



Anti-personnel mines: the false promise of security through exceptionalism in war

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Earlier this month, Lithuania's unprecedented withdrawal from the Convention on Cluster Munitions (CCM) took effect. Meanwhile, several states are openly questioning their continued adherence to other humanitarian treaties, including the Anti-Personnel Mine Ban Convention

(APMBC). These developments take place amid heightened international tensions and mounting security concerns, both in Europe and globally. They come at a time when respect for fundamental humanitarian norms is shockingly insufficient, as the immense devastation in ongoing conflicts demonstrates.

In this post, ICRC Chief Legal Officer Cordula Droege and ICRC Legal Adviser Maya Brehm caution that recent challenges to the APMBC mirror broader threats to the life-saving protections of international humanitarian law (IHL). They argue that justifications for using anti-personnel mines (APM) tend to be divorced from battlefield realities and overlook the appalling impacts of these treacherous weapons. The authors also show how efforts to circumvent or abandon the APMBC challenge fundamental precepts of IHL and undermine the international rule of law. The post concludes with a call to reinforce humanitarian norms as essential safeguards for upholding humanity in war.

ICRC Humanitarian Law & Policy Blog · Anti-personnel mines: the false promise of security through exceptionalism in war

Against the backdrop of the Russia-Ukraine international armed conflict, debate has intensified in some states over potential withdrawal from landmark humanitarian treaties, including the APMBC. These discussions follow [Lithuania's unprecedented withdrawal](#) from the Convention on Cluster Munitions (CCM) last September, [which took effect this month](#). Equally unprecedented was the [United States' announcement last fall](#) of plans to transfer APM to Ukraine, reigniting controversy over the utility, acceptability, and legality of these weapons thought to have been relegated to the past.

To protect civilians and other victims of war – in Europe and beyond – it is critical to reinforce the humanitarian motivations behind treaties such as the APMBC and reject the notion that respect for IHL can be subordinated to security or defence considerations, however exceptional the circumstances.

The devastating and long-lasting humanitarian consequences of APM

Every year, APM and explosive remnants of war (ERW) claim thousands of lives and shatter livelihoods. Landmine survivors – many of them children – suffer life-changing injuries and trauma, with some never able to walk again. In Ukraine, for example, mines and ERW are a leading cause of civilian casualties, [particularly in frontline and retaken regions](#).

But the harm does not end there – the full extent of contamination only emerges over time. From Cambodia to Croatia, APM lie in wait decades after they were laid, hidden in dust and rubble, ready to maim unsuspecting refugees returning home after hostilities, peacekeepers monitoring a line of control, shepherds tending their flocks, or children playing outdoors.

The APMBC has helped to drastically reduce the number of people killed or injured by APM since it entered into force 26 years ago. It has also been instrumental in promoting the destruction of millions of stockpiled APM, the clearance of vast swathes of land (with 30 formerly contaminated States Parties having declared themselves mine-free), catalysed attention to the plight of mine survivors, and helped mobilize significant resources for mine action.

However, in recent years, casualties have tragically risen. In 2023, the [Landmine Monitor](#) recorded 833 deaths and injuries from manufactured APM alone – the highest annual number of casualties since 2011. According to the Monitor, this surge is driven largely by the extensive use of APM in the Russia-Ukraine armed conflict (as well as new use in Iran, Myanmar and North Korea), and by the use of improvised mines, mostly by non-state armed groups. In 2023, casualties from improvised mines were recorded in 23 states, remaining the type of mine/ERW causing the most casualties for several years.

While annual casualty numbers fluctuate, the pattern of harm remains unchanged and has been well documented since the [global landmine crisis of the 1990s](#). Civilians – the very people who should be protected from war’s effects – continue to bear the brunt, making up 84% of mine/ERW casualties in 2023, including many children.

