NOTES

THE 1997 TREATY TO BAN THE USE OF LANDMINES: WAS PRESIDENT CLINTON'S REFUSAL TO BECOME A SIGNATORY WARRANTED?

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I. INTRODUCTION

The Landmine Treaty to ban the production, stockpiling, export and use of landmines was available for signature in Ottawa in December of 1997. It will forever be embossed in history as the first true step towards banning landmines in the new era of world-wide disarmament. Unlike all previous international attempts at disarmament, this crusade has been led by over 1,000 anti-mine organizations in fifty-five countries. The International Campaign to Ban Landmines, directed by the 1997 Nobel Prize winner Jody Williams, has acted as the umbrella group for these organizations and has coordinated an international effort. The treaty is a long-needed measure that will put an end to the death of nearly forty civilians every day as well as the maiming of twenty to thirty others. Now that the treaty has been implemented as of March 1, 1999, the question is whether the United States can justify its refusal to sign it?

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3 See id.

4 See Just Think, Our Stand on Landmines Lauded, NEW STRAITS TIMES, Aug. 25, 1997, at 9.

5 See Mark Bourrie, Disarmament: Landmine Treaty Now in Force, INTER PRESS SERVICE, Mar. 1, 1999, available in 1999 WL 5947298. Article 17 of the treaty stated that the treaty would take effect roughly six months after forty countries had agreed to it. See Oslo Treaty, supra note 1, at 1507.
II. WHY THE OSLO TREATY IS NEEDED

A. History of Land Mine Use, From World War I to the Present

During World War I (WWI) and World War II (WWII) landmines were primarily used as obstacles to enemy movement. Antitank minefields, which involved a type of mine easily removable by hand, would be littered with antipersonnel landmines to constrain the enemy from attempting to clear the antitank mines. According to the United States Defense Intelligence Agency, over 300 million antitank mines were used during WWII. In fact, some of the mines laid during that time are still killing and maiming civilians today.

With the development of new military technologies and changes in the needs of battle following WWII, advances in mine technology greatly accelerated along with all areas of weaponry. In the early 1960s, the United States demonstrated the first use of a new and sophisticated class of contact anti-personnel mines to prevent the flow of soldiers and materiel from North to South Vietnam. Unlike today, the mines were laid haphazardly and resulted in zones littered with mines rather than "minefields" with definite

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7 These are flat cylinders, measuring about 30 centimeters in diameter. The antitank mines are pressure sensitive and contain explosives capable of disabling military vehicles. See The Arms Project of Human Rights Watch & Physicians for Human Rights, LANDMINES: A DEADLY LEGACY 16 (1993) [hereinafter LANDMINES].
8 These weapons are specifically designed to kill or incapacitate human beings rather than to make equipment ineffective. See id. at 18. There are several types of anti-personnel mines: blast mines, which are activated when someone steps on them; fragmentation mines, which when activated by a trip wire disperse metal fragments nearly 50 meters and become embedded in the victim's body; and bounding mines, which are buried but explode in the air like a fragmentation mine when stepped on. See id. at 19-20. The blast mine is the most common mine. When detonated, the blast drives fragments of the mine and any surrounding material up the length of the victim's leg. See id. These mines quite often kill, cause amputation, or lead to surgical amputation of a limb. See id.
9 See Petrarca, supra note 6, at 208-209.
10 See LANDMINES, supra note 7, at 16.
12 See LANDMINES, supra note 7, at 17.
13 See id.
boundaries. This effort to block the Ho Chi Minh Trail in Vietnam and Cambodia revealed the potential for a new use of mines: as a "long-term, land denial" weapon rather than a temporary obstacle useful for defense. Other countries took hold of the idea and soon Russia had planted ten to twelve million mines in Afghanistan as offensive weapons of terror and vengeance, often targeting civilians.

B. The Current Status of Landmine Use

1. How Severe is the Problem?

The Landmine has been classified as a "weapon of mass destruction in slow motion-on a slow fuse." The weapon works in slow motion because it is the gradual accumulation of mines that create the potential for mass destruction. Once there, however, the sheer volume of deaths is akin to that of a weapon of mass destruction.

While the enormity of the landmine problem is clear, the exact number of landmines strewn throughout the world is much less clear. In 1994, the United States Department of State estimated that the total number of uncleared landmines in the world was between eighty to one hundred million, scattered through sixty-four countries. However, more recent reports state that it is impossible to verify how many are in place and that these numbers seem somewhat high. In a more recent report, issued in 1998, the Department of

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14 See id. at 17-18. Pilots during the Vietnam War would scatter landmines from the air onto the ground like garbage, creating areas that were saturated with mines. See id. A "minefield" involves tactically deployed landmines where the positioning is purposefully constrained. See id.


17 A landmine is defined as "any munition placed under, on, or near the ground or other surface area and designed to be detonated or exploded by the presence, proximity, or contact of a person or vehicle." United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons: Final Act, U.N. Doc. A/CONF.95/15 of Oct. 27, 1980, Annex I, reprinted in 19 I.L.M. 1523, 1530.

18 LANDMINES, supra note 7, at 11.

19 See id.


State established that the number of landmines in place around the world is closer to sixty million.\(^{22}\) Afghanistan, Angola and Cambodia are the three developing countries hit hardest by the landmine crisis.\(^{23}\) The British Foreign Secretary has stated that "[e]very hour another three people lose their life or lose a limb from stepping on a landmine."\(^{24}\) The Red Cross estimates that there are 120 million landmines laid across the world, and the mines kill or maim someone every twenty minutes.\(^{25}\) It is estimated that about eighty percent of the victims are civilians.\(^{26}\) However, "agencies and charities involved in clearing landmines have been accused of grossly exaggerating the global number of mines in a cynical attempt to boost donations and raise their profile."\(^{27}\)

The need for a new means of banning landmines has become clear to much of the world. At the present rate of de-mining, it would take 1,100 years to completely eradicate existing mines.\(^{28}\) Simply put, the mines can and are being laid at a much faster rate than they can be extracted from the ground, assuming experts can find them in the first place.\(^{29}\) Furthermore, efforts to remove landmines have usually been poorly funded and badly coordinated, and the technology is still relatively primitive.\(^{30}\) Landmines are currently being


\(^{23}\) See HIDDEN KILLERS 1994, supra note 20, at 1-2. Together the three countries are besieged by roughly 28 million mines and suffer 22,000 casualties every year. See id. This constitutes 85% of the total deaths from landmines in the world. See id. Other countries with over a million dispersed mines include Iraq, Sudan, Mozambique, Somalia, Ethiopia, and Eritrea. Id. at 1-2.


