

Measures to Prevent Illegal Export of WMD-related Materials

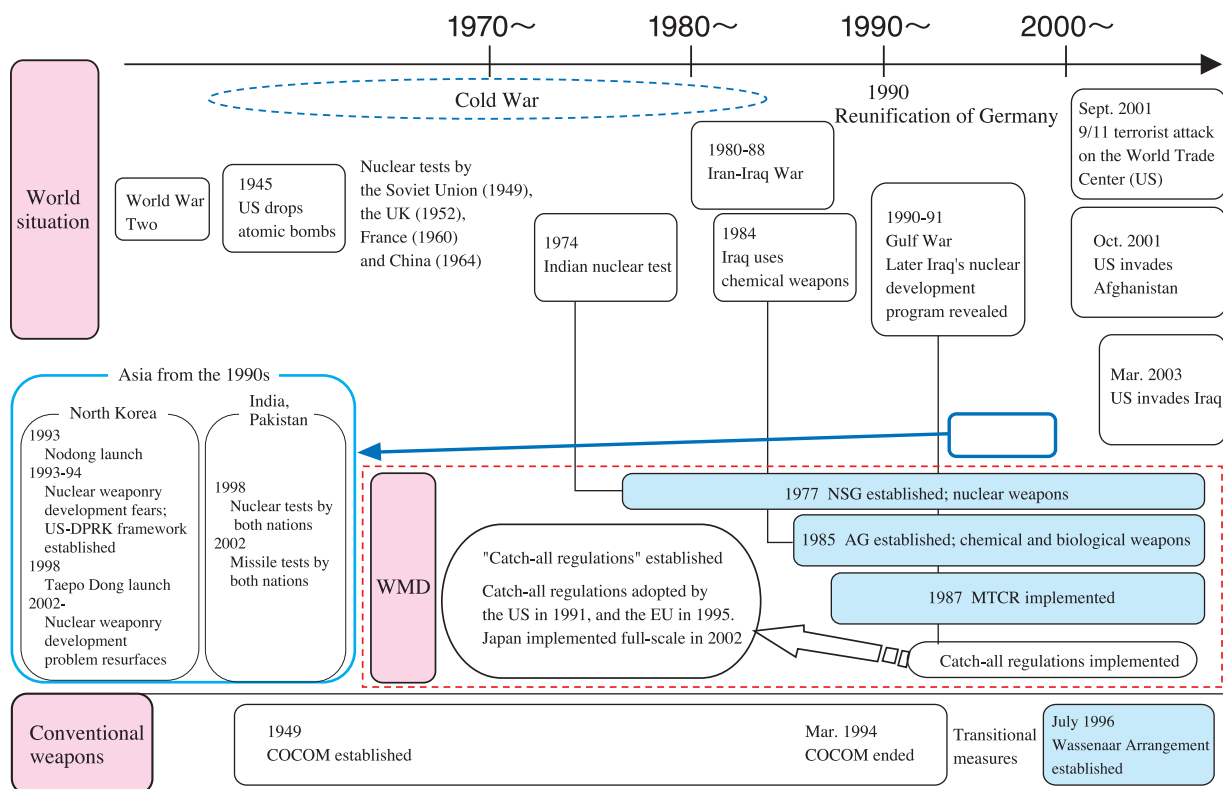
1. International Frameworks and General Situation

1. International frameworks

After the end of World War II, an international framework to prevent the illegal export of WMD-related materials was constructed and implemented by international community. This framework was heavily influenced by the national security situation existing during the Cold War.

In the post-Cold War world, the need for enhanced transparency and strict management of conventional weapons, related general items and technology transfer remains high, and in July 1996, a new framework was formalized in Wassenaar, Holland. Called the Wassenaar Arrangement, it is designed to prevent "potentially destabilizing accumulations of conventional weapons," and has 28 signatory nations.

