E-ISSN: 2622-7045 I P-ISSN: 2654-3605
UNES LAW REVIEW
https://review-unes.com uneslawreview@gmail.com +62 856-5804-3983

DOI: https://doi.org/10.31933/unesrev.v6i2
Received: 25 Januari 2024, **Revised:** 20 Februari 2024, **Publish:** 27 Februari 2024

Pelanggaran Penggunaan Rudal Sarmat Sebagai Salah Satu Senjata Kimia dalam Konflik Bersenjata dalam Hukum Humaniter Internasional

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Abstract: *The purpose of this work is to find out what are the regulations for the use of Sarmat missiles according to international treaties (1), what are the violations of the use of Sarmat missiles according to the Chemical Weapons Convention of 1997 (2), what is the form of responsibility for the use of Sarmat missiles according to the Weapons Convention of 1997. (3) what is the form of responsibility for the use of Sarmat missiles according to the 1997 Weapons Convention using normative legal research methods. concluded.: the efforts of countries to achieve world peace and mutual security of each country through the regulation and prohibition of chemical weapons are consistently implemented by countries, namely by establishing protocols prohibiting the use of gases that cause asphyxiation, poisonous gases / other gases in war and warfare. This method of using bacteria became known as the Geneva Protocol of 1925, the Chemical Weapons Convention of 1992, the Additional Protocol of 1977, and the Hague Convention of 1907. The existence of martial law has become a legal norm that the international community must abide by in wars and armed conflicts arising from sovereignty issues. The regulation of war and armed conflict in each UN member state is now a measure of the extent to which compliance with international humanitarian law treaties can be fairly enforced through the International Criminal Court.*

Keyword: *Chemical Weapons; Armed Conflict; Humanitarian Law*

INTRODUCITION

The actuality of international humanitarian law or the laws of war is an important provision for service members to misbehave in times of conflict or fortified war to regulate the "military attitude" towards the enemy, both permanent and irregular. In the chaotic atmosphere of war, violations of laws relating to life, violence, sexual impunity, possession of property or other disgraceful acts may be experienced by prisoners of war, hosts or weak people, damaging the image of the service or state government in international (humanitarian) law.(Sulistia, 2021)

In the beginning, the law of philanthropy was known as the law of war, which contains rules that apply in warfare concerning humanity from acts of murder, violence, importunity, and so on using weapons. Although war has been regulated, the consequences of war are still enormous. This was felt by the countries involved in the First World War in 1914-1918. War causes misery, both for military members and civilians who become victims. The loss of life and property was invaluable. This situation led to awareness and sweat to abolish war or at least minimize the possibility of war. sweat was made in the form of a statement in the Preamble of the League of Nations (LBB) in 1918 which guaranteed peace and security, so that each member of the LBB accepted the obligation not to choose the path of war. Another issue was the signing of the Kellog Brian or Paris Pact in 1928 which was signed by Jerrnan, the United States, Belgium, Britain, France, Italy, Japan, Poland, and Czechoslovakia. The Paris pact stated that they rejected or no longer recognized war as the only means of public policy and agreed to change relations by financial means. However, this agreement was eventually broken with the Second World War in 1939-1945. (Thareq Nabiel Aziz & Aji Wibowo, 2022)

According to J.G Starke, "the law of war consists of the limits determined by international law within which the force necessary to control the enemy may be used, and the principles by which the treatment of individuals in war and belligerent conflicts is regulated". From Starke's opinion, a description of humanitarian law needs to be known as an effort to understand the problems of war and armed conflict for military members in carrying out their duties in the field. The "father of humanitarian law", Jean Pictet of France, gave a description of international humanitarian law as "constituted by all the rules of international law, both written and customary, which respect the individual and encourage his development". Pictet's description was changed by the UN to "International humanitarian law in the broadest sense formed by all transnational legal rules and promoting their development".(Eliza et al., 2019)

The description below provides an understanding that humanitarian law is part of public international law that can be applied in times of war or fortified conflict/controversy. Humanitarian law includes all international regulations meant to protect those who suffer the most from the mortal rights due to armed conflicts and open wars, such as civilians who are weak, wounded, sick, or become prisoners of war during armed conflicts and wars. In addition, humanitarian law provides special protection for mercenary objects that are used by society and do not support military interests or neutral objects in war, such as seminaries, artistic relics, and places of worship.(Annabil, 2021)

The principle of humanity can be seen in the transnational convention of the 1896 *Saint Petersburg* Declaration, the first convention to regulate the prohibition of the use of certain weapons in war, this prohibition is intended to reduce gratuitous suffering in war. In the Hague Regulations, the principle of humanity is reflected in the prohibition of the use of suffocating and poisonous bullets that can kill innocent civilians. Chemical weapons are one of the uses of weapons prohibited in international humanitarian law because they cause gratuitous suffering. In the legal arrangement of the Geneva Conventions I-IV which regulates the obligation to provide protection to victims of war is a reflection of humanitarian principles. Chemical bombs are also prohibited from being used in war because the impact caused is inhumane and contrary to the humanitarian principles of international humanitarian law itself.(Dian Febry Anggraini Hendrik B. Sompotan Natalia L. Lengkong, 2021)