\(^{25}\) See id.


\(^{27}\) Christian Lamb, International: Landmine Numbers 'Hugely Exaggerated,' DAILY TELEGRAPH (London), Nov. 29, 1998. Those clearing the mines believe that by exaggerating the numbers the agencies and charities have deterred the public from making donations because it presents an unfixable problem. See id.

\(^{28}\) See Flawed Landmine Ban Will Take 1,000 Years to Work: Indian Defense Panel, AGENCE FRANCE-PRESSE, Oct. 17, 1997, available in LEXIS, News Library AFP file [hereinafter Flawed Landmine Ban]. This estimate was calculated by India's main defense panel. See id.

\(^{29}\) See LANDMINES, supra note 7, at 7.

\(^{30}\) See id. Recent efforts by the United States, however, have revealed the possibility that technology used to build "Star Wars" weaponry in the 1980s may be capable of helping detect anti-personnel landmines. See Cambodia: 'Star Wars' Technology May Be Used on Land Mines, DOW JONES NEWS SERVICE, Nov. 6, 1997. The two United States scientists involved in the work hope their radar, in the form of a hand-held battery-operated sweeper, will aid in the development of the next generation of mine detectors. See id. The detector has been proven to
detected and removed by personnel equipped with hand-held mine detectors and non-metallic prods. The problem with the most recent technology is that it requires individuals to enter the minefields and risk detonation of the landmines. Sadly, some lesser-developed countries with landmine problems do not even have this technology available to them.

2. The Costs of Unrestricted Mine Warfare

As the number of landmines in the world continues to increase, economic growth and political stability for developing nations becomes more difficult. The mines "imprison a nation and its people; they limit every option." Landmines prevent valuable soil from being cultivated, thus undermining food security and creating famine. The infrastructure is crippled because things like power lines and bridges, for example, cannot be maintained or repaired. Health care costs associated with the large number of landmine victims exceeds what developing countries are capable of handling. Even if money is not a problem, the sheer number and severity of injuries is enough to overload any health care system.

The cost of landmine removal, in addition to the other harmful economic effects, exemplifies the difficulty that developing countries face in dealing with the landmine crisis. Consequently, countries like the United States are be effective in controlled laboratory tests but penetrating the soil may not be possible in areas of rugged terrain. See id.

32 See id.
33 See id.
35 Id.
36 See id. For example, a study done by the British Medical Journal, based on expected production without mines, found that agriculture production could increase by 88-200% in various regions of Afghanistan, 100% in Bosnia, 135% in Cambodia, and 36% in Mozambique. BMJ, Social Cost of Land Mines in Four Countries: Afghanistan, Bosnia, Cambodia, and Mozambique (visited Nov. 11, 1997) <http://www.bmj.com/bmj/archive/7007al.htm>.
37 See HIDDEN KILLERS 1994, supra note 20, at 13. "In Mozambique, for example, the United Nations reports that all 28 major road systems in the country are blocked by uncleared landmines." Id.
38 See id.
39 See id. at 13. "Many victims, who might otherwise live, die because the facilities to save them simply do not exist." Id. at 14.
placed on the front line to finance the world’s recovery from landmine warfare.  

C. Why Has the Use of Landmines Become Such a Problem?

Landmines are one of the cheapest weapons on the market today, and the market is booming. Over the past twenty-five years approximately 100 countries and government agencies have developed over 340 different types of anti-personnel landmines and manufactured them at a rate of five to ten million per year. The United States alone exported 4.4 million anti-personnel landmines between 1969-1992. Over 2.5 million of these mines were purchased by Iran during this twenty-three year period. Since the 1980s, however, the United States has sharply curtailed the export of mines. Presently, Russia, China, and Iraq are the biggest producers of landmines. The cost is as little as $3.00 per mine on the open market, yet to remove the same mine may cost up to $1000.00. The time spent laying mines is only a fraction of the time it takes to remove them. In fact, “[t]he ratio of emplacement time to removal time for land-laid mines is about 1:100.”

Mines have become increasingly easy to disperse. During WWII mines required a great amount of manual labor to emplace, but modern delivery systems are faster and more efficient to deploy. Mines can now be buried mechanically using a towing device or scattered from the air by military planes. Either way, combatants are able to mine a large area of land quite rapidly.

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41 See LANDMINES, supra note 7, at 36-37, 49.
42 See id. at 64.
43 See id. at 106.
44 See id. at 61-64.
45 See Flawed Landmine Ban, supra note 28.
46 See HIDDEN KILLERS 1994, supra note 20, at 1.
48 See McCall, supra note 16, at 240-41.
49 See id.
50 See id.
The last two decades have seen a dramatic increase in the non-traditional use of landmines, which means a greater level of danger for the civilian population. Traditionally, mines were used to prevent enemy troop movement, so mapped minefields were organized by military units. Such minefields would have to be covered by defending fire to prevent them from being breached and taken by the enemy for their use.

Landmines today are most commonly placed on the battlefields of less technologically advanced nations. Nearly seventy percent of the landmines laid in the last thirty years were laid in situations of civil strife, often in connection with external conflicts. This high percentage is a result of the extremely effective nature of landmines; they do not take a lot of training to use, and they can be made very easily. In many smaller regional wars, for example, guerilla and terrorist groups use landmines to achieve political and economic objectives. The use of landmines prevents civilians from farming their lands and improving their country's infrastructure. Larger countries have also continued to use landmines, regardless of the more technologically advanced weapons that are available, because they have proven to be an effective, long-term means of defending their border areas.

