

CHAPTER V

CONCLUSION AND SUGGESTION

A. Conclusion

Related to the research problem that the researcher developed in the research on “Untargeting Attack in International Humanitarian Law: Case of Russia’ Attack to Syria”, there are two conclusions provided as follows:

1. According to International Law a party cannot be punished if he does not ratify the convention, in this case Syria is not a state party in several International Conventions, namely: Additional Protocol II/1977 and Rome Statute. Therefore, these conventions are not applicable formally in the armed conflict. International Humanitarian Law also find it a bit difficult to impose military sanction against Syria because of there are political of Russia and China behind Syria.
2. Syria and Russia are responsible for the untargeting attack that occurred in Syria and they are required to make full reparation for the loss or injury caused by untargeting attack according to Customary International Humanitarian Law and also Draft Articles on Responsibility of States for Internationally Wrongful Acts. Furthermore, Individuals belonging to an Organizations or State are held personally responsible before the law. Then Commanders and other Superiors should be held criminally responsible for failing to prevent or punish subordinates committing untargeting attack has been developed through international criminal jurisprudence, codified in Additional Protocol I of 1977 and is now

arguably considered to form part of Customary International Humanitarian Law.

B. Suggestion

The researcher suggests that the United Nations Security Council (UNSC) must carry out the mandate of UN Charter Articles 41 and 42 where its functioning UNSC must be more assertive in addressing the issue of untargeting attack in the armed conflict in Syria and UNSC as the main organ which responsible for the maintenance of international peace and security.