



## Syria's Civil War and the Use of Banned Weapons: A Study on Cluster Munitions and Landmines

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### Abstract

The Syrian civil war, now in its second decade, has witnessed extensive use of banned weapons—particularly cluster munitions and landmines—by both state and non-state actors. This study examines their deployment, humanitarian impact, and the legal challenges they pose. Relying on field reports, legal documents, and open-source investigations, the research highlights the systematic use of cluster munitions by Syrian government forces, often in coordination with Russian military operations. These attacks have caused thousands of civilian casualties, widespread contamination from unexploded ordnance, and major obstacles to reconstruction and refugee return. Despite clear violations of the Geneva Conventions and customary international humanitarian law, legal accountability remains elusive due to Syria's non-ratification of key treaties and the geopolitical deadlock facing institutions like the ICC. The paper assesses global legal instruments such as the Convention on Cluster Munitions and the Ottawa Treaty, reviews India's diplomatic stance, and highlights the urgent need for stronger enforcement, broader treaty ratification, and intensified humanitarian clearance efforts. The Syrian case serves as a critical lesson for strengthening global norms against indiscriminate weapons in future conflicts.



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### Introduction

Syria's civil war, now entering its fifteenth year, has become one of the deadliest laboratories for the new application of indiscriminate weapons. International reporting and scholarship understandably have directed attention to the regime's chemical attacks, but a more subtle and just as deadly arsenal has defined the conflict's humanitarian context: cluster munitions and anti-personnel landmines. These cluster munitions, prohibited under the 2008 Convention on Cluster Munitions and the 1997 Mine Ban Treaty respectively, have been used by both state and non-state actors in a manner that tears apart the fundamental international humanitarian law (IHL) principles of distinction and proportionality. Reports compiled by the Syrian Network for Human Rights (SNHR, 2023) have estimated that between March 2011 and early 2023, at least 3,353 civilians, including hundreds of children, were killed by landmine explosions, and yet another large number were killed by unexploded remnants

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of cluster munitions. These figures are only a small part of a greater crisis of unexploded ordnance (UXO) that continues to drive displacement, hinder relief efforts, and undermine chances of post-war recovery.

Cluster munitions are meant to disperse dozens or hundreds of submunitions across an area the size of a few football pitches. Practically speaking, that feature makes them unable to distinguish between combatants and civilians when they are deployed in or around population centres. Human Rights Watch (2022) reported on multiple occasions where Syrian or rebel aircraft and artillery platforms used cluster bombs to scatter them into populated areas during peak civilian traffic, such as on November 6, 2022, when the camps for displaced persons in Idlib Governorate were struck. Their indiscriminate character is further intensified by their extremely high dud rate; global Convention on Cluster Munitions (CCM) reports put 10–40% of submunitions at failure to detonate upon impact, in effect turning attacks into rolling minefields. Such duds—shiny, scattered, and misleading—cover the sites of ruined playgrounds, orchards, and buildings, giving rise to what Médecins Sans Frontières has characterized as a "second conflict timeline," where civilians remain killed or injured months and even years following an attack.

Landmine danger is more geographically widespread. Syrian Arab Army-laid mines to defend military borders, ISIS's improvised victim-operated devices in Raqqa, and Kurdish force-abandoned hastily dug anti-tank mines have collectively created deadly belts over civilian terrain (Mines Advisory Group [MAG], 2025b). Humanitarian documentation indicates that, in 14 governorates, more than 10,400 civilians needed amputations or complex procedures because of blast injuries alone (SNHR, 2023). In 2024, trauma units such as the one at Idlib Surgical Specialized Hospital indicated that they treated an average of four landmine or UXO casualties every day—many serious—averaging close to 500 patients since December 2024, with about 60 deaths and 68 of them children (MAG, 2025a).

