



# BI-WEEKLY TREATY REVIEW



04 July - 16 July 2012

**DTRA**

## ARMS CONTROL (GENERAL)

### **The Arms Trade Treaty and Misleading Rhetoric [OPINION]**

*Arms Control Association, 11 July 2012; <http://www.armscontrol.org>*

The ongoing conflict in Syria – like recent wars in Burma, Congo, Liberia, Sudan, and Sierra Leone – underscores the urgent need for common standards for international transfers of conventional weapons and ammunition, as well as legally-binding requirements for all states to review exports and imports – particularly for arms transfers that could lead to human rights abuses or violate international arms embargoes. (2,117 words) [Click here for full text.](#)

### **NNSA Announces Elimination of 450 Metric Tons of Russian HEU**

*National Nuclear Security Administration 09 July 2012, <http://nnsa.energy.gov>*

The National Nuclear Security Administration (NNSA) today announced that it has monitored the elimination of more than 450 metric tons (MT) of Russian highly enriched uranium (HEU) under a landmark nuclear nonproliferation program. The 1993 U.S.-Russia HEU Purchase Agreement is now 90 percent complete and by the end of 2013 a total of 500 MT of Russian nuclear weapons HEU will be eliminated by being converted into low enriched uranium (LEU), which is intended for peaceful uses. (423 words) [Click here for full text.](#)

## BIOLOGICAL WEAPONS CONVENTION (BWC)

### **BWC Experts to Meet in Geneva July 16-20**

*United Nations Office at Geneva (UNOG), 13 July 2012; <http://www.unog.ch>*

The 2012 Biological Weapons Convention (BWC) Meeting of Experts will be held at the United Nations Office at Geneva July 16-20, 2012. [This meeting] is the first part of a four-year program mandated by the Seventh Review Conference of the BWC in December 2011, aimed at strengthening the implementation of the Convention and improving its effectiveness as a practical barrier against the development or use of biological weapons. (659 words)

[Click here for full text.](#)



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## CHEMICAL WEAPONS CONVENTION (CWC)

### **Rwanda: House Passes Bill on Chemical Weapons**

*AllAfrica.com*, 08 July 2012; <http://www.allafrica.com>

The chamber of deputies Friday finally passed the bill on the implementation of the [Chemical Weapons Convention (CWC) which prohibits the] development, production, stockpiling, [and] use [of chemical weapons and requires the] destruction of chemical weapons. Referred to as weapons of mass destruction, chemical weapons are devices that use chemicals formulated to inflict death or harm to human beings. (172 words) [Click here for full text.](#)

### **Legally Incapacitated, Politically Outmaneuvered [OPINION]**

*Bulletin of the Atomic Scientists*, 07 July 2012; <http://www.thebulletin.org>

When survivors of the 2002 theater siege in Moscow – in which Russian police used a gas widely believed to be a fentanyl derivative to flush out terrorists – brought claims before the European Court of Human Rights, the ruling came down with mixed results. On one hand, the court prescribed greater prerequisites for law enforcement's use of incapacitating chemical agents; on the other hand, the ruling can be interpreted as legitimizing their use and making police employment of incapacitants acceptable. Meanwhile, with myopic rules governing the use of incapacitating agents, thanks to the foot-dragging of States Parties to the Chemical Weapons Convention, these toxic chemicals are perilously close to becoming just another tool in law enforcement's arsenal. (1,403 words) [Click here for full text.](#)

### **Mustard Agent Found at Delaware Clam-Processing Plant**

*BioPrepWatch*, 05 July 2012; <http://www.bioprepwatch.com>

Mustard agent was recently discovered leaking from munitions on a conveyor belt at a clam-processing plant in Milford, Delaware. (209 words) [Click here for full text.](#)

## IAEA NUCLEAR SAFEGUARDS

### **4th International Meeting on Next Generation Nuclear Safeguards**

*National Nuclear Security Administration*, 12 July 2012; <http://nnsa.energy.gov>

