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Anthrax Cases Puzzle Investigators

Beginning in early October 2001, the United States grappled with the first ever intentional anthrax release within its borders. Officially, as of 7 December, the Centers for Disease Control and Prevention had identified 22 cases of anthrax—both confirmed and suspected cases—in four states and the District of Columbia. (See table 1 for details.) Five of the 11 individuals who contracted the inhalational form of the disease died. All those who came down with the less serious cutaneous, or skin, form of the disease thus far have been treated successfully. Not surprisingly, the outbreaks have renewed both executive and legislative branch scrutiny of US bioterrorism preparedness efforts.

The first in the recent series of anthrax illnesses appeared in Boca Raton, Florida, when Robert Stevens, a photo editor at a national tabloid, contracted the inhalational form of the disease and died days later on 5 October. Stevens' case represented the first appearance of inhalational anthrax in the United States since 1976. Within days a second employee from the same media outlet, American Media Inc., was identified by medical personnel as having contracted anthrax. The second patient recovered after treatment with antibiotics and was released from the hospital on 23 October.

More than 15 additional confirmed cases of inhalational and cutaneous anthrax were identified in ensuing weeks. In addition to Stevens, four more fatalities from the inhaled form of anthrax followed—two postal

workers in the nation's capital, one hospital employee in Manhattan, and an elderly woman in Oxford, Connecticut.

Investigators have identified four letters containing anthrax, all seemingly prepared by the same individual(s). Two letters were mailed from Trenton, New Jersey on 18 September, one to NBC television and the other to the *New York Post*. In addition, on 15 October an anthrax-laced letter was received in the office of Senate Majority Leader Tom Daschle (D—South Dakota). A similar letter addressed to Senator Patrick Leahy (D—Vermont) was found on 16 November amid 280 barrels of mail that had been quarantined. Both Hill-bound letters bore 9 October Trenton postmarks.

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Table 1: Anthrax Cases in the United States (September-November 2001)

	Florida	New York	Washington DC	New Jersey	Connecticut	Total
Inhalational						
Confirmed	2	1	5	2	1	11
Suspected	0	0	0	0	0	0
Total	2	1	5	2	1	11
Cutaneous						
Confirmed	0	4	0	3	0	7
Suspected	0	3	0	1	0	4
Total	0	7	0	4	0	11

Source: Centers for Disease Control and Prevention

Officials noted that the parcels sent to the Senate contained hundreds of millions of tiny, purified anthrax particles. Several postal facilities and government buildings had to be closed because of possible contamination from the letters as they wove their way through the delivery system.

In the Connecticut and New York inhalation anthrax deaths, investigators are exploring whether cross-contamination of the victims' mail could be the source of their exposure to the deadly bacteria. For example, Connecticut state officials revealed that a small amount of mail destined for Oxford went through the same New Jersey postal facility on the same day as the Senate letters. Although samples taken from the victim's residence tested negative for anthrax, it is possible that some mail was contaminated with trace amounts sufficient to cause infection.

A Federal Bureau of Investigation behavioral assessment released in early November surmised that the anthrax mailings have been carried out by a single individual with scientific expertise. The profile

characterized the perpetrator as having access to anthrax samples and relevant laboratory equipment and as possessing little fear of working with extremely hazardous substances.

The anthrax incidents have intensified the federal government's focus on bioterrorism, prompting bureaucratic reorganization and legislative proposals on Capitol Hill. The Department of Health and Human Services created a new Office of Public Health Preparedness, spearheaded by Dr. Donald A. Henderson, renown for his tenure in the World Health Organization's program to eradicate smallpox. In addition, lawmakers have tabled a series of billion dollar bioterrorism preparedness proposals that boost funding both for federal initiatives as well as local preparedness. Suggested ideas included grants to states, the formation of local public-private consortia, expanded national pharmaceutical stockpiles, accelerated vaccine development, and tightened regulations on possession and shipment of pathogens. ☐

Russia Modifies Chemical Weapons Destruction Timetable

Russian officials announced in June that Russia will not meet this year's deadline for destruction of 1 percent of its chemical weapons stockpile as required under the Chemical Weapons Convention (CWC), citing financial shortfalls. The Russian

cabinet then approved a new timeline for both the intermediate and final deadlines for the destruction of Russia's 40,000 tons of poison gas. Officials from the Russian state commission on chemical disarmament presented the adjusted plan at the September

2001 meeting of the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) in the Hague. OPCW members will vote on the proposal at its seventh Conference of States Parties in October 2002.

