



Report on the proceedings of the event on:

## **The United States and the 1997 Mine Ban Treaty**

Carnegie Endowment for International Peace  
Washington, DC

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## **The United States and the 1997 Mine Ban Treaty**

On February 19, Human Rights Watch on behalf of the United States Campaign to Ban Landmines cooperated with the Mine Ban Treaty's Implementation Support Unit to host a half-day symposium at the Carnegie Endowment for International Peace in Washington DC.

The United States and the Mine Ban Treaty event attracted strong interest, with participants from diplomatic missions, Congress, US Campaign to Ban Landmines, and media. Diplomatic representatives from more than 30 nations attended, including from Austria, Belgium, Barbados, Belize, Bosnia and Herzegovina, Burkina Faso, Canada, Costa Rica, Croatia, Czech Republic, Fiji, France, Gabon, Honduras, Italy, Jordan, Lao PDR, Liberia, Libya, Malta, Mexico, Micronesia FS, Mozambique, Nicaragua, Pakistan, Poland, Slovenia, South Korea, South Sudan, Suriname, Switzerland, US, and Yemen.

This report contains the oral statements made at the event, which are also available online separately at the following links:

### **Keynote Addresses**

Introductions by François Rivasseau, European Union Delegation to the United States  
Statement available at: <http://bit.ly/PBt28H>

### *Featuring:*

Jody Williams, 1997 Nobel Peace Laureate  
Statement available at: <http://bit.ly/1dgQYX4>

Prince Mired Bin Raad Al-Hussein of Jordan, Special Envoy for the Mine Ban Treaty  
Statement: <http://bit.ly/1giHsnh>

Statement by Senator Patrick Leahy read by Channapha Khamvongsa, Legacies of War  
Statement: <http://1.usa.gov/1e84IPS>

### **US Expert Panel Discussion**

Moderated by Rachel Stohl, Stimson Center

### *Featuring:*

Heidi Kuhn, Roots of Peace  
Statement: <http://bit.ly/1hYJms5>

Steve Goose, Human Rights Watch Arms Division  
Statement: <http://bit.ly/1lt7jfU>

Ken Rutherford, Center for International Stabilization and Recovery  
Statement: <http://bit.ly/MrZGqL>

Lt. Gen. Robert Gard (Ret.)

Center for Arms Control and Non-Proliferation  
Statement: <http://bit.ly/1fDzzbM>

### **Closing Remarks**

Amb. Amélia Sumbana of Mozambique, President-Designate of the Mine Ban Treaty's Third Review Conference  
Statement: <http://bit.ly/1dhIBKG>

Other relevant resources from the event

- Photos: <http://bit.ly/1fTXCRs>
- Video recording: <http://bit.ly/1m9sYrk>
- Storify by Landmines in Africa: <http://bit.ly/1fUaprf>
- Program: <http://bit.ly/1iY5NOJ>
- Invitation: <http://bit.ly/LsJ3L0>
- Web banner: <http://bit.ly/1n23BrS>

## **Oral statement by Francois Rivasseau, European Union Delegation to the United States**

Thank you very much, it is of a very special honor and pleasure to be with you all today to open this symposium on the United States and the 1997 Mine Ban Convention or, as we used to call it, the Ottawa Convention.

When I look around this room, I see a number of faces I know, particularly Jody Williams. I remember when the first efforts for this convention were launched by Jody, by Steve Goose, and by others present here today. At that time, I was a diplomat as I am here today and I had to bang my chest and say we were not immediately convinced by the call for a ban on landmines. At that time, I was number two in Geneva supporting France's disarmament representative, Ambassador Joelle Bourgois. Eventually the French government decided to support your efforts and this is how the Mine Ban Treaty came to life. It is not a single child, but also has a smaller brother, with the Oslo Convention on Cluster Munitions. And maybe the family is not yet closed because the nice thing with treaties is that a new one can come to light in more than one lifetime.

The European Union since has struggled to follow the example that you have set with the Mine Ban Treaty. Since the Mine Ban Treaty entered into force for Poland on 1 July 2013, all 28 members of the European Union are now unified under your banner. The European Union is now united in pushing for a mine free world with a long history of support of ending the suffering caused by antipersonnel mines in all of its member states.

In anticipation of this unified position, on 13 November 2012, the Council of the European Union in the context of its European Security Strategy adopted a decision to support implementation of a 2010-2014 action plan for the Mine Ban Convention. As part of the Council decision, the European Union is seeking to support efforts on part of States Parties to the Convention to implement the mine clearance and victim assistance aspects of the Cartagena Action Plan as well as universalization of the Convention and its norms.

Based on its achievements to date the Mine Ban Convention is an unparalleled success story in the humanitarian field and its successes will continue. But people are still dying from landmines every day. We still need money spent on clearance and victim assistance. The EU does not have unlimited resources, but we have decided to streamline our procedure to try to spare as much as possible administrative costs.

If we don't want the humanitarian success to be a Sisyphus rock and always restart again, we have to work on universalization of the Mine Ban Convention. This is why we are so honored to have you with us Prince Mired. We have a high level task force for universalization that you lead. I was so impressed when I met you almost ten years ago and happy that you have accepted this responsibility.