The U.S. Department of Energy's National Nuclear Security Administration (NNSA), together with the Vietnam Agency for Radiation and Nuclear Safety, announced today the successful completion of the Fourth International Meeting on Next Generation Safeguards. (310 words) [Click here for full text.](#)



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## NUCLEAR NONPROLIFERATION TREATY (NPT)

### **Washington P5 Conference on Implementing the NPT**

*U.S. Department of State, 09 July 2012, <http://www.state.gov>*

On June 27-29, the State Department welcomed the other members of the P5 – China, France, Russia, and the United Kingdom – to discuss the implementation of the Nuclear Nonproliferation Treaty (NPT). (667 words) [Click here for full text.](#)

### **Four Nuclear Weapon States Postpone Signing Weapons-Free Zone Protocol**

*Xinhua News, 08 July 2012; <http://news.xinhua.net>*

Four out of the five recognized nuclear-weapon states (P5) will not be ready to sign on the protocol to the treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) during the ASEAN Foreign Ministers' meeting next week, a Cambodian senior official said Sunday. (315 words) [Click here for full text.](#)

## NEW STRATEGIC ARMS REDUCTION TREATY (NST)

### **Yars Ballistic Missile Enters Service**

*Global Security Newswire, 06 July 2012; <http://www.nti.org/gsn>*

Russia has completed a delivery of Yars long-range ballistic missile launchers to the Teikovo missile formation, enabling the Ivanovo region group to fully transition to the system in the middle of this year, Interfax reported on Thursday. (149 words) [Click here for full text.](#)

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While the United States and a few other countries have relatively tough regulations governing the trade of weapons, many countries have weak or ineffective regulations, if they have any at all. The patchwork of national laws, combined with the absence of clear international standards for arms transfers, increases the availability of weapons in conflict zones. Irresponsible arms suppliers and brokers can exploit these conditions to sell weapons to unscrupulous governments, criminals, and insurgents, including those fighting U.S. troops.

For example, in 2010 Italian authorities revealed that the Italy-based smuggling ring of Alessandro Bon sent multiple shipments of military sniper scopes and other military goods via a Romanian front company through Dubai to Iran in violation of a UN arms embargo. This equipment, in turn, found its way into the hands of insurgents fighting NATO forces in Afghanistan.

In response to this global problem, U.S. diplomats and representatives from some 190 countries are meeting at the United Nations to hammer out a legally-binding, global Arms Trade Treaty (ATT) by July 27. The treaty would address all types of conventional weapons transfers, from naval ships and attack helicopters to small arms and light weapons.

The Arms Trade Treaty won't stop all illicit international arms transfers, but it is a common sense effort that can improve U.S. and global security because it can help reduce irresponsible international arms transfers and hold arms suppliers more accountable for their actions.

### *Second Amendment Nonsense*

Unfortunately, the National Rifle Association (NRA) and some of its allies are engaging in a misleading lobbying effort alleging that the still-to-be-negotiated treaty will clash with legal firearms possession in the United States. It won't.

The ATT will only apply to international export, import, and transfer of conventional weapons. Nevertheless, the NRA's executive vice-president Wayne LaPierre spoke today before a nearly



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empty hall at the UN and tried to argue that the treaty will regulate or even deny domestic gun ownership by U.S. citizens and undermine the Second Amendment of the U.S. Constitution.

This follows months of misleading lobbying efforts in Washington, DC. A statement posted in March on the NRA's Institute for Legislative Action Web site characterized attempts to draft the ATT as "insidious efforts to use supranational authority to destroy our nationally-recognized and protected right." The NRA's chief lobbyist, Chris Cox, wrote a July 2 op-ed for The Daily Caller alleging that the ATT "could seriously restrict your freedom to own, purchase and carry a firearm."

That's wrong and the NRA knows it. The regulation or registration of domestic gun ownership is clearly outside the scope of the treaty.

