply shoot to kill policies at their borders. As elaborated in the Theory section, norms shape state interests. The norm of non-violence compels policymakers to refrain from shoot to kill policy in democracies. That is, in democracies, a shoot to kill policy does not become an option due to a concern over the norm of non-violence. However, undemocratic states might also choose other forms of border reinforcement strategies at their borders other than a shoot to kill policy. This outlier case demonstrates that even when undemocratic states do not opt for shoot to kill policies at their borders, this does not take place due to a concern over the norm of non-violence. States may rationalize their shoot to kill policies differently. For instance, national interests such as fighting terrorism might be a prime motivation behind ruling out a shoot to kill policy.

One can counter this line of reasoning on the grounds that since Pakistan aspires to become a democracy, policymakers would stick to non-violent behavior at their borders. They might

¹⁵⁷Ibid., p. 8

¹⁵⁸Ibid., p. 16

think that violent behavior might put their transition to democracy into jeopardy. Indeed, as statements of Pakistani policymakers reveal Pakistan wants to become a stable, institutionalized democracy. In response to this counter argument, I acknowledge an important issue at stake here. Logically speaking, if Pakistan refrains from a shoot to kill policy at its borders because it aspires to become a democracy, it should also show similar behavior within its borders. For example, on the path to democracy, it should take steps in establishing the rule of law in the Pakistani society. In sharp contrast, even though the Pakistani military is systematically engaged in abusive behavior in Balochistan, military officials have impunity. So far no high-level military official has been brought into justice.¹⁵⁹ There are cases of disappearances of people who criticize the military. The Pakistani police is involved in extrajudicial killings. Moreover, the lives of religious minorities are under threat by continuous attacks of militants. However, the government takes no action to prevent the lives of minorities. Furthermore, International Commission of Jurists criticized the operation of the judiciary on the grounds that it is not independent and it is characterized by corruption.¹⁶⁰

In light of systematic arbitrary and abusive state practices of Pakistan, the argument which suggests that Pakistani policymakers refrain from a shoot to kill policy due to their concern over the transition to democracy loses ground. If policymakers in Pakistan refrain from a shoot to kill policy due to an aspiration to become a rule of law society, they should first take steps in establishing the rule of law within their borders. This is a key insight which supports the argument that it is the norm of non-violence backed by a vigorous, well-functioning rule of law which induces policymakers to refrain from a shoot to kill policy.

¹⁵⁹ Human Rights Watch, "World Human Rights Report 2013," pp. 347-355

https://www.hrw.org/sites/default/files/wr2013_web.pdf

¹⁶⁰ Ibid.

5.8. Conclusion

This chapter tested the argument that policymakers in democratic states show concern for the norm of non-violence. It analyzed states according to their democracy levels and traced the link between a democracy and a shoot to kill policy. In tune with my argument, official documents and reports reveal that U.S. policymakers refrain from choosing a shoot to kill policy due to a concern for the norm of non-violence. As the U.S. is a democratic state, U.S. policymakers do take into consideration democratic, non-violent character of their states. When U.S. policymakers discuss border reinforcement strategies, they associate the situation with an obligation brought by the norm of non-violence. When U.S. policymakers discuss various ways of border reinforcement, they stress that the U.S. is a humane nation, a nation dedicated to justice, a nation of laws. Therefore, they are concerned that if they adopt a shoot to kill policy, they cannot sustain their non-violent character anymore.

The findings for the U.S.-Mexican border case study might surprise a significant number of readers as the U.S. does not refrain from waging wars beyond its borders such as in Iraq, Afghanistan and the like. Moreover, the U.S. role in the Guantánamo Bay has raised human rights concerns.¹⁶¹ The findings for the U.S. indicate that even a country, which is not associated with peace and human rights *abroad*, can refrain from a shoot to kill policy *at* its borders given that it is a rule of law society.

The findings for India show that Indian policymakers are not concerned for the norm of non-violence in discussing border reinforcement strategies. Although India has a democratic regime, it occupies the lowest end of the democratic spectrum. It has a weak rule of law system. In India the need to reinforce the Bangladesh border was on the agenda of policymakers from different party affiliations and alternative border reinforcement strategies were discussed. These discussions reveal that although different types of border reinforcement strategies were taken into consideration, a shoot to kill policy was proposed as a viable policy option. Policymakers legitimize the use of force against illegal border crossers. In some

¹⁶¹ Amnesty International “Guantanamo, Bagram and Illegal U.S. Detentions,” <http://www.amnestyusa.org/our-work/issues/security-and-human-rights/guantanamo>

statements, the concept of democracy was emphasized, but in contrast to U.S. policymakers, Indian policymakers do not associate their identity with democracy. This case demonstrates that democratic institutions alone do not prevent the adoption of a shoot to kill policy. Indian policymakers do not see their identity inextricably linked to the norm of non-violence.

In line with the expectations of my theory, Turkmen leaders did not take into consideration the norm of non-violence in discussing border reinforcement strategies. Although Turkmenistan does not rely on actual physical force, almost all aspects of political, social and economic life is under the control of the state. Because the state is undemocratic, various border reinforcement strategies were not debated among policymakers. Rather, the political discourse is dominated by the statements of Turkmen leaders. While Turkmen leaders are concerned about the sovereignty of Turkmenistan and the comfort of Turkmen border guards in controlling the border, no stress is made on the lives of illegal border crossers. The Turkmen case is interesting. Turkmenistan is not involved in excessive violence against its own citizens. Instead, it opts for suppressing domestic political conflicts through non-violent instruments. As stated in the Theory chapter, as the rule of law is absent in undemocratic states, non-violent behavior is not institutionalized. In other words, in undemocratic states non-violence is practiced arbitrarily just as violence. If non-violent behavior is institutionalized through the rule of law, then policymakers do not share a concern for maintaining non-violent identity of their states.

The Egyptian case is in line with the expectations of my theory. Egypt is an undemocratic state and Egyptian officials justify a shoot to kill policy at the Israeli border. Similar to Turkmenistan, alternative ways of border reinforcement were not discussed by policymakers in Egypt. Rather, they attempted to justify a shoot to kill policy on the basis of sovereignty, cross-border threats and the like. As my theory predicts, Egyptian policymakers do not associate their identity with the norm of non-violence. They are not concerned about the consequences of adopting a shoot to kill policy at their borders. Moreover, Egyptian authorities justify a shoot to kill policy by arguing that it is compatible with national and international law. They argue that a shoot to kill policy is a necessary instrument to control illegal border crossers.

Outlier cases reveal interesting findings. Even though my theory predicts that a democracy like Israel will refrain from a shoot to kill policy at its borders, Israel has a shoot to kill policy

at its Palestinian border. Even more interestingly, statements of Israeli policymakers about the Egyptian border reveal a concern for the lives of illegal border crossers. When the Israeli Prime Minister discussed border reinforcement issues with the Egyptian President, he emphasized that the lives of illegal border crossers should be guaranteed. However, Egypt started to adopt a shoot to kill policy at its Israeli border against African immigrants who try to cross to Israel illegally. In response to that, Israeli policymakers reached a consensus on this issue and argued that immigrants who escaped from Egypt should not be returned to Egypt. They justified their decision by pointing out that the Israeli identity is based on the norm of non-violence. They implied that if they fail to act according to the norm of non-violence, it would be damaging for their identity and culture which is based on non-violence.

Surprisingly, Israel deviates from this norm at its Palestinian border. As my statistical findings reveal states which have engaged in violent interstate conflicts are more inclined to adopt shoot to kill policies as compared to neighbors which have not engaged in violent interstate conflicts. The Israeli-Palestinian conflict, being a subordination conflict, differs from ordinary conflicts as conflicting parties reached a conflict stage where they are ready to eliminate the other party because they feel attached to certain parts of the territory. The Israeli-Palestinian conflict shows that even democracies become inclined to adopt shoot to kill policies when they are involved in a violent conflict with their neighbors. Taking this finding into consideration, I argue that democracies refrain from shoot to kill policies given that they have not engaged in violent conflicts with their neighboring states.

