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MASTER OF MILITARY STUDIES

***TITLE: THE PROLIFERATION OF ANTI-PERSONNEL LANDMINES & WHY
THE UNITED STATES SHOULD NOT JOIN THE OTTAWA TREATY***

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Abstract Joining the Ottawa Treaty will not solve the Humanitarian problems caused by Anti-Personnel Landmine (APL) use. The Treaty is not enforceable and the restrictions that are implemented affect responsible users. Non-Governmental Organizations have lead a strong campaign for banning APLS, however their facts have not been accurate and the majority of their efforts have been aimed at the emotional responses toward victims of landmines. The problems associated with the irresponsible use of landmines needs attention, but does not require the United States to join the unenforceable standards of the Ottaw Treaty.		
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EXECUTIVE SUMMARY

Title: The Proliferation of Anti-Personnel Landmines & Why The United States Should Not Join The Ottawa Treaty

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Thesis: Signing the Ottawa Treaty will not solve the humanitarian problem associated with mine warfare.

Discussion: Anti-personnel landmines (APLs) have become a major humanitarian problem throughout the world. Non-government organizations (NGOs) such as the International Committee to Ban Landmines (ICBL) have spearheaded a global drive to gain support for a worldwide ban on APLs. Their efforts led to the writing of the Ottawa Treaty. The Ottawa Treaty was designed to end the indiscriminate use, exportation, or stockpiling of APLs. The treaty faced opposition by some countries including the United States. Military leaders in the U.S. felt the need to responsibly use anti-personnel mine in battle in order to ensure maximum protection for its soldiers.

Conclusion(s) or Recommendation(s): The United States *should not join* the Ottawa Treaty because it is not an enforceable treaty and its restrictions could jeopardize the lives of American service personnel on the battlefield.

DISCLAIMER

THE OPINIONS AND CONCLUSIONS EXPRESSED HEREIN ARE THOSE OF THE INDIVIDUAL STUDENT AUTHOR AND DO NOT NECESSARILY REPRESENT THE VIEWS OF EITHER THE MARINE CORPS COMMAND AND STAFF COLLEGE OR ANY OTHER GOVERNMENTAL AGENCY. REFERENCES TO THIS STUDY SHOULD INCLUDE THE FOREGOING STATEMENT.

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Personal Prologue

In January 1995, I received orders to Defense Contract Management Command (DCMC) in San Francisco, California. I arrived as an intern training under the Navy Acquisition Contract Officer (NACO) program. In October of the same year, I volunteered to be the operations officer for an 18-member contingency contracting team deploying to the Balkans for Operation Joint Endeavor. The team's mission was to provide administrative contract support for the Logistic Civil Augmentation Program (LOGCAP). LOGCAP, a 1985 concept formalized by the Army, uses a civilian contractor to perform selected logistics and engineering services to augment U.S. forces during military contingency operations.

In the Balkans, the proliferation of landmines, coupled with a tenuous peace agreement, created a unique set of force protection and security concerns. Prior to our arrival, the team underwent extensive mine awareness training at Fort Benning, Georgia, and Hoenfelds, Germany. Several hours were spent in the classroom studying mine warfare. All members of the team (composed of both military and civilian personnel) were exposed to various kinds of mines. In addition to learning characteristics of popular anti-personnel mines (APLs), we witnessed the devastating destruction caused by a landmine from a demonstrated detonation on a service vehicle. All instructors put tremendous emphasis on staying within heavily traveled and developed paths and roadways while deployed. We were also constantly reminded that once we entered the

theater of operations to never pick anything up off the ground. While training at Hoenfields, we also spent time practicing probing techniques in simulated minefields. Probing for simulated mines was a painfully slow and uncomfortable process. It was the one training requirement that I felt no matter how much we practiced, we would never be any closer to being prepared for the real thing if it ever occurred.

Two months after our team entered the theater I was traveling in a convoy between base camps in Bosnia. Many roads there are small and wind throughout bucolic neighborhoods. One day my convoy was delayed due to an accident between a local vehicle and a person on a bicycle. The force of the impact had driven the cyclist some 50 feet off his bike into a field that ran parallel with the road. The person died, but might have survived if medical attention could have been administered sooner. The body remained in the field for several hours because the victim had landed in a minefield. Two days later, where the body once laid, there were small thin wires (with white flags attached to their ends) sticking out of the ground. The area around the body had to be probed for mines before it could be withdrawn. It was a disturbing impression that I will never forget.

It was these experiences that lead to my own fear of landmines, my desire to research their effects, and to study the development and efforts to ban these deadly, and hidden killers. As a result of my career as a military officer, I began my writing and researching of the subject with a prejudicial bias favoring my fellow military comrades' rights to responsibly use a weapon in the field of battle that could possibly save his/her life. Then I received information from the International Committee of the Red Cross (ICRC). I had requested pictures of landmine victims and information/statistics on the

injuries caused by APLs. Several of the pictures I received showed children missing hands, legs, or eyes. Most had prosthetics and looked hopeless. After seeing the disturbing pictures and reviewing the supporting statistics about civilian casualties from APLs, I instantly changed my position.

However, after further researching the subject, I discovered several areas that caused me to switch back to supporting the soldier's right to responsibly use the APL in battle. One of my primary reasons for this reverse came after I was able to separate my emotional response from viewing graphic pictures of young children victimized by landmines, with the reasoning based on the facts of my research. Emotions should not be the driving force behind the decisions of such a cause.

Trying to understand the reason behind the division between APL supporters and non-supporters is detailed in this paper.

CHAPTER 1

History

“Damn the Torpedoes, Full Speed Ahead.”¹
Admiral David G. Farragut, U.S. Navy
Mobile Bay, Alabama August 5, 1864

The word ‘Mine’ comes from the Latin word *mina* (meaning vein of ore). It was originally used to describe the process of removing minerals from the earth.² Military engineers began using the term when they would pack burrows they had dug with explosives in order to bring down walls of fortifications. The recognized and legal definition of an **anti-personnel landmine** (APL) is described as, “a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”³ A **landmine**, on the other hand, is considered, “a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.”⁴

Although more primitive, and improvised methods related to mine warfare can be traced back as far back as 2,500 years, it was during the Civil War when Americans were

¹ “The Battle of Mobile Bay”. URL;< www.surfpac.navy.mil> .Accessed 15 March 2001.

² Mike Croll, *The History of Landmines* (Britain: Pen and Sword Ltd., 1998), xi. Cited hereafter as Croll.

³ International Committee of the Red Cross. (ICRC). *Banning Anti-personnel mines: The Ottawa Treaty Explained*, December 1997. URL:< www.icrc.org> Accessed 2 October 2000. Although the definition of anti-personnel landmine and landmine have two distinct meanings legally, for the use in this paper both words refer to anti-personnel landmines unless specifically detailed in the text.

⁴ ICRC. *Banning anti-personnel mines: The Ottawa Treaty Explained*, December 1997.

recognized as the first to develop and employ them as operational devices. Ironically, landmines were largely developed after the successful use of mine like explosive devices at sea. Southerner Matthew Fontaine Maury first demonstrated explosive sea devices on the James River in June 1861 to the Confederate Secretary of the Navy. After the demonstration, Maury was spot promoted to the rank of Captain and given \$50,000 to improve his device.⁵

Mostly a Confederate weapon, sea mines (or torpedoes as both land and sea mines were referred to in the 1800s) experienced some success against Union ships on the Mississippi, Potomac, and Atlantic coast. When Admiral Farragut uttered the famous command, “Damn the torpedoes!..Full speed ahead,” it was not the torpedoes as recognized in today’s military but the civil war term for maritime mines against which he shouted. The command was issued as a result of the danger Farragut’s ships faced when he lead a Union assault on Mobile Bay. Confederates, in defense of Mobile, had loaded the bay with ‘sea-torpedoes’ made from lashed kegs of explosives with friction fuses attached to long staffs. The shafts were designed to extend from the torpedoes to just below the surface of the water and would detonate if disturbed by a passing ship. Eighty mines were place in defense of Mobile Bay. When the lead Federal monitor, *TECUMSEH*, struck a mine and sank, the Union battle line broke and ships backed up on one another. In a courageous display of leadership, Admiral Farragut commanded his flagship, *U.S.S. Harford* to proceed and issued the now famous command, “Damn the torpedoes! Full speed ahead.”⁶ In the end ‘torpedoes’ at Mobile Bay sank only one ship

⁵ Croll, 11.

