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Chapter 1 Chemical Weapons Convention (CWC)

Section 1 Overview

Toxic chemicals that have been developed as chemical weapons so far are roughly divided into blood agents, such as cyanogen chloride, which inhibit the intake of oxygen into the blood and thereby cause the loss of body function, asphyxiant called phosgene, which damages bronchi and lung and thereby causes choking, blister agents such as mustard, which cause serious inflammation of the skin and the breathing system, and nerve agents such as sarin, which inhibit neurotransmission and thereby cause muscle fasciculation and breathing problems.

The Chemical Weapons Convention (CWC) was opened for signature in 1993 (see Part I, Chapter 3). Japan ratified the Convention as the 38th State Party in September 1995. The sarin gas attacks on the Tokyo Subway in March of the same year raised awareness of the threat of chemical weapons among the public and gave impetus to Japan's early ratification of the Convention.

Prior to the ratification of the CWC, Japan enacted the "Law on the Prohibition of Chemical Weapons and Control of Specific Substances (Chemical Weapons Prohibition Law)" in order to ensure compliance with the CWC by Japan, and prohibited the use, production, and transfer of chemical weapons by penal provisions. Regarding chemicals that can be used for chemical weapons, the obligation to obtain permission from/to give notification to the Minister of Economy, Trade and Industry was imposed. In December 2001, prior to the conclusion of the "International Convention for the Suppression of Terrorist Bombings," the said law was amended to set the offense of exhaling toxic substances or substances with toxicity equivalent thereto, by natural and legal persons under Japanese jurisdiction which also covers crimes outside Japan, as subject to punishment.

All States Parties to the CWC are required to submit initial declarations to the Organization for the Prohibition of Chemical Weapons (OPCW: see Section 2

below) not only items that are directly related to chemical weapons, such as all chemical weapons in their possession (including old chemical weapons produced in or before 1946 that can no longer be used as chemical weapons) and production facilities for chemical weapons (present and past), but also industrial plants and research institutions that are using, for peaceful purposes, chemical materials that can be converted to chemical weapons. Japan, which has one of the world's biggest chemical industries, made such declarations to the OPCW after the CWC entered into force in April 1997, and declares about 600 facilities to the OPCW every year. The OPCW dispatches inspection teams to declared facilities. Japan has already accepted 53 inspections so far, and all inspections were completed without any problem. "Satan No. 7" (Note: facility of the Aum Shinrikyo sect), which had been a plant to produce highly toxic sarin that was used for the sarin gas attacks on the Tokyo Subway in March 1995, was declared to the OPCW by the Japanese Government as a production facility of chemical weapons in the initial declaration after the entry into force of the CWC. The facility was destroyed in December 1998 under the strict supervision of inspectors dispatched from the OPCW.

After five years had passed since the entry into force of the CWC, the First Chemical Weapons Convention Review Conference was convened in The Hague, the Netherlands, in April 2003, with the participation of 113 States Parties to the CWC. At the First Review Conference, the States Parties established common understanding and adopted a Political Declaration including the following points: (1) it is important to achieve the universality of the CWC, i.e. to urge all States not Party to join the CWC, to achieve the object and purpose of the CWC; (2) the universality of the CWC and in conjunction with its full and effective implementation of the CWC help to prevent access to chemical weapons by terrorists; and (3) for the effective operation of the CWC, it is essential for the States Parties to adopt national implementation measures of the CWC, including enactment of national legislation. The First Review Conference also recommended that the OPCW Executive Council (described later) prepare an

action plan on the promotion of universality, as well as agreed to prepare an action plan to strengthen the national implementation of the CWC at the Eighth Session of the Conference of the States Parties to be convened in October 2003.

In response to this, and as a result of consultations between the States Parties and the OPCW Technical Secretariat, the “Action Plan for the Universality of the Chemical Weapons Convention” was approved at the Special Session of the Executive Council, which was convened during the Eighth Session of the Conference of the States Parties in October 2003, and was reported to the said Conference of the States Parties. The Eighth Conference of the States Parties also approved the “Plan of Action Regarding the Implementation of article VII obligations (national implementation)”. In addition, the Eighth Session of the Conference of the States Parties approved the extension of the final deadlines for the destruction of chemical weapons possessed by the United States and Russia beyond 2007.

