

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

A. Conclusion

1. The use of chemical weapons in the Syria conflict has become a violation against international humanitarian law since the use of chemical weapons has been prohibited in basic principles of International Humanitarian Law and several international agreements namely, the 1899 Hague Convention and 1925 Geneva Protocol which declared the prohibition upon the use of any poisonous gas. Moreover, the 1993 Chemical Weapons Convention clearly controlled the use of chemical weapons itself in the battlefield.
2. The lack of enforcement mechanism in the international law system is the main factor of the adjudication of the use of chemical weapons in Syria conflict becomes difficult. Besides, Syria is not a state Party to the Rome Statute, and therefore, the use of chemical weapons in Syria cannot be referred to the ICC jurisdiction.

B. Recommendation

The basic principle of international humanitarian law and a number of treaties have indeed banned the use of chemical weapons in hostilities but, the more strict measure needs to be taken to stop the violation of chemical weapons used in Syria conflict. The Organization for the Prohibition of Chemical Weapons (OPCW) should be more critical in monitoring and enforce the prohibition of chemical weapons also,

implement more strict measure to investigate and eliminate the chemical weapons in Syria. Due to the insufficient enforcement mechanism in international law system in dealing with the use of chemical weapons in Syria, the OPCW should maintain its cooperation with the United Nations Joint Investigative Mechanism (JIM) to investigate and eliminate the undeclared chemical weapons of the state Party.