The UN Conference on the Arms Trade Treaty currently underway was established by UN Resolution 64/48 in 2009. The resolution, which establishes the framework for negotiations, explicitly acknowledges "the right of States to regulate internal transfers of arms and national ownership, including through national constitutional protections on private ownership, exclusively within their territory."

The NRA also ignores the fact that the Obama administration has repeatedly stated that it opposes any infringement on national arms transfer and ownership. The Department of State Web site lists "Key U.S. Red Lines" on the ATT, including:

- upholding of the Second Amendment;
- no restrictions on civilian possession or trade of firearms; and
- no dilution of sovereign control over issues involving the private acquisition, ownership, or possession of firearms.

Furthermore, the Obama administration succeeded in getting other states to agree that the UN conference can only produce an Arms Trade Treaty text on the basis of consensus, which allows the United States to prevent it from crossing any of its "red lines."

As Galen Carey, Director of Government Relations for the National Association for Evangelicals summed it up at a June 26 briefing for reporters: "Some critics claim – wrongly, in my view – that an Arms Trade Treaty would threaten our second amendment rights. In fact, the framework for the treaty negotiations specifically excludes any restrictions on domestic gun sales or ownership. This issue is a red herring."

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## *Mischaracterizing U.S. Senate Views*

LaPierre also claimed today in his address at the UN that: "already 58 Senators have objected to any treaty that includes civilian arms." That's a distortion of two separate July 2011 letters from Senators on the ATT.

A letter authored by Sen. Jerry Moran (R-Kansas) and signed by 44 other Senators to President Barack Obama "... encourages your administration to uphold our country's constitutional protections of civilian firearms ownership." The 45 Senators who signed the Moran letter don't say they will oppose a treaty that includes the undefined term, "civilian firearms," they say: "... we will oppose ratification of an Arms Trade Treaty ... that in any way restricts the rights of law-abiding U.S. citizens to manufacture, assemble, possess, transfer or purchase firearms, ammunition, and related items."

A separate July 16, 2011 letter authored by Sen. Jon Tester (D-Montana) and signed by 12 other Democratic Senators actually expresses support for the ATT. They write: "We support efforts to better regulate the international trade of conventional weapons .... We should not allow the unregulated trade of these weapons to continue fueling conflict and instability in nations around the world." Their concern is simply that "the Arms Trade Treaty must not in any way regulate the domestic manufacture, possession or sales of firearms or ammunition."

The Senators' concerns about private gun possession are unfounded because the ATT will not regulate and would not affect domestic gun ownership rights and regulation and the Obama administration has made it clear it will not support a treaty that would.

## *Fox News Questions LaPierre's Claims*

In a July 5 interview on Fox News, the NRA's Wayne LaPierre went so far as to say that the proposed treaty "says to people in the United States turn over your personal protection and your firearms to the government, and the government will protect you."

Fox News anchor Megyn Kelly reminded LaPierre that the treaty is about "global arms sales" not "domestic sales." She reminded the viewers that, "...the administration has said we support this but it doesn't infringe on our Second Amendment rights here. As a practical matter you tell us, to gun owners watching this program right now, what would it mean for them?"

[...] LaPierre suggested that: "[The ATT] sets up global agencies, data centers, tracking, monitoring, surveillance, supervision, it institutionalizes the whole UN gun plan within the bureaucracy of the United Nations with a permanent funding mechanism."



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In reality, the ATT would require individual governments to set up national systems to review and license imports and exports of conventional weapons – not internal arms transfers or arms registration. Nor would the ATT set up a "global agency." In the view of the vast majority of states – including the United States – the treaty would establish an "implementation support unit" consisting of no more than 3-4 persons and they would be directed by the member states of the treaty, not the UN. This small unit would be funded out of the UN's general budget.

