

103D CONGRESS
1ST SESSION

H. R. 2706

To extend for 3 years the moratorium on the sale, export, or other transfer abroad of anti-personnel landmines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1993

Mr. EVANS (for himself, Mr. KOPETSKI, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. VENTO, Mr. WAXMAN, Mr. LIPINSKI, Mr. DEUTSCH, Ms. PELOSI, Mr. DEFazio, Mrs. UNSOELD, Mr. BONIOR, Mrs. MORELLA, Mr. TOWNS, Mr. HOCHBRUECKNER, Mr. STARK, Mr. SERRANO, Mr. DELLUMS, Mr. ANDREWS of Maine, Mr. MILLER of California, Mr. MOAKLEY, Mr. ENGEL, Mr. OWENS, Mr. PAYNE of New Jersey, Mr. SCHIFF, Mr. DURBIN, Mrs. SCHROEDER, Mr. FILNER, Mr. HINCHEY, Mr. FALDOMAEGA, Mr. BARRETT of Wisconsin, Ms. FURSE, and Mr. VISCLOSKY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To extend for 3 years the moratorium on the sale, export, or other transfer abroad of anti-personnel landmines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Landmine Moratorium
5 Extension Act of 1993”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) Anti-personnel landmines, which are de-
4 signed to maim and kill people, have been used in-
5 discriminately in dramatically increasing numbers
6 around the world. Hundreds of thousands of non-
7 combatant civilians, including children, have been
8 the primary victims. Unlike other military weapons,
9 landmines often remain implanted and undiscovered
10 after conflict has ended, causing massive suffering to
11 civilian populations.

12 (2) Tens of millions of landmines have been
13 strewn in at least 62 countries, often making whole
14 areas uninhabitable. The Department of State esti-
15 mates there are more than 10,000,000 landmines in
16 Afghanistan, 9,000,000 in Angola, 4,000,000 in
17 Cambodia, 3,000,000 in Iraqi Kurdistan, and
18 2,000,000 each in Somalia, Mozambique, and the
19 former Yugoslavia. Hundreds of thousands of land-
20 mines were used in conflicts in Central America in
21 the 1980's.

22 (3) Advanced technologies are being used to
23 manufacture sophisticated mines which can be scat-
24 tered remotely at a rate of 1,000 per hour. These
25 mines, which are being produced by many industri-

1 alized countries, were discovered in Iraqi arsenals
2 after the Persian Gulf conflict.

3 (4) At least 300 types of anti-personnel land-
4 mines have been manufactured by at least 44 coun-
5 tries, including the United States. However, the
6 United States is not a major exporter of landmines.
7 During the past 10 years the Executive branch has
8 approved 10 licenses for the commercial export of
9 anti-personnel landmines with a total value of
10 \$980,000 and has approved the sale under the For-
11 eign Military Sales program of 109,129 anti-person-
12 nel landmines.

13 (5) The United States signed, but has not rati-
14 fied, the 1980 Convention on Prohibitions or Re-
15 strictions on the Use of Certain Conventional Weap-
16 ons Which May Be Deemed To Be Excessively Inju-
17 rious or To Have Indiscriminate Effects (hereinafter
18 in this Act referred to as the “1980 Convention”).
19 Protocol II of the 1980 Convention (commonly re-
20 ferred to as the “Landmine Protocol”) prohibits the
21 indiscriminate use of landmines.

22 (6) When it signed the 1980 Convention, the
23 United States stated: “We believe that the Conven-
24 tion represents a positive step forward in efforts to
25 minimize injury or damage to the civilian population

1 in time of armed conflict. Our signature of the Con-
2 vention reflects the general willingness of the United
3 States to adopt practical and reasonable provisions
4 concerning the conduct of military operations, for
5 the purpose of protecting noncombatants.”.

6 (7) The United States also indicated that it had
7 supported procedures to enforce compliance, which
8 were omitted from the 1980 Convention’s final draft.
9 The United States stated: “The United States
10 strongly supported proposals by other countries dur-
11 ing the Conference to include special procedures for
12 dealing with compliance matters, and reserves the
13 right to propose at a later date additional proce-
14 dures and remedies, should this prove necessary, to
15 deal with such problems.”.