Similar to the Israeli-Palestinian border, the Pakistan-Afghanistan border is an outlier case. Pakistan is an undemocratic state, but it does not adopt a shoot to kill policy at its border with Afghanistan. This case shows that states might have different priorities in reinforcing their borders. When undemocratic states do not adopt shoot to kill policies, it is not the case that they are concerned for the norm of non-violence. As statements of Pakistani policymakers show terrorism is regarded as the most important national security problem in Pakistan. As Pashtun tribes could play an important role in combating terrorism, Pakistani policymakers might calculate that adopting a shoot to kill policy against Afghan unarmed people who are mostly Pashtun would have a negative result on the tribes and would strengthen the Taliban.

In conclusion, as the findings in this chapter show the norm of non-violence induces states to refrain from a shoot to kill policy. However, even the borders of democracies are not without

problems. As seen in the U.S. example, U.S. policymakers think in terms of the frameworks set by the norm of non-violence, yet make exclusionary statements in regards to border practices. They think that the lives of illegal border crossers should be protected and border reinforcement strategies should be made in line with human rights and human dignity, but most of them share an understanding that illegal border crossers, be it refugees or illegal immigrants, should be excluded from borders. This exclusionary stance causes suffering for thousands of illegal border crossers at the U.S.-Mexican border. These people indirectly suffer at the border due to exclusionary border practices even though not deliberately killed by U.S. border agents.

As mentioned earlier, this is related to the configuration of democracies. Democracies have open societies and they regulate their own problems without relying on violence. However, policymakers in these states, rather than attaching equal importance to citizens and non-citizens, differentiate them. This has direct effects on border practices of states. Policymakers justify exclusionary practices at borders by pointing out their own well-being and stability. This type of understanding leads them to ignore people who are in need. It goes without saying that borders become more inclusionary and peaceful, only when policymakers reach an understanding that non-citizens are equally important as their own citizens.

CHAPTER SIX

CONCLUSION

The main problem which gave an inspiration to this study is shoot to kill policies at borders. Each year hundreds of illegal border crossers die due to shoot to kill policies of states. Those policies do not only target drug dealers, rebels and arm traffickers, but those who are in need and unarmed. Some states even shoot their own citizens who try to escape the very brutality of their own regimes. While deaths which occur during civil rebellions and wars receive intense media attention and create frustration in the international society, deaths of illegal border crossers as a result of shoot to kill policies are neglected.

As there is no effective international mechanism which prevents states from adopting shoot to kill policies at their borders, the intriguing question is what prevents states from such policies. Simply stated, if a state is interested in reinforcing its border, it has a variety of options. It can erect fences at its border, develop cooperation with its neighboring state and the like. While there are a number of options available, why does a shoot to kill policy become an option for states? What motivates states to systematically rely on the use of physical force against illegal border crossers? What creates an obligation on states to refrain from shoot to kill policies? Understanding the dynamics of shoot to kill policies at borders would be a first step towards peaceful borders.

In Chapter One, I gave an overview of the thesis. I illustrated two different ways of conduct at borders by giving personal experiences of illegal border crossers. These experiences provided a glimpse into the different ways in which state practices affect the journey of illegal border crossers. I accounted for different state practices by analyzing the dynamics of democracies. My main argument is that there is a link between democracies and state practices at borders. In essence, democracies externalize the norm of non-violent conflict regulation at their borders.

In Chapter Two, I first looked at the main topics studied in the existing literature. Most studies in this body of literature concentrate on the dynamics of militarized border disputes and border dispute settlement. Another area of research in border scholarship is concerned with symbolic meanings that border carry. While there are a number of studies which examine why states reinforce their borders to control the movement of people and goods, the dynamics of shoot to kill policies at borders beg for an explanation. After identifying major

shortcomings in the existing literature, I proceeded by looking at how several arguments derived from the literature answer my research query. I provided a critique of the current literature by identifying its major gaps and shortcomings.

One possible answer to shoot to kill policy is that it is related to the dynamics of illegal border crossers. As shoot to kill policies are conducted against illegal border crossers, the simplest answer is that states are concerned for growing illegalities at their borders. The literature which concentrates on illegal border crossers is divided along two main lines. The globalization literature argues that states can no longer control their borders because illegal movements at borders are difficult to identify. In contrast to military threats at borders such as the deployment of soldiers and missiles on the other side of the border, illegal border crossers have a dynamic nature and they cannot be detected easily.

In sharp contrast, there is a growing body of literature which suggests that globalization is indeed changing the dynamics at borders, but rather than weakening state capacity, the very severity of illegalities at borders has given states more impetus to take control of their borders. In order to detect illegal border crossers, states have adapted their system to new dynamics at their borders. The major shortcoming of this strand of literature is that while it establishes a bond between illegal movements at borders and stricter border behavior, it does not explicitly state why the way illegal border crossers is excluded shows a great variation among states.

Another possible account explains my research query through local dynamics. This account is concerned with the dynamics of state interference. In his study, George Gavrillis argues that even when not disputed, borders might suffer from instability and violence when there is a top-down intervention by state authorities on border institutions. By contrast, when given autonomy, border agents across borders might cooperate and prevent problems without further escalation. This argument poses a challenge to my argument by shifting the attention to the level of border agents. By turning this argument upside down, one might argue that when given autonomy, border agents might also apply shoot to kill practices against illegal border crossers. In this line of reasoning, rather than policymakers, the dynamics which shape preferences of border guards should be under spotlight. However, as I have argued, if policymakers give autonomy to border agents and turn a blind eye if they adopt arbitrary practices, it is still a state policy. In this sense, practices of border agents cannot be considered

independent of actions of policymakers. Hence, the dynamics which shape preferences of policymakers should be taken into account.

After identifying gaps of the current literature, I flashed out my own account. I argued that there is a link between democracies and shoot to kill policies. The underlying logic of my argument is that democracies are more likely to refrain from shoot to kill policies as compared to other states because they externalize the norm of non-violent conflict regulation at their borders. Democracies have electoral regimes and elections are conducted in a competitive manner. The rule of law protects fundamental rights of citizens and prevents arbitrary and abusive actions of policymakers.

By their very nature democracies ensure that domestic political conflicts are regulated non-violently. The rule of law guarantees that domestic political conflicts which emerge in democratic societies are regulated with non-violent instruments. The rule of law, through independent legal institutions, holds policymakers accountable for their actions. In democratic states winners and losers of elections respect the outcomes. Political opponents do not attempt to eliminate one another. When citizens organize protests against their governments or criticize their governments' policies, they do not witness state violence. Through the rule of law non-violence is institutionalized. Since non-violence is practiced systematically, it becomes a norm. In particular, in and through continuous non-violent practices, policymakers develop an understanding that non-violence is an adequate behavior. By sharing a concern for sustaining their non-violent identity, they rule out a shoot to kill policy as an option.

If the norm of non-violence is related to domestic conflict regulation, why would it be reflected at borders? I argued that the same mentality of domestic conflict regulation comes into play in reinforcing borders. Domestic political conflicts emerge due to differing interests between citizens and the government. When states reinforce their border, a similar kind of conflict emerges. Illegal border crossers attempt to enter the territory of a state eschewing passport controls and the state takes an action to prevent their entry. It refers to a clash of interests between states and illegal border crossers. Hence, when policymakers are faced with a situation of reinforcing their borders, they adopt the same mentality of domestic conflict regulation and rule out a shoot to kill policy as an option.

I further pointed out that the norm of non-violence is inherent only to democracies. The norm of non-violent conflict regulation is the causal mechanism between democracies and a shoot

to kill policy. If, on the other hand, the rule of law is weak in a democratic state, then non-violence is not institutionalized. In line with this logic, I argued that states which occupy the low end of the democratic spectrum are inclined to adopt shoot to kill policies at their borders.

It goes without saying that undemocratic states are more likely to adopt shoot to kill policies compared to democratic states. In analyzing undemocratic states, it is important to take on board the fact that they are not rule of law societies. Therefore, even when they maintain non-violent behavior, non-violence remains an arbitrary practice. In contrast to democracies, non-violent behavior in undemocratic states is not institutionalized. Since non-violence is not protected with institutions of the rule of law such as an independent judiciary, violence might always be an option in responding domestic political conflicts. Based on this premise, I maintained that undemocratic states are inclined to adopt shoot to kill policies at their borders.

