

The Third Review Conference of the State Parties of the Chemical Weapons Convention: Relevance for South Asia

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Summary

The Third Review Conference of the Chemical Weapons Convention (CWC) is scheduled to take place in Hague during 8-19 April 2013. The previous two review conferences were held in 2003 and 2008. They stressed on the 'Universality' of the CWC. This conference is also expected to continue along the same principle.

Introduction

The Third Review Conference of the Chemical Weapons Convention (CWC) will take place in The Hague during 8-19 April 2013. The Organization for the Prohibition of Chemical Weapons (OPCW), the implementing body of the CWC, has its headquarters in The Hague, Netherlands and comprises 188 Member States that collectively represent 98% of the worldwide chemical industry. The CWC is the first multilateral treaty to ban an entire category of weapons of mass destruction (WMD) and to provide for the international verification of the destruction of these weapons. It is also a widely accepted as only eight countries remain non-members. Despite the significance of the CWC towards the promotion of international safety and security, particularly in destroying weapons that could lead to significant loss of human life, whether these gains are of any significance in the age of nuclear weapons is debatable.

This article provides a brief outline of the modalities of the CWC and accesses its importance to South Asia in the context of the region's complex security scenario that is underpinned by confrontations between two nuclear armed rivals.

The Chemical Weapons Convention and the Organization for the Prohibition of Chemical Weapons

Opened for signature in Paris in 1993, the primary aim of the CWC is to eliminate chemical weapons as a category of weapons of mass destruction. Through its 24 Articles, the CWC prohibits the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by Member States.¹ It also requires Member States to criminalise the

prohibitions listed in the Convention through national penal law and the also to establish competent National Authority to liaise between the State party and the OPCW.

The CWC requires all States Parties to destroy any stockpiles of chemical weapons as well as the facilities which produced them. States Parties have also agreed to create a verification regime for certain toxic chemicals and their precursors in order to ensure that such chemicals are used only for purposes which are not prohibited. The most unique feature of the CWC is the 'challenge inspection', which requires all States Parties to commit themselves to the principle of 'any time, anywhere' inspections with no right of refusal.

Relevance to South Asia

All 8 countries in South Asia are Member States of the CWC. India has already destroyed its stockpile of chemical weapons by 2009. Both Sri Lanka and Pakistan have the capabilities of producing chemical weapons but there has been no concrete proof of either country producing or stockpiling such weapons. The other countries of South Asia do not possess chemical weapons or have the capabilities of producing them. The fundamental question that should be raised is that given that the very essence of security in South Asia is underpinned by the threat of a nuclear confrontation between India and Pakistan, how fruitful is the participation of the South Asian countries in the CWC? In other words, has the proliferation of nuclear weapons in South Asia made chemical weapons obsolete and hence reduced the threat from this type of weapon? Does the CWC contribute to a safer South Asia?

It is true that the advent of nuclear weapons, as well as rapid development of conventional weapons, particularly precision strikes from

drones and warplanes as well as the worldwide condemnation of the use of chemical weapons due to their indiscriminate and enduring effects have greatly reduced the motivation of countries to develop and maintain such weapons. However, in the context of South Asia, which remains one of the least integrated regions that is beset by sporadic inter-state and intra-state conflicts, the importance of the CWC cannot be undermined. Most importantly, by forcing all Member States to destroy chemical weapons, the CWC effectively removes a cache of deadly arsenal, the use of which could have the necessary impact to lead to an all-out nuclear confrontation. Even though chemical weapons do not cause the same amount of destruction as its nuclear counterparts, in a volatile, conflict prone region such as South Asia, the importance of removing elements which may lead to an escalation of tensions cannot be underestimated.

In addition, one of the key achievements of the CWC is safeguarding chemical weapons from falling into the hands of terrorists, which has effectively contributed to global counterterrorism efforts.² Terrorism has not only plagued individual nations in South Asia, significant attacks in India, particularly the country's Parliament in 2001 and a prolonged attack in Mumbai in 2008 had brought India and Pakistan to the brink of war. Most countries in South Asia have been victims of terrorism in one form or the other. The erstwhile LTTE and Al Qaeda have either possessed or made efforts to acquire chemical weapons.³ While the terrorist organisations in general prefer using conventional means to perpetrate attacks, their modus operandi is open to change in order to surprise and outpace the security preparations. By keeping a tab on the production of chemicals that have commercial purposes but may also be used for making weapons, the CWC effectively curtails the

misuse of these products by terrorist elements.

In theory, the CWC's mandate to promote international cooperation for peaceful purposes in the field of chemical activities, as well as facilitation of free trade in chemical products, if properly utilised, can act as confidence building measure in South Asia. Having said that, to assume that the success of the CWC can create an environment in South Asia which is conducive to cooperation on nuclear weapons or reduce the procurement of conventional military weaponry, would be an overestimation of its impact.⁴

Conclusion

The previous two review conference held in 2003 and 2008 stressed on the 'Universality' of the Chemical Weapons Convention. This conference is expected to continue along the same principle of urging non-member countries to join, as well as make an assessment of the implementation of the CWC by Member States, both in the realms of destroying weapons as well as controlling proliferation of dual purpose chemicals. In regard to South Asia, one of the most significant aspects would be the role of Myanmar, or lack thereof. Naypyidaw has signed but not yet ratified the CWC. The international community's efforts to reengage Myanmar, and its porous, conflict-prone borders with Bangladesh and India, make it important for South Asia as a whole, for Naypyidaw to initiate the process of destroying chemical weapons. To that extent South Asia has much to look forward to as far as the upcoming Review Conference is concerned.

Endnotes:

¹ 'About the OPCW', Organization for the Prohibition of Chemical Weapons Website, <http://www.opcw.org/about-opcw/>

² 'Political Declaration of the First Special Session of the Conference of the State Parties to Review the Operation of the Chemical Weapons Convention', OPCW, 9 May 2003 at <http://www.opcw.org/documents-reports/conference-states-parties/first-review-conference/>

³ 'Chemical Warfare and Terrorism: the risks cannot be ignored' Sangeeta Debashis, South Asia Analysis Group, Paper no 402, February 2002 at <http://www.southasiaanalysis.org/paper412>

⁴ South Asia's ratio of military expenditure as a percentage of GDP is one of the highest in the world. According to a 2009 report by the Stockholm International Peace Research Institute (SIPRI), during 1998–2008 emphasis on defence budgets resulted in a 41% increase in military spending in the region—from \$21.9 billion in 1999 to \$30.9 billion in 2008.