⁶ “The Battle of Mobile Bay”. URL:< www.surfpac.navy.mil> .Accessed 15 March 2001.

and the Union assault was a success. However, many believe the Admiral's success was as much about luck as his decision to engage such a fortified defense. It is speculated that many of the mines did not detonate due to corrosion that had probably built-up on the friction fuses. By the end of the Civil War, however, sea-‘torpedoes’ had gained respect by sinking 29 Union ships and damaging 14.⁷

Confederate Brigadier-General Gabriel J. Rains, was the first to introduce **landmines** into American battle. In 1840, as a young soldier, he had experimented with hidden explosives (with little success) while serving in Florida during the 2nd Seminole War.⁸ Twenty-two years later, however, his intuition would lead to the first documented American landmine use in combat and ignite immediate debate on the morality associated with their employment.

In the spring of 1862, Brigadier General Gabriel Rains was in Yorktown, Virginia, in command of a cadre of 2,500 troops. He was faced with engaging an approaching Union army of 100,000 men under the command of General George McClellan. Aware of the huge discrepancy between their forces, Rains used mine-like devices as a force multiplier to slow the Union advance and allow his soldiers to escape.⁹ He ordered his troops to rig and bury artillery shells so the approaching Union army would detonate them by trip wire or contact. To avoid accidental detonation, little red flags were placed to alert Confederate troops of their location. With explosive devices buried throughout the town and on the approaching road, Union troops were unsuspecting

⁷ Milton F. Perry., Infernal Machines: The Story of Confederate Submarine and Mine Warfare (Baton Rouge, LA: Louisiana State University Press,1985;first published,1965); figures reprinted by Mike Croll in The History of Landmines, 10.

⁸ Croll, 16.

⁹ Ibid, 16.

of the danger that awaited them. On May 4, 1862, the first pressure-operated landmine detonated and killed one Union soldier and injured three others.¹⁰ The result of Rains' initiative sparked immediate reaction. General McClellan, furious with what he had witnessed, sent the following message back via his chain of command:

*The rebels have been guilty of the most murderous and barbarous conduct in placing torpedoes within abandoned works near wells and springs; near flagstaffs, magazines, telegraph offices, in carpet bags, barrels of flour, etc ... I shall make the prisoners remove them at their peril."*¹¹

Even General James Longstreet, Raines's commanding officer, was not comfortable with this new tactic. Longstreet stated that the mine was neither, "a proper nor a effective method of war," and immediately forbade their use.¹² Many confederate enlisted men also despised the weapon and called them barbaric. However, upon learning of the actions of Brigadier General Rains at Yorktown and after assessing the subsequent fall out, Confederate Secretary of the War George W. Randolph overruled Longstreet and reinstated the use of "land torpedoes" under the following conditions:

- As a method to delay pursuit
- As a defense to repel attack
- In rivers or harbors to attack enemy vessels¹³

Rains was then provided a budget of \$20,000 to work on refinement of his land 'torpedo' and began work in the winter of 1862. During the course of his research, Raines, himself, discovered how dangerous the new weapon could be: he lost a

¹⁰ Ibid, 16.

¹¹ Quoted in *History of Landmines* Croll, 17.

¹² Ibid, 16. For more comments on the use of mines during the American Civil War, see Jeffery D Wert, *General James Longstreet, The Confederacy's Most Controversial Soldier* (New York: Simon & Schuster, 1993), 104.

¹³ Ibid, 16.

forefinger and thumb while trying to find the least amount of pressure that would trigger an explosion. By the end of 1863, he had developed a primer that exploded at roughly seven pounds of pressure. Rains had made a fuse composed of 50 percent potassium chlorate, 30 percent sulfuric sulfide, and 20 percent pulverized glass. The fuse was set on top of an artillery shell (buried in shallow hole) and ignited by a thin copper cap that was crushed by whoever stepped on it. The explosion proved deadly to the unsuspecting victim and had an effective range of about 30 meters. The Confederate government was so pleased with Rains' work that they increased his budget to \$350,000 and made him responsible for all associated 'torpedo' work for the South.¹⁴

Other well-documented Civil War landmine casualties occurred during General William Tecumseh Sherman's destructive march from Atlanta to the sea. During the Union assault on Fort McAllister, Confederate landmines claimed the lives of twelve Union soldiers and wounded eighty.¹⁵ The greatest effect, however, was on the psyche of the soldiers who were not injured by the landmines. Although Confederate and Union soldiers could line up opposite each other seven rows deep and march in the face of cannon and direct fire, they were left timid by this new form of warfare.¹⁶ General Sherman was furious about the use of such a weapon. In his memoirs, he wrote about the encounter: "This was not war, but murder, and it made me very angry."¹⁷ After the siege, Sherman forced Confederate prisoners to march in close ranks, along roads, ahead of his troops, so they would trigger the 'torpedoes' themselves. Even at their birth, the use of

¹⁴ Ibid, 17.

¹⁵ Ibid, 18.

¹⁶ Jarvis D. Lynch "Landmines, Lies, and Other Phenomena." *U.S. Naval Proceedings*, May 1998, 44-49.

¹⁷ *Memoirs of General William T. Sherman By Himself* (Indiana University Press, 1957) Vol II, 194.

mines raised emotional feelings. Many judge them as inhumane and a cowardly way to wage war on an enemy.

With the approach of and during the First World War, the revolution in warfare weaponry continued. In describing the employment of anti-personnel mines on land during the First World War, *History of Landmines* author Mike Croll applied the adage, “necessity is the mother of invention.” In other words despite the massive scale of the war, the use of APLs was not widespread due to the new weapons of the industrial age. Croll commented:

*Despite the massive scale of the war, the use of mines was not widespread because the new weapons of the industrial age gave rise to tactics that marginalized them...The steel splintering shrapnel shell and the machine gun had been refined to such a degree that the only option was to wage a troglodyte war from parallel rows of trenches...The strip of no man's-land fringed with barbed wire did not require landmines to stop an infantry advance. A battalion attack was cut down in a matter of minutes by a rain of steel. The point about the machine gun was that it was a machine spitting out 600 bullets per minute. Therefore any use of anti-personnel mines would have been the military equivalent of gilding the lily.*¹⁸

This by no means meant The Western Front was entirely free from **anti-personnel mines**. Landmines just began to appear on a more noticeable scale around 1918, as an answer to the trump card of trench warfare, the battle tank. Elementary in their design yet still effective, these early anti-tank landmines were quite similar in concept to those used in the Civil War but packed much more power. They too were no more than just buried artillery shells with exposed fuses.

Although they were effective weapons in World War I, it was not until World War II that the anti-tank landmine and the APL became major factors on the battlefield. During the assault on Normandy, British and American tank losses to mines were 22 and

¹⁸ Croll, 25.

19 percent of their total losses for mechanized war fighting equipment. During the campaign for North Africa 19.5 per cent of Allied tank casualties were attributed to mines, plus an estimated 5-10 percent of personnel casualties. During the battle for the Pacific Islands, Americans lost 31 to 39 percent of their tanks and around one percent of personnel to mines.¹⁹

The development of the lightweight explosive trinitrotoluene (TNT) in the 1920's led to a more reliable and effective anti-tank mine. One of the most popular and successful anti-tank mines was the German manufactured Tellermine 29. It contained 10lbs of TNT and was mass-produced in the late 1920s.²⁰ Designed to explode under the weight of the vehicle, anti-tank mines were highly utilized weapons as of 1939. In World War II roughly 300 million anti-tank mines were used.²¹ Although effective, they were bulky and unorthodox. However, if not discovered first by the enemy, they could render a tank useless. If detected they could easily be removed and reused by opposing forces. In fact, during World War II many were often re-laid against the tanks of the original perpetrators. As a deterrent, the APL was developed.

The APL's initial design was intended to prevent enemy soldiers from removing anti-tank mines. By using small metallic or glass containers and roughly a 'half-kilo' of explosives, German infantry first found success in protecting their anti-tank mines by deploying these devices around previously laid anti-tank mines.²² The APL was designed to activate from the pressure of a soldier's footstep. A simple yet extremely

¹⁹ Ibid, 72-80.

²⁰ Ibid, 42.

²¹ "Defusing the Demon: How Landmines became a hit in wars around the world." New Nationalist Magazine October 1997, 16.