Strikingly, even though democracies refrain from adopting shoot to kill policies at their borders, their border reinforcement strategies still cause sufferings for illegal border crossers. I explained this by looking that how democracies are configured. Even the most advanced democracies are based on the distinction between citizens and non-citizens. Even though they show non-violence when domestic political conflicts emerge, policymakers do not attach equal importance to citizens and non-citizens. They rule out a shoot to kill policy by sharing a concern for the norm of non-violence, but they still exclude people in need by opting for other types of border reinforcement strategies such as fencing, militarization and the like. It seems reasonable to claim that only when policymakers develop such an understanding which sees citizens and non-citizens on an equal footing, can they design borders more inclusionary and peaceful borders.

After specifying the causal mechanism, I reviewed alternative explanations to my research query such as interstate conflict, criminal law, the integration with the global refugee regime, intra-state conflict in the neighboring state, state fragmentation and state capacity. Each argument is built on strong assumptions which challenge the underlying logic of my own argument. Rather than my argument, any of these rival arguments might explain the research question. In addition, along with my argument, one of these arguments might equally have explanatory power. More interestingly, these variables might negatively or positively affect the relationship between my independent and the dependent variables.

In Chapter Three, I operationalized the variables discussed in the Theory chapter. I first operationalized shoot to kill policies. I identified two types of shoot to kill policies and argued that both are official strategies of states. I gave rationale to why I compare shoot to kill policies with other border reinforcement strategies and not with all border control strategies including passport controls and/or customs checks. I established criteria which enabled to make a differentiation between shoot to kill policies and other reinforcement strategies. Then I listed all borders which are reinforced after 1990s that I am aware of. The whole list includes 91 border reinforcement strategies. There are 70 cases in which a shoot to kill policy is absent and there are 21 cases of a shoot to kill policy. In this list I gave an initial picture about border reinforcement strategies. Secondly, I operationalized all independent variables. I gave information about which data I use in operationalizing these variables and specified their coding scheme. Thirdly, I elaborated on the methods I use. Last but not least, I gave an insight to data analysis and data collection.

Chapter Four enabled me to test all arguments by conducting a statistical test. In this chapter I first described general characteristics of variables through descriptive statistics. Secondly, I conducted a statistical analysis to map out the causal relationship between the independent variables and the dependent variable. According to my findings, democracy and interstate conflict variables are found to be statistically significant. My findings reveal that even a one unit decrease in the democracy score makes states more inclined to adopt a shoot to kill policy. More interestingly, states which have engaged in violent conflicts with their neighbors are more likely to rely on a shoot to kill policy compared to states which have not engaged in violent conflicts with their neighbors.

Chapter Five provided the reader with a detailed description of cases. It generated an understanding of shoot to kill policies through discursive statements of policymakers. It asked whether concerns of policymakers in democracies are any different than those of other states. While the statistical chapter demonstrated that democracies are inclined to refrain from shoot to kill policies at their borders, this chapter explained why there is such an inclination, a consistency of behavior in democracies.

In this chapter I separately analyzed two democratic and two undemocratic regimes. I analyzed the U.S. and India as democratic regimes. While the U.S. is a democracy, India occupies the lowest end of the democratic spectrum. Turkmenistan and Egypt are both

undemocratic states. While Turkmenistan is stable and suppresses its domestic political conflicts through other repressive instruments, Egypt is mostly instable and uses violence in light of domestic political conflicts. Except the U.S., all states have relied on shoot to kill policies at their borders. In order to strengthen my argument, I also analyzed two outliers. I studied Israel, a democratic state, which adopts a shoot to kill policy at its Palestinian border and Pakistan, an undemocratic state, which does not apply a shoot to kill policy at its Afghan border.

The case study chapter demonstrated that democracies refrain from shoot to kill policies because policymakers feel an obligation to refrain from violence as they are cognizant of the fact that their identity is based on the norm of non-violence and failing to act on the basis of the norm might endanger their very identity. In sharp contrast, in other states policymakers do not feel such obligation. As a consequence, when they are interested in reinforcing their borders, they do not take into consideration the obligation prescribed by the norm of non-violence. As the U.S. example demonstrates, when policymakers discuss different border reinforcement strategies, they emphasize democratic and non-violent character of their states. A shoot to kill policy is not pronounced as an option in discussions. Moreover, the need to refrain from physical violence against illegal border crossers is repeatedly emphasized on the grounds that the U.S. has a non-violent character. It can be concluded that the U.S. policymakers share a normative concern that if they do not act in line with the norm of non-violence, they cannot sustain their identity.

In line with the expectation of my theory, policymakers in India, which occupy the lowest end of the democratic spectrum, are not concerned for the norm of non-violence. Like the U.S., the political scene in India witnessed different opinions on how to reinforce the border. However, unlike the U.S., a shoot to kill policy is explicitly supported. Policymakers do not think in terms of the obligation to refrain from physical violence. Policymakers do not emphasize the non-violent identity of their states. However, interestingly, one policymaker, in discussing border reinforcement strategy, emphasized that India is a democracy and it has obligations which are derived from international and domestic law. However, upon closer analysis, one can see that, in contrast to the U.S. example, official statements and reports in India do not indicate a concern for sustaining a non-violent identity. Even though democracy and international law are emphasized, no statement is made such as “India has a democratic character” or “India is a nation of laws.” Despite the fact that policymakers know that they

have a democratic system and they are bound by laws, they do not think that the norm of non-violence is part of their identity. As the Indian example shows democratic states with a weak rule of law system are inclined to adopt shoot to kill policies at their borders.

The findings for Turkmenistan are in line with the prediction of my argument. Turkmenistan is one of the most repressive states in the world. Rather than practicing violence, Turkmenistan suppresses domestic political conflicts through censor, dislocation and exile. As the rule of law is not established, liberties are not protected and policymakers are not held responsible for their arbitrary actions. As expected in my theory, even though Turkmen leaders did not pronounce a shoot to kill policy as a viable option, they made no emphasis on the need to refrain from using physical violence to prevent the flows of illegal border crossers either. This case is supportive of my assumption that without the rule of law, non-violence alone is not indicative of the norm of non-violence. In Turkmenistan, non-violent practices are not maintained through the rule of law. This study demonstrated that, unless non-violent behavior is institutionalized through the rule of law, policymakers do not share a concern for the norm of non-violence. Therefore, when undemocratic states are interested in reinforcing their borders, a shoot to kill policy becomes a viable strategy.

In line with the expectations of my argument, policymakers in Egypt are not bound by the norm of non-violence. In Egypt a shoot to kill policy was explicitly proposed and also justified on the grounds that it is in line with national and international law. Israel, on the other hand, is an outlier. Because even though Israel is a democracy, it adopts a shoot to kill policy at its Palestinian border. Moreover, in sharp contrast, the Israeli policymakers share a normative concern derived from their Jewish identity in discussing the Egyptian border. In particular, the need to protect refugees entering into the Israeli territory from the Egyptian border is emphasized on the grounds that the Israeli identity is based on the norm of non-violence.

The shoot to kill policy at the Palestinian border cannot be explained by taking an account of the norm of non-violence. The Israeli policymakers indeed share a concern for their non-violent identity when it comes to the Egyptian border. It should be born in mind that the shoot to kill policy against Palestinians is implemented not only at borders, but also beyond borders. Therefore, it could be reasoned that the shoot to kill policy is not independent from the characteristics of the Israeli-Palestinian conflict. As my statistical findings suggest states

which have engaged in violent conflict are more likely to adopt shoot to kill policies compared to states which have not engaged in violent conflicts. The Israeli-Palestinian conflict is compatible with this finding.

More interestingly, this case reveals that violent interstate conflicts override democratic norms. The Israeli-Palestinian conflict deviates from an ordinary type of conflict. It is a subordination conflict in which conflicting parties do not only have different positions on an issue, but they see the elimination of one another legitimate. In the Israeli-Palestinian conflict each party associates themselves with certain parts of their territory so strongly that they share a concern that they would lose their identity given that they lose their territory. In order to sustain their identity, they are ready to eliminate one another. Therefore, even though the norm of non-violence is part of the identity of Israeli policymakers, Israeli policymakers, sharing a concern for their territory, rule out the norm of non-violence and adopt a shoot to kill policy against Palestinians. The specifics of the Israeli-Palestinian conflict enriched and provided a new understanding of my theory. In light of this new evidence, I argue that democracies are inclined to refrain from a shoot to kill policy given that they do not have a violent interstate conflict with their neighboring states.

