



# U.S. POLICY ON ANTI-PERSONNEL LANDMINES

*Anti-personnel landmines are weapons "designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons." As they cannot distinguish between civilians and combatants, are hard to safely remove, and often fail to self-destruct or self-deactivate, they continue to inflict human suffering long after a conflict ends.*

## Actions for Congress:

- Enact a statutory ban on development, production, acquisition, use, retention, stockpiling or transfer of APLs without geographic exception.
- Appropriate funds for the accelerated destruction of U.S. stockpiles and require the Department of Defense to provide a clear timeline and mechanisms for public reporting on progress of the stockpile destruction.
- Urge the President to submit the Mine Ban Treaty for the advice and consent of the Senate and to accede to the Treaty by 2024

## Current U.S. Policy on Landmines

Since the ratification of the Mine Ban Treaty in 1997, there has been a global consensus against the use of anti-personnel landmines (APLs). Today 164 countries are party to the Mine Ban Treaty, representing over 80 percent of the world's states. In 2020, the Trump administration acted counter to that consensus by announcing a *revised policy on the use of landmines*. This landmine policy allowed the U.S. military to develop, produce, or otherwise acquire APLs, use them without geographic limitations, and moved the authority to deploy them out of the hands of the military's civilian leadership to the Military Combatant Commanders.

In June 2022, President Biden *announced a new near-global ban on APL use* by the U.S. military and set the goal of "ultimately acceding to the Ottawa Convention." Under the 2022 *APL policy*, the United States will begin to comply with key parts of the 1997 Mine Ban Treaty, which requires that countries renounce the use, development, production, acquisition, transfer, and stockpiling of these indiscriminate weapons. The U.S. policy will adhere to these commitments everywhere except the Korean peninsula—essentially reinstating the Obama Administration's *2014 policy on APLs*.

## The Illusion of "non-persistent" Landmines

In 2020 the Department of Defense justified the use of APLs once again with a dangerously misleading distinction between "persistent" and "non-persistent" APLs, despite the *documented failures* of self-destruct and self-deactivation features. The *Government Accountability Office* (GAO) found that "smart mines" deployed in the Gulf War failed at a rate 150 times higher than the Department of Defense had reported. The same GAO report found that 6 percent of U.S. Gulf War casualties were caused by APLs.

Additionally, mine fields are no longer carefully mapped or marked—APLs are often scattered by aircraft and artillery often over unmarked terrain. This creates further danger for civilians and aid workers who have no way of knowing whether they are in or entering a minefield, or when the mines may self-destruct. The self-destruct timers on Russia-deployed landmines have created terror among civilians during the ongoing invasion of Ukraine.

According to one survivor, whose farm and home were blanketed in *scatterable landmines*, "the bursts continued throughout the day with intervals around 50 minutes, and the last one was around 3 o'clock the next night after it first landed [...] It was lucky that kids didn't play there that day," *they told the New York Times*, "normally they would play in the backyard at the time of the first pieces detonating, but it was rainy that day."

## Militarily Ineffective and Restrictive

In 1995, Former Marine Corps Commandant General Alfred Gray, Jr., *said*, "We kill more Americans with our own mines than we do anyone else. [...] I know of no situation in the Korean War, nor [...] in Southeast Asia, nor in Panama, nor in Desert Storm-Desert Shield where our use of mine warfare truly channelized the enemy and brought them into a destructive pattern." *A 2002 report by the GAO* on the 'U.S. Use of Land Mines in the Persian

Gulf War’ found that the Defense Department did not provide any data to indicate, either directly or indirectly, that the U.S. landmine use caused any enemy casualties, equipment loss, or maneuver limitations.

Echoing this, retired Lt. Gen. Robert G. Gard, Jr. *found in 2014* that use of “high tech land mines” was “counter-productive” because such mines “impeded the maneuverability of our attacking units, slowed their operational tempo and inflicted casualties on our own troops.” *The 2002 GAO report* also found that US commanders were reluctant to use mines because of their impact on mobility, their potential for fratricide, and other safety concerns.

## Civilian Casualties

Landmines are indiscriminate weapons that disproportionately impact civilians, and especially children. From 1999 through 2020, there have been 143,382 *reported casualties from landmines* and other explosive remnants of war (ERW), though the true number is likely much higher as accurate data is difficult to gather. *According to a UNICEF report before the February 2022 Russian invasion*, as a result of the conflict in Donbass, eastern Ukraine is now one of the most mine-contaminated places on earth with some of the highest casualty rates. The contamination has endangered over 400,000 children who live in the highly contaminated zone along the “contact line” and has impacted the lives of roughly *two million* people living in Ukraine. Following the 2022 Russian invasion, experts believe it could take at least a decade to demine the country. According to the *2021 Landmine Monitor*:

- Children were at least 50 percent of all civilian casualties from landmines and ERW in 2020.
- In 2020 alone, landmines caused at least 7,073 casualties—over a third of which were deaths.
- Civilians accounted for 80 percent of landmine casualties in 2018.

## The Korean Exception

The Biden administration’s 2020 policy once again includes the so-called “Korean Exception,” allowing for the use and stockpiling of APLs for the defense of South Korea. President Clinton first introduced the idea of an exception for the Korean Peninsula *during the negotiations leading to the Mine Ban Treaty*. President Clinton chose not to sign the Treaty, and his subsequent *policy on APLs* included the Korean exception. The Obama and Biden administrations have both renewed this exception in their APL policies, *claiming* that “the unique circumstances on the Korean Peninsula [...] preclude the United States from changing APL policy on the Korean Peninsula.”

The Korean exception has kept the United States from joining our allies in acceding to the Mine Ban Treaty, despite being unnecessary and outdated. In 1997, former commander of U.S. forces in Korea, Lt. General James Hollingsworth *said that* APLs’ “minimal” utility to U.S. forces is “offset by the difficulty ...[they] pose to our brand of mobile warfare... Not only civilians, but US armed forces, will benefit from a ban on landmines. U.S. forces in Korea are no exception.”

Additionally, the mines already on the Peninsula continue to harm Korean civilians. It is *estimated* that there have been roughly a thousand casualties in recent decades in South Korea alone. Typhoons, landslides, and floods *keep landmines an ever-present threat*. Emplacing new mines will only exacerbate the suffering.

## Compliance with International Law and Practice

The United States was one of the first governments to call for a comprehensive ban on APLs, in 1996 introducing a U.N. resolution calling for an international agreement to end their use. The Ottawa Convention or the Mine Ban Treaty, was adopted in 1997, requiring the 164 states party to:

- Not develop, produce, acquire, use, retain, stockpile, or transfer APLs, or assist others in such actions.
- Destroy all current stockpiles of APLs.
- Identify and clear all mined areas under their jurisdiction or control.
- Assist other states in clearing and destroying mines, if able, and provide assistance to landmine victims.
- Report annually to the U.N. on any landmines under their control, and the status of efforts to destroy them.

Only a handful of countries have refused to stop using and producing APL: China, Cuba, India, Iran, Myanmar, North Korea, South Korea, Pakistan, Russia, Singapore and Vietnam. Between October 2015 and 2022, only the government forces of Russia, Syria, Myanmar, and North Korea, as well as non-state actors in conflict areas, have used APL.