The Russian stockpile, the world's largest, is stored at seven sites across the country, shown in figure 1. Although Russia ratified the CWC in December 1997, financial difficulties repeatedly delayed the construction of its destruction plants. Under the new plan, Russia would build three destruction facilities at the storage sites at Gorny, Shchuchye, and Kambarka—rather than the seven plants originally envisioned. The first facility, located 660 miles southeast of Moscow in Gorny, was supposed to have destroyed approximately 400 tons of its cache of mustard gas and other blister agents by this year. The facility is only now nearing completion and is slated to begin operations in 2002.

Construction of the second scheduled facility in Shchuchye, a town in the Ural Mountains region 1,000 miles southeast of Moscow, has also been held up by a lack of finances. Shchuchye contains approximately 14 percent of the Russian stockpile, including soman, sarin, and VX gases. Although the

Figure 1: Russian Chemical Weapon Storage Sites



Source: Program Manager for Chemical Demilitarization

United States had initially pledged financial assistance for the plant, Congress suspended funding for fiscal years 2000 and 2001, citing questions about Russian readiness to shoulder its fair share. Some US legislators have also complained that Russia has not fully declared its entire chemical arsenal, including the types of chemical agents that were manufactured. In February 2001, however, Russia announced a significant increase in its annual chemical weapons destruction budget and presented its plan for commencement of operations at Gorny.

Russia's apparent rededication to its destruction commitments may have impacted a Bush administration review of funding for American programs aimed at helping Russia stop the spread of nuclear, chemical and biological weapons. The study ultimately concluded that the activities in chemical and biological areas are vital to American security and should be continued. In support of that conclusion, the 2002 defense authorization included \$50 million for chemical weapons destruction as part of the Cooperative Threat Reduction program, subject to certain conditions.

Russia is also seeking to increase contributions from other countries. Thus far, aid has been received from the United States, Germany, Sweden, Finland, and the Netherlands. In addition, Britain, Canada, Norway, Italy, Switzerland, and the European Union have indicated willingness to aid Russia's chemical demilitarization efforts.

Sergei Kiriienko, chairman of the Russian state commission on chemical disarmament, hoped to drum up further support for Russia's efforts as he traveled to the Hague for the September Executive Council meeting, with stops in Japan, the United Kingdom, Italy, France, and Germany. Kiriienko presented the new Russian plan to destroy its chemical weapon stocks by 2012, requesting a permitted five-year extension past the original 2007 deadline set by the CWC. ☐

US Rejects BWC Protocol, Offers Alternatives

The twenty-fourth session of the Ad Hoc Group ended in deadlock on 17 August without finalizing a binding verification protocol to the Biological and Toxin Weapons Convention (BWC). The talks screeched to a halt in July when the United States revealed that it would reject the draft version of the protocol floated earlier in the year by the Ad Hoc Group's chairman Tibor Toth. The decision cast a pall over the Ad Hoc Group's last meeting of the year, with delegates unable to agree even on basic language for the final report.

In March 2001, Toth submitted a compromise draft protocol to the delegations of countries participating in the negotiations. This composite document built on previous iterations of the so-called "rolling text" hashed out by delegations over the course of nearly two dozen Ad Hoc Group sessions. Although the rolling text had come a long way since its introduction in the summer of 1997, at the time of the Ad Hoc Group's April-May session this past spring, the text totaled well over 250 pages and contained literally hundreds of brackets indicating disputed language. Toth's consolidated text was intended to jump-start the negotiations during the group's final two negotiating sessions leading up to the treaty's fifth review conference in November 2001.

The compromise text contained provisions for annual declarations, on-site transparency visits, and challenge investigations both in the field and at individual facilities.

