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Explained: Why Cutting Financial Flows To Weapons of Mass Destruction Is The N...

Destruction Is The Need Of The Hour

5 min read



Abhinav Mehrotra & Dr. Biswanath

Updated on May 16, 2022, 16:51 IST

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The recent bill introduced by the Foreign Minister of India S. Jaishankar on the 7th of April 2022 seeks to prohibit the financing of weapons of mass destruction.

This bill allows the government to freeze and seize the assets of people involved in such activities. This bill is an amendment to the existing legislation of the Weapon of Mass Destruction and Delivery System Prohibition of Unlawful Activities Act 2005.

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Mass Destruction delivery system.

Therefore, Amendment Bill 2022 included a new provision to control the financial aspect and to meet India's international obligations.

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The justification cited for the amended Bill is that it will strengthen national security and India’s reputation globally. In this respect, the threats posed by nuclear weapons, chemical weapons, and biological weapons need to be investigated. Since 9/11, global communities have become more vigilant in the delivery and transfer of weapons of mass destruction.

India is known to possess nuclear weapons along with a rich repository of chemical weapons. Though India has never been vocal about its nuclear weapons and is not a signatory to the



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means of aggression.

This fact is further substantiated by the fact that India has signed and ratified both the Biological and Chemical Weapon Convention.



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As India is a party to more than one hundred sixty treaties covering various aspects of international law. There exist several mechanisms in place for domestic coordination and cooperation at both policy and operative levels to control the financing for disarmament and financial crimes.

The United Nations Security Council and Financial Action Task Force of which India is a part recommended all the countries amend the law against the financing and delivery system of such weapons. Considering these developments, India introduced this Bill in the parliament to amend the existing law. Seen in this light, there arise some important questions that need to be answered such as what is the relevance of financial controls? The role performed by the Financial Action Task Force (FATF)?



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will be faced? and the overall utility of such measures.

Historically, the counter-proliferation measures have centered around export controls but with time the focus has shifted to financial control requirement

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for both the governmental and private sector actors on issues ranging from *aggression and conflict to international terrorism* and now the *proliferation of weapons of mass destruction*.

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The implementation of such measures increased in the 1990s to address global security threats without using force as mandated under Article 41 of the UN Charter. Under this article, the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the



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These may include complete or partial interruption of economic relations and rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations

What needs to be understood are the broad purposes for which these measur

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are being utilized including but are not limited to investigative and intelligence gathering, identifying *co-conspirators, facilitators, and supporters* to punish and confiscate such individuals and their properties.

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It is in this context that the role of the FATF assumes significance which is an international body that is responsible for setting international standards on money laundering and terrorism finance. In 2012, a significant step was taken by it regarding the issue of proliferation finance under New Recommendation 7 titled “Targeted Financial sanctions related to proliferation” that India seeks to comply with.

As per this recommendation, the Countries should implement targeted financial sanctions to comply with United



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and disruption of the proliferation of weapons of mass destruction and its financing as stated under UN Security Council Resolution 1540.

These resolutions require countries to freeze without delay the funds or other assets of, and to ensure that no funds a

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other assets are made available, *directly, or indirectly, to or for the benefit of, any person or entity* designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations that deals with Actions with Respect to Threats to Peace, Breaches of Peace, and Acts of Aggression. Going forward, before analysing the implementation issues that may arise, there is a need to throw light on what exactly proliferation finance the government sought to curb. In simple words, Proliferation finance refers to the act of providing funds or financial services which are used, in whole or in part, for the *manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling,* or use of nuclear, chemical, or biological weapons and their means of delivery and related materials in contravention of national laws or, the international obligations as in this case.

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However, the implementation of such measures is surrounded by implementation difficulties ranging from lack of awareness, commercial concerns, and lack of coordination to the neglect of guidance and outreach to the private sector. Furthermore, the proliferating


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networks operate multiple production facilities, countries, intermediaries, and breaking procurement down to parts and small amounts, which are difficult to detect or trace.

The need of the hour is to adopt a strategic approach that includes outreach and partnership with the private sector as well as the academic community and ensure that data on the global flows of finance are *collected, tracked, analyzed, and matched* to identify irregular and suspicious activities, to prosecute serious financial misconduct and networks.

The authors teach at OP Jindal Global University, Haryana. The views expressed in the article are authors' own.

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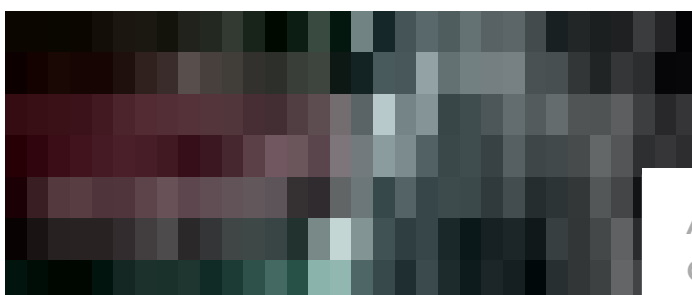


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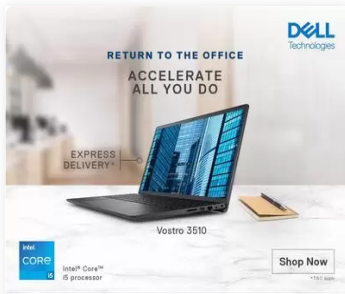
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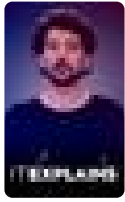
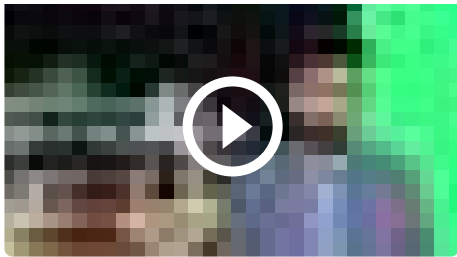
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