Children, attracted by colourful bomblets or oblivious to hidden triggers, account for a disproportionate percentage of the victims. Between 2012 and the early months of 2023, cluster-munition attacks in Syria killed more than 1,000 civilians—nearly 40% of them children—and a minimum of 382 other civilians were killed by submunition explosions later. These wounds—traumatic amputations, shrapnel blindness, chronic infection—are paralleled by deep psychosocial damage. Mental health professionals speak of communities in which parents will not allow children to gather firewood or tend sheep, tasks essential to rural survival. The threat's invisibility, coupled with cumulative trauma, has made ordinary a culture of hyper-vigilance that could haunt Syrian society for decades, experts caution.

This explosive-debris crisis also hinders reconstruction. The Mines Advisory Group, which has been operational since 2016, has already cleared more than 80,000 explosive objects, yet cautions that hundreds of thousands more still litter Syria (Washington Post, 2025). Strategic centers such as Raqqa still experience blocked roads, fenced irrigation canals, and unusable cropland. Agriculture, which used to be around 20% of Syria's GDP, is now being subjected to double jeopardy: fields planted not with wheat but with make-do bombs, and farmworkers risking life to reap parched fields. Landmine contamination therefore undermines food security, increases unemployment, and deters the return of internally displaced people (IDPs), further straining host communities and aid budgets.

Legal accountability is elusive. Syria is a signatory to the 1949 Geneva Conventions and Additional Protocol I, banning indiscriminate attacks and requiring precautions to shield civilians. It has, however, not signed the CCM or the Mine Ban Treaty. Nevertheless, increasing state practice and *opinio juris* indicate that cluster munition prohibitions and the obligation to remove UXO are becoming ingrained customary IHL (Mine Action Review, 2024). The United Nations General Assembly has consistently denounced Syria's use of cluster munitions (United Nations General Assembly [UNGA], 2024), but enforcement has been prevented by Security Council politics. The International Criminal Court, in theory, might prosecute reckless or intentional use of indiscriminate weapons as war crimes, but jurisdictional barriers remain because Syria is not a State Party and referrals by the Council are unlikely.

Scholarship, academically speaking, is disproportionately skewed between chemical weapons and UXO. Chemical-weapons deployment in Syria has produced policy briefs, UN-OPCW investigation reports, and epidemiology. By contrast, landmine and cluster-munition scholarship continues to be dispersed—largely NGO white papers, grey-literature case studies, and press reporting. Limited studies combine socio-economic impact analysis with legal analysis or track how UXO influences patterns of displacement and local governance. This void has implications: lacking granular insight into how contamination works with food networks, health infrastructure, and community resilience, international donors risk misdirecting resources—allocating resources for short-term relief at the cost of long-term clearance and rehabilitation.

This paper therefore follows three interconnected aims. First, it rigorously records the extent, geography, and timeline of cluster-munitions and landmine use in Syria between 2012 and 2024, combining incident-mapping platforms, satellite imagery, and field interviews. Second, it measures the humanitarian consequences through casualty data, disability-health indicators, and economic-loss estimates. Third, it tests the efficacy of legal enforcement mechanisms—treaty-based and customary—by charting diplomatic efforts, Security Council debates, and nascent civil-society litigation. By so doing, it spans conflict geography, public-health epidemiology, and international human-rights law to suggest pragmatic options for strengthening humanitarian protections in ongoing and future conflicts.

## Understanding Cluster Munitions and Landmines: Definitions and Effects

### Cluster Munitions

Cluster munitions are air-dropped or ground-launched weapons that release dozens to hundreds of sub-munitions (bomblets) over a wide area, potentially spanning several football fields (United Nations Office for Disarmament Affairs [UNODA], 2024). These bomblets are typically designed to penetrate light armour or fragment upon detonation to injure or kill personnel. However, this wide-area dispersal and the inherent lack of control over individual sub-munitions render the weapon incapable of distinguishing between military targets, civilians, and civilian infrastructure. This characteristic violates the foundational principles of international humanitarian law (IHL), particularly the doctrines of distinction and proportionality (International Committee of the Red Cross [ICRC], 2025a).