It's not surprising that LaPierre could not back up his claim [...] What explains all the hyperbole? In his Fox News appearance, Mr. LaPierre provided a clue. He said: "I hope everyone joins the NRA as an act of defiance against this UN plan." In other words, the NRA's false claim that the ATT threatens the legal rights of U.S. citizens to possess firearms may really just be a cynical ploy designed to funnel more donations to the already wealthy organization.

### *The "More Guns to Sudan" Argument*

NRA lobbyist Chris Cox makes the Orwellian argument in his July 2 oped that the ATT would undermine the security of civilians in Sudan threatened by the authoritarian regime in Khartoum. Cox writes that the government officials negotiating the ATT "... ought to see how far their gun-confiscation agenda resonates with hundreds of thousands of defenseless Sudanese men, women and children who live in constant fear of being beaten, raped, sold into slavery or murdered."

In reality, the ATT is not a gun confiscation plan, and the ATT has the support of influential Sudanese leaders who have their people's best interests in mind and the experience to understand what works and what doesn't in their country. One such individual is Bishop Elias Taban, the President of the Sudan Evangelical Alliance, who was once forced to become a child soldier in the Sudanese Liberation Movement.

In a July 10 interview with The Christian Post, Taban explained that in Sudan "in most cases even if you have weapons you will not be able to defend yourself." The problem in the Dafur and Nuba mountains region of Sudan is that the population is under assault from the government's overwhelming firepower, which consists of tanks, artillery, armored personnel carriers, machine guns, military aircraft, helicopters, and bombs, all of which is supplied by weapons manufacturers in Belarus, China, and Russia.

Galen Carey, who served for over 25 years as an overseas missionary in Mozambique, Croatia, Kenya, Indonesia and Burundi noted that "As Christians, as humanitarians...we try and make sure that supplies and weapons do not fall into the wrong hands." "When we lived in Burundi,

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we actually were at a Bible study when the town was shelled by rebels who had taken control of some of the hills outside the town, and so there were shells landing all around us. So it is not only just local people, but also missionaries and humanitarian workers and even military who are threatened by this loose control of weapons." Carey says he believes that it is perfectly legitimate for the government to use weapons for self-defense and to keep the peace, but not to wreak violence and harm others.

The purpose of the Arms Trade Treaty is to make it harder for unscrupulous government suppliers and arms brokers to transfer conventional weapons and ammunition across international borders in violation of international arms embargoes and to governments committing human rights abuses and to criminal gangs and terrorists.

### *The Small Arms and Light Weapons Issue*

The one serious issue raised by the NRA, as well as some members of Congress, is whether the ATT negotiators should include small arms and light weapons within the scope of the treaty. The NRA's misplaced fear that the ATT will affect "civilian" firearms has led them to suggest excluding small arms and light weapons from the treaty. Some members of Congress have expressed concerns that by including small arms and light weapons in the treaty, it becomes "too broad" and is therefore unenforceable.

This argument ignores the fact that the U.S. government already controls the export and import of small arms and light weapons and their ammunition. It is in the interest of the United States to ensure that other states are required to follow similar practices.

Today, only 90 countries report having basic regulations on the international transfer of small arms and light weapons. Only 56 countries control arms brokers and only 25 have criminal penalties associated with illicit brokering. That is why the Obama administration – and the vast majority of other states – is on record in support of including small arms and light weapons in the scope of the treaty.

Furthermore, illicit transfers of small arms and light weapons are a big part of the problem that demands action by responsible states. The British government estimates that at least 400,000 people are killed by illegal small arms and light weapons each year.

The only states joining the NRA in opposition to including small arms and light weapons are a few ... who would rather be able to continue to sell and buy conventional weapons without common-sense global standards.

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## *The Bottom Line*

Allegations that an ATT would infringe on the right of U.S. citizens to legally possess firearms amount to irresponsible demagoguery. No one, except maybe illicit arms dealers and human rights abusers, should oppose common-sense international standards for regulating the global arms trade.