D. Why Previous Efforts To Restrict Landmine Use Have Been Ineffective


Annexed to the 1980 Convention on Conventional Weapons (CCW), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Landmine Protocol) represents the first attempt to establish

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51 See HIDDEN KILLERS 1993, supra note 31, at i.
52 See id.
53 See id.
54 See Gowdey, supra note 11, at 6.
55 See id.
57 See HIDDEN KILLERS'1993, supra note 31, at i.
58 See id.
59 See Michael J. Mathesona, Current Development, The Revision of the Mines Protocol, 91 AM. J. INT'L L. 158, 162-63 (1997). Russia, China, India, Pakistan, and Finland are some of the states using long-lived anti-personnel landmines emplaced by hand or machine to defend their borders. See id.
international law specifically developed to govern the use of landmines in armed conflict.\textsuperscript{60} Prior to this "the law relating to the use of landmines was comprised of principles of vague and uncertain scope such as military necessity and the principle of proportionality, as well as the prohibition against the use of weapons of indiscriminate effects."\textsuperscript{61}

The goal of the Landmine Protocol was to "reduce harm to civilians from mine warfare,"\textsuperscript{62} and reinforce the fundamental principles of international humanitarian law in landmine regulation.\textsuperscript{63} The Protocol did not ban the use of landmines, but rather put several limitations on their use.\textsuperscript{64} Namely, nations must not use landmines directly against civilians. They must take precautions to minimize harm to civilians when the military is attacking with mines, and can only use mines when the expected harm to civilians is outweighed by the anticipated military advantage.\textsuperscript{65}

Fifty-three nations have signed the CCW which includes the Landmine Protocol, but only forty-one nations are actually parties by ratification.\textsuperscript{66} Unfortunately, many countries actively involved with the use or production of mines have chosen not to ratify the CCW.\textsuperscript{67} It was not until March 24, 1995, that the United States Senate ratified the CCW so that it would be able to participate as a member with full voting rights at the Review Conference in 1996.\textsuperscript{68}

Key to the failure of the CCW to effectively restrict the use of landmines is the combination of "exceptions, limitations, loop-holes and admonitory (as distinguished from prohibitory) clauses [which] renders this treaty ineffective."\textsuperscript{69} The treaty lacks clear examples and consistent definitions to ensure compliance.\textsuperscript{70} The treaty does not contain adequate enforcement mechanisms.

\textsuperscript{61} Id.
\textsuperscript{62} LANDMINES, supra note 7, at 262.
\textsuperscript{64} See LANDMINES, supra note 7, at 262.
\textsuperscript{65} See id.
\textsuperscript{66} See McCall, supra note 16, at 265.
\textsuperscript{67} See Smith, supra note 47, at 525.
\textsuperscript{69} See Smith, supra note 47, at 525.
\textsuperscript{70} See McCall, supra note 16, at 260.
to correct any violations.71 One very serious problem with the CCW is its failure to apply to internal conflicts that have become the most serious venues for landmine use.72 The Landmine Protocol is generally only applicable to international armed conflicts and some wars of self-determination.73 Thus, the restrictions do not apply to countries like Afghanistan, Angola and Cambodia.74 The Landmine Protocol does protect civilians in theory, but it fails to provide restrictions on harm done to soldiers.75 Consequently, brutal and barbaric types of anti-personnel mines are allowed as long as they harm soldiers and not civilians.76 Lastly, the international community has not made concerted efforts to enforce the Landmine Protocol or to achieve ratification by meaningful numbers.77 The Landmine Protocol has failed to achieve its goals. The Human Rights Watch Arms Project has observed that “in the decade since the Landmine Protocol entered into force, mine use has proliferated and attacks on civilians have multiplied manyfold.”78


A meeting of the international community convened in Vienna on September 25, 1995, to work on reviewing and revising the articles of the CCW.79 However, much to the dismay of the landmine ridden countries, the governments at the Review Conference “fought to protect their right to use them [landmines],” rather than devise a method for banning the indiscriminate weapons.80

The Review Conference did achieve some modifications that have the potential to offer civilians additional protections against the effects of landmines. First, the revised addition of the Landmine Protocol applies to non-international or internal armed conflicts.81 Thus, civil strife may be more

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71 See id.
72 See id.
73 See id. at 264.
74 See id.
75 See id. at 263.
76 See id.
77 See id. at 260.
78 LANDMINES, supra note 7, at 353.
79 See Ferrer, supra note 63, at 153.
81 See Ferrer, supra note 63, at 153.
Second, members agreed that minefields should be mapped even when they are not preplanned. The original CCW required that only pre-phased minefields be mapped. In addition, responsibility for removing mines was assigned to those who deployed them. The Landmine Protocol also now requires member states to enact penal legislation to deter serious violations of its provisions.

The reality is that few new regulations within individual countries have occurred since the Review Conference. Furthermore, the Landmine Protocol still lacks an enforcement system to verify compliance. "The amended Protocol, while preferable to the original version, did far more to reaffirm the legitimacy of landmines than to stop their use." Simply put, humanitarian concerns took a back seat to the military objectives of the countries participating in the Review Conference.

III. HOW THE LANDMINE TREATY WILL BAN THE USE OF LANDMINES

The Landmine (Oslo) Treaty, created as a result of the Ottawa Process, is formally known as the Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-Personnel Mines and on Their Destruction. The treaty is a response to widespread recognition of the failures of the Landmine Protocol under the CCW and the Conventional Weapons Review Conference, the goal of which was to find a workable means of preventing the indiscriminate use of landmines. "Finally, it seemed, there could no longer be any excuse for doing whatever was necessary to stop the carnage wrought by landmines."

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82 This change is significant because landmines are mainly used in civil wars. See Gowdey, supra note 11, at 5.
83 See Ferrer, supra note 63, at 153.
84 See id. at 154.
85 See id.
86 See id.
87 See id.
88 See id.
89 See id.
90 See id.
91 See Negotiating a Minefield, supra note 26.
92 See Oslo Treaty, supra note 1, at 1507.
93 Leahy, supra note 80.
The Landmine Treaty was formally adopted on September 18, 1997, with eighty-nine countries participating in the negotiations and 125 countries signing the Treaty in Ottawa, Canada, on December 3 and 4, 1997. Thirty-six nations were observers to the Oslo negotiations that resulted in an unambiguous ban on all anti-personnel landmines. The basics for achieving a ban under the agreement are that all signatories must destroy their stockpiles within four years of ratifying the treaty and all minefields must be cleared within ten years.

As the preamble to the Landmine Treaty sets forth, the State Parties are "[d]etermined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenseless civilians."

A. Article I—General Obligations

Under Article I of the Landmine Treaty each State Party agrees "never under any circumstances" to use any anti-personnel mines, or to develop, produce, stockpile, purchase or transfer anti-personnel mines. Also, each country agrees to destroy all anti-personnel mines in their possession in accordance with the provisions of the Convention.

B. Article 3—Exceptions

Notwithstanding the requirements of Article I, anti-personnel mines may be retained or transferred "for the development of and training in mine

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92 See A Gift to the World in Oslo Treaty Banning Antipersonnel Mines Adopted!, (last modified Sept. 17, 1997) <http://www.oneworld.org/landmines/banned.html> [hereinafter A Gift to the World]. Notable exceptions to the countries that have renounced landmines are China, India, and Pakistan, which, like Russia, refused to attend the treaty negotiations in Oslo. Also reluctant are Cuba, North Korea, Iran, and Iraq. See David S. Cloud, Nobel Winner Chides Clinton in Mine Pact, CHI. TRIB., Oct. 11, 1997, § 1, at 1.