²² Global Landmine Crisis. "History of Landmines. The Two Worlds Wars." URL: <www.oneworld.net/landmines>. Facts also supported in Croll History of Landmines 60-80.

effective invention at its unveiling, APLs quickly were transformed into one of the most deadly, inexpensive, and widely used weapons in the history of warfare.

Throughout the Second World War its capabilities and development grew to even deadlier heights. The new plastic mine for instance, (known to the Germans as the Topfmine) was produced in advance of an anticipated Allied invasion of Europe. This was a minimum metal mine, with a body made of plastic, and all other parts glass, bakelite, or wood (although igniter spring was metal). It was fully waterproofed and featured a standard fitting for anti-handling devices. American troops were known to have commented that during their advance through northern Europe they found extensive nests of non-metallic, anti-personnel and anti-tank Topfmines particularly disruptive because they did not respond to ordinary detection devices.²³ The use of plastics not only helped preserve the life of the mine by protecting it from rust and natural deterioration from the elements, but equally important it made detection much more difficult.

The Germans had a significant influence on mine warfare. From 1942 onward Germany fought mostly in a defensive manner, thereby increasing their reliance on mines as weapons of attrition. During the war, German soldiers showed an affinity for employing mines in scale, formality, and technology used. In fear of an anticipated Allied invasion of Europe, Hitler ordered the building of the Atlantic Wall. In 1943 he placed General Erwin Rommel in charge of overseeing the defenses with the words, “when the enemy invades in the west it will be the moment of decision in this war, and the moment must turn to our advantage.”²⁴ After assessing the magnitude of the task, Rommel told his chief engineer that due to Allied control of the air:

²³ Croll, 44.

²⁴ Ibid, 74.

*Our only possible chance will be at the beaches-that's where the enemy is always weakest. I want **anti-personnel mines, anti-tank mines, anti-paratroop mines**. I want mines to sink ships and mines to sink landing craft. I want some minefields designed so that our infantry can cross them but no enemy tanks. I want mines that detonate when a wire is tripped; mines that explode when a wire is cut; mines that can be remotely controlled and mines that blow up when a beam of light is interrupted.*²⁵

It is estimated that Rommel placed an additional 4,000,000 mines in an attempt to thwart the allied invasion.

Throughout World War II, figuring out how to breach minefields was a major part of strategic planning. British records indicated at least twenty-two occasions when there were delays due to minefields costing on average 15.3 hours per event.²⁶

²⁵ Ibid, 74.

²⁶ Ibid, 81.

CHAPTER 2

Anti-Personnel Mines: A Breed Apart

Mines were originally designed specifically for the battlefield as tactical, defensive weapons. They now come in various shapes sized and designs. Blast mines, for instance, are the most prevalent type of anti-personnel landmine. They are normally cylindrical in shape and range in size from seven to 16 centimeters in diameter and five to 10 centimeters in height. They are normally deployed from the air, found above ground and pressure activated. Fragmentation mines are normally mounted upon a stake and found above ground. They are activated by tripwire. Bounding mines (such as the German-made “bouncing betties” used in World War II) are buried in the ground and activated by tripwire. They are propelled by a charge and rise to about hip level before exploding.²⁷

With so many variations of mines, it is unfortunate that the traditional rule in battle of mapping and marking all minefields has increasingly become neglected after World War II. The last irresponsible use of APLs by the U.S. occurred during the Vietnam War. It was then that the U.S. revealed an advanced system of delivering mines. Known in military slang as ‘garbage’ but technically referred to as scatterables, U.S aircraft would drop mines over Laos and Cambodia as a deterrent for enemy soldiers that

²⁷ “Types of Landmines-Global Landmine Crisis”. URL:< www.landmines.org/globalcrisis.>

were moving supplies from North to South.²⁸ Most scatterable mines were small and intended to be dual-purpose anti-personnel/anti-tank devices. Their method of delivery led to further ambiguity with respect to identifying minefield boundaries: this made accurate mapping and marking of minefields altogether impossible. In the 1980s during the Battle for the Falklands, British soldiers used a more trustworthy method of mine clearing. Instead of fully relying on sketchy mine maps, captured Argentinean soldiers were made to assist the British infantry in mine clearing.²⁹

By 1970, armies were known to use landmines under one of the following six traditional battle patterns:

- Defensive Minefields—normally used to guard against aggression. These minefields act as defensive barriers usually against fronts. They are susceptible to easy penetration, as invading troops have to make only a few entry points to advance.
- Tactical Minefields—laid in relevance to other types of obstacles, both natural and militarily planned, are meant to deny certain channels to the movement of the enemy's mechanized equipment. As a result, only routes, which the defender chooses, can be followed by the invading troops, thereby enabling counterattack options.
- Border Minefields—have come into practice more recently and are used along the borders to deny access to hostile groups trying to infiltrate the area. In most conflict situations, there is a great deal of movement of refugees and these mines have caused a large number of casualties among civilian populations.
- Dummy Minefields—used primarily as a means of threatening the enemy. May be used with no live mines or a very few. The presence of dummy fields provides a kind of psychological deterrent such as cases where resources are limited and the enemy can be deceived. One or two live mines can be used to give the enemy the impression that many are planted.

²⁸ “Defusing the Demon: How Landmines became a hit in wars around the world.” *New Nationalist Magazine*, October 1997, 17.

²⁹ Lieutenant Colonel Henk De Jager, British Royal Marine, personal interview by author, 11 December, 2000.

- Nuisance Minefields--usually laid during the withdrawal of forces to prevent the enemy from aggressive pursuit. They are not laid according to any elaborate plan but follow an improvised plan and pattern. These are also known to cause civilian hazards because even though they are normally marked, their identification and de-activation can be difficult due to various types, and the unorthodox way they were sown.
- Protective Minefields--are those that are used to provide an immediate close protection to a particular defensive position. Militarily these minefields are supposed to have maximum utility and their use in specific areas helps to reduce the requirement for troops.³⁰

Unfortunately, today mines are far too often irresponsibly employed. Much like the automatic rifle, the landmine has become a weapon of choice for many governments as well as guerrilla/ insurgency groups throughout the world. Unlike its early use, mines today are considered just as much (if not more) an offensive weapon as a defensive one. According to a United Nations Report on landmines, since the early 1970s, a steady increase in low intensity conflicts and civil unrest throughout the world has helped fuel an increased proliferation of landmines. One of the main reasons for their proliferation and indiscriminate use is their affordability. Mines are usually very simple and inexpensive devices that can be readily and cheaply manufactured just about anywhere.³¹

Two main characteristics distinguish mines from other munitions. First, they are on a time-delay function, and second, they are victim activated. The combination of both of these characteristics is what makes this weapon of war so unique. However, even for the perpetrator, one of the most frightening features of APLs is their unpredictability. Accidental explosions occurring during their placement are more frequent in lesser developed countries, where materials used to construct mines are more primitive. In the

³⁰ Shankari Sundaraman. IDSA Research Paper. "Landmines: To Ban or Not to Ban." URL: <www.idsa-india.org/an.nov.1.html>. Notes taken from a speech entitled Military Utility of Anti-personnel Landmines by Maj. Gen D. Banerjee, India, Co-Director Institute for Peace and Conflict Studies.

first week of demining after the Gulf War, all five Kuwaiti mine experts were killed. Eighty others were killed during demining operations throughout the region.³²

Another characteristic that has distinguished mines and further facilitated an outcry for their abolishment is their survivability. When a landmine is sown, one of three things will happen: it will-

- lie dormant until a victim triggers them
- self-deactivate
- lie dormant until removed

A mine is an **indiscriminate weapon**; this means anybody or anything could trigger a explosion. It might be an animal, an enemy, a friendly soldier, an unsuspecting child, or simply a fallen tree. At the time they are sown, an APL can clearly be intended for a legitimate military target. However, since APLs are mostly victim/action activated, they have the ability to sustain their lethal power long after the enemy has passed or a war concluded; this is especially true if there is no minefield chart or no clearance has been prepared. Mines are one of the few things on earth that purposely get buried ‘alive.’

