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Ukraine: Biden again escalates

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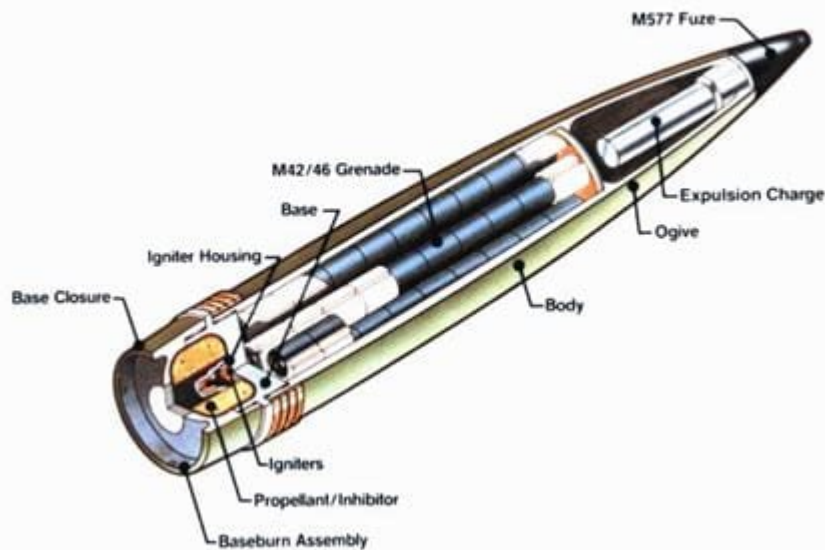
The Washington Post says that the U.S. will now give cluster munition to Ukraine.

[Biden approves cluster munition supply to Ukraine](#)

President Biden has approved the provision of U.S. cluster munitions for Ukraine, with drawdown of the weapons from Defense Department stocks due to be announced Friday.

The munition will be 155mm grenades, Dual Purpose Improved Conventional Munitions (DPICM), that can be fired by 'Western' provided artillery.

155mm M864 MAJOR COMPONENTS



The decision, likely illegal, was made because the U.S. and its allies have run out of other 155mm munitions:

*The move, which will bypass U.S. law prohibiting the production, use or transfer of cluster munitions with a failure rate of more than 1 percent, comes amid concerns about Kyiv's lagging counteroffensive against entrenched Russian troops and **dwindling Western stocks of conventional artillery.***

It is accompanied by false statements that Russia has used such ammunition in Ukraine:

It follows months of internal administration debate over whether to supply the controversial munitions, which are banned by most countries in the world. Cluster weapons explode in the air over a target, releasing dozens to hundreds of smaller submunitions across a wide area.

More than 120 countries have joined a convention banning their use as inhumane and indiscriminate, in large part because of high failure rates that litter the landscape with unexploded submunitions that endanger both friendly troops and civilians, often for decades after the end of a conflict. The United States, Ukraine and Russia — which is alleged to have used them extensively in Ukraine — are not parties to the convention. Eight of NATO's 31 members, including the United States, have not ratified the convention.

It is well documented, [by Human Rights Watch](#) and [others](#), that the Ukrainian military has used cluster munitions. There is nothing to support a claim that Russia has done so. The Pentagon has [rejected](#) claimed evidence of Russian cluster munition attacks:

Commenting on videos depicting alleged Russian cluster munition use, DOD officials stated during a March 1, 2022 press conference that “we’ve seen the same video that you have but we have not assessed that it is definitive with respect to the use of cluster munitions. So we are not in a position to confirm the use of cluster munitions at this time.” In a similar manner, a DOD official stated during March 3, 2022, press conference that DOD was still unable to confirm Russia’s use of cluster munitions.

Cluster munitions are banned by most countries because they often fail to explode on impact and thereby leave a lot of [unexploded mines on the ground](#):

The principal weapon under consideration, an M864 artillery shell first produced in 1987, is fired from the 155mm howitzers the United States and other Western countries have provided Ukraine. In its last publicly available estimate, more than 20 years ago, the Pentagon assessed that artillery shell to have a “dud” rate of 6 percent, meaning that at least four of each of the 72 submunitions each shell

carries would remain unexploded across an area of approximately 22,500 square meters — roughly the size of 4½ football fields.

Last year the Congressional Research Service [found](#) that the real dud rate is higher than what the Pentagon claims:

There appear to be significant discrepancies among failure rate estimates. Some manufacturers claim a submunition failure rate of 2% to 5%, whereas mine clearance specialists have frequently reported failure rates of 10% to 30%. A number of factors influence submunition reliability. These include delivery technique, age of the submunition, air temperature, landing in soft or muddy ground, getting caught in trees and vegetation, and submunitions being damaged after dispersal, or landing in such a manner that their impact fuzes fail to initiate.

The Pentagon claims that the ammunition it will provide has a lower dud rate. But it never produced data from tests that would support its claims.

By agreeing to provide the munition, Biden is [circumventing or breaking the law](#):

There is no waiver provision in the 1 percent limit Congress has placed on cluster munition dud rates, written into Defense Department appropriations for the last seven years. Biden would bypass it and Congress, according to a White House official, drawing down the munitions from existing defense stocks under a rarely used provision of the Foreign Assistance Act, which allows the president to provide aid, regardless of appropriations or arms export restrictions, as long as he determines that it is in the vital U.S. national security interest.

Unfortunately, neither Congress nor the courts are likely to intervene.

The cluster ammunition, like the Uranium tank ammunition the U.S. and Britain

have sent to Ukraine, will make large parts of the country uninhabitable and unusable for agricultural purposes. It will also make attacks and retreats through affected areas difficult for military forces on both sides.

Cluster ammunition was made during the Cold War for defending against large-scale armored attacks. They are imprecise area attack weapons. Their usefulness against the small unit attacks with a handful of tanks, which we have often seen during this war, is doubtful.

As the U.S. has run out of other ammunition, what will it provide to Ukraine after the DPICM fail to turn around the fate of the Ukrainian army?

Chemical weapons? Nukes?

Source: [Moon of Alabama](#)

