

UC San Diego

Policy Briefs

Title

Policy Brief 06: Banning Land Mines

Permalink

<https://escholarship.org/uc/item/1bb297q4>

Author

Gruhn, Isebill V

Publication Date

1995-03-01

IGCC POLICY BRIEF

February 1996

Number 6

Banning Land Mines

Isebill V. Gruhn

Halfway measures that phase out only certain types of mines are too expensive in life, limb, and U.S. dollars. The United States must take an international leadership role in the growing land mine crisis.

Full Recommendations, page 4.

Summary: Every two minutes someone in the world is killed or maimed by a land mine – most of them civilian women and children. Current estimates are that 110 million land mines are now in place in sixty-four countries, with 1-3 million more laid each year. The cost to remove them: up to \$1,200 *per mine*. Thus far, only nine states have signed up for a total ban on land mine production, transfer, and use. A review conference on the Second Protocol to the United Nations

Convention on the Use of Certain Conventional Weapons (CCW) is underway. However, the amendments under consideration will not, on the ground, significantly reduce the rate of mine deployment, hasten their removal, or mitigate the appalling civilian casualties. Just as for chemical and biological weapons, the United States must assume an international leadership role in promoting a total ban on these indiscriminate killers.



Every two minutes someone in the world is maimed or killed by a land mine.* According to UN estimates, at least 26 thousand civilians per year (the vast majority of them women and their children) are the victims of explosions caused by the more than 110 million land mines scattered throughout 64 countries. Mines which cost as little as three dollars are the weapon of choice for insurgency and counter-insurgency forces in the world's civil disputes today. While over the past two years two-hundred thousand land mines were cleared at a cost of up to \$1,200 *per mine*, during the same period two to three million new mines were laid.

In Cambodia, Afghanistan, Somalia, Rwanda, Angola, Mozambique, and other countries with histories of protracted civil conflict, mines, placed on roads, railroads, bridges; in fields, plantations, and along river banks, disrupt political and economic infrastructure and place heavy strains on the human population.

Notable voices raised against land mine use include South African Archbishop Desmond Tutu, UN Secretary General Boutros Boutros-Ghali, Pope John Paul II, UN High Commissioner of Refugees Sadako Ogata, Nelson Mandella, former President Jimmy Carter, former Secretary of State Cyrus Vance, and President of the American Red Cross Elizabeth Dole.

Current International Status

In a 1994 UN General Assembly speech, President Clinton announced the goal of "eventual elimination" of anti-personnel mines. However, while 30 countries have partially or completely halted land mine exports, so far only nine—Belgium, Cambodia, Columbia, Croatia, the Holy See, Ireland, Mexico, Nicaragua, Norway, and Tunisia—are in favor of a total ban on production, transfer and usage.

The Second Protocol to the 1980 United Nations Convention on the Use of Certain Conventional Weapons (CCW) addressed the use of "Certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effect." The protocol, while not confined to land mines, makes them a target. Since 1980 the existing CCW has been ratified by sixty states—a dozen within the past two years—but it addresses land mine use only in

* The term *land mine* includes both anti-personnel and anti-tank mines. The two are often lumped together in reporting statistics. For the most part, proposed arms control measures and policy recommendations refer to anti-personnel mines, as do the current export and Leahy moratoria, but even anti-tank mines are covered in proposals requiring mines to be identifiable, marked, and self-detonating. Throughout this brief, I use the inclusive *land mines* whenever both categories are either explicitly under discussion, or it is not clear whether the discussants are themselves making the distinction. I do refer specifically to anti-personnel mines wherever possible.

interstate conflict. It is mute on land mine use in intrastate civil strife.

A CCW review conference, concluded in Vienna on 13 October, 1995, reached substantial agreement on provisional amendments to the protocol pertaining to land mines, including:

- (1) extension of its scope to intrastate conflicts (without enforcement provisions);
- (2) assignment of responsibility for land mine clearance to those who lay them (although in civil conflicts those who lay them rarely have the expertise or resources to remove them);
- (3) increased protection for International Committee of the Red Cross/ Crescent (ICRC) and other humanitarian workers (how and by whom this protection can be provided is unclear);
- (4) the requirement that all mine fields be recorded (difficult to guarantee and monitor);
- (5) prohibition of mechanisms which cause mines to explode when electromagnetic detectors, used by clearance teams, come near.