Pakistan is also an outlier. Because while it is an undemocratic state, it does not adopt a shoot to kill policy at its border with Afghanistan. It stands in sharp contrast to Egypt, which adopts shoot to kill policy at its border with Israel. While these two states are undemocratic, they develop different policy outcomes in regards to illegal border crossers. The specifics of the Pakistan-Afghanistan border are illuminating. Afghanistan suffers from an intrastate conflict within its territory. As my statistical findings reveal an intra-state conflict in the neighboring state does not cause a state to adopt a shoot to kill policy at its border. Nevertheless, an intrastate conflict in the neighboring state cannot explain why states refrain from shoot to kill policies either. For example, Iran shares a border with Afghanistan, but it adopts a shoot to kill policy at its border with Afghanistan.

The situation in Pakistan is more complicated than sharing a border with a neighbor suffering from an intra-state conflict. Pakistan also fights with rebels within its borders. More interestingly, these rebels are connected to rebels with which the Afghan government fights. These rebels have close connection with Pashtun tribes located on the Pakistani side of the border. In Pakistan's fight against these rebels, winning over these local tribes plays an

essential role. As these tribes share ethnic similarities with Afghan people, killing unarmed Afghan would lead these tribes to give more support to rebels, and this consequently, would prevent Pakistan's effort in fight against terrorism. In light of existing situation, the most rational way for Pakistani policymakers is to refrain from a shoot to kill policy at their border.

As official statements and reports in Pakistan indicate Pakistani policymakers do not share a normative concern in regards to illegal border crossers at the Afghanistan border. They do not think that Pakistan should refrain from using physical force because it has a non-violent character. As this case demonstrates policymakers might have different interests. When undemocratic states do not adopt a shoot to kill policy, it does not mean that policymakers in these states share a concern for sustaining their non-violent identity.

Here I state the limitations of my research. There are an enormous variety of border reinforcement strategies. However, the scope of this study is narrowed down to shoot to kill policies at borders. I acknowledge that even though I narrowed down the scope of my analysis, I created an avenue for studying the relationship between a democracy and state practices. The findings of this study contributed to our understanding of how democracies design their borders. I advanced a claim that the norm of non-violence which is intrinsic to democracies is externalized at state borders.

Moreover, further limitations of my research should be acknowledged. As I argued in the Theory chapter in addition to democratic political order, there might be other types of political orders which are based on pacifist norms. I did not analyze the ways in which these norms derived from pacifist doctrines shape border practices. The central finding of this study is that when democracies are interested in reinforcing their borders, they tend to refrain from shoot to kill policies at borders. However, democracies, by no means, design peaceful and inclusionary borders. Even when they do not rely on shoot to kill policies, they lead to sufferings of illegal border crossers by excluding them. There might be different paths to peaceful and inclusionary borders. A future research into this field can recalibrate our understanding regarding the ways norms shape state interests.

As my statistical findings show along with democracy, violent interstate conflict accounts for the dynamics of shoot to kill policies. Democracies are less likely to adopt shoot to kill policies compared to other states. On the other hand, violent interstate conflict makes states more inclined to adopt shoot to kill policies at their borders. As the Israeli-Egyptian case

shows, violent interstate conflict even overrides the norm of non-violence in democracies and makes them more inclined to rely on shoot to kill policies. Future research can explore the implication of interstate conflicts on border practices more comprehensively.

In particular, the process in which violent interstate conflicts override the norm of non-violence can be analyzed by taking into consideration other democracies which have engaged in violent conflict with their neighbors. Since the number of democracies undergoing violent conflict with their neighbors is low, rigorous statistical tests cannot be conducted. However, detailed case study analyses can enrich our understanding of the relationship between violent interstate conflict and border behavior. Furthermore, as I stated in the Methodology chapter, interstate conflicts vary in intensity. I analyzed the final stage of the conflict which is characterized by violence. There are also non-violent inter-state conflicts. The relationship between different types of conflicts and border practices might be a fruitful avenue for researchers.

In conclusion, this study established a link between democracies and a shoot to kill policy. However, it is important to take on board the fact that even democracies design exclusionary borders. Even though democracies refrain from shoot to kill policies, they do not develop peaceful and inclusionary borders. States might use a variety of instruments to fulfill this objective. They might develop rigorous evaluation mechanisms which make a distinction between illegal border crossers who are criminal and those who are really in need. Once those who are in need are identified, states might take certain actions to integrate them within their society. In the short run, they might be provided health access, housing and language training. In the long run they might be offered education and work opportunities. States might create certain amount of funds for short-term and long-term facilities for these people. In order to reach this objective, policymakers should first see citizens and non-citizens in equal terms. Only when they develop this understanding, can they design more peaceful and inclusionary borders. As policymakers adopt more norms and obligations, these will be reflected at state borders.

APPENDIX

Table 1: Democracy

BORDERS	DEMOCRACY	SHOOT TO KILL	YEAR
US-Mexico	7	0	1994
US-Canada	7	0	2009
Canada-US	7	0	2009
Mexico-Guatemala	5,5	0	2010
Australian maritime	7	0	2001
Ireland-UK (Northern Ireland)	7	0	1996
Germany-Poland	6,5	0	1993
Finland-Russia	7	0	2010
Estonia-Russia	7	0	2009
Russia-Estonia	2,5	0	2009
Poland-Ukraine/Belarus	6,5	0	2002
Latvia-Lithuania	6	0	2012
Lithuania-Latvia	7	0	2012
Austria-Hungary/Slovakia	7	0	1990
Greece-Turkey	6,5	0	2012
Greece-Cyprus	6,5	0	2007
Cyprus-Greece	7	0	2007
Turkey-Bulgaria	5	0	2012
Bulgaria-Turkey	6	0	2012
Italian maritime	6,5	0	2009

Spain-Morocco	7	0	2004
Morocco-Spain	3	0	2004
Saudi Arabia-Iraq	1,5	0	2006
The UAE-Oman	2,5	0	2007
Kuwait-Iraq	3,5	0	2005
Iran-Pakistan	2	0	2011
Israel-Egypt	6,5	0	2010
Israel-Lebanon	6,5	0	2012
Israel-Jordan	6,5	0	2012
South Africa-Zimbabwe	6	0	2010
South Africa-Mozambique	6	0	2011
Mozambique-South Africa	4,5	0	2011
Brazilian borders	6	0	2010
Belize maritime	6,5	0	2007
Ecuador-Colombia	5	0	2011
Ecuador-Peru	5	0	2008
Peru-Ecuador	5,5	0	2008
Guyana-Suriname	5,5	0	2008
Suriname-Guyana	6	0	2008
Indonesia-Malaysia	5,5	0	2013
Malaysia-Indonesia	4	0	2013
Malaysia-Thailand	3,5	0	1991
Thailand-Malaysia	4,5	0	2004
Indonesia-Philippines	5,5	0	2011
Philippines-Indonesia	5	0	2011
Kazakhstan-China	2,5	0	2011

China-Kazakhstan	1,5	0	2011
Kazakhstan-Uzbekistan	2,5	0	2006
Kyrgyzstan-Tajikistan	3,5	0	2008
Tajikistan-Kyrgyzstan	2,5	0	2008
China-North Korea	1,5	0	2003
Mongolia-Russia	6	0	2005
Indian-Burma	5,5	0	2003
India-Pakistan (Kashmir)	5,5	0	2004
Pakistan-Afghanistan	2,5	0	2005
Burma-Bangladesh	1	0	2009
Brunei-Malaysia	2,5	0	2005
Botswana-Zimbabwe	6	0	2003
Nigeria-Benin	4	0	2011
Benin-Nigeria	6	0	2011
Nigeria-Niger	4	0	2012
Niger-Nigeria	4,5	0	2012
Mauritania-Mali/Algeria	2,5	0	2009
Tunisia-Libya	4,5	0	2012
Kenya-Somali	4,5	0	2011
Sudan-Chad	1	0	2010
Chad-Sudan	1,5	0	2010
Angola-Zambia	2	0	2000
Zambia-Angola	3,5	0	2000
Uzbekistan-Afghanistan	1,5	0	2001
India-Bangladesh	5,5	1	2002
Israel-Palestine	6	1	2000