An unwilling adversary to the deadly ability of mines is the environment. If a mine is not triggered during a conflict, it can potentially remain buried for years. The initial surroundings where they had been sown may become overgrown with vegetation. If laid in a wide-open field, APLs are susceptible to being swept away, far from their original location, by storms or floods. Therefore, a mine originally planted years earlier in a shallow hole can potentially be transplanted by nature. What was once a

³¹ Jodi Williams. “Landmines and Measures to Eliminate Them.” International Committee of Red Cross (ICRC). No.307, 375-390. 31 August 1995. Published URL:<www.icrc.org>

³² Kevin Whitelaw. “Minefields, Literal and Metaphoric.” *U.S. News and World Report* 3 February 1997, 20.

military weapon used on a military battlefield may later rest miles away, completely uncovered, under layers of soil and debris, or perhaps even in someone's backyard. In 1960 five landmines were discovered near Mobile, Alabama. After examination, characteristics of Brigadier General Rains' fuses were identified. The mines were determined to be left over from the Civil War and still contained enough explosion powder to be considered lethal.³³ Consequently, with the technology used in today's APLs, it is reasonable to say that the survivability of an undisturbed APL is unlimited. This deadly reputation has earned APLs names such as "eternal sentinels" or "hidden killers." Poignantly, mines are one of the few weapons of war that cannot be silenced by peace agreements.³⁴

³³ Croll, 20.

³⁴ Williams. "Landmines and measures to eliminate them." ICRC No. 307. 31 August 1995: 375.

CHAPTER 3

Effects and Associated Costs

*Mine warfare is an unpleasant business. It is foreign to our character to set traps cold bloodedly, or to kill a man a fortnight in arrears so to speak, when you yourself are out of harm's way; and most British soldiers who have experienced it will own a rooted dislike of mine warfare in principle and in practice. There is too, something fairly derogatory about becoming a casualty from a mine; as a weapon of war it lacks the distinction of a shell or bullet. If one has to lose a foot (or one's life) it seems rather more respectable somehow for it to be done by a shell rather than a mine*³⁵

Colonel J.M. Lambert. British Royal Marines 1952

It is important to understand the damage APLs are capable of causing. The main issue is that indiscriminate landmine use has now become a major humanitarian problem. Cambodia has one of the two highest proportions of amputees in the world, one out of every 245 individuals. In Angola, 5,000 new artificial limbs are needed each year. By the mid-1990s in Afghanistan, 60,000 Afghan children needed prosthetic limbs. In 1998, there were roughly 60 to 70 million unexploded mines scattered over 64 countries worldwide.³⁶ Most of the proliferation can be traced to simple advancements in technology. Some 700 different models of mines can be found globally. Names such as “butterfly” and ‘dragon teeth’ (because of their resemblance) personify the lethality of mines, while technology fuels its growth in, size and shape.

³⁵ Croll, quoted in introduction to *History of Landmines*, x.

³⁶ U.S. Department of State, “Hidden Killers: The Landmine Crisis,” Bureau of Political-Military Affairs. Office of Humanitarian Demining Programs, Washington D.C. September 1998.

Although all weapons of war are essentially tools for killing, APLs have a distinct savagery unique to their purpose. Like most weapons, mines are designed to kill, but many are designed to shatter limbs, blind, or remove a hand or ear. A soldier stepping on a mine may have one or both legs ripped off. If fortunate, he or she may lose a few toes or half a foot. On the battlefield, the strategic aim of most APLs is to burden a platoon, or group of soldiers, by causing severe injury to a few. The injured require immediate medical treatment and attention from comrades, thus removing more than one from the tactical scene. They also can over burden medical facilities. “The average hospital stay for a patient with a bullet wound is 18 days, for a patient having sustained injuries from a buried mine it is 32.2 days. While a bullet wound will require on average 1.9 operations and 0.5 units of blood, a blast mine injury will require 4 operations and 3.2 units of blood.”³⁷

The resulting psychological effects on the remaining uninjured soldiers can also significantly contribute to slowing down of troop movement. “Landmines: A Deadly Legacy” written by medical doctors, describes the effect a mine has on the human body as “ruinous....they drive dirt, bacteria, clothing, metal and plastic fragments into the tissue, causing secondary infections. The shock waves from an exploding mine can destroy blood vessels well up the leg, causing surgeons to amputate much higher than the primary wound.”³⁸

Mines produce effects beyond the scope of their actuator. Away from battlefields,

³⁷ Anti-personnel landmines: An Overview. August 1997.
URL:<www.quasar.org/21698/mil/minifact.htm>. Figures reprinted from Coupland R.M. “The Effects of Weapons: Defining Superfluous Injury and unnecessary suffering.” *Medicine and Global Survival*, 1996, Vol 3, A-1.

³⁸ Physicians for Human Rights, *Landmines: A Deadly Legacy* (New York: Human Rights Publications, 1993), 431.

a minefield can prevent the population of a poor country access to safe drinking-water, causing, in turn, intestinal diseases. In addition, victims of mine explosions increase the frequency of blood transfusions. As a result, the spread of human immunodeficiency virus (HIV) and other blood-borne diseases increase in mine infested areas. The results become a heavy burden on limited indigenous medical facilities and to relief organizations such as the International Committee of the Red Cross (ICRC) and other Non Governmental Organizations (NGOs), which provide humanitarian assistance using mobile teams to carry out their duties. Vaccination campaigns, food delivery, and basic humanitarian supplies can easily be delayed or denied due to the dangers of hidden mines.

Physiologists and activists who have studied the effect landmines have on their victims agree to the lasting trauma they are capable of causing. In an excerpt from a published report for the Center of Defense Information, doctors who spent time treating victims of landmines wrote:

*From an epidemiological perspective, landmines precipitate not only physical, but frequently mental illness as well. Landmines, by their sheer number alone in a particular area, can influence the population's behavior, which in turn results in a chain of events leading to an overall deterioration of public health and other aspects of social well-being. Farmers who "perceive" the presence of landmines on their land will not cultivate the land, and this will lead to food scarcity and eventually even malnutrition. A landmine explosion, in addition to directly victimizing a member, or members, of a community, will also reinforce the behavioral patterns mentioned above. The victim, besides suffering a physical injury, may also develop a mental injury, namely posttraumatic stress disorder.... In short, the socioeconomic impact of thousands of handicapped victims, especially the young, in societies that in general have no welfare system, is enormous.*³⁹

³⁹ Center for Defense Information: "Direct and Indirect Consequences of Landmines on Public Health." URL:< <http://www.cdi.org>>, accessed 21 October 2000.

Even in the course of battle, stumbling upon a minefield can immediately change the perspective of the aggressor. When asked about the psychological effect mines had on British infantry during the Falkland Island conflict in the South Atlantic in 1981, Lieutenant Colonel Henk De Jager, a Royal Marine intelligence officer who served there stated, “let me put it to you this way. If you were told to walk in a field where there is 1 in 1000 chance you could detonate a mine, how would you feel... It was a very effective weapon.”⁴⁰ Lieutenant Colonel De Jager also mentioned that when in close proximity to the enemy, British intelligence would often observe the routes of Argentine soldiers in order to ascertain where it was safe to walk. Clearance attempts after the war were inconclusive because many mines could not be found: the Argentines had laid mines but did not prepare appropriate minefield charts! Large areas of the Falklands remain off-limits today.

The Costs associated with APL related injuries and demining operations are staggering. It can cost anywhere between \$300 and \$1,000 to deactivate a single landmine.⁴¹ In Afghanistan, it is estimated that \$5,000 is required for treatment and rehabilitation for every landmine survivor.⁴² At the end of the Gulf War, Kuwait paid \$800,000,000 and hired 4,000 deminers to clear 5-7 million landmines.⁴³

Since 1979, the ICRC has manufactured more than 100,000 prostheses for over 80,000 amputees in 22 countries. In 1996 alone, over 10,000 prostheses were

⁴⁰ Lieutenant Colonel Henk De Jager, Personal interview by author, 11 December, 2000.

⁴¹ U.N. General Assembly, Assistance in Mine Clearance: Report of the Secretary-General. Sept 6, 1994.

⁴² International Committee of the Red Cross (ICRC) “The Deadly Legacy in Figures: Afghanistan.” 1996. URL:< www.icrc.org>, accessed 5 September 2000.