The use of chemical weapons in armed conflict has been regulated in the Convention on the Prohibition of the Use of Chemical Weapons in 1993. Composition 1 states that states parties are prohibited from developing, producing, storing, transferring directly or laterally to any person, using chemical weapons in medicine for military conditioning and, to assist, support anyone in any way to attack in conditioning prohibited for states parties to this convention. The prohibition of the use of chemical weapons has also become international Humanitarian Law so that it applies to all international communities. Let's take one

illustration, the armed conflict in the Arab country is one of the conflicts that attracts the attention of the international community. The conflict in this Arab country has captured the world's attention, because of the many casualties on the civilian side. In the conflict in Syria, it can be determined that there have been war crimes against civilians, one of which is the use of chemical weapons that claimed many lives.(Ardeen Brando Kaunang Natalia L. Lengkong & Sinaga, 2021)

From the past until now, armed conflict seems unavoidable in relations between nations. According to Mochtar Kusumaatmadja in his book Red Cross Conventions, most of humanity's existence is shaped by conflict. In other words, as members of the international community, countries' relations with each other are dominated by war, and peace is only momentary. Since armed conflict is almost always present in the international community, it would be an understatement to say that military war itself is recognized as pragmatic.(Kahfi, 2022)

There are two types of armed conflicts or wars: non-international armed conflicts, commonly referred to as domestic conflicts, and international armed conflicts. The legal standing of the participants in war is the main difference between international and non-international military conflicts. According to Article 2 of the General Articles of the 1949 Geneva Conventions, each party to an international armed conflict has the same legal status as the other parties, namely as a state acting as a subject of international law. Meanwhile, Article 1 juncto Article 96 of Additional Protocol I of 1977 designates other units that are not states but may be entities equivalent to states.(Queency Gloria Sumeke, 2019)

An important military attack to examine from a humanitarian law perspective occurred during the armed war between Russia and Ukraine. The attack in question occurred on Monday, June 27, 2022, when two missiles fired by the Russian side destroyed a shopping center in the town of Kremenchuk in central Ukraine. According to the Ukrainian Air Force Command, two long-range sarmat missiles fired from Tu-22M3 bombers departing from Shaykovka Kaluga air base on Russian territory hit the shopping center. At least thirteen people were killed and fifty injured in the attack, which occurred when more than a thousand people were inside the shopping center. In a press release, Ukraine's Emergency Services Unit verified the effects of the bomb, stating that the attack on the Retroville shopping center on Sunday evening resulted in several explosions that shook the surrounding retail district and fires in the parking lot and on four floors of the commercial center building.

Disputing nations often use weapons and ammunition during military conflicts. The main purpose of war weaponry is to destroy or cripple the opposing force. Today's military technology has advanced to an incredible level, with weapons such as missiles having advanced technological capabilities that can effectively and precisely degrade or kill their targets. The "Precision Control Bullet" weapon, which has a high degree of accuracy in hitting targets, was created and developed by this technology. This is of course significantly different from the previous generation of military hardware, where targeting an attack target precisely or accurately has always been a challenge.(Kahfi, 2022)

ThIs, in addition to shaking up world politics and trade, the conflict between Russia and Ukraine has created new difficulties for international relations. There is no doubt that this will have an impact on economies everywhere. The world will be affected by the Russia-Ukraine war in addition to the two countries involved and their allies. This battle impacts many things, including:

1. Russian alliance formation and war escalation
2. Increase in global commodity prices
3. Economic revival
4. Bottlenecks in commodity supply and logistics; and
5. Possibility of higher export prices

Due to Russia's violations of international law, the Ukrainian state has suffered greatly as a result of its activities. The Office of the UN High Commissioner for Human Rights (OHCHR) reports that more than 550 innocent civilians have been killed as a result of attacks affecting large parts of Ukraine. These attacks are a clear violation of the 1949 Geneva Conventions, particularly Geneva Convention IV, which provides for the protection of civilians in particular. In addition, the attacks also violate Additional Protocol I of 1977 Article 51 paragraph (5) letter (b), which prohibits any attack that may result in the death of civilians, serious injury to civilians, or destruction of civilian property.

This is a clear violation of the 1949 Geneva Conventions, especially Geneva Convention IV, which deals specifically with the protection of civilians. In addition, the attack also violated Additional Protocol I of 1977 Article 51 paragraph (5) letter (b), which prohibits any attack that may result in the death of civilians, serious injury to civilians, or destruction of civilian property.

