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THE HISTORY OF PROHIBITION OF THE USE OF CHEMICAL WEAPONS IN INTERNATIONAL HUMANITARIAN LAW

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Abstract. *The prohibition of the use of chemical weapons was first estabilished under the customary law rules to be later on incorporated in international treaties. It was for a long time that only use of chemical weapons was prohibited, but existence of that prohibiton only proved to be insufficient. Because of that the Chemical Weapons Convention of 1993 also includes, in addition to the prohibition of the use of chemical weapons, a prohibition of their production, stockpiling and trasnfer as well. Also, an obligation to destory the existing stocks of chemical weapons was also established under the Convention. Such a wide circle of prohibitions will make the struggle against chemical weapons more effective.*

Key words: *chemical weapons, use of chemical weapons, international treaties, international humanitarina law*

1. INTRODUCTION

A great number of human victims and considerable material destructions as consequences of frequent wars have influences certain legal rules to be created that must be respected in war. Legal rules that regulate warfare (*ius in bello*) known in present times under the name international humanitarian law, should conciliate two contrary notions: military need (*ratio belli. necessitas belli*) and requests of humanity. The basic purpose of international humanitarian law is to make war, to the extent possible, more humane. To that end gradually adopted were some limitations in warefare both as concers persons and means of warefare and in view of objects and the methods of waging war.

Limitations with respect to the means of warfare, that is, limitations in view of weapons are intended to make the use of those means impossible or limited, which would cause noncombatants and to die and civilian objects to be destroyed or would unnecessarily increase suffering of combatants and cause disproportional destruction of military objects. Chemical

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weapons are one of the means of warefare the prohibition of which has been present since ancient times in international law.

Chemical weapons are a kind of weapons for mass destruction (in addition to that nuclear and bilogical) and is based upon the adverse effect of certain chemical substances to living organisms. Chemical weapons could be, in the shortest possible way, defined as "each weapon containing chemical substances, nonliving matters capable of causing consequences against people, animals and plants".[1] Chemical weapons are, therefore, a collective notion including in iself, in addition to chemical agents (poisonous gasses), different means that serve to be immediately used.

From the earliest wars to the present day belligerent parties have been using certain poisonous substances in order to inflict as heavy losses on the enemy as possible. Concurrently developing with the use of poisonous substances in warfare were the rules limiting or prohibiting the use of those substances.

2. PERIOD PRIOR TO WORLD WAR I

The use of certain chemical agents in warfare has been known for a long time. Chemical agents emrerged considerably prior to the biological and nuclear weapons. However, the forms of chemical agents and the modes of their use were primitive. In spite of the fact that a great number of wars had been waged, it was only in some of them that use of chemical agents was recorded.

It is well known that even the old Chinese used smoke preparations – "pungent substances that cause nausea and disgust".[2] Used during the siege of the city Cirrha, nearby Delphi in Greece, in the 7th century B.C. were agents that caused permanent diarrhoea with the defenders.[3] Thucydides describes that the Spartans in the Peloponnesian War in 429 B.C. set a great quantity of shrubs and threes mixed with sulphur and resin on fire in order to diminish the defence of the city Platea.[4] However, that attempt failed because the wind had changed to the opposite direction, so that the attacker suffered a lot of losses.[5]

The Middle Ages have also seen the use of poisonous substances. Poisons have very often been used for criminal poisoning of people. In the struggle for power and herritage individuals or groups of people were fighting among themselves by means of various poisonous agents. But, poisons were used for war purposes. Thus, the Byzantines are believed to have produced a chemical substance based on sulphur that released sulphorous

[1] M. Starčević: Osnovi medjunarodnog prava i medjunarodnog ratnog ratnog prava, Beograd, 1998, p. 156.
[2] G. Perazić: Medjunarodno-pravna zabrana upotrebe sredstava za masovno uništavanje u ratu, Beograd, 1968, p. 3.
[3] SIPRI: The Problem of Chemical and Biological Warfare, Vol. I, The Rise of CB Weapons, Stockholm, 1971, p. 126.
[4] С. А. Тарасенко: О запрещении химического оружия, Советский ежегодник междунароного права, 1979, p. 133.
[5] G. Perazić: Medjunarodno-pravna zabrana upotrebe sredstava za masovno uništavanje u ratu, Beograd, 1968, p.3.

anhidrides, hydrogen and chlorine as well.[6] When Belgrade was defended against the Turks in 1456, arsenic smoke clouds were used. [7]

There were also examples of the use of chemical agents in wars in the modern times. During the American Civil War (1861-1865), Patrick Gilmora, the Northern general, used incendiary ammunition against the Confederate units of Pierre de Beauregard who calls it "the most destructive ammunition used in a war".[8] Napoleon III used hydrogen in 1865 for military purposes.[9] Also, during the Crimean War a sulphuric smoke was used against the Russian garrison in Sevastopol.[10] During the Boer War in 1900 explosive shells filled with a poisonous gas were used.[11]

The aforementioned cases of the use of chemical agents cannot be considered a usual form of warfare, but accidental and periodical events. Chemical agents used during wars were not intended for military needs, it was their incidental purpose. There were no special devices for their use. Therefore, chemical weapons, in the ordinary meaning of the term, cannot be spoken of over this period. That a chemical warfare could come to the fore, it was necessry to make poisonous substances the purpose of which would be to inflict as heavy losses on the enemy as possible. In addition, devices for their use should have been created and improved. Such improved chemical weapons were proved to have been used only in World War I, so that since that time they are considered a real means of mass destruction.