Major landmine producers must join the Mine Ban Convention and accept the prohibition on these weapons otherwise landmines will be available and could be used. You extinguished a fire here and then a new fire begins there. So the only way to avoid that is to make progress on universalization.

With respect to universalization, the European Union is providing funding to the Mine Ban Convention's implementation support unit to carry out three initiatives: 1) organizing high-level engagement with States not Party to the Convention, 2) carrying out a study on border security without the use of antipersonnel landmines, and 3) holding national workshops and symposiums such as this this event. So we hope to advance fruitful discussion on the ways and means to overcome barriers to universalization of the Convention.

As you know, the Mine Ban Convention's preamble states the feasibility for every member of the United Nations to join the Convention and it goes without saying that it would be highly desirable to have the United States finally join the anti-landmine movement. Without the United States joining, the chance for convincing major producers to do the same is seriously reduced. I hope that we will hear a variety of creative views pointing to how this might be possible.

Meanwhile in the European Union we are working on preparations to develop an action plan for the Maputo Review Conference of the Mine Ban Convention in June 2014. My colleague Rory Domm and I would be glad to discuss that with you.

Now I need to give the floor now to Jody Williams. Jody, I hope that banning landmines remains close to your heart as well as working to prevent violence against women, another important cause. And maybe the Campaign to Stop Killer Robots will be the next child in our future work. Jody, the floor is yours.

## **Oral statement by Ms. Jody Williams, Nobel Peace Laureate and chair of the Nobel Women's Initiative**

Thank you very much. It is nice to share this panel with you Ambassador Rivasseau and with you, Prince Mired. In particular, we must commend the prince, the high-level universalization group, and Kerry Brinkert of the Implementation Support Unit (ISU), for their continued efforts to universalize the Mine Ban Treaty.

Sometimes people say that because 80% of the planet is now part of the Mine Ban Treaty, and even the big powers are obeying parts of it, maybe we don't need as much of an emphasis on universalization at this point. I would strongly disagree with that notion and in fact, we are here today to talk about the upcoming results of President Obama's landmine policy review.

I will just speak generally about the US because the panel that follows knows a lot more about the US position at this moment than I do. I try to avoid hearing it because my frustration level gets extremely high.

As you know, the landmine campaign was formally launched in October 1992, and as you heard from my French colleague, in the beginning, very few - actually nobody - believed that a handful of civil society organizations would be able to change the perception about a weapon that had been used by almost every fighting force in the world for almost a century. What was accomplished by civil society, strategizing and planning and slowly winning over states as colleagues to ban landmines is really a testament to what can happen in this world when we work together.

The position of the United States throughout that process was questionable. Never fully embracing the movement to ban landmines. Always wanting to preserve its own mines. At times harmful to the process and at times not harmful to the process.

We were not surprised that Mr. Clinton did not sign the Mine Ban Treaty and expected even more that Mr. Bush would not sign the treaty. When Mr. Obama came to power, I think we were all hopeful (as we were about many things about President Obama, including that he would take serious action on nuclear weapons). But he has followed the tack of Clinton and Bush in the sense of not taking a strong public position and instead falling back on the excuse needing to "review policy." And believe me, I'm going to try to be positive today, because we really want the US to come on board. But it's impossible to see the review process, which has been going on in various forms since the Clinton administration, to be anything but a cover-up to avoid making a decision on a weapon that my country has not used since the First Gulf War.

The US was the first country to stop exporting landmines; we haven't produced the weapons since the mid 1990's. The US, as we know and are very happy for, is one of the biggest contributors of mine action and survivor assistance. That is awesome, outstanding. Given that, it is quite frustrating, or mind-boggling, or confusing, or any number of words that one could use to characterize the fact that they have not formally joined the Mine Ban Treaty.

Of course, we can't sign now, the Senate would have to accede to the Mine Ban Treaty. But if

you're obeying it, why not join it? I think about it a lot in the context of Obama's coming to power, talking a lot about trying to reintroduce the US to multilateralism. Many of us in the International Campaign to Ban Landmines, and I assume in the diplomatic community, and of course the US campaign, took that as a very strong symbol that maybe the landmine treaty was finally going to be sent to the Senate. It seemed a done deal as the US was following everything related to the treaty.

And then of course that didn't happen and instead moved backward to another review of landmine policy. I keep trying to imagine, what can you possibly be reviewing at this point about antipersonnel landmines?

On the other hand, Mr. Obama has been handed the results of the review, so we hear, and as I said the next panel will talk about that. Although we don't know what they are, there are indications that it's positive but God only knows what that means, in the context of the United States and the Mine Ban Treaty.

On the other hand, Mr. Obama has declared 2014 as the 'year of action.' And my personal feeling is that if he is not prepared to send the Mine Ban Treaty to the Senate, he can take steps that would put the US that much closer to ultimately joining the treaty. He can order the full destruction of the stockpile, for example. Or he can set a time limit for joining. He could do any number of things and if he's not going to send it to the Senate, we hope that he will do that, in addition to continuing to give support to mine action and survivors.

Of course it always helps to hear from other states that joining the treaty matters. And so we are thrilled that so many national representatives are here today. We hope that when you interact with the United States, you mention the importance of their joining the Mine Ban Treaty. That it will also inspire other countries that have not joined, such as Russia, China, India, and Pakistan. They do pay attention to the United States on such issues so if the US fully embraces the Mine Ban Treaty it will make a difference.