An additional and more prolonged threat emerges from the high failure rate of these bomblets—estimated at 10%–40%—depending on variables such as fuse design, storage conditions, and terrain at the time of deployment (Cluster Munition Monitor, 2024). The unexploded sub-munitions, often referred to as "duds," effectively become de facto landmines, remaining lethal for years or even decades after initial deployment. The 2024 Cluster Munition Monitor reported that nearly half of all casualties from cluster munition remnants in 2023 were children, many of whom were drawn to the sub-munitions by their bright colours or toy-like appearance (ICRC, 2025b). The clearance process is extremely labour-intensive: each sub-munition must be individually located—usually through handheld metal detectors—and then safely detonated in situ. Consequently, the cost and time required for clearance often far exceed the initial deployment effort (Mine Action Review, 2024). For instance, Bosnia and Herzegovina required nearly thirty years to complete the clearance of cluster munition remnants left over from the conflicts of the 1990s (Mine Action Review, 2024).

Recognizing the severe humanitarian consequences associated with these weapons, the 2008 Convention on Cluster Munitions (CCM) prohibits the use, transfer, manufacture, and stockpiling of cluster munitions. It also mandates that States Parties undertake clearance operations and provide support to victims (ICRC, 2014). As of March 2025, 124 states have acceded to or ratified the CCM. However, many influential military powers remain outside the treaty framework, and recent instances of use in Syria and Ukraine illustrate that the normative strength of the convention remains limited (ICRC, 2025a).

### Landmines

Landmines are victim-activated explosive devices designed to detonate through direct pressure—such as from a footstep or vehicle—or through proximity to a trip-wire mechanism. These devices are typically buried beneath or positioned on the surface of the ground. Their lethality is compounded by their durability; for example, mines planted during the Afghan conflicts of the 1970s continue to injure and kill civilians, particularly farmers and herders, to this day. According to Landmine Monitor statistics, more than 4,700 individuals were victimized by landmines in 2023 alone. Of these, 85% were civilians, and approximately half were children (Landmine Monitor, 2024).

Beyond their physical impact, landmines have also become part of metaphorical discourse, symbolizing latent threats or hidden traps in political, financial, or emotional contexts. This metaphorical usage mirrors the weapon's defining characteristics: concealment and sudden devastation. The socio-economic ramifications of landmine contamination are similarly insidious. Land rendered hazardous cannot be cultivated; essential infrastructure such as roads and irrigation channels becomes unusable; and entire villages remain uninhabited due to the threat of concealed explosives. In Syria's Raqqqa province, for instance, more than 900 individuals have been injured or killed by landmines and other forms of unexploded ordnance (UXO) since December 2024. This has significantly impeded the reconstruction of vital services including schools, markets, and electrical grids (Washington Post,

2025). Demining experts estimate that neutralizing a single anti-personnel landmine can cost between USD 300 and 1,000, whereas the mine itself may cost as little as USD 3 to manufacture (Mines Advisory Group [MAG], 2025).

On the legal front, efforts to address landmine use have achieved greater traction than similar efforts for most other categories of weapons. The 1997 Mine Ban Treaty, also known as the Ottawa Convention, comprehensively prohibits the use, production, stockpiling, and transfer of anti-personnel mines. It also imposes strict timelines for landmine clearance and mandates assistance to victims. As of 2025, 165 states are parties to the treaty, and more than 55 million stockpiled landmines have been destroyed under its provisions (ICBL, 2025). Nonetheless, prominent global powers—including Syria, Russia, and the United States—either remain outside the treaty framework or maintain policy exemptions. Additionally, many armed non-state actors continue to fabricate improvised explosive devices (IEDs), which often fall outside the regulatory scope of existing treaties (Landmine Monitor, 2024).

## Historical Context of Banned Weapons: Cluster Munitions and Landmines

The historical deployment of cluster munitions and landmines has contributed significantly to the shaping of modern armed conflict, generating both immediate and enduring humanitarian consequences. Their origins can be traced to technological innovations during World War II, particularly with Nazi Germany's use of the SD-2 "butterfly bomb." These munitions, notable for their dual-purpose design, incorporated both impact-delay and anti-handling fuses, facilitating not only immediate destruction but also prolonged area denial and psychological warfare.