In May the *New York Times* reported that a

US interagency review had unanimously decided to scrap the draft protocol, noting 38 different problems with the text. On 25 July, the review's conclusions were revealed to the Ad Hoc Group: from a US standpoint, the verification mechanisms outlined in the protocol would do little to uncover violations of the treaty or to deter cheaters, while potentially compromising legitimate biodefense activities and the commercial efforts of the US pharmaceutical and biotechnology industries. As a senior State Department representative noted in a briefing immediately after the US announcement, "On a cost-benefit analysis, [the protocol] has zero benefits."

In early November, the United States unveiled new proposals to control the spread of biological weapons. The revised US tack marked a clear shift away from a focus on developing a BWC monitoring regime. The plan focused on individual state actions rather than broader nonproliferation regimes. Options included creating United Nations mechanisms to address suspicious disease outbreaks and enacting national criminal legislation. Box 1 outlines the Bush administration proposals.

In his 19 November address at the review conference in Geneva, John Bolton, undersecretary of state for arms control, stated on the record that the United States suspects North Korea, Libya, Syria, Iran, and Sudan of developing biological weapons programs. (See the *Editor's Note* on page 12 for commentary on the BWC review conference outcomes.) ☐

Box 1: US Proposals to Combat Biological Weapons Proliferation (November 2001)

- Enact national criminal legislation against prohibited biological weapons activities
- Create UN procedures to investigate suspicious disease outbreaks or allegations of biological weapons use
- Establish voluntary cooperative mechanism to address BWC compliance concerns
- Improve international disease control
- Build national oversight mechanism for security and genetic engineering of pathogens
- Craft code of ethical conduct for bioscientists
- Promote responsible study, use, modification, and shipment of pathogens

Source: The White House

Bid To Revamp Iraq Sanctions Continues

The United Nations Security Council has reached a tentative agreement regarding modification of the sanctions placed on Iraq after the Gulf War. In June, the United States and the United Kingdom proposed an adjusted system of “smart sanctions” that would restrict trade in specific goods directly connected to security concerns and allow freer trade in civilian items. After lengthy discussion, Russia indicated that it would veto the plan if it came to a vote. Instead, the Security Council approved a six-month extension of the Oil-for-Food program—an exception to the sanctions that has allowed Iraq to sell oil to meet the basic requirements of the Iraqi people. As the conclusion of the extension period approached in November, the Security Council agreed in a closed-door session to renew the current system for one additional period of six months, with a commitment to have the smart sanctions in place by 1 June 2002.

Support for the Oil-for-Food scheme has been faltering due to concerns expressed by governments and humanitarian organizations over deteriorating living conditions of average citizens in Iraq.

Changes to the sanctions will first center on identifying which dual-use items—goods with legitimate functions that may also be used to manufacture weapons or delivery systems—can or cannot enter Iraq. Critics of the current sanction system, including France and Russia, argue that presently the list is too wide-ranging and has prevented needed supplies from reaching Iraqi citizens. An oft-cited example is a \$5.7 million shipment of ambulances withheld for more than a year on the grounds that the vehicles contain vacuum flasks that could be removed and then used in the manufacture of chemical or biological agents. In April and May, the United States released \$1.2 billion dollars of goods that had been on hold, including a diverse range of equipment used in the water, agricultural, electrical, housing, and transportation sectors.

The United States has suggested that a

previously agreed upon list, such as that used under the Wassenaar Arrangement for export controls, be used to make the bulk of future determinations on imports allowed into Iraq. Thirty-three countries have accepted that list, including Russia. However, the United States also wishes to add certain “extra” items. Some of these additional goods are those that sanction critics consider vital to reviving the Iraqi economy and improving conditions in the country, including medical and pharmaceutical supplies, and telecommunications and computer equipment.

The new setup is also expected to place greater responsibility on neighboring countries such as Jordan, Syria, and Turkey to strengthen border control efforts monitoring goods going into Iraq. Britain has suggested that each of those countries be allowed to import 150,000 barrels of Iraqi oil every day, as incentive for cooperating with the new sanctions regime. Iraq, however, threatened in June to halt oil flow to any country that complied with the system, which could wreak havoc on a country like Jordan that receives the lion's share of its yearly oil supply from Iraq.