I think ultimately my country will join, but we would prefer that "ultimately" is not in another decade. It would be lovely to have them come to the treaty's Third Review Conference in Maputo after some serious movement on the mine ban issue. Even maybe submitting it to the Senate, even though now the vote would probably be difficult. It would be a nice symbol of seriousness of this administration and its desire to act in 2014 before we are faced with elections again in the United States.

Thank you for coming. Thank you for what you do related to landmines. Please, gently, remind the US that it would be very helpful for the country to join the Mine Ban Treaty, and I hope that we will be seeing you and many other countries in Maputo this June.

Thank you.

## **Oral statement by His Royal Highness Prince Mired Raad Al Hussein of Jordan, Anti-Personnel Mine Ban Convention Special Envoy**

Excellencies, ladies and gentlemen:

I wish to thank Human Rights Watch and the Implementation Support Unit for organizing this event. My thanks also go to the European Union, which not only has provided the financial support to make this event possible, but also is supporting me in my efforts as a special envoy for the Anti-Personnel Mine Ban Convention.

For several years I have travelled the world promoting a cause I believe in. The aim of this cause is to end the suffering caused by anti-personnel mines. To bring a conclusive end to this suffering, we need to universalize the Anti-Personnel Mine Ban Convention and ensure that its provisions are implemented.

My task as a special envoy has seen me visit such diverse places as South Korea and Tonga, Mongolia and Laos, Singapore and China. In 2010, I also visited this country, engaging high level officials from the National Security Council, the State Department and the Pentagon, on the matter of the USA's landmine policy review. At the time I was extremely optimistic that this policy review would result in the USA being in a position to join the Ottawa Convention. After all:

- The USA shares our concern about the humanitarian tragedy caused by anti-personnel mines.
- The USA has not used anti-personnel mines for over two decades.
- Every one of the USA's NATO allies has foresworn the use of anti-personnel mines.
- And, the use of anti-personnel mines is inconsistent with the modern, sophisticated manner in which the US armed forces fulfil their responsibilities.

In addition to being optimistic, I was hopeful. I was hopeful because those whom I engaged knew full-well that if President Obama adopted a policy to proceed with accession to the Anti-Personnel Mine Ban Convention, it would be a manifestation of US leadership. The USA, unlike any other State, has the capacity to lead. A change in US policy to bring it in line with the provisions of the Ottawa Convention would illustrate this leadership capacity in that it would have an impact on the positions of other States that remain outside of the Convention. Moreover, such a policy change would inject new life into an effort that must still continue if we are going to succeed with this cause.

While it has been four years since I met with Samantha Power and others to provide my input into the USA's landmine policy review, I remain optimistic and hopeful. There is no good reason for the USA to remain outside of the Convention and many good reasons why it should join. Moreover, anything short of adopting a policy that would see the US Administration commit to never, under any circumstances, use, produce, stockpile or transfer anti-personnel mines would leave the US on the side-lines and not in the lead where it normally belongs. In addition, maintaining a policy that falls short of what is required to conclusively end the landmine era would seem to be inconsistent with the advanced, forward-looking America that we all know and respect.



My country, Jordan, has benefited greatly from US support in removing mined areas from the Hashemite Kingdom. But while the USA has admirably invested greatly in the removal of these hidden killers, we would dearly like to see it do more to ensure that no more mines are put into the ground. Again, though, I am optimistic and hopeful. Moreover, I am confident that the outcome of the US policy review would be announced shortly and that it would see the US claim its place on the right side of history on this issue.

## **Oral Statement by Senator Patrick Leahy**

I want to thank the European Union for sponsoring this event hosted by the U.S. Campaign to Ban Landmines and Mine Ban Treaty's implementation support unit. I regret that I am not able to join you.

In 1994 – twenty years ago – in a speech to the UN General Assembly, President Bill Clinton called for the elimination of anti-personnel landmines. It was an historic speech that I remember as if it were yesterday.

Two years later, in 1996, President Clinton said this, quote: “Today I am launching an international effort to ban anti-personnel land mines.” He went on to announce a U.S. plan to develop alternatives to landmines, with the goal that the U.S. would end its use of anti-personnel mines by 2006.

In 1997, the United States missed an opportunity to be a leader in the international effort to ban anti-personnel mines when it refused to sign the Mine Ban Treaty.

2006 came and went. President Clinton's administration ended. After eight years of President George W. Bush, President Obama was elected and then reelected. In the meantime, U.S. troops fought two long ground wars without using anti-personnel landmines.

In 2010, I and 67 other United States Senators sent a letter to President Obama. We commended the President for agreeing to conduct a comprehensive review of the U.S. Government's policy on anti-personnel mines, and we urged him to conform U.S. policy to the Mine Ban Treaty as a crucial first step. Almost five years since the start of that review we are still waiting for the results.

After 20 years and three U.S. presidents, there is no evidence the United States is any closer to joining the treaty than when President Clinton made that speech. It is very disheartening.

We all know what the obstacle is. The Pentagon has long argued that it needs landmines to defend South Korea. In 1996, then Secretary of Defense William Perry said the Pentagon would, quote, “move vigorously” to achieve alternative ways to prevent a North Korean attack so they would no longer need landmines.

