

**Analysis Of The Failure Of Organizations For Prohibited of Chemical  
Weapon (OPCW) As The Organization For Disarmament On The Conflict  
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*This paper analyzes the failure of the Organization for Prohibited of Chemical Weapon (OPCW) in handling chemical weapon disarmament in Syria. The use of chemical weapons by the Syrian government against its own citizens poses a challenge for OPCW in its role to ban the use and development of chemical weapons worldwide. OPCW itself formed in 1997 is an implementation of Chemical Weapon Convention (CWC) in 1993. The main problem of this study is OPCW failure factors to ban the use and development of chemical weapons in Syrian conflict. The study results show that the chemical weapon disarmament efforts in Syria by the OPCW by sending and destroying government-owned chemical weapons has failed. Although OPCW has claimed Syria has been freed from chemical weapons, it is still encountered the use of chemical weapons by ISIS terrorist groups and unofficial opposition groups. In conclusion, the role of the OPCW according to the concept of disarmament and the international organization is still not fully successful. OPCW is only able to detect the use of chemical weapons committed by the Syrian government. This organization has no authority in overcoming the problem of the misused chemical weapons committed by non-state actors.*

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Tulisan ini menganalisa mengenai kegagalan Organization for Prohibited of Chemical Weapon (OPCW) dalam menangani upaya perlucutan senjata kimia di Suriah. Penggunaan senjata kimia oleh pemerintah Suriah terhadap warga negaranya sendiri menjadi tantangan untuk OPCW dalam menjalankan perannya untuk melarang penggunaan dan pengembangan senjata kimia di seluruh dunia. OPCW sendiri yang terbentuk pada tahun 1997 merupakan implementasi dari Chemical Weapon Convention (CWC) 1993. Permasalahan utama dari kajian ini yaitu faktor-faktor kegagalan OPCW dalam upaya pelarangan penggunaan dan pengembangan senjata kimia pada konflik Suriah. Hasil kajian menunjukkan upaya perlucutan senjata kimia di Suriah oleh OPCW dilakukan dengan mengirim dan menghancurkan senjata kimia milik pemerintah mengalami kegagalan. Meski OPCW telah mengklaim Suriah sudah terbebas dari senjata kimia namun ternyata masih ditemui penggunaan senjata kimia oleh

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kelompok teroris ISIS dan kelompok oposisi yang tidak diakui pemerintah. Kesimpulannya, peran OPCW menurut konsep perlucutan senjata dan organisasi internasional masih belum sepenuhnya berhasil. OPCW hanya mampu mendeteksi penggunaan senjata kimia yang dilakukan oleh pemerintah Suriah. Organisasi ini tidak memiliki kewenangan dalam menanggapi masalah penggunaan senjata kimia yang dilakukan oleh aktor non-negara.

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## Background

One of the most feared weapons is the weapons of mass destruction (WMD) composed of nuclear, biological, and chemical (Nubika) that are now an increasingly prominent issue both outside and within the country that occurs particularly after various kinds of biological and chemical terrors. The source of the threat of nuclear has expanded to the level of radioactive materials accompanied by technological advances in the field of chemistry especially with the discovery of new explosives; therefore, the threat of Nubika previously known as Nuclear, Biological, Chemical (NBC) has now developed into Chemistry, Biology, Radiology and Nuclear (CBRN) (Sweijs&Kooroshy, 2010, p.9). One of the countries that has chemical weapons is Syria. In particular, the disastrous execution of military defeats by Israel in 1967, 1973, and 1982, followed by the weakening of Arab union against Israel after the 1979 Egyptian-Israeli peace agreement and alleged Israeli nuclear weapons has encouraged Syria to use deterrence strategies to the conventional weapons and Israeli nuclear (Diab, 1997, p.107).

Like nuclear and biological weapons, chemical weapons are classified as weapons of mass destruction that have the capacity causing a huge loss of life in one

attack. Organization of Prohibited Chemical Weapon (OPCW) established in 1997 is the last entity in the third global agreement governing the third weapons of mass destruction/Weapon Mass Destruction (WMD) (Takur&Haru, 2006, p.1). The application of OPCW is able to force the countries to not own and develop chemical weapons, one of which is Syria, the newly joined OPCW in 2013, after the use of chemical weapons by the Syrian government in the conflict<sup>1</sup>.

