

For Immediate Release

US: Cluster Bomb Exports Banned

Obama Should Initiate Review of US Stance on Treaty

(Washington, DC, March 12, 2009) – Legislation signed into law on March 11, 2009 by President Obama will make permanent a ban on nearly all cluster bomb exports by the United States, Human Rights Watch said today. The United States should review its stance on joining the international treaty prohibiting cluster munitions in light of this action, Human Rights Watch said.

“This permanent export ban is a major turnaround in US policy,” said Steve Goose, arms division director at Human Rights Watch. “It brings Washington into closer alignment with international opinion on this terrible weapon.”

Congress included the export ban in an omnibus budget bill (HR 1105) that passed the Senate on Tuesday. The legislation states that cluster munitions can only be exported if they leave behind less than 1 percent of their submunitions as duds. Cluster submunitions often fail to explode on initial impact, leaving duds that act like landmines and pose danger to civilians. The legislation also requires the receiving country to agree that cluster munitions “will not be used where civilians are known to be present.” Only a very tiny fraction of the cluster munitions in the US arsenal meet the 1-percent standard.

This export ban was first enacted in a similar budget bill in December 2007, but that law mandated it for only one year.

“The passage of this measure is yet another indication that the president should initiate a thorough review of US policy with respect to cluster munitions,” said Goose. “If it is unacceptable for foreign militaries to use these weapons, why would it be acceptable for the US military to use them?”

US policy on cluster munitions was last articulated in a three-page policy directive issued by Defense Secretary Robert Gates in July 2008. The directive described cluster munitions as “legitimate weapons with clear military utility.” Under the policy, the US will continue to use cluster munitions and, after 2018, will use only munitions with a tested failure rate of less than 1 percent.

In December 2008, a spokeswoman for the Obama transition team said that the next president would “carefully review” the new treaty banning cluster munitions and “work closely [with] our friends and allies to ensure that the United States is doing everything feasible to promote protection of civilians.”

On February 10, Human Rights Watch joined leaders from 66 other national nongovernmental organizations in signing a joint [letter](#) calling on President Obama to join the Convention on Cluster Munitions. Human Rights Watch co-chairs the Cluster

Munition Coalition, which it helped found in November 2003. It is also a founding member of the United States Campaign to Ban Landmines and Cluster Bombs.

“The export ban moves the US one step closer to the position taken by nearly 100 nations – including its closest NATO allies – that have signed the treaty banning cluster munitions,” said Goose. “A US decision to sign would certainly signal President Obama’s commitment to multilateral diplomacy.”

The 2008 Convention on Cluster Munitions was opened for signature in December. It prohibits the use, production, stockpiling, and transfer of cluster munitions, and provides strict deadlines for clearance of affected areas and destruction of stockpiled cluster munitions. A total of 95 states have signed the convention, including most NATO members and other close US allies. The Bush administration chose not to participate in the development or negotiation of the convention, which was modeled on the 1997 treaty banning landmines.

While the historical record is incomplete, the United States has transferred hundreds of thousands of cluster munitions containing tens of millions of unreliable and inaccurate submunitions to at least 28 countries: Argentina, Australia, Bahrain, Belgium, Canada, Egypt, Denmark, France, Greece, Honduras, Indonesia, Israel, Italy, Japan, Jordan, South Korea, Morocco, the Netherlands, Norway, Oman, Pakistan, Poland, Saudi Arabia, Spain, Thailand, Turkey, the United Arab Emirates, and the United Kingdom.

Several of these states have joined the Convention on Cluster Munitions and are in the process of destroying their stockpiled cluster munitions. Cluster munitions exported by the US have been used by other states in Lebanon, Iraq, the former Yugoslavia, and Western Sahara.

Cluster munitions can be fired by artillery and rocket systems or dropped by aircraft and typically explode in the air and send dozens, even hundreds, of tiny bomblets over an area the size of a football field.

For more of Human Rights Watch’s work cluster munitions, please visit:

<http://www.hrw.org/en/category/topic/arms/cluster-munitions>

For additional background on cluster munitions, please see the following:

- US Campaign to Ban Landmines and Cluster Bombs:
<http://www.banminesusa.org/>
- Cluster Munition Coalition:
<http://www.stopclustermunitions.org/>

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