In October 2003, the First Regional Meeting of National Authorities of States Parties in Asia, which is a conference of the governmental agencies (national authorities) of the States Parties to the CWC that are implementing the obligations under the CWC in Asia, was convened in Singapore. Participating States Parties, including Japan, carried out an active exchange of opinions about their experiences in national implementation of the CWC.

Section 2 Organization for the Prohibition of Chemical Weapons (OPCW)

The OPCW is an independent international organization established by the Chemical Weapons Convention (CWC) with its headquarters in The Hague, the Netherlands.

The OPCW is engaged in verification activities (receiving of declarations by the States Parties and carrying out inspections in States Parties) to verify compliance with the obligations stipulated in the CWC. More than 1,500 on-site inspections have been carried out during the six and a half years since its

foundation. The OPCW is composed of the Conference of the States Parties, which is the general assembly of the States Parties that is convened annually, the Executive Council which is composed of 41 representative States Parties (including Japan) from five regional groups and are usually convened four times a year and the Technical Secretariat. The Technical Secretariat carries out the verification activities. Japan is the second largest contributor to the OPCW budget after the United States.

The OPCW has faced a serious financial crisis since around 2001, but has been bringing its activities on track since Mr. Rogelio Pfirter (Argentine) was appointed the Director-General of the Technical Secretariat in July 2002.

Japan invited the Director-General Rogelio Pfirter as an official guest of the Ministry of Foreign Affairs for the period from September 30 to October 5, 2003. During his visit, Mr. Pfirter had talks with Foreign Minister Kawaguchi, Deputy Chief Cabinet Secretary Hosoda, Senior Vice Minister of Economy, Trade and Industry Sakamoto, and Parliamentary Secretary for Defense Nakajima. He also delivered a lecture at the symposium at the United Nations University with the title “Towards the Elimination of the Chemical Weapons - Roles of the OPCW and Japan” (co-hosted by the Ministry of Foreign Affairs and the United Nations University), thereby contributed to promoting the understanding of the CWC and the OPCW in Japan.

Section 3 Abandoned Chemical Weapons in China

The issue of abandoned chemical weapons (ACWs) in China is derived from the chemical weapons brought into China by the former Japanese army during WWII. The problem emerged for the first time when the Chinese Delegation at the Conference on Disarmament in Geneva in 1987 made a statement concerning chemical weapons abandoned in China by the former Japanese army. China requested in 1990 that Japan solve the problem. In response to the request, during that same year, Japan and China started joint field surveys on the status of ACWs in China.

At the entry into force of the CWC in April 1997, Japan and China became States Parties to the CWC. The CWC stipulates that an abandoning State Party shall provide all necessary financial, technical, expert, facility as well as other resources to destroy relevant ACWs. This obliged Japan to destroy the ACWs left in China by the former Japanese army. Therefore, in May 1997, Japan together with China submitted to the OPCW a declaration on the ACWs in China based on the results of a number of joint on-site investigations. Inspection activities by the OPCW to confirm the contents of the submitted declaration have been conducted 11 times (at 17 places in total) up until the present. The joint on-site investigations by Japan and China are ongoing since most of the ACWs are thought to be still buried underground and there is a distinct possibility that more ACWs might be discovered.

In order to have the entire government deal with the destruction of ACWs, in March 1999, Japan decided by a Cabinet decision to have the Prime Minister's Office (named the Cabinet Office after the reorganization of ministries and agencies in January 2001) take charge of the destruction process of ACWs, and the ACW Office was established in the Prime Minister's Office in April 1999.