For countries that violate the law, sanctions are applied in the form of fines or economic restrictions. UN General Assembly Resolution No. 2131 of 1965 on the Declaration of the Inadmissibility of Interference in the Internal Affairs of States and the Protection of Their Independence and Sovereignty, the third UN General Assembly Resolution No. 2625 of 1970 on Principles of International Law concerning Friendly Relations and Cooperation among States, and several other provisions of international law, have all been violated by the flagrant human rights violations that have occurred between Russia and Ukraine as a result of Russia's military intervention in Ukraine, and the last one is UN General Assembly Resolution No. 3314 issued on December 14, 1974 on aggression.(Thareq Nabiel Aziz & Aji Wibowo, 2022)

Article 35 of the 1997 Additional Protocol I, which prohibits the use of weapons and tactics in warfare that have the potential to damage the environment on a large scale over a long period of time, is home to the third fundamental principle. In fact, the 1976 "Environmental Modification" Convention is another international treaty that bears similarities to the language found in Additional Protocol I. It was created as a means to combat environmental modification. This convention was created as a means to combat environmental modification-such as that of the Vietnam War-by using it as a weapon and tool of war. There are significant differences between these two treaties as well, in that the 1977 Additional Protocol I was primarily intended to serve as a safeguard against the devastation that could result from the use of environmental modification techniques in combat.(Kahfi, 2022)

Along with this introduction, we can ask questions related to the problems contained in this case, the first is how the legal regulation of the use of sarmat missiles is reviewed from international conventions? Then the second question is how the violation of the use of sarmat missiles according to the 1997 chemical weapons convention? And the third question is how is the form of responsibility for the use of sarmat missiles according to the 1997 weapons convention?

Therefore, the author is motivated to conduct this research because, although war cannot be prevented, it has limits or regulations that can protect civilian lives and bodies from war crimes. If this happens again, the impact will be huge for the international community and the war itself. Every armed conflict or battle has its own weaponry and tactics, but these are also subject to limits to prevent unnecessary suffering, damage to the environment, and the use of tactics that violate international humanitarian law.

METHODS

Normative research techniques, commonly referred to as legal study techniques, positive law study techniques, doctrinal legal research techniques, and pure legal research techniques, are used in this research. Legal research that focuses on written laws or

regulations (law in books) or legal research based on social norms and regulations is known as normative legal research. Normative research can be characterized as desk research with a large proportion of secondary data sources, such as primary, secondary and tertiary legal documents. The majority of data comes from relevant written regulations or laws in society.

Many Indonesian legal scholars, including Soerjono Soekanto, Jhonny Ibrahim, Bambang Sugono, and others, are involved in this normative research. Legal scholars have distinguished slightly different types of normative legal research. For example, some argue that positive law invertarization research cannot be included in normative legal research because this research is basically just collecting legal materials and is not considered scientific research. Based on this foundation, the author will analyze normative legal discussions from several studies to answer various issues that arise when studying normative legal research.(Prof. Muhammad Siddiq Armia, M.H., 2022)

RESULTS AND DISCUSSION

Legal Arrangements for the Use of Sarmat Missiles in Review of International Conventions

Built by Makeyev Rocket Design, the Sarmat (Russian: SATAN 2) is a super-heavy thermonuclear-armed intercontinental ballistic missile that uses liquid fuel and is equipped with a MIRV. Bureau since 2009, with the aim to replace the previous R-36 missile. Due to its large payload, the missile can carry up to 15 light or 10 heavy warheads, or a combination of both, as well as numerous deterrents meant to immobilize anti-missile systems. The Russian military announced this in reaction to the US Global Rapid Strike.

A missile is a weapon that is launched using a rocket-based booster and managed by an automated remote control system. There are many different types of missiles, and one of them is ballistic missiles, which fly along a ballistic trajectory. While there are many types of ballistic missiles, the US classifies them into four range classes, which are as follows:

1 Intercontinental Ballistic Missile (ICBM) of more than 5500 kilometers
2 3000 to 5500 kilometer Intermediate-Range Ballistic Missile (IRBM)
3 Medium-Range Ballistic Missile (MRBM) 1000 to 3000 kilometers
4 Short-Range Ballistic missile (SRBM) up to 1000 kilometers

Intermediate-range ballistic missiles, or ICBMs, are cutting-edge weapons that fly long distances or along a predetermined path. The primary purpose of these missiles is to deliver a nuclear warhead that will explode in the area of the intended target. However, as they have evolved, they have the potential to carry biological and chemical weapons. During the Second World War, these missile systems were first created to replace the bomb drop method. Indeed, a single launch can now hit multiple targets at once as a single missile can carry multiple warheads.(Putri & Narwati, 2020)

Due to their ability to launch a strike with significant explosive power against an enemy that may be on the opposite side of the planet, ICBMs are considered the ultimate display of state power projection. Every country is competing to build ICBMs in order to launch nuclear weapons. In reality, all these weapons are built using the same methodology. They are all multi-stage rockets with liquid or solid propulsion designed to launch the weapon into space from the atmosphere. Once fired back into space, the payload explodes over or directly into a predetermined target. Targeting, flight, engine and warhead are the four components of an intercontinental ballistic missile system. The use of an intercontinental ballistic missile is designed on the same principle.