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The 1993 U.S.-Russia HEU Purchase Agreement is now 90 percent complete and by the end of 2013 a total of 500 MT of Russian nuclear weapons HEU will be eliminated by being converted into low enriched uranium (LEU), which is intended for peaceful uses.

The agreement requires Russia to convert weapons-origin HEU into LEU. The resulting LEU is delivered to the United States, fabricated into nuclear fuel, and used in nuclear power plants to generate roughly 10 percent of all electricity consumed in the United States each year. Nearly half of all commercial nuclear energy produced in the United States comes from nuclear fuel derived from Russian nuclear weapons.

“Down-blending weapons origin HEU into LEU that is used for commercial energy is a core NNSA nonproliferation mission,” said Anne Harrington, Deputy Administrator for Defense Nuclear Nonproliferation. “Supervising the elimination of Russian origin HEU directly supports the president’s mission to eliminate vulnerable nuclear material around the globe in order to improve international nuclear security.”

NNSA's HEU Transparency Program monitors the Russian HEU-to-LEU conversion process to ensure that all LEU delivered to the United States under the agreement is derived from Russian weapons HEU. The HEU Transparency Program implements extensive access and monitoring rights during 24 annual monitoring visits to four Russian HEU processing facilities.

At these facilities, U.S. experts measure and observe HEU processing firsthand, analyze Russian HEU-to-LEU processing forms, and use U.S. monitoring equipment. This information allows the U.S. to confirm that Russian HEU-to-LEU conversion activities fulfill the agreement’s nonproliferation goals.

Since 1995, the NNSA program has conducted 335 monitoring visits to Russian HEU processing facilities and since 2000, U.S. experts have monitored the elimination of 30 metric tons of Russian HEU each year – the yearly equivalent of about 1,200 nuclear weapons. By the end of 2013, NNSA will have monitored the elimination of HEU roughly equivalent to 20,000 nuclear weapons.



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The Russian Federation also conducts reciprocal monitoring activities at U.S. facilities to confirm the exclusively peaceful use of all LEU delivered under the agreement. The agreement will be fully completed in the 2014-2015 timeframe when all LEU is manufactured into nuclear fuel and all final accounting and transparency documents are provided to the Russian State Atomic Energy Corporation (Rosatom).

The U.S. Enrichment Corporation and Techsnabexport, the executive agents for the agreement, manage the commercial aspects and logistics of the uranium shipments and transfers.

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## **BWC Experts to Meet in Geneva July 16-20**

*United Nations Office at Geneva (UNOG), 13 July 2012; <http://www.unog.ch>*

The 2012 Biological Weapons Convention (BWC) Meeting of Experts will be held at the United Nations Office at Geneva July 16-20, 2012. [This meeting] is the first part of a four-year program mandated by the Seventh Review Conference of the BWC in December 2011, aimed at strengthening the implementation of the Convention and improving its effectiveness as a practical barrier against the development or use of biological weapons.

The program builds on successful previous work programs that ran from 2003 to 2005 and from 2007 to 2010. States Parties and experts used these opportunities to exchange experience, expertise and best practices on how the treaty's international obligations are translated into effective national action.

This year's meeting will discuss, and promote common understandings and effective action on:

- International cooperation and assistance – how States Parties can work together to build relevant capacity.
- Review of developments in the field of science and technology relevant to the BWC – how States Parties keep up with the rapid pace of advances in the life sciences and their implications for the Convention.
- Ways and means to strengthen national implementation of the Convention – how States Parties work domestically to prevent disease being used as a weapon.
- Enhancement of participation in the Confidence Building Measures – how States Parties can better exchange information to increase transparency and build confidence in compliance.

The Meeting of Experts will be chaired by Ambassador Boujemâa Delmi of Algeria. Referring to the comprehensive nature of the meeting, the Chairman said "I am confident that we will be able to convert the decisions of the Seventh Review Conference into a renewed and revitalized intersessional program that makes a genuine contribution to reducing the risks posed to global security by biological weapons".