⁴³ “Anti-personnel landmines: An Overview.” August 1997. URL: www.quasar.org/21698/mil/minefact.htm Figures reprinted from Vietnam Veterans of American Foundation 1995 report. Accessed 10 February 2001.

manufactured in ICRC workshops. Surgical care and the fitting of an artificial limb cost at least \$ 3,000 per amputee in developing countries. The ICRC estimates that a growing child's artificial limb should be replaced every six to twelve months. In Bosnia, estimates are that physical rehabilitation of land-mine victims, a third of them children, will cost more than \$27,000,000.⁴⁴ With the exception of Kuwait, many of the economies of mine-saturated countries cannot support proper cost for clearance or victim rehabilitation. In 1996 the United Nations Secretary General increased his estimate of resources needed to clear all existing mines from \$33,000,000,000 to over \$50,000,000,000. Economically, direct medical and rehabilitation costs for landmine casualties alone are calculated at \$750,000,000,000 worldwide.⁴⁵ The evidence was clear. Some kind of action was needed to contain the proliferation of APLs and supply medical aid to victims in under developed countries.

⁴⁴ "Physical Rehabilitation Programs." ICRC, March 1997.

⁴⁵ "Clearing the Killing Fields." *Economist*, 2 May 1998 v.346, no.8066, 73.

CHAPTER 4

Movement Towards Elimination and The Ottawa Treaty of 1997

Initial efforts to govern the use of APLs began with the 1980 United Nations Geneva Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons. This concerned those which may be deemed excessively injurious, or to have indiscriminate effects (CCW). Since CCW was an international legal agreement, as opposed to international customary law, it applied only to those countries that agreed to be bound by its terms. CCW was not a total prohibition on landmines, but served more as a loose series of rules that recognized their existence and governed their use. Protocol II of CCW (1980) detailed prohibitions or restrictions on the use of mines, booby-traps, and other devices.

In an attempt to correct some of the ambiguities of CCW Protocol II a revised version was adopted in 1996 detailing prohibitions or Restrictions on the Use of Mines, Booby-Traps, and Other Devices.⁴⁶ As the number of landmine accidents involving civilians increased, it quickly became apparent that the existing provisions in Protocol II of CCW were weak. In addition, nation states were not obligated to adhere to the regulations unless it met their specific needs. In 1993, France made an initial

⁴⁶ “Banning anti-personnel mines: The Ottawa treaty explained.” ICRC.

request for governments to meet and review CCW in hopes of strengthening Protocol II of the treaty. Following a proposal put forward by France in 1993, the states party to the 1980 Convention agreed to review its provisions and convened in Vienna September 1995. The goal was to amend the CCW mine protocol, but finding common ground to restrict the production, transfer, and use of anti-personnel mines proved to be difficult. At the end of the 1995 Vienna meeting, more work had gone into getting governments together than in reaching **significant enforceable** agreements on the use of APLs. After failing to reach an agreement on measures to prohibit or impose strict limits on the production, use, and transfer of anti-personnel landmines, the Conference was adjourned. It reconvened in Geneva in January 1996, and held a final session between 22 April and 3 May 1996. New regulations that were adopted from these meetings included:

- Mines may be directed only at military objectives. Indiscriminate use is prohibited and all feasible precautions must be taken to protect civilians.
- Mines must be cleared by those who lay them.
- Records and maps must be kept of the location of all minefields.
- All anti-personnel mines must be detectable in order to facilitate mine clearance.
- The transfer of non-detectable anti-personnel mines is prohibited.
- Long-lived anti-personnel mines may only be used in marked, guarded and fenced minefields.
- Anti-personnel mines used outside of marked, guarded and fenced areas and all remotely-delivered anti-personnel mines must self-destruct within 30 days and self-deactivate within 120 days

Ironically, the only solid enforcement as a result of the conference came from the introduction of Protocol IV, which established a ban on the use, and transfer of blinding laser weapons. Unfortunately no agreement was reached that **significantly** reduced the use of APLs.⁴⁷

The meetings were seen as an historic opportunity to make fundamental changes in the existing law on APLs, but the results of the Review Conference fell far short of expectations. In the end, after two long years of difficult negotiations, only minimal restrictions on the use of anti-personnel mines were agreed upon. The International Committee of the Red Cross (ICRC), the International Committee to Ban Landmines (ICBL), and even several participating governments such as Canada and Sweden felt the results were just as complex and inadequate as the loose ones that had previously existed since 1980. (It is important to note the larger role and influence that Non-government Organizations (NGOs) began to have on the issue.) Many believed that the new amendments would have little, if any, effect on stemming the proliferation of APLs, therefore failing to reduce the impact they had on civilian lives. As a result, at the conclusion of the conference delegates from the Canadian government announced their intention to hold another meeting later in the year. They invited pro-ban countries, NGOs, and other interested parties to attend the next conference specifically dedicated to ending the suffering, killing, and maiming caused by landmines. This would be the first of three key meetings that would mark the origin and growth of the Ottawa Treaty of 1997.

The first of the three meetings (which would later be referred to as the Ottawa Process) took place in Ottawa, Canada, in October 1996. Participants were self-

⁴⁷ “Anti-personnel landmines: An Overview,” August 1997. URL:<:www.quasar.org>

motivated, driven by their own desire and ability to endorse the goals of the cause. The focus of the first conference was aimed at a strategy towards a global ban on APLs. The ideal meeting (between cooperating governments) may have looked like the perfect place to start, but the real danger existed (as today) at the ‘non-state’ level, from APL users who do not recognize these policies and are not party to them.

Fifty countries, international government agencies, and concerned NGOs attended the conference. At the conclusion of the meeting, the participants agreed to have better organization and cooperation toward common goals concerning APLs. The following three primary goals were outlined:

- To establish as early as possible a resolution of legal international acceptance to ban APLs.
- To target countries responsible for deployment of new APLs
- To solicit respected parties to lend support to the effort to ban APLs at a global level.⁴⁸

The next meeting took place 24-27 June 1997 in Brussels. The momentum towards a treaty progressed as the process had begun to attract the participation of more states. This time delegates from 154 countries were in attendance, which then was the largest meeting of governments ever gathered to specifically address the issue of landmines.⁴⁹ Some of the increase in attendance was attributed to a kind of vacuum effect that was created by participants who were not as concerned about reaching common ground on the APL issue as they were with public relations fall-out by not

⁴⁸ Dr. Shankari Sundararaman. “The Landmine Question: An Overview of the Ottawa Process.” URL:< www.idsa-india.org > Accessed 20 January 2001.

⁴⁹ “Banning Anti-personnel Landmines: The Ottawa Treaty Explained.” ICRC, December 1997.

attending. Regardless, interest appeared high and at the conclusion of the meeting an agreement on a draft treaty was reached that endorsed three critical issues about the use of landmines. The top three included:

- A ban on the use, production, stockpiles, and transfers of APLs.
- The destruction of existing stockpiles and the removal of mines, which had already been deployed.
- The urgent need for international cooperation and assistance for demining operations in countries suffering the most from the irresponsible use of mines.

During the first few meetings of the Ottawa Process, the United States' position was one of observance. It wasn't until September 1997 in Oslo, Norway, during a three-week negotiation session to finalize text from the Brussels meeting that the U.S. acted for the first time as a full participant. At this session the U.S. submitted proposals to amend areas in the text of the treaty that dealt with three fundamental concerns:

- Rewriting the definition of APL
- Recognizing the requirement and reliance of APLs by U.S. forces stationed in South Korea
- The right to withdrawal from the treaty with six months notice if the U.S. is a victim of aggression.⁵⁰

For many staunch treaty supporters these last minute demands by the United States was thought of as a 'take it or leave it', halfhearted effort. NGO's were furious with the recommendations. Their belief was that if the countries concurred with U.S.

⁵⁰ Canadian Institute for Strategic Studies. Fact Sheet #5: "The United States and Global Demining." URL:< www.ciss.ca.> Key points also derived from Transcripts The White House: Office of the Press Secretary. "Remarks by the President on Landmines," The Roosevelt Room 12:30 Sept 17, 1997.

proposals the end result would be a weak treaty.⁵¹ They believed there would have been no progress made on a total ban and the resulting efforts from the caucuses would amount to nothing more than ambiguous documents similar to what was already in place. By the last week of the Oslo negotiations U.S. representatives had failed in their attempts to gain approval for any of their proposals. As a result, the U.S. withdrew its request and ended its status as a participating member after leaving the conference. In a statement to the press shortly after dropping out of negotiations, President Bill Clinton commented, “Unfortunately as it is now drafted, I cannot in good conscience add America’s name to that treaty...As Commander-in-Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible.”⁵²

With negotiations complete in Oslo, the third and final step in the process occurred in the city where the treaty received its name, Ottawa, Canada. The conference, held the first week of December 1997, officially endorsed what was titled The Ottawa Treaty and opened it for signatures. A comprehensive ban on APLs had finally been established, if its provisions would be adhered too. In addition, the future development, production, stockpile, or transfers of all APLs were prohibited. The Ottawa Treaty also called for the destruction of mines, whether in stockpiles or already in the ground. (see Exhibit B for current list of signatures/ratifications). One hundred-twenty-three countries signed this historic landmark treaty.⁵³ Suddenly, the United States found itself as the

⁵¹ Tim Reiser, Senior Foreign Affairs Legislator on the Staff of Senator Patrick Leahy, Telephone Interview by author, 8 January, 2001.