The humanitarian impact of APM is devastating, but not surprising. These weapons are “victim-activated”, meaning they are “designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons,” to quote the legal definition ([Art. 2\(1\), APMBC](#), and in near-identical terms, [Art 2\(3\), CCW Amended Protocol II](#)). APM cannot distinguish between a soldier and a child. They have [indiscriminate effects](#) and, in the view of some, are [by nature indiscriminate](#) and thus prohibited under IHL. The obligation to distinguish between civilians and combatants is one of the fundamental rules of IHL upon which the 1997 legal ban on APM rests ([Preamble, APMBC](#)).

The APMBC is widely recognized as a success, with broad international support – over [three quarters of UN Member States](#) (164 states parties as of March 2025) are bound by it, while other states and [54 non-state armed groups](#) have formally adhered to its norms as policy. As recently as November 2024, states parties at the [5th Review Conference of the Convention](#) in Siem Reap-Angkor, Cambodia reaffirmed their “unwavering commitment” to ending the scourge of APM.

Despite this global commitment, claims about the “benefits” of APM have resurfaced in recent months. Some suggest that certain APM may not fall under the APMBC’s prohibition, while justifications for their use and proliferation have gained traction in certain circles.

But the evidence – and the law – tell a different story.

The limited military utility of APM is vastly outweighed by their devastating humanitarian consequences

Recent claims about the military benefits of APM for national defence or deterrence stand in stark contrast to the decades-long efforts by states and other actors to eliminate these weapons, in line with their commitments to IHL, the [rights of persons with disabilities](#), and the [Sustainable Development Goals](#).

A [1996 in-depth study commissioned by the ICRC](#) – endorsed by military officers from 19 countries, most of them with first-hand experience of mine use – concluded that APM have only “limited military utility”, and even that is “far outweighed by the appalling humanitarian consequences of their use in actual conflicts.” Reviewing 26 conflicts from World War II onward, the study found no evidence to support claims that APM are indispensable or of high military value.

In addition to their significant humanitarian and post-conflict consequences, the study found that:

- minefields can be breached relatively quickly with mine-clearing equipment, are only effective when covered by fire, and have failed to prevent military infiltration in practice;
- establishing, monitoring, maintaining, and clearing minefields is time-consuming, expensive and dangerous; and
- APM use has caused casualties among own and friendly forces, while also limiting tactical flexibility.

The study also found that, in battlefield conditions, using APM in a manner consistent with traditional military doctrine and IHL requirements (on marking, mapping, etc.) is extremely difficult – even for professional armies – and has rarely happened in practice. It also highlighted that remotely-delivered APM (e.g. those deployed by artillery) pose serious challenges for marking and recording their use, raising particular concerns for the protection of civilians.

In December 2004, a panel of senior military experts [reaffirmed and updated](#) the study’s conclusions. They emphasized the availability of alternative means (e.g. for area denial, terrain-shaping, or preventing the removal of anti-vehicle mines), and

that basic improvements in military technologies and the evolution of warfare have rendered APM redundant.

Since then, advancements in counter-mine technologies and the rise of network-centric warfare only reinforce these conclusions. Recent statements from military leaders, including the [Commander of the Latvian Armed Forces](#) (January 2024) and the [Commander of the Estonian Defence Forces](#) (December 2024), further support this assessment.

The APMBC bans all APM, but not other mines or munitions

Some argue that certain types of APM may fall outside the APMBC's ban or pose no significant threat to civilians. These claims sometimes reference unspecified advances in mine technology ("smart" mines). More commonly, they cite so-called "non-persistent" APM, which incorporate self-deactivation and self-destruction features – mechanisms that some states claim "[appropriately minimize humanitarian risks](#)."

Despite their name, the dangers of "non-persistent" APM endure. While active, their effects are just as indiscriminate as those of any other victim-activated weapon. Moreover, a percentage of these mines will fail to self-destruct as intended – and on the battlefield, failure rates are likely higher than in controlled test conditions. When remotely delivered, APM can be deployed in large quantities, which means that even a relatively low failure rate can lead to massive contamination. From a humanitarian demining perspective, all APM – including so-called "non-persistent" ones – must be treated as hazardous, as their human and economic costs persist long after their intended use.