Broad participation is expected at the meeting. As well as the States Parties to the BWC, key intergovernmental organizations will participate, including the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the World Organization for Animal Health (OIE), INTERPOL, the Organization for the Prohibition of Chemical Weapons (OPCW), and the International Committee of the Red Cross (ICRC).



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Expert international bodies will also be present, such as IAP: The Global Network of Science Academies, and the International Union of Biochemistry and Molecular Biology. The private sector will participate, including the International Federation of Pharmaceutical Manufacturers and Associations and the International Gene Synthesis Consortium. Individual technical experts will be participating as guests of the meeting, including from Aston University, the University of Bradford and the Verification Research, Training and Information Center.

Among other issues, the meeting is expected consider the publication of two controversial scientific papers on the mammalian transmission of highly pathogenic avian influenza (H5N1) virus. The formal work of the meeting will include time set aside to examine developments in science that have potential for uses contrary to the provisions of the Convention. [...]

The results of the Meeting of Experts will be considered by the Meeting of States Parties, to be held in Geneva from December 10-14, 2012. The Meeting of States Parties will review the ideas and proposals presented at the Meeting of Experts and produce a report aimed at promoting effective action to strengthen the operation of the Convention in the areas covered by the topics.

The Biological Weapons Convention, more formally referred to as the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, opened for signature in 1972 and entered into force in 1975. It prohibits the development, production, acquisition, transfer, retention, stockpiling and use of biological and toxin weapons and is a key element – along with the Nuclear Nonproliferation Treaty and the Chemical Weapons Convention – in the international community's efforts to address the proliferation of weapons of mass destruction.

The Biological Weapons Convention is the first multilateral disarmament treaty banning an entire category of weapons. It currently has 165 States parties, with a further 12 having signed but not yet ratified.

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## Rwanda: House Passes Bill on Chemical Weapons

AllAfrica.com, 08 July 2012; <http://www.allafrica.com>

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The House's endorsement came after lawmakers approved a report presented by the deputy chairperson of the standing committee on foreign affairs, cooperation and security, Hon. Julienne Uwacu. The committee started scrutinizing the bill early this year. While presenting her report, Uwacu said: "The adjustments made by the Senate were largely on the wording of the bill we had previously approved. And we accepted all their amendments". [...]

The bill is similar to a model by the Organization for the Prohibition of Chemical Weapons (OPCW), an intergovernmental organization, based in The Netherlands which promotes and verifies the adherence to the Chemical Weapons Convention to prohibit the use of chemical weapons and requires their destruction.

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## Legally Incapacitated, Politically Outmaneuvered [OPINION]

*Bulletin of the Atomic Scientists*, 07 July 2012; <http://www.thebulletin.org>

When survivors of the 2002 theater siege in Moscow – in which Russian police used a gas widely believed to be a fentanyl derivative to flush out terrorists – brought claims before the European Court of Human Rights, the ruling came down with mixed results. On one hand, the court prescribed greater prerequisites for law enforcement's use of incapacitating chemical agents; on the other hand, the ruling can be interpreted as legitimizing their use and making police employment of incapacitants acceptable.

Meanwhile, with myopic rules governing the use of incapacitating agents, thanks to the foot-dragging of states party to the Chemical Weapons Convention, these toxic chemicals are perilously close to becoming just another tool in law enforcement's arsenal. States Parties to the Chemical Weapons Convention (CWC) have procrastinated in clarifying the law enforcement provision outlined in the convention for a decade. And now they may be outmaneuvered by NATO's Standardization Agency, which has just published its own definition of incapacitating chemical agents – giving law enforcement broad scope to employ them.

The CWC, however, includes a general prohibition of the development, production, storage, and use of toxic chemicals as weapons. Unfortunately, there exist a few exemptions – some say "loopholes" – to this general rule, one of which relates to the use of toxic chemicals for law enforcement, including riot control.