94 See A Gift to the World, supra note 92.

95 See Cloud, supra note 92.

96 Oslo Treaty, supra note 1, at 1509.

97 Id. art. 1, at 1510.

98 See id.
detection, mine clearance, or mine destruction techniques." However, only a minimum number of mines may be kept for such purposes.

C. Article 5—Destruction of Anti-Personnel Mines in Mined Areas

This article requires participating countries to destroy all anti-personnel landmines in mined areas under their control. The mines must be completely destroyed within ten years. All parties to the treaty agree to carefully identify all areas where landmines have been deployed and ensure that these areas "are perimeter-marked, monitored and protected by fencing or other means" until the mines can be destroyed. If a State Party does not think itself capable of destroying all the mines within ten years, it can submit a request for an approved extension to a Meeting of the State Parties or to a Review Conference.

D. Article 6—International Cooperation and Assistance

Each State Party has the right to seek and to receive assistance from other parties through the exchange of materials and technological information. Those in a position to do so shall assist in the care and rehabilitation of mine victims, the removal of landmines and the destruction of stockpiles.

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99 Id. art. 3, at 1510.
100 See id.
101 See id. art. 5, at 1511.
102 See id. Many countries have already begun this process in anticipation of signing the Landmine Treaty. Canada has destroyed around 100,000 landmines in the last two years and on November 3, 1997, it detonated the last stockpile of 100 mines that remained, excluding a handful of mines retained for instructional purposes. See David Crary, Duo Sets Off Canada's Last Land Mines, PORTLAND OREGONIAN, Nov. 4, 1997, at A3. Britain has especially gone out of its way to comply with the treaty and has destroyed all of its anti-personnel landmines 10 months ahead of its own schedule. See Britain Completes Destruction of Army's Anti-personnel Mines, ASSOCIATED PRESS NEWSWIRE, Feb. 22, 1999.
103 Oslo Treaty, supra note 1, art. 5, at 1511. The markings should be no less than required in the standards set out in the Landmine Protocol. See id.
104 See id.
105 See id. art. 6, at 1511-12.
106 See id.
E. Article 7—Transparency Measures

Each party is required to report the following to the secretary-general of the United Nations no later than 180 days after the entry into force of the Convention by the particular party: the total of all stockpiled anti-personnel mines owned or under the state's control, the location of all mined areas that may contain anti-personnel mines and when the mines were emplaced, the types and quantities of mines retained for training purposes, the status of programs for the destruction of anti-personnel mines and for the decommission of anti-personnel mine production facilities, the types and quantities of mines destroyed, the technical characteristics of all mines currently within the state's possession and measures taken to warn the population of deployed mines.108

F. Article 8—Facilitation and Clarification of Compliance

Probably the most crucial element of the treaty is the provision of a system for compliance; all previous treaties involving landmines have failed to include this element. Article 8 § 1 requires that "[t]he State Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by State Parties with their obligations under this Convention."109 This article also includes specific steps that a State Party can take if it believes another State Party has failed to obey the treaty.110

107 This is to "include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled." Id. art. 7, at 1512-13.
108 See id.
109 Id. art. 8, at 1513-15.
110 Id. The State Party can submit a Request for Clarification to the secretary-general of the United Nations. The State Party in question must then submit all the required information to clarify its compliance. If it does not submit the information or if the information is inadequate, a fact-finding mission may be authorized to go in to investigate the Party's activities regarding landmine use. The Meeting of the State Parties, after reviewing the fact-finding results, may request the State Party to take certain measures to address the compliance issue. Id.
G. Article 19—Reservations

Several countries, including the United States, were unwilling to sign the treaty because of the language in this section.111 The article simply states, "[t]he Articles of this Convention shall not be subject to reservations."112

H. Other Articles

Although there are twenty-two articles to the treaty, only the more important ones have been summarized.

IV. Which Countries Will Sign the Oslo Treaty?

Nearly 120 nations were expected to sign the Landmine Treaty once it opened for signatures in December 1997.113 By February 1999, 133 nations had signed.114 All of NATO had signed except the United States and Turkey, and all of the Western Hemisphere had signed except the United States and Cuba.115 There are several major landmine producers116 and users117 which have committed themselves to signing the treaty since its inception.118 Surprising the international community, President Boris Yeltsin stated that Russia will eventually sign the proposed Ottawa convention.119 While Russia’s signing of the treaty has yet to take place, Yeltsin’s comment illustrates that the Russians are taking a fresh look at the issue.120 Even President Clinton has

111 See generally Press Briefing by Robert Bell, Special Assistant to the President, National Security Council (Sept. 19, 1997), available in 1997 WL 14463239 (discussing the United States desire for a reservation regarding Korea).
112 Oslo Treaty, supra note 1, art. 19, at 1518.
115 See id.
117 These include governments such as Angola, Cambodia, and Mozambique. See id.
118 See id.
120 See id.
committed the United States to signing the Landmine Treaty by the year 2006, if the Pentagon is able to develop alternatives by that time.\textsuperscript{121} While it is a huge success to have so many countries become signatories to the Landmine Treaty, a signature is simply a mark of general intent.\textsuperscript{122} It is the ratification stage that truly represents a firm commitment.\textsuperscript{123} Forty countries were needed to ratify the Landmine Treaty before it could enter into force, and even then there was a further six month delay.\textsuperscript{124} Burkina Faso had the honor of being the fortieth country to ratify the Landmine Treaty in September 1998.\textsuperscript{125} After the six month delay, on March 1, 1999, the Landmine Treaty became binding among the countries that had ratified it.\textsuperscript{126}

V. WHY HAS THE UNITED STATES REFUSED TO SIGN THE OSLO TREATY?

The United States, although a participant in the conference that produced the Landmine Treaty, has refused to become a signatory because the treaty would threaten the protection of military troops internationally.\textsuperscript{127} As of November 1997, the United States had 100,000 troops stationed in Asia and, of those, 37,000 were in South Korea.\textsuperscript{128} The United States attempted to secure an exception for Korea.\textsuperscript{129} Consequently, the United States refused to sign the treaty when its proposed exceptions were rejected by the other countries participating in the Ottawa process. The United States maintains that a Korean