Iran-Afghanistan	2	1	2000
Iran-Iraq	2	1	2011
Saudi Arabia-Yemen	1,5	1	2008
Turkmenistan-Uzbekistan	1	1	1993
Thailand-Cambodia	3	1	2008
Thailand-Burma	5,5	1	1999
Egypt-Israel	2,5	1	2007
Eritrea-Ethiopia	1,5	1	2008
North-South Korea	1	1	2009
Syria-Turkey	1,5	1	2011
Namibia-Angola	5,5	1	1994
Ugandan-Kenya	3,5	1	2007
Albania borders	4	1	1994
China-Nepal	1,5	1	1998
Uzbekistan-Kyrgyzstan	1	1	2010
Greece-Albania	6,5	1	2003
Dominican Rep-Haiti	6	1	2000
Venezuela-Colombia	3	1	2012
Zimbabwe-Mozambique	2	1	2004

Table 2: Interstate Conflict

BORDERS	INTERSTATE CONFLICT	CONFLICT PERIOD	SHOOT TO KILL YEAR	YEAR
US-Mexico	0		0	1994
US-Canada	0		0	2009
Canada-US	0		0	2009
Mexico-Guatemala	0		0	2010
Australian maritime	0		0	2001
Ireland-UK (Northern Ireland)	0		0	1996
Germany-Poland	0		0	1993
Finland-Russia	0		0	2010
Estonia-Russia	0		0	2009
Russia-Estonia	0		0	2009
Poland-Ukraine/Belarus	0		0	2002
Latvia-Lithuania	0		0	2012
Lithuania-Latvia	0		0	2012
Austria-Hungary/Slovakia	0		0	1990
Greece-Turkey	0		0	2012
Greece-Cyprus	0		0	2007
Cyprus-Greece	0		0	2007
Turkey-Bulgaria	0		0	2012
Bulgaria-Turkey	0		0	2012
Italian maritime	0		0	2009
Spain-Morocco	0		0	2004
Morocco-Spain	0		0	2004
Saudi Arabia-Iraq	0		0	2006
The UAE-Oman	0		0	2007

Kuwait-Iraq	1	1990-1991	0	2005
Iran-Pakistan	0		0	2011
Israel-Egypt	0		0	2010
Israel-Lebanon	1	1990-2006	0	2012
Israel-Jordan	0		0	2012
South Africa-Zimbabwe	0		0	2010
South Africa-Mozambique	0		0	2011
Mozambique-South Africa	0		0	2011
Brazilian borders	0		0	2010
Belize maritime	0		0	2007
Ecuador-Colombia	0		0	2011
Ecuador-Peru	1	1995	0	2008
Peru-Ecuador	1	1995	0	2008
Guyana-Suriname	0		0	2008
Suriname-Guyana	0		0	2008
Indonesia-Malaysia	0		0	2013
Malaysia-Indonesia	0		0	2013
Malaysia-Thailand	0		0	1991
Thailand-Malaysia	0		0	2004
Indonesia-Philippines	0		0	2011
Philippines-Indonesia	0		0	2011
Kazakhstan-China	0		0	2011
China-Kazakhstan	0		0	2011
Kazakhstan-Uzbekistan	0		0	2006
Kyrgyzstan-Tajikistan	0		0	2008
Tajikistan-Kyrgyzstan	0		0	2008
China-North Korea	0		0	2003

Mongolia-Russia	0		0	2005
Indian-Burma	0		0	2003
India-Pakistan (Kashmir)	1	1948-2003	0	2004
Pakistan-Afghanistan	0		0	2005
Burma-Bangladesh	0		0	2009
Brunei-Malaysia	0		0	2005
Botswana-Zimbabwe	0		0	2003
Nigeria-Benin	0		0	2011
Benin-Nigeria	0		0	2011
Nigeria-Niger	0		0	2012
Niger-Nigeria	0		0	2012
Mauritania-Mali/Algeria	0		0	2009
Tunisia-Libya	0		0	2012
Kenya-Somali	0		0	2011
Sudan-Chad	0		0	2010
Chad-Sudan	0		0	2010
Angola-Zambia	0		0	2000
Zambia-Angola	0		0	2000
Uzbekistan-Afghanistan	0		0	2001
India-Bangladesh	0		1	2002
Israel-Palestine	1	1965-ongoing	1	2000
Iran-Afghanistan	0		1	2000
Iran-Iraq	1	1974-1988	1	2011
Saudi Arabia-Yemen	0		1	2008
Turkmenistan-Uzbekistan	0		1	1993
Thailand-Cambodia	1	1977-ongoing	1	2008
Thailand-Burma	0		1	1999

Egypt-Israel	0		1	2007
Eritrea-Ethiopia	1	1998-2000	1	2008
North-South Korea	0		1	2009
Syria-Turkey	0		1	2011
Namibia-Angola	0		1	1994
Ugandan-Kenya	0		1	2007
Albania borders	0		1	1994
China-Nepal	0		1	1998
Uzbekistan-Kyrgyzstan	0		1	2010
Greece-Albania	0		1	2003
Dominican Rep-Haiti	0		1	2000
Venezuela-Colombia	0		1	2012
Zimbabwe-Mozambique	0		1	2004

Table 3: Death Penalty

BORDERS	DEATH PENALTY	APPLICATION	SHOOT TO KILL	YEAR
US-Mexico	1	retentionist	0	1994
US-Canada	1	retentionist	0	2009
Canada-US	0	abolitionist for all crimes	0	2009
Mexico-Guatemala	0	abolitionist for all crimes	0	2010
Australian maritime	0	abolitionist for all crimes	0	2001
Ireland-UK (Northern Ireland)	0	abolitionist for all crimes	0	1996
Germany-Poland	0	abolitionist for all crimes	0	1993
Finland-Russia	0	abolitionist for all crimes	0	2010
Estonia-Russia	0	abolitionist for all crimes	0	2009
Russia-Estonia	0	abolitionist in practice	0	2009
Poland-Ukraine/Belarus	0	abolitionist for all crimes	0	2002
Latvia-Lithuania	0	abolitionist for all crimes	0	2012
Lithuania-Latvia	0	abolitionist for all crimes	0	2012
Austria-Hungary/Slovakia	0	abolitionist for all crimes	0	1990
Greece-Turkey	0	abolitionist for all crimes	0	2012
Greece-Cyprus	0	abolitionist for all crimes	0	2007
Cyprus-Greece	0	abolitionist for all crimes	0	2007
Turkey-Bulgaria	0	abolitionist for all crimes	0	2012
Bulgaria-Turkey	0	abolitionist for all crimes	0	2012
Italian maritime	0	abolitionist for all crimes	0	2009
Spain-Morocco	0	abolitionist for all crimes	0	2004
Morocco-Spain	0	abolitionist in practice	0	2004
Saudi Arabia-Iraq	1	retentionist	0	2006

The UAE-Oman	1	retentionist	0	2007
Kuwait-Iraq	1	retentionist	0	2005
Iran-Pakistan	1	retentionist	0	2011
Israel-Egypt	1	abolitionist for ordinary crimes	0	2010
Israel-Lebanon	1	abolitionist for ordinary crimes	0	2012
Israel-Jordan	1	abolitionist for ordinary crimes	0	2012
South Africa-Zimbabwe	0	abolitionist for all crimes	0	2010
South Africa-Mozambique	0	abolitionist for all crimes	0	2011
Mozambique-South Africa	0	abolitionist for all crimes	0	2011
Brazilian borders	1	abolitionist for ordinary crimes	0	2010
Belize maritime	1	retentionist	0	2007
Ecuador-Colombia	0	abolitionist for all crimes	0	2011
Ecuador-Peru	0	abolitionist for all crimes	0	2008
Peru-Ecuador	1	abolitionist for ordinary crimes	0	2008
Guyana-Suriname	1	retentionist	0	2008
Suriname-Guyana	0	abolitionist in practice	0	2008
Indonesia-Malaysia	1	retentionist	0	2013
Malaysia-Indonesia	1	retentionist	0	2013
Malaysia-Thailand	1	retentionist	0	1991
Thailand-Malaysia	1	retentionist	0	2004
Indonesia-Philippines	1	retentionist	0	2011
Philippines-Indonesia	0	abolitionist for all crimes	0	2011
Kazakhstan-China	1	abolitionist for ordinary crimes	0	2011
China-Kazakhstan	1	retentionist	0	2011
Kazakhstan-Uzbekistan	1	retentionist	0	2006