This CCW approach strives to stigmatize land mine use while promoting politically achievable steps toward their elimination. The process, however, seeks agreement on the elimination and management of only the most primitive types of these weapons. That approach will fail.

Countries that produce sophisticated self-destructing weapons, such as the U.S., tend to favor the elimination of cheaper, less sophisticated non-self-destructing mines. Producers of less complex, cheaper mines, such as India, China and Egypt, oppose any limitations which would leave them with large stockpiles or transfer their market shares to the more sophisticated industrial producers. Some potential lesser-developed users also oppose eliminating the cheaper varieties from the market.

Evidence of this is reflected in ongoing CCW debates over additional provisions which would:

- (1) prohibit undetectable anti-personnel mine use;
- (2) prohibit use of long-lived anti-personnel mines, except in fenced, marked and guarded areas;
- (3) require self-destructing mines in areas from which civilians are not barred by physical barriers.
- (4) require that scatterable mines self-destruct within 30 days.

"American manufacturers have exported only one-hundred and fifty thousand mines since 1983..."
—John Ryle, *The New Yorker*

"...like [chemical and biological] weapons, land mines have a military use. But this needs to be weighed against the...long-term...economic damage they cause."
—Senator Patrick Leahy

U.S. Policy History

The central player in the land mine debate in the U.S. Congress has been Senator Patrick Leahy, often joined on the House side by Congressman Lane Evans. In June, 1995, Leahy introduced legislation to place a one-year moratorium on the use of anti-personnel mines by the United States, and called for executive support of the CCW II proposals under discussion in Vienna. The act passed the U.S. Senate 67-27 last October with bipartisan leadership support, and President Clinton signed it into law in January. It restricts the use of land mines by U.S. forces to marked and monitored international borders and demilitarized zones, but will take effect in 1999 only after a three-year waiting period designed to give the Pentagon time to develop mine alternatives.

Both President Clinton and Secretary of State Christopher are on record as favoring the "eventual" ban

"Over the past ten years the ICRC medical staff have treated more than twenty-eight thousand land mine victims and fitted some eighty thousand artificial limbs on those who have survived."
— International Committee for the Red Cross

of land mines, but there has been relatively less Executive backing for eliminating mines as a matter of uni- or multi-lateral policy strategy. The mixed U.S. record on the issue goes back to the 1980 UN Proto-

col; it was originally ratified by only 32 countries, and the U.S. was not among them. The U.S. signed the Convention in 1982, but it fell hostage to unrelated disputes between the Senate and the Reagan/Bush administrations, and was never sent to the Senate for ratification. Thus, over the past decade the U.S. government failed to provide the kind of leadership which might have been expected. In the end, only 52 countries signed the 1995 Vienna protocol—none of them key producers or users.

The more recent history of U.S. policy is also mixed. In 1993 the U.S. State Department published a report entitled "The Hidden Killers; The Global Problem with Uncleared Land Mines." The report labeled land mines "a significant challenge to the achievement of key U.S. foreign policy objectives" and declared them to be "inhibiting the repatriation of refugees, hindering economic reconstruction and development, and providing a continuing element of chaos in countries striving for political stability." It argues that the long-term economic and environmental destruction, medical costs of rehabilitating the injured, and costs of targeting international resources to undertake mine clearance make land mines a central human rights, economic development, and environmental issue. It thus reframes the debate away from tactical military arguments. The position that land mines ought to be considered in terms of their human rights and development, rather than military, impact has been echoed

Two Worst Cases: Antipersonnel Mines in Angola and Mozambique, by Country of Origin

NATO Members

M409 (NR 409); PRB	Belgium
PSM	Bulgaria
M59 (MiAPDV59)	France
PPM-2	Ex E. Germany
DM 11, 31	Germany
Valmara VS-69; VAR 40, 100; VS 50	Italy
M966, 966s, 969	Portugal
No. 6 (Carrot)	United Kingdom
M14; M16 A1, A2; M18A1 Claymore	United States

OSCE Members

PP Mi Sr	Ex Czechoslovakia
MON50, 100; OZM 2, 3, 4, 72; PMD-6;	
PMN, PMN-2; POMZ 2, 2M; RPG-7	Ex USSR
PROM 1	Ex Yugoslavia

OUA Members

Ploughshare	Ex Rhodesia
M2A2; SA Claymore; USK	South Africa
RAP-1, -2	Zimbabwe

Other UN Members

Type 69,72, 72B; PPM-2	China
M14	India
MIM-25-AN08	Unknown

Sources: Halo Trust, Human Rights Watch Arms Project, UNOCHA, U.S. State Dept.

by the U.S. Agency on International Development (AID) in numerous fora.