\textsuperscript{121} See Jim Lobe, Disarmament: U.S. Considers Signing Landmine Ban By 2006, INTER PRESS SERVICE, May 24, 1998, available in 1999 WL 5987387. Although this commitment may be somewhat less significant due to President Clinton’s term ending in January 2001. See id.
\textsuperscript{123} See id.
\textsuperscript{124} See id.
\textsuperscript{126} See Treaty into Effect, supra note 114. Several of the countries that have ratified the agreement include: Canada, Austria, Bahamas, Bulgaria, France, Denmark, Germany, Norway, South Africa, Switzerland, and Britain. \textit{See Treaty Gets 40th, supra note 125.} Japan has also ratified the treaty, showing a great example of independent policy making as against the United States. \textit{See Suvendrini Kakuchi, Disarmament-Japan: Approval of Landmine Pact Earns Praise, INTER PRESS SERVICE, Sept. 30, 1998, available in 1998 WL 19900720.}
\textsuperscript{128} See id.
exception is essential to the safety of American troops. Likewise, the United States believes the anti-personnel landmines, which protect the antitank mines it wishes to continue using, are in the words of Pentagon spokesman Kenneth Bacon, "not a humanitarian threat" because they turn themselves off after a certain period of time.

It is important to note that although the United States was not willing to become a signatory, it is actively working to aid in the destruction and eventual ban of landmines. In terms of public policy, the White House, under President Bill Clinton, has made it clear that the United States will actively pursue the eradication of landmine use and the destruction of landmines that have already been deployed. In fact, in 1992 the United States Congress adopted the Landmine Moratorium Act, requiring a one year ban on the "sale, export, and transfer abroad of landmines." Believed to be the first such legislation in the world, the Act signifies that the United States has proven to be a leader in humanitarian de-mining efforts. In 1996, President Clinton further agreed that the United States "would destroy most of its own stockpile of 'dumb' anti-personnel mines by 1999." Since 1993, the United States has contributed over $153 million to train foreign de-miners in countries littered with landmines. In 1999 alone, the Defense Budget calls for $52 million for de-mining efforts.

130 See U.S., Japan Discuss, supra note 127.
132 See U.S. Efforts, supra note 40.
133 See id. On September 26, 1994, at the UN General Assembly, President Clinton proclaimed the need for the elimination of anti-personnel landmines, becoming the first world leader to make such a statement. See id. President Clinton also insisted, however, that "hi-tech, self-destroying 'smart' mines should be exempted from any ban." Jim Lobe, Disarmament-U.S.: Clinton Firm on Landmines Despite Nobel, INTER PRESS SERVICE, Oct. 10, 1997, available in 1997 WL 13257052.
134 LANDMINES, supra note 7, at 319.
135 See id. at 316-22.
137 See U.S. Efforts, supra note 40. Around one-quarter of the people actively de-mining in the world were trained and equipped by the United States. See id.
Subsequent to the many attacks made against its unwillingness to sign the Landmine Treaty, the United States announced its plan to raise up to $1 billion annually to clear away minefields by the year 2010. Secretary of State Madeleine Albright said “the initiative’s goal was to ‘ensure that civilians in every country on every continent are secure from the threat of landmines by the end of the next decade.’ ” In keeping with the United States’ plan to retain landmines in South Korea, the new initiative will only apply to landmines that pose a threat to civilians. While the plan is honorable, arguably the United States will be spending billions to remove mines while at the same time placing new ones. The United States may promote landmine destruction, but do its actions speak to other countries louder than its words?

A. The Korean Exception: Why Was It Necessary?

According to President Clinton and other governmental officials, the United States’ main concern over the Landmine Treaty has been the safety of American troops in Korea. Whether this is simply an excuse for the president’s ulterior motives or a true concern remains in controversy. The United States, although unwilling to adhere to the Landmine Treaty’s schedule for removal, has set its own goals to halt the use of anti-personnel landmines outside Korea by the year 2003. The United States has not, however, adhered to this goal. In fact, the U.S. Congress has passed and the President has signed the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. The act repeals the one-year moratorium on the use of anti-personnel landmines by the United States. The moratorium had been set to go into effect in February 1999. The goal of the United States for its operations in Korea is to find an alternative to landmines and stop anti-personnel landmine use by the year 2006.

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140 Id.
141 See id.
142 See U.S., Japan Discuss, supra note 127.
143 See id.
145 See id.
146 See id.
1. What Exceptions Did the United States Demand At the Treaty Conference?

As the Oslo negotiations began to near completion, the United States finally decided to enter the game. Much to the dismay of the treaty’s supporters, the United States proposed that the treaty negotiations be delayed to allow it more time to discuss with other nations the possibility of allowing a change to the treaty text.\(^\text{147}\) Once granted the delay, the United States continued to ask for: “1) a change in the treaty’s definitions to permit it to continue to use one million of its ‘smart’ antipersonnel mines; 2) reversal of the provision prohibiting governments from withdrawing from the treaty during armed conflict; [and] 3) a nine-year delay in the effective date of the treaty for all nations.”\(^\text{148}\) These exceptions required, and failed, to obtain a vote of two-thirds of the participating governments and thus were not adopted.\(^\text{149}\)

One element of the first demand was to insert the word “near” into the established anti-handling device definition to include any armaments placed “near” an antivehicle mine.\(^\text{150}\) Those supporting the Landmine Treaty feared the result would be that “any AP [anti-personnel] mine placed ‘near’ an antivehicle mine would magically be transformed into an antihandling device,” thus making it acceptable under the treaty.\(^\text{151}\) This proposal was the United States’ third and least successful attempt to redefine treaty definitions to exempt its Gator, Volcano and MOPMS anti-personnel mines.\(^\text{152}\) Unlike the first two attempts, this would not have listed specific exceptions but rather would have allowed any munition a government intended to place “near” an antivehicle mine in order to protect that mine.\(^\text{153}\) “Adoption of this ‘definition’

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\(^\text{149}\) See id.

\(^\text{150}\) See id.

\(^\text{151}\) Id.

\(^\text{152}\) Ban Treaty News No Exceptions—No Reservations—No Loopholes, Sept. 16, 1997 (visited Nov. 11, 1997) <http://www.oneworld.org/landmines/ban_news4.html> [hereinafter Ban Treaty News]. The United States has about one million of these three anti-personnel mines in its present inventory. See id. These mines are intended to be “near” antivehicle mines and are intended to activate only when they are intentionally disturbed. See id. The mines operate with very sensitive and hard to see wires that when touched cause the mine to explode. See id. Thus, they could clearly pose a threat to civilians engaging in innocent acts. See id.