Yet, after 20 years, there is no evidence they have ever done anything to revise their Korea war plans without anti-personnel mines, or that any President has ever told them to.

Many believe the Pentagon's real worry is that giving up landmines, which are among a unique category of inherently indiscriminate weapons, would encourage efforts to prohibit other weapons. There is no substance to that argument.

Some have asked what difference it would make if the U.S. joins the Mine Ban Treaty. We have not used anti-personnel mines for 23 years and we do far more to support humanitarian demining than any other country. We have not exported anti-personnel mines since my amendment became

law in 1992. We have spent many tens of millions of dollars through the Leahy War Victim's Fund to aid those injured by mines. We are not causing the problem, so why bother?

- Because anti-personnel landmines continue to kill and cripple innocent people.
- Because indiscriminate, victim-activated weapons have no place in the arsenal of a civilized country.
- Because 161 nations, including most of our closest allies, have banned these weapons.
- And because the United States has by far the most powerful military in the world and this treaty needs the United States.

As President Obama said in his acceptance speech for the Nobel Peace Prize, quote: "I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't."

Twenty years after President Clinton's UN speech, President Obama can give real meaning to those words by putting the United States on a path to join the treaty.

That means destroying what remains of our stockpile of mines. It means revising our Korea war plans.

President Obama is the only one who can make that happen and time is running out.

## **Oral Statement by Heidi Kuhn, Executive Director, Roots of Peace**

It's my great honor to be here in my nation's capital. I have come here today from California. I would like to begin my remarks by describing how an idea can turn into a reality in a great country such as the United States of America.

In September 1997, General Robert Gard, Mary Wareham, Caleb Rossiter, and Jerry White came into the living room of my family home to talk about the global landmine problem and the new Mine Ban Treaty. I'm a mother of four children and a cancer survivor. Holding my child in my arms, I listened to the words of these people in my home in Marin county. It inspired me so deeply to do something outside of my front door. We lifted our glasses to toast that the world may go from mines to vines, replacing the scourge of land mines with bountiful vineyards worldwide. Today, I must proudly say that Roots of Peace has taken that model out of the front door of our home seventeen years later to demine, replant, and rebuild worldwide. Rice in Cambodia, grapes in Afghanistan, orchards in Croatia, wheat in Iraq, and demining the Holy Lands.

I can say thank you to so many people in this room for taking such courageous footsteps. With Jody Williams in September 2001, only days before the attacks in US, I walked in minefields of Croatia to where I had a vision to replace the mine fields with bountiful vineyards on the Dalmatian coast. By removing landmines we could plant a bountiful vineyard that vitners such as those in the San Francisco Bay area have supported. We have proved that around the world that when we can remove a landmine and plant a vine to produce grapes, raisins, pomegranates.

I have worked in Vietnam, where Roots of Peace now has over 1,000 farmers nearly 40 years after the war has ended. In Angola we cleared landmines with the support of thousands of American children who raised 50 million American pennies for peace. So that the fields where Princess Diana walked are now demined and children with three legs to stand on—two crutches, one good leg—are now playing soccer in Huambo. In Afghanistan, Roots of Peace today is operating a 100 million dollar contract. As a CEO, wife, and mother, I manage today in 2014 a spring like never before in a country where there are millions of landmines in all 34 provinces. Afghanistan is a country that is 80% dependent on agriculture and turning those swards into ploughshares is the most important thing we could be talking about in this room today.

I am so grateful to the United States of America for I am only able to implement the planting of the roots of peace with thanks to funding from USAID, USDA, DoD, European Union, and the World Bank. No idea is turned into a reality without a tremendously dedicated group of people as those here in this room today. May the footsteps that we take beyond this room inspire others to join this effort to eradicate landmines.

I would like to conclude by saying that a couple weeks ago, I was in the Holy Land. From my humble perspective as a mother, the Holy Lands is not Holy when there are land mines in the ground. Last year I commuted from San Francisco to Tel Aviv eight times, where with the funding of incredible California vineyards, we have turned mines to vines in the fields of Bethlehem. On the visit of Pope Francis to the Holy Land on May 24, he will stand in the Holy Land on the soils of Jordan, because he cannot come in through Israel due to the landmines that

have been laid. The minefields are in sight of Qasr al-Yahud, where three faiths converge: the baptismal sight of Jesus Christ where Elijah rose to Heaven, the place where Israelites crossed over into Cannon according to the Torah, and where Mohammad walked the Abrahamic paths. So as the delegation of the Holy Father prepares to go Bethlehem may we be reminded of mothers who give birth in a manger or anywhere else in the world. It takes eight pounds to detonate a landmine and it takes eight pounds to give birth to a child. May we speak today on behalf of the mothers around the world who have no voice. Join us in the leadership of Jody and so many others who remove these deadly seeds of hatred from our one Earth.  
Thank you.

## **Oral statement by Prof. Ken Rutherford, Center for International Stabilization and Recovery, James Madison University**

I want to start by acknowledging Nora Sheets and her young students who have joined us from Morgantown this morning. They are a motivating force to ban land mines in West Virginia, but I hope they do not have to continue the task that we began to ban landmines.