While France and China showed willingness to accede to the new plan in June, Russia countered with a more sweeping proposal that the embargo be suspended, after which Iraq would again allow arms inspectors, who have not been allowed to enter Iraq since late 1998, to resume monitoring. The US and UK, which have maintained that sanctions would be eased only *after* resumption of inspections, protested that their sanctions revisions were only intended to address the Oil-for-Food scheme, not deal with the issue of Iraq on a larger level. These issues appear to be at the heart of the new compromise. Russia has agreed to adopt the new list of embargoed items, while the US has committed to clarifying the relationship between arms inspector access and relaxing sanctions.

Observers have noted that Russia, long Iraq's closest ally on the Security Council, has

interest in pushing for a speedy end to the sanctions all together. Baghdad owes approximately \$8 billion for military goods that it received from Russia prior to 1990. Originally these debts were to be repaid with oil. Recouping even some of this money will require lifting sanctions and allowing Russian firms to invest in Iraqi oilfields.

Removal of sanctions is unlikely in the near future, however, in light of concerns voiced by US intelligence sources and the UN Monitoring, Verification and Inspection Commission (UNMOVIC) earlier this year. In January, US sources stated that satellite imagery had revealed reconstruction of two former chemical and biological weapons facilities that had been

destroyed by US and UK bombings in 1998 in the industrial complex in Falluja, west of Baghdad. While the US possessed no concrete proof that the facilities are once again engaged in questionable work, one site is using castor beans (from which the highly toxic biological weapon ricin is made) and another is producing chlorine gas. Iraq insists that the castor oil is being used in brake fluid and the chlorine in equally legitimate pursuits. Newspapers also reported in March that a classified document submitted to the Security Council by UNMOVIC expressed grave concerns over continued Iraqi possession of chemical and biological weapons and associated materials, as well as possible delivery systems. ☐

Delays Expected in Destruction of US Chemical Weapon Stockpile

An internal Army audit completed in the first quarter of 2001 has revealed that managers of the chemical weapons destruction program enacted hundreds of facility design alterations without assessing resulting costs or schedule shifts. A reporter with Utah's *Deseret News* obtained a copy of the Army Audit Agency report through a Freedom of Information Act request and broke the story in early June 2001.

The internal audit reportedly presents in-depth statistical analysis of nearly 1,500 proposed design changes, all but 94 of which were ultimately approved. The findings note that 46 percent of the proposals were blessed without explanation of need, potential benefits, or drawbacks of approval. Missing in nearly half of the reviewed cases were proper environmental impact evaluations. In addition, 64 percent of the proposals failed to offer detailed assessment of potential schedule impact. Furthermore, 40 percent went forward without cost estimates. The report cautioned that destruction facility construction costs likely would be "significantly higher than anticipated." The latest estimate for the US chemical weapons destruction program is \$24

billion, well above the \$1.7 billion originally projected.

The audit's public release came just weeks after the Chemical Weapons Working Group, a coalition of organizations opposed to chemical weapons incineration, shared an internal Army study analyzing stockpile destruction schedule calculations at a Senate Appropriations Committee hearing on 25 April 2001. While the Operations Schedule Task Force report did not explicitly revise target completion dates for chemical weapons destruction facilities, its analysis incorporated revised coefficients that ultimately would impact a facility's overall destruction timelines. The task force's mission was to revisit the assumptions (i.e., processing rates, maintenance outage times, and the time it takes a facility to shift operations from one agent to another) used to develop operational schedules for stockpile destruction at six US weapons stockpile sites employing incineration technology.

Tempers rose at the April hearing when copies of the final report were distributed just after Dr. Joseph Westphal, the acting Secretary of the Army, had testified that Tooele operations were on track to conclude by 2004.

In contrast, the calculations performed by the Chemical Weapons Working Group using the task force report gauged Tooele's wrap-up in 2010. A subsequent review by a Congressional Research Service staff member supported the group's estimates. Army spokespeople noted that the dates represented worst-case scenarios rather than anticipated outcomes, an explanation some senators quickly dismissed.

