

Biden Administration Poised to Supply Ukraine with Banned Cluster Bombs

An official announcement is expected very soon.

By [Common Dreams](#)

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The Biden administration is considering providing Ukraine with cluster bombs and may announce this decision in early July, NBC News [reports](#).

"We have been thinking about DPICM for a long time," Gen. Mark A. Milley, chairman of the Joint Chiefs of Staff, said Friday at the National Press Club. "Yes, of course, there's a decision-making process ongoing."

Dual-purpose improved conventional munitions (DPICMs) are surface-to-surface warheads that burst and disperse deadly multiple, smaller bomblets over a wide area. Many bomblets fail to explode on initial impact, leaving duds that can indiscriminately wound and kill, like landmines, for many years.

DPICMs can be fired from the U.S.'s howitzer artillery systems already provided to Ukraine. Ukraine has asked the U.S. for DPICMs since last year, but the idea has met resistance.

Over 120 countries, including 23 NATO countries, ban them under the [Convention on Cluster Munitions](#) treaty.

The Convention on Cluster Munitions prohibits cluster munitions' use, production, acquisition, transfer, and stockpiling and requires the destruction of stockpiles.

The U.S., Ukraine, and Russia are not signatories to the treaty.

This week, in a letter obtained by POLITICO, 14 Senate Democrats wrote to Biden's national security adviser Jake Sullivan that "the humanitarian costs and damage to coalition unity of providing U.S. cluster munitions would outweigh the tactical benefits, and urge the president

not to approve such a transfer.”

“They are indiscriminate, and they harm civilians,” said Washington director of Human Rights Watch, Sarah Yager told the Washington Post. “We are also talking about breaking a global norm against using cluster munitions, at least for countries that believe in humanity even in times of war.”

“These duds are dangerous because they are so easily triggered, making them a threat to everyone who enters an area where they have been fired,” said Brian Castner, a senior crisis adviser at [Amnesty International](#). “It’s like scattering random booby traps across the battlefield.”

△ US law forbids the transfer of any existing US stockpiled cluster munitions.

Is Biden willing to violate US law to send weapons that 123 countries — including 23 NATO members — have strictly banned for their horrific long-term impact on civilians? [@PressSec?](#) [@StateDeptSpox?](#) <https://t.co/ZtwzTZwoMfpic.twitter.com/XG5SYm4N2w>

— Just Foreign Policy (@justfp) [June 30, 2023](#)

There’s been more and more debate about sending cluster munitions to Ukraine, which I oppose. Here’s why:

— Congresswoman Sara Jacobs (@RepSarajacobs) [June 30, 2023](#)

14 Senate Dems to [@jakejsullivan](#), regarding transferring cluster munitions to Ukraine: “the humanitarian costs and damage to coalition unity of providing U.S. cluster munitions would outweigh the tactical benefits, and [we] urge the president not to approve such a transfer.” <https://t.co/KnCp0JYPct>

— John Ramming Chappell (@jwrchappell) [June 29, 2023](#)

This is the text of a recent [letter](#) to President Biden:

U.S. Cluster Munition Coalition Letter to Biden

Wednesday, June 14, 2023

Dear Mr. President,

We, the undersigned organizations, write with grave concerns over the potential transfer of United States cluster munitions to Ukraine. We sincerely appreciate your Administration’s firm stance in not transferring any U.S. cluster munitions to Ukraine to date. Despite recent calls from members of Congress and Ukrainian leaders for the United States to transfer cluster munitions to Ukraine, we strongly urge you to remain steadfast.

The U.S. Cluster Munition Coalition condemns in the strongest possible terms the use, production, transfer, or stockpiling of cluster munitions by any party. Cluster munitions are among the most harmful weapons to civilians, as they are designed to disperse indiscriminately across a wide area and often fail to explode on initial use, littering communities with unstable unexploded ordnance and causing devastating harm to civilians, and especially children, years after a conflict ends.

Cluster munitions have been used repeatedly by the Russian military since its full-scale invasion in February of 2022, with devastating impacts on civilians and civilian objects, including homes, hospitals, and schools, according to Human Rights Watch. The Ukrainian military has also used cluster munitions on multiple occasions.ⁱⁱⁱ On April 8, 2022, a cluster munitions attack by Russia killed at least 58 civilians and injured over 100 others in the city of Kramatorsk—this is just one of the hundreds of documented, reported, or credibly alleged, cluster munition attacks in Ukraine since the 2022 invasion. The United States must not be complicit in the use of these indiscriminate weapons.

Any claims of potential tactical benefits of the transfer and subsequent use of cluster munitions by Ukraine in the defense of its territory, dismisses both the substantial danger that cluster munitions pose to civilians, and the international consensus on their prohibition.

Were the United States to transfer these prohibited weapons, it would run counter to the global consensus, embodied in the 123 countries who are signatories or states parties to the Convention on Cluster Munitions, which bans the use, production, transfer, and stockpiling of these weapons. While neither the Russian Federation, Ukraine nor the United States are party to the Convention, 23 NATO members are among the state parties. Beyond making the United States a global outlier, acting in contradiction to partner nations' and NATO allies' express ban on the transfer and use of these weapons could hurt the U.S.' ability to forge and maintain coalitions that have been so crucial to supporting Ukraine. It would also harm efforts to promote other arms control agreements.

Although the United States is regrettably not party to the Convention, a long-standing congressional mandate prohibits the transfer of any cluster munitions with a failure rate greater than 1%, which effectively forbids the transfer of any existing U.S. stockpiled cluster munitions.^{iv} Additionally, twice in the past year,^v 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.” We urge your Administration to continue to heed this congressional mandate and intent.

Cluster munitions are indiscriminate weapons that disproportionately harm civilians, both at the time of use and for years after a conflict has ended. We greatly appreciate your committed stance against transferring these weapons while supporting the Ukrainian people – and we urge you to remain resolute in resisting recent calls.

Sincerely,

U.S. Cluster Munition Coalition (USCMC) Members:

American Friends Service Committee

Amnesty International USA

Arms Control Association

Center for Civilians in Conflict (CIVIC)

Democracy for the Arab World Now (DAWN)

Friends Committee on National Legislation

Human Rights Watch

Humanity & Inclusion

Landmines Blow!

Legacies of War

Maryknoll Office for Global Concerns

Mines Advisory Group (MAG) US

Nobel Women's Initiative

Physicians for Human Rights

Presbyterian Church, (USA) Office of Public Witness

Proud Students Against Landmines and Cluster Bombs (PSALM)

The Quincy Institute for Responsible Statecraft

UNICEF USA

United Church of Christ, Justice and Local Church Ministries

West Virginia Campaign to Ban Landmines and Cluster Munitions

Win Without War

Partners:

18 Million Rising

Aurora Commons

Center for International Policy

Children of Vietnam

Church of the Brethren, Office of Peacebuilding and Policy

Foreign Policy for America

No Ethics in Big Tech

Nonviolent Peaceforce

Oxfam America

Pax Christi USA

Peace Action

Plan International USA

RootsAction.org

Saferworld

Shadow World Investigations

Sisters of Mercy of the Americas - Justice Team

Spirit of Soccer

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

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