The Pentagon has remained more narrowly focused, promoting a strategy of export and use of so-called self-destructing mines—self-deactivating devices equipped with back-up self-detonation mechanisms. According to the Pentagon position, there is military justification for land mine use, and arms control policy ought to define the circumstances under which land mine use is legal, as well as to limiting mine use to sophisticated devices whose threat to civilian populations can be minimized. General John Shalikashvili, chairman of the Joint Chiefs of Staff, stated publicly that he considers land mines to be "indispensable under certain circumstances, [as during] Desert Storm." The JCS chairman argued that the Senate and House conferees should therefore reject Senator Leahy's legislation for a one-year moratorium.

Now that the U.S. moratorium is in the offing, the President is in a strong position to unite his administration behind, and exert international leadership toward, a total ban. The old Pentagon position advocating merely limited technological solutions, echoed by the CCW review delegation to date, was never likely to garner international political support and compliance. It has now also become anachronistic. It is out of step with the new political possibilities generated by the broad demonstrated support for the more ambitious standards set by the moratorium.

Next Steps

In an 18 February New York Times article, some three thousand people were reported as currently employed by the UN in a project to clear fifty square miles of “priority” mine fields in Afghanistan. The prediction was that teams will be busy there clearing mines until well into the 21st century, at annual costs soon to exceed \$25 million. Problems of similar magnitude exist in countries like Cambodia, Angola, Mozambique and elsewhere, where over 110 million mines are in place. The potential U.S. contribution to such UN projects is staggering—and certainly not offset by licensed export sales, valued at less than \$1.9 million over the past decade.

Meanwhile, the CCW revision discussions continue. While some changes can be expected, if, as following the first CCW convention, only a few countries ratify its work, merely modest progress will be forthcoming. But modest progress—halfway measures that phase out only certain types of mines or merely restrict conditions under which mines can be used—are simply too expensive in life, limb, and U.S. dollars to entertain over the long haul. The U.S. task ahead is to construct a national policy consistent with playing an international leader-

ship role on the land mine crisis. No real global reductions can be anticipated as long as advanced military powers, led by the United States, take the position that their more sophisticated and costly mines are acceptable, while banning the cheap mines produced elsewhere.

National legislative efforts, bilateral negotiations, discussions among producers and users, legislation in regional organizations and fora, and ongoing efforts by human rights and environmental lobby groups are all needed to ensure progress. Public pressure should be applied to governments worldwide to strengthen existing moratoria on the transfer, production, and use of mines. Unlike some intractable problems facing the world today, a total ban on land mine production, transfer, and use *is* in reach. ❖

Isebill V. Gruhn is a professor of politics at the University of California, Santa Cruz. This brief is an outgrowth of her related work on African development.

To obtain additional copies of this brief, contact the Publications Coordinator or view at URL:

<http://www-igcc.ucsd.edu/igcc/igccmenu.html>
or gopher://irpsserv26.ucsd.edu

How to ban land mines:

- 1. Make a total ban on the production, sale, or use of land mines an unequivocal part of U.S. national, bilateral, and multilateral policy:**
 - **Take an international leadership role in the CCW review process, advocating international adoption of the standard set by the 1996 U.S. moratorium.**
 - **Open bilateral negotiations with key producers and users to promote national and regional legislation supporting a total ban.**
 - **Make foreign development and military aid offers contingent on observing a total ban.**
- 2. Support NGO efforts to politicize and stigmatize anti-personnel mine production, sale, and use.**
- 3. Focus on economic development, human rights, and environmental costs, not military tactics.**

University of California
Institute on Global Conflict and Cooperation
9500 Gilman Drive
La Jolla, CA 92093-0518 USA
Phone: (858) 534-3352 Fax: (858) 534-7655 Email: igcc-cp@ucsd.edu