All of these missiles are multi-stage rockets powered by liquid or solid fuel, and are designed to carry a weapon payload out of the atmosphere and into space using the launch power of a rocket fired from a great distance. The launch power is immediately cut off as the missile approaches the target, at which point the missile's nuclear warhead explodes with enormous force, destroying the target object in the bullet's trajectory. Multiple warheads or

multiple independently targetable reentry vehicles (MIRVs) are possible components of some nuclear ICBMs. MIRVs can target multiple targets and disrupt the opponent's missile defense system because they are equipped with multiple warheads and decoys.(Wayan Parthiana, 2019)

The regulation on weapon restrictions is also contained in Article 23 Letter e of the 1907 Hague Convention which states: "In addition to the prohibitions provided by special Conventions, it is especially forbidden to employ arms, projectiles, or material calculated to cause unnecessary suffering".

Based on the above-mentioned regulations, it seems that weapons that do not have the ability to distinguish targets or are indiscriminate are prohibited. To be considered indiscriminate, a weapon must meet three requirements: it must be unable to distinguish between military targets and civilian targets, cannot be aimed directly at a specific military target, and have an effect that is not restricted by international humanitarian law. The Sarmat missile weapon is one such weapon that gives rise to the term "indiscriminate."

There is also a regulation contained in the UN Charter Article 2 Paragraph 4 which states that: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (In their international relations, all members shall refrain from the threat or use of force against the political independence or territorial integrity of any other state, or in any other manner inconsistent with the purposes of the United Nations)." Based on the above-mentioned justifications, all parties involved in international relations should cease to threaten or use violence against the political independence or territorial integrity of other states.

In Additional Protocol 1 Article 35 Paragraph 1 states that: "In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited. (In any armed dispute, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.)" Paragraph 2 states that: "It is prohibited to employ weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering." Paragraph 3 states that: "It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment." States are allowed to produce weapons from any material thanks to this rule. However, there are gauges that can be used to make weapons for combat.(Hati, 2019)

Article 22 of the 1907 Hague Convention also states "The right of belligerents to adopt means of injuring the enemy is not unlimited." But this is also limited by Article 23 of the 4th Hague Convention 1907 which states that:

“In addition to the prohibitions provided by special Conventions, it is especially forbidden:

1 To employ poison or poisoned weapons;
2 To kill or wound treacherously individuals belonging to the hostile nation or army;
3 To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
4 To declare that no quarter will be given;
5 To employ arms, projectiles, or material calculated to cause unnecessary suffering;
6 To make improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
7 To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
8 To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

The 1907 Hague Convention indicates that belligerents are given unlimited power to use weapons to injure the enemy, subject to the restrictions outlined in the convention.

The following actions can be taken to maintain international peace, as described by the UN Charter, which also calls for the peaceful settlement of disputes:

a. Fact-finding missions can be sent by the Security Council and the UN General Assembly to investigate and document claims of violations of international law. To provide advice in certain circumstances, the UN Human Rights Council can also appoint special representatives or rapporteurs and send fact-finding missions;
b. The UN may consider using military force to address urgent and real mass violence.
c. Missions can also provide early warning of humanitarian crises and negotiate with the leaders of the country where the crisis is occurring to find a solution.
d. Termination of economic, communication and diplomatic relations if no resolution is found in negotiations. It is important to remember that when a state is judged to have failed to protect its population and when nonviolent measures have also failed, the use of armed force should be a last resort.(The et al., 2019)

The UN's authorization to intervene collectively on the territory of a state is contained in a Chapter of the UN Charter. The armed wars in Rwanda and Bosnia Herzegovina (former Yugoslavia) are examples of intervention in armed conflicts. Part of the federal state of Yugoslavia was Bosnia. The country has a long history of hostility.

1.1.Violations of the USE of Sarmat Missiles Under the 1997 Chemical Weapons Convention

Chemical weapons are defined as weapons of mass destruction consisting of toxic chemicals and parts thereof, as well as munitions and devices intended for the release of such chemicals and specially made equipment for using such devices and munitions.

On April 22, 1915, during the First World War, chlorine gas was used at Ypres in the first widespread attack, marking the beginning of the use of chemicals as weapons of war. Between 1914 and 1918, chemical weapons claimed the lives of 90,000 people.