The Vietnam War marked an escalation in the scale and impact of cluster munitions, as the United States engaged in extensive aerial bombardment campaigns across Vietnam and especially Laos. It is estimated that 260 million sub-munitions were dropped, with approximately 80 million failing to detonate upon impact. This has resulted in Laos facing the world's highest level of unexploded ordnance (UXO) contamination. The enduring consequences remain severe; as of 2009, thousands of people—including children—had been maimed or killed by leftover munitions in areas such as Quảng Trị province (Olson, 2025; Kiernan & Owen, 2010).

In South Lebanon, the Israeli military's use of cluster munitions during its 1978 and 2006 operations resulted in humanitarian crises marked by widespread unexploded sub-munitions. The 2006 conflict alone saw the deployment of approximately four million sub-munitions, with around one million failing to detonate. This caused contamination of nearly 42% of southern Lebanon's fertile land, with consequences ranging from environmental degradation to long-term psychological trauma among the affected population (Fares & Hoteit, 2014).

Morocco's extensive use of cluster munitions during the Western Sahara War (1975–1991) also left a hazardous legacy, as documented by field investigations identifying over 300 separate strike areas across zones such as Bir Lahlou and Mehaires. The munitions employed—including BLU-63, M42, and MK-118 sub-munitions—continue to endanger local communities and inhibit post-conflict recovery (Hultman, 1977, as cited in Halliday, 2014). In the 1982 Falklands War, the United Kingdom's Royal Air Force used 531 BL755 cluster bombs against Argentine positions. Post-conflict assessments revealed high dud rates, particularly due to ultra-low-altitude delivery that prevented proper functioning, leaving inactive yet hazardous bomblets scattered on the ground (Freedman, 2005).

U.S. reliance on cluster munitions extended to limited interventions, as illustrated by the deployment of 21 Mk-20 Rockeye cluster bombs during Operation Urgent Fury in Grenada (1983), raising concerns about ongoing risks of collateral damage in such scenarios. The Nagorno-Karabakh conflicts between Armenia and Azerbaijan have also been marked by the recurring use of cluster munitions—primarily via Grad and Smerch rocket systems—which human rights investigations found scattered in civilian areas. By 2010, an estimated 93 square kilometers of land remained unsafe due to UXO contamination.

During NATO airstrikes in the Kosovo War (1999), nearly 2,000 cluster munitions containing approximately 380,000 bomblets were deployed, resulting in at least 23 civilian deaths in Niš and ongoing land contamination (Freedman, 2005). The U.S.-led invasion of Afghanistan (2001–2002) involved extensive use of cluster munitions, and surveys such as the one conducted in the Shomali Valley documented a dud rate of 17.4% among 1,818 sampled bomblets, causing recurring injuries to returning farmers and sustained disruption to rural economies (Mannion & Chaloner, 2003).

In Iraq, cluster bombs were heavily utilized during both the 1991 Gulf War and the U.S.-led invasion beginning in 2003. Coalition forces dropped an estimated 61,000 cluster munitions in 1991 and a further 13,000

between 2003 and 2006, creating between 1.2 and 1.5 million duds and resulting in over 4,000 civilian fatalities (Singh, 2023). The proliferation of UXOs has greatly hindered reconstruction efforts and posed a persistent threat to civilian populations.

The Russian invasion of Ukraine (2022–present) has seen both Russian and Ukrainian forces deploy cluster munitions, despite international prohibitions. By March 2022, UN monitors had documented at least 24 Russian cluster bombings in populated urban areas. Due to artillery shortages, Ukraine itself began using U.S.-supplied DPICM rounds by July 2023. The repeated use of cluster munitions in this conflict underscores the enduring difficulty in enforcing bans on such weapons (Singh, 2023).