The history of mankind does not recognize the form of warfare thus odious as is the use of poisonous substances for military puposes. The use of these agents has been condemned for a lot of reasons. Those were considered perfidious combat agents inconsistent with the military chivalry and, accordinlgy, should not be used by the warriors. Their use has been condemned a long time ago by the ancient writers such as Philius, Ulpian, Tacitus, Claudianus and others.[12] The Roman Senate stuck to the principle that war should be waged using weapons but not poisons (*armis bella, non venenis geri debere)*,[13] Also, Hugo Grotius thought that it was "forbidden to kill anybody by means of poison" and that "it is not allowed to poison weapons and water."[14] Initially, prohibitions were being established under the customary law to gradually take, later on, particularly in the second half od the 19th century, a form of a treaty. The first written treaty under which the use of chemical agents in wafare was limited is a Franco-German agreement of 1675 concluded

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[6] S. D. Stackelberg: Le péril chimique et la Croih viollete, Lausanne, 1929, pp. 13-14: quoted after: G. Perazić: Medjunarodno-pravna zabrana upotrebe sredstava za masovno uništavanje u ratu, Beograd, 1968, p. 3.
[7] SIPRI: The Problem of Chemical and Biological Warfare, Vol. I, The Rise of CB Weapons, Stockhoilm, 1971, p. 126.
[8] J. Campagnon: L'interdiction des armes chimiques, Défense nationale, 1988, No. 3 (translation), Informativni bilten prevoda CVNDI, 1988, p. 1023.
[9] SIPRI: The Problem of Chemical and Biological Weapons, Vol. I, The Rise of CB Weapons, Stockholm, 1971, p. 126.
[10] J. Campagnon: op. cit., pp. 1023-1024.
[11] В. И. Лисовский: Международное право, Москва, 1970, p. 400.
[12] G. Perazić: Medjunarodno ratno pravo, Beograd, 1966, . 137.
[13] Ibid.
[14] Quoted after C. A. Тарасенко: op. cit., p. 135.

in Strasbourg.[15] The use of poisoned shells was prohibitted in warefare under this agreement on a bilateral grounds.

The prohibition of the use of chemical substances in warefare is also contained in Lieber's instructions of 1863.[16] That prohibition is discussed twice in those Instructions. First of all, Part I includes a general prohibition to use poisons in war (Article 16). In Part III of the Instructions (Article 70) that prohibition is partially made precise and that Article reads: "The use of poisons in any manner, be it to poison wells, or food or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war."

The first act at the multilateral level that contains a separate prohibition of the use of poisonous substances in war is the Brussels Declaration of 1874.[17] Although it was not an agreement in the ordinary meaning of the term, but remained in the stage of a project, cited here will be its provisions having in mind its impact on the further codification of the law of war. First of all, laid down in Article 12 of the Declaration is that belligerent powers shall not have full liberty in choosing means and methods of fight against the enemy. The next, Article 13, in keeping with the aforementioned principle, particularly prohibits certain means and methods of warfare. First and foremost is the prohibition of the use of "poison and poisoned weapons".

Based upon such provisions of the Brussels Declaration, a conclusion can be drawn that it was an obvious intention to prohibit the use of posions in warfare. That there was a great scorn for posions and poisoned weapons can be seen from the fact that their prohibition ranks first of all prohibitions of other means and methods of warfare.

The next international document under which the use of chemical agents in warfare is prohibited are the Hague Conventions with respect to the laws and customs of war on land. [18] To put it more precisely, the provisons on that are contained in the annexes to these Conventions. The most important parts of these Conventions are those annexes and they are known under the name the Hague Regulations.[19] The provisions with respect to

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[15] Ibid.

[16] Their full title reads: Instructions for the Government of Armies of the United States in the Field. These Instructions are the first attemprt to codify the law of war. The codification was carried out during the American Civil War (1861-1865) by Lieber, professor at the Columbia College. Although binding only for the army of the United States, they were of much greater significance. Lieber's instructions exerted influence on creating similar instructions in other states also influencing codification of international law of war. Significant number of their provisions as taken over in the Draft Brussels Declaration, in the Manual for Law of War of the International Law Institute and finally the Hague Regulations of War on Land. For the text of Liber's rules see: D. Schindler – J. Toman: The Law of Armes Conflicts – A Collection of Conventions, Resolutions and Other Documents, Geneva, 1973, pp. 3-23.

[17] The full title reads: Project of an International Declaration concerning the Laws and Customs of War. The Project of the Declaration was adopted on 27 July, 1874, at the international conference held in Brussels convened on the intiative of the Russian emperor Alexander II. Particpating in the conference were 15 European states which discussed the project submitted by the Russian Government, which was adopted with slight amendments; D. Schindler – J. Toman: op. cit., pp. 25-34.

[18] The Convention with respect to the Laws and Customs of War on Land, signed on 29 July, 1899, at the I Hague Conference (that came into force on 4 September, 1900) and the Convention with respect the Laws and Customs in War on Land, signed at the II Hague Conference on 18 October, 1907 (that came into force on 26 January, 1910). For the text of the Conventions see: D. Schindler – J. Toman: op. cit., pp. 58-92.

[19] Their full title reads as follows: Regulations respecting the Laws and Customs of War on Land.

the prohibition of poisonous substances, in both of these Regulations (1899 and 1907), are identical and for that reason will be dealt with side by side. The problem of prohibition of the use of poisonous substances in warfare is regulated under Article 23 of these Regulations. Two paragraphs of this Article are essential for that prohibition. First, it is a general prohibition of the employ of arms, projectiles or material of a nature to cause superfluous injury (paragraph "e"), since poisonous substances, in view of their effects, can be considered means that cause superfluous injury, so that they fall under this paragraph as well.

However, that the prohibition to use poisons would be intensified, paragraph "a" of the same Article explicitely stioulates that the employ of "posions and poisoned weapons" is prohibited. One can see that the same formulation is used as that in the Brussels Declaration.

Adopted at I Hague Conference was one more act which contained the prohibition of the use of posisonous substances in warfare. A Declaration Concerning Asphyxiating Gases is in question.[20] The prohibition has been fortmulated as follows: "The contracting powers prohibit the use of projectiles the sole objects of which are the diffusion of asphyxiating or deleterious gases". Characteristic of this prohibition is that the weapons not still existing in those times are meant, but the creation of which could be envisaged in the future to come. At the time the Declaration was adopted, projectiles filled with deleterious gases were only an idea. [21] The subsequent events, particularly World Wars I, proved this forecat to be true and that such weapons came into being.

This was the status of legal norms in the field of prohibitions of the use of chemical weapons when World War I outbroke, and when those norms should have shown practical values. However, all these prohibitons failed in producing expected results.

3. World War I and the Period between the Two World Wars

World War I has really marked the coming on the scene and the full use of chemical weapons. In no war prior to and after World War I had such quantitiy of chemical agents been used nor there were so many victims due to their use. Chemical weapons were used by both belligerent parties, Germany and the Allies. The first significant use of chemical agents took place on 22 April, 1915 at the battle near Ypres in Belgium.[22] On that occasion Germany used bottles filled with chlorine against the Allied forces for the purpose of breaching the Allied front to the lenght of 6 kilometres. As a consequence of that attack there were 15,000 wounded soldiers on the Allied forces side out of which 5,000 were killed. [23] The cause for such great losses was sudden and unexpected attack as well as Al-

[20] The term "declaration" is used in the meaning of one of the names for an international agreement By its essence it represents an international agreement subject to ratificatrion, and which imposes legal obligations to the contracting parties.