More recently, in the 1980s, Iraq used chemical weapons against the Kurdish community in Halabja and also in its conflict with Iran. The sarin gas incident in the Tokyo subway in 1995 demonstrated the ability of non-state movements and groups to use chemical weapons against civilians.

The chemical non-proliferation regime has undergone major changes as a result of Syria's continued use of chemical weapons, especially since 2013. This issue has been the subject of discussion in international forums. This issue triggered various responses from the international community, which led to the suspension of some of Syria's rights and privileges in 2016 as part of the Organization for the Prohibition of Chemical Weapons (OPCW) in an effort to prevent similar attacks and impunity for the perpetrators. Recalling its responsibility for the chemical attack on its own people and territory in April 2021.(Tetelepta et al., 2022)

The assassination of Kim Jong Nam in Malaysia in 2017 and the attempted assassinations of Alexei Navalny in Russia in 2020 and Sergei Skripal in the UK in 2018 all involved the use of chemical weapons.

The reason the international community tried to prevent chemical weapons in 1993 with a unique and unrivaled convention is partly explained by the ease of manufacturing chemical weapons (compared to other weapons of mass destruction), the variety of possible delivery systems, and the memory of the consequences.

France has been and will remain a long-term participant in the fight against chemical weapons. The 1925 Protocol on the Prohibition of the Use of Chemical and Bacteriological Weapons is still in force in the war. The stockpiles that had been added to the treaty in 1996,

when it was ratified that such weapons could be used in retaliation, were removed by France. In addition, this revived the 1989 Disarmament Conference negotiations, which led to the signing of the Chemical Weapons Convention in Paris on January 15, 1993.

The only international treaty that calls for the total elimination of a class of weapons of mass destruction and includes a legally required verification system is the Chemical Weapons Convention (CWC), signed in Paris in 1993. This convention, which combats all forms of chemical weapons risk, entered into force in 1997.

France wants the Convention to be generally applicable even though four countries have not ratified it because not enough States Parties have incorporated all the provisions of the Convention into their national laws.

France fully complies with the obligations it made when it adopted the Convention in 1995.

1 The CWC is incorporated into French law,
2 The OPCW conducts twelve inspections on French soil each year, and
3 in 2016 the SECOIA (Site d'Élimination de Chargements d'Objets Identfiés Anciens) program was put in place with the aim of destroying the 20 tons of chemical weapons found in France each year from the First World War.

The Organization for the Prohibition of Chemical Weapons (OPCW), an intergovernmental organization headquartered in The Hague, Netherlands, is responsible for enforcing the Chemical Weapons Convention (CWC), also known as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. The pact entered into force on April 29, 1997. The convention prohibits the use of chemical weapons as well as the manufacture, production, storage, and transfer of chemical weapons or their precursors on a large scale, with exceptions for very limited uses (protective, medical, pharmaceutical, or scientific). The main requirement of the convention for member states is to implement this ban and destroy all chemical weapons currently in use.(Wayan Parthiana, 2019)

As of August 2022, 193 countries have ratified the CWC and agreed to comply with its regulations. Three other UN members—Egypt, North Korea, and South Sudan—have not signed or acceded to the pact, while Israel has signed but not yet ratified it. The State of Palestine last submitted its CWC accession documents on May 17, 2018. As part of a deal to eliminate its chemical weapons, Syria ratified the agreement in September 2013.

As of August 2022, 193 countries have ratified the CWC and agreed to abide by its rules. Three other UN members-Egypt, North Korea, and South Sudan-have yet to sign or accede to the pact, while Israel has signed but not ratified it. The State of Palestine last submitted CWC accession documents on May 17, 2018. As part of a deal to destroy its chemical weapons, Syria ratified the treaty in September 2013.

A total of 98.39% of the world's declared chemical weapons stockpiles have been destroyed by February 2021. The protocol has procedures for systematic assessments of chemical production facilities and intelligence-based investigations of claims of chemical weapons use and development from other states parties.

There are some notable exceptions to this rule, namely some chemicals, such as phosgene, that have been used extensively in warfare but have many large-scale industrial uses, which are strictly regulated. Despite being a highly toxic substance often used for non-lethal purposes, chlorine gas is not officially classified as a chemical weapon. Some governments (such as the Syrian Government led by Bashar al-Assad) still produce and use these substances regularly in military weapons. The use of any hazardous chemical as a weapon (if used to inflict casualties largely or exclusively due to its toxic effects) is itself prohibited by the convention, even if the chemical is not expressly named as a chemical regulated by the CWC. Other chemicals, such as white phosphorus, are highly toxic but legal

under the CWC when they are used by military forces for reasons other than their toxicity.(Sulistia, 2021)

The Geneva Protocol of 1925, which prohibits the use of chemical and biological weapons in international armed conflict but does not prohibit their development or possession, is complemented by the CWC. While the 1975 Biological Weapons Convention (CWC) lacks a verification framework, it incorporates significant verification methods such as on-site inspections.