I want an answer to what is it going to take for the Obama Administration to accede to the Mine Ban Treaty.

Twenty years ago I gave my first speech on landmines at the first US Senate hearing on the issue called the “Global Humanitarian Landmine Crisis.” It was May 13, 1994. I didn’t know anything about landmines, but had received a fax—yes, a fax—from Jody Williams, introducing me to the issue, and an invitation from Senator Patrick Leahy’s staff to testify at the hearing. That was after the landmine incident in Somalia a few months earlier, which resulted in the loss of both of my legs.

I was honored to testify because I thought I was a unique story, but unfortunately it’s not a unique story. Tens of thousands of people are being injured, maimed, and killed every year around the world. Now, it’s down to four thousand victims every year, but even one victim is too many. So here we are twenty years later in Washington, DC, and I’m getting bored of giving the same speeches.

I’m getting bored of why our government is continuing, as Jody said, to be frustrating and confusing and mind-boggling on the topic of banning landmines and joining the Mine Ban Treaty. As His Royal Highness Prince Mired just said, it’s a “no brainer” to join this treaty.

So I say why can’t the Obama Administration sign? This is the twentieth anniversary of the world’s first global humanitarian mine program within the US government. The US government has given more than two billion dollars over the past twenty years to help alleviate the negative effects of landmines and other unexploded ordnance. Last year, the State Department provided more than 189 million dollars to over 35 countries, which was more than any other country. The US has by far given more financial assistance to mine action over the last two decades than any other country in the world.

That is a wonderful Madison Avenue PR story and yet this US government is not here in the room to explain it. My question is why? I hope to give you the answer.

As you heard, it was 22 years ago that Senator Leahy introduced the first legislation in the world to ban US exports of antipersonnel landmines. It was 21 years ago when the US Department of State issued “Hidden Killers”, the first-ever comprehensive study on the devastating humanitarian effects of antipersonnel landmines. It was 20 years ago this year that President Clinton became the first leader in the world to call, and I quote, “for the eventual elimination of antipersonnel landmines.” It was 18 years ago, that the United States led a global effort to ban antipersonnel mines. And 15 years ago President Clinton said that one of the biggest disappointments of his administration was not signing the Mine Ban Treaty.

I'm not going to go over what's happened in the last 15 years as you already know the story.

So the United States took all these initiatives, but why are we here twenty years later discussing why the United States has not joined the ban? Especially when the State Department is doing so much around the world to try to alleviate the negative effects of these weapons?

Among the sticking issues that I'm sure General Gard and Steve Goose will talk about is the command of forces in South Korea. I'd like to point to His Royal Highness Prince Mired, and his beautiful and wonderful Kingdom of Jordan, which is surrounded by not so peaceful states, let's say. Jordan is a major contributor to United Nations peacekeeping operations. It has a well-respected armed forces. Yet, they overcame their own concerns and showed courage by signing the Mine Ban Treaty. If the Kingdom of Jordan can do it, then why can't we?

In my opinion, enough information and options have been presented to President Obama. So here's my elevator speech or bottom-line answer to the question that I posed at the beginning of this presentation. President Obama simply needs the political courage to say "yes we can" as he did six years ago. He needs to find a positive way to do the right thing and accede to the Mine Ban Treaty. He has to "be the change" because I ask President Obama, if not you, then who will do it? If you're not going to take leadership to accede to the Mine Ban Treaty, then who will?

Is it the young students in this room from Morgantown's responsibility? Perhaps, but I hope not.

So I ask President Obama to send an official representative to the review conference in Maputo in June 2014 and announce that he is going to support the United States joining the Mine Ban Treaty. After all, it is a very easy question that should not be frustrating, confusing, or mind-boggling. And, it's a no brainer.

Thank you.

## Oral Statement by Stephen D. Goose, Human Rights Watch

Thanks to all the speakers for a really great job.

Prince Mired put it very eloquently. Essentially, there are no good reasons for not joining the Mine Ban Treaty for the United States and there are an awful lot of compelling reasons why it should do so—in terms of benefits to the US, benefits to the treaty, benefits to international security, and benefits to the victims around the world.

A whole series of excuses have been given over the years for why the US can't join the Mine Ban Treaty.

The one that's perhaps heard more often than anything else is the Korean peninsula. Back in 1997 at the time of the negotiations and immediately afterward the perceived need to use antipersonnel landmines to stop the threat of a North Korean invasion was cited most frequently. My own view and I think that of many others is that Korea is cited most often because it's the easiest sell. It frightens people the most, including the public and people on Capitol Hill, by convincing them that landmines are still needed for security purposes.

But in fact there may be no place on Earth where the lowly antipersonnel landmine is needed less than on the Korean peninsula. That's because there is nowhere on Earth where the potential of an invasion has been thought through so heavily and where there are so many systems and redundant systems, and redundant systems on top of redundant systems that are designed precisely to fulfill missions that antipersonnel mines traditionally in the past have played. For early warning or to slow down an attack or to create fear, all these things can be accomplished in many different ways without having to resort to the use of antipersonnel mines. There are lots of forces, systems and equipment in place that are designed to do that on the Korean peninsula.