International frameworks have also been constructed to prevent the proliferation of WMD and delivery systems, such as missiles, since the Cold War era. The Nuclear Non-Proliferation Treaty (NPT) entered into force in March 1970, followed by the Biological Weapons Convention (BWC) in March 1975. In April 1987, the Missile Technology Control Regime (MTCR) entered into force to regulate the export of components and technologies related to missiles, including the missiles capable of being used as vehicles for WMD and related components and manufacturing equipment. In April 1997, the Chemical Weapons Convention (CWC) entered into force, prescribing the abolishment of all chemical weapons and related manufacturing facilities. Export regulations are enforced for general-purpose products related to WMD by the Nuclear Suppliers Group (NSG) and the Australia Group (AG).



Developments in National Security and Trade (METI)

2. Recent international situation

In February 2006, the Third Asian Senior-level Talks on Non-Proliferation (ASTOP-3) were held in Tokyo, with an exchange of opinions on strengthening the non-proliferation system in Asia. Participating governments agreed that the proliferation of WMD by North Korea poses a grave threat not only to Asia, but to the international community as a whole, and announced support for the six-party talks as a framework to find a peaceful resolution.

Within this situation, North Korea launched seven ballistic missiles in July 2006, six of which fell into the Sea of Japan. In the same month, the United Nations Security Council, based on a proposal by Japan, the United States and others, unanimously approved Resolution 1695 condemning the missile launches and demanding that North Korea suspend all ballistic missile related activities.

The seven ballistic missiles are thought to have included a Taepo Dong-2 missile, with range capable of reaching all points in Japan, posing the threat of the WMD proliferation to Japan more severe than ever.

President Bush of the US and President Putin of Russia announced a global initiative to prevent the acquisition of nuclear materials by terrorists, on the occasion of the St. Petersburg Summit in July 2006. In a joint communiqué after the bilateral, both leaders expressed deep concern about the North Korean missile launches, calling for a moratorium on launches and a return to the six-party talks.

In September 2006, Japan implemented measures to prevent the transfer of funds by fifteen organizations and one individual affiliated with the North Korea missile and WMD programs, in accordance with the resolution of the UN Security Council and as approved by the Japanese cabinet.

The action was taken against twelve organizations and one individual identified by the United States as being affiliated with North Korea, as well as against additional three organizations detected by Japanese police in the course of investigations into illegal export of WMD-related materials to North Korea in the past.

In October 2006, with consideration of the international situation including the announcement of an underground nuclear test by North Korea, Japan instituted a range of new measures against North Korea. The UN Security Council announced that it would implement measures as defined in Article 41 under Chapter 7 of the United Nations Charter, condemning the underground nuclear test announced by North Korea, and demanding that it suspend all ballistic missile launches and nuclear tests. The proposal was unanimously adopted as Resolution 1718.



The North Korean Taepo Dong-1 missile (August 1998; Photo: Jiji Press)



Presidents Bush (left) and Putin (right) at the St. Petersburg Summit (July 2006; Jiji Press)

2. The Introduction of Catch-All Regulations and Recent Arrests

After the conclusion of the Gulf War in February 1991, it became apparent that Iraq was engaged in the development and manufacture of nuclear, biological and chemical weapons using generally-available consumer products, so that the development of WMD would not necessarily be accomplished with items covered by various non-proliferation measures.

As a result, Japan instituted the so-called "catch-all regulations" [4] in April 2002, and further strengthened its export control stance.

Recognizing that the proliferation of WMD poses a severe threat to international security, Japanese police implemented a number of measures to prevent the illegal export of WMD-related materials.

(1) Illegal export of DC stabilized power supplies (MPD, 2003)

The president of a trading firm doing business with North Korea exported three DC stabilized power supplies listed under the Foreign Exchange Law by the Ministry of Economy, Trade and Industry (METI) because they could be used in the development of nuclear and other weapons. The units were exported to North Korea in April 2003 from Kobe Port via Thailand, without the authorization of the METI.