The OPWC changed its name and structure several times before becoming the Conference on Disarmament (CD) in 1984. The wording of the Chemical Weapons Convention was included in the CD's annual report to the UN General Assembly, submitted on September 3, 1992. The Convention was approved by the General Assembly on November 30, 1992, and on January 13, 1993, the UN Secretary-General made it available for signature in Paris. The CWC remained open for signature until its entry into force on April 29, 1997, 180 days after the deposit of the 65th instrument of ratification at the UN by Hungary.

Key Points of the Convention

1 The manufacture and use of chemical weapons must be banned.
2 Chemical weapons production facilities should be destroyed or carefully converted to other uses.
3 All chemical weapons, especially those not used beyond the borders of the state party, must be destroyed.
4 OPCW inspection regime for the manufacture of substances that can be converted into chemical weapons;
5 Assistance between States Parties and the OPCW in cases of chemical weapons use
6 International collaboration in related fields for non-lethal chemical applications

Controlled Substances

Three categories of prohibited compounds are distinguished by the Convention; these include chemicals that can be used as weapons or to make weapons. The number of compounds produced commercially for legal reasons forms the basis of this classification. Chemicals in Part A of each class are chemicals that can be used directly as weapons, while chemicals in Part B are chemicals that can be used to make chemical weapons. Toxic chemicals are defined by the convention as "any chemical which, through its chemical action on life processes, can cause death, temporary incapacitation or permanent damage to humans or animals," as opposed to precursors. This includes all such chemicals, regardless of where they come from, how they are made, and whether they are used to make weapons, facilities, or something else entirely.

1. Other than chemical weapons, the substances in List 1 are largely useless. For scientific, medicinal, pharmaceutical, or chemical weapons defense testing purposes, these substances may be produced or used; however, on-site production exceeding 100 grams per year must be reported to the OPCW. A country may only possess up to one ton of these minerals.
2 Examples include nerve toxins, sulfur mustard, and compounds that are only used as precursor chemicals in their production. Certain chemicals have very limited non-military uses; for example, nitrogen mustard in milligram levels is used to treat certain tumors.
3 There are acceptable small-scale uses for substances listed in Schedule 2. Their manufacture is subject to declaration requirements, and exports to non-participating countries are restricted. Thiodiglycol is one example; it is used as a solvent in inks and can be used to make mustard compounds.

4 Schedule 3-listed chemicals have wide applications other than for the development of chemical weapons. Exports to countries that have not ratified the CWC are restricted, and factories producing more than 30 tons per year are required to declare their activities and are subject to inspections. These include, for example, triethanolamine, which is used to make nitrogen mustard but is also often found in toiletries and detergents, and phosgene, the deadliest chemical weapon used in World War I. Phosgene has also been used as a precursor in the production of many legal organic compounds, such as pharmaceutical ingredients and many commonly used pesticides.

Many of the substances listed in the schedules are actually examples of larger classes described using terminology such as that used by Markush. Therefore, it can be difficult for companies to determine whether the compounds they deal with - especially those classified as Schedule 2 and 3 substances, which include alkylphosphorus chemicals - are regulated by the CWC. For example, Amgard 1045 is classified as an alkylphosphorus compound and is classified as a flame retardant under Schedule 2B. This strategy, sometimes referred to as "class-wide control" or "generalized statements", is also used in many countries in prohibited substance legislation.(The et al., 2019)

Many companies choose to perform these assessments computationally, examining the structure of chemicals using in silico tools that compare them to statutory statements. This can be done with company-managed internal systems or by using commercial compliance software solutions. This is because identifying regulated chemicals has become more difficult with these statements.

Either party to the agreement may designate as a "small-scale facility" any facility that produces up to one ton of Schedule 1 chemicals annually for use in pharmaceutical, medical, research, or protective applications; in addition, other facilities may produce up to ten kilograms annually for use in protective testing. For research, medical, or pharmaceutical reasons, an unlimited number of other facilities may manufacture Schedule 1 compounds, up to a maximum of 10 kg per year; however, any facility that manufactures more than 100 grams must report it.