The Governments of Japan and China came to a common understanding on the basic framework for the destruction of the ACWs and signed a memorandum (formally entitled the "Memorandum of Understanding between Japan and China on the Destruction of Abandoned Chemical Weapons in China") in July 1999. The excavation and collection of ACWs were carried out in the city of Beian, Heilongjiang Province in September 2000, and 897 abandoned chemical weapons including chemical artillery shells were collected. Excavation and collection were also performed in Nanjing, Jiangsu Province, in 1998, 2000, and 2001 (three times in total), and about 33,000 ACWs, including poisonous smoke canisters, were found and recovered. In Sunwu, Heilongjiang Province, 347 chemical weapons and four drums containing chemicals were collected in September 2002. In September 2003, 51 abandoned chemical weapons were collected in Luquan, Hebei Province.



Excavation and recovery work in Beian (2000)



Inspection of excavation and recovery work in Luquan by the OPCW inspectors (two persons in the center) (2003)

In this manner, Japanese and Chinese experts have continued discussions on the destruction of recovered ACWs, including selecting the main destruction technique, location of the main destruction facility, and the environmental standards. Consequently, in April 2003, the Governments of Japan and China agreed to adopt the incineration method as the main destruction technique and to establish the main destruction facility in the vicinity of Haerbaling District, Jilin Province, where the largest number of ACWs is believed to be buried. Japanese and Chinese experts are continuing to discuss the environmental standards. In addition, infrastructure improvements including construction of access roads are in progress to facilitate excavation and recovery in Haerbaling District, Jilin Province.

In such circumstances, an accident occurred in August 2003, in which 44 persons including construction workers were injured (one of whom died) due to the liquid leaked from the drums that were excavated, at the construction site in Qiqihar, Heilongjiang Province. Japan dispatched a fact-finding mission, a team to tentatively seal the drums that caused the accident, and a team of medical professionals in August, to cooperate promptly in dealing with the situation. In November, Japan carried out full- sealing of the drums that caused the accident. The Governments of Japan and China held three consultations about ways to deal with this accident, including what to do with the drums that caused the accident, preventive measures against similar accidents, and measures to improve the overall destruction work of ACWs, and announced on October 19 that Japan would pay ¥300 million for the costs needed for the destruction of ACWs in relation to this accident and confirmed in writing the final settlement of this matter.

To prevent another such tragedy, the Government of Japan intends to appropriately deal with the question of Japanese ACWs and to destruct them as soon as possible in accordance with the Convention and in close cooperation with the Chinese side.

Section 4 Destruction of old chemical weapons of the former Japanese arm in Japan

1. Old chemical weapons at Lake Kussharo in Hokkaido

As a result of an investigation based on the revelation of a person connected to the former Japanese army, 26 chemical weapons were found and salvaged from the lakebed of Lake Kussharo, and were then sealed in a concrete container newly installed under the ground near the lake in October 1996.

The Government reported on these chemical weapons to the OPCW as “old chemical weapons” as stipulated in the CWC in May 1997. On-site inspection by the OPCW and destruction of those OCWs were conducted thereafter, and the inspection team from the OPCW confirmed the completion of the destruction process in November 2000.

2. Old chemical weapons in Okunojima Island, Hiroshima

There was a discovery of nine suspicious items described as “Large Red Gas Pots” manufactured by the former Japanese army at the site of repair work for old air-raid shelters on the south side of Okunojima Island, Takehara, Hiroshima, in March 1999. The “Large Red Gas Pots” refer to toxic smoke bombs filled with sternutatory chemicals. The outer shells of all nine items were rusty and perforated with many holes while the contents were solidified.

In September 2000, the Government made a declaration to the OPCW on those items as “old chemical weapons.” Thereafter, the old chemical weapons were destroyed in December 2000 as witnessed by the OPCW inspection team, and the team confirmed the destruction.

3. Old chemical weapons found off Kanda Port, Fukuoka

Eighteen items suspected to be old bombs of the former Japanese army were found off Kanda Port, Miyako-gun, Fukuoka, in November 2000, during dredging of the port and harbor, and were salvaged from the seabed.