In a letter to Defense Secretary Donald Rumsfeld, Senator Mitch McConnell (R—Kentucky) referred to “total misrepresentations” by the stockpile disposal program and lamented Rumsfeld's inheritance of a “program which is fundamentally broken.” Rumsfeld responded to these and other criticisms at the end of May by switching decision-making authority for the chemical demilitarization program away from the Army and into the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The head of that office, E.C. “Pete” Aldridge, confirmed in early October that expected completion schedules for four incineration sites had slipped.

The Army currently operates one chemical weapons destruction facility in Tooele, Utah, where 43 percent of the US stockpile was originally stored. Destruction operations on Johnston Atoll—about 825 miles southwest of Hawaii in the Pacific Ocean—wrapped up in late 2000. Construction of a third baseline incineration plant concluded on June 8 at Anniston, Alabama. Army officials said that Anniston operations are expected to commence in mid-2002, with the initial effort focusing on

the 42,000 sarin-filled M55 rockets stored there.

The inception of destruction operations in Alabama, however, could well slip past the target date, according to an August 2001 General Accounting Office (GAO) report on emergency preparedness efforts near stockpile sites. Established in 1988 and executed jointly by the Army and the Federal Emergency Management Agency, the Chemical Stockpile Emergency Preparedness Program (CSEPP) addresses preparedness both at the eight chemical stockpile installations in the continental United States and in the surrounding communities. According to the latest GAO study, three of the ten states assisted by CSEPP—Maryland, Utah, and Washington—are currently fully prepared to handle a chemical emergency, while four others are progressing—Arkansas, Colorado, Illinois, and Oregon. The remaining three states—Alabama, Indiana, and Kentucky—are missing key preparedness components, including tone alert radios, highway notification signs, and coordinated evacuation and sheltering plans.

Although stockpile communities' preparedness for chemical emergencies had advanced since the GAO last scrutinized the CSEPP effort in 1997, the delays in realizing program goals could affect the chemical weapons destruction timetable. For example, the *New York Times* reported that Alabama governor Donald Siegelman would not permit the Anniston incinerator to begin operations until preparedness questions were addressed satisfactorily. □

Buried Chemical Munitions Resurface in DC

Washington DC's congressional representative Eleanor Holmes Norton (D) and Representative Constance Morella (D—Maryland) have requested a General Accounting Office investigation into the Army's cleanup of buried chemical munitions in the nation's capital. Buried weapons dating back to World War I, some of which contain

chemical agent, were discovered nine years ago in the upscale Spring Valley neighborhood near the campus of American University. The lawmakers announced their plans at a House Government Reform Committee hearing in July 2001 on chemical weapons-related arsenic contamination in Washington, DC. The requested inquiry would include not only the

Spring Valley neighborhood (shown in figure 2), but also parts of Catholic University, the University of the District of Columbia, and the Washington Naval Yard. Covering less than 70 square miles, Washington, DC ranks tenth on a list of sites nationwide with potentially buried munitions.

Three years after American University had officially opened its doors, the US government leased some 660 acres of land from the university in 1917 for weapons research and testing. The 1,200 chemists and engineers on staff at the American University Experiment Station would eventually work with nearly fifty different poisonous gases, including mustard gas and lewisite. At the conclusion of the war, most of the weapons were shipped to Edgewood Arsenal in Aberdeen, Maryland. However, as was customary at the time, unusable ordnance were buried and forgotten.

Forgotten, that is, until January 1993, when a construction worker digging a utility trench uncovered a buried artillery round. The Army's Technical Escort Unit was immediately called to conduct an emergency removal operation. Over 140 munitions were excavated, 43 of which were later found to contain chemical agent.

Several weeks later the Army Corps of Engineers took over the second phase of Operation Safe Removal during which investigators took soil samples from nearly a quarter of the area's properties. Subsequent analysis determined that the area contained no major health hazards warranting further remedial action and the area received a clean bill of health in June 1995.