It is not an antipersonnel mine that is going to determine the success or failure of any aggression from North Korea. The war plan calls for taking the battle to the north, in any event, not waiting for mines to stop or slow down the enemy. In the 1990s, as a ban on mines was being seriously considered, several of the former commanders of US forces in Korea, the top dogs, stated publicly that antipersonnel mines were not an important part of war plans. They said that mines were not something they ever thought about as being a crucial part of any battle with North Korea. But the argument plays well—we must do anything to stop the crazy communists from invading—so we still continue to hear it from time to time.

It's been our understanding that during the course of this policy review, which is now dragged on into its fifth year, the idea of Korea being a sticking point because of the need for antipersonnel landmines, has become less and less important, realizing that there are lots of other ways to fight.

While we haven't talked about it yet here today, there's a need to emphasize that the US has already banned the use of what most people think of as antipersonnel landmines, the ones that you stick in the ground and walk away from. The US has banned the use of those weapons, the so called dumb mines, since 2011 in Korea and everywhere else in the world. So the US is thinking about using other types of antipersonnel mines, those that are remotely-delivered.



The notion of needing to plant a lot of landmines to slow down troops charging south just isn't the case anymore. The mines that are already laid in the DMZ are not US landmines and wouldn't have to be dealt with if the US were to join this treaty because legally the mines belong to South Korea.

But the review has raised the issue of what to do about the joint command structure in South Korea. If war comes to the Korean peninsula, South Korean forces technically would become under the command of the US general. So if the US were to join the Mine Ban Treaty it could create difficulties if South Korea wants to use banned antipersonnel mines as the US general would be prohibited from being able to order the use of those mines.

But the command structure in South Korea has been under review for a long time. A couple years ago it was slated to change over and put the South Koreans in charge of their own forces in wartime. Implementation of that decision has been delayed several times now and probably will remain open for a while longer, but it's already been agreed by the both US and South Korea. So the command structure shouldn't be an obstacle for the US banning landmines either. The situation on the Korean peninsula is not a compelling reason for the US not to join the Mine Ban Treaty, but if the review goes the wrong way it will not surprise me if that's the first thing they cite.

The other reason that is often cited for the US not joining the Mine Ban Treaty is the desire of the military to continue to have the option to use so-called smart mines. "Dumb" mines are the ones that you put in the ground, while the "smart" mines are dropped out of aircraft or fired by artillery or rocket systems, often delivered by the hundreds or thousands. They scatter mines over a very wide area, with tripwires deployed that would detonate when people come along later.

During the treaty negotiations in Oslo in September 1997, the US tried to get an exception for these "smart" mines by arguing that they are not dangerous and that they don't pose the same kind of dangers as "dumb" mines. It sent a team of generals to the negotiations to try and convince the nations present that "smart" mines were different and did not need to be banned. The US was rebuffed by its closest military allies, who listened to the arguments that these kinds of landmines are also indiscriminate, would have high failure rates, and would pose unacceptable danger to civilians.

We've heard that there's a need for "alternatives" to be developed before the US can join the Mine Ban Treaty. Well, the US has not made any real efforts to try to develop those alternatives, so this has been a sort of hollow rationale that has been put forth. But truth is, the US has found the alternatives. It has fought an awful lot of wars and battles over the course of the last 23 years, and hasn't had to use antipersonnel mines. That sounds like they found an alternative to me. Other existing weapons, other tactics, other ways of carrying out the missions have been found, and have been found in all kinds of different settings, including high intensity conflict and low intensity conflict in many different regions and areas.

The true reason why the US hasn't joined the Mine Ban Treaty goes back to the fact they it wasn't part of the leadership on this at the time of negotiations and doesn't like to come in after

the fact. The US doesn't like this notion of the slippery slope, the argument that Senator Leahy referred to, which is the fear that if you give up antipersonnel mines than you'll have to give up something else. This is something that they probably should be worried about.

We were very focused on landmines at the time of negotiations but indeed now we do look at other weapons systems that have the same kind of negative humanitarian impact. But you shouldn't refuse to give up one system that crosses the line in terms of dangers to civilians, because you are concerned that later you might have to give up another weapon that crosses the line. So, in the end that is really a counter-productive argument as well.

In my view the US will never use antipersonnel landmines again. It will be politically impossible for the US to do so. The Mine Ban Treaty includes nearly all of the US's military allies including every other NATO member, major allies such as Australia and Japan, and countries where the US has been fighting wars such as Afghanistan and Iraq. So it will be politically impossible for the US to use these weapons again.

The lack of US accession to the Mine Ban Treaty shows a weakness of political leadership. It almost defies belief that the US hasn't been able to come on board the treaty after all these years and after all of the positive developments that have happened as a result of the treaty. So it is time for the US to jump on board.

This is a humanitarian imperative. It's not a military decision, but a moral one, as Prince Mired said. And the time to do that is now. This review is about to wrap up, possibly any day, any week now it seems. It may be the last chance, before it falls to another generation of humanitarians to make sure the right thing is done.

Thank you.

## **Oral statement by Lt. Gen. (USA, Ret.) Robert Gard, Center for Arms Control and Non-Proliferation**

As His Royal Highness Prince Mired has rightly observed, this is a moral and humanitarian issue. I believe that it is also a legal issue. We in the United States claim that we are a nation that subscribes to the rule of law. I was going to spend the first few minutes proving to you that we're violating the law, but I'm going to skip that because it's probably less important than the moral and humanitarian issue.