[21] For more details see: G. Perazić: Medjunarodno-pravna zabrana upotrebe sredstava za masovno uništavanje u ratu, Beograd, 1968, pp. 33 and 36.

[22] А. Диков: Борбата на народите за забрана на бойните отровни вещества, Армейски комунист, 1975, No. 2, p. 87.

[23] Used on that occasion were 498 tons of chlorine spread by means of 20,730 bottels. For more details on that

lied soldiers not equipped with means for defence against chemical warfare. The Allied forces, as an answer to the German attack, began using chemical weapons, that is, they responded with reprisals of the same kind. Already in September of the same year the British used chemical weapons at the battle of Loos.[24] As the war made further progress, chemical weapons were increasingly used. With the advent of time new poisonous gasses were used as well as new devices for their spreading. Thus, in 1918, the situation was that 30 percent of the complete ammunition was filled with poisonous gasses, the German chemical shells amounting to 50 percent of the totall number of cannonballs shot by the German artillery in the same year.[25] More than 50 different toxic compounds to the quantity of 125,000 tons are supposed to have been used by Germany and the Triple Entente over the priod from 1914 to 1918.[26]

Such frequent use of poisonous gasses resulted in mass victims. Shown in the below table is the number of those victims:[27]

State	Total casualties from chemical agents (fatal and nonfatal)	Fatal casualties from chemical agents
Germany	200,000	9,000
France	190,000	8,000
Great Britain	189,000	8,100
Austria-Hungary	100,000	3,000
Italy	60,000	4,600
Russia	475,000	56,000
USA	73,000	1,500
Belgium and Portugal	10,000	1,000
Total:	1,297,000	91,200

Note: The data for the USA nad Great Britain has been obtained based upon the corresponding statistics, while the data for other states has been reported based upon the estimation of colonel Prentiss, given in his book "Chemicals in War" published in 1937, compiled by him after a careful study of the available materials.

After World War I there appeared in the doctrine of international law different interpretations with respect to the use of chemical weapons in warfare. One group of writers consisted of authors who condemned the use of chemical weapons and considered it violations of international law, while gathered in the other were those who tried to prove that the use of those weapons did not constitute violation of the existing legal prohibitions. Particularly persistent in justifying the use of chemical weapons was the German law theory. There were opinions that Germany observed the rules of the Hague Declaration Concerning Asphyxiating Gases until 1916, because the German army used bottles to spread

event see: SIPRI:The Problem of Chemical and Biological Warfare, Vol. I, the Rise of CB Weapons, Stockholm, 1971, p. 134.

[24] Ibid.

[25] XII Conférence international de la Croix-Rouge, - Genève 7. oct. 1925, "La guerre chimique et ses consequences"; quoted after: G. Perazić: Medjunarodno ratno pravo, Beograd, 1966, p. 139.

[26] Т. Федоров: Химическое оружие – под запрет, Международная жизнъ, 1982, No. 7, p. 80.

[27] The table and notes accompanying it are given based upon the data from: SIPRI; The Problem of Chemical and Biological Weapons, Vol. I, The Rise of CB Weapons, Stockholm, 1971, p. 129.

poisononus gases that could not be classified as "projectiles" prohibited under the Declaration. Pointed out also was the fact that projectiles used were filled with explosive in addition to chemical charge, so that was why they were not covered by the Hague Declaration, because the "only" purpose was not spreading of asphyxiating gases. In order to evade this Declaration as well as the Convention respecting the Laws and Customs od War on Land of 1907, reference was also being made to the clause "*si omnes*" (general participation) contained in all treaties.[28] Emphasised was that stepping up the war by certain nonparties states (Turkey, the USA, Italy, Serbia, Montenegro), no party to the conflict was bound under these treaties. In view of the meaning of the clause "*si omnes*", such interpretation of its effect, from the strict legal point of view, is correct.

However, this does not mean that we agree with the conclusion that the use of chemical weapons in World War I was not prohibited. Our starting point is that the sources of the law of war are not composed of contracting rules only, but of cuctomary law as well. Contained in customary law for a long time has been a norm that prescribes restraint from the use of poisonous agents in warfare. Added to the support of the ascertion that the use of chemical weapons was prohibited can be a general prohibition to use weapons that can cause "too much sufferings and unavoidable death".[29] Also added in support to the legal prohibition of the use of chemical weapons can be Martens clause[30] according to which population and belligerents remain under the protection of principles of international law created under the influence of customs and arising from the request of humanitarianism and public conscience. Therefore, we think that the use of chemical weapons during World War I was illegal and that cannot be justified in any way.

From the presentation on limitations to chemical weapons contained in legal acts adopted prior to World War I one can see that those limitations are rather generalized, so that there is space to interprete them differently. That is why the need was felt after the War to make an treaty the only purpose of which would be to regulate prohibition to use chemical weapons. Finally, it was done in 1925 after adopting the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and the Bacterological Methods of Warfare.[31]

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[28] In the Convention respecting the Laws and Customs of War on Land (1907) it is contained in Article 2 which reads: "Provisions of the Regulations in the Annex to this Convention as well as provisions of this Convention shall be applied only among the contarcting powers and only if all participants in the war are the members of the Convention". Also, the Declaration Concerning Asphyziating Gasses of 1899 contains this provision which reads: "The Declaration binds only the contracting parties in case of war between two or among more of them. They shall cease to be bound from the moment when a nonmember state joins one of the belligerent parties."

[29] The prohibition of all weapons is contained in the Petrograd's declaration of 1868. For the text of the Declaration see: Jugoslovenski crveni krst: Izvori medjunarodnog humanitarnog prava, Beograd, 1999, p. 301.

[30] Martens clause is contained in the Preamble to the Hague Convention (IV) respecting the Laws and Customs of War on Land of 1907 which reads as follows: "Until a more complete Code of the laws of war is issued. The High contracting parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the population and belligerents remain under the protection and the rule of the principles of international law, as they result from the usages established among the civilized peoples, from the laws of himanity and requests of public conscience.