Kyrgyzstan-Tajikistan	0	abolitionist for all crimes	0	2008
Tajikistan-Kyrgyzstan	0	abolitionist in practice	0	2008
China-North Korea	1	retentionist	0	2003
Mongolia-Russia	1	abolitionist in practice	0	2005
Indian-Burma	1	retentionist	0	2003
India-Pakistan (Kashmir)	1	retentionist	0	2004
Pakistan-Afghanistan	1	retentionist	0	2005
Burma-Bangladesh	0	abolitionist in practice	0	2009
Brunei-Malaysia	0	abolitionist in practice	0	2005
Botswana-Zimbabwe	1	retentionist	0	2003
Nigeria-Benin	1	retentionist	0	2011
Benin-Nigeria	0	abolitionist in practice	0	2011
Nigeria-Niger	1	retentionist	0	2012
Niger-Nigeria	0	abolitionist in practice	0	2012
Mauritania-Mali/Algeria	0	abolitionist in practice	0	2009
Tunisia-Libya	0	abolitionist in practice	0	2012
Kenya-Somali	0	abolitionist in practice	0	2011
Sudan-Chad	1	retentionist	0	2010
Chad-Sudan	1	retentionist	0	2010
Angola-Zambia	0	abolitionist for all crimes	0	2000
Zambia-Angola	0	abolitionist in practice	0	2000
Uzbekistan-Afghanistan	1	retentionist	0	2001
India-Bangladesh	1	retentionist	1	2002
Israel-Palestine	1	abolitionist for ordinary crimes	1	2000
Iran-Afghanistan	1	retentionist	1	2000

Iran-Iraq	1	retentionist	1	2011
Saudi Arabia-Yemen	1	retentionist	1	2008
Turkmenistan-Uzbekistan	1	retentionist	1	1993
Thailand-Cambodia	1	retentionist	1	2008
Thailand-Burma	1	retentionist	1	1999
Egypt-Israel	1	retentionist	1	2007
Eritrea-Ethiopia	0	abolitionist in practice	1	2008
North-South Korea	1	retentionist	1	2009
Syria-Turkey	1	retentionist	1	2011
Namibia-Angola	0	abolitionist for all crimes	1	1994
Ugandan-Kenya	1	retentionist	1	2007
Albania borders	1	retentionist	1	1994
China-Nepal	1	retentionist	1	1998
Uzbekistan-Kyrgyzstan	0	abolitionist for all crimes	1	2010
Greece-Albania	1	abolitionist for ordinary crimes	1	2003
Dominican Rep-Haiti	0	abolitionist for all crimes	1	2000
Venezuela-Colombia	0	abolitionist for all crimes	1	2012
Zimbabwe-Mozambique	1	retentionist	1	2004

Table 4: Refugee Convention

BORDERS	REFUGEE CONVENTION	RATIFICATION DATE	SHOOT TO KILL	YEAR
US-Mexico	0		0	1994
US-Canada	0		0	2009
Canada-US	1	1969	0	2009
Mexico-Guatemala	1	2000	0	2010
Australian maritime	1	1954	0	2001
Ireland-UK (Northern Ireland)	1	1956	0	1996
Germany-Poland	1	1953	0	1993
Finland-Russia	1	1968	0	2010
Estonia-Russia	1	1997	0	2009
Russia-Estonia	1	1993	0	2009
Poland-Ukraine/Belarus	1	1991	0	2002
Latvia-Lithuania	1	1997	0	2012
Lithuania-Latvia	1	1997	0	2012
Austria-Hungary/Slovakia	1	1954	0	1990
Greece-Turkey	1	1960	0	2012
Greece-Cyprus	1	1960	0	2007
Cyprus-Greece	1	1963	0	2007
Turkey-Bulgaria	1	1962	0	2012
Bulgaria-Turkey	1	1993	0	2012
Italian maritime	1	1954	0	2009
Spain-Morocco	1	1978	0	2004
Morocco-Spain	1	1956	0	2004
Saudi Arabia-Iraq	0		0	2006

The UAE-Oman	0		0	2007
Kuwait-Iraq	0		0	2005
Iran-Pakistan	1	1976	0	2011
Israel-Egypt	1	1954	0	2010
Israel-Lebanon	1	1954	0	2012
Israel-Jordan	1	1954	0	2012
South Africa-Zimbabwe	1	1996	0	2010
South Africa-Mozambique	1	1996	0	2011
Mozambique-South Africa	1	1983	0	2011
Brazilian borders	1	1960	0	2010
Belize maritime	1	1990	0	2007
Ecuador-Colombia	1	1955	0	2011
Ecuador-Peru	1	1955	0	2008
Peru-Ecuador	1	1964	0	2008
Guyana-Suriname	0		0	2008
Suriname-Guyana	1	1978	0	2008
Indonesia-Malaysia	0		0	2013
Malaysia-Indonesia	0		0	2013
Malaysia-Thailand	0		0	1991
Thailand-Malaysia	0		0	2004
Indonesia-Philippines	0		0	2011
Philippines-Indonesia	1	1981	0	2011
Kazakhstan-China	1	1999	0	2011
China-Kazakhstan	1	1982	0	2011
Kazakhstan-Uzbekistan	1	1999	0	2006

Kyrgyzstan-Tajikistan	1	1996	0	2008
Tajikistan-Kyrgyzstan	1	1993	0	2008
China-North Korea	1	1982	0	2003
Mongolia-Russia	0		0	2005
Indian-Burma	0		0	2003
India-Pakistan (Kashmir)	0		0	2004
Pakistan-Afghanistan	0		0	2005
Burma-Bangladesh	0		0	2009
Brunei-Malaysia	0		0	2005
Botswana-Zimbabwe	1	1969	0	2003
Nigeria-Benin	1	1967	0	2011
Benin-Nigeria	1	1962	0	2011
Nigeria-Niger	1	1967	0	2012
Niger-Nigeria	1	1961	0	2012
Mauritania-Mali/Algeria	1	1987	0	2009
Tunisia-Libya	1	1957	0	2012
Kenya-Somali	1	1966	0	2011
Sudan-Chad	1	1974	0	2010
Chad-Sudan	1	1981	0	2010
Angola-Zambia	1	1981	0	2000
Zambia-Angola	1	1969	0	2000
Uzbekistan-Afghanistan	0		0	2001
India-Bangladesh	0		1	2002
Israel-Palestine	1	1954	1	2000
Iran-Afghanistan	1	1976	1	2000

Iran-Iraq	1	1976	1	2011
Saudi Arabia-Yemen	0		1	2008
Turkmenistan-Uzbekistan	0		1	1993
Thailand-Cambodia	0		1	2008
Thailand-Burma	0		1	1999
Egypt-Israel	1	1981	1	2007
Eritrea-Ethiopia	0		1	2008
North-South Korea	0		1	2009
Syria-Turkey	0		1	2011
Namibia-Angola	0		1	1994
Ugandan-Kenya	1	1976	1	2007
Albania borders	1	1992	1	1994
China-Nepal	1	1982	1	1998
Uzbekistan-Kyrgyzstan	0		1	2010
Greece-Albania	1	1960	1	2003
Dominican Rep-Haiti	1	1978	1	2000
Venezuela-Colombia	0		1	2012
Zimbabwe-Mozambique	1	1981	1	2004