I got into the business of the International Campaign to Ban Landmines quite by happenstance. I received a letter out of the blue in the spring of 1996 when I was in Monterey, California, asking me to sign an open letter to the president. The authors were trying to get senior retired military officers to say that the mines were not militarily necessary.

I chucked it aside since I had been retired from the military then for 15 years. I didn't know much about what had happened with landmines; but I recalled that I never let my troops use them either in the Korean War—yes I'm that old—or in the Vietnam War. So I agreed to sign onto the letter.

Bingo! A phone call from somebody named Bobby Muller, who ran the Vietnam Veterans of American Foundation, which I had never heard of. He said he wanted to fly me to Washington, DC; he had purchased a table at a fundraiser at the White House, which would enable us to confront President Clinton on the landmine issue.

Going through the receiving line, rather than politely greeting the President, I brashly said to him: Mister President, you should ban the use of antipersonnel landmines. He was taken aback. We talked to him later and he said to me, "You know I can't risk a breach with the Joint Chiefs [of Staff]."

You may recall that in the lead-up to President Clinton's election to his first term, there was considerable controversy regarding his position regarding the United States military. When he came in to office, he faced a suspicious military institution; I suspect that was the reason why he felt that he didn't want to face the Joint Chiefs on the issue, even though he had clear authority to do so as the Commander-in-Chief.

This leads me to the point that Steve Goose made about the reasons the military oppose giving up their landmines. I think the slippery slope is the principal reason; and, as he rightly pointed out, we are indeed after some other weapons. But we are after them whether we sign the Mine Ban Treaty or not.

The other reason, that hasn't been mentioned, is what economists call "sunk costs." We spent a lot of money on those antipersonnel landmines and the mixed systems that someday might come in handy; so why give them up.

As has been noted, the US last employed self-destruct landmines during the Gulf War in 1991, to eject Iraqi forces from Kuwait. I would suggest to you that there are good military reasons for

not employing antipersonnel landmines. They impeded the maneuverability of our own forces during that conflict and slowed their operational tempo.

During the offensive operation, the 18th Corps sent a message to all units, noting that several severe injuries had resulted to allied soldiers, and warning that extreme caution must be exercised moving and maneuvering through areas where our air strikes had been conducted; because these air strikes—as Steve pointed out—dropped large numbers of scatterable mines and we didn't know where they all landed. The ground forces ran over them, inflicting casualties on our own troops. The 1<sup>st</sup> Infantry Division after-accident report expressed, and I am quoting, “grave concern about mine fields created by US weapons” and noted that “casualties would have been even higher had there been a requirement for a dismounted assault,” had our troops been required to get out of their armored personnel carriers. Foot troops, of course, are highly vulnerable to antipersonnel landmines.

That may help explain why the US has not employed these mine since the Gulf War, because you kill your own troops with them. That is one of the main reasons why I didn't let my troops use them, because you forget where they are. Oh, you're supposed to map them, and pick them all up and take them with you if you move. Do you think that happens in the rush of combat operations? Of course not!

The Gulf War also demonstrated the fallacy of the putative self-destruct feature of the mines. Mistakes in air speed, drop height, fuse settings, and the failure rate of the arming mechanisms, combined with failures of the self-destruct mechanisms, result in residual, unexploded mines in unknown condition. This requires treating them the same as if they all are armed and dangerous mines. CMS Environmental Inc., the US contractor employed to clear mines from one of the four sectors of Kuwait following the Gulf War, had to deal with 1,700 “smart” mines still present on the battlefield. My British colleague who conducted the demining in another sector of Kuwait had a similar experience.

Fifteen years ago while part of the Vietnam Veterans America Foundation mission to ban landmines I wrote a monograph entitled, “Alternatives to Antipersonnel Landmines.” To underscore what Steve Goose said, I explained each of the functions mines are reputed to perform, and specified alternative ways to meet these requirements by other means less dangerous to troops and civilians. During an interview, I provided a copy of that old pamphlet to the Department of State team that presumably was reviewing the US position on the Mine Ban Treaty fairly early in President Obama's first term.

I'd like to conclude by underscoring what Steve said about the issue of the need for landmines to defend South Korea. I was stunned when I heard in Senator Patrick Leahy's statement that we needed a change in the Korean war plan. It may have slipped his mind, but he personally arranged for me to go to South Korea about 13 or 14 years ago to take a look at the situation on the ground and receive a briefing from the U.S. command. To reach the two kilometer Demilitarized Zone, I was driven north from Seoul through the eight kilometer military control zone to the observation post. The briefing there was a first class sales job, as Steve stated: hordes of North Korean troops, rushing through the passes, from North Korea into the South, that would

overwhelm the US forces on the front lines; that only can be prevented by antipersonnel landmine fields.

When I received an unclassified briefing back at the headquarters in Seoul, the briefer probably revealed more than he should have. The US troops stationed near the Demilitarized Zone were not assigned to defend the forward defensive line. The war plan calls for them to pull back as soon as conflict is imminent as a mobile reserve. Should there be a North Korean penetration, they would counter attack to blunt and defeat it, requiring our troops to move through the mine fields.

