

103D CONGRESS  
1ST SESSION

# S. 1276

To extend for three years the moratorium on the sale, transfer or export of antipersonnel landmines abroad, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 22 (legislative day, JUNE 30), 1993

Mr. LEAHY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. INOUE, Mr. PELL, Mr. KERREY, Mr. KERRY, Mr. MOYNIHAN, Mr. DECONCINI, Mr. D'AMATO, Mr. SPECTER, Mr. DODD, Mr. JEFFORDS, Mr. WOFFORD, Mr. SIMON, Mr. LAUTENBERG, Mr. EXON, Mr. KENNEDY, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. BUMPERS, Mr. BRYAN, Mr. HARKIN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. FORD, Mr. FEINGOLD, Mrs. BOXER, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations.

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## A BILL

To extend for three years the moratorium on the sale, transfer or export of antipersonnel landmines abroad, 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) Antipersonnel 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 sixty-two countries, often making  
14 whole areas uninhabitable. The State Department  
15 estimates there are more than ten million landmines  
16 in Afghanistan, nine million in Angola, four million  
17 in Cambodia, three million in Iraqi Kurdistan, and  
18 two million 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 one thousand per hour.  
25 These mines, which are being produced by many in-

1 industrialized countries, were discovered in Iraqi arse-  
2 nals after the Persian Gulf War.

3 (4) At least three hundred types of anti-  
4 personnel landmines have been manufactured by at  
5 least forty four countries, including the United  
6 States. However, the United States is not a major  
7 exporter of landmines. During the past ten years the  
8 Administration has approved ten licenses for the  
9 commercial export of antipersonnel landmines with a  
10 total value of \$980,000, and the sale under the For-  
11 eign Military Sales program of one hundred nine  
12 thousand one hundred and twenty-nine antipersonnel  
13 landmines.

14 (5) The United States signed, but has not rati-  
15 fied, the 1980 Convention on Prohibitions or Re-  
16 strictions on the Use of Certain Conventional Weap-  
17 ons Which May Be Deemed To Be Excessively Inju-  
18 rious or To Have Indiscriminate Effects. Protocol II  
19 of the Convention, otherwise known as the Land-  
20 mine Protocol, prohibits the indiscriminate use of  
21 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 Convention’s final draft. The  
9 United States stated: “The United States strongly  
10 supported proposals by other countries during the  
11 Conference to include special procedures for dealing  
12 with compliance matters, and reserves the right to  
13 propose at a later date additional procedures and  
14 remedies, should this prove necessary, to deal with  
15 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 antipersonnel land-  
21 mines has multiplied.

22 (9) Since the moratorium on United States  
23 sales, transfers and exports of antipersonnel land-  
24 mines was signed into law on October 23, 1992, the  
25 European Parliament has issued a resolution calling

1 for a five year moratorium on sales, transfers and  
2 exports of antipersonnel landmines, and the Govern-  
3 ment of France has announced that it has ceased all  
4 sales, transfers and exports of antipersonnel land-  
5 mines.

6 (10) On December 2, 1993, ten years will have  
7 elapsed since the 1980 Convention entered into  
8 force, triggering the right of any party to request a  
9 United Nations conference to review the Convention.  
10 Amendments to the Landmine Protocol may be con-  
11 sidered at that time. The Government of France has  
12 made a formal request to the United Nations Sec-  
13 retary General for a review conference. With nec-  
14 essary preparations and consultations among govern-  
15 ments, a review conference is not expected to be con-  
16 vened before late 1994 or early 1995.

17 (11) The United States should continue to set  
18 an example for other countries in such negotiations  
19 by extending the moratorium on sales, transfers and  
20 exports of antipersonnel landmines for an additional  
21 three years. A moratorium of this duration would ex-  
22 tend the current prohibition on the sale, transfer  
23 and export of antipersonnel landmines a sufficient  
24 time to take into account the results of a United  
25 Nations review conference.

1 **SEC. 3. POLICY.**

2 (a) It shall be the policy of the United States to seek  
3 verifiable international agreements prohibiting the sale,  
4 transfer or export, further limiting the manufacture, pos-  
5 session and use, and eventually, terminating manufacture,  
6 possession and use of antipersonnel landmines.

7 (b) It is the sense of the Congress that the President  
8 should submit the 1980 Convention on Certain Conven-  
9 tional Weapons to the Senate for ratification. Further-  
10 more, the Administration should participate in a United  
11 Nations conference to review the Landmine Protocol, and  
12 actively seek to negotiate under United Nations auspices  
13 a modification of the Landmine Protocol, or another inter-  
14 national agreement, to prohibit the sale, transfer or export  
15 of antipersonnel landmines, and to further limit their  
16 manufacture, possession and use.

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

19 For a period of three years beginning on the date  
20 of enactment of this Act—

21 (1) no sale may be made or financed, no trans-  
22 fer may be made, and no license for export may be  
23 issued, under the Arms Export Control Act, with re-  
24 spect to any antipersonnel landmine; and

1           (2) no assistance may be provided under the  
2           Foreign Assistance Act of 1961, with respect to the  
3           provision of any antipersonnel landmine.

4 **SEC. 5. DEFINITION.**

5           For purposes of this section, the term “antipersonnel  
6 landmine” means—

7           (1) any munition placed under, on, or near the  
8           ground or other surface area, or delivered by artil-  
9           lery, rocket, mortar, or similar means or dropped  
10          from an aircraft and which is designed to be deto-  
11          nated or exploded by the presence, proximity, or con-  
12          tact of a person;

13          (2) any device or material which is designed,  
14          constructed, or adapted to kill or injure and which  
15          functions unexpectedly when a person disturbs or  
16          approaches an apparently harmless object or per-  
17          forms an apparently safe act; and

18          (3) any manually-emplaced munition or device  
19          designed to kill, injure, or damage and which is ac-  
20          tuated by remote control or automatically after a  
21          lapse of time.

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