Also covered by this agreement are carbon compounds known as "discrete organic chemicals," most of which have moderate to high direct toxicity or are easily converted into compounds with sufficient toxicity to be used as chemical weapons. Except for long-chain polymers, oxides, sulfides, and metal carbonates such as organophosphates, they are all carbon compounds. Any plant producing (or expected to produce) more than 200 tons per year, or 30 tons if the chemical contains phosphorus, sulfur, or fluorine, must be reported to and inspected by the OPCW, unless the plant produces only explosives or hydrocarbons.(Huwae et al., 2022)

Forms of Responsibility for the Use of Sarmat Missiles According to the 1997 Weapons Convention

Using the North American Aerospace Defense Command (NORAD) early warning system, the US Department of Defense discovered an impending nuclear attack on the United States forty years ago on November 9, 1979. The "Doomsday Plane" was an emergency command post that flew alongside US bombers and missiles on alert. While not the first or the last, the 1979 incident was one of the most dangerous false alarms of the nuclear age. In less than three months, three other system failures in the United States activated the early warning system. Zbigniew Brzezinski, the national security adviser, was awakened at three in the morning on June 3, 1980, by a call from his military aide. He was told that 2,200 Soviet missiles had been detected by NORAD computers being launched at the United States. One minute before Brzezinski was scheduled to call President Jimmy Carter to urge an immediate response to US nuclear retaliation, news broke that the NORAD alert was actually a false

alarm caused by software that had mysteriously moved from a simulated Soviet missile attack to a live warning system at the command headquarters.

False alarms were also experienced by the Soviet Union. A newly installed early warning system falsely communicated that the US had fired several missiles at the Soviet Union on September 26, 1983. The officer in charge that night, Lieutenant Colonel Stanislav Petrov, later stated that he ignored military regulations and refused to forward the warning to Moscow on the grounds that "one does not start a war with just five missiles." A large weather rocket launched off the coast of Norway on January 25, 1995, appeared on Russian radar as a warning of an American nuclear attack. According to reports, Russian President Boris Yeltsin activated Russia's mobile nuclear command system as a result of the launch. Nuclear plans that could result in the detonation of hundreds of nuclear bombs are still vulnerable to false alarms, even though the Cold War standoff that gave rise to the massive nuclear arsenals of the US and Russia ended decades.(Kahfi, 2022)

About 1,400 strategic nuclear warheads are currently deployed by both sides on hundreds of land and sea-based missiles and long-range bombers; this is far more than would be needed to thwart an attack and more than enough to cause great havoc. The president can order the firing of hundreds of warheads on each side in a matter of minutes, and both leaders have the ability to strike back before they officially say that nuclear weapons have been detonated on their soil. The possibility that a false alarm could start a large-scale nuclear battle is maintained by these dangerous launch and strike conditions. The fact that both Washington and Moscow have the ability to deploy nuclear weapons in advance in the event of a crisis or conventional war further complicates the matter. For use in combat, each contains hundreds of tactical nuclear bombs, which have relatively lower explosive power. Regular drills and exercises involving their respective nuclear forces are conducted by both sides.

To mitigate this serious threat, US and Russian leaders must act now. First and foremost, they should extend an invitation to every nuclear-weapon state to reaffirm the statement made by US President Ronald Reagan and Soviet leader Mikhail Gorbachev in 1985 that "nuclear war cannot be won and must not be waged." There is no legitimate, moral or military justification for using nuclear weapons against non-nuclear threats, given the possibility of escalation. It is recommended that all states possessing nuclear weapons make regulations prohibiting the first use of such weapons and confirming the previous use of such weapons on their territory.(Queency Gloria Sumeke, 2019)

The majority of the United States and Russia's nuclear forces are capable of withstanding a devastating attack, therefore their risky launch-in-strike doctrine is rendered useless. With their large, precise, and diverse forces, the remaining nuclear forces would be more than capable of delivering a devastating blow to any nuclear attacker. Dialogue is an important additional line of defense against nuclear disaster. Regular military and political discussions on strategic stability can and should continue between Washington and Moscow. Miscalculations on topics such as nuclear launch exercises, missile defense capabilities and doctrines, the use or non-use of cyberattacks on nuclear command and control systems, and more can be avoided with such discussions. Similar discussions should also be held with China.

As permitted by the treaty, Presidents Donald Trump and Vladimir Putin must also immediately agree to a five-year extension of the New Strategic Arms Reduction Treaty (New START) and begin negotiations on a follow-on treaty that would lower the threshold for all nuclear weapons. The pact is set to expire in 2021, and in its absence, the world's major nuclear arsenals will lack legally binding and verifiable limits for the first time since 1972, increasing the risk of a catastrophic nuclear arms race.(Ardeen Brando Kaunang Natalia L. Lengkong & Sinaga, 2021)

We are lucky that a nuclear war was prevented by the false alarms of the Cold War. Our authorities must move quickly to take the necessary actions to reduce and eliminate nuclear threats because we may not be so lucky in the future. The member states of the Chemical Weapons Convention (CWC) held their 24th and most recent meeting in November in The Hague. Although much has been achieved by this treaty, there is still much work to be done to fully eradicate the threat posed by chemical weapons.

