Chapter 1. North Korea

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Chapter 1. North Korea

1. Current situations surrounding the Korean Peninsula

The North Korean situations saw some positive developments such as the “Japan-DPRK Pyongyang Declaration” of September 2002. However, the crisis over North Korea’s nuclear programs erupted again when North Korea acknowledged to the US delegates that it was working on a uranium enrichment program. North Korea announced withdrawal from the NPT in January 2003, and the IAEA Board of Governors acknowledged and reported to the UN Security Council that North Korea was in non-compliance with its nuclear safeguards agreement at its Special Meeting in February 2003 (See the next section for details). North Korea continued to take actions of concern. For example, it resumed the operation of the 5MWe graphite-moderated reactor, which had been suspended under the “Agreed Framework,” and issued a Foreign Ministry statement on February 10, 2005 to the effect that “it would take a measure to bolster its nuclear weapons arsenal…. it has manufactured nukes for self-defense.” Furthermore, it stated on May 11, 2005 that it had successfully finished removing 8,000 spent fuel rods in a short period of time. In addition, some activities have also been witnessed relating to missiles. These issues over nuclear weapons and missiles in North Korea have posed serious threats to security not only of the Korean Peninsula but also of the entire Northeast Asian region.

Under such circumstances, various diplomatic efforts continued toward peaceful resolution of the North Korean nuclear issues. The Six-Party Talks (Japan, the United States, China, the Republic of Korea (ROK), Russia and North Korea) were held in Beijing in August 2003 and February and June 2004. Japan had insisted that North Korea dismantle all of its nuclear programs under international verification, based on the view that the nuclear weapons and programs of North Korea were threats to the entire international community, particularly to peace and stability of the Northeast Asian region including Japan and were grave challenges to the international nuclear non-proliferation regime, and therefore were absolutely intolerable. However, the stances of the parties remained significantly diverse, and no substantial agreement was reached by the Third Round of the Six-Party Talks. To be more specific, the scope of dismantlement – whether or not peaceful use of nuclear energy should be included in the scope –, existence or non-existence of a uranium enrichment programme – North Korea denied the existence of such a programme –, and the emphasis on the initial stage of measures – North Korea emphasized “freezing” and “compensation,” whereas Japan, the United States and ROK insisted on reaching an agreement for all measures up to dismantlement – were among the issues on which convergence was not achieved, and no agreement was reached.

The subsequent Fourth Round of the Six-Party Talks held in the summer of 2005 after about a one-year adjournment turned out to be a marathon negotiation of over about three weeks including intervals. As a result of the parties’ diplomatic efforts to bring about an agreement, consensus was reached on the first Joint Statement of the Six-Party Talks with the following major contents.

1. Scope of dismantlement: North Korea promised to abandon all nuclear weapons and existing nuclear programs and to return to the NPT and IAEA safeguards at an early date.
(2) Peaceful use: North Korea stated that it has the right to peaceful use of nuclear energy. The other parties expressed their respect and agreed to discuss the subject of the provision of a light water reactor to North Korea at an appropriate time.

(3) Normalization of diplomatic relations: Normalization of relations between the United States and North Korea and between Japan and North Korea were set as one of the end goals. Both Japan and North Korea promised to take steps to normalize their relations on the basis of the settlement of the unfortunate past and the outstanding issues of concern in accordance with the Pyongyang Declaration.

(4) Other points of the argument: Economic cooperation to North Korea, energy assistance, regional stability (peace agreement), etc.

With respect to North Korea's uranium enrichment program, which triggered recurrence of the nuclear issue, North Korea consistently denied the existence of such a program throughout the talks. Therefore, other participating states coped with the issue by incorporating the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula, which prohibits possession of any uranium enrichment facilities as well as reprocessing facilities, into the Joint Statement.

The Joint Statement adopted at the Fourth Round of the Six-Party Talks was the first consensus document achieved in the process of the Six-Party Talks that started in August 2003. In addition, it has great significance in that North Korea promised to abandon “all nuclear weapons and existing nuclear programs” in a verifiable manner, and thus, it serves as an important basis for peaceful resolution of the North Korean nuclear issue. At the same time, the agreement made this time is an agreement on the end state, and therefore, the parties have to deliberate to put it into shape. Consequently, the First Session of the Fifth Round of the Six-Party Talks was held in Beijing from November 9 to 11. The session was held for only three days and temporarily adjourned in the interest of other major diplomatic schedules. However, the parties announced a guideline for action toward implementation of the “Joint Statement” adopted in the Fourth Round in September as the “Chairman’s Statement.” On the one hand, the parties agreed to formulate concrete plans, measures and steps to fulfill the Joint Statement after the recess and to hold the next session at the earliest possible date. However, there has been no prospect for resumption of Six-Party Talks at the present stage since North Korea has continued to refuse to participate in the Six-Party Talks citing the issue stemming from the fact that the United States identified Banco Delta Asia SARL, a bank based in Macao, as “a financial institution of primary money laundering concern” as the reason.

Under such circumstances, the first round of Japan-DPRK Comprehensive Talks was held from February 4 to 8, 2006, and Japan approached the consultation with the basic policy that “Unless the outstanding issues of concern including the abduction, nuclear and missiles issues are resolved, there can be no normalization of relations.” In particular, in the security consultations, Japan expressed its concern over the nuclear issue, missile issue, and illegal activities such as money laundering. However, North Korea merely repeated its stances already made public in the past, and no specific progress was made. Regarding the nuclear issue, Japan requested North Korea to return to the Six-Party Talks without condition at the earliest date, but North Korea repeated its assertion that the lifting of financial sanctions by the United States is the prerequisite.
2. Movements surrounding North Korea in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the International Atomic Energy Agency (IAEA)

North Korea submitted a notice of withdrawal from the NPT to the UN Security Council on March 12, 1993; however, North Korea remained a party to the NPT as the US-North Korea Joint Communiqué, which declared North Korea would suspend the effectuation of its withdrawal from the treaty, was publicly announced on June 11, one day before June 12, exactly three months since the notice of withdrawal (Paragraph 1 of Article X of the NPT stipulates that withdrawal from the treaty requires a three-month notice). Subsequently, based on the Agreed Framework assented between the United States and North Korea in October 1994, North Korea stated that it would remain in the position of a party to the NPT and that it would implement the Safeguards Agreement under the Treaty. However, there was no progress made in technical meetings on the implementation of the Treaty with the IAEA. However, North Korea accepted the monitoring by the IAEA of the 5MWe graphite-moderated reactor and other facilities subject to the freeze based on the “Agreed Framework,” and has frozen these facilities thereafter.

