

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

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<sup>i</sup> and Ukrainian leaders<sup>ii</sup> 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.<sup>iii</sup> 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 states 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.<sup>iv</sup> Additionally, twice in the past year,<sup>v</sup> 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 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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- <sup>i</sup> Senator James Risch, Senator Roger Wicker, Representative Michael McCaul, Representative Mike Rogers. “DPCIM Letter.” Received by President Biden, March 21, 2023, [https://www.foreign.senate.gov/imo/media/doc/03-21-23\\_dpim\\_letter.pdf](https://www.foreign.senate.gov/imo/media/doc/03-21-23_dpim_letter.pdf).
- <sup>ii</sup> Rogin, Josh. “Ukrainians Are Begging for Cluster Munitions to Stop the Russians.” The Washington Post, 2 Mar. 2023, [www.washingtonpost.com/opinions/2023/03/02/ukraine-russia-cluster-munitions-spring/](http://www.washingtonpost.com/opinions/2023/03/02/ukraine-russia-cluster-munitions-spring/).
- <sup>iii</sup> “Cluster Munition Use in Russia-Ukraine War.” Human Rights Watch, 29 May 2023, [www.hrw.org/news/2023/05/29/cluster-munition-use-russia-ukraine-war](http://www.hrw.org/news/2023/05/29/cluster-munition-use-russia-ukraine-war).
- <sup>iv</sup> Human Rights Watch, 2003, Cluster Munitions a Foreseeable Hazard in Iraq, [https://www.hrw.org/sites/default/files/media\\_2021/08/202108mena\\_iraq\\_clustermunitions.pdf](https://www.hrw.org/sites/default/files/media_2021/08/202108mena_iraq_clustermunitions.pdf).
- <sup>v</sup> 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>