In November 2000, another lot of 38 similar bomb-like items was found near

the spot where the 18 items were discovered previously, and then one more such item off Shin Moji Port near the discovery site in December of the same year. In addition, 538 bomb-like items were confirmed to be on the seabed as a result of high-precision magnetic searches in the sea area within Kanda Port where dredging is scheduled to be conducted. However, whether or not these items are chemical items is not clear at the present moment, and their disposal is now under consideration.

4. Old chemical weapons at the construction site of Sagami Expressway in Kanagawa

In September 2002, several broken old beer bottles were found during digging at the construction site of “Sagami Jukan Expressway” (land after the Sagami Naval Factory of the former Japanese navy) in Samukawa-cho, Kouza-gun, Kanagawa, and a foreign odor was confirmed at the same time. Afterward, six construction workers showed symptoms such as rashes and blisters in early October. The Ministry of Land, Infrastructure and Transport in charge of the construction requested that the Defense Agency conduct an analysis. As a result of the analysis, the main components of the content in the beer bottles were found to be mustard (blister agents) and chloroacetophenone (tear gas). In addition, several beer bottles were found afterwards, and 11 beer bottles containing suspicious objects were found in total (of which eight contained mustard, one contained lewisite (blister agents), one contained chloroacetophenone, and one contained solids including a small amount of mustard).

Polluted soil that was dug from the construction site has been stored in a tent that prevents scattering and outflow at the temporary storage site in Samukawa-cho, and is being managed around the clock together with beer bottles containing suspicious objects by the officials at the Ministry of Land, Infrastructure and Transport.

In December 2002, Japan declared to the OPCW that the mustard and other chemicals found in the relevant beer bottles were “old chemical weapons.” As

of March 2004, Japan is proceeding with the plan to destruct these chemicals and decontaminate the polluted soil.

5. Other

(1) Suspicious objects in Hiratsuka-shi, Kanagawa

Three spherical glass bottles (about 8 cm in diameter) were found while boring at the construction site of the “Hiratsuka National Government Building No. 2” (land after the Sagami Naval Factory of the former Japanese navy) in Hiratsuka-shi, Kanagawa, and three workers were then taken to a hospital with complaints of headaches (all of them were discharged from the hospital after a checkup). The NBC riot police of Kanagawa Prefecture investigated the area surrounding the construction site, but no chemicals, such as mustard and hydrogen cyanide (prussic acid), were detected. The riot police also analyzed the content in the glass bottles, but neither chemicals nor related compounds were detected. A total of 30 glass bottles were found afterwards as a result of the investigation of the underground at the construction site, and hydrogen cyanide (prussic acid) was detected from some of them. In December 2003, Japan made a declaration on these bottles as OCWs to the OPCW. Japan is carrying out the destruction process as of March 2004.

(2) Arsenic detected in well water in Kamisu-machi, Ibaraki

In March 2003, Tsukuba University Hospital requested that the Itako Health Care Center examine well water, because the residents of Kamisu-machi were complaining about symptoms such as numbness and tremors in their hands and feet. The Ibaraki Prefectural Institute of Public Health examined the well water and detected an arsenic concentration that was 450 times greater than the water quality standard. As a result of subsequent research and analysis of well water, soil, etc. in the relevant and surrounding areas, an organoarsenic compound (diphenylarsinic acid) was detected and was presumed to derive from a chemical (sternutators) produced by the former Japanese army. Further research is now

ongoing in the surrounding areas, but the source of pollution has not yet been identified and neither chemical bombs nor chemicals have been found. Therefore, a declaration has not been made to the OPCW.

Emergency assistance measures (compensation of medical expenses, etc.) have been taken for local residents who have suffered health problems.

Chapter 2 Biological Weapons Convention (BWC)

Section 1 Overview

Biological weapons refer to weapons intended to attack humans, animals, and plants by using biological agents such as the small pox virus, cholera bacteria, anthrax, and botulinum toxin or other organisms that possess or transmit such agents. The characteristics of biological weapons are the following: it is difficult to distinguish whether an outbreak of infectious disease is natural or deliberate, and once used, the effects of BW can spread widely and persist for an extended period due to the infectious nature of some agents.