However, amid the increasing concern over the nuclear issue triggered by the admittance by North Korea of the uranium enrichment program in October 2002, North Korea announced that it would lift the freeze and immediately reactivate and restart building nuclear facilities. It cut the seals for the IAEA safeguards and disabled the surveillance cameras in the graphite-moderated reactor, fuel fabricating facilities and reprocessing facilities, and ordered the IAEA inspectors to leave the country. On January 10, 2003, it sent a letter to the President of the UN Security Council and declared that it would revoke the suspension on the effectuation of its withdrawal from the NPT in 1993, and thereby withdraw from the NPT. Japan immediately reacted to this decision by releasing the statement of the Minister of Foreign Affairs, that, “it is extremely regrettable that North Korea has made such a decision… and Japan is gravely concerned about the situation… Japan will strongly urge North Korea to immediately retract its decision and take prompt action to dismantle its nuclear development programs.” On the 6th of the same month, the IAEA Special Board of Governors Meeting was held and adopted a resolution to call upon North Korea to take actions towards the dismantlement of its nuclear weapons programs. Furthermore, the IAEA Special Board of Governors Meeting was held again on February 12, and adopted a resolution, which includes the decision to report North Korea’s non-compliance with its obligations under its Safeguards Agreements to the Security Council and the General Assembly of the United Nations. This was the result of the efforts mainly from Japan, the United States and the ROK. Upon receiving a letter on this issue from the IAEA Secretary-General, the UN Security Council took up this matter at informal sessions on April 9. However, no substantial deliberation was conducted thereafter at the UN Security Council.

In the IAEA, the regular Board of Governors meeting continued discussing this issue. In addition, the IAEA General Conference in 2003 and in September 2004 adopted a resolution calling for North Korea to accept and fully and effectively implement the IAEA Safeguards Agreement, to maintain the role of the IAEA in verification, and to dismantle all nuclear weapons programs in a complete, verifiable and irreversible manner. At the General Conference in September 2005, a resolution strongly welcoming the joint statement of the Fourth Round of Six-Party Talks was adopted based on the progress made in the Round.

As for other forums, for example, the “G8 Declaration on Non Proliferation of Weapons of
Mass Destruction” was issued at the G8 Evian Summit in June 2003. In the declaration, the G8 first pointed out a clear breach of North Korea’s international obligations and then urged North Korea to dismantle any nuclear weapons programs. At the Sea Island Summit in 2004, the G8 issued the “G8 Action Plan on Nonproliferation,” expressing serious concerns about the announcement of withdrawal from the NPT and continued pursuit of nuclear weapons, and established history of missile proliferation and strongly urging North Korea to dismantle all of its nuclear weapons-related programs. Moreover, in the “Gleneagles Statement on Non-Proliferation” issued at Gleneagles Summit in 2005, the G8 also expressed profound concern in line with the statement issued in the previous year, reiterated the necessity for North Korea to dismantle all its nuclear weapons-related programs, and stated it essential that North Korea maintain indefinitely its moratorium on the launching of missiles.

3. Nuclear issue of North Korea and the Korean Peninsula Energy Development Organization (KEDO)

The Korean Peninsula Energy Development Organization (KEDO) is an international organization established by Japan, the United States and the ROK in March 1995 in accordance with the “Agreed Framework” concluded by the United States and North Korea in 1994. It aims to finance and supply light-water reactors and interim energy alternatives in return for North Korea’s freezing its operation and construction of graphite-moderated reactors. However, North Korea’s nuclear issue recurred when North Korea admitted to having a uranium-enrichment program in October 2002. In response, the Executive Board of KEDO demanded in November 2002 that North Korea rapidly dismantle any nuclear weapons programs in a visible and verifiable fashion and decided to suspend the supply of heavy fuel oil as of the December of the same year. Although the Executive Board of KEDO continued to keep a close eye on the subsequent situation, it concluded, considering North Korea’s series of words and actions relating to the nuclear issue, that the ground for the continuation of the light-water reactor project had been lost. Consequently, it decided to suspend the project for one year from December 1, 2003, and extended the suspension of the project for another one year in November 2004. At the Executive Board of KEDO in November 2005, the Member nations shared a basic policy of terminating the light-water reactor project. In addition, in view of North Korea’s attitude, all the personnel at the construction site of the light-water reactors in North Korea withdrew to ensure their safety.
4. Missile issues

Coupled with the nuclear issue is the Missile program of North Korea and its development, tests and deployment, together with conventional proliferation activities, which are causing instability not only in the Asia and Pacific regions but also in the whole international community.

In such circumstances, Japan, the United States and the ROK have been making concerted efforts to deal with the missile issue. In the US-North Korea relations under the Clinton Administration, the United States and North Korea held bilateral talks on the missile issue after North Korea announced a moratorium on missile launching. When US Secretary of State Madeleine Albright visited North Korea, she discussed missile issues comprehensively with the Chairman of the National Defense Commission of North Korea, Kim Jong Il. Later, a full-fledged review on the US policy on North Korea was conducted under President Bush’s leadership, and verifiable restraint of missile activities and cessation of export of missiles were listed as a part of the policy on North Korea. In the Japan-DPRK Pyongyang Declaration in September 2002, North Korea pledged its intention to extend the moratorium on missile launching in and after 2003, and confirmed the need to solve security issues including missile issues. At the Japan-North Korea Normalization Talks held in Malaysia in October 2002, Japan requested specific and forthcoming measures on dismantlement of already deployed Nodong missiles bringing Japan within its reach.