In his opening speech, Fernando Arias, chairman of the Organization for the Prohibition of Nuclear Weapons (OPCW), stated that "the convention's ultimate goal, the total elimination of declared chemical weapons, is getting closer." However, the use of chemical weapons in Iraq, Malaysia, Syria, and the UK, has shown how seriously the principles of the convention are being challenged." In the coming years, the OPCW will continue to be the first line of defense against the resurgence of chemical weapons, even as the last stocks of banned substances are destroyed and efforts are made to bring non-compliant parties into compliance with the treaty. The struggle to eliminate the threat of chemical weapons has been going on for a long time and began long before the CWC came into force in 1997 and the OPCW began overseeing the destruction of prohibited chemical weapons by states parties around the world.(Dian Febry Anggraini Hendrik B. Sompotan Natalia L. Lengkong, 2021)

The two countries that possessed the most chemical weapons during the Cold War, the US and the Soviet Union, decided to get rid of their sizable chemical weapons stockpiles in bilateral talks in the late 1980s. With seven sizable storage sites, six of which were located west of the Ural Mountains and one in the east, the Soviet Union had 40,000 metric tons of deadly chemicals. There were nine secret chemical storage sites across the United States, ranging from Maryland to Oregon, and another located on Johnston Atoll in the Pacific Ocean. In total, they store 28,600 metric tons of chemicals. Both countries recognize that these outdated weapons, while lethal, are no longer useful from a military standpoint, let alone in actual combat. In fact, most of the launch mechanisms for these WMD are no longer in use, and the actual WMD-spray tanks, aerial bombs, landmines, artillery shells, rockets and missile warheads-are dangerous for soldiers to use because they leak and rust.

The horrors of Saddam Hussein's indiscriminate chemical weapons attacks on weapons of mass destruction, as well as ongoing multilateral negotiations at the Conference on Disarmament (CD) in Geneva since the early 1970s, have spurred bilateral efforts to destroy all types of WMDs. The Kurds in northern Iraq in 1988, killing thousands more during the eight-year Iran-Iraq war in the 1980s, and more than 5,000 innocent people in Iraq. Many victims of attacks in Iran and Iraq still have long-term health problems, more than three decades later. The CWC recognizes the legacy of this tragic conflict by establishing a memorial and support fund in The Hague.(Thareq Nabiel Aziz & Aji Wibowo, 2022)

Over the past century, several countries have strongly condemned chemical weapons, especially in light of the widespread use of phosgene, mustard, chlorine, and other lethal agents during World War I. Historians estimate that more than 90,000 soldiers were killed by chemicals during this conflict, which began in 1915 with a massive chlorine gas attack by the Germans in Ieper, Belgium, despite the fact that most soldiers were wounded and killed by conventional weapons. The Geneva Convention of 1925 prohibits the use of chemical weapons in combat, but does not prohibit their manufacture, testing or production.

Fortunately, in January 1993, the CWC was officially finalized in CD form and made available for signature. The CWC was signed in early 1993 by more than a hundred countries, including the United States and Russia, and entered into force on April 29, 1997. The treaty has been acceded to by 65 countries. The CWC was confirmed by the US Senate in April 1997 after a protracted political struggle, and Russia did the same in December 1997.

The CWC prohibits the manufacture, testing, production, storage, and use of chemical weapons in combat. The treaty also mandates the safe destruction of all existing chemical

weapons stockpiles within a specified period of time. Ten years after its adoption, on April 29, 2007, the United States and Russia were required to destroy their vast stockpiles of chemical weapons, with a possible five-year extension to 2012. Negotiators believe that this timeframe will be more than sufficient to allow those who have admitted to possessing chemical weapons to phase out their stockpiles. The Chemical Weapons Convention (CWC) prohibits the dumping of chemical weapons in the oceans or other waters, their burial on land, or the practice of open burning that was prevalent until the 1970s and possibly even later.(Eliza et al., 2019)

CONCLUSIONS

Protocols on the Prohibition of the Use of Respiratory Gases, Poisonous Gases/Other Gases in War and Methods of Warfare Using Bacteria were made by States, and became known as the 1925 Geneva Protocol, the 1992 Chemical Weapons Convention, the 1977 Additional Protocol, and the 1907 Hague Convention. These efforts are the maximum efforts of States to achieve global peace and security with each country through the regulation and prohibition of chemical weapons.

Several international treaties have regulated the legal framework for the use of chemical weapons. In order to reduce the suffering and harm caused by armed conflicts, the parties involved in the conflict must submit to and comply with the regulations on the use of chemical weapons in armed conflicts established by international humanitarian law.

As sovereignty disputes are often the catalyst for war and other armed conflicts, the international community is required by law to uphold the existence of humanitarian law. The extent to which international humanitarian law conventions can be applied fairly through the ICC is now determined by the rules of war and armed conflict for each UN member state.

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