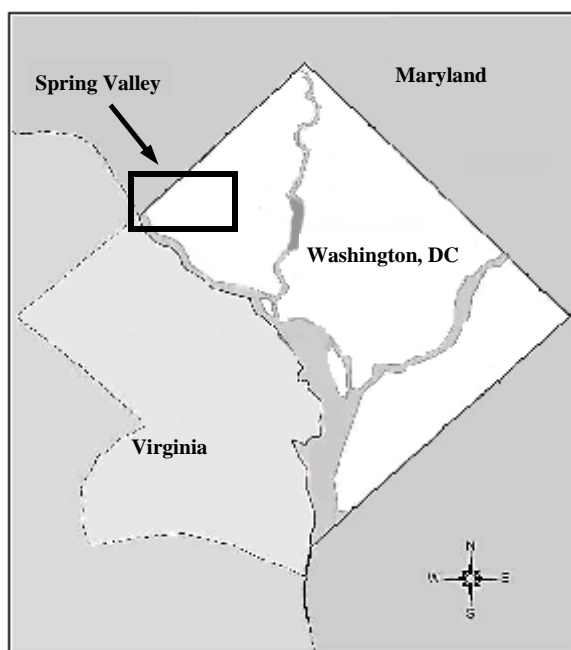
However, in February 1998, the Army reopened the

investigation after realizing that a previous dig for a large bomb burial pit was off-target by approximately 150 feet. The location of the bomb graveyard actually fell in the garden of the South Korean ambassador's residence, necessitating additional excavation and testing. Digging began in March 1999 and yielded some 620 items, including pieces of bombs, leaking artillery rounds, and contaminated waste. Ultimately, the top four feet of soil were removed from the property. In addition, the excavation also found that soil in the area had elevated arsenic levels well above Environmental Protection Agency-accepted thresholds. By January 2001, the search for chemical material expanded to other parts of the American University campus, including a day-care center.

Even though arsenic occurs naturally, area officials concluded that the high readings in Spring Valley were attributable to the development of lewisite, a World War I-era blister agent that contains arsenic. Arsenic levels in the ambassador's yard were as high as 1,000 parts per million; levels at the university child care facility topped out at 498 parts per million. The normal local range for arsenic presence in soil is between 3 and 18 parts per million, with an average of around 5 parts per million. The Environmental Protection Agency recommends soil removal if levels exceed 43 parts per million.

In 1999, the Agency for Toxic Diseases and Substances Registry listed arsenic as the most hazardous substance, beating out other poisonous entries such as lead, mercury, and benzene. The

Figure 2: Spring Valley Area of Washington, DC



element has also been cited as a carcinogen, although experts note that the cancer risk comes from extended exposure to high arsenic levels rather than passing contact. Students and university employees who had regular contact with contaminated soil were offered arsenic tests in early 2001. The Army also expanded soil tests in May 2001 to include 1,200 residential and 400 nonresidential properties in the Spring Valley area. Army officials

anticipated that sampling would conclude by the end of the year.

In July testimony before the House Government Reform Committee, Colonel Charles Fiala of the Army Corps of Engineers testified that some \$49 million had been spent to date to clean up the Spring Valley site. He also estimated that an additional \$34 million would be needed to wrap up the project within the next few years. □

Update: Trial of South Africa's "Dr. Death" Concludes

In early November, the prosecution began its final arguments against Dr. Wouter Basson, the head of South Africa's apartheid-era chemical and biological weapons program. Although Basson had been cleared in June of 15 of the murder, fraud and drug dealing charges leveled against him, 46 remained. "Dr. Death," as he was dubbed by the media during the 25-month trial, testified that he did nothing illegal in his role as chief of Project Coast, the code name for the secret project that he oversaw for more than a decade.

During the 1980s and early 1990s, Project Coast worked on a variety of chemical and biological agents for a wide range of uses, spanning from crowd control to individual assassinations and beyond. The project conducted research on race specific biological agents, manufactured recreational drugs like ecstasy to encourage addiction in particular communities, and developed special devices and techniques to administer and distribute these products. Basson also used his connections to the Civil Cooperation Bureau, a top-secret government bureau that ran covert operations within South Africa, and Barnacle, a secret organization that operated outside the country, to test and market his products.