Table 5: Intra-state Conflict in the Neighboring State

BORDERS	INTRA STATE CONFLICT	CONFLICT PARTY	CONFLICT PERIOD	SHOOT TO KILL	YEAR
US-Mexico	1	EZLN		0	1994
US-Canada	0			0	2009
Canada-US	0			0	2009
Mexico-Guatemala	0			0	2010
Australian maritime	0			0	2001
Ireland-UK (Northern Ireland)	1	IRA	1971-1998	0	1996
Germany-Poland	0			0	1993
Finland-Russia	1	Caucasus Emirate	2007-ongoing	0	2010
Estonia-Russia	1	Caucasus Emirate	2007-ongoing	0	2009
Russia-Estonia	0			0	2009
Poland- Ukraine/Belarus	0			0	2002
Latvia-Lithuania	0			0	2012
Lithuania-Latvia	0			0	2012
Austria- Hungary/Slovakia	0			0	1990
Greece-Turkey	1	PKK	1984-ongoing	0	2012
Greece-Cyprus	0			0	2007
Cyprus-Greece	0			0	2007
Turkey-Bulgaria	0			0	2012
Bulgaria-Turkey	1	PKK	1984-ongoing	0	2012
Italian maritime	0			0	212009
Spain-Morocco	0			0	2004

Morocco-Spain	0			0	2004
Saudi Arabia-Iraq	1	Ansar al-Islam, ISI, RJF	1958-ongoing (Ansar al-Islam, ISI, RJF:2005-2006)	0	2006
The UAE-Oman	0			0	2007
Kuwait-Iraq	1	Ansar al-Islam, ISI, RJF	1958-ongoing (Ansar al-Islam, ISI, RJF: 2005-2006)	0	2005
Iran-Pakistan	1	Baluchistan, Tehrik-i Taleban Pakistan	1973/1986-ongoing	0	2011
Israel-Egypt	0			0	2010
Israel-Lebanon	0			0	2012
Israel-Jordan	0			0	2012
South Africa-Zimbabwe	0			0	2010
South Africa-Mozambique	0			0	2011
Mozambique-South Africa	0			0	2011
Brazilian borders	1	FARC Sendero Luminoso	1964-ongoing 1995-2010	0	2010
Belize maritime	0			0	2007
Ecuador-Colombia	1	FARC	1964-ongoing	0	2011
Ecuador-Peru	1	Sendero Luminoso	1995-2010	0	2008
Peru-Ecuador	0			0	2008
Guyana-Suriname	0			0	2008
Suriname-Guyana	0			0	2008
Indonesia-Malaysia	0			0	2013
Malaysia-Indonesia	0			0	2013
Malaysia-Thailand	0			0	1991
Thailand-Malaysia	0			0	2004

Indonesia-Philippines	1	Communist Party of the Philippines	1946-ongoing	0	2011
Philippines-Indonesia	0			0	2011
Kazakhstan-China	0			0	2011
China-Kazakhstan	0			0	2011
Kazakhstan-Uzbekistan	0			0	2006
Kyrgyzstan-Tajikistan	1	United Tajikistan Opposition	1992-ongoing	0	2008
Tajikistan-Kyrgyzstan	0			0	2008
China-North Korea	0			0	2003
Mongolia-Russia	1	Chechnya,Caucasus Emirate	1994-2007	0	2005
Indian-Burma	1	Kachin, Karen, Karenni, Shan	1961-ongoing, 1949-2012, 1957-2005, 1959-2012	0	2003
India-Pakistan (Kashmir)	1	Baluchistan, Tehrik-i-Taleban Pakistan	Tehrik-i Taleban Pakistan	0	2004
Pakistan-Afghanistan	1	The Taliban	1978-ongoing	0	2005
Burma-Bangladesh	0			0	2009
Brunei-Malaysia	0			0	2005
Botswana-Zimbabwe	0			0	2003
Nigeria-Benin	0			0	2011
Benin-Nigeria	1	Jama'atu Ahlis Sunna Lidda'awati wal-Jihad	1996-ongoing	0	2011
Nigeria-Niger	0			0	2012
Niger-Nigeria	1	Jama'atu Ahlis Sunna Lidda'awati wal-Jihad	1996-ongoing	0	2012
Mauritania-Mali/Algeria	1	Mali (ATNMC) Algeria (AQIM)	1990-ongoing/1991-ongoing	0	2009
Tunisia-Libya	1	Arap spring	2011-ongoing	0	2012
Kenya-Somali	1	Al-Shabaab, Hizbul-Islam	1982-ongoing	0	2011

Sudan-Chad	1	PFNR	1966-ongoing (PFNR: 2010)	0	2010
Chad-Sudan	1	SPLM/A-North	1971-ongoing	0	2010
Angola-Zambia	0			0	2000
Zambia-Angola	1	UNITA	1975-2002	0	2000
Uzbekistan-Afghanistan	1	UIFSA	1978-ongoing (UFSA: 2010)	0	2001
India-Bangladesh	0			1	2002
Israel-Palestine	0			1	2000
Iran-Afghanistan	1	UIFSA	1978-ongoing (UFSA: 2010)	1	2000
Iran-Iraq	1	ISI	1958-ongoing (ISI: 2010-ongoing)	1	2011
Saudi Arabia-Yemen	1	AQAP	1948-ongoing	1	2008
Turkmenistan-Uzbekistan	0			1	1993
Thailand-Cambodia	0			1	2008
Thailand-Burma	1	Kachin, Karen, Karenni, Shan	1961-ongoing, 1949-2012, 1957-2005, 1959-2012	1	1999
Egypt-Israel	0			1	2007
Eritrea-Ethiopia	1	Ogaden National Liberation Front	1964-ongoing	1	2008
North-South Korea	0			1	2009
Syria-Turkey	1	PKK	1984-ongoing	1	2011
Namibia-Angola	1	FLEC-FAC, UNITA		1	1994
Ugandan-Kenya	0			1	2007
Albania borders	1	The breakup of Yugoslav Empire	1990's	1	1994
China-Nepal	1	CPN-M	1996-2006	1	1998
Uzbekistan-Kyrgyzstan	0			1	2010
Greece-Albania	0			1	2003

Dominican Rep-Haiti	0			1	2000
Venezuela-Colombia	1	FARC	1964-ongoing	1	2012
Zimbabwe-Mozambique	0			1	2004

Table 6: State Fragmentation

BORDERS	STATE FRAGMENTATION	CONFLICT PARTY	CONFLICT PERIOD	SHOOT TO KILL	YEAR
US-Mexico	0			0	1994
US-Canada	0			0	2009
Canada-US	0			0	2009
Mexico-Guatemala	0			0	2010
Australian maritime	0			0	2001
Ireland-UK (Northern Ireland)	0			0	1996
Germany-Poland	0			0	1993
Finland-Russia	0			0	2010
Estonia-Russia	0			0	2009
Russia-Estonia	1	Caucasus Emirate	2007-ongoing	0	2009
Poland-Ukraine/Belarus	0			0	2002
Latvia-Lithuania	0			0	2012
Lithuania-Latvia	0			0	2012
Austria-Hungary/Slovakia	0			0	1990
Greece-Turkey	0			0	2012

Greece-Cyprus	0			0	2007
Cyprus-Greece	0			0	2007
Turkey-Bulgaria	1	PKK	1984-ongoing	0	2012
Bulgaria-Turkey	0			0	2012
Italian maritime	0			0	2009
Spain-Morocco	0			0	2004
Morocco-Spain	0			0	2004
Saudi Arabia-Iraq	0			0	2006
The UAE-Oman	0			0	2007
Kuwait-Iraq	0			0	2005
Iran-Pakistan	1	PJAK, Jondollah	1972-ongoing	0	2011
Israel-Egypt	0			0	2010
Israel-Lebanon	0			0	2012
Israel-Jordan	0			0	2012
South Africa-Zimbabwe	0			0	2010
South Africa-Mozambique	0			0	2011
Mozambique-South Africa	0			0	2011
Brazilian borders	0			0	2010
Belize maritime	0			0	2007
Ecuador-Colombia	0			0	2011
Ecuador-Peru	0			0	2008
Peru-Ecuador	1	Sendero Luminoso	1995-2010	0	2008
Guyana-Suriname	0			0	2008
Suriname-Guyana	0			0	2008
Indonesia-	0			0	2013