The OPCW team began performing work following a resolution from the UN Security Council in September 2013. The investigation team of United Nations (UN) confirmed the use of chemical weapons in a rocket attack in Ghouta, on the outskirts of Damascus, Syria on August 21, 2013. The United States claimed the attack to have killed about 1,400 people and blamed the Syrian government forces as the chemical weapons users in the attack. On the other hand, Russia and the Syrian government insisted that the rebels must take responsibility for the chemical weapons attacks<sup>2</sup>. The resolution passed by the UN-

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<sup>1</sup> NobelPrize.org, *Organisation for the Prohibition of Chemical Weapons – Facts*, [https://www.nobelprize.org/nobel\\_prizes/peace/laureates/2013/opcw-facts.html](https://www.nobelprize.org/nobel_prizes/peace/laureates/2013/opcw-facts.html) accessed on July 10, 2016.

<sup>2</sup> The WHITEHOUSE, (August 30, 2013) Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21 2013 <https://www.whitehouse.gov/the->

SC has two demands. Firstly, Syria must surrender all chemical weapons reserves. Secondly, international chemical weapons experts were given free access to make sure it was done. The deadline for chemical weapons surrender was in the mid of 2014 (*Ibid.*).

However, there are some errors in the mechanism of prohibiting the use and development of chemical weapons by OPCW which leave problems. There are some non-state actors that use the chemical weapons, i.e. ISIS and the Syrian Opposition. ISIS were reportedly using chemical weapons in the conflict with Syrian rebels in 2015<sup>3</sup>. In fact, Syria's chemical weapons removal program done on August 20, 2014 was successful with the completion of the delivery of 1,300 tons of chemical weapons materials or 100% chemical weapons materials through the ship's US Cape Ray out of Syria to Europe and the United States<sup>4</sup>. Of the many international weapons regimes, OPCW is considered capable of destroying chemical weapons in the world. Based on its success, OPCW won the Nobel Peace Prize in 2013 for efforts to free the world from deadly weapons<sup>5</sup>. However, in its development

there are actually non-state actors that use chemical weapons such as the ISIS terrorist group<sup>6</sup>. As a chemical disarmament organization, OPCW should also handle it. The use of chemical weapons is an indication of OPCW's failure as an organization of disarmament; therefore, the assessment of factors and indicators of OPCW's failure is essential to serve as a benchmark for the effectiveness of a regime and disarmament organization.

### **OPCW as the Organization for Chemical Disarmament**

Disarmament is a legitimate statement for the destruction of all the possession, development, and use of certain weapons for the sake of peace and war. Wanting for the destruction and disarmament globally, and the dissolution of the entire army of state is a general sense of disarmament. Charles P. Schlicher says that Disarmament "means of reducing or eliminating material and human instrumentalities for the exercise of physical violence" (Ghosh, 2013, p.296), in another word Disarmament means that reducing or eliminating human materials and devices used for acts of violence (weapons).

According to UNIDIR, "disarmament is a humanitarian action, embodied in the form of multilateral negotiations". According to the former UN Secretary General, Kofi Anan, disarmament is the

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press-office/2013/08/30/government-assessment-syrian-government-s-use-chemical-weapons-august-21

<sup>3</sup> NPR.org, Tom Bowman, (March 9, 2016), U.S. Hopes ISIS Prisoner Will Lead Americans To Chemical Weapons, <http://www.npr.org/sections/thetwo-way/2016/03/09/469842162/u-s-hopes-isis-prisoner-will-lead-americans-to-chemical-weapons>

<sup>4</sup> OPCW.UNMission.org, About OPCW-UN Joint Mission: Background, <http://opcw.unmissions.org/AboutOPCWUNJointMission/Background.aspx>

<sup>5</sup> OPCW.org, (December 10, 2013), Nobel Peace Prize 2013 received by OPCW Director-General: "Working Together for a World Free of Chemical Weapons, and Beyond",

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<https://www.opcw.org/news/article/nobel-peace-prize-2013-received-by-opcw-director-general-working-together-for-a-world-free-of-ch/>

<sup>6</sup> NPR.org, Tom Bowman, (March 9, 2016), U.S. Hopes ISIS Prisoner Will Lead Americans To Chemical Weapons, <http://www.npr.org/sections/thetwo-way/2016/03/09/469842162/u-s-hopes-isis-prisoner-will-lead-americans-to-chemical-weapons>

concept of power relations, geographical space, economic benefits, and ideological projection to understand different threats, as well as to determine the level and the types of weapons, the mobilized forces among nations in the international community (Ushie, p.2). Traditionally, disarmament is a part of the three-part process: disarmament, demobilization, and reintegration. Generally, UN or host government collect weapons (disarmament), disperse unofficial armed groups (demobilization), and do packs of assimilation of former soldiers into the community through training and employment (reintegration) (Brewer, 2010, p.11).