Public details about the extensive nature of the program and Basson's role first came to light when he was arrested in 1997 for selling ecstasy in an undercover police operation. When officers searched Basson's home, they

discovered two large chests containing records about Project Coast. The former government leaders who had originally given the project the green light had ordered the papers destroyed when the African National Congress came to power, but Basson apparently ignored those instructions. This information became the basis for a 1998 investigation by South Africa's Truth and Reconciliation Commission.

The information also provided a foundation for arresting Basson on a range of charges, including the attempted murder of two men who have since become high ranking officials in the government. One of the counts was the attempted murder of former head of the South African Council of Churches, Reverend Frank Chikane, now serving as a top aide to President Thabo Mbeki, by lacing his underwear with poison. Another was the attempted assassination of now-Transport Minister Dullah Omar via tampering with his heart medication. Both of these charges were among those dismissed.

Basson's lawyer, Jaap Cilliers, had originally asked for the dismissal of 46 of the counts against Basson, alleging insufficient evidence. Pretoria High Court Judge Willie Hartzenberg granted the request in 15 cases and is not allowed under South African law to disclose the reasons for his decision until the end of the trial. South African newspapers, however, have indicated that an agreement was reached with the state's prosecutors recognizing their inability to prove some specific charges.

Among the remaining charges are allegations that Basson provided chemicals to the South African Defense Force that were used to kill over 200 members of the South West African People's Organization, an opposition group that fought South African occupation of Namibia in the 1980s. Johan Theron, a former chief intelligence officer of South African special forces and an admitted mass murderer during the apartheid regime, testified that Basson not only gave him the supplies, but also instructed him on their use. The chemicals were muscle relaxants that were injected in large doses into the rebels who were then dropped into the ocean from planes.

In return for amnesty before the Truth and Reconciliation Commission, several scientists that worked for Basson also testified that he had developed chemical and biological agents that were then used to assassinate opponents of the

South African government and its practice of apartheid. Others have alleged that Basson merely obtained large amounts of money from the government to do these things without having achieved much success, instead using the funding to create a large private business empire for himself.

Basson himself testified before the Truth and Reconciliation Commission on its last day of public testimony in 1998. His lawyers had attempted to shield him from appearing on the grounds that it might influence his criminal trial, but their efforts failed. Basson disputed all allegations of murder and conspiracy that had been raised regarding Project Coast's activities and maintained efforts to develop chemical and biological weapons had been undertaken in response to the use of chemical weapons against South African soldiers by Cuban troops supporting Angola. □

Chinese Civilians Sue Over WWII-Era Japanese Biological Weapons Activities

Testimony continues in Tokyo in a groundbreaking lawsuit brought by 180 Chinese civilians against the government of Japan for atrocities committed by its World War II-era biological warfare research operation, Unit 731. The plaintiffs seek an official apology from the Japanese government acknowledging the atrocities committed by that country's secret germ weapon program and awards of 10 million yen—approximately \$85,000—to each individual. Chinese citizens initiated the lawsuit in 1997 and claim to represent over 2,000 of their relatives who were killed by Unit 731's

biological experiments and attacks. However, the Chinese government has issued no official support for the suit.

Japan has previously acknowledged the existence of Unit 731 but refused to confirm any of the program's activities. The secret military research group included medical experts and scientists and was headed by Ishii Shiro, an Army physician. The weapons unit researched vaccine production and possible offensive uses of biological agents at hidden facilities and conducted secret tests on villages throughout Manchuria, beginning in 1931. At its apex, the operation comprised as many as 5,000 people. Ping Fan, located a few kilometers south of Harbin, was the program's largest human research facility. The site also produced vast quantities of vaccines—upwards of 20 million doses annually. To shield the complex from outside eyes, Ping Fan had its own airfield to test bombs, a private railway to ship prisoners

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Update on Inspections Under the Chemical Weapons Convention (through 24 August)		
Type of Facility	Number of Inspections	Number of Declared Facilities
Chemical weapons destruction facilities	233	41 facilities in 4 member countries
Chemical weapons production facilities	222	61 facilities in 11 member countries
Chemical weapons storage facilities	140	32 facilities in 4 member countries
Abandoned chemical weapons sites	17	10 sites in 3 member countries
Old chemical weapons sites	37	37 sites in 9 member countries
Schedule 1 facilities	97	28 facilities in 21 member countries
Schedule 2 facilities	173	420 facilities in 29 member countries
Schedule 3 facilities	69	494 facilities in 33 member countries
Discrete organic chemical producers	58	3,914 facilities in 49 member countries
Total	1,046	

Source: Technical Secretariat of the Organization for the Prohibition of Chemical Weapons

and equipment, as well as a vast underground tunnel network to hide the bodies of prisoners used in experiments.