As to questions of legality: the APMBC prohibits all APM, without exception. Its [definition of an anti-personnel mine](#) (Art. 2(1), APMBC) does not differentiate based on how long a device remains victim-activated. The issue of "non-persistent" mines was extensively debated in the lead-up to the 1996 amendment to Protocol II of the CCW, which preceded the adoption of the APMBC. There is no doubt that these mines were intended to fall within the scope of the Convention's comprehensive ban.

By contrast, the APMBC does not prohibit other types of mines. It does not apply to naval mines or [anti-vehicle mines](#), including traditional mechanical and modern "smart" and "networked" anti-tank mines. The use of the latter is governed by the 1980 Protocol II and the 1996 amended Protocol II to the CCW, where applicable, as well as by the IHL rules on the conduct of hostilities and landmines ([Customary IHL study, Rules 81-83](#)).

The APMBC also does not prohibit explosive munitions that are command-detonated, such as those triggered by a soldier using a firing cable or radio frequency. These weapons are sometimes colloquially referred to as "mines," as with the US "[Claymore mine](#)", or the Finnish "[Jäämiina](#)" (ice mine), which played a prominent role during the Winter War (1939-1940). However, when used in command-detonated mode, these munitions do not meet the legal definition of a "mine" ([Art 2\(1\), CCW Protocol II](#); [Art. 2\(1\), CCW Amended Protocol II](#)). Instead, their use is regulated under the restrictions on "other explosive devices" in the 1980 Protocol II and 1996 amended Protocol II to the CCW, where applicable, as well as by IHL rules on the conduct of hostilities and weapons.

The APMBC applies in all circumstances: war is no exception

In the context of the Russia-Ukraine armed conflict, recent arguments for withdrawing from the APMBC often invoke the legality and legitimacy of using force in self-defence against an adversary's aggression. Proponents argue that APM use and withdrawal from the treaty are justified by exceptional circumstances – claiming that the drafters did not foresee such scenarios and that adherence to its restrictions places states at a disadvantage when facing an adversary that does not uphold the same constraints.

Such arguments overstate the military and security benefits of APM (see above) and ignore the humanitarian rationale behind the APMBC. The Convention was a direct response to the long history of mine-induced suffering, documented in non-international and international armed conflicts worldwide. As a result, each state party to the APMBC committed to “never under any circumstances” use (transfer, stockpile, etc.) APM ([Art. 1, APMBC](#)). As one legal commentator [explains](#), “[t]he circumstances envisaged by the phrase encompass peacetime and any armed conflict and comprehensively preclude the commission of prohibited acts in both situations.” Using APM as belligerent reprisal is also illegal under the APMBC, regardless of whether an adversary employs them or how dire the circumstances, even in self-defence against aggression.

The APMBC’s provision on withdrawal also confirms that the drafters deliberately rejected the idea that armed conflict could justify abandoning the live-saving ban on APM. Indeed, withdrawal takes effect six months after notifying the UN Secretary-General – and if the withdrawing state is engaged in an armed conflict at that time, it cannot take effect until the conflict ends ([Art. 20\(3\), APMBC](#)).

Recent arguments in favour of APM also challenge fundamental precepts of IHL. The claim that a state must defend itself by “any means” is incompatible with a core tenet of IHL: the choice of means and methods of warfare is not unlimited ([Art. 35\(1\), Protocol I additional to the Geneva Conventions](#)). Most wars raise existential questions, particularly for the people directly affected. But such concerns do not justify abandoning or circumventing legal protections designed for their safety. Regardless of a war’s cause – whether a state is waging a war of aggression or acting in self-defence – [IHL applies equally to all parties and exists to protect all victims](#) of armed conflict, no matter which side they belong to.