A bigger question for the implementation of disarmament is what can define disarmament works? The UN and other actors often report the number of weapons as a measure of success. This question then goes back to the original question: What is the purpose of disarmament? The United Nations have said this is about the objectives of DDR (Disarmament, Demobilization, Reintegration) such as increasing security, reducing the number of weapons that remains the main objective of DDR, contributing to security and stability in post-conflict situations so that recovery and development can begin as part of the objectives of the DDR process, maintaining security stability through armed combatant management, and enhancing human security as the primary goal of DDR; "Do not do any harm" is a standard principle that all DDR interventions should be evaluated at all times (*Ibid.*, p.12). According to United Nations Disarmament, Demobilization, and Reintegration (UNDDR), disarmament concepts are



collection, documentation, control, and release of small arms, ammunition, explosives, and light and heavy weapons belonging to combatants and often civilians including development on even the smallest scale<sup>7</sup>.

Briefly, the indicators of successful disarmament can be seen in the following scheme. In the scheme in the next paragraph, on the *disarmament* and *demobilization* process, all components must be completed until the status is *clear*, which eventually all components of weapons are stripped away, and all forms of actors involved are mobilized and dispersed. Thus, all disarmament efforts by an actor, both state and non-state must meet all the indicators in the scheme in the next paragraph.

WMD weapon discourse (Weapon of Mass Destruction) has led to the establishment of a global disarmament architecture. CWC (Chemical Weapon Convention) or KSK (Konvensi Senjata Kimia) is an important part of this architecture. After the CWC was signed in Paris in 1993, Organization for the Prohibited of Chemical Weapon (OPCW) was established in 1997 to monitor the implementation of CWC. OPCW (Organization Prohibited of Chemical Weapon) is a fully independent international disarmament organization where the activities of this organization are purely based on CWC to eliminate the possibility of developing, producing, using,

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<sup>7</sup>UNDDR.org, What is DDR?, [http://www.unDDR.org/what-is-ddr/introduction\\_1.aspx](http://www.unDDR.org/what-is-ddr/introduction_1.aspx)

<b>DISARMAMENT</b> 	Disarmament for combatans	Status: Clear
	Disarmament for non combatans	Status: Clear
	Collect and destruct weapons (abolish)	Status: Clear
<b>DEMOBILIZATI ON</b> 	Weapon status verification	Status: Clear
	Armed group demobilization	Status: Clear
	Weapon development dismissal	Status: Clear
<b>REINTEGRATIO N</b>	Reintegration ex-combatans to society	Status: Clear
	Support group and supervision	Status: on progres to Clear

Swift, H. (2016). The emergence of intergovernmental peace organisations: an overview. *Amicus Curiae*, 2014(100), 2-5

stockpiling, or transferring chemical weapons<sup>8</sup>. OPCW's vision is demanding a world free of chemical weapons and promoting cooperation in the use of chemical compounds for peace. The organization's main objective is to contribute to international security and stability, total and general disarmament, and global economic development. To help destroy and non-proliferate chemical weapons OPCW depends on a group of international examiners who are specialized in carrying out the repair of military and industrial sites.