Research and experimentation into biological weapons continued until Japan surrendered in 1945. At that point, Japan leveled the experiment areas and tried to destroy all the records. Participating scientists and officers were sworn to secrecy concerning the program's activities. Japanese archives concerning Unit 731 remain closed to independent researchers.

In addition to Chinese villagers, Japanese veterans and historians have also testified before the court. One Japanese veteran from a Unit 731 facility near the Manchurian town of Harbin, detailed how scientists injected prisoners with plague and performed autopsies immediately after their deaths. Chinese witnesses recounted childhood memories of plague-ridden fleas infesting towns or starving families receiving poisoned food. Overall, the plaintiffs claim that over 2,000 men were directly killed in Unit 731 experiments, while another 270,000 citizens were sickened and 50,000 killed from bubonic plague outbreaks

caused by Japanese experiments.

The trial has progressed further in court than other lawsuits seeking damages from the Japanese Imperial Army. The Japanese government officially states that claims for wartime atrocities were previously settled under the 1951 San Francisco Treaty that declared peace between the Allied Powers and Japan. The lawyers for the plaintiffs believe the case will ultimately be thrown out on a technicality, as was done in a related lawsuit seeking compensation for Korean comfort women.

For its part, the United States decided not to prosecute participants in the biological warfare effort in exchange for their silence and information learned from experiments. The United States was especially fearful that Unit 731 information could slip into Soviet hands. In addition, lessons learned from Japan's program were also considered valuable to the US biological weapons project, begun in the early 1940's. US military scientists interviewed Japanese doctors and scientists, many of whom went on to hold prominent positions at Japanese pharmaceutical and chemical companies after the war. ☐

Editor's Note

Although the US decision in July to scrap the draft BWC protocol was the right one, the last-minute antics of the United States at the treaty's fifth review conference in Geneva provided an unnecessarily bitter ending to an already tense situation. The regrettable US call to disband completely the Ad Hoc Group with only hours left in the three-week long conference damaged relations with allies and gave additional ammunition to critics, leaving the path to strengthened international biological weapons nonproliferation efforts in rocky shape.

This 1972 treaty has justifiably been criticized as a toothless international agreement, lacking verification or enforcement mechanisms thanks to the idiosyncrasies of the political climate in which it was negotiated. Unfortunately, the draft protocol that emerged last spring was incapable of effectively gauging compliance. In their public statements denouncing the protocol, US officials complained that it would compromise sensitive national security and confidential business information. Yet that explanation seems off target. A recent series of working group sessions with academic and pharmaceutical industry experts hosted by the Stimson Center concluded that the real problem with the protocol was not that it went too far, but rather

that it was so watered down that it could not hope to accomplish what its advocates claimed. In fact, these scientific experts gave the Ad Hoc Group's work a "D" grade.

The shortcomings of the protocol—however real they were—did not justify the United States' disastrous farewell at the review conference. Wholesale rejection of international approaches to biological weapons proliferation control, particularly those that build on existing regimes, seems an ill-advised approach to a security concern that stretches well beyond American borders. The underwhelming alternatives offered by the Bush administration in early November sweep aside collective international efforts to strengthen the BWC—past, present, and future—and focus instead on interim steps available to individual states on a voluntary basis. As a result, the United States is left with an anemic approach to thwarting the spread of germ weapons.

Before the BWC review conference resumes in November 2002, the United States should meaningfully explore the potential for on-site monitoring by initiating trial inspections at government and industry sites, as Congress directed in 1999. Without an honest effort, arguments either for or against inspections as part of a BWC monitoring regime will not have a leg to stand on. ☐

About the Newsletter, the Stimson Center, and its CBW Programming

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