At the Six-Party Talks held in Beijing in August 2003, Japan insisted on resolving the outstanding issues of concern, including the ballistic missile issue of North Korea in line with the
Pyongyang Declaration. The Chairman’s summary stated that the Parties agreed not to take actions that would escalate the situation in the process of resolving the issues peacefully.

However, in March 2005, the North Korean Foreign Ministry stated in its memorandum that there was no binding force for them on the moratorium on missile testing. For this reason, there has been increasing concern about North Korea’s missile program.

Japan has been making efforts to coordinate policy on non-proliferation of missiles and related technology through frameworks such as the Missile Technology Control Regime (MTCR) and the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC). It is also important on the one hand to urge countries that seem to be in cooperation with North Korea in the area of missiles to cut off the cooperative relationship completely, and to strengthen the global norms on the other.

5. Biological and chemical weapons issues

North Korea ratified the Biological Weapons Convention in March 1987, however, some suspect that North Korea possesses a munitions production infrastructure that would have allowed it to weaponize BW agents (from the January 2003 CIA unclassified report to Congress). North Korea has not signed the Chemical Weapons Convention (CWC) and some assume that it already possesses chemical weapons (from the same CIA report). Then Minister for Foreign Affairs Yoriko Kawaguchi discussed the importance of getting North Korea to join the CWC when she met Mr. Rogelio Pfirter, the Director-General of the Organization for the Prohibition of Chemical Weapons (OPCW) during his visit to Japan in September 2003.

6. Japan’s approach toward the proliferation activities of North Korea

In terms of export control, Japan has been making efforts to reinforce the “Catch-all Control”

(Reference) Background of missile development of North Korea

It is suspected that North Korea has produced and deployed Scud missiles, etc. and has been exporting these missiles to the Middle East and other destinations since the mid-1980s. In addition, the development of the longer range ballistic missiles is assumed to have started in the 1990s, and the Nodong (estimated range of 1,300 km) is believed to have been used for the launch of the ballistic missile in the Sea of Japan in May 1993. In August 1998, North Korea launched a ballistic missile based on Taepodong 1 (estimated range of more than 1,500 km) that flew over Japan and landed in the Pacific Ocean. Moreover, it has been reported that North Korea is now developing Taepodong 2 with a longer range (estimated range of 3,500-6,000 km). The details of the development of ballistic missiles of North Korea still remain unclear. However, North Korea seems to attach high priority to the development of ballistic missiles not only from the perspective of military capability but also from the political and diplomatic perspective, as well as for acquisition of foreign currency.

The influx of various materials and technologies from outside is seen to be behind the progress in the ballistic missile development of North Korea. The possibility of the transfer and proliferation of ballistic missiles and missile technologies from North Korea has also been an issue.
(implemented since April 2002) to control exports of materials that could be possibly used for development of weapons of mass destruction and their delivery means. As a result, some illicit exports to North Korea have been detected and prevented.

(Reference) An example of illicit export of equipment in relation to weapons of mass destruction and missiles to North Korea by a Japanese company

When Meishin Corporation tried to export three stabilized direct current suppliers that could be diverted to nuclear weapons development (uranium enrichment) in November 2002, the Minister of Economy, Trade and Industry informed the Corporation of the requirement to apply for a license based on “Catch-all Control.” However, the Corporation made no application and, instead, attempted a circumvention through Thailand to North Korea, but the smuggled goods were confiscated by the customs services of Hong Kong in response to the request made by Japan. As a result of the proceeding, the exporter was sentenced to one year in prison with labor (with suspension of three years) and fined 2 million yen; the sentence became final in March 2004. Moreover, the Ministry of Economy, Trade and Industry imposed an administrative sanction on the exporter prohibiting export for three months.
1. Nuclear issue – Overview –

Following an accusation by a dissent organization in 2002, it became evident that Iran had continued its nuclear activities, including uranium enrichment and plutonium separation, without declaring to the IAEA, thereby violating the IAEA Safeguards Agreement for a long time. The international community expressed strong concern about this fact, and adopted a series of IAEA Board of Governors resolutions requesting Iran to suspend uranium enrichment-related and reprocessing activities and has urged Iran to implement these resolutions. Iran asserted that all of the nuclear activities were entirely peaceful and Iran had no intention of developing nuclear weapons, and showed some positive responses, including the signing of the Additional Protocol in December 2003. However, as Iran resumed uranium enrichment-related activities, disregarding the requests of the IAEA Board of Governors, the concern of the international community grew. On November 14, 2004, the EU3 (United Kingdom, France and Germany) and Iran reached an agreement (Paris Agreement) and Iran suspended uranium enrichment-related activities and started negotiations with the EU3 toward conclusion of a long-term agreement for a political solution to the Iranian nuclear issue. However, Iran resumed uranium conversion activities in contradiction to the requests by the IAEA Board of Governors resolutions and the Paris Agreement at the beginning of August 2005, and negotiations with the EU3 remain suspended.

2. Movements led by the IAEA concerning the nuclear issue

In August 2002, an Iranian dissent organization, the National Council of Resistance of Iran, provided to the IAEA information that Iran had covert plans to construct a large-scale uranium enrichment facility in Natanz and a large-scale heavy water production facility in Arak. The IAEA Director General Mohamed ElBaradei visited Iran in February 2003 to follow it up, and the Iranian government officially declared to the IAEA the uranium enrichment facilities at Natanz. The subsequent inspections by the IAEA revealed by November 2003 that Iran had repeatedly conducted nuclear activities, such as uranium enrichment and plutonium separation as well as conversion, processing and irradiation using nuclear materials, at Kalaye Electric Plant and various other sites without declaring to the IAEA and that it had obviously breached the obligations under the IAEA Safeguards Agreement.