16 (8) The lack of compliance procedures and
17 other weaknesses have significantly undermined the
18 effectiveness of the Landmine Protocol. Since it en-
19 tered into force on December 2, 1983, the number
20 of civilians maimed and killed by anti-personnel
21 landmines has multiplied.

22 (9) A 1-year moratorium on United States
23 sales, transfers, and exports of anti-personnel land-
24 mines has been in effect since October 23, 1992,
25 when section 1365 of the National Defense Author-

1 ization Act for Fiscal Year 1993 was signed into
2 law. Since that date, the European Parliament has
3 issued a resolution calling for a 5-year moratorium
4 on sales, transfers, and exports of anti-personnel
5 landmines and the Government of France has an-
6 nounced that it has ceased all sales, transfers, and
7 exports of anti-personnel landmines.

8 (10) On December 2, 1993, 10 years will have
9 elapsed since the 1980 Convention entered into
10 force, triggering the right of any party to request a
11 United Nations conference to review the 1980 Con-
12 vention. Amendments to the Landmine Protocol may
13 be considered at that time. The Government of
14 France has made a formal request to the United
15 Nations Secretary General for a review conference.
16 With necessary preparations and consultations
17 among governments, a review conference is not ex-
18 pected to be convened before late 1994 or early
19 1995.

20 (11) The United States should continue to set
21 an example for other countries in such negotiations
22 by extending its moratorium on sales, transfers, and
23 exports of anti-personnel landmines for an additional
24 3 years. A moratorium of this duration would extend
25 the current prohibition on the sale, transfer, and ex-

1 port of anti-personnel landmines a sufficient time to
2 take into account the results of a United Nations re-
3 view conference.

4 **SEC. 3. POLICY.**

5 (a) IN GENERAL.—It shall be the policy of the United
6 States to seek verifiable international agreements—

7 (1) prohibiting the sale, transfer, or export of
8 anti-personnel landmines; and

9 (2) further limiting and eventually terminating
10 the manufacture, possession, and use of anti-person-
11 nel landmines.

12 (b) RATIFICATION OF 1980 CONVENTION.—It is the
13 sense of the Congress that the President should submit
14 the 1980 Convention to the Senate for its advice and con-
15 sent to ratification.

16 (c) ACTIONS UNDER UNITED NATIONS AUSPICES.—
17 Furthermore, it is the sense of the Congress that the Unit-
18 ed States—

19 (1) should participate in a United Nations con-
20 ference to review the Landmine Protocol; and

21 (2) should actively seek to negotiate under
22 United Nations auspices a modification of the Land-
23 mine Protocol, or another international agreement,
24 to prohibit the sale, transfer, or export of anti-per-

1 sonnel landmines and to further limit their manufac-
2 ture, possession, and use.

3 **SEC. 4. MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL**
4 **LANDMINES ABROAD.**

5 For a period of 3 years beginning on the date of en-
6 actment of this Act—

7 (1) no sale may be made or financed, no trans-
8 fer may be made, and no license for export may be
9 issued under the Arms Export Control Act with re-
10 spect to any anti-personnel landmine; and

11 (2) no assistance may be provided under the
12 Foreign Assistance Act of 1961 with respect to the
13 provision of any anti-personnel landmine.

14 **SEC. 5. DEFINITION.**

15 For purposes of this Act, the term “anti-personnel
16 landmine” means—

17 (1) any munition which is placed under, on, or
18 near the ground or other surface area or is delivered
19 by artillery, rocket, mortar, or similar means or
20 dropped from an aircraft and which is designed to
21 be detonated or exploded by the presence, proximity,
22 or contact of a person;

23 (2) any device or material which is designed,
24 constructed, or adapted to kill or injure and which
25 functions unexpectedly when a person disturbs or

1 approaches an apparently harmless object or per-
2 forms an apparently safe act; and

3 (3) any manually-emplaced munition or device
4 which is designed to kill, injure, or damage and
5 which is actuated by remote control or automatically
6 after a lapse of time.

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