



JAN 31 2020

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

SUBJECT: DoD Policy on Landmines

The National Defense Strategy forecasts a global security environment in which the reemergence of long-term, strategic competition is the central challenge. This environment requires our military to regain its competitive advantages by becoming more lethal, resilient, agile, and ready across a range of potential contingencies and geographies. Area denial systems, such as landmines, play an important role in enabling these force attributes. These systems help protect defending forces from both enemy armor and dismounted threats and ensure units are not outflanked or overrun when under attack. They obstruct and influence the enemy's direction of movement, channeling enemy forces into zones in which U.S. forces can better concentrate overwhelming firepower. They also delay or stop enemy forces, enhancing the effectiveness of other weapons that U.S. forces can then bring to bear, while doing so with reduced manpower requirements and fewer munitions. Ultimately, they serve as a force multiplier, helping U.S. forces to fight effectively against enemy threats, which may be numerically superior or capable of exploiting operational or tactical advantages over U.S. forces.

In light of the current and emerging strategic environment, and the critical warfighting capabilities that area denial systems can provide, the President has decided to cancel Presidential Policy Directive-37 (PPD-37), which set forth a revised U.S. policy regarding landmines in January 2016. In lieu of PPD-37, the Administration directed the Department to develop a new landmine policy appropriate for today's operational challenges, while still meeting the intent of limiting the risk of unintended harm to non-combatants. Informed by a Departmental study completed in 2018, and numerous studies over the last decade, the Department hereby establishes the following to be its policy regarding landmines:

The Department will continue to adhere to all applicable international legal obligations concerning landmines. For example:

- The Military Departments and Combatant Commands, in keeping with U.S. obligations under the Amended Mines Protocol annexed to the Convention on Conventional Weapons (CCW),¹ will use remotely delivered anti-personnel

¹ The Amended Mines Protocol imposes important restrictions and rules governing use of landmines, including restrictions on landmine transfers, in order to curb the risks to non-combatants. The Amended Mines Protocol distinguishes between persistent landmines (which can remain a hazard indefinitely when used irresponsibly) and

landmines only if they have compliant self-destruction mechanisms and self-deactivation features, and they are detectable by commonly available technical mine detection equipment.

- Consistent with the Amended Mines Protocol, the Military Departments and Combatant Commands will take feasible precautions to protect civilians from the use of landmines, record all necessary information concerning mined areas, and address such mines without delay after the cessation of active hostilities.

The Department also hereby maintains or establishes the following restrictions regarding landmines:

- The Department will continue its commitment not to employ persistent landmines. For the purposes of this policy, “persistent landmines” means landmines that do not incorporate self-destruction mechanisms and self-deactivation features. The Department will only employ, develop, produce, or otherwise acquire landmines that are non-persistent, meaning they must possess self-destruction mechanisms and self-deactivation features.
- The Department will continue to apply standards that, in certain respects, are more protective of non-combatants than standards required under the Amended Mines Protocol. For example, all activated landmines, regardless of whether they are remotely delivered or not, will be designed and constructed to self-destruct in 30 days or less after emplacement and will possess a back-up self-deactivation feature. Some landmines, regardless of whether they are remotely delivered or not, will be designed and constructed to self-destruct in shorter periods of time, such as two hours or forty-eight hours.
- Under this policy, the Department’s ability to employ non-persistent landmines will not have any expressed geographic limitations. Appropriate geographic limitations will be formulated based on specific operational contexts and will be reflected in relevant rules of engagement, consistent with existing DoD policy and practice.
- Notwithstanding the policy set forth above, the Military Departments and other relevant acquisition authorities may evaluate, and where feasible and affordable, acquire “on/off” area denial systems that can be remotely activated to address an imminent or probable threat and de-activated when the threat subsides. Furthermore, although non-persistent landmines appropriately reduce the risk of unintended harm to non-combatants, the Military Departments should explore acquiring landmines and landmine alternatives that could further reduce the risk of unintended harm to non-combatants.

landmines possessing self-destruction mechanisms and self-deactivation features (which do not pose a long-term hazard). Non-persistent landmines that reliably self-destruct and self-deactivate in timeframes consistent with the threat posed appropriately minimize humanitarian risks.

- The approval authority to employ non-persistent landmines resides with the Combatant Commanders. Combatant Commanders may authorize the use of non-persistent landmines when necessary for mission success in major contingencies or other exceptional circumstances. The Department's operational planners should plan for the availability of non-persistent landmines in their planning efforts. Combatant Commanders will notify the Secretary through the Chairman of the Joint Chiefs of Staff as soon as practicable after the use of non-persistent landmines has been authorized in a major contingency or other exceptional circumstances.
- The Military Departments and Combatant Commands will maintain a robust stockpile surveillance program to ensure the operational quality and reliability of landmines, particularly the reliability of self-destruction mechanisms and self-deactivation features.
- The Department will not seek to transfer landmines except as provided for under U.S. law.
- The Military Departments will continue to demilitarize any persistent landmines remaining in existing inactive stockpiles.
- Notwithstanding the policy set forth above, the Department may acquire, retain, and transfer a limited number of persistent landmines for the purposes of training personnel engaged in demining and countermining operations and improving countermine capabilities. The stocks of such persistent landmines will not exceed the minimum number absolutely necessary for such purposes.

I am confident our Combatant Commanders can properly determine when it is necessary and appropriate to use landmines in an operational context, while limiting the risk of unintended harm to non-combatants. Non-persistent area denial systems provide the Joint Force a necessary warfighting capability and reduce the risk to the Joint Force, while reducing the risk of unintended harm to non-combatants through their self-destruction mechanisms and self-deactivation features.

A handwritten signature in black ink, reading "Matt T. Spu". The signature is written in a cursive, flowing style.