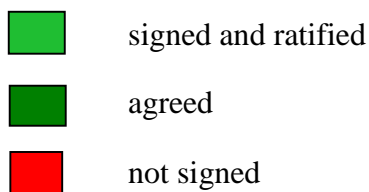
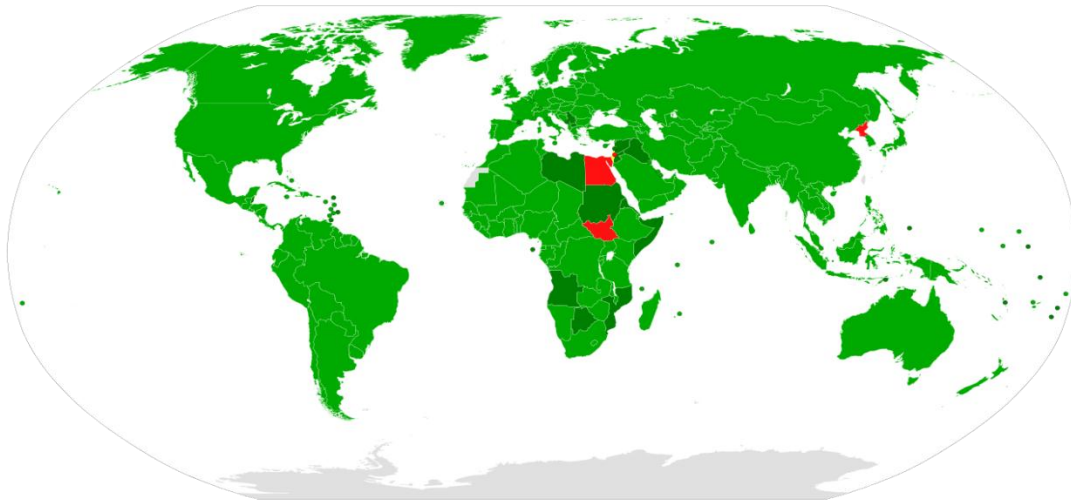
In the span of nearly two years until October 2015, OPCW has received support from almost all UN member states that are 192 countries (including 98 percent of the world's population) agreed to be bound by

this convention. While one country has signed as yet not ratified, i.e. Israel. Then, three countries have not signed nor ratified, i.e. Egypt, North Korea, and South Sudan<sup>9</sup>. States that have signed, agreed, and ratified CWC shall hereafter be referred to as State Party.

OPCW is an important part of the UN system that provides research and information on the use and the potential use of chemical weapons, including by terrorist organizations. It also sees the movement of chemical compounds that can be used as global weapons (Lele, 2007, p.9). UN can ask the OPCW to exercise experts of "inspection challenges" to guarantee the states parties that have signed, ratified, and approved the convention to hold on to their

<sup>8</sup> The Hague, (May 9, 2014), Organisation for the Prohibition of Chemical Weapons, OPCW, <http://www.denhaag.nl/en/residents/to/Organisation-for-the-Prohibition-of-Chemical-Weapons-OPCW.htm>

<sup>9</sup> Arms Control Association, (October 2015), *Chemical Weapons Convention Signatories and States-Parties* <https://www.armscontrol.org/factsheets/cwcsig> accessed on May 20, 2016.



Source: <https://www.opcw.org/about-opcw/member-states/> accessed on october 31, 2017

commitment not to develop, provide, or use such weapons.

In an effort to ensure that CWC is implemented effectively, the State Party shall designate or establish a National Authority. This authority oversees the examination of industrial or military sites that are relevant by OPCW, submits preliminary and annual declarations, assists, and protects the people of the State Party threatened or suffered by chemical attacks, and encourages the use of chemical compounds for peaceful purposes. In addition, the National Authority acts as a focal point in the interaction of the State Party with other States Parties and the OPCW Technical Secretariat. The Secretariat supports the State Party in their national implementation from CWC. The focus of this work is to provide advice and assistance to National Authority staff, in order to help them improve their skills and expertise to facilitating and their

independence of national implementation effectively. The Technical Secretariat coordinates and hosts in regular meetings of National Authority from all over the world<sup>10</sup>.

Since OPCW was established in 1997 and being compulsory as of October 31, 2015, 65,720 metric tons or 90%, of the world's 72,525 metric tons of chemical inventories have been evidently destroyed. A total of 4,970,000 or 57,32%, of 8,670,000 ammunition and chemical containers verified by CWC have been proven destroyed. OPCW has developed a unique, peer-reviewed, and certified containing information on more than 3,900 weapon-related chemical compounds. This database is essential for verification activities at the OPCW inspection site, and is also available to the State Party. Official

<sup>10</sup> OPCW.org, The Chemical Weapons Ban Facts and Figures, <https://www.opcw.org/news-publications/publications/facts-and-figures/> accessed on June 2, 2016

Expertise Test is undertaken to select, certify, and train the State Party's laboratories to analyze authentic samples of weapon-related chemical compounds, 20 laboratories have been designated (*Ibid.*).