⁵² The White House: Office of the Press Secretary transcript, “Remarks by the President on Landmines,” The Roosevelt Room 12:30 Sept 17, 1997.

⁵³ “Overview 1999: Landmines must be Stopped.” ICRC,. 1 March 1999

more prominent of other notable non-signature nations (Russia, China, India, Iran, Iraq, and North Korea) that did not participate in the Ottawa signing. This was an association that did not appeal to many top officials.

The question of whether the United States did the right thing by not signing can be seen as reality vs. idealism. Why the U.S. should have been concerned at all about abstaining from a treaty (between countries) that does not band non-signatory powers, non-state actors, belligerent 'rouge states', or sides in civil war conflicts, is not logical. The technology exists at all levels to manufacture APLs. From a political standpoint, significant attention to the problem was being raised, but a rational way to attack it was being ignored.

CHAPTER 5

The United States: Military Utility and Political Pressure

*If we do not wish to fight, we can prevent the enemy from engaging us even though the lines of our encampment be merely traced on the ground. All we need to do is to throw something unused and unaccountable in his way*⁵⁴

— Sun Tzu, *The Art of War*, 500BC

Considering its initial position, U.S. withdrawal from the Ottawa Process was considered a last minute turn of events by top advisors to the president. In 1992, led by Senator Patrick Leahy (D-VT), a long time adversary of APLs, the United States was the first country to take significant unilateral action against mine warfare by enacting a one-year moratorium on mine exports.⁵⁵ In a 1994 speech to the United Nations General Assembly, President Clinton was also the first prominent leader to call for the eventual elimination of landmines. In his address, Clinton stated: “ I ask all nations to join with us and conclude an agreement to reduce the number and availability of those mines. Ridding the world of those often hidden weapons will help to save the lives of tens of thousands of men and women and innocent children in the years to come.”⁵⁶

⁵⁴ Quotes from Sun Tzu’s *The Art of War*. [URL:<.classics.mit.edu/tzu/artwar>](http://classics.mit.edu/tzu/artwar) Accessed 20 March 2001.

⁵⁵ Reiser, Phone Interview 8 January, 2001.

⁵⁶ Charles Krause, “Negotiating a Minefield” Originally aired PBS news hour Dec 1997. Printed Transcript URL:< www.pbs.org/newshour/bb/military/july-dec97/>

A few weeks before the Oslo meetings, one of President Clinton's top advisors, George Stephanopoulos, commented in a September issue of *Newsweek* that, "Clinton's legacy would be determined by his willingness to ignore the U.S. military's strenuous opposition to a complete ban on anti-personnel landmines."⁵⁷ With members of the President's own staff thinking he was going to agree to the treaty, why would the President change his mind a few days before signing?

The President's remarks from that 1994 United Nations speech aroused concerns in the Pentagon (Joint Chiefs of Staff/ JCS). One of their biggest problems were the mines buried in the demilitarized zone (DMZ) separating North and South Korea where approximately 37,000 U.S. soldiers are deployed to defend this enormous border between the two states.⁵⁸ Argument from the Pentagon focused on the safety of troops deployed in the region. If the President supported the Ottawa process, then the ability of U.S. troops to meet the unique defense requirements in South Korea would clearly be weakened. In retrospect, the Pentagon was slow in its response to aggressively defend the responsible use of APLs for American servicemen. Although calls for an APL ban had been voiced for years, no one at the Pentagon expected the issue to reach international treaty status. When this occurred, it did not take long for veterans and active duty alike to rally to the necessity of landmine use in combat. Many veterans and active duty personnel wrote open letters to President Clinton advocating the responsible use of APLs in battle. A portion of a letter from the Joint Chiefs of Staff read:

⁵⁷ Quoted from "Back from the Brink: Center Commends President Clinton For Rejecting A Defective, Unverifiable Landmine Ban," Center For Security Policy Press Release (CSP) No. 97, p.141, 18 September 1997.

⁵⁸ Major P.W. Fredenburg, "Banning of the Anti-personnel Landmine," Canadian Defense Quarterly, Vol 27, No.2. Winter 1997 p.19.

*Landmines are a 'combat multiplier' for US land forces, especially since the dramatic reduction of the force structure. Self-destructing landmines greatly enhance the ability to shape the battlefield, protect unit flanks, and maximize the effects of other weapons systems. Self-destructing landmines are particularly important to the protection of early entry and light forces, which must be prepared to fight outnumbered during the initial stages of a deployment.*⁵⁹

Between 1994 and 1998, the campaign to ban landmines achieved global momentum. The Ottawa Treaty became binding international law amongst the signatories more quickly than any treaty in history. With the assistance of the Princess of Wales, NGOs gained a supporter and spokeswoman who just happened to be one of the most recognized and respected persons in the world. Her rallying cry caused many to support an APL ban just because it was one of Princess Diana's last humanitarian issues. After the Princess's untimely death, Hillary Clinton even publicly urged a ban, stating, "signing the treaty would be an appropriate way to memorialize Princess Diana."⁶⁰ The campaign essentially now had an official martyr.

Further national awareness occurred on December 10, 1997, in Oslo, Norway, when International Committee to Ban Landmines (ICBL) coordinator Jody Williams received the 1997 Nobel Peace Prize for her diligent pursuit of the cause. By this time, the ICBL public relations campaign had reached its apex. White House Press Secretary Mike Mccrary was asked if the ICBL's receipt of the Nobel Peace Prize would influence the President to reconsider his previous decision not to sign the treaty. Mccrary

⁵⁹ Excerpt of 10 July 1997 letter signed by all members of the Joint Chiefs of Staff to Senator Strom Thurmon (R-SC) reprinted by [The Center for Security Policy](http://www.security-policy.org). URL:< www.security-policy.org>

⁶⁰ [The Center for Security Policy](http://www.security-policy.org). "Back From the Brink: Center Commends President Clinton For Rejecting A Defective, Unverifiable Landmine Ban" Press Release No.97, p141. 18 September 1997

responded, “The president is absolutely rock-solid confident that he's got the right approach.”⁶¹

However, the influence of NGO’s was underestimated at senior levels of U.S. government. By the time the Ottawa Treaty was drawn up and ready for signatures, President Clinton, heavily persuaded by senior military leadership, believed the U.S. could not endorse the treaty without the recommended amendments that would meet the needs of the military. Significantly, the signing among some idealistic governments would not make the problem go away. However, by the time the decision was made to withdraw, the ICBL had gained such public awareness and support that U.S. withdrawal precipitated sharp criticism and unwarranted ridicule.

The fall out from U.S. refusal to sign Ottawa drew great criticism from NGOs and other humanitarian lobbyists who had worked so diligently to develop a treaty. When questioned about the President’s decision to withdraw from the Ottawa Treaty, ICBL lead organizer Jodi Williams commented, “He has abdicated his role as commander-in-chief and let the military set foreign policy.”⁶²

In 1996, Senator Patrick Leahy sponsored a law that implemented a one-year moratorium on APL use beginning 12 February 1999.⁶³ During the weeks leading up to final negotiations of the Ottawa Treaty, Senator Leahy reportedly had suggested that the Clinton Administration might as well sign the treaty and take credit. Leahy’s confident suggestion was made because he had legislation in the works, with 60 co-sponsors, that

⁶¹ Jamie McIntyre. “The U.S. says its Landmines aren’t the Problem.” CNN Interactive. October 10, 1997. URL:< www.cnn.com> Here on refer to as McIntyre.

⁶² McIntyre.