The APMBC and other restraints on the means and methods of warfare were adopted to safeguard humanity in war. Framing them as “fighting with our hands tied behind our backs” is deeply misleading. Even when an adversary disregards these rules, upholding humanitarian constraints remains in any government’s best interest – not least because they help protect its own civilian population from harm.

As the [ICRC President aptly stated](#), “[i]nternational humanitarian law is not made for the hopeful days of peacetime. It is made for humanity’s darkest days, when armed conflict rages and people are in grave danger.”

To uphold humanity in war, humanitarian norms must be reinforced and IHL respected

Recent challenges to the APMBC raise serious concerns for the safety and well-being of mine-affected populations. Withdrawal and violation of the APMBC both weaken its effectiveness and credibility, making universal adherence less likely and eroding the humanitarian norms it established. This makes increasing use and proliferation of APM more likely, which poses a clear and tangible threat to civilians. History has shown that IHL rules on the conduct of hostilities alone have not been enough to prevent or address the immense human suffering caused by APM. A comprehensive legal ban was deemed the only effective solution in 1997, and it remains so today.

Justifications for abandoning humanitarian instruments – and silence in the face of violations and withdrawals – pose broader risks for international disarmament and arms control agreements, and for the protection of war victims. Exceptionalist narratives create a disturbing double standard: either some states are still expected to honour their commitments while others disregard them, or all states abandon their obligations, leading to a wholesale erosion of the international rule of law.

Humanitarian norms must be continuously reaffirmed. It is the responsibility of states, parties to armed conflict and, ultimately all of us to reject the false promise of security through exceptionalism and instead to [reinforce the stigma against APM and other weapons that cause unacceptable harm](#) and to [champion the faithful implementation of IHL](#). If outcome documents of meetings of states parties are any indication, the majority of states wants [a future free from the threat of APM](#).

For all their imperfections, humanitarian instruments such as the APMBC provide indispensable protection and essential safeguards for upholding humanity in war.

See also:

- Josephine Dresner, [From the Middle East to West Africa: responding to the humanitarian impacts of improvised anti-personnel mine, February 8, 2024](#)
- Henrique Garbino and Matthew Bolton, [Protecting the innocent, the land, and the body: traditional sources of restraint on landmine use, March 23, 2023](#)
- Eirini Giorgou, [Preventing and eradicating the deadly legacy of explosive remnants of war, February 23, 2023](#)
- Alex Frost, [Mitigating the environmental impacts of explosive ordnance and land release, December 16, 2021](#)
- Ambassador Hans Brattskar, [50 steps to a mine-free world by 2025, December 19, 2019](#)

Tags: Anti-Personnel Landmines, Anti-Personnel Mine Ban Convention, APMBC, armed conflict, CCM, Civilians, conduct of hostilities, Convention on Cluster Munitions, ERW, Explosive Remnants of War, Geneva Conventions, IHL, international humanitarian law, Means and Methods of Warfare, Respect for IHL

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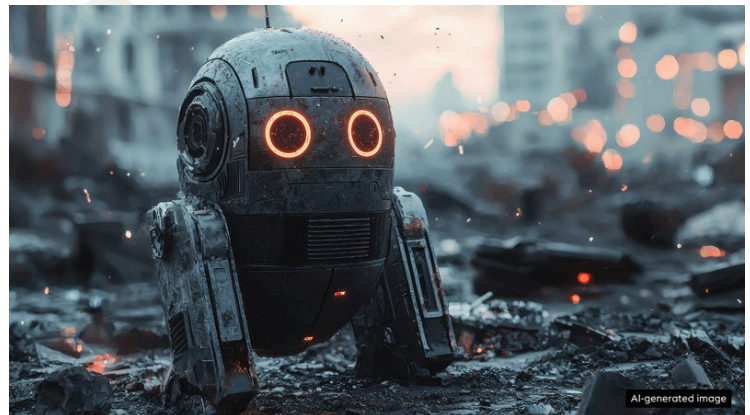


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