Following this, the IAEA Board of Governors Meeting held in November 2003 expressed strong concern at Iran’s past breaches and failures to declare, and also urged Iran to continue to fully cooperate with the IAEA, to promptly ratify the Additional Protocol and take the action as if the protocol were in force, pending its ratification, and to voluntarily continue to suspend all uranium enrichment-related and reprocessing activities. It has been decided that the IAEA Board of Governors would consider all options at its disposal in line with the IAEA Statute and the IAEA Safeguards Agreement, should any further serious Iranian failures come to light.

In reaction, Iran asserted that all of the nuclear activities were entirely peaceful, and that Iran had no intention of developing nuclear weapons. Iran then took some corrective measures such
as: Iran submitted to the IAEA with its declaration concerning its nuclear activities, which they claimed to be comprehensive and accurate in October 2003. In addition, Iran took positive measures such as signing the Additional Protocol in December 2003. However, while Iran implemented the Additional Protocol on a defacto basis thereafter, it has not shown any move toward ratifying the protocol. Still worse, Iran resumed uranium enrichment-related activities in June 2004, against the requests in the IAEA Board of Governors resolutions, protesting against the adoption of a resolution requesting Iran to urgently take all measures necessary to resolve all outstanding questions, especially the issue of the origin of enriched-uranium contamination and the nature and scope of the P2 centrifuge program, at the IAEA Board of Governors.

Concern accordingly grew in the international community, and a resolution deciding the following was adopted at the IAEA Board of Governors Meeting held in September 2004: (1) requesting Iran to provide complete and comprehensive information to the IAEA and to suspend all uranium enrichment-related activities, (2) requesting IAEA Director General to submit a report on Iran’s implementation of the IAEA Board of Governors resolutions by the IAEA Board of Governors Meeting in November 2004, and (3) based on this report, determining whether or not taking further steps are appropriate, at the Board of Governors Meeting in November.

Iran did not, however, suspend uranium enrichment-related activities, notwithstanding the adoption of this resolution. Therefore there arose the possibility that a decision to report Iran’s nuclear issue to the UN Security Council would be made at the IAEA Board of Governors Meeting in November. In response to such circumstances, the EU3 (United Kingdom, France and Germany) held consultations with Iran from late October 2004. The EU3 and Iran consequently reached an agreement (Paris Agreement), which includes Iran’s suspension of uranium enrichment-related activities, on November 14. Iran accordingly suspended these activities prior to the Board of Governors Meeting in November. At the IAEA Board of Governors Meeting held from November 25, a resolution was adopted, in which Iran was requested to continue its suspension of uranium enrichment-related and reprocessing activities and the IAEA Director General was requested to report to the Board of Governors of Iran’s implementation, including the suspension.

Two Board of Governors Meetings in March and June 2005 were held during the period when negotiations based on the Paris Agreement between the EU3 and Iran were being intensively conducted, and no resolution was adopted, in contrast to the past Meetings; Chairman’s Conclusions to sum up each Board member’s statements were issued instead.

However, Iran resumed on August 8, 2005 part of its uranium conversion activities suspended based on the Paris Agreement as uranium enrichment-related and reprocessing activities. Consequently, the IAEA Special Board of Governors Meeting was held from August 9, and member states expressed serious concern toward Iran and adopted, on August 11, a Board of Governors resolution requesting Iran to re-establish a full suspension of all uranium enrichment-related activities and requesting the IAEA Director General to provide a comprehensive report by September 3.

Despite these requests from the international community, Iran did not suspend uranium conversion activities. Therefore, on September 24, 2005, the IAEA Board of Governors found “non-compliance” that shall be reported to the Security Council in accordance with the provisions of the IAEA Statue, in a resolution adopted by a majority (22 affirmatives, 1 opposition and 12
abstentions out of 35 Board of Governors member states) while leaving the IAEA Board of Governors to address, at a later stage, the timing and content of a report to the Security Council. The resolution also requested to Iran to further cooperate with the IAEA and to re-establish full and sustained suspension of all uranium enrichment-related and reprocessing activities.

The IAEA Board of Governors Meeting in November 2005 adopted no resolution since the international community was continuously making diplomatic efforts to resume negotiations between the EU3 and Iran; a Chairman’s Conclusion to sum up each country’s statements was issued on November 24.

However, on January 3, 2006, Iran notified the IAEA that it had decided to resume research and development activities on the peaceful nuclear energy program, which had been suspended as a confidence-building measure, as of January 9. On January 10, Iran removed the seal to resume research and development activities related to uranium enrichment in Natanz, in the presence of IAEA inspectors. In response to this, Japan expressed deep regret on the same day stating that such act disregards the concern of the international community.

In the wake of the resumption of uranium enrichment-related activities by Iran, the Foreign Ministers of the EU3 and the EU High Representative for CFSP Javier Solana held consultations in Berlin on January 12. They decided on their policy to report this issue to the UN Security Council and issued a statement calling for the holding of the IAEA Special Board of Governors Meeting for that purpose. The representatives of the EU3, the United States, China and Russia had a consultation in London on January 16, followed by an informal foreign ministers’ meeting among these six states in London, on January 31, where the joint statement including the elements of a draft resolution to be submitted to the IAEA Special Board of Governors to be held from February 2 was issued.

The IAEA Special Board of Governors Meeting was held from February 2, and a resolution to report the issue to the UN Security Council was adopted by a majority (27 affirmatives, 3 oppositions and 5 abstentions out of 35 Board of Governors member states) on February 4. Iran in turn notified the IAEA on February 5, that it would only implement safeguards based on the Comprehensive Safeguards Agreement and would suspend all measures taken as voluntary and not legally binding. Furthermore, Iran announced on February 14 that it had resumed small-scale uranium enrichment activities at uranium enrichment facilities in Natanz, the fact of which was confirmed by IAEA inspectors on the spot.

