

September 25, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President,

We, the undersigned organizations, write to express grave concern with current United States policy and practice on cluster munitions. We have been deeply dismayed by your decision to transfer internationally prohibited cluster munitions to Ukraine on at least five publicly reported occasions.ⁱ We urge you take immediate action to change U.S. policy on cluster munitions and align the United States with the Convention on Cluster Munitions. The United States should be a global leader in the abolition of these indiscriminate weapons—not complicit in their use.

Cluster munitions predominantly harm civilians, as they are dispersed across a wide area and their submunitions often fail to explode on initial use, littering communities with unexploded ordnance and causing immediate and long-term harm to civilians, and especially children, years after a conflict ends.

The U.S. Cluster Munition Coalition condemns in the strongest possible terms any use, production, transfer, or stockpiling of cluster munitions by any actor under any circumstances. This includes condemnation of the use of cluster munitions in 2023 in Myanmar and Syria and in Ukraine by Russian and Ukrainian forces. Since the full-scale invasion of Ukraine by Russia in February 2022, over a thousand cluster munition casualties have been recorded in Ukraine, and for two consecutive years Ukraine has had the highest number of annual casualties globally.ⁱⁱ

Additionally, twice in 2023,ⁱⁱⁱ members of Congress have written your Administration calling for the United States to “be leading the global effort to rid the world of these weapons, not continuing to stockpile them” and urged you to “promptly order a review of U.S. policy on cluster munitions with the goal of halting their use, production, export, and stockpiling and putting the United States on a path to join the Convention on Cluster Munitions.”

Further, bipartisan amendments to ban the transfer of cluster munitions were offered in 2023 and 2024 to the FY24 and FY25 National Defense Authorization Act (H.R. 4365, H.R. 8070), FY24 and FY25 Department of Defense Appropriations bill (H.R. 2670, H.R. 8774), and the FY24 Department of State, Foreign Operations, and Related Programs Appropriations Act (H.R. 4665). While the amendments failed to pass, in total 214 House members voted in favor of at least one of the amendments, comprising 114 Republicans and 100 Democrats.^{iv} We urge your Administration to heed this bipartisan call from members of Congress.

Since 2008 the global consensus against the production, stockpiling, transfer and use of these weapons has been embodied in the Convention on Cluster Munitions and the 124 countries that are signatories or states parties. Convention states parties include 24 NATO members, making the United States an outlier among not just the global community but its closest allies.

Regrettably, the United States actions on cluster munitions in contradiction to the principles embodied in the Convention and support for the use of these international prohibited weapons may be having a direct impact on the global norm against their use. This degradation was starkly demonstrated by Lithuania's September 6th, 2024, formal declaration of its intent to denounce and withdraw from the Convention in six months' time.^v

By continuing to transfer U.S. cluster munitions to Ukraine and acting in contradiction to partner nations' and NATO allies' express ban on the transfer and use of these weapons, the U.S. has contributed to the faulty argument that these weapons have a legitimate role in war today and harmed efforts to promote arms control. Continuing to transfer and allow the use of these indiscriminate weapons risks weakening the global norm and more states withdrawing from the Convention.

We implore you to take urgent action to revise U.S. cluster munitions policy to move the United States to align with the core provisions of the Convention on Cluster Munitions. We appreciated your Administration's early review and revision of U.S. antipersonnel landmine policy, and the hundreds of millions of dollars provided to humanitarian mine action around the world – we now implore you take urgent action on U.S. cluster munition policy to leave a legacy of arms control, disarmament and victim assistance.

These are indiscriminate weapons that disproportionately harm civilians, both at the time of use and for years after a conflict has ended. The United States has a moral, diplomatic and security imperative to be party to their prohibition not their use.

Sincerely,

U.S. Cluster Munition Coalition
American Friends Service Committee
Amnesty International USA
Arms Control Association
CODEPINK
Demand Progress Education Fund
Friends Committee on National Legislation
Human Rights Watch
Legacies of War
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S.
Mines Advisory Group US
Quincy Institute for Responsible Statecraft
RootsAction.org
Sisters of Mercy of the Americas - Justice Team
The United Methodist Church - General Board of Church and Society
UNICEF USA
Veterans For Peace, Chapter 113-Hawaii
West Virginia Campaign to Ban Landmines and Cluster Bombs/PSALM

cc: Secretary of State Antony Blinken, Secretary of Defense Lloyd Austin, National Security Advisor Jake Sullivan

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- ⁱ *US campaigners condemn fifth transfer of banned US Cluster Munitions*. Cluster Muniton Coalition U.S. (2024, April 25). <http://www.noclusterbombs.org/news/2024/04/25/us-campaigners-condemn-fifth-transfer-of-banned-us-cluster-munitions/>
- ⁱⁱ Cluster Muniton Coalition. (2024). *Cluster Muniton Monitor 2024, Major Findings*. Landmine and cluster muniton monitor. <https://www.the-monitor.org/online-reader/cluster-muniton-monitor-2024?anchor=Major-Findings-115634>
- ⁱⁱⁱ Representative William Keating, Representative Jim McGovern, Representative Sara Jacobs, et al. “Cluster Munitions Letter” Received by President Biden, April 22, 2022 <https://sarajacobs.house.gov/news/documentsingle.aspx?DocumentID=502>
Senator Patrick Leahy, Representative William Keating, Representative Jim McGovern, Representative Sara Jacobs, et al. “Bicameral Cluster Munitions Letter” Received by President Biden, December 21, 2022 <https://sarajacobs.house.gov/news/documentsingle.aspx?DocumentID=673>
- ^{iv} Evans, L. (2023b, October 24). *Support grows in Congress for ending transfer of Cluster Munitions*. Friends Committee on National Legislation. <https://www.fcni.org/updates/2023-10/support-grows-congress-ending-transfer-cluster-munitions>
- ^v “C.N.347.2024.TREATIES-XXVI.6.” United Nations Treaty Collection, September 6, 2024. <https://treaties.un.org/doc/Publication/CN/2024/CN.347.2024-Eng.pdf>.