The results of OPCW's efforts to ban and prevent the use of chemical weapons are still ongoing. Six of the State Party (Albania, India, Iraq, Libya, Russian Federation, and the United States) have declared chemical weapons to be destroyed as many as 8.67 million components, including ammunition and containers, and 72,525 metric tons of chemicals classified as highly toxic. Albania, India, Libya, and the fourth country have completed the destruction of such weapons. For comparison, a small drop of this type of nerve agent, no bigger than a pin head, can kill an adult within minutes. OPCW verifies that the destruction process cannot be changed. At the same time, the States Parties in the process to destroy chemical weapons shall place the highest priority on human safety and the environment (*Ibid.*). However, apart from that, there is still the use of chemical weapons in many countries, especially in the countries with conflicts.

### **The Use of Chemical Weapons in the Conflict of Syria**

In July 2012, Syria openly admitted as a country with chemical weapons. For several years before this announcement, US intelligence suspected that Syria had reserves of chemical weapons including mustards, blister agents, and neurological agents such as sarin and VX. Syria also has the ability to incorporate this agent using air bombs, ballistic missiles, and artillery rockets. The spokesman for the Syrian Foreign Ministry, Jihad Makdissi

confirmed that Syria did have chemical weapons, which would never be used against the Syrian people, but "external aggression"<sup>11</sup>.

The statement that these chemical weapons would not be used against the Syrian people was denied in December 2012. There was the first use of chemical weapons reported. Seven people fell in Homs by the "poisonous gas" used by the Assad regime. Reaches included reports of side effects such as nausea, relaxed muscles, blurred vision, and difficulty in breathing. Assad forces attacked an area controlled by al-Bayyada rebels in the western Syrian city with poisonous gas similar to the deadly sarin<sup>12</sup>. The use of weapons by the Syrian government against its own citizens was one of the conditions against CWC and OPCW.

The United Nations International Independent Commission of Inquiry in the Syrian Arab Republic published the latest report, covering the period from January 15 to May 15 2013. Paragraphs 139-140 read: Allegations have been related to the use of weapons by both parties (in the conflict in Syria). Their attention was used by government forces. In the four attacks at Khan Al-Origin, Aleppo, March 19, 2013; Uteibah, Damascus, March 19, 2013; environment of Sheikh Maqsood, Aleppo, April 13, 2013; and Saraqib, Idlib, April 29, 2013, there was a strong reason to believe that a certain amount of toxic

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<sup>11</sup>UN.org, (July, 23 2012), *Use of chemical weapons in Syria would be 'reprehensible' – UN chief*, <http://www.un.org/apps/news/story.asp?NewsID=42538#.V3LqFV4Ta9U>

<sup>12</sup> Newyorker.com, Raffi Khatchadourian, (January 16, 2013), *The Case of Agent 15: Did Syria Use a Nerve Agent?*, <http://www.newyorker.com/news/news-desk/the-case-of-agent-15-did-syria-use-a-nerve-agent>

chemicals had been used. Other incidents were also under investigation including conclusive findings. Since weapons use was not done in large numbers, investigation of the use of weapons by the Syrian government might occur after the testing of samples taken directly from the victim or location of the attack. Therefore, it was very important that Expert Panel, led by Professor Sellström and assembled under The Secretary-General's Mechanism for the Investigation of Alleged Use of Chemical and Biological Weapons, was granted full access to Syria<sup>13</sup>.

The United States Government had also monitored the potential use of chemical weapons in Syria. Beginning with the assessment made by the United States intelligence community in April 2013, the US President directed the intelligence team to search for credible information to build judgments and establish facts with several possibilities. The refusal of the Syrian government to grant access for the United Nations in investigating any and all allegations of chemical weapons use had prevented a comprehensive and credible investigation to take place. Assad's regime said that the demand for an investigation that gave the UN direct access and conducted investigations was just a diversion strategy. In an effort to encourage UN investigations, the United States had also worked with partners and allies and individuals within Syria, to procure, share, and evaluate information related to reports of chemical weapons use. The US intelligence community also believed that the Assad regime had used chemical

weapons, including sarin neurological agents, on a small scale against opposition several times in May 2012-May 2013. The US intelligence community had high confidence that the ratings given by some independent information sources were accurate<sup>14</sup>. The intelligence community estimated that 100 to 150 people had died from chemical weapons attacks detected in Syria until June 2013.