⁶³ Reiser, phone interview by author, 8 January, 2001.

unilaterally would impose a total moratorium on U.S. APL use.⁶⁴ If passed through Congress and signed by the President, the proposed law would essentially force American compliance whether they were party to the treaty or not at least for one year.

In a surprising turn of events, less than eight months after refusing to sign the Ottawa Treaty, President Clinton again reversed his position on the reasons why the U.S. withdrew from the Ottawa proceedings. The outline of the President's shocking actions were made public 15 May 1998, in a letter from National Security Advisor Samuel Berger to Senator Patrick Leahy. At that time, the letter described features included in the draft of a forth coming Presidential Decision Directive (PDD) that included the following key provisions:

- The United States will destroy by 1999 all of its non-self-destructing APL's, except those needed for Korea.
- The United States will end the use of all APL's outside Korea by 2003, including those that self-destruct.
- The United States will aggressively pursue the objective of having APL alternatives ready for Korea by 2006, including those that self-destruct.
- The United States will search aggressively for alternatives to our mixed anti-tank systems by (a) actively exploring the use of APL alternatives in place of the self-destructing anti-personnel submunitions currently used in our mixed systems and (b) exploring the development of other technologies and/or operational concepts that result in alternatives that would enable us to eliminate our mixed systems entirely.
- The United States will sign the Ottawa Convention by 2006 if efforts succeed to identify and field suitable alternatives to US anti-personnel landmines and mixed anti-tank systems and Senator Patrick Leahy agrees to a presidential waiver of the moratorium on landmines beginning in February 1999.⁶⁵

⁶⁴ "Back From the Brink" The Center for Security Policy p.141.

⁶⁵ William J. Clinton., "Presidential Decision Directive 64." The White House: Washington, D.C. July 1998. Highlights of PDD-64 are outlined in a letter from National Security Advisor Samuel Berger to Senator Patrick Leahy, 15 May 1998. Details available URL:< www.fas.org/irp/offdocs/pdd-64.>

On June 23, 1998, The White House made the new provisions concerning the use of APLs official when it released Presidential Decision Directive 64. Although it was not the Ottawa Treaty itself, the resulting directive essentially forced the United States into 'de facto compliance' with rules that virtually mimicked the Ottawa Treaty.

Many speculate that Clinton's position all along was for a complete ban on APLs but the Joint Chief's had made such a convincing argument that he had to support their position at the last minute. There have also been published editorials of Clinton's uneasy relationship with the military, particularly after his compromise over the 'Don't ask Don't Tell' policy concerning gays' rights to serve in the military. It is speculated (by sources wishing to remain anonymous) that the landmine issue was one the President would personally assess and decide, which included initial support for the NGOs and ICBL leader Jodi Williams. It should be noted that many of the issues that will determine if the U.S. will join Ottawa are still on going. The Bush administration is not bound by the actions concerning APLs taken by President Clinton. Although unlikely, the new Republican President could review the status and possibly overturn or amend the directive in more favor of the military.

CHAPTER 6

Why the U.S. Should NOT Join Ottawa

When sponsors of the Ottawa Treaty rejected the proposed U.S. amendments, the Clinton administration should have held the line and simply declined association. Instead, PDD 64 attempted to appease both the Pentagon and anti-APL activists. The result is the government's denial of the military's future use of self-destructing or smart mines. President Clinton was wise to listen initially to the JCS and withdraw from the initial signing of Ottawa in 1997. However, his subsequent reversal sets a bad precedent for future negotiations involving issues driven by NGOs.

Agreeing to sign the Ottawa Treaty by 2006 or any time is wrong for several key reasons. First, the Ottawa Treaty is not enforceable. Rogue states, terrorist organizations, and diverse sides in civil wars, simply will not subject themselves to the restraints prescribed by idealistic international humanitarian law. The economics of mine warfare alone will almost certainly ensure APLs will continue to be used for years to come. Mines are (and always will be) inexpensive and easily manufactured, two characteristics that appeal to any belligerent nation/country needing an asymmetric response to traditional U.S. (or any stronger foe's) combat power. The recent tragic bombing of the *U.S.S. Cole* in Yemen is a clear example of how fifty dollars or less of bomb making equipment can result in a billion dollars worth of damage. In theory, the relationship

applies to expenses associated with mines. That gain is high at minimal cost and is not likely to be surrendered even for the poorest of belligerent insurgents. In the article, “Toward a Global Ban on Landmines,” Anita Parlow questioned the legitimacy of implementing a total ban on APLs when she wrote:

*The gravity of breaches on international humanitarian law against civilians in Rwanda, Bosnia-Herzegovina and Iraq, combined with the seeming inability or unwillingness of the world community to stop them, underscores both the urgency and difficulty of enforcing universally accepted humanitarian principles. This raises both legal and pragmatic questions regarding the degree to which nations are still resolved to adhere to the principles of humanitarian law and whether current examples of resistance to core humanitarian principles suggest a betrayal of the ideals that speak to our common sense of humanity.*⁶⁶

On a similar note, in places such as Rwanda, Zaire, and Sierra Leone, the resulting effect has also been implemented by machete.

At the heart of abstaining from Ottawa is the security of American service personnel. In light of the continued use of American troops as one of the world’s police force, it is hypocritical to send soldiers in harm’s way and then deny them the responsible use of weapons that could aid in their defense. By denying the use of APLs in battle, is the government providing the soldier all the necessary support to “compel our enemy to do our will?”⁶⁷ This key question was put to Tim Reiser, foreign affairs legislator on the staff of Senator Patrick Leahy. Reiser responded that the use of APLs was not going to add a whole lot to a war. He went on to state that several U.S. troops had been critically wounded in past conflicts while they were employing their own mines. Reiser also stated

⁶⁶ Anita Parlow, “Towards a Global Ban on Landmines.” ICRC. No.307 p.391-410 31 August, 1995.

⁶⁷ Carl Von Clausewitz, On War. Translated by Michael Howard and Peter Paret (Princeton:Princeton University Press, 1976)p.75.

that “Many military personnel don’t even trust self-destructing APLs and wish they were not a part of their inventory.”⁶⁸ The fact that some military members have opposed the need for APLs has certainly made for good use for agencies supporting a ban, but they are not the majority. Reiser also stated, “ Without U.S. participation there could be no ban.” However, immediately after the U.S. withdrawal from negotiations in Oslo, Stephen Goose of Human Rights Watch was quoted in the *New York Times* as saying, “The absence of the Americans from the treaty did not seriously undermine the objective, which is to reduce civilian casualties. We want to bring them in, of course, but I don't think they are going to create a humanitarian disaster. The United States has not exported land mines for five years and is not likely to begin doing so.”⁶⁹

The reasons for rejecting a complete ban should not point solely to APL use in the DMZ. Simply put, APL use should rest with the ability of troops to responsibly use all the resources necessary to win a war or accomplish a mission. If Clausewitz is correct that ‘war is an extension of policy’ and if policy continues to be shaped under the unreasonable demands of NGOs, then the future security of U.S. military personnel, in addition to National Security, is placed in severe jeopardy. In 1998 a majority opinion from the Senate Foreign Relations Committee stated:

The Ottawa Convention served unique political purposes, rather than humanitarian needs. It was negotiated without any serious consideration to security concerns. It also was negotiated in a forum with large numbers of NGOs protesting aspects of the US negotiating position and otherwise criticizing the United States as being part of the land mine problem. Additionally a number of small countries funded and emboldened by the various activist organizations, repeatedly sought to embarrass the United

⁶⁸ Reiser, Phone Interview by author, 8 January, 2001.

⁶⁹ Quotation printed by Center for Security Policy “Back From the Brink” p.141.

*States. It was in short, an environment where serious consideration of national security issues could not occur.*⁷⁰

The United States long ago corrected any major contribution it had to landmine proliferation. In addition to legislation blocking the exportation of APLs, by early 1999 the United States had contributed over \$300,000,000 dollars to demining efforts worldwide. This made the country the largest contributor for mine clearance in the world.⁷¹ The United States cannot be held accountable for how the weapon is utilized. In an article published in the 2000 Spring edition of *Parameters* entitled, “Landmines: Why the Korea Exception Should Be the Rule,” John Troxwell noted that while it is important to address humanitarian issues, “it should not come at the expense of important security concerns.”⁷² Columnist Charles Krauthammer reflected the same sentiment in a *Washington Post* article entitled “In Defense of Landmines,” in which he wrote:

*For serious countries facing serious risks, however, a landmine ban could be a fatal luxury. It is the safe and parasitic...those countries living comfortably behind the protection of others who act as their shield, their landmine..who do not need landmines. It is they who are leading the charge against those, like the Americans, who must calculate how many of their soldiers will die on the altar of yet another disarmament delusion.*⁷³

It’s ‘the man in the arena’, the American soldier, that’s the issue. Somewhere in the cloud of ‘right thing to do politics’ the welfare of the soldier is being neglected.