(2) Illegal export of an inverter (Kanagawa, 2004)

The president and employees of a trading firm doing business with North Korea exported an inverter listed under the Foreign Exchange Law by the METI because it could be used in the development of nuclear and other weapons. The unit was loaded onto an aircraft in November 2003 as baggage, and transported from Nagoya Airport via China to North Korea, without the authorization of the METI.

(3) Illegal export of a freeze-dryer (Yamaguchi and Shimane, 2006)

The former president of a trading firm doing business with North Korea exported a freeze-dryer with the knowledge that it could be used in the development of nuclear and other weapons. The unit was shipped in September 2002 from Yokohama Port via Taiwan to North Korea, without the authorization of the METI.



(3) Identical Model as Freeze Dryer Thought to Have Been Illegally Exported to North Korea (Kyodo Press)

(4) Illegal export of 3D measuring machines (MPD, 2006)

The president/vice chairman and employees of a precision equipment manufacturer in Kanagawa Prefecture exported two three-dimensional measuring machines specifically listed under the Foreign Exchange Law by the METI because they could be used in the development of nuclear and other weapons. The units were shipped in October and November 2001 from Tokyo Port via Singapore to Malaysia, without the authorization of the METI.

One of the two systems was later exported from Malaysia, and found during an inspection by the IAEA and other related nations since about December 2003 to have been used at a Libyan facility involved in nuclear weapon development.



(4) Identical Model as 3D Measuring Machine Thought to Have Been Illegally Exported to Malaysia (Kyodo Press)

Note 4: Under "catch-all regulations," specific regulations do not have to be formulated in advance, but rather apply to all items and technologies which may be related to the development of WMD.

3. The PSI Framework

With the 9/11 attack on the World Trade Center, the United States recognized a strong connection between terrorism and WMD, and rapidly strengthened countermeasures.

In Krakow, Poland in May 2003, President Bush called for international support for the Proliferation Security Initiative (PSI) as a framework for the formulation and implementation of cooperative measures by participating nations to prevent the transfer and transport of WMD, within the scope of international and national law, and positioning WMD proliferation as a threat to the peace and security of the international community. Over 70 nations now participate in training exercises and experts meetings under the PSI.

At the ceremony marking the second anniversary of the PSI under American leadership in May 2005, the U.S. Secretary of State Rice announced that cooperation among participating nations had made it possible to prevent eleven cases involving transport of WMD-related materials in the preceding nine months. State Department spokesman Richard Boucher, at a regular press conference on the same day, disclosed that in two of the eleven cases the materials seized were bound for North Korea, one related to nuclear weapons and the other to chemical weapons.

Following the ballistic missile launches by North Korea, in July 2006, President Bush stressed the importance of preventing proliferation of missiles and related technologies through PSI and other activities. Recognizing that the prevention of WMD-related materials will contribute to our own national security, the Japanese government is also actively participating in PSI activities. Since the establishment of the PSI, the NPA has participated in overseas PSI general meetings, training exercises and experts meetings as a member of the Japanese mission.

In October 2004, a PSI naval training exercise was held in Japan for the first time, and simultaneously with it the police and other domestic organizations held export control training exercises in Tokyo Bay.

In April 2006, the MPD's Counter-NBC Terrorism Squad participated for the first time as a representative of Japanese police in an aircraft training exercise held by the Australian government in Darwin, Australia. The exercise was designed to provide training in securing WMD-related materials being transported on a civilian aircraft, after it had been landed at an airport under suspicion of transporting such materials. Members of the Counter-NBC Terrorism Squad worked with Australian customs agents and other personnels to locate and secure the WMD-related material onboard the aircraft.

Japanese police will continue to actively participate in PSI training exercises and meetings to fulfill our international obligations and improve our ability to prevent proliferation of WMD, as well as strengthening our ongoing efforts to fight the illegal export of WMD-related materials.



PSI Training Exercise Involving a Civilian Aircraft, Hosted by Australia