As is evident in the IAEA Director General’s report in September 2005, the IAEA has studied the nuclear activities that Iran had conducted over almost the past 20 years without declaring, it is not yet in a position to conclude that Iran had declared all nuclear materials and activities. In order to bring the nuclear activities in Iran to light, continued examination by the IAEA is needed. Japan considers it necessary for Iran to sincerely implement all the requirements of the relevant IAEA Board of Governors resolutions (cooperation with the IAEA, including the complete disclosure of information about the past activities, the conclusion, complete and de facto implementation of the Additional Protocol, the suspension of all uranium enrichment-related and reprocessing activities, and subsequent return to the negotiation process), and thus will take every opportunity to urge Iran to do so. When Iranian Foreign Minister Manouchehr Mottaki visited Japan between February 27 and March 1, Prime Minister Junichiro Koizumi and Foreign Minister Taro Aso urged him for that purpose.
3. Negotiations over the nuclear issue between EU3 (United Kingdom, France and Germany) and Iran

Following the Paris Agreement in November 2004, Iran suspended uranium enrichment-related activities, and started negotiations with the EU3 on December 13th to conclude a long-term agreement. The long-term agreement was to provide an objective guarantee of Iran’s nuclear programs being exclusively for peaceful purposes, firm guarantee in the nuclear, technical and economic fields between the EU3 and Iran and a strong commitment on the security issue. Negotiations were conducted by the Steering Committee and its subordinate three working groups on nuclear energy, political and security issues and technology and cooperation. The meetings of these three working groups were held several times for each group until March 2005. To determine the progress of discussions in each working group, a Steering Committee meeting was held in Paris in March 2005 and in London in April 2005. However, the EU3 and Iran could not reach an agreement because of the difference in their views concerning the guarantee that Iran’s nuclear programs are exclusively for peaceful purposes.

After the Steering Committee meeting in April, an Iranian government official announced their intention of resuming uranium conversion activities, which were part of the uranium enrichment-related activities under suspension. However, a ministerial-level meeting between the EU3 and Iran was held in Geneva in May 2005, and both parties affirmed the maintenance of the content of the Paris Agreement with the EU3 offering to present Iran with a detailed proposal by the end of July or the beginning of August.

In the meantime, a hard-line conservative, Mahmoud Ahmadinejad, Mayor of Tehran, won Iran’s presidential election in June 2005, formally assuming the presidency on August 3. Although the EU3 presented a comprehensive proposal for a long-term arrangement to Iran on August 5 as it offered at the ministerial-level meeting in Geneva in May, the new Iranian administration immediately notified the EU3 that it could not accept the proposal, and resumed part of the uranium conversion activities, which had been suspended based on the Paris Agreement, on August 8. The EU3 consequently expressed that it would discontinue negotiations with Iran unless Iran again suspended uranium conversion activities and returned to the framework of the Paris Agreement. There were efforts to seek for a resumption of negotiation, such as the “preliminary talks” held between the EU3 and Iran in December 2005, but negotiations between Iran and the EU3 remain suspended to the present date.

4. Missile issue

Iran developed a ballistic missile called the Shahab-3. After a test launch confirmed on July 7, 2003, Supreme leader Ayatolla Ali Khamenei (also Commander of the Islamic Revolutionary Guards) declared the deployment of the Shahab-3 at a ceremony for the Revolutionary Guards on July 20, 2003. More recently, Iran conducted test launches of Sahab-3 in August and October 2004. In response to such missile activities, Japan expressed its regret over test launches of missiles in the statements by the Press Secretary of Ministry of Foreign Affairs, and urged Iran to restrain its ballistic missile activities at the Japan-Iran foreign ministerial talks and the Japan-Iran Disarmament and Non-proliferation Talks. There are reports on the cooperative relationship between Iran and North Korea in the area of missile development, and Japan has encouraged Iran to restrain missile cooperation with North Korea in view of the national security concerns.
Japan will continue to call on Iran to restrain its missile activities in various ways. In addition, it has become clear that Ukraine illegally exported cruise missiles capable of carrying nuclear warheads to Iran around 2001. Such proliferation of missiles is of concern as it has, together with Iran’s nuclear issue, a serious ramifications for the Middle East.

1. Post Gulf War inspections of weapons of mass destruction and their suspension

Iraq invaded Kuwait in August 1990. As a result of the military activities of multinational forces (the Gulf War), in accordance with the UN Security Council Resolution 678 (adopted 1990), Iraq withdrew its army out of Kuwait in 1991.

By the Security Council Resolution 687, which sets out cease-fire conditions for Iraq, the UN Special Commission on Iraq (UNSCOM) was set up with an aim to remove threats posed by Iraq’s weapons of mass destruction and missiles. It was to implement monitoring and inspections of the dismantlement of weapons of mass destruction in cooperation with the International Atomic Energy Agency (IAEA).

As a result of inspection activities, a large volume of chemical weapons and ballistic missiles were destroyed, and the development of nuclear and biological weapons was also revealed. However, during inspections by the UNSCOM, Iraq continued false reporting and obstructions against the inspection teams in violation of its obligations under the Security Council Resolution 687. Iraq finally decided to end all cooperation with the UNSCOM, and expelled inspection teams from Iraq in October 1998.

2. Establishment of UNMOVIC and recommencement of inspections

As for the issues pertaining to Iraq’s weapons of mass destruction and inspections on them, the UN Security Council resolution 1284 was adopted in December 1999. Thereby, the United Nations Monitoring Verification and Inspection Commission (UNMOVIC), a new organization to operate a reinforced system of ongoing monitoring and verification, replacing the UNSCOM, was established. The Former IAEA Director General Hans Blix was appointed as Executive Chairman.