Most discouraging of all has been the political propaganda of NGOs. There is no doubting their humanitarian and idealistic intentions are truly respectable, but their deception to gain attention for the issue is not. In the early 1990’s the ICBL claimed that

⁷⁰ Quoted in Center for Security Policy, “Flash:Senator Leahy Opposes Landmine Arms Control Treaty,” Decision Brief No.98-D 175, 20 October 1998.

⁷¹ Defense Monitor, “Ridding the World of Landmines.” URL:< www.zmag.org > Accessed 11 February 2001.

⁷² John F. Troxwell, “Why the Korea Exception Should be the Rule,” *Parameters*, U.S. Army War College Quarterly Spring 2000. p 16.

⁷³ Quoted in Troxwell. p.16.

there were 119,000,000 mines laid worldwide and that it would take 1,000 years plus to clear them. In addition, they claimed that 2,000,000 new mines were being laid each year.⁷⁴ Between the ICBL, the ICRC, United Nations, and the even the U.S. Department of State there have been published reports from 100 to 119 million mines buried worldwide.

In an article published in an October 1997 edition of *The Wall Street Journal*, entitled “A Political Minefield,” Paul Jefferson, a former bomb disposal officer in the British army, called into question the incredible numbers claimed by the ICBL. Jefferson wrote, “The figure of 119 million mines, along with the claim that two million new mines are being laid each year, is a gross exaggeration, possibly by as much as tenfold.”⁷⁵ One of the problems, according to Jefferson, is that the governments, donor institutes, religious organizations, and, most importantly, the public, accept these kind of figures without question. This is somewhat understandable considering the good-natured reputation of the sources, although such figures are unaccountably attention getters and their source is not credible.

The media blitz has been just as guilty of exacerbating the problem. Pictures of young children victimized by the indiscriminate use of APLs can persuade the strongest of opposition and also cause a rush to judgement on how the problem should be handled. Jefferson, who worked in humanitarian mine clearance after he left the British Army, cleared landmines in the Falkland Islands, Angola, Afghanistan, and the Middle East until he lost a leg and was blinded by a landmine in Kuwait. He described in his article

⁷⁴ International Committee To Ban Landmines [URL:<www.icbl.org>](http://www.icbl.org) Accessed 11 February 2001.

⁷⁵ Paul A.S. Jefferson, “A Political Minefield” *The New York Times* 15, October 1997. This article was also printed in its entirety as an attachment on Center for Security Policy Press Release. No.97-154.

how the ICBL relies heavily on images of the suffering, and essentially ‘parades professional victims’ to bring attention to the cause.

It was not until ICBL publicity reached its apex that people started to challenge its outrageous figures, but by that time the ICBL and other supporting groups had succeeded in gaining the support for many of the stringent provisions they had written into the Ottawa Treaty. Since then, more questions about the bogus figures have been raised. ICBL coordinator Jodi Williams has backed away from any responsibility for the exaggerated figures that she had frequently quoted to support her cause. When asked to comment on the issue, she stated, “The statistics cited originated either from the U.N., ICRC or U.S. State Department.”⁷⁶ In the 1998 State Department Report: *Hidden Killers*, the U.S. Government recanted the number of worldwide landmine figures it had published in its 1994 report.⁷⁷

A 21 February 1998 editorial entitled “No Brainer: Chiefs Must Not Accept Backdoor Landmine Ban” published by the Center for Security Policy, stated:

*Adding to the ignominy of the Clinton Administration's renewed effort to eucbre the Chiefs into disavowing such well-founded military advice is one other disclosed fact: In their campaign to promote an international ban on landmines, **the anti-APL activists have deliberately inflated the numbers of landmines now in the ground.** The rationale for such cynical behavior? The bigger the number, the more irresistible the demand for a treaty abolishing these weapons.*⁷⁸

⁷⁶ Jefferson, Center for Security Policy. No.97-154.

⁷⁷ *Hidden Killers*: “The Global landmine crisis.” U.S. Department of State, Bureau of Political-Military Affairs Office of Humanitarian Demining Programs, Washington, CC, September 1998. The State Department issued a new report stating that new calculations on the total number of landmines in place around the world are approximately 30 to 50 percent lower than originally estimated, albeit the figure is still high.

⁷⁸ Center for Security Policy: “No Brainer: Chiefs must not Accept Backdoor Landmine Ban.” 21 February 1998. Available www.security-policy.org (Emphasis in the argument)

There is no question that the idealistic goals of using exaggerated figures essentially blur the big picture and in the end many problems still remain. Good intentions do not make a problem disappear and in this case they make it even worse by calling into question the organizers own integrity. The fact of the matter is that the problem is real, but finding a reasonable and workable solution does not give liberty to distort facts in order to paint an idealistic picture of a world that lives in harmony.

CHAPTER 7

Conclusions

The emotional and political debate surrounding APLs has been particularly intense over the past six years. The underlying reason behind the humanitarian effort to save innocent lives from the indiscriminate use of APLs is honorable. However, the solution is flawed. The billions of dollars now being used for research and development for alternatives could be used towards additional funding for medical assistance, educational resources dealing with mine awareness, or more demining operations in lesser-developed countries. In addition, with the terms of the Ottawa Treaty, several of the current alternatives that are now in development would still violate its rules. In PDD 64, President Clinton made many deadlines for a U.S. signature on the Ottawa Treaty incumbent upon the U.S.'s ability to find alternatives to APLs. What's troubling is that any alternatives to APLs essentially equate to smart mines (unless considering non-lethal weapons), which NGOs oppose. The consequences may be years away, but if NGOs are able to make uncompromising demands on issues that could have direct effect on national security, then the future abilities of the military to win wars or countless military operations other than war (MOOTW) missions are threatened. President Clinton's decision to agree to an eventual ban on smart APLs was more a 'politically correct'

decision that only looks good on paper and theory. Perhaps with a new administration now in office after the 2000 election, that decision will be revisited.

The move for a total ban on APLs has been greatly influenced by NGOs and the media. There is no denying the devastating effects caused by APLs, but what weapon of war does not cause horrific damage to the human body? And how can a treaty that is meant to protect innocent men, women and children significantly help when many of the perpetrators of irresponsible APL use reside in areas of conflict that don't recognize international humanitarian laws?

The United States has led the world in limiting the use, production, and stockpiling of APLs. America has pulled more than its share of responsibility and duty for a problem that's significantly enhanced by two of the largest manufactures, and exporters of APLs (China and Russia). China, the former Soviet Union, and Italy have been the major producers and traders of landmines in recent years. Other important suppliers have included the former Czechoslovakia and the former Yugoslavia, along with Egypt, Pakistan, and South Africa. Prior to the mid-1980s, the United Kingdom, Belgium, and the United States ranked among the top producers and exporters, with other significant exporters in that period included Bulgaria, France, and Hungary. These countries have now stopped or significantly reduced all exports.

U.S. amendments to the Ottawa Treaty, and commitment to lead the world in demining and mine education in lesser-developed countries, should have been enough. Instead, the President took a road of idealistic conciliation. This will eventually lead to a dead-end for both innocent citizens who are victims of APLs and American servicemen.

Postwar casualties to civilians caused by irresponsible use of landmines are an important issue that needs to be attacked with solutions that lead to solid results. NGOs have gone too far in their zealous idealistic but unrealistic attempts to demand a ban that is for all practical purposes impossible to enforce.

In 1997, at the peak of the ICBL's campaign, *Jane's Defense Weekly* claimed that the landmine was a battlefield commander's force multiplier, and that it would continue to be a significant asset into the next century. Jane's also stated, "to lose landmine capability, or have it reduced because of the political unacceptability of certain categories of mines, would be a disaster for many countries"⁷⁹ This premonition is being ignored.

⁷⁹ Quoted by Nicola Short in, "A Review of the Ottawa Process to Ban Landmines." ISIS Briefing Paper No. 15. November 1997. URL:< www.fhit.org/isis>

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