\(^\text{153}\) See id.
would allow continued proliferation of all AP mines, smart and dumb, as long as they were labeled 'antihandling devices.'"^{154}

From the United States' perspective, it is not requesting "pure" antipersonnel mine use, but rather anti-tank and anti-vehicular landmines that are self-destructing^{155} and have a sub-munition component that is somewhat like an anti-personnel landmine.^{156} The purpose of the sub-munition component is to prohibit the enemy from manually detonating the anti-tank mines, rendering them useless.^{157} The purpose of the anti-tank mine is to "provide a protection and a control mechanism for our forces so that enemy forces are delayed and controlled in such a way that our air assets can destroy them."^{158}

The proponents of the treaty, in regard to the United States' third demand, felt that it "[was] completely at odds with the purpose of the treaty."^{159} While the United States argued that "the deferral may provide enough time to build stability on the divided peninsula,"^{160} supporters of the treaty adamantly refused this exception because the nine year delay would have likely resulted in nearly one-quarter million new landmine victims.^{161}

2. What Do the Demands Have To Do With the United States' Involvement in South Korea?

The United States asserted that because of its critical, strategic responsibilities and the high level of tension on the Korean Peninsula, it must keep landmines deployed in Korea.^{162} Landmines are necessary, so the argument goes, for the United States to meet its obligation on the Korean Peninsula to defend South Korea and American forces from armed aggression by the North

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^{154} Id.
^{155} U.S. DoD: DoD News Briefing, M2 PRESSWIRE, Aug. 21, 1997, available in 1997 WL 13652830. Ninety-five percent of these mines self-destruct in either four or forty-eight hours and the other five percent destruct in several days. See id.
^{156} See id.
^{157} See id.
^{158} Id.
^{159} U.S. to Make Final Attempt to Maim Landmine Ban Treaty, supra note 148.
^{161} See Ban Treaty News, supra note 152.
Koreans across the Korean Demilitarized Zone (DMZ). The Korean Peninsula is considered a "unique case" so far as the United States' desire to ban landmines is concerned. Thus, the United States will be unmoving in its demand to use anti-personnel landmines there until "alternatives become available or the risk of aggression has been removed." Not surprisingly, South Korea has also said that it perceives landmines as an essential part in maintaining the "security of the border with the communist north."

B. Was the President Correct in His Decision Not to Sign the Landmine Treaty?

President Clinton's failure to sign the treaty has been widely criticized, even among ex-military personnel. Was it a decision reflecting an unwillingness to unilaterally disarm when other world powers were unwilling to sign? Is the threat in Korea so very volatile that the United States must have the use of anti-personnel landmines in excess of all other military hardware available to it? Or is the treaty destined to fail because it can never be realized at the current rate of demining? While conclusive answers do not exist, many have chosen to voice their opinion.

1. Arguments From Those Opposed to President Clinton's Refusal to Sign the Landmine Treaty

The toughest criticism of the United States' failure to sign the Landmine Treaty is that the absence of the United States will greatly hinder the strength...
of the agreement. As Senator Patrick J. Leahy said, "[b]y not signing, we weaken the treaty; we give others an excuse not to sign and thereby we become part of the problem." Or, in the words of the Director for Demilitarization for Democracy, "[a]s long as the United States refuses to give up its own landmines in Korea, there will be no effective international ban agreement."

It is also argued that the United States simply does not need anti-personnel landmines in Korea. In May of 1996, President Clinton ordered the Pentagon to begin a search for weapons and tactics that could be used instead of anti-personnel landmines. An interim report in January 1997, revealed that landmines were necessary to United States’ military missions, even though fourteen retired generals, including former commanders in Korea, Vietnam and the Persian Gulf, as well as Colin Powell, believe a ban would be militarily responsible. As retired Army Lieutenant-General James Hollingsworth, a former commander of American troops in Korea, said, "'[t]o be blunt, if we are relying on these weapons to defend the Korean peninsula we are in big trouble.'" The Director for Demilitarization for Democracy, Caleb Rossiter, believes the president “failed to read between the lines” of the report that would have allowed United States’ participation in the Landmine Treaty.

While the report says that no single technology exists that can fill the [sic] all the functions of landmines finding, delaying, and channeling enemy forces it also identifies for the first time the types of technologies and weapons that used in

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168 Id. (quoting the senator). The senator was one of the Americans at the Ottawa Conference along with Representatives Jack Quinn of New York and Lane Evans of Illinois. See id. All three have sponsored legislation to force the United States to give up mines. See id.
169 Rossiter, supra note 129.
170 See id.
171 See id.
174 Demilitarization for Democracy is a Washington research group that has recently completed a study on the United States' mine strategy in South Korea. See id.
175 Rossiter, supra note 129.
combination could do the job, both militarily in Korea and and [sic] diplomatically in Ottawa.176

Rossiter also believes that "[w]hat they [United States] really want to do is keep a new type of mine that no one else uses."177

Yet another argument is that the Pentagon’s predictions of harm to United States’ soldiers if war breaks out are inaccurate. “The Pentagon has made the astounding claim that its computer war games show that a ban on United States’ anti-personnel landmines would result in tens of thousands of United States and South Korean casualties in a North Korean attack.”178 Some believe that the computer model should have generated results more favorable to the United States in light of the millions of long-life, anti-tank and Claymore mines already laid in the DMZ that would remain active many years after the signing of the Landmine Treaty.179 According to Pentagon officials involved in the war game, the report is flawed.180 While “[n]o U.S. military commander doubts that allied forces would defeat an invading force with or without anti-personnel landmines,”181 the Pentagon and the president still believe that “ending the use of one type of weapon by only five percent of a ground force is predicted to result in tens of thousands of additional casualties.”182

Furthermore, many argue that a North Korean attack would be suicidal for many reasons. First, it is argued that if the North Koreans attacked the 37,000 American troops in Korea, the full force of the United States military would devastate the impoverished North Korea in the same way Desert Storm devastated Iraq in 1991.183 Second, the United States ground forces would probably not even be needed to defeat North Korea due to the 548,000 South
Korean soldiers that are capable of such a task.\textsuperscript{184} Third, South Korean equipment and tactics are far more modern than those of their North Korean counterparts, and the mountainous border clearly favors the defenders.\textsuperscript{185} Finally, the millions of anti-personnel landmines deployed by South Korea would not be affected by the United States' participation in the landmine ban.\textsuperscript{186} A surprise attack on Seoul followed by an attempt at negotiations is similarly unlikely because United States reconnaissance would pick up North Korean activity before such an attack, and Desert Storm illustrated to the world that the United States will seek devastation over negotiations.\textsuperscript{187} Thus, in Korea, "the U.S. landmines that would be barred by the Canadian ban can be replaced without impairing the defense of South Korea."\textsuperscript{188}