In August 2013 there was a chemical weapons attack in the Damascus region. The United States government suspected with high confidence that the Syrian government had carried out chemical weapons attacks on the outskirts of Damascus on August 21, 2013. The United States government assessed that the Assad regime used chemical weapons that damaged the neural agents in the attack. The assessment of all such sources was based on a large organization and an independent body of evidence showing that chemical weapons attacks took place in the suburbs of Damascus on August 21, 2013. In addition to US intelligence information, there were reports from international medical personnel in Syria; video; witness statements; thousands of social media reports from at least 12 different locations in the Damascus region; journalists' reports; and reports from highly credible non-governmental organizations. An initial US government assessment determined that 1,429 people were killed in chemical

<sup>13</sup> UN Human Rights Council, 23rd session, "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", advance unedited version, UN document A/HRC/23/58, accessed on June 4 2013 page.21

<sup>14</sup> WHITEHOUSE.gov, Office of Press Secretary, (June 13, 2013), *Statement by Deputy National Security Advisor for Strategic Communications Ben Rhodes on Syrian Chemical Weapons Use*, <https://www.whitehouse.gov/the-press-office/2013/06/13/statement-deputy-national-security-advisor-strategic-communications-ben> accessed on June 29, 2016



weapons attacks, including at least 426 children<sup>15</sup>.

This incident resulted in Syria agreeing to put chemical weapons under international control to dismantle chemical weapons and the United States agreed not to carry out military strikes against the country. Syria also agreed to welcome discussions with Russia. President Barack Obama, French President Francois Hollande, and British Prime Minister David Cameron discussed how to implement the plan through the UN Security Council. France began to draft resolutions on the basis of Russian proposals, but with provisions that forced authorities if Assad failed to implement the terms of the resolution<sup>16</sup>. The use of chemical weapons as a weapon of mass destruction banned from its use had been recognized by foreign countries, making the position of the Syrian government increasingly recessive to accept voluntarily to disarm by a special international organization that deals with chemical weapons.

However, in addition to the Syrian government, Carla Del Ponte, an independent researcher of UN human has collected testimony from victims of the Syrian civil war and medical staff who pointed out that rebel forces have used nerve agents such as sarin gas. The

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<sup>15</sup> WHITEHOUSE.gov, Office of Press Secretary, (August 30, 2013), *Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013*, <https://www.whitehouse.gov/the-press-office/2013/08/30/government-assessment-syrian-government-s-use-chemical-weapons-august-21>

<sup>16</sup> Armscontrol.org, Yuta Kawashima, (May 2015), *Timeline of Syrian Chemical Weapons Activity 2012-2015*, <http://www.armscontrol.org/factsheets/Timeline-of-Syrian-Chemical-Weapons-Activity> diakses pada June 15, 2016

independently investigative commission of UN in Syria has not seen evidence from government forces using chemical weapons, which are banned under international law<sup>17</sup>. In addition, ISIS (Islamic States of Iraq and Syria) forces carried out direct attacks on civilians continuously. ISIS has also reportedly launched a chemical attack using chlorine and mustard agents. Syrian American Medical Society said that its staff cared for more than 50 civilians with symptoms showing exposure to chemicals after ISIS troops fired mortar and artillery into Marea, a town in Aleppo, on August 21, 2015<sup>18</sup>. ISIS was one of the non- state that has made it clear that the conflict in the Syrian region was a contemporary conflict. It can be said that although the Syrian government has agreed to disarm the chemical weapons, the circulation of chemical weapons in Syria by ISIS troops still cannot be controlled.

### **Analysis of OPCW's failure in Syria**

OPCW was not silent about the use of such weapons in the Syrian conflict. As an international organization that has the obligation to disarm the chemical weapons of the world, one of the efforts made in overcoming the use of chemical weapons in Syria was to form an ad hoc team called OPCW Fact Finding Mission (FFM) on April 29, 2014. As a result of the first investigation, FFM issued three reports in 2014 concluding with the high confidence that chlorine had been used in attacks

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<sup>17</sup> BBC.com, (May 6, 2013), *UN's Del Ponte says evidence Syria rebels 'used sarin'*, <http://www.bbc.com/news/world-middle-east-22424188> accessed on June 17, 2016.

<sup>18</sup> Amnesty.org, *Syria 2015/2016* <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/> accessed on June 29, 2016.

against three villages in northern Syria. The OPCW's Director-General Ahmet Uzumcu had been circulating to the host countries the three reports submitted by the FFM team.

FFM had been tasked to look into three separate parts of the incident where the use of toxic chemicals in Syria had been reported. Based on information provided by the Syrian-Arab Republic government that their soldiers had become casualties of the use of toxic chemicals, the FFM team conducted three deployment teams to Syria. The team has issued an interim report detailing the analysis of the incident reportedly occurred at Jobar on 29 August 2015. Based on available evidence of this incident, FFM cannot confidently determine that the chemical is used as a weapon<sup>19</sup>.

