

Mr. Neal P. Curtin
Director, Defense Capabilities and Management
U.S. General Accounting Office
Washington, DC 20548

Dear Mr. Curtin:

This is the Department of Defense (DoD) response to the GAO draft report GAO-02-1003, "MILITARY OPERATIONS: Information on U.S. Use of Land Mines in the Persian Gulf War," dated August 6, 2002 (GAO code 350068).

The Department found a number of factual inaccuracies in the draft report. These inaccuracies were pointed out to GAO representatives during the August 7, 2002 draft report meeting and in subsequent exchanges. This response addresses DoD concerns with the report in general, rather than reiterating a list of line-by-line corrections.

The basic flaw in this GAO assessment is that it makes assertions and speculations that are not based on fact and which cannot be substantiated. The draft report confuses the issue of unexploded ordnance with that of landmines and implies, wrongly, that landmines (including U.S. use of landmines) caused greater casualties to U.S. forces than the available data substantiates. For example:

- *"Some portion of the 142 casualties caused by unknown type of landmine or unknown type of ordnance might have been caused by U.S. or other landmines"* (page 3). There is no evidence that U.S. landmines caused any of these casualties.
- *"... the possibility cannot be ruled out that some of the casualties now attributed to explosions of unknown or ambiguously reported unexploded ordnance were actually caused by landmines"* (page 11). Again, there is no factual basis for this claim, and it could just as easily be argued that some of the casualties attributed to landmines were actually caused by unexploded ordnance.
- *"Additional casualties could have been caused by landmines"* (page 17). Additional casualties "could" have been caused by many other things, such as unexploded ordnance.

The Department also is concerned about the draft report's use of unreliable or unrelated data. For example, the report draws heavily from questionable data provided by Conventional Munitions Systems, Inc. (CMS). Among the weaknesses of the CMS data are misidentified ordnance and confused nomenclatures of landmine systems. For example, CMS reported finding 746 Remote Anti-Armor Mine System (RAAM) "duds" in its post-Desert Storm cleanup efforts. DoD only fired 432 RAAM mines during the war.

CMS also reported evidence that landmines had been used to attack an aircraft. While landmines may be used to deny enemy use of airfields, they are not used to attack aircraft.

The draft report also states that there is no evidence that GATOR landmines were effective in destroying Scud missiles. While landmines may be used to deny maneuver of Scud transporters, they are not used to attack the missiles themselves. The report should be adjusted to reflect this important distinction.

Another concern is the way draft report deals with unexploded ordnance and submunitions, including a lengthy discussion of failed submunitions as a “de facto minefield” (pages 31-33). The report confuses unexploded ordnance with landmines. This skews the data, erroneously implying a higher failure rate of U.S. landmine systems and a greater number of U.S. casualties from landmines. We suggest that the GAO study clarify its terms to avoid confusing issues.

In short, the draft report’s inclusion of unsubstantiated and/or misleading conclusions, use of unreliable or unrelated data, inappropriate use of data on other weapon systems to reinforce conclusions about landmines, and diversion from its original scope (effectiveness of mixed landmine systems) to an exclusive focus on one case study (the Persian Gulf War) undermines the report’s credibility as an objective analysis of landmine utility and employment.

We recommend to those interested in a factual analysis of the landmine issue several other studies: *Alternative Technologies to Replace Antipersonnel Landmines*, National Research Council, March 2001; *Battlefield Utility of Antipersonnel Landmines and Proposed Alternatives*, Lawrence Livermore National Laboratory, September 2001; *Recommendations Regarding Alternatives to Antipersonnel Landmines*, Los Alamos National Laboratory, August 2001; and *Landmines and U.S. Leadership: A View from the Field*, Patricia S. Huntington, National Committee on American Foreign Policy, December 2000. While we may disagree with the policy recommendations of some of these studies, we believe that these studies provide a rigorous and objective analysis of a number of issues regarding U.S. landmines and their effectiveness. Finally, we refer interested readers to the hearing record in the United States Senate regarding the *Amended Mines Protocol Treaty*, and especially the associated report of the Senate Foreign Relations Committee.

Sincerely,

Marshall Billingslea
Principal Deputy