It is also argued that the humanitarian concerns regarding landmine use outweigh any potential military utility. In the Korean War, United States' landmines caused more American deaths than enemy mines.\textsuperscript{189} According to the Korean Defense Ministry, in the last five years thirty-five people from South Korea have been killed and forty-three injured in accidental landmine explosions.\textsuperscript{190}

Lastly, there are people who believe that President Clinton would have signed the Landmine Treaty if he had not had other priorities. In the words of one writer, "every year [the president] has to get a certain number of international treaties past the Senate Foreign Relations Committee, whose chairman, Jesse Helms, basically hates foreigners and all their works."\textsuperscript{191} In 1997, President Clinton's highest priorities did not include the Landmine Treaty. Rather, he hoped to get the Senate to agree to let Poland, the Czech Republic and Hungary join NATO.\textsuperscript{192} The belief was that the president could "not possibly get Helms to support that" if he also attempted to push through

\textsuperscript{184} See id.
\textsuperscript{185} See id.
\textsuperscript{186} See id.
\textsuperscript{187} See id.
\textsuperscript{188} Id.
\textsuperscript{189} See Ban Treaty News, supra note 152.
\textsuperscript{190} See Conor O'Clery, Unintended Casualties of Korea's Killing World's Longest Minefield Continues to Take Toll 44 Years After Ending of War Field, IRISH TIMES, Dec. 15, 1997, available in 1997 WL 16328377. A reporter for the Irish Times discovered from a DMZ guide that 49 of these injuries and deaths were soldiers and 29 were civilians. See id.
\textsuperscript{192} See id.
a landmine ban. Thus, "his decision to dodge or at least postpone the latter issue was a foregone conclusion."  

2. Supporting Arguments for President Clinton's Choice to Refuse to Become a Signatory to the Landmine Treaty

Predictably, South Korea fully supported President Clinton’s refusal to sign the Landmine Treaty. As South Korean delegate Sung Joo Lee strongly asserted, "the use of anti-personnel mines in the DMZ at our border with North Korea is absolutely necessary." In the words of the South Korean Foreign Minister, "[e]ven though the Cold War is over worldwide, the two Koreas stand face-to-face along the DMZ. No one can deny that the Korean peninsula has the highest probability of armed conflict in the world." As recent as October 1997, South Korean President Kim Young Sam warned German Foreign Minister Klaus Kinkel, during talks shortly after a minor border clash, that there was a real possibility of war with North Korea.

It is possible that those opposed to President Clinton’s decision not to sign the Landmine Treaty would feel differently if they knew the true extent of the problem. "Little known to the public was how close the United States had come to war with North Korea in 1994 over the secretive Communist regime’s handling of nuclear weapons." The North refused to allow international inspections of its nuclear facilities aimed at ensuring materials were not being used for bomb production. Although a settlement was eventually negotiated, the United States was forced to prepare for the worst after North Korea declared that the proposed United Nations’ sanctions would lead to war. This episode must have factored into President Clinton’s decision not to sign the treaty.

The South Korean government does not wish for the United States’ efforts in enforcing peace between the North and South to be hampered by the Landmine Treaty. "[Korea] is not Australia or Canada. We face a 1.1 million-

193 Id.
194 Id.
195 Koch, supra note 163.
197 See Real Danger of War, supra note 165. Kinkel, however, told journalists that "he considered a collapse of North Korea to be more likely than war between the two nations." Id.
198 Susan Feeney, This Issue Is a Mine Field, BUFFALO NEWS, Jan. 4, 1998, at H1.
199 See id.
200 See id.
strong hostile army of a Stalinist regime that invaded in 1950, killing millions of people. Removing mines from the DMZ would only encourage the North to attack again,” said a Korean official.²⁰¹ The Pentagon has predicted that United States and South Korean casualties would increase by one-third if landmine use were prohibited.²⁰² The United States only wishes to keep the anti-personnel landmines that are used to keep enemy soldiers from clearing anti-tank mines during battle, but its requests to modify the treaty in such a way were denied.²⁰³ Ironically, the United States’ European allies that use a similar explosive device that attaches to an anti-tank mine for the same purpose, received an exemption for their weapons in the Ottawa agreement.²⁰⁴

In addition to concerns of a potential military conflict, South Korea has asserted that “[t]he mine fields are clearly identified and their access is controlled so that no civilian casualties can occur, unlike in Cambodia and Angola.”²⁰⁵

Last of all, the United States’ landmine “policy offers a paradigmatic example of responsible mine use.”²⁰⁶ The United States uses self-neutralizing mines everywhere except Korea, and the landmines do serve a legitimate long term goal of protecting various boundaries with narrow strips of “No man’s land,” where they pose little danger to civilians.²⁰⁷ The rest of the mines laid by the United States are in plain sight, self-neutralize within hours and usually involve anti-tank mines surrounded and protected by anti-personnel mines.²⁰⁸ “The United States’ landmine policy has not and will not result in mass civilian casualties.”²⁰⁹ Rather, it saves lives and the Landmine Treaty would degrade the armed forces’ ability to defend themselves.²¹⁰

²⁰² See Feeney, supra note 198. That is as much as 180,000 more military casualties in the first three months of a conflict alone. See id.
²⁰⁴ See id. However, it is believed by some that if the United States had begun the process of negotiating an exception for Korea earlier, it probably could have negotiated a treaty it could sign because there was much sympathy for the Korean problem. See Feeney, supra note 198.
²⁰⁵ Koch, supra note 163. This statement was made by the South Korean delegate Sung Joo Lee. See id.
²⁰⁷ See id.
²⁰⁸ See id.
²⁰⁹ Id.
²¹⁰ See id. For example, during Desert Storm the Air Force rapidly laid a large minefield that stopped two Iraqi divisions that were moving to attack. See id.
Simply put, "[y]ou cannot expect the Pentagon to voluntarily give up this weapon," argued Robert Gard, President of the Monterey Institute of International Studies and retired Army general. Gard also believes that "Pentagon officials believe banning antipersonnel landmines would set a precedent that would force them to give up similar weapons." Furthermore, presidential spokesperson Mike McCurry has said that "[t]he President is absolutely rock-solid confident that he’s got the right approach that protects our interests." As a former soldier, landmine victim Paul Jefferson believes landmines not only play a key role in modern warfare but also that both armies and besieged people should have the right to use them in self-defense.