The second FFM team investigated allegations of the use of toxic chemicals in the March-May 2015 in the Syrian Idlib province which resulted in the deaths of six people. Based on an analysis of the information and evidence available, FFM concluded that incident allegations might involve the use of one or more toxic chemicals and the possibility of containing chlorine as weapons (*Ibid.*). OPCW FFM had also investigated the third incident on August 21, 2015 where non-state actors were suspected of using chemical weapons in the town of Marea, close to Aleppo. FFM collected samples and interviewed two exposed individuals, and treated medical staff. In this case, the team were

able to confirm with great confidence that at least two people were exposed to sulfur mustard and were in the process of recovering from exposure. It was very likely that the effects of sulfur mustard caused infant mortality. The OPCW Executive Council and the UN Security Council had expressed supports for the work of FFM, and called on all relevant parties to extend the full cooperation of both these agencies to the mission and to ensure that they worked safely and effectively (*Ibid.*).

OPCW's involvement in the concept of disarmament has recently yielded similar results like that of which chemical weapons remain used in the Syrian conflict even though the Syrian government has declared its country free of chemical weapons (Borrie&Randin, 2005, pp.54-55). The reason why OPCW is unable to cope with the release of chemical weapons in Syria is that the OPCW has no right to determine the perpetrators of chemical weapons, and chemical substances are very easy to be obtained by civilians to be used as weapons. OPCW as an international organization that started the CWC agreement is able to enter the country to provide security to the citizens within Syria who are threatened by chemical weapons by making the Syrian government sign and ratify the CWC agreement as a condition of chemical disarmament. The use of chemical weapons by the Syrian government against its own citizens reflects the disruption of human security by the use of chemical weapons.

OPCW emphasizes the traditional approach in the process of negotiating the will of the Syrian government to join this organization. The desire of the Syrian

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<sup>19</sup>OPCW.org, (November 6, 2015), *Director-General circulates OPCW FFM Reports to States Parties*, <https://www.opcw.org/news/article/director-general-circulates-opcw-ffm-reports-to-states-parties/> diakses pada 21 Juni 2016.

government to join OPCW is more focused on the diplomacy results of the Russian and US governments with the Syrian government with an undisclosed deal. OPCW as a large organization should actually act as a dominant actor in the negotiation process to disarm the chemical weapons of the government of Syria. OPCW should also be given the authority to find chemical weapons users not merely to ensure the use of chemical weapons made in accordance with the concept of disarmament with the approach of deconstructionism. The approach used in major chemical disarmament is the indicator of the "traditional" approach that has not been effective when applied to the contemporary conflict.

OPCW also has a deficiency in performing its function as an international organization because it is unable to disarm chemical weapons owned and abused by non-state actors. The provision of OPCW is only binding on the members that are the state governments in the world. OPCW is an international organization bound by the state agreement; therefore, in carrying out its functions, OPCW performs limited tasks with the sovereignty of a country. The organization is incapable of disarming directly without state approval, especially actors who do not ratify the CWC.

OPCW in accordance with the articles of CWC used to be operating is considered highly bureaucratic as relevant as each article in which the state remains the highest entity in the disarming of chemical weapons. It should be in accordance with the concept described in the first chapter that OPCW must be faster in tackling the use of chemical weapons by using contemporary approaches in

disarmament. The Syrian government official joining OPCW in September 2013 underwent a slowly disarming process. Syria only declared chemical-free weapons in January 2016, and even then there was still the use of chemical weapons by non-state actors in a span of 2014 while the process of disarmament was ongoing until July 2016 after disarmament was reached. Therefore, OPCW should be given more authority by being independent to carrying out chemical disarmament tasks without being influenced by other parties. As an organization that takes care of chemical weapons, OPCW must be able to declare actors and the use of chemical weapons in a transparent manner that can be verified without any intervention of a country's political interests.

Thus, with the various shortcomings and barriers discovered by OPCW, the circulation, use, and development of chemical weapons in Syria remain unstoppable.

In line with the concept of disarmament, the efforts of disarmament must maximally or minimally have reached the first stage of reintegration, i.e. the process of returning ex-combatan to the community. A more brief analysis of OPCW's failures can be seen in the following scheme in the next paragraph.