Nonetheless, Iraq continued to refuse UNMOVIC inspections. Although the United Nations and Iraq held talks, agreement was not easily reached on the recommencement of inspection, and the situation got tense. Under these circumstances, Iraq announced the acceptance of an unconditional return of weapons inspectors on September 16, 2002. In response to this, the UN Security Council resolution 1441 was adopted unanimously demanding Iraq to accept an enhanced inspection regime, which is implementation of immediate, unconditional and unrestricted inspections without exception at all sites (November 18).

Upon Iraq’s acceptance of this resolution, the UN inspection team consisting of UNMOVIC and IAEA resumed inspections for the first time in four years, on November 27.

3. Activities and the report of the UN inspection team (Background of use of force against Iraq)

A new regime consisting of UNMOVIC and IAEA has gradually been enforced, and inspec-
tion activities have been performed continuously across Iraq since the inspection resumed. Iraq showed some cooperation. It accepted the inspection of all sites, of which inspections had been refused previously. It also submitted a declaration on the development and stockpiling of weapons of mass destruction and other materials in December 2002. However, according to a UN Security Council report submitted by UNMOVIC and IAEA between January and March 2003, while Iraq has cooperated rather well so far in regard to the procedures, the declaration submitted by Iraq fails to clarify the unresolved disarmament issues, and does not contain any new evidence that would eliminate the questions or reduce their number. Furthermore, regarding the Security Council report by UNMOVIC and IAEA dated March 7, on “Unresolved Disarmament Issues” containing 29 items, it was made clear that allegations presented by the UNSCOM inspections were hardly resolved through the inspection activities by UNMOVIC. (For example, the report points out allegations concerning 2.4 tons or more of nerve agent VX, 6,500 chemical bombs (equivalent to 1,000 tons of chemical agent), 10,000 liters of anthrax, and 19,000 liters of botulinum toxin.)

Responding to Iraq’s attitude, the UN inspection teams completed withdrawal from Iraq on March 18, and the United States launched the use of force against Iraq together with the United Kingdom and other countries on March 19. President Bush declared an end to major combat in Iraq on May 1, 2003.

4. Activities of the Iraq Survey Group (ISG)

After the end of the military action against Iraq by the United States, the United Kingdom and other countries, the activities of the UN inspection teams did not resume, and the Iraq Survey Group (ISG), consisting of US, UK and Australian experts, had conducted the search and survey of weapons of mass destruction in Iraq.

At first, CIA Special Adviser David Kay served as the leader of the ISG but he resigned his position in January 2004. Subsequently, former Deputy Executive Chairman of UNSCOM Charles Duelfer assumed the position of the head. In October 2004, the ISG published the Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD consisting of nearly 1,000 pages, which reveals the actual situation of weapons of mass destruction in Iraq. According to the ISG’s report, no weapons of mass destruction, including nuclear, chemical and biological weapons, were found stockpiled in Iraq. However, the report assessed that Saddam Hussein intended to maintain the capability of resuming weapons of mass destruction development programs after lifting of sanctions. The ISG published the Comprehensive Report Addendums of the Special Advisor to the DCI on Iraq’s WMD in April 2005. They gave detailed explanation on the present situation of facilities and equipment as well as a hearing process, while not changing the conclusion drawn in the Comprehensive Report.
Libya

Libya’s leader, Colonel Qadhafi, and Minister of Foreign Affairs Shalgham announced Libya’s intention to dismantle all existing weapons of mass destruction development programs and to immediately accept inspections by international organizations on December 19, 2003. The dialogue leading up to this announcement started when Colonel Qadhafi had contact with UK Prime Minister Tony Blair and US President George W. Bush about nine months before. Following Libya’s announcement, on the same day, US President Bush and UK Prime Minister Blair delivered the announcements in line with Libya’s decision. In response, IAEA Director General ElBaradei visited Libya at the head of the IAEA inspection team to conduct inspections relating to nuclear development on December 27, and the IAEA inspection team conducted verification activities thereafter. In addition, Libya ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and acceded to the Chemical Weapons Convention (CWC) (January 2004). The IAEA Director General Report was dis-
tributed in February 2004. Libya signed the IAEA Additional Protocol on March 10, 2004 and the IAEA Board of Governors adopted a resolution on Libya’s nuclear issue on the same day. Furthermore, it was revealed that a procurement network had existed in the nuclear weapon program of Libya.

These decisions made by Libya are of great significance to advance the process of disarmament and non-proliferation of weapons of mass destruction, and are consistent with the policy of Japan to pursue the universalization of the international agreements to prohibit or control weapons of mass destruction.

Japan has taken opportunities, such as a visit to Libya by the Prime Minister’s Special Envoy Ichiro Aizawa (then Senior Vice-Minister for Foreign Affairs) in June 2004, a visit to Japan by Deputy Minister of Foreign Affairs Mohamed Al-Taher Siala in August 2004 and a visit to Japan by Saif al-Islam Gaddafi, president of the International Foundation for Charity Associations in April 2005, to request Libya to continue to work on North Korea and to provide information to Japan in respect to nuclear weapons and missiles in North Korea.

(Reference) Summary of White House Fact Sheet dated on December 19, 2003
- Libya has disclosed to the US and UK significant information on its nuclear and chemical weapons programs, as well as on its biological and ballistic missile-related activities.
- Libya has also pledged to:
  - eliminate all elements of its chemical and nuclear weapons programs;
  - declare all nuclear activities to the IAEA;
  - eliminate ballistic missiles beyond a 300 km range, with a payload of 500 kg;
  - accept international inspections to ensure Libya’s complete adherence to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and sign the IAEA Additional Protocol;
  - eliminate all chemical weapons stocks and munitions, and accede to the Chemical Weapons Convention (CWC); and
  - allow immediate inspections and monitoring to verify all of these actions.