While not as widely discussed as other chemical weapons disarmament and nonproliferation topics, the past few years have seen growing concerns over an increasing interest in incapacitating chemicals and the CWC's law enforcement exemption, which is interpreted by some to give law enforcement access to chemicals banned for military use. Academic journals have featured articles on the matter and the International Committee of the Red Cross held international expert workshops in 2010. The Spiez Laboratory (the Swiss national institute for nuclear, biological, and chemical protection) did the same in 2011, and this April, the Red Cross held another expert meeting, examining bodies of law outside the CWC that apply to incapacitating chemicals.

So what exactly does the CWC say about the use of chemical agents for law enforcement? According to the convention, "law enforcement including domestic riot control" is one of four "Purposes Not Prohibited Under this Convention." Regrettably, the CWC does not contain a definition of "law enforcement," nor does it specify the activities in which incapacitants could be used. This uncertainty has led to competing legal interpretations of the CWC put forward by diplomats and legal scholars.

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At one end of the spectrum are the strict interpretations, like that of former Chairman of the Ad Hoc Committee on Chemical Weapons Ambassador Adolf von Wagner, who argues that "law enforcement" under the CWC is limited to riot control and capital punishment. By this reading, "law" means the limits of what is to be enforced, whereas "riot control" refers to the tools that can be used within the legal limits of law enforcement. And referring to capital punishment, von Wagner argues that the special case of judicially sanctioned chemical executions in the United States must not be exploited for broader interpretations of "law enforcement" that go beyond riot control agents – which the CWC does define.

Such a narrow interpretation of the law enforcement exemption is rejected by Indiana University Law Professor David Fidler, who argues that critics of a broad interpretation can't have it both ways: that is, conceding that toxic chemicals can be used for capital punishment but must be restricted to riot control in all other instances. Fidler advocates an expansive interpretation, one that allows for toxic chemicals beyond riot control agents to be used under the law enforcement exemption. Additionally, Fidler claims that, even though a listed toxic chemical cannot be a riot control agent, given the variances in the CWC's Verification Annex, some toxic chemicals are in fact permissible for law enforcement purposes.

The problem with this interpretation is that it allows for the development, acquisition, and use for law enforcement of some of the very same listed chemical warfare agents that are prohibited for military use. It is difficult to see how this would be compatible with the overall objective of the CWC "to exclude completely the possibility of the use of chemical weapons."

Because of this ambiguity, the recent International Committee of the Red Cross expert meeting turned to other bodies of law relevant to the use of incapacitants, such as international human rights law. The 1948 Universal Declaration of Human Rights protects the right to life in Article 3 and prohibits torture or cruel, inhuman, or degrading treatment in Article 5. Moreover, a recent UK Royal Society report highlighted so-called "biochemical incapacitants" as de facto lethal.

As Red Cross meeting participants confirmed, the use of biochemical incapacitants under field conditions always carries the risk of fatalities. In addition, many of the long-term health effects of such toxic chemicals are unknown and might therefore constitute degrading treatment under human rights law. In short, law enforcement's employment of toxic chemicals is simply not non-lethal. This was never clearer than during the Moscow theater crisis when the use of an incapacitating chemical agent put a stop to the situation – only to end up killing 125 hostages.

Another body of law that limits what states can or cannot do with certain toxic chemicals is covered in three international drug-control treaties: the 1961 Single Convention on Narcotic

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Drugs, as amended by the 1972 Protocol; the 1971 Convention on Psychotropic Substances; and the 1988 UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which also includes precursor chemicals. These treaties authorize only scientific and medical uses of controlled substances. Implementation is overseen by the International Narcotics Control Board in Vienna and is supported by an international secretariat. Special stocks for police and military uses are permitted under the treaties; but the control board's 2003 report (paragraph 216) specifically clarifies that the limitation of internationally controlled substances to scientific and medical use extends to police and military forces as well. Among the controlled substances are fentanyl and its derivatives, one of which is likely to have been used in Moscow in 2002.

