

**Fourth Meeting
Geneva, 10-14 December 2007**

**Meeting of Experts
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Items 6 of the provisional agenda

**Consideration of ways and means to enhance
national implementation, including enforcement
of national legislation, strengthening of
national institutions and coordination among
national law enforcement institutions**

**WAYS AND MEANS TO ENHANCE NATIONAL
IMPLEMENTATION, INCLUDING ENFORCEMENT
OF NATIONAL LEGISLATION, STRENGTHENING
OF NATIONAL INSTITUTIONS AND COORDINATION
AMONG NATIONAL LAW ENFORCEMENT INSTITUTIONS**

Submitted by Japan

Reinforcement of national legislation and institutions

1. In 1982, on ratifying the BWC Convention, Japan enacted, in accordance with Article IV of the Convention, “the Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and The Other Convention” (hereafter “the BWC Implementing Law” – Annex I), and in 1995, Japan enacted “the Cabinet Order to Implement the BWC Implementing Law” (Annex II). In 2001, Japan revised the BWC Implementing Law following the conclusion of the International Convention for the Suppression of Terrorist Bombings. This revision prohibits also the discharge of biological agents and toxins, and stipulates penalties for such act. This Law has never been invoked.

2. The following is an outline of Japan’s BWC Implementing Law:

- (i) Penal legislation - In order to effectively ensure the national implementation of the Convention, which comprehensively prohibits bacteriological (biological) and toxin weapons, the BWC Implementing Law stipulates exhaustively prohibited acts, from the production, retention, transfer and acquisition of biological or toxin weapons, to their use and discharge. It also provides penalties for each prohibited

act (Article III and IX). For instance, persons who produce biological or toxin weapons shall be liable to either imprisonment with hard labor for a term of one to fifteen years or a maximum fine of five million yen (Article IX and X).

- (ii) Overseas application - The BWC Implementing Law contains an article on the punishment of crimes committed outside Japan related to the use and discharge of biological or toxin weapons (Article XI). At present, the revision of the BWC Implementing Law is under discussion in the Japanese Diet in order to apply the article on the punishment of crimes committed outside Japan to acts such as production, retention, transfer and acquisition of biological or toxin weapons.
- (iii) Duties and powers of responsible authorities - To prevent the above prohibited acts, the BWC Implementing Law provides that the Minister of Foreign Affairs and four competent Ministers (the Minister of Education, Culture, Sports, Science and Technology; the Minister of Health, Labour and Welfare; the Minister of Agriculture, Forestry and Fisheries; and the Minister of Economy, Trade and Industry) have a duty to inform the public about the BWC and the BWC Implementing Law (Article III, Paragraph II). The competent Ministers have the authority to order persons engaged in handling biological agents or toxins to make reports regarding their activities (Article V, Paragraph I), which can serve as a monitoring function when there is suspicion of a violation of the Law.

Cooperation among national law enforcement agencies (establishment of a crisis management system)

3. In light of recent developments in the international security environment, especially the threat of terrorism by weapons of mass destruction terrorism, including biological weapons (NBC terrorism), the Government of Japan has established, revised properly, crisis management systems as follows, which have been under constant review:

- (i) “Initial Measures of the Government in Case of a Serious Terrorist Attack” (1998) - This cabinet decision sets out initial measures of the government, such as the establishment of swift communication networks and headquarters, in case of a terrorist incident. Lifesaving and communication services for the civilian population are included in the Initial Measures.
- (ii) “Government’s Basic Policy on Response to Biological and Chemical Terror Attacks” (2001) - The Basic Government Policy comprises five items for countering biological and chemical terrorism. The government grasps its response measures as a whole on the basis of these five items.
- (iii) “Action Plan for Prevention of Terrorism” (2004) - The Action Plan details the measures the government should take to prevent terrorism.

4. “Law Concerning the Measures for Protection of the Civilian Population in Armed Attack Situations” (2004) was enacted to protect the lives and properties of people, and to minimize the influences on livelihoods in armed attack situations including attacks employing biological agents or toxins. This law specifies responsibilities of national and local governments

and measures such as evacuation, rescue and response to armed attack disasters. Based on this law Japan is implementing following measures:

- (i) “Civil Protection Plan” - The Government, local authorities and designated public institutions have made concrete plans regarding measures each authority will take in case of armed attack situations.
- (ii) “Joint Exercises for Civil Protection” - In cooperation with local authorities, the government organizes exercises for civil protection (nine tabletop exercises and four actual exercises had been carried out by 2006).

Annex I

“Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Other Conventions

Enforced on June 8, 1982
Revised on December 16, 2001

Purpose

1. With a view to ensuring an appropriate and competent implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (hereinafter referred “Biological Weapons Convention”), and the International Convention for the Suppression of Terrorist Bombings, this Law aims to prohibit the production, retention, transfer and acquisition of biological and toxin weapons and to take measures to restrict acts of discharging biological agents and toxins.

Definitions

2. “Biological Agents” as referred in this Law mean the microorganisms which are capable of causing diseases or bringing death to the bodies of humans, animals or plants when reproducing in these bodies, or capable of producing toxins.

2-2. “Toxins” as referred in this Law mean the agents produced by living organisms which are capable of causing diseases or bringing death to the bodies of humans, animals or plants when being placed in these bodies, including materials synthesized artificially in such a manner that structural formula is the same as that of any toxin.

2-3. “Biological Weapons” as referred in this Law mean the weapons being used as means of exercising armed forces, which are filled with biological agents or living organisms carrying or mediating such agents.