Malaysia					
Malaysia-Indonesia	0			0	2013
Malaysia-Thailand	0			0	1991
Thailand-Malaysia	1	Patani	2003-ongoing	0	2004
Indonesia-Philippines	0			0	2011
Philippines-Indonesia	1	Communist Party of the Philippines	1946-ongoing	0	2011
Kazakhstan-China	0			0	2011
China-Kazakhstan	0			0	2011
Kazakhstan-Uzbekistan	0			0	2006
Kyrgyzstan-Tajikistan	0			0	2008
Tajikistan-Kyrgyzstan	1	United Tajikistan Opposition	1992-ongoing	0	2008
China-North Korea	0			0	2003
Mongolia-Russia	0			0	2005
Indian-Burma	1	National Democratic Front of Bodoland United Liberation Front of Assam, etc	1989/1990-2010	0	2003
India-Pakistan (Kashmir)	1	National Democratic Front of Bodoland United Liberation Front of Assam, etc	1989/1990-2010	0	2004
Pakistan-Afghanistan	1	Baluchistan, Tehrik-i Taleban Pakistan	1973/1986-ongoing	0	2005
Burma-Bangladesh	1	Kachin, Karen, Karenni, Shan	1961-ongoing, 1949-2012, 1957-2005, 1959-2012	0	2009
Brunei-Malaysia	0			0	2005

Botswana-Zimbabwe	0			0	2003
Nigeria-Benin	1	Jama'atu Ahlis Sunna Lidda'awati wal-Jihad	1996-ongoing	0	2011
Benin-Nigeria	0			0	2011
Nigeria-Niger	1	Jama'atu Ahlis Sunna Lidda'awati wal-Jihad	1996-ongoing	0	2012
Niger-Nigeria	0			0	2012
Mauritania-Mali/Algeria	0			0	2009
Tunisia-Libya	0			0	2012
Kenya-Somali	0			0	2011
Sudan-Chad	1	SSDM/A, SSLM/A	1971-ongoing	0	2010
Chad-Sudan	1	a myriad of rebel groups	1966-2010	0	2010
Angola-Zambia	1	UNITA	1975-2002	0	2000
Zambia-Angola	0			0	2000
Uzbekistan-Afghanistan	1	Islamic Movement of Uzbekistan	1999-2004	0	2001
India-Bangladesh	1	United Liberation Front of Assam,National Democratic Front of Bodoland,etc	1989/1990-2010	1	2002
Israel-Palestine	0			1	2000
Iran-Afghanistan	1	PJAK, Jondollah	1972-ongoing	1	2000
Iran-Iraq	1	PJAK, Jondollah	1972-ongoing	1	2011
Saudi Arabia-Yemen	0			1	2008
Turkmenistan-Uzbekistan	0			1	1993
Thailand-Cambodia	1	Patani	2003-ongoing	1	2008
Thailand-Burma	0			1	1999

Egypt-Israel	0			1	2007
Eritrea-Ethiopia	0			1	2008
North-South Korea	0			1	2009
Syria-Turkey	1	Arab spring	2011-ongoing	1	2011
Namibia-Angola	0			1	1994
Ugandan-Kenya	1	Lord's Resistance Army	1971-ongoing	1	2007
Albania borders	0			1	1994
China-Nepal	0			1	1998
Uzbekistan- Kyrgyzstan	1	Islamic Movement of Uzbekistan	1999-2004	1	2010
Greece-Albania	0			1	2003
Dominican Rep- Haiti	0			1	2000
Venezuela- Colombia	0			1	2012
Zimbabwe- Mozambique	0			1	2004

Table 6: Economic Capacity

BORDERS	ECONOMIC CAPACITY	SHOOT TO KILL	YEAR
US-Mexico	26684,35578	0	1994
US-Canada	45170,29397	0	2009
Canada-US	39719,64942	0	2009
Mexico-Guatemala	9090,825246	0	2010
Australian maritime	20145,72848	0	2001
Ireland-UK (Northern Ireland)	20395,76184	0	1996
Germany-Poland	24805,12997	0	1993
Finland-Russia	44142,00103	0	2010
Estonia-Russia	14256,7183	0	2009
Russia-Estonia	8546,141731	0	2009
Poland-Ukraine/Belarus	5183,800337	0	2002
Latvia-Lithuania	12696,61865	0	2012
Lithuania-Latvia	12962,15742	0	2012
Austria-Hungary/Slovakia	21479,32951	0	1990
Greece-Turkey	26251,14359	0	2012
Greece-Cyprus	27088,42488	0	2007
Cyprus-Greece	27685,92448	0	2007
Turkey-Bulgaria	10524,00421	0	2012
Bulgaria-Turkey	7186,828959	0	2012
Italian maritime	35040,56628	0	2009

Spain-Morocco	24445,61035	0	2004
Morocco-Spain	1893,079601	0	2004
Saudi Arabia-Iraq	14380,59751	0	2006
The UAE-Oman	47713,29885	0	2007
Kuwait-Iraq	35687,91766	0	2005
Iran-Pakistan	6976,532642	0	2011
Israel-Egypt	29311,59757	0	2010
Israel-Lebanon	32122,94636	0	2012
Israel-Jordan	32122,94636	0	2012
South Africa-Zimbabwe	7251,202245	0	2010
South Africa-Mozambique	8090,307775	0	2011
Mozambique-South Africa	535,8749585	0	2011
Brazilian borders	10992,94212	0	2010
Belize maritime	4355,665179	0	2007
Ecuador-Colombia	4526,189637	0	2011
Ecuador-Peru	3856,406251	0	2008
Peru-Ecuador	4535,910065	0	2008
Guyana-Suriname	2558,075004	0	2008
Suriname-Guyana	6859,293898	0	2008
Indonesia-Malaysia	3494,611216	0	2013
Malaysia-Indonesia	9977,227927	0	2013
Malaysia-Thailand	2837,664872	0	1991
Thailand-Malaysia	2613,329473	0	2004
Indonesia-Philippines	3494,611216	0	2011
Philippines-Indonesia	2369,518083	0	2011
Kazakhstan-China	11503,04964	0	2011
China-Kazakhstan	5439,472668	0	2011

Kazakhstan-Uzbekistan	5290,106015	0	2001
Kyrgyzstan-Tajikistan	987,6741426	0	2008
Tajikistan-Kyrgyzstan	771,3227557	0	2008
China-North Korea	1299,008338	0	2003
Mongolia-Russia	990,6304586	0	2005
Indian-Burma	534,7138312	0	2003
India-Pakistan (Kashmir)	637,1014838	0	2004
Pakistan-Afghanistan	688,4121512	0	2005
Burma-Bangladesh	692,1258946	0	2009
Brunei-Malaysia	26248,50822	0	2005
Botswana-Zimbabwe	4418,700614	0	2003
Nigeria-Benin	1509,372427	0	2011
Benin-Nigeria	801,6442609	0	2011
Nigeria-Niger	1509,372427	0	2012
Niger-Nigeria	397,0885917	0	2012
Mauritania-Mali/Algeria	852,9774003	0	2009
Tunisia-Libya	4373,417191	0	2012
Kenya-Somali	818,5281033	0	2011
Sudan-Chad	1634,439449	0	2010
Chad-Sudan	794,4244844	0	2010
Angola-Zambia	636,0933502	0	2000
Zambia-Angola	317,4555195	0	2000
Uzbekistan-Afghanistan	372,4570807	0	2000
India-Bangladesh	463,8092954	1	2002
Israel-Palestine	20763,94523	1	2000
Iran-Afghanistan	1591,868046	1	2000
Iran-Iraq	6976,532642	1	2011

Saudi Arabia-Yemen	18202,75046	1	2008
Turkmenistan-Uzbekistan	685,4279612	1	1993
Thailand-Cambodia	4247,034081	1	2008
Thailand-Burma	2026,134344	1	1999
Egypt-Israel	1717,736501	1	2007
Eritrea-Ethiopia	278,9657285	1	2008
North-South Korea	496,2296095	1	2009
Syria-Turkey	3095,079451	1	2011
Namibia-Angola	2321,961816	1	1994
Ugandan-Kenya	446,563724	1	2007
Albania borders	612,9079862	1	1994
China-Nepal	851,7694665	1	1998
Uzbekistan-Kyrgyzstan	1427,340201	1	2010
Greece-Albania	17355,91613	1	2003
Dominican Rep-Haiti	2753,187638	1	2000
Venezuela-Colombia	10731,19522	1	2012
Zimbabwe-Mozambique	281,433887	1	2004

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