

Outline of Control under the Chemical Weapons Act

1. Background

In order to duly fulfill its obligations under the Chemical Weapons Convention, Japan enacted the Act on Prohibition of Chemical Weapons and Control, etc. of Specific Chemicals (Chemical Weapons Act; CWA) on March 30 and promulgated it on April 5, 1995.

For the purpose of preventing the recurrence of terrorist attacks using chemicals, such as the sarin gas attack on the Tokyo Subway System that occurred on March 20, 1995, some provisions of this Act on sarin and other specific chemicals were put into force on May 5, 1995, ahead of the Chemical Weapons Convention taking effect, and other provisions corresponding to the obligations for declaration and other procedures under the Convention came into force when the Convention took effect on April 29, 1997.

Subsequently, in order to ensure the national implementation of the obligations under the International Convention for the Suppression of Terrorist Bombings ("Convention against Terrorist Bombings"), the Act on Development of Relevant Acts upon Signing of the International Convention for the Suppression of Terrorist Bombings (Act for National Implementation of the International Convention for the Suppression of Terrorist Bombings), which was to revise the Chemical Weapons Act and six other relevant Acts, was enacted on November 9 and promulgated on November 16, 2001. This Act for National Implementation was put into force on December 16, 2001, when the Convention against Terrorist Bombings took effect in Japan. By means of this Act, the Chemical Weapons Act was revised by stipulating additional legislative purpose and relevant penal provisions so as to guarantee the national implementation of the obligations imposed on each State Party under the Convention against Terrorist Bombings regarding terrorist attacks with the use of chemicals.

2. Outline

The Chemical Weapons Act entirely prohibits the manufacture, possession, etc. of chemical weapons, and stipulates regulative measures for chemicals that can be used as materials for chemical weapons, including the licensing and notification procedures described below.

(1) With regard to chemicals that are highly likely to be used for chemical weapons (specific chemicals), licensing and approval are required for the manufacture, use and

import of such chemicals. The provision, acceptance and possession of these chemicals are also regulated, and the obligation to make a notification is imposed for their transportation and destruction. Furthermore, METI conducts on-site inspections targeting licensed manufacturers and licensed users of specific materials. Thus, the whole process of handling specific materials, from manufacture and import to destruction, are subject to strict control.

(2) With regard to chemicals that are applicable both for chemical weapons and for civil use (designated chemicals), the quantity of the production and consumption of these chemicals should be reported to METI, and then further reported to the OPCW for its international inspection.

The Chemical Weapons Act stipulates penal provisions for the manufacture/use of chemical weapons, discharge of toxic chemicals, and violation of obligations.