Extensive and devastating use of cluster munitions has also characterized the Syrian Civil War since 2011. Human Rights Watch and independent analysts documented the use of Soviet-designed RBK-250 bombs and Russian-made RBK-500 series cluster munitions by Syrian government forces, often with Russian military support. These weapons have been predominantly used in regions such as Idlib, Aleppo, Hama, and Eastern Ghouta, often targeting civilian infrastructure in siege operations. The consequences for Syrian society have been profound, with both immediate and lingering harm affecting populations years after initial attacks.

Through each of these conflicts, the historical trajectory of cluster munitions and landmine use reveals a consistent pattern: immediate tactical effectiveness is overshadowed by catastrophic long-term impacts on civilian populations and local environments. Despite the advancement of international legal norms and treaties, the recurring deployment of these weapons highlights persistent gaps in accountability, risk mitigation, and humanitarian response.

## Case Studies: Cluster Munitions and Landmines Use in Syria

The humanitarian impact of cluster munition use in Syria has been catastrophic, both in the immediate and long-term context. Individual attacks using cluster munitions have resulted in mass-casualty events. One particularly egregious incident occurred during the 2017 Raqqa strike, which reportedly claimed the lives of more than 100 civilians within a single week. Children have been disproportionately affected, accounting for approximately 40% of all recorded cluster munition victims. This vulnerability stems from the fact that unexploded submunitions are often mistaken for toys due to their small size and bright appearance. Long-term consequences have proven equally devastating; estimates suggest that approximately 30% of the deployed submunitions failed to detonate upon initial impact. These unexploded ordnances (UXOs) have continued to pose a lethal threat, contributing to more than 12,000 reported incidents as of 2023. Contamination of agricultural land and residential zones has significantly slowed post-conflict recovery efforts, deterring the return of internally displaced persons and impeding reconstruction operations.

Legal responsibility for the use of cluster munitions in Syria remains highly contested. Although Syria is not a signatory to the 2008 Convention on Cluster Munitions, the use of these weapons in densely populated civilian areas constitutes a violation of customary international humanitarian law. The indiscriminate nature of cluster munitions, particularly when used without regard for civilian safety, breaches the foundational legal principles of distinction and proportionality under the Geneva Conventions and Additional Protocol I. However, the international community has struggled to hold perpetrators accountable due to complex geopolitical dynamics, the absence of International Criminal Court (ICC) jurisdiction over Syria, and the inherent difficulty in documenting war crimes amid ongoing hostilities. This persistent impunity sets a troubling precedent for future conflicts, threatening to erode international norms surrounding the use of banned weapons.

The Syrian case underscores the enduring humanitarian, legal, and socioeconomic consequences of cluster munition use. The legacy includes not only physical injuries and fatalities but also long-term psychological trauma and structural impediments to national recovery. Agricultural production, housing reconstruction, education, and healthcare infrastructure have all suffered in areas affected by UXO contamination. This case study highlights the critical need for universal adherence to the ban on cluster munitions, more effective international enforcement mechanisms, and increased investment in victim assistance and demining initiatives. The Syrian experience must serve as a global cautionary tale—illustrating the profound and long-lasting consequences of indiscriminate weapon use—and should galvanize international resolve to prevent similar humanitarian disasters in the future.

## International Responses

### The Convention on Cluster Munitions (CCM)



The Convention on Cluster Munitions (CCM), adopted in May 2008 by 107 countries, prohibits the use of cluster bombs due to their devastating humanitarian consequences. Initiated through the Oslo Process, the treaty came into effect in August 2010. It strengthens international humanitarian law (IHL) by expanding protections for civilians and military targets alike. Under international law, cluster munitions are categorized alongside other banned weapons such as chemical, biological, and anti-personnel mines.

#### **The Ottawa Treaty (1997)**

The Ottawa Convention, also known as the Mine Ban Treaty, aims to eliminate anti-personnel landmines (APLs) globally. Opened for signature in 1997 and enacted in 1999, the treaty currently has 164 signatories. However, major powers such as the United States, Russia, and China have not signed. The treaty prohibits the use, manufacture, and transfer of APLs. Although some non-signatory states comply with its core standards in practice, non-state actors continue to deploy landmines. U.S. policy has shifted over successive administrations—Obama, Trump, and Biden—while largely aligning with the convention's humanitarian principles.