Broadening debate about the conflicting bodies of law and disparate views that govern law enforcement's use of incapacitating chemical agents may be necessary. But it is worth keeping in mind that the Chemical Weapons Convention is the primary instrument of international law "to exclude completely the possibility of the use of chemical weapons." If the law enforcement exemption is interpreted by CWC States Parties in a narrow sense – i.e., only permitting the use of riot control agents – then much of the debate about other bodies of law becomes superfluous. In order to achieve real consensus, the Organisation for the Prohibition of Chemical Weapons' Scientific Advisory Board should address the issue scientifically and technologically.

Given recent assessments as to the unfeasibility of non-lethal incapacitating chemicals, and barring a major technological breakthrough, it would be surprising if the board came to the conclusion that non-lethal incapacitants are viable. On the basis of this scientific and technological clarification, the Third CWC Review Conference would then be in a position to initiate a process aimed at achieving a common understanding of the meaning of the exemption and the development, production, and use of incapacitating chemicals for law enforcement. It has been nine years since a few CWC States Parties and the International Committee of the Red Cross unsuccessfully sought to address this issue at the First CWC Review Conference in 2003.

With all the academic and policy work that has been devoted to the topic since then, the time is now ripe for incapacitating chemicals to move onto the Organisation for the Prohibition of Chemical Weapons' official agenda. Clarifying the law enforcement exemption in the CWC is currently especially urgent, as the definition of incapacitating chemical agents in a recent NATO Standardization Agreement flatly states: "Incapacitating agents are not, by their legal definition, considered to be chemical agents when used for law enforcement purposes, such as riot control."

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This anything-goes approach, if adopted by NATO member states, would preempt a meaningful discussion among CWC States Parties. As a result, the CWC's decade-long procrastination over the meaning of the law enforcement exemption would lead to CWC states being politically outmaneuvered by a military alliance – all of whose members are also CWC States Parties. This would hardly qualify as effective, science-based multilateralism.

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## Mustard Agent Found at Delaware Clam-Processing Plant

*BioPrepWatch*, 05 July 2012; <http://www.bioprepwatch.com>

Mustard agent was recently discovered leaking from munitions on a conveyor belt at a clam-processing plant in Milford, Delaware.

Officials from Dover Air Force Base's Explosive Ordnance Disposal team and the U.S. Army 20th Support Command identified the chemical weapon at the Sea Watch International processing plant and said it posed no immediate threat outside the area where it was located, according to [www.WGMD.com](http://www.WGMD.com).

The 20<sup>th</sup> Support Command took possession of the Mark II 75mm mustard round and transported it to Dover AFB where it can be properly disposed of. An Army tech team from Aberdeen Proving Ground aided in the substance's identification.

Sea Watch staff acknowledged that older military ordinance is occasionally found in batches of clams the plant receives. The building was evacuated immediately when the round was discovered and four people were taken to the hospital as a precaution. They have since been released.

Ryan Knowles, a spokesman for Carlisle Fire Company of Milford, said the Army is known to have dumped surplus ordinance into the Atlantic Ocean. "It looks like it might be an ordinance from the World War I or World War II era," Knowles said, [MilfordBeacon.com](http://MilfordBeacon.com) reports.

Mustard agent is a chemical weapon that can cause extreme itching, skin irritation and chemical burns.

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## 4th International Meeting on Next Generation Nuclear Safeguards

National Nuclear Security Administration, 12 July 2012; <http://nnsa.energy.gov>

The U.S. Department of Energy's National Nuclear Security Administration (NNSA), together with the Vietnam Agency for Radiation and Nuclear Safety, announced today the successful completion of the Fourth International Meeting on Next Generation Safeguards.

Organized by NNSA's Next Generation Safeguards Initiative (NGSI), the meeting brought together more than 80 experts from 27 countries, two regional inspectorates, and the International Atomic Energy Agency (IAEA) to discuss practical steps related to the