VI. WILL THE LANDMINE TREATY REALLY WORK?

From a realistic perspective, the treaty’s goals may be unobtainable in practice, although promising in theory. It is estimated that the cost of complying with the treaty will cost up to thirty billion dollars. "According to [United Nations] officials, it could therefore take almost a millennium to clear existing minefields at current levels of funding for demining programmes." The treaty does not include how such costs are to be distributed or met. Signatories do not commit themselves to spending any certain amount of money to clean up old mine fields, and they have as much as twenty years to complete demining, by which time many more victims may suffer the consequences. Furthermore, the treaty has been criticized as being a "consensus among nations that are irrelevant," because there are so many major users and producers of landmines that are not participating in the treaty.

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212 Id.
213 Lobe, supra note 133.
214 Carl Honore, Dissident Says Past Just Stunt/Victim of Land Mine Speaks Against Treaty, HOUSTON CHRON., Dec. 4, 1997, at A32. For example, “citizens of Sbrenica, in the former Yugoslavia, used landmines to protect themselves from ‘ethnic cleansing.’” Id.
215 See Tim Burt, U.S. Concession on Landmines Attacked, FIN. TIMES, Sept. 16, 1997, available in 1997 WL 22990514. This sum is based on international assumptions that it costs roughly $300 to remove each of the nearly 100 million anti-personnel landmines strewn throughout the world. See id.
216 Id.
217 See Chapman, supra note 203.
218 Honore, supra note 214. Besides the United States, Russia, China, India, Pakistan, and most of the Middle East have refused to sign the treaty. See id.
A. Is the Landmine Treaty Diverting Funds Away From Demining Efforts?

Paul Johnson, a landmine victim who lost a leg, his sight and hearing in one ear in Kuwait in 1991, argues that the ban is simply a "media stunt" that's "not worth the paper it's written on."219 The Landmine Treaty, argues Johnson and others, will not save any lives, regain land for civilian use or stop mines from being deployed into the ground.220 What the Landmine Treaty has done is to divert attention and funding away from mine clearance where it is needed to save lives and instead focused it on a ban.221 It is no secret that attention for the last couple of years has steadfastly remained focused on the political movement to ban landmines and obtain signatories for the treaty.222 Thus, while "[s]upporters of the treaty habitually invoke the image of Third World children being maimed and killed by the 100 million mines scattered across countless former war zones," it has been mainly the United States that has kept its focus on actually clearing the mines that are killing civilians.223 The United States leads the world as a financial contributor for demining. Why then is the United States criticized for the responsible use of landmines in South Korea to protect its own troops? Just one year after more than 120 countries have signed the Landmine Treaty, many governments are already falling short on pledges to finance mine clearance.224

B. Signatories to the Landmine Treaty Are Already Breaking Their Promises

While the Landmine Treaty exceeds any previous effort to ban landmines, it will still be very difficult to monitor the ban, "an endless and expensive task for which there is scant provision in the treaty."225 This leaves compliance to the good faith of the countries that have ratified the treaty, and already that good-faith effort is failing.226 In February 1999, just one month before the Landmine Treaty would come into effect officially, Serb military engineers

219 Id.
220 See id.
221 See id. The mine clearance will be slowed down without the extra needed attention. See id.
222 See id.
223 Chapman, supra note 203.
225 Ryle, supra note 122, at 61.
226 See id.
were laying landmines along their border with Albania.\textsuperscript{227} This action comes as no surprise to those who believe the treaty ban will never work because it will be too easy for states to forget their promise, especially in circumstances where a state is fighting an internal security war.\textsuperscript{228}

VII. CONCLUSION

The decision by the United States not to sign the treaty is a controversial one. Surely those on both sides of the issue would agree that serious action is necessary to put an end to the thousands of casualties landmines cause each year. The debate then really is centralized around the best means of achieving this end and what sacrifices should be made to obtain this goal. Given this ultimate goal, one commentator wrote that the United States has been "a model of responsible behavior in the use of landmines, and it has led the way in getting rid of millions of mines that are no threat to its own citizens."\textsuperscript{229} Thus, the United States should not be "portrayed around the world as the chief obstacle to progress against this cruel scourge."\textsuperscript{230}

The ultimate goal of ending injuries to innocent civilians must be balanced against the potential costs and risks of the treaty. Supporters of the United States position believe that "it is premature to insist upon the removal of landmines from the inter-Korean border. This move must wait until the threat posed by intransigent North Korea has passed into memory."\textsuperscript{231} From a precautionist viewpoint, this seems like the more appropriate approach. Why tempt North Korea with the fact that the United States no longer has landmines available to deploy in the DMZ? Assume a military attack by North Korea after landmines became unavailable to the United States. Even if North Korea were defeated and even if predicted additional American casualties did not materialize, there would still be more to consider. North Korea may overestimate the military value of the landmines and thus be more willing to launch a strike given the absence. Every casualty from any such strike might be prevented by keeping landmines in Korea. While many of the treaty's supporters have criticized this argument, they are certainly less qualified to make this assessment than the Pentagon.

\textsuperscript{228} See \textit{id.}
\textsuperscript{229} Chapman, \textit{supra} note 203.
\textsuperscript{230} \textit{Id.}
Those who oppose the United States position not to sign believe the treaty will be effective, despite claims that it is unenforceable, because the "best hope for enforcement will be stigmatizing and ostracizing nations that continue to use mines."\textsuperscript{232} The political movement that has swept the world has even been willing to leave the United States behind because it would not agree to the treaty's provisions. "Although the United States and some other top military powers did not sign the treaty, its supporters said the pact nonetheless established a global standard and effectively branded mines as weapons of terror."\textsuperscript{233}

The number of landmine victims continue to provoke much deserved sympathy from people world wide. While the cause is truly noble, the cause alone cannot justify provisions in the treaty that would endanger United States military interests. This is especially true because the treaty has not effectively provided for the removal of the millions of unmapped landmines already in place. The Landmine Treaty's future has yet to be determined, but at least the desired awareness of the issue has been achieved.

\textsuperscript{232} Turner, \textit{supra} note 167.