When a conflict is imminent the war plan calls for thousands of landmines to be trucked north and placed in pre-prepared holes in the military control zone. I asked the briefing officer if he knew that large numbers of civilians had moved into that area to farm the land; and when war is imminent and the civilians see military preparations, they will head south and clog the roads, preventing trucks from moving north with the mines. He admitted that had not been considered.

Even if somehow they can drive the hundreds of trucks into the military control zone and plant the mines, this doesn't prevent the United States from signing the Mine Ban Treaty. The mines already in the ground had been transferred to the South Korea Army before my visit; and if the reserve stock is still in U.S. hands, it likewise can be turned over to the South Koreans.

We've managed to work with our NATO allies, all of whom have signed the Mine Ban Treaty without any particular difficulty. If South Korea feels it needs to retain those mines and not adhere to the treaty, we can continue to work with its armed forces, just as our NATO allies have worked with us even though we are not a party to the treaty.

Let me conclude on that note to leave time for questions and comments.

## **Oral remarks by Her Excellency Amelia Matos Sumbana, Ambassador of the Republic of Mozambique to the United States of America**

Ladies and gentlemen,

It is my honour to address you on behalf of the President-Designate of the Third Review Conference on Anti-Personnel Mine Ban Convention, the Vice-Minister of Foreign Affairs and Cooperation of the Republic of Mozambique, Mr. Henrique Banze.

Allow me to commend the organisers of the event, the Implementation Support Unit, the Human Rights Watch as well as the support from European Union for this timely event.

As we are heading towards the end of our meeting, it gives me pleasure to note that throughout the discussions we entertained this morning there was a growing consensus around the fact that the USA is a serious and strong partner when it comes to instil deeds leading to join the international efforts to ban the scourge of landmines. The consensus, too, included the hope that the US will seize this momentum to take bold steps to join the Convention and come to Maputo ready to become a full member of what we call the Ottawa community.

In fact, the United States of America has shown great generosity in contributing to demining efforts around the world, including in Mozambique. Thanks to the assistance from the USA and other countries, which we are very grateful, Mozambique is now fortunately on the verge of addressing its landmine challenge.

We therefore believe that in addition to its continued commitment, the USA would hopefully lend its unprecedented leadership to this cause in a bid to meet our expectations of eliminating anti-personnel mines once and for all, for what we count on its universal acceptance of the Anti-Personnel Mine Ban Convention and full compliance with its provisions.

The Maputo Review Conference will be the third opportunity for the international community to gather at a high level to review the efforts to end the suffering caused by anti-personnel mines.

The venue of the Conference is quite significant. Mozambique symbolises well the current stage and peculiar time in the life of the Convention for many reasons, particularly the following:

In the early 1990s, Mozambique was one of the countries where the tragedy caused by anti-personnel mines was one of the greatest, and coincidentally one of the birth-places of the anti-landmines movement.

When the Convention was adopted, the clearance of all mined areas was quiet a myriad. Fortunate enough, by the time of the Maputo Review Conference, all that will remain in Mozambique, will be specific challenges along its border with Zimbabwe, which will also be cleared sooner than later.

Therefore, for us the Maputo Review Conference generates hope to those still addressing the landmine challenge and restores confidence that an end is within sight.

Again, soon after the Convention's entry into force, Mozambique hosted and presided over the First Meeting of the States Parties in May 1999. So, returning to Maputo, fifteen years later for the Maputo Review Conference, the world will return to where international efforts to implement it all began.

For those who don't know, let me say that in May of 1999, there were but 45 parties to the Convention and Mozambique was only one of 18 States in Africa that had committed to this movement. Now there are 161 States bound by this Convention, and we are proud to note that it is virtually universalised in Africa.

Today, the use of landmines is understood by both world leaders and ordinary citizens that is an unacceptable behaviour in the modern world what goes along with the norms embodied by the Convention.

Some years back, in Maputo the international community has made a solemn promise to mine victims that unlike the destruction of emplaced or stockpiled mines, efforts to support fulfil this promise must continue for years and, in 1999 again, expressed that a comprehensive approach to victim assistance is required and that our efforts shall be part of broader approaches to health care, rehabilitation and human rights.

As a developing, democratic and peaceful country, Mozambique is committed to ensure full participation of all citizens, including mine victims, in the social, cultural, economic and political life of the nation.

Before I conclude, I would like to state that the Maputo Review Conference taking place in June, in Mozambique, is an opportunity to, again, leverage high level international interest to keep momentum in the efforts of landmine victims' assistance. The anti-landmines movement has advanced and it is at a different stage than it was 15 years ago.

We have to congratulate the USA who has embarked on steady steps towards the ban of anti-personal landmines. We note with satisfaction the US landmine policy review, the letters of support addressed to Obama Administration for the US to join the Mine Ban Treaty from the treaty states parties and others as well as the fact that it has not produced, used, exported landmines and has no plans for future procurement. We therefore encourage the Obama Administration engagement towards joining the Convention.

We believe that a decision from the USA to join the Convention would provide an incredible boost to our efforts. So, we would be delighted if the USA were to take its rightful place around the table with all countries that have signed the Treaty and formally stated that anti-personnel mines are unacceptable.

We look forward to welcome all of you in Maputo, in June, the Pearl of the Indian Ocean.

I thank you very much.