



March 30, 2015

The Honorable Barack Obama
President of the United States of America
1600 Pennsylvania Avenue, NW
Washington, DC 20500

RE: U.S. cluster munition policy

Dear President Obama,

The Cluster Munition Coalition U.S. urges your administration to re-examine U.S. policy on cluster munitions as laid out in the June 19, 2008 Department of Defense (DoD) directive issued by then-Secretary of Defense Robert Gates. Our coalition of non-governmental organizations works to end the suffering caused by cluster munitions, which pose unacceptable harm to civilians both at their time of use and afterwards as remnants, including unexploded submunitions that have failed to detonate, remaining a deadly threat for years.

As far as we know, the Gates policy on cluster munitions has not been reviewed since it was adopted. We believe now would be an appropriate time to begin a review as so much has happened with respect to efforts to address the humanitarian harm caused by these weapons.

Most notable is the 2008 Convention on Cluster Munitions, which comprehensively bans these weapons and requires their clearance and victim assistance. The treaty entered into force on August 1, 2010 and will convene its First Review Conference later this year.

With Canada's ratification on March 16, 2015, the Convention on Cluster Munitions now has 91 states parties and 25 signatories. These nations are implementing the convention with great vigor and determination. Stockpile destruction efforts have resulted in the destruction of more than 1.16 million cluster munitions and more than 140 million submunitions.

The Convention on Cluster Munitions remains the sole multilateral instrument to specifically address these weapons following the November 2011 failure of the Convention on Conventional Weapons (CCW) to adopt a new protocol, effectively ending CCW deliberations on cluster munitions.

It is clear that the Convention on Cluster Munitions has created a new international standard rejecting cluster munitions that is helping to thoroughly stigmatize these weapons as seen by the swift condemnations in response to new use of cluster munitions. Since 2008, the U.S. has often acknowledged the negative humanitarian impact of cluster munitions. Recently, administration officials have criticized civilian harm caused by the use of cluster munitions in Libya, South Sudan, Syria, and Ukraine. Such well-founded criticism shows the administration recognizes the civilian harm caused by cluster munitions, but would be stronger were the U.S. to renounce its own use of cluster munitions.

On August 28, 2013, we wrote to you to urge the U.S. to refrain from using any cluster munitions in any possible military action in Syria. We renew that call today as the U.S.-led “Operation Inherent Resolve” military action against forces of the Islamic State or ISIL continues in Syria and Iraq. Several states parties to the Convention on Cluster Munitions are participating in this operation, including the government of Iraq. These states are legally obliged by Article 21 to promote the convention’s norms by discouraging any use of cluster munitions by states outside the convention.

In light of these and other developments, we believe that it is time for the U.S. to undertake a review of its cluster munition policy with the objective of identifying and overcoming any remaining obstacles to accession to the Convention on Cluster Munitions so that the U.S. can join as soon as possible.

A legislatively-mandated U.S. export moratorium on cluster munitions has been in place since 2007, while the DoD policy commits the U.S. to prohibit the use of cluster munitions in 2018, except for the small portion of its stockpiles that have a failure rate of less than one percent.

We urge that the Gates policy date of 2018 for instituting a ban on nearly all cluster munitions in the existing U.S. stockpile be accelerated. We call for the policy’s exception allowing continued use of cluster munitions resulting in less than one percent unexploded ordnance rate during military operations to be reexamined.

In addition to undertaking a review of U.S. policy, we encourage your administration to consider these measures on cluster munition policy that could be taken immediately or in the near term:

- Issue a declarative statement of intent to accede to the Convention on Cluster Munitions in the future;
- Participate in regular meetings of the Convention on Cluster Munitions starting with the First Review Conference in Dubrovnik, Croatia in September 2015, as the U.S. has done for the Mine Ban Treaty since 2009;

- Accelerate destruction of stockpiled cluster munitions, starting with concrete plans and a timeline; and
- Commit not to use cluster munitions, especially during joint military operations with states parties to the Convention on Cluster Munitions.

We would be pleased to discuss these measures and the call to review U.S. cluster munitions policy with your representatives at any time.

Sincerely,



Steve Goose, Chair
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