2-4. “Toxin Weapons” as referred in this Law mean the weapons being used as means of exercising armed forces, which are filled with toxins.

Basic Principle of Development of Biological Agent or Toxin

3. Legitimate purposes for which developing, producing, retaining, stockpiling and acquiring biological agents or toxins (“Developments” as referred in Article 5 “Report Collection”) are allowed shall be limited only to prophylactic, protective or other peaceful purposes.

3-2. Minister for Foreign Affairs and competent Ministers in the government shall be authorized to take appropriate measures so as to make the contents of the Biological Weapons Convention and this Law widely known.

Prohibitions

4. No person shall produce biological or toxin weapons
- 4-2. No person shall retain, transfer or acquire biological or toxin weapons.

Report Collection

5. Competent Ministers in the government shall be authorized to order persons engaged in handling biological agents or toxins to make necessary reports regarding their activities to the extent necessary for preventing the Developments of biological agents and toxins for any purpose whatsoever other than prophylactic, protective or other peaceful purposes.
- 5-2. Matters required under the preceding Paragraph shall be stipulated by Cabinet Order.

Request for Cooperation by Minister for Foreign Affairs

6. Minister for Foreign Affairs may request the heads of relevant administrative agencies to provide necessary materials, information or necessary cooperation in other forms, whenever the Minister deems it necessary for the implementation of the Biological Weapons Convention.

Competent Ministers

7. The competent Ministers under this Law shall be stipulated by Cabinet Order.

Exclusion of Application to Government, etc.

8. The provision of Article 5 (“Report Collection”) shall not apply to the Government and local public entities.

Penalties

9. Persons who use biological or toxin weapons and discharge biological agents or toxins filled in the said biological or toxin weapons shall be liable to either imprisonment with labor for an indefinite period or for minimum two years, or maximum fine of ten million yen.
- 9-2. Persons who endanger human life, body or property by discharging unlawfully biological agents or toxins shall be liable to either imprisonment with labor for maximum ten years or maximum fine of five million yen.
- 9-3. Other charges and punishments shall be imposed on persons who attempted the crimes under the preceding two Paragraphs.
10. Persons who violate the provision of Article 4, Paragraph 1 shall be liable to either imprisonment with labor for a limit term of minimum one year or maximum fine of five million yen.
- 10-2. Persons who violate the provision of Article 4, Paragraph 2 shall be liable to either imprisonment with labor for minimum ten years or maximum fine of three million yen.

10-3. Other charges and punishments shall be imposed on persons who attempted the crimes under Paragraph 1 hereof.

11. Crimes committed under Article 9 shall be subject to Article 4-2 of the Criminal Code (in 1907; Law No. 45).

12. Persons who fail to make reports or make false reports under Article 5, Paragraph 1 shall be liable to either imprisonment with labor for maximum one year or maximum fine of half a million yen.

13. In cases where either representatives of corporation, or agents, staff or employees of corporation commit crimes under Article 9 or violations under Article 10 or Article 12 relating to the businesses of such corporation or persons, charges and punishments shall be imposed on those who have committed such crimes or violations and moreover, the corporation or persons shall also be liable to a fine stipulated in each Article hereof.”

Annex II

“Cabinet Order for the Enforcement of the Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

On December 1, 1995
Cabinet Order No. 396

We hereby promulgate Cabinet Order for the Enforcement of the Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

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Cabinet Order for the Enforcement of the Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The Cabinet hereby enacts this Cabinet Order pursuant to Article 5, Paragraph 2 and Article 7 of the Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (in 1982; Law No. 61)

Report Collection

1. Matters on which competent Ministers may order persons engaged in handling biological agents or toxins (hereinafter referred “Persons Handling Biological Agents, Etc.”) to make reports pursuant to Article 5 (Report Collection), Paragraph 1 of the Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (hereinafter referred the “Law”) shall be the kinds, the quantities and other details of their activities concerning such biological agents or toxins.

Competent Ministers

2. Competent Ministers in charge of taking measures to make contents of the Biological Weapons Convention and the Law widely known pursuant to Article 3 (Basic Principle of Development of Biological Agents or Toxins), Paragraph 2 of the Law shall be the Minister of Education, Culture, Sports, Science and Technology, the Minister of Health, Labor and Welfare, the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry.

2-2 Competent Ministers concerning the report collection under Article 5 (Report Collection), Paragraph 1 of the Law shall be the Ministers in charge of the activities concerning biological agents or toxins conducted by Persons Handling Biological Agents, Etc. In cases where Persons Handling Biological Agents, Etc are corporations directly established under a law or with special acts for its establishment under a special law, or in cases where Persons Handling Biological Agents, Etc are corporations established under a special law and requiring approval

for establishment thereof from administrative agencies, the competent Minister shall be the Minister in charge of supervising corporations, and furthermore, in cases where corporations are the ones established under Article 34 (Establishment of Public-Interest Corporations) of the Civil Code (in 1896; Law No. 89), the competent Minister shall be the Minister in charge of competent authorities supervising said corporation.

*Paragraph 1: partial amendment (June 7, 2000; Cabinet Order No. 306)

Supplementary Provision

This Cabinet Order shall be enforced upon date of promulgation.

Supplementary Provision (June 7, 2000; abstract of Cabinet Order No. 306)
(Date of Enforcement)

1. This Cabinet Order shall be enforced on and after the day (January 6, 2001) of enforcement of the Law Partially Revising the Cabinet Law (in 1999; Law No. 88)".
