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Trends. The Land Mines Treaty: A Strict Constructionist Approach

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The United States Government (USG) has announced that it will not sign the Land Mines Treaty because land mines are still needed to protect US security. USG efforts to sign the treaty with exemptions--a 9-year delay in treaty implementation, the use of anti-personnel mines preventing enemy soldiers from reaching anti-tank mines--were finally ended. Although the USG has and will continue to "take the heat" from domestic and international critics for not signing the treaty, it can make a strong case for its decision.

(1) The sites of greatest carnage due to land mines are not the direct adversaries of the US--Angola, Afghanistan, Cambodia, and Mozambique. (2) Although the USG may have facilitated export of land mines to these sites and others, it has not exported such weapons in about five years and is not planning to do so. (3) Other significant political powers--e.g., Russia, China--have not signed the treaty. (4) The treaty as written bans the transfer of land mines to non-signatories, but the ban would be extremely difficult to monitor, as would the mandate to destroy all current stocks of land mines. (5) The treaty also mandates the removal of all mines that have been put in place--in all probability a technical impossibility especially for countries that have been unable to comprehensively record and mark land mark sites. (6) The treaty does not allow the right to withdraw from it with six months' warning if the signatory is engaged in a war when the interval expires. Engaging in war one day after the six months' warning is not a technical violation. (7) The treaty mandates that signatories provide rehabilitation and care for victims of land mines. However, these efforts do not preclude "re-education," political intimidation, and other sociopsychological variants of coercion. (8) Differentiations between mine and non-mine assets and attempts to develop new mine-like assets that are not defined by the treaty as mines are not addressed sufficiently to preclude noxious security consequences for signatories. (9) Lastly, contextual analysis is lacking. As with past bannings of weapons--exploding bullets, fragmenting bullets, poison gas, and so-called "blinding" lasers--banning of land mines may only spur the development or use of more horrible methods of obtaining or maintaining the sine qua non of military employment--political power. A strong historical case can be made for this point.

So the USG may be under attack in the fora of domestic and international propaganda. Better this sort of attack than the alternatives that could stem from becoming a signatory at this time. (See Bonner, R. (September 18, 1997.) Land mine treaty takes final form over U.S. dissent. *The New York Times*, <http://www.nytimes.com>; Meldrum, A. (1994.) On deadly ground: Some 2 million landmines were strewn around Mozambique's landscape during the vicious civil war. *African Report*, 39, 55-59; Myers, S.L. (September 18, 1997.) Clinton says land mine ban could endanger U.S. troops. *The New York Times*, <http://www.nytimes.com>; Wurst, J. (1993.) Ten million tragedies, one step at a time. *Bulletin of the Atomic Scientists*, 49, 14-21.)