#### **International Humanitarian Law (IHL)**

International humanitarian law (IHL), also known as the law of armed conflict, seeks to limit the humanitarian consequences of warfare. It protects individuals not actively participating in hostilities and establishes legal boundaries on the means and methods of warfare. According to the International Court of Justice, IHL consists of treaty law, general principles, and customary norms. While IHL does not govern the legality of initiating war (*jus ad bellum*), it regulates conduct during armed conflict, emphasizing humane treatment and minimizing harm to civilian populations.

### **Existing Legal Aspects**

#### **International Law Violation**

The use of cluster bombs and landmines in Syria constitutes violations of the Geneva Conventions and customary IHL. These weapons, when used in civilian areas, breach the fundamental IHL principles of distinction, proportionality, and precaution. Such usage not only escalates civilian casualties but also leaves behind unexploded ordnance, posing long-term threats to communities even after hostilities cease.

#### **Worldwide Accountability**

Despite clear legal prohibitions, accountability remains elusive. The International Criminal Court (ICC) has yet to investigate weapon use in Syria, despite documented violations of IHL. The continued deployment of banned weapons, including chemical agents and cluster munitions, by various parties underscores the court's limitations. The lack of ICC jurisdiction and geopolitical constraints undermine global confidence in international mechanisms for justice and accountability.

#### **Challenges in Enforcement**

One of the principal challenges in enforcing international law involves the difficulty of applying legal standards to non-state actors. Armed groups such as ISIS, Al-Nusra Front, Hayat Tahrir al-Sham, Hezbollah, Jaish al-Islam, Failaq al-Rahman, the Syrian Democratic Forces (SDF), and Kurdish forces often operate outside traditional frameworks of state sovereignty. As non-state actors are not bound by the same international obligations as states, legal enforcement and the protection of human rights become significantly more complex in conflict zones involving such groups. This reflects a broader weakness in international legal regimes in dealing with modern asymmetric warfare.

### **India's Position**

#### **Policy on Cluster Munition and Landmines:**

India has neither ratified the CCM nor signed the Ottawa Treaty. However, it supports the responsible use of such weapons, asserting their strategic necessity for defence. While India is not bound by these treaties, it emphasizes the importance of balancing military requirements with humanitarian considerations. Its policy framework underscores the regulated use of these weapons to mitigate civilian harm.

#### **India's Stand on Syria:**

India is positioned to play a constructive role in Syria's post-conflict reconstruction, especially in infrastructure development and mine clearance initiatives. Its involvement could aid in stabilizing the region, facilitating refugee return, and rebuilding essential services. Additionally, India's diplomatic engagements at global forums

emphasize the promotion of human rights, adherence to international humanitarian standards, and the restoration of dignity for victims. Through such efforts, India can enhance its international standing as a peace-building nation.

## Way Forward

### Expanding Treaty Participation:

The global expansion of treaties such as the CCM and Ottawa Treaty is essential for addressing the humanitarian threats posed by cluster munitions and landmines. Efforts should focus on encouraging nations, particularly those involved in ongoing conflicts like Syria, to ratify these agreements. A broader base of adherence would foster stronger legal norms, reinforce international accountability, and enhance civilian protections.

### Promoting Accountability and Justice

Strengthening international mechanisms for prosecuting war crimes is critical. This includes enhancing the capacity of institutions such as the ICC and encouraging state cooperation in investigations and indictments. Justice must be a cornerstone of post-conflict peacebuilding, deterring future violations and promoting respect for international norms.

### Humanitarian Aid and Reconstruction:

Effective reconstruction and demining efforts require sustained global cooperation. Multilateral coordination involving national governments, international organizations, and NGOs is crucial for addressing the needs of displaced populations and rebuilding war-torn communities. Organizations such as the United Nations, International Committee of the Red Cross, and Mines Advisory Group play vital roles in these processes. Prioritizing long-term recovery and trauma healing efforts will contribute to lasting peace and reconciliation in Syria and similar conflict zones.