(Reference) Main points of the IAEA Director General Report on Libya’s nuclear issue (distributed on February 10, 2004)
- Libya imported nuclear materials and conducted extensive nuclear activities from the 1980s to the end of 2003. However, Libya did not make reports required under the Safeguards Agreement to the IAEA Secretariat and had breached the obligations in accordance with the provisions of the Safeguards Agreement for a long time.
- Libya has made efforts to ensure transparency through active cooperation since it disclosed the existence of undeclared nuclear activities. These are welcome developments.
Israel is the only country in the Middle East that has not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It has not yet ratified treaties for disarmament and non-proliferation of weapons of mass destruction such as the Comprehensive Nuclear-Test-Ban Treaty (CTBT), Biological Weapons Convention (BWC) and Chemical Weapons Convention (CWC). Also, Israel is regarded as a nuclear potential country and its government takes the position that it neither confirms nor denies the possession of nuclear weapons. Other Middle Eastern countries have consistently criticized the Israeli policy and submitted draft resolutions demanding a renunciation of nuclear weapons and accession to the NPT, etc. Against such moves, Israel adheres to the policy that it could not advance the disarmament and nonproliferation process unilaterally, citing the reason that it is surrounded by states whose main aim is to destroy it.

Japan strongly encouraged Israel to participate in various disarmament and non-proliferation regimes for weapons of mass destruction, and repeatedly urged Israel to take initiatives to resolve the problems of weapons of mass destruction in the Middle East, by taking such opportunities as visits to Israel by then Minister for Foreign Affairs Yoriko Kawaguchi (April 2003) and then Senior Vice-Minister for Foreign Affairs Toshimitsu Motegi (June 2003), and a visit by Israeli Deputy Prime Minister and Minister of Foreign Affairs Silvan Shalom to Japan (August 2003), as well as by sending diplomatic letters from the Japanese Foreign Minister to the Israeli Foreign Minister one after another.

Furthermore, Japan has been making active efforts toward Middle East countries, which are said to be suspected of having weapons of mass destruction, by calling on those countries, including Syria, to accede to the treaties concerning weapons of mass destruction.

### Others

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### (Reference) Main points of the IAEA Board of Governors Resolution on Libya’s nuclear weapons development program (adopted March 10, 2004)

- Welcomes the voluntary decision of Libya to eliminate materials, equipment and programmes leading to the production of nuclear weapons
- Appreciates the active cooperation and openness that has been provided by Libya since December 19 2003
- Finds, under Article XII.C of the Statute, that the past failures to meet the requirements of the relevant Safeguards Agreement, constituted non-compliance, and in accordance with Article XII.C, requests the Director General to report the matter to the Security Council for information purposes only.
(Reference) Resolution adopted by the United Nations General Assembly “The Risk of Nuclear Proliferation in the Middle East”

1. Background

A resolution was adopted at the 34th UN General Assembly (1979), expressing concerns over the Israeli nuclear armament policy, including nuclear cooperation with South Africa, and calling on other states to end all nuclear cooperation with Israel. Since then, similar resolutions have been adopted every year. This matter had been previously dealt with by the resolution entitled “Israeli Nuclear Armament,” but it was changed to “The Risk of Nuclear Proliferation in the Middle East” at the 49th UN General Assembly (1994).

2. Outline of the resolution (2005)

The General Assembly welcomes the conclusions on the Middle East of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It also calls upon Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope IAEA safeguards as an important confidence-building measure among all states of the region and as a step towards enhancing peace and security.

3. Outcome of voting (2005)

This resolution was submitted by Egypt, representing the League of Arab States, was and adopted as follows:
First Committee: In favour 149 (including Japan)—Against 2 (including Israel)—Abstaining 4
General Assembly: In favour 164 (including Japan)—Against 5 (including Israel)—Abstaining 5
1. Nuclear tests by India and Pakistan

India is of the position that it does not intend to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) since it is discriminatory. It has been refusing to accede to the NPT, despite calls from the international community. Pakistan takes the stand that it will not accede to the NPT from its own security viewpoint so long as India remains out of the Treaty. Under such circumstances, the international nonproliferation regime faced a serious challenge when India and Pakistan conducted nuclear tests in succession in May 1998. Only two years had passed since the adoption of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) after a series of heated discussions involving countries around the world. It was then when these tests were conducted, and this matter was taken gravely as going against the efforts of the international community toward nuclear disarmament.

Japan immediately lodged a strong protest by issuing the Chief Cabinet Secretary’s statement, and imposed economic measures, including suspension of yen loans and grant aid for new projects except for emergency/humanitarian aid and grass-roots grant aid, against both India and Pakistan, based on the principle of implementation of assistance under the ODA Charter. Japan utilized various opportunities for dialogue to tenaciously urge both countries to make specific progress in the field of nuclear non-proliferation, centering on their accession to the NPT and signing and ratification of the CTBT. In addition, at the United Nations, Japan submitted a UN Security Council draft resolution with other concerned states calling for India and Pakistan to ultimately renounce nuclear weapons and to accede to the NPT unconditionally, and it was adopted as the Security Council resolution 1172 (June 1998). Japan, at the G8 Summit, also made great contribution to the adoption of statements of leaders as well as of Ministers for Foreign Affairs, which called for both countries to halt the deployment of nuclear weapons and missiles and to accede to the NPT and the CTBT.

Due partly to these efforts from the international community including Japan, neither India nor Pakistan has conducted nuclear tests since June 1998. Both countries announced that they would continue their nuclear test moratoriums and exercise stricter export controls for nuclear non-proliferation. In October 2001, Japan discontinued its economic measures against both countries by issuing the Chief Cabinet Secretary’s statement, considering the following points: Japanese measures produced some positive results; the stability and cooperation of Pakistan is of great importance in the fight against terrorism; and the necessity to deepen active engagement in India, which is expected to play an important role in stabilizing Southwest Asia. At the same time, the statement also made it clear that Japan would continue to urge India and Pakistan to make progress in the field of nuclear non-proliferation, including accession to the NPT and signing and ratification of the CTBT and would consider taking appropriate measures including restoring of the discontinued economic measures, should the situation concerning nuclear non-proliferation deteriorate in India and/or Pakistan.
2. Movement following the economic measures

In January 2003, the government of India (the Cabinet Committee on Security) decided and announced its nuclear doctrine comprising building and maintaining nuclear deterrents, exercising nuclear retaliation strikes by the Nuclear Command Authority, continuing the nuclear test moratorium, etc.