The only international legal framework to comprehensively regulate such biological weapons is the Biological Weapons Convention (“Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction” : BWC). The BWC entered into force in 1975, and Japan ratified it in 1982 (see Part I, Chapter 3).

Along with its ratification of the BWC, Japan enacted the “Law concerning the Implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction” (BWC Implementation Law) in June 1982, which prohibits production, possession, transfer, and acquisition of biological and toxin weapons by penal provisions. In addition, this law limits the development, production, stockpiling, acquisition or possession of biological agents and toxins to peaceful purposes, and grants the relevant minister the authority to collect reports from persons who deal with biological agents and/or toxins. Before concluding the International Convention for the Suppression of Terrorist Bombings, Japan amended the BWC Implementation Law in December 2001 to prohibit the use of biological and toxin weapons and the discharge of biological agents and toxins, both of which also cover offenses committed outside Japan.

The Convention comprehensively prohibits the development, production,

stockpiling, and possession of biological weapons in war and in peace. However, it lacks the means to verify States Parties' compliance with the Convention, reflecting the fact that, unlike chemical weapons, the use of biological weapons had not been recognized as a real threat. Therefore, how to strengthen the Convention has long been a subject of discussion. Meanwhile, the Chemical Weapons Convention, which includes a verification system centering on declarations by the States Parties and inspections by an international organization, was concluded. Negotiations on a verification protocol for the BWC started in 1995 with the objective of establishing a verification system similar to that for chemical weapons. However, as it had repeatedly been pointed out, it is very difficult to verify compliance for biological weapons since the biological agents used can be easily propagated and sterilized to destroy related evidence. Thus, the negotiations ran into rough waters. Finally, negotiations on the verification protocol were "frozen" with the U.S. policy change in the summer of 2001.

Section 2 Efforts for strengthening the Biological Weapons Convention (BWC)

Amid recent changes in the international environment, the possibility of terrorists obtaining and using hazardous pathogens or biological weapons at any time has emerged as a real threat. The anthrax cases that occurred in the fall of 2001, following the terrorist attacks in the United States, reinforced the threat of bioterrorism increasingly felt by the international community.

In such an environment, the States Parties once again recognized the importance of the BWC as the only international legal framework to comprehensively prohibit biological weapons, as well as the necessity of continuous efforts to strengthen the BWC in the future, and thus started to pursue measures to strengthen the BWC other than through the verification protocol. At the Fifth Review Conference (Conference of the States Parties convened once every five years) convened in November 2001, States Parties, including the United States, made proposals related to the establishment of national penal

provisions against noncompliance with the Convention, the strengthening of security and oversight of pathogenic microorganisms, and the promotion of international cooperation, as measures in lieu of the verification protocol. These proposals were seriously deliberated, however, along with the issue of the future handling of negotiations on the verification protocol, the States Parties could not reach an agreement, and the said Conference was suspended without achieving any concrete results. Coordination efforts continued behind the scenes until the Conference was reconvened in November 2002.

At the resumed session of the Fifth Review Conference, convened in November 2002 after one year of coordination efforts, the program of work for the period prior to the next (sixth) Review Conference in 2006 was agreed upon by consensus. Thus, it was decided to hold three annual meetings of the States Parties and preparatory meetings of experts to continue to discuss the following five areas for strengthening the Convention, as well as to promote common understanding and effective action.

[Five areas for strengthening the Convention]

- the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
- enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
- strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
- the content, promulgation, and adoption of codes of conduct for scientists.

In August 2003, the Meeting of Experts was convened for two weeks as the first meeting based on this program of work. More than 100 experts from 83 states held active discussions about their experiences and national measures to be taken to implement the Convention as well as measures for security and

oversight of pathogenic microorganisms and toxins (biosecurity) (the theme of 2003). At the subsequent annual Meeting of the States Parties convened in November, States Parties considered that agreement on the value of the measures discussed at the Meeting constitutes an essential effort to facilitate more effective implementation and enforcement of the Convention, as well as providing a basis for review of progress at the 2006 Review Conference.