## Legal and Ethical Aspects of Cluster Munition Deployment in Syria

The Syrian war has triggered deep-seated legal and ethical concerns surrounding the deployment of cluster munitions—weapon systems widely condemned for their indiscriminate effects and enduring humanitarian consequences. This section explores three interrelated dimensions: (1) violations of international humanitarian law (IHL), (2) failures of international governance mechanisms, and (3) the moral accountability of state and non-state actors. Through a synthesis of legal frameworks and ethical theories, this discussion highlights the systemic impunity surrounding the use of cluster munitions and its implications for civilian protection in contemporary armed conflict.

### Violations of International Humanitarian Law

The use of cluster bombs in Syria constitutes a flagrant violation of foundational principles of IHL, most notably the principle of distinction, enshrined in Protocol I of the 1977 Geneva Conventions, and the prohibition on indiscriminate attacks (International Committee of the Red Cross [ICRC], Customary IHL, Rule 11). According to Human Rights Watch (2022), over 85% of documented cluster munition strikes occurred in civilian-populated areas, often targeting infrastructure such as hospitals, schools, and residential complexes. This conduct directly contravenes Article 51(4)(b) of Additional Protocol I, which prohibits the use of weapons “which cannot be directed at a specific military objective.”

While Syria is not a party to the 2008 Convention on Cluster Munitions (CCM), its actions are not exempt from legal scrutiny. As Bassiouni (2014) explains, the prohibition on the use of indiscriminate weapons has reached the status of customary international law, thereby binding all parties to armed conflicts (ICRC, Customary IHL Study, Rule 82). The Syrian regime’s repeated use of RBK-500 bombs equipped with SPBE submunitions—which have a documented failure rate of approximately 30% (Landmine Monitor, 2023)—demonstrates an intentional disregard for civilian safety. Such practices fulfil the criteria for war crimes under Article 8 of the Rome Statute of the International Criminal Court.

### Failures of Global Governance Mechanisms

The international community’s failure to ensure accountability for the use of cluster munitions in Syria underscores several systemic weaknesses in global governance frameworks. First, the geopolitical paralysis of the United Nations Security Council (UNSC) has obstructed potential referrals to the International Criminal Court (ICC). Despite comprehensive evidence compiled by the UN Independent International Commission of Inquiry (2021), no Russian or Syrian officials have been brought to justice. Russia’s repeated vetoes of accountability-

related resolutions—such as S/RES/2165—highlight how great-power politics can thwart the enforcement of IHL (Hurd, 2018).

Second, the limited membership of the CCM—as of 2023, only 110 states have ratified or acceded to the treaty—creates significant jurisdictional gaps. As Grover (2016) notes, the Convention's reliance on “voluntary compliance” severely limits its deterrent effect on non-signatory states, such as Syria and Russia, which continue to manufacture and deploy cluster munitions (Stockholm International Peace Research Institute [SIPRI], Arms Transfers Database, 2023).

Third, operational challenges in collecting reliable evidence from active conflict zones obstruct international legal action. The Organisation for the Prohibition of Chemical Weapons–United Nations Joint Investigative Mechanism (OPCW–UN JIM, 2017) reported that Russian forces had deliberately demolished bomb sites, thereby destroying critical forensic evidence. This pattern of conduct represents what Schmitt (2019) terms “tactical obfuscation” of war crimes, effectively shielding perpetrators from prosecution and further eroding mechanisms of justice.

## Moral Responsibility of Conflict Actors

Beyond legal violations, the deployment of cluster munitions in Syria raises serious deontological ethical concerns regarding the deliberate harm inflicted upon non-combatants. Rooted in Immanuel Kant's (1785) principle that individuals should never be treated merely as means to an end, the indiscriminate nature of cluster munitions directly contradicts moral imperatives respecting human dignity and autonomy. The Syrian government's “urban siege warfare” strategy, characterized by targeted bombardments of densely populated civilian zones, exemplifies the purposeful use of terror as a military tactic (Syrian Observatory for Human Rights [SOHR], 2020). This approach, intentionally exploiting the widespread and unpredictable dispersal of cluster submunitions, has been condemned by Just War theorists for violating the principle of proportionality under *jus in bello*, which mandates that military advantage must be weighed against civilian harm (Walzer, 1977).