In the meantime, both India and Pakistan still continue missile-launching tests. (India has conducted missile-launching tests as recently as November 2005 while Pakistan did so in August 2005.)

Moreover, in February 2004, Pakistani President Pervez Musharraf revealed at the press conference that Doctor Khan, known as “the Father of Nuclear Development,” and other scientists were involved in the flow of nuclear-related technologies out of the country.

On the other hand, as for new developments, Indian Prime Minister Manmohan Singh agreed with US President George W. Bush on an initiative intended to fully build civil nuclear cooperation between the US government and the Indian government on July 18, 2005 during his visit to the United States. In addition, both leaders announced that they had reached a specific agreement about the said initiative on March 2, 2006 during President Bush’s visit to India.

Since this agreement between the United States and India is designed for the provision of nuclear cooperation with India which has yet to accede to the NPT as a non-nuclear-weapon state, Japan considers it necessary to carefully examine the agreement in light of such factors as its effect on the international nuclear disarmament and non-proliferation regime based on the NPT. Thus, Japan will continue to keep a careful watch on this future trend.

(Reference) The first underground nuclear test by India (1974)

The first underground nuclear test by India in 1974 made the international community perceive the risk of nuclear weapons proliferation as a real concern, and consequently the Nuclear Suppliers Group (NSG) was set up in 1977 in order to control exports of nuclear-related materials, equipment and technologies. (See Section 2, Chapter 1, Part VI)

Since then, the Indian government has adhered to the position that “it would keep its nuclear option.” Upon the change of government in the year of 1998, the new government took a harder-line, pledging to “exercise the nuclear option,” and conducted an underground nuclear test in May of the same year.
3. Japan’s stance

India and Pakistan have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). These two countries and Israel constitute the only three remaining non-state parties to the NPT among the UN member countries. (North Korea announced its intention to withdraw from the NPT in January 2003.) The fact that these three countries still remain outside of the NPT regime weakens the value of the NPT as a norm; Japan has repeatedly called for these three countries to accede to the NPT.

Non-signatory states of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) among the countries whose ratification is required for the CTBT to enter into force are India, Pakistan and North Korea. Japan called for the early signing and ratification of the CTBT by both India and Pakistan, and urges them to extend the moratorium until the ratification.

The outflow of nuclear-related technologies through Pakistani engineers would harm the peace and stability of the international community and damage the nuclear non-proliferation regime. The alleged outflow to North Korea especially constitutes a matter of serious concern for the security of Japan. Therefore, Japan has expressed its regret to Pakistan and strongly urged to provide further information regarding this issue and to take necessary measures to prevent the recurrence of such incidents in the future. Thanks to these approaches by Japan, the Export Control Act on Goods, Technologies, Materials and Equipment related to Nuclear and Biological Weapons and their Delivery Systems entered into force in Pakistan in September 2004. Moreover, when an export control survey mission from Pakistan visited Japan to effectively implement the said law in February 2005, mission members exchanged opinions with persons concerned in Japan. In addition, Japan has continued to cooperate in strengthening the nuclear non-proliferation regime of Pakistan by dispatching Japanese export control experts to Islamabad in May 2005 to provide technical briefing about Japan’s export control.

Furthermore, while appreciating the progress of confidence-building through dialogue between India and Pakistan, Japan has expressed concern about repeated missile tests by both

(Reference) Summary of India’s Nuclear Doctrine (Issued on January 4, 2003)

1. Building and maintaining a credible minimum deterrent;
2. A posture of “No First Use”: nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere;
3. Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.
4. Nuclear retaliatory attacks can only be authorized by the civilian political leadership through the Nuclear Command Authority (NCA).
5. Non-use of nuclear weapons against non-nuclear-weapon states; however, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons;
6. A continuance of strict controls on the export of nuclear and missile-related materials and technologies, participation in the Fissile Material Cut-off Treaty (FMCT) negotiations, and continued observance of the moratorium on nuclear tests.
7. Continued commitment to the goal of a nuclear weapon-free world, through global, verifiable, and non-discriminatory nuclear disarmament.
countries and has strongly called for them to voluntarily exercise maximum control in the development, testing and deployment of missiles.

In view of the nuclear policies of India and Pakistan, Japan takes measures to prevent Japan’s nuclear technologies (particularly the ones that may be diverted to nuclear weapons development) from being transferred to India or Pakistan (limitation on acceptance of engineers and visits from India and Pakistan, suspension of the provision of related information, etc.). Japan also implements strict export controls on nuclear related-materials to both countries in accordance with the relevant laws and regulations.

Japan has taken various opportunities, such as the Japan-India Foreign Ministers’ Meeting in November 2004 and the Japan-Pakistan Foreign Ministers’ Meeting in February 2005, to work upon both India and Pakistan, based on its stance in the field of disarmament and non-proliferation. In April 2005, Prime Minister Junichiro Koizumi visited India and Pakistan. In the Japan-India Joint Statement issued at that time, the leaders of both countries agreed that Japan and India would work on non-proliferation as partners while in the Japan-Pakistan Joint Declaration, the leaders of both countries agreed on the importance of joint efforts by the international community in tackling disarmament and non-proliferation. In order to hold bilateral talks in the field of disarmament and non-proliferation based on these agreements, Minister for Foreign Affairs Taro Aso agreed with the leaders of India and Pakistan on the holding of disarmament and non-proliferation consultations at the director-general level during his visit to these countries in January 2006.

In this manner, Japan has been strongly requesting both countries to carry forward with disarmament and non-proliferation even after it discontinued economic measures on both countries, and both countries' responses to the approaches by Japan need continued observation.