[31] The Porotocol for the Prohibition of the Use of Asphyxiating, Poisonous and other Gasses and of Bacteriological Methods of Warfare was made and signed at the conference on the control of international trade of weapons, ammunition and warfare materials held under the auspices of the League of Nations from 4 May to 17 June, 1925 in Geneva and that it is why its also called the Geneva Protocol. For the text see: International

Preceding this Protocol were two international acts contained in which were provisions limiting the use of chemical weapons. The first of them is the Versailles Peace Treaty, Article 171 of which reads:

> "The use of asphyxiating, poisonous and other gases and all analogous liquids, materials or devices being prohibited their manufacture and importation are strictly forbidden in Germany"[32]

The bright side of such provisions in peace treaties is that they contribute to the prohibition of the use of chemical weapons, but their dark side is that they establish obligations only to the defeated states. The second act is the Washington Convention, Article 5 of which reads:[33]

> "The use in war of asphyxiating, poisonous and other similar gases, all analogous liquids, materials and similar methods having been justly condemned by the general opinion of the civilized world, and a prohibition of such use having been declared in treaties to which a majority of the civilized Powers are parties The Signatory Powers, to the end that this prohibition shall be universally accepted as part of international law bidning alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves and invite all other civilized nations to adhere thereto."

Although this Project of the convention is a creation of only five states, its significance is much wider. First of all, those were the most important states of that time (with the exception of the USSR), so that their attitudes and views were followed by many smaller states. The importance of that Article reflects in that it confirms that the use of chemical weapons has already been prohibited under the customary law ("condemned by the public opinion of the civilized world").

As for the 1925 Geneva Protocol itself, its purpose was to eliminate the imperfections and voids existing in the former prohibitions to use chemical weapons. Also, legal regulations should have been harmonized under it with the new technological accomplishments related to the use of chemical weapons such as airplanes, airplane bombs, etc. Because of that the Protocol contains a general formulation of the prohibition of the use of chemical weapons ("the contracting parties recognize the prohibition of the use of asphyxiating, poisonous and other similar gases in warfare, and all analogous liquids, materials and similar methods..."), not citing the means of their possible use. From such a formulation one can see that asphyxiating gases are no more spoken of like in the Hague Declaration, but all poisonous substances, which makes this prohibition more clear excluding thus its different interpretations. The Geneva Protocol also confirms that the prohibition fo the

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Committee of the Red Cross; International Law concerning the Conduct of Hostilities, Geneva, 1989, pp. 174-175.

[32] Similar provisions are also contained in other peace treaties concluded at Saint Germain (Article 135) at Neuilly (Article 82), at Trianon (Article 119) and Sèvres (Article 176); quoted after SIPRI: The Problem of Chemical and Biological Warfare, Vol. III, CB Weapons and the Law of War, 1973, p. 21.

[33] Quoted after: M. Radojković: Rat i medjunarodno pravo, Beograd, 1947, p. 80. The Convention on using submarines and poisonous gasses in warfare (The Washnington Convention) concluded among the USA, Great Britain, France, Japan and Italy with the possibility of being joined by other states. However, it has never come into force because France did not ratify it, but not for reasons concerning Article 5. On that see: SIPRI: The Problem of Chemical and Biological Warfare, Vol. III, CB Weapons and the Law of War, 1973, p. 22.ar

use of chemical weapons is an integral part of the customary law of war, that is, that its use "has been condemned by the public opinion of the whole civilized world."

Some objections can be made to this Protocol. Prohibited under it is only the use of chemical weapons, but not its improvement, production and stransfer, neither destruction of the existing chemical weapons is requested. Sure that the risk of using chemical weapons would be much less if they would be eliminated by destroying the existing stocks and prohibiting their further improvement, production and transfer. Unlimited possibility of making reservations to the Protocol provisions may be considered an imperfection of its. That possibility was widely used by the states, so that it was the way to frequently disturb the purpose and the spirit of agreements. The most important and the most frequently made reservations were: a) freedom of using chemical weapons against the nonsignatory states, and b) freedom of revenge against the first to use chemical weapons.[34] The Protocol was thus reduced to the obligation not be the first.[35] The states kept further accumulating large stockpiles justifying them by creating capacities to return to the (internationally ilegal) use of chemical weapons of the potential rival.[36] Cited as a weak point related to this Protocol can also be the fact the it was ratified by the United States only in 1975.[37]

It was only ten years after this Protocol had been signed that there again occured a mass use of chemical weapons. That happened in the Italo-Ethiopian war of 1935-1936 and that use was a crude violation of the Geneva Protocol, because both Italy and Ethiopia were its signatory states.[38] Estimations go that far that Italy used around 700 tons of chemical agents, mostly through air forces.[39] During those attacks, in addition to soldiers there were civilian victims as well. Reports on horrible consequences have mainly been obtained from physicians, representatives of the national organizations of the Red Cross and journalists. John Melly, a head of a field hospital of the British Red Cross describes that war as follows: "It is not a war, it is not even a slaughter – it is a torture of thousands of defenceless men, women and childred."[40] Poisonous gasses were not used only during the 1935-1936 war, but also during the occupation against the Ethiopina rebels.[41] The Italians justified the use of chemical weapons by reprisals against the bestialities of the Ethiopian troops they had done over the Italian soldiers.

The use of chemical weapons was recorded in the Sino-Japanese war of 1937-1945. The Japanese army used different chemical agents several times. Estimations of the Soviet authorities show that there were 25% of chemical shells in the artillery combat complete set, while that of the air forces amounted to 30 percent of chemical shells. Also, the So-

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[34] Z. Binenfeld: Razoružanje – kemijska borbena sredstva, Vojno delo, 1976. No. 2, p. 99.
[35] J. Campagnon: op. cit., p. 1024.
[36] N. Möller-Gulland: Hindernisse auf dem Weg zum Verbot von C-Waffen, Europäische wehrkunde, 1988, No. 11; (translation) – Informativni bilten prevoda CVNDI, 1989, No. 7, p. 659.
[37] Ю. Томилин: Обструкция Вашингтона к вопросе запрещения химического оружия , Международная жизнь, 1984, No. 8, p. 107.
[38] R. Baudendistel: Force versus law: The International Committee of the Red Cross and chemical warfare in the Italo-Ethiopian war 1935-1936, International Review of the Red Cross, 1998, No. 322, p. 81.
[39] SIPRI: The Problem of Chemical and Biological Warfare, Vol. I, The Rise of CB Weapons, Stockholm, 1971, p. 143.
[40] R. Baudendistel: Force versus law: The International Committee of the Red Cross and chemical warfare in the Italo-Ethiopina war 1935-1936, International Review of the Red Cross, 1998, No. 322, p. 88.
[41] Ibid., p. 100.

viet estimations say that in certain battles 10 percent of the total number of killed was due to the effects of chemical weapons.[42]

Over the period between the two World Wars further investigations and development of chemical weapons were continued. As a consequence, there emerged new poisonous gasses several tents times stronger than those used in World War I.[43] In addition to improving chemical weapons, their mass production was commenced particularly prior to the outbreak of the War for the purpose of more effective waging the war.

