

U.S. ANTI-PERSONNEL LANDMINE AND CLUSTER MUNITIONS POLICY

CURRENT U.S. ANTI-PERSONNEL LANDMINE POLICY

In June 2022, President Biden [announced a new U.S. policy on anti-personnel landmine](#) (APL), which established a 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 has committed to comply with key parts of the 1997 Mine Ban Treaty outside the Korean Peninsula. The policy commits the United States to:

- Not develop, produce, or acquire APLs,
- Not export or transfer APLs
- Not use APLs outside of the Korean Peninsula,
- Destroy all U.S. APL stockpiles not required for the defense of South Korea.

This policy essentially reinstates the Obama administration’s [2014 policy on APLs](#). President Biden waived that restriction in [November of 2024](#) to transfer anti-personnel landmines to Ukraine despite Ukraine being [party to](#) the Mine Ban Treaty.

WHAT IS AN ANTI-PERSONNEL LANDMINE?

The Mine Ban Treaty defines an APL as “a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.” This can include improvised landmines or improvised explosive devices (IEDs), and booby-traps. Command-detonated mines, such as claymores and anti-vehicle mines, are not banned by the Treaty when not configured to be victim-activated.

By their nature, APL are indiscriminate weapons that disproportionately impact civilians, especially children. From 1999 through 2022, there have been 153,636 [reported casualties from landmines](#) and other explosive remnants of war (ERW). According to the [2023 Landmine Monitor](#), civilians accounted for 85 percent of APL and ERW casualties in 2022, and children made up 49 percent of all civilian casualties.

WHAT IS THE MINE BAN TREATY?

In 1994, President Clinton led the call for a global ban on the use of APLs in a speech at the United Nations. However, the United States has yet to join the resulting [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction](#), also referred to as the Ottawa Convention or the Mine Ban Treaty.

The Mine Ban Treaty requires states to:

- Not develop, produce, acquire, use, retain, stockpile, or transfer APLs, or assist or encourage others in such actions.
- Destroy all stockpiles of APLs.
- Identify and clear all mined areas under their jurisdiction or control within 10 years.
- Provide assistance to landmine victims.

Today [164 countries](#) are party to the Mine Ban Treaty, including all other NATO members. However, [32 nations](#)—including the United States—are not party to the Mine Ban Treaty.

The United States Campaign to Ban Landmines-Cluster Munition Coalition (USCBL-CMC) is a coalition of non-governmental organizations working to ensure that the U.S. comprehensively prohibits anti-personnel mines and cluster munitions and joins the 1997 Mine Ban Treaty and the 2008 Convention on Cluster Munitions. The USCBL-CMC also calls for sustained U.S. government financial support for mine and cluster munition remnants clearance and victim assistance. It is the national affiliate of the International Campaign to Ban Landmines- Cluster Munition Coalition (ICBL-CMC), recipient of the 1997 Nobel Peace Prize Laureate with former ICBL coordinator Jody Williams of Vermont.

CURRENT U.S. CLUSTER MUNITIONS POLICY

[Current US policy on cluster munitions](#), issued by President Trump in 2017, allows the military to use all cluster munitions in existing stockpiles and enables acquisition of cluster munitions from foreign sources to replenish stocks. The 2017 policy loosened restrictions put in place by the 2008 Defense Department [policy directive on cluster munitions](#). US law [prohibits](#) transfers of cluster munitions with a failure rate greater than 1 percent, but President Biden has waived that restriction over [five times](#) since 2023 to transfer cluster munitions to Ukraine despite [bipartisan opposition](#).

WHAT ARE CLUSTER MUNITIONS?

The Convention on Cluster Munitions defines a cluster munition as "a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions." Explosive submunitions not held within a container, but released or dispersed by dispensers fixed to aircraft, are also explicitly banned.

Cluster munitions blanket a large area without specificity, making them inherently indiscriminate. According to the [Cluster Munition Monitor](#), in 2022 civilians represented 95% of all cluster munition casualties, 71% of whom were children.

WHAT IS THE CONVENTION ON CLUSTER MUNITIONS?

Building on the framework established by the 1997 Mine Ban Treaty, the [2008 Convention on Cluster Munitions](#) requires states party to:

- Not use, produce, transfer, or stockpile cluster munitions, assist in any of these banned activities
- Destroy all stockpiles of cluster munitions
- Identify and clear all areas contaminated by cluster munition remnants under their jurisdiction or control within 10 years
- Provide assistance to cluster munitions victims
- Encourage States not party to join the Convention, and discourage their use of cluster munitions

Today 124 states are signatories or states parties to the convention, including 23 NATO members. The United States neither participated in negotiations nor signed it.

WHAT'S NEXT FOR U.S. ANTI-PERSONNEL LANDMINE AND CLUSTER MUNITIONS POLICY?

The USCBL-USCMC urges the Administration to:

- Cease all transfers of cluster munitions to any party.
- Lay out an accelerated timeline for the destruction of any stockpiled APLs and cluster munitions, and provide concrete plans and mechanisms for public reporting on progress.
- Ban the use of APLs without geographic exceptions, including the Korean Peninsula.
- Ban the use of cluster munitions and accede to the Convention on Cluster Munitions.
- Regularly consult with civil society and victim advocates as the U.S. implements the 2022 APL policy and undertakes the necessary steps to accede to the Mine Ban Treaty.
- Continue to participate in regular Meetings of the States Party to the Mine Ban Treaty and commit to constructively participate in meetings of the States Parties to the Convention on Cluster Munitions.

The USCBL-USCMC urges Congress to:

- Ban all transfers of cluster munitions.
- Increase support to Humanitarian Mine Action through robust appropriations.
- Appropriate funds for the accelerated destruction of U.S. stockpiles of APL and cluster munitions, and require the Department of Defense to provide a clear timeline and public reporting on stockpile destruction.

- Enact a statutory ban on development, production, acquisition, use, retention, stockpiling or transfer of APLs and cluster munitions, without geographic exception.