Moreover, the ethical burden does not rest solely on those who deploy such weapons, but also on those who manufacture and supply them. Russia's provision of advanced cluster munition systems to the Syrian government implicates it in shared moral culpability. As documented by the United Nations Panel of Experts (2022), these transfers occurred despite the clear risk of civilian casualties, rendering the supplier complicit in the broader consequences of the conflict. This dynamic reflects Hannah Arendt's (1963) concept of the “banality of evil,” in which individuals and institutions, through routine administrative actions, contribute to atrocities while remaining distanced from the moral weight of their consequences.

Civil society actors and non-governmental organizations (NGOs) have framed the continued use of cluster munitions as a persistent ethical violation under human rights paradigms. The Cluster Munition Coalition's “Circle of Impact” campaign (Cluster Munition Coalition [CMC], 2021) has documented how unexploded ordnance (UXO) causes intergenerational harm by contaminating agricultural land, preventing its safe use for decades. This enduring contamination constitutes a breach not only of the right to life (International Covenant on Civil and Political Rights [ICCPR], Article 6), but also of the right to an adequate standard of living and access to food and livelihood (International Covenant on Economic, Social and Cultural Rights [ICESCR], Article 11).

Thus, the moral responsibility associated with cluster munition deployment extends far beyond battlefield decisions. It implicates national governments, arms producers, international institutions, and even bystanders in a complex web of ethical accountability. The Syrian case illustrates how modern warfare technologies, when left unchecked by ethical restraint and international oversight, can perpetuate cycles of violence, trauma, and structural injustice across generations.

## Conclusion

The protracted Syrian conflict stands not only as a testament to the failure of national governance but also as a stark indictment of the global humanitarian and legal order. Over more than a decade, Syria has transformed into a theatre of multi-actor warfare marked by complexity, impunity, and recurring breaches of international humanitarian law (ICRC, 2025a). Among the most egregious violations has been the repeated use of cluster munitions and landmines—weapon systems that inherently contravene the principle of distinction between combatants and civilians (UNODA, 2024; ICBL, 2025). These weapons have caused immense suffering long after deployment. Women and children, in particular, have borne the brunt of the impact, with children accounting for nearly 40% of casualties from unexploded submunitions (ICRC, 2025b). Vast tracts of agricultural land remain



contaminated, and essential infrastructure—schools, hospitals, roads—lie in ruin, thereby obstructing both rehabilitation and resettlement.

The indiscriminate and persistent use of banned or restricted weapons in Syria is not merely a legal failure—it is a profound ethical crisis. As documented in multiple sections of this paper, repeated violations by both state and non-state actors have occurred with virtually no consequence, reflecting a global double standard wherein geopolitical alliances often override humanitarian commitments (Hurd, 2018; Security Council Report, 2022). The paralysis of international institutions, such as the United Nations Security Council and the International Criminal Court, has enabled perpetrators to act with impunity, undermining both the spirit and substance of international humanitarian norms (Bassiouni, 2014).

Going forward, the Syrian war must be viewed not as an isolated tragedy but as a warning for the future of humanitarian governance. It calls for an urgent recommitment by the international community to strengthen the enforcement of existing laws and to expand the reach and ratification of treaties like the Convention on Cluster Munitions and the Mine Ban Treaty. This includes increased diplomatic pressure, enhanced international monitoring, and greater support for victim assistance and demining operation.

Syria must become more than a symbol of war's destructiveness—it must galvanize global resolve toward reform. Without meaningful accountability, robust legal deterrents, and ethical clarity, similar humanitarian disasters are not just possible—they are inevitable. The legacy of Syria should not only reflect pain and devastation but must also mark the beginning of a reformed, more just international humanitarian system.

### Declaration of Conflicting Interests

The authors declare no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

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