In the scheme it can be seen that there are still many limitations faced by OPCW, especially in dealing with non-state actors. This is also due to the limited authority owned by OPCW in Syria. OPCW should be given more authority and being independent to carrying out without being influenced by others in disarming chemical weapons. In addition, OPCW also must always renew the chemical compounds that

LEVEL	PROCESS	STATUS	CHALLENGES
DISARMAMENT	Disarmament for combatans	Unclear	Syria's membership in OPCW is not voluntary, but based on the agreement between the United States and Syria which is confidential, so OPCW still faces obstacles in access to the examination.
	Disarmament for non combatans	Unclear	There are still non-government agencies that are not detected by OPCW because the authority of the OPCW is limited only in the use of weapons by the government.
	Collect and destruct weapons (abolish)	Unclear	There is still an indication of the use of chemical weapons despite a small scale, it is still difficult to detect because it has to go through verification of direct lab inspection in war zone. The government of Syria has not been able to provide guarantees for protection of the OPCW team.
DEMOBILIZATION	Weapon status verification	Clear	There has been an accurate analysis of the types of weapons used.
	Armed group demobilization	Unclear	OPCW still cannot dismiss non-state actors
	Weapon development dismissal	Unclear	OPCW still cannot detect chemical weapons development activities conducted by non-state actors
REINTEGRATION	Reintegration ex-combatans to society	Unclear	OPCW still cannot dismiss non-state actors
	Support group and supervision	Unclear	OPCW still cannot dismiss non-state actors

should not circulate in the civilian environment and have the authority to monitor the circulation of chemical compounds in various parts of the world, especially in the zone of the regions with conflict.

### Conclusion

Chemical weapons are very horrible weapons. Chemical weapon/warfare (CW) is one of the Weapon Mass Destruction (WMD) or the most brutal weapon of mass destruction made by humans. The CW agent is a highly toxic synthetic chemical that can be dispersed as gas, liquid or air (aerosol) or as an adsorbed agent to the

particles into powders. CW agents have a deadly or crippling effect on humans. The use of chemical weapons is confirmed in the Syrian conflict. In August 2013 there was a chemical weapons attack in the Damascus region. The attacks by the Syrian government against its own citizens resulted in 1,429 people killed in chemical weapons attacks, including at least 426 children.

Disarmament efforts are carried out by various parties so that chemical weapons are not used by the Syrian government. The Syrian government that admits possessing chemical weapons is disposed to be disarmed. Syria's chemical disarmament is based on the wishes of Russia and the United States to disarm Syria's chemical weapons through discussions between the two countries. Syrian Foreign Minister Walid al-Moallem says the Assad regime welcomes discussions on the transfer of Syrian chemical weapons and the espousal to CWC (Chemical Weapons Convention) until finally the Syrian government agree to sign and ratify CWC. The OPCW Executive Council adopt the timeline for the destruction of Syrian chemical weapons. At the same time, the UN Security Council unanimously decide to adopt a resolution supporting the OPCW timeline to destroy Syria's chemical arsenals. The Security Council Resolution says that the agency will enact measures under chapter 7 of the UN Charter if Syria does not comply with the resolution, and owns and exercises its authority to transfer any chemicals.

OPCW asserted that the chemical weapons declared by the Syrian government had been entirely destroyed in early January 2016. Despite its success,

there was the use of chemical weapons in May 2014-July 2016 by non-state actors, especially by terrorist groups reported by various media. This is reinforced by official sources such as the United Nations and United States Government and OPCW reports that belong to the independent team of OPCW Fact Finding Mission (FFM) supported by the Joint Investigation Mechanism (JIM) team. OPCW-UN cannot mention the perpetrators of the use of chemical weapons by the non-state actors although it is certain that there is the use of chemical weapons by non-state actors in Syria. Both teams are only ensuring that there is the use of chemical weapons in Syria when the chemical disarmament is both undergoing and done.

Based on the description above, OPCW's efforts have been made in order to be able to carry out the disarming of non-state actors' chemical weapons, but the Syrian government's chemical disarmament is not done simultaneously with the chemical disarmament used by non-state actors. The involvement of OPCW as an international organization in disarming chemical weapons by IS terrorists and opposition groups unrecognized by the Syrian government has limitations in its operation. Therefore, OPCW as an international organization based on CWC in world chemical disarmament requires greater authority and flexibility in operation.

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