4. WORLD WAR II AND POSTWAR PERIOD

Over this period, a Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction[44] was adopted in 1993 as the most complete treaty in the field of disarmament. Having in mind the importance of the Convention for the prohibition of chemical weapons, this period in the struggle against the chemical weapons is divided into two wholes separated by the adoption of this Convention.

4.1 Period prior to the Chemical Weapons Convention

Large stockpiles of chemical weapons were in possession of both belligerent sides at the outbreak of World War II, their production being continued during the war. However, in spite of such large stockpiles of chemical agents and improved devices for their use, there occured no mass use of these agents during World War II. There are several reasons stated for their nonuse in this War. Statements of certain states delivered during the War are deemed to have been one of the reasons for their nonuse.[45] Great Britain and France obligated themselves under the joint declaration of 3 September, and the goverment of Nazi Germany uder the declaration of 9 September, 1939, that they will strictly observe the provisions of the Geneva Protocol, under the condition that the other party would do the same. With reference to this, an international exchange of notes was effected. After Germany had invaded the USSR, letters between the British and Soviet governments were exchanged under which the British government obligated itself to use chemical agents against Germany if she would use them against the USSR. Although the United States was not a signatory state to any international agreement under which the use of chemical weapons was limited in warfare, she explicitely declared that she would resort to such kind of weapons only if first used by the enemy.

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[42] SIPRI: The Problem of Chemical and Biological Warfare, Vol. I, The Rise od CB Weapons, Stockholm, 1971, p. 147.

[43] A new group of poisonous gasses was developed in Germany, the so-called nervous (nervous-paralytic) poisonous gasses (1937- tabun, 1938 – sarin and 1944 - soman); quoted after А. Диков: op. cit., p. 88.

[44] The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (known under the short-form name Chemical Weapons Convention) was signed at the conference in Paris held from 13 to 15 January, 1993. For the Convention text see: Jugoslovenski crveni krst: Izvori medjunarodnog humanitarnog prava, Beograd, 1999, pp. 333-432.

[45] Statements of certain states are quoted after: Vojna enciklopedija, Tom VI, Beograd, 1974, p. 76.

In addition to these reasons of legal nature, humanity is also cited as a reason of the nonuse of chemical weapons in World War II. It was often emphasised that, in view of the general experiences from World War I, as well as personal experiences,[46] Hitler did not ordered the use of chemical weapons in World War II. However, this reason is not well enough convincing, which prove gas chambers in German concentration camps.[47]

Also cited are the resons of military nature, which contributed the use of chemical weapons to be avoided. Most probably Germany did not have any need to use them at the outbreak of the War, while later on the strategic situation was not favourable to her. Namely, the Allies were superior in the air, their personal and collective protection and defence against chemical warfare were highly developed, in contrast to Germany for which chemical revenge (announced by Roosevelt, the President of the United States) would have catastrophic consequences.[48]

The above mentioned reasons partially explain why the prohibition of the use of chemical weapons was the most observed prohibition in World War II (in contrast to the prohibition with reference to civilians, wounded, prisoners and targeted premises), but it is still hard to explain it for sure why anything did not happen.

After World War II, due to the advent of nuclear weapons, interest of great powers in chemical weapons was diminished for some time. Greater importance to chemical weapons was attached by states that had no nuclear weapons. However, after the nuclear balance had been redressed the interest in chemical weapons was again revived.

There were accusations that in certain wars waged after 1945 some belligerent states used chemical weapons. However, a few of those accusations were proved by the inetrnatioanal organs, and in even fewer cases the accused party admitted to have used such weapons. Cited here will be some of the wars linked to which were the charges on the use of chemical weapons.[49]

1945-1949: China

During the Chinese civil war both parties to a conflict heavily accused each other for using chemical agents.

1947: Indochina

The French forces were being accused for using chemical weapons in battles against the Vietnamese nationalists. However, such accusations were refuted by the French officials.

1948: Israel

In January 1949 the Israeli military officials refuted the accusations by Egypt on the supposed use of chemical weapons against the Egyptian troops.

1949: Greece

"Tanjug", the Yugoslav news agency reported that a poisonous gas was used by the governmental forces against the guerrila forces on Peloponnesis. With reference to it, the

[46] Adolf Hitler himself was a viction of an attack by chemical weapons on 14 October, 1918; see: J. Campagnon: op. cit., p.1024.
[47] Ibid.
[48] Z. Binenfeld: Kemijski rat i protivkemijska zaštita, Vojno delo, 1976, No.1, p. 51
[49] Data quoted after: SPIRI: The Problem of Chemical and Biological Warfare, Vol. I, The Rise of CB Weapons, Stockholm, 1971, pp. 157-212.

Greek defence minister stated that only excitant gasses had been used for the purpose of expelling guerrilas from the caves.

1951-1952: Korea

The USA was accused to have used chemical weapons several times in that conflict, the heaviest attack being that on 6 May, 1951, when the American bombadiers B-29 dropped the bombs filled with poisonous gasses nearby the city of Nampo. The accusations were refuted as ungrounded.

1957: Cuba

Cuban emigrants requested inspection by the United Nations because of a supposed use of chemical agents (mustard) by the Cuban government against the guerrilas.

1957: Algeria

The French forces were accuse to have used chemical agents against the Allgerian rebels. The accusations were refuted by the French commanders in the filed.

1958: China

Radio Peking accused the Chines nationalist forces to have used shells filled with chemical agents when bombing the Chinese people's army. On that occasion the Peking defence minister threatened to take a serious revenge action in case of continued attacks. Those statements were refuted by the nationalists and American authorities in Taipei.

1963-1967: Yemen

There were several reports that the Egyptian forces had used chemical weapons during their intervention in the Yemen civil war. All the accusations were refuted by Egypt consdiering them as propaganda means against Egypt.

1961-1973: Indochina

There were several reports on the use of chemical weapons during the war in Vietnam. The mass use of herbicides and excitant gasses by the American troops and the South-Vietnamese army was proved by the sources in the USA. However, the USA emphasised the fact that use of excitant gasses and herbicides was not prohibited either under the customary law or the Geneva Protocol (the signatory state of which she was not, but observed its provisions).[50] She was supported in such interpretation of law by some states, particularly by Great Britain.[51]

There were opposite attitudes and they were supported by the majority of states in those times. Within the United Nations, and elsewhere, it was emphasised that the use of any kind of chemical and biological weapons was prohibited in warfare. Such attitude was approved by the General Assembly of the United Nations under its Resolution No. 2603 of 1969.[52] laid down in which is that the use of:

> "Any chemical agents for warfare – chemical substances, whether gaseous, liquid or solid – which might be employed because of their direct toxic effects on men, animals or plants"

in armed conflicts is prohibited uder the Geneva Protocol of 1925.

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[50] SIPRI: The Problem of Chemical and Biological Warfare, Vol. III, The Rise of CBW and Law of War, Stockholm, 1973, p. 25.

[51] Ibid.

[52] D. Schindler – J. Toman: op. cit., pp. 125-129.

There were accusations that mortal poisonous gasses were used by the USA in that war. However the use of such poisons was refuted by the USA.

The use of herbicides and excitant gasses in Vietnam has caused grave consequences. The use of poisonous gasses was particularly severely criticized by the member states of the Warsaw Pact and the aftermaths of that use were widely reported by the press of those states.

The American army is supposed to have dropped 100,000 tons of poisonous matters in Vietnam. Estimations show that around two million people were afflicted by the consequences of the use of these poisonous matters. Not only the Vietnameses, but the Americans as well.[53] Around one million of people died in Vietnam of hunger due to the ruined rice fields and other agriculturals products. More than 43 percent of the cultivable soil in Vientnam was unusable due to the effects of herbicides. As a consequence of the use of poisonous gasses, there resulted a number of inborn deffects with the childredn born after the war, both in Vietnam and with the children of the Americans who participated in the Vietnamese war (around 40,000 of American children had serious defects).[54]

1975: Laos[55]

Vietnamese forces, supported by the Soviets experts, were suspected to have used chemical agents in Laos.

1978-1980: Laos, Cambodia and Afganistan[56]

The USA and the United Nations point to the use of chemical weapons in Laos and Cambodia and then in in Afganistan.

1980- 1988: Iraqi-Iranian war[57]

Starting from 1984 Iran permanently accused Iraq of the use of chemical weapons. Iraq sent a number of victims of those attacks to West Europe for tretment. A committee for the purpose of establishing the supposed use of chemical weapons by Iraq was set up by the United Nations Secretary General and that team confirmed the accusations of Iran. Also, Iran was accused by Iraq by the end of the war to have used chemical weapons as well, but the accusations were not confirmed.

1992-1995: War in Bosnia and Herzegovina[58]

During the war there were mutual accusations that each party to the conflict (Serbs, Moslems and Croats) used chemical weapons in certain battles. However, such accusations were not confirmed by the independent experts.

In addition to the use in warfare, chemical weapons become attractive for terrorist as well. After the therrorist use of a posionous gas by a religious sect in the Tokyo under-

[53] T. Феодоров: op. cit., p. 81.
[54] A. Диков: op. cit., p. 89.
[55] J. Campagnon: op. cit., 1025.
[56] Ibid., p. 1026.
[57] OPCW: The Chemical Weapons Convention – A guided tour of The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 1999, p. 17; the paper available at *URL* <www.opcw.nl>.
[58] T. Stock – M. Haug – P. Radler: Chemical and biological weapon development and arms control, SIPRI Yearbook: Armaments, Disarmament and International Security, 1996, p.662.

ground, the international community became aware of great danger if chemical weapons reached the hand of terrorists.[59]

Considerably contributing to the chemical weapons prohibition negotiations were particularly the Iraqi-Iranian war and the Tokyo terrorist attack.

After World War II until the adoption of the Chemical Weapons Convention in 1993, no internatioanal agreement was concluded referring to chemical weapons. However, it does not mean that no efforts have been made in the domain of controlling that kind of weapons. The greatest efforts have been made within the United Nations and the International Red Cross.

The following resolutions of the General Assembly of the United Nations with respect to chemical weapons may be listed below: Resolution 2162B (XXI) of 1966; Resolution 2444 and Resolution 2454A (XXIII) of 1968 and Resolution 2603 (XXIV) of 1969. Under these Resolutions the existing prohibition of the use of chemical weapons is pointed to by the General Assembly of the United Nations, states are called up to observe this prohibition and those states that have not joined the treaties are called up to do that.[60] Also cited here can be a report of a group of experts,[61] set up at the request of the United Nations Secretary General in 1969, on the consequences of possible use of chemical weapons asscertained in which is that, if they should widely be used in warfare, no one could predict how lasting the consequences would be and to which extent the use of those weapons would affect the structure of the society and the human environment.

In the Project of the rules for limiting dangers the whole civilian society is exposed to during war, made by the International Committee of Red Cross in 1955, the use of asphyxiating, poisonous and similar gasses, bacteriological agents as well as similar liquids, substances and methods is prohibited.[62] Also, appeals from many international conferences of the Red Cross have been made to all states to join the Geneva Protocol of 1925. An appeal of similar contents was also made from the conference on human rights held in 1968 in Tehran.[63]

However, a need was being noticed to make an international agreement that would eliminate imperfections of the existing rules in the domain of prohibition of the use of chemical weapons. For that reason, negotiations were taken up in 1968 on the convention under which prohibition of chemical weapons would be regulated, and they would, as it turned out, last until 1993 when the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was signed.[64]

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[59] The most striking terrorist attack by means of chemical weapons took place on 20 March, 1995, in the Tokyo underground and was carried out by the members of Aum Shinrikyo sect. On that occasion sarin was used and 12 people were poisoned and 5,500 injured; Ibid., p. 701.

[60] Vojna enciklopedija, Tom VI, Beograd, 1974, p. 76.

[61] United Nations: Chemical and Bacteriological (Biological) Weapons and the Effects of Their Possible Use, New York, 1969.

[62] Vojna enciklopedija, Tom VI, Beograd, p. 76.

[63] Ibid.

[64] As it has already been said, the Convention was signed in 1993 at the conference held in Paris and came into power on 29 April, 1997. Yugoslavia joined the Convention on 20 April, 2000.

4.2 Chemical Weapons Convention

The Convention on Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction is an international treaty under which prohibition of chemical weapons is fully regulated. The process of its making was not easy at all. It took 25 years to complete the negotiations on adopting the Convention, both at the multilateral and bilateral levels between the USA and the USSR (Russia).[65] The lenghy and exhausting negotiations resulted in this Convention under which responsibilities and rights of contrating parties are regulated in a detailed manner. The Convention consists of a Preamble, 24 articles and 3 annexes.[66] In addition to the obligations and rights, provided in this act are numerous implementation measures, both at domestic and international levels.

4.2.1 Basic Obligations and Rights of Contracting Parties

The Chemical Weapons Convention provides for a great number of obligations and rights for the contracting parties out of which some are basic ones, while the rest serve only to meet the basic obligations. The basic obligations and rights of the contracting parties may be classified as follow:

a) obligations with respect to chemical weapons;
b) obligations with respect to chemical weapons production facilities;
c) obligations with respect to old and abandoned chemical weapons;
d) obligations with respect to activities not prohibited under the Convention;
e) right to support and protection from chemical weapons; and
f) right to unfettered economic and technological development and protection of confidental information.

(a) With respect to chemical weapons, numerous obligations were imposed on the contracting parties. In contrast to all former agreements dealing with chemical weapons, according to which the only obligation of states was to refrain from the use of chemical weapons, the Chemical Weapons Convention contains a much wider circle of obligations. According to the Convention, states have precisely determined obligation to submit declaration on their chemical weapons. By submitting declarations better verification of the existing stockpiles of chemical weapons and increasing confidence among the contracting parties is intended to be accomplished. Thus, transparency of the Convention is being accomplished to a great extent.

Contracting parties are strictly prohibitied to develop, produce or in any other manner acquire, stockpile or keep chemical weapons or transfer them to whomsoever, directly or indirectly. This prohibition is intended to prevent increase in the existing stockpiles of chemical weapons

[65] For more details on the negotiations for concluding the Convention see: N. Raičević: Pravila o sredstvima ratovanja u savremenom medjunarodnom humanitarnom pravu (MA thesis), Niš, 2000, pp. 27-42.
[66] The annexes are entitled as follow: Annex on Chemicals, Annex on Performance and Verification ("Annex Verifications") and Annex on Confidential Information Protection ("Annex Confidentiality").

Under the Chemical Weapons Convention an absolute prohibition to use chemical weapons has been established, because they can be used under no conditions and in that sense making any reservations may not be possible.

The obligation to destroy chemical weapons is an obligation that did not exist in any former treaty with respect to chemical weapons. In contrast to other obligations of the contracting parties, this obligation refers only to those states that are in possession of chemical weapons. Destruction of chemical weapons means a "process by which chemicals converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such."[67] Deadlines within which the existing stoskpiles of chemical weapons must be destroyed are defined under the Convention.

(b) As for the chemical weapons production facilities, the contracting parties must, first of all, through declarations, provide all requested data on them as well as to enable admission of inspectors to control the data. If a state is in possession of chemical weapons production facilities it can get rid of them in one of the following ways: by destroying the facilities, by converting them into the facilities for activities that are not prohibited or transforming the facilities into chemical weapons destruction facilities. Also defined for the performance of these obligations are deadlines as well as methods of control by the international inspection.

(c) Because of their specific features old chemical weapons[68] and abandoned chemical weapons[69] are separated from the regulations established under the Convention for other chemical wapons. With respect to these categories, obligations of the contracting parties are less strict than those with reference to "ordinary" chemical weapons.

(d) All activities with respect to the use of poisonous chemicals are not prohibitied to the contacting paties under the Convention. States are still allowed to use toxic chemicals for purposes permitted such as in: industry, agriculture, medicine, pharmacology, protection, law enforcement, including domestic riot control purposes. However, numerous obligations have also been imposed to states. Quantity and quality limitations with respect to production and transfer of certain chemicals have been set up as well. Also, states are strictly obliged to provide information on those activities and facilities where they are carreied out at as well as obliged to allow the subject information to be checked on the spot.

(e) The Chemical Weapons Convention provides security guarantees to the contracting parties. That security lies in the prohibition to the contracting parties to use chemical weapons in wahtever circumstances one against the other. However, there is always danger that a state contracting party would be attacked or be threatened with chemical weapons by a state that is not a contracting party or by a contracting party that violates the pro-

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[67] Part IV (A) paragraph 12 of the Annex Verifications.

[68] Pursuant to Article II, paragraph 5, of the Chemical Weapons Convention under the old chemical weapons are understood:

a) chemical weapons manufactured prior to 1925.

b) chemical weapons manufactured over the period between 1925 and 1946 that have been so ruined so that they can no more be used as chemical weapons.

[69] Article II, paragraph 6, of the Convention defines that under the abandoned chemical weapons are understood "chemical weapons, including old chemical weapons as well that, after 1 January, 1925, have been left by a state in the terrirory of another state without its consent".

visions of the Convention. That a state contracting party would be protected in such situation, it is granted positive security guarantees under the Convention on the basis of which it may be given help and protection in case of use or threat with chemical weapons. Provisions on this are contained in Article X of the Convention.

(f) The Chemical Weapons Convention essentially encroaches on the activities of chemical industry of states contracting parties. Chemical industry, under this Convention, has different obligations. The most important among them are limitation on production of certain chemicals, limitation on trasnfer of certain chemicals, submission of data on production and permission to effect inspection on the spot. That these limitations would not affect chemical industry, ceratin guarantees in that sense are contained in the Convention.

4.2.2 Convention Implementation Measures

For more successful and complete application, the makers of this Convention have provided for two kinds of measures for implementation:

a) implementation measures at national level; and

b) implementation measures at international level.

(a) Provisions on the inplementation measures at the national level are contained in Article VII of the Convention. Sure, these the provisions are of general nature because of different circumstances existing in states where these measures should be taken. An *in toto* model could not be made because it would not be functional; each contracting party must study its own situation and estimate what concrete measures should be taken.[70]

Responsibilities of states with respect to the implementation of the Chemical Weapopns Convention may be classified into two groups: adoption of necessary jurisdiction and establishment of national authority. States take over numerous obligations under the Convention for their legal persons and citizens and in order to provide respect for these responsibilities they must harmonize criminal and administrative legislatures with those responsibilities. The national authority should be responsible for effective relations with the international organization established under the Convention as well as with other contracting parties. A state is fully free with respect to the name, character and structure of the national authority. How this authority will be regulated by the state depends upon the following circumstances:[71]

– whether it is in possession of chemical weapons or not;
– whether it is in possession of chemical weapons production facilities or not;
– capability of the chemical industry of that state to produce chemical weapons; and
– characteristics of its chemical industry.

(b) Due to very hard reliable control of chemical weapons, the makers of the Convention are facing a heavy assignment to resolve the problem.[72] Just the opposite of the nu-

[70] T. Stock: The Chemical Weapons Convention: institutionalization and preparation for entry into force, SIPRI Yearbook: World Armaments and Disarmaments, 1994, p. 708.

[71] T. Kurzidem – P. Radler – T. Stock – R. Sutherland: The National Authority: some important issues to be addressed, The SIPRI-Saskatchewan-Frankfurt Reserach Group's papers on the implementation of the CWC, paper 10, pp. 1-2; paper available at *UR <http:www.sipri.se/cbw/research/ssf-cwc-paper10.html>*.

[72] There are difficulties in discovering and preventing unauthorized increase in any kind of weapons, which is

clear weapons, control of chemical weapons cannot be accomplished observing by means of devices of certain states (satelites),[73] but it was be necessary to establish such system of control that would include control on the spot as well. That such control would be as successful as possible, a separate international organization has been established under the name Organization for the Prohibition of Chemical Weapons – OPCW. The Organization iscomposed of all states contracting parties to the Chemical Weapons Convention. The main organs of OPCW are: Conference of the States Parties, Executive Council and Technical Secretariat. The following measures are being taken within the Organization for Prohibition of Chemical Weapons: submission of declarations, routine inspections, requesting clarification, challenge inspection and investigation of alleged use of chemical weapons.

Within the implementation measures at the international level sanstions for states contracting parties that violate the provisions of the Convention have also been provided for. The sanctions that can be imposed are limitation or suspension of the rights and privileges established under the Convention and taking collective measures by the contracting parties against the state that violate the provisions of the Convention.

5. CONCLUSION

In order to make war more humane, certain legal rules have been created under which the use of certain means of warfare are prohibited. Among the first means of warfare that have been prohibited are chemical weapons. This kind of weapons was first prohibited under the customary law rules, this prohibition to be later incorporated into international treaties. The most important treaties under which chemical weapons were prohibited prior to World War I had been signed at the Hague Conferences of 1899 and 1907. In the treaties adopted at these conferences prohibited was only the use of chemical weapons. The existing norms proved to be insuffcient to prevent the use of chemical weapons during World War I. Because of the fact that enormous quantities of chemical weapons had been used in that war, causing a great number og human victims, there arose a strong desire over the period between the two World Wars a new agreement to be concluded under which chemical weapons would be prohibited in a more clear manner. That idea was accomplished in 1925 when the Geneva Protocol was adopted. However, there were imperfections in this agreement too, so that danger arising from chemical weapons was still present. This status of legal norms and enormous quantities of chemical weapons feature the

particularly hard with respect to chemical werapons. This kind of weapons are hard to control thanks to the nature of chemicals, technology, equipment and knowledge as well as due to their wide use in civil industry. Detailed technique of production of certain chemical agents can be learned from the easy available literature. For example, mustard gas is very easy to produce and its production does not require up-to-date plants, while production of nervous poisonous gasses is considerably harder due to high corrosivity and reactivity of materials used. In spite of all this, multipurpose chemical plants which produce organo-phosphoric pesticides and fire prevention agents can be made ready for production of nervous gasses in a couple of weeks, or in a couple of months at the most. Finally, several basic chemicals in the production of chemical weapons are at the same time widely used in commercial use; I. Antony – A. de Geer – R. Kokoski – T. Stock: Multilateral weapon-related export control measures, SIPRI Yearbook: Armaments, Disarmaments and International Security, 1995, p. 607.

[73] J. Campagnon: op. cit., p. 1029.

outbreak of World War II. Fortunately, no mass use of chemical weapons took place in that war. Over the period after World War II there were accusations that this kind of weapons was used in certain local wars, but they were not proved. Over this period great powers were not interested in chemical weapons because their attention was focused on nuclear weapons. However, at the beginning of the 70s of the 20th century the attention was again switched to chemical weapons and, at the same time, the problem of its legal prohibitin again made actual. After lenghty negotiations the Chemical Weapons Convention was signed in 1993 under which a complete prohibition of this kind of weapons was established. Not only that the use of chemical weapons is prohibited under the Convention, but their production, stockpiling and transfer as well. In addition, an obligation was imposed on contracting parties to destroy the existing stocks of chemical weapons. Along with the aforementioned prohibitions and implementation measures provided for, the Convention represents the most serious obstacle to chemical weapons so far.

ISTORIJA ZABRANE HEMIJSKOG ORUŽJA U MEDJUNARODNOM HUMANITARNOM PRAVU

Nebojša Raičević

Zabrana hemijskog oružja najpre je bila ustanovljena običajnim pravnim pravilima da bi kasnije bila inkorporisana u medjunarodne ugvore. Ugovori su dugo vremena zabranjivali samo upotrebu hemijskog oružja, ali se pokazalo da postojanje samo te zabrane nije dovoljno. Zbog toga Konvencija o hemijskom oružju iz 1993. godine sadrži pored zabrane upotrebe hemijskog oružja i zabranu njegove proizvodnje, skladištenja i transfera. Takodje, Konvencijom je ustanovljena i obaveza uništavanja postojećih zaliha hemijskog oružja. Ovako širok krug zabrana borbu protiv hemijskog oružja učiniće mnogo efikasnijom.

Ključne reči: *hemijsko oružje, upotreba hemijskog oružja, medjunarodni ugovori, medjunarodno humanitarno pravo*