

# The Executive Memorandum

The Heritage Foundation

214 Massachusetts Avenue, N.E. • Washington, D.C. 20002-4999 • (202) 546-4400 • <http://www.heritage.org>

**RUSH!**

1/17/97 | Number 466

## WHY A GLOBAL BAN ON LAND MINES WON'T WORK

**A** pressing humanitarian issue facing world leaders is the killing and maiming of civilians, often children, by unattended anti-personnel land mines (APLs). This horrible occurrence—caused by the proliferation and indiscriminate use of these types of mines by rogue groups—is unconscionable. It should be stopped. However, certain steps being considered by the Clinton Administration will do little to achieve this goal.

The Administration is considering joining a Canadian-led effort known as the Ottawa Conference that would seek to ban all land mines. The Ottawa Conference is seriously flawed, and has attracted little interest from many other countries. A ban on the production and use of any type of land mine will disarm the few countries that are willing to abide by an agreement, but it will do nothing to force the cooperation of the countries and groups that use them indiscriminately. Moreover, such a ban will prohibit the legitimate use of self-destructing land mines, specifically those used by U.S. armed forces to protect American ground troops in combat. These American land mines are not part of the problem: They automatically deactivate, are not used in civilian areas, and do not linger for years in fields waiting for an unsuspecting civilian to tread on them.

If the U.S. approves a global ban of all land mines, American soldiers will be put in greater danger and a harmful double standard will be created in arms control: A country not causing the problem—the United States—will disarm while rogue nations proliferating civilian-killing mines will not join the agreement and will not disarm. The Clinton Administration should not join the Ottawa Conference. It should not sign an agreement that will do little to address civilian casualties but much to harm U.S. military capabilities.

**An Important Military Tool.** Banning the use of illegal “dumb mines” is laudable. Indiscriminately placed and incapable of self-destruction, these unmarked mines are continually responsible for civilian casualties. However, a global ban that would include “smart mines” will not help to solve the humanitarian problem. Smart mines automatically deactivate after prescribed periods of time. They are used in accordance with international laws of warfare, and are laid in well-marked areas threatened by hostile military forces—not in civilian areas. Such mines have proven to be an effective deterrent to aggression against U.S. forces or their allies.

U.S. Army doctrine recognizes the effectiveness of smart mines in protecting U.S. forces and denying terrain to an attacking enemy. In certain scenarios, the Army estimates that the proper use of smart APLs could cut American casualties in half by reducing the mobility of opposing forces and offering an effective early warning against attack. The responsible use of such mines, when deployed against an attacking military force, will save U.S. lives and not endanger civilians.

Today, the U.S. manufactures only mines that self-destruct, and the self-destruct rate of 32,000 smart mines tested since 1976 is 99.996 percent. Furthermore, there are no reported cases of unintended civilian injury or death by U.S. APLs in either 1995 or 1996. The mines used by the U.S. armed forces are rigidly controlled and responsibly used, and have had no identifiable impact on civilians. In other words, the use of mines by American forces is not part of the land mine problem that the President seeks to solve.

*Note:* Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Even the Clinton Administration recognizes that the legal use of APLs is a legitimate means of defense in U.S. military operations. The Administration recently led a successful international effort to promote the responsible use of land mines by strengthening the Landmine Protocol in the U.N. Convention on Certain Conventional Weapons (CCW). This convention establishes guidelines on the proper use of mines and conventional weapons in war.

**A Misdirected Policy.** In spite of these facts, the Administration's policy is to promote an eventual global ban on all anti-personnel land mines. It has not said exactly how this goal might be reached. In the meantime, the U.S. has not prohibited its use of land mines, but has limited the legitimate use of less sophisticated dumb mines to training exercises and the demilitarized zone in Korea.

The U.N. General Assembly voted overwhelmingly last November in favor of a U.S.-sponsored resolution that called for a legally binding international agreement to ban the use, stockpiling, production, and transfer of all APLs. Ten states, including Russia, China, North Korea, Syria, and Cuba, abstained on the grounds that such mines were a legitimate means of self-defense and national security. Without a commitment from those countries, the ban is unlikely to be effective.

Supporters of the Ottawa Conference asked some 50 pro-ban countries to sign a legally binding international agreement banning the production and use of APLs. They hope to stigmatize the use of all land mines and to shame nations that refuse to join the conference into signing the treaty at a later date. China and Russia will not participate in the Ottawa negotiations, and Cuba, North Korea, and Syria have stated they oppose such a ban.

The Ottawa Conference's so-called solution to the irresponsible use of dumb mines by rogue elements in places like Angola, Cambodia, Bosnia, and Mozambique is misguided. By forcing the world's responsible states to disarm, the conference will establish a double standard for the use of critical weapons. Responsible states like the U.S. will not be able to protect themselves in wartime with the same weapons that rogue states certainly will continue to possess and use.

This double standard in arms control is not new to the Clinton Administration. In 1996, the Administration attempted to force the Senate to ratify the Chemical Weapons Convention and ban chemical weapons despite the fact that countries such as Iraq, Libya, and North Korea were not willing to participate. The Administration signed the Comprehensive Test Ban Treaty in September 1996 to ban explosive nuclear tests despite the fact that India and Pakistan refused to go along. (Both countries are presumed to be capable of manufacturing and testing nuclear weapons.)

This double standard also is not accidental. It is seen as a precedent that will allow Congress and the American people to believe it is acceptable for the U.S. to deprive itself of weapons that other countries retain and most likely will use. If the U.S. prohibits its own use of smart mines in the face of aggression, then other categories of weapons, perhaps including nuclear weapons, could be next.

**A Better Approach.** U.S. participation in the Ottawa Conference amounts to unilateral disarmament and does little to solve the problem. The U.S. should, however, take steps to address the scourge of anti-personnel land mines in countries racked by conflict. It should contribute more technological support to international efforts to find and defuse mines in war-torn areas. And it should begin negotiations in the U.N. Conference on Disarmament for a comprehensive ban on the use of dumb mines. Such determined steps will neither denude U.S. armed forces of a critical military capability nor deprive the U.S. of an effective barrier to an attack on its ground troops.

Rather than focus on an unenforceable global ban, signed by few countries, and hope that rogue states will honor it, the Administration should work aggressively to outlaw mines that do not self-destruct. An enforceable pact, such as the comprehensive international agreements of the recent Convention on Certain Conventional Weapons, can help control the proliferation and use of these unsophisticated mines. This approach will be far more effective than an indiscriminate global ban in preventing the humanitarian atrocity of civilian casualties.

Baker Spring  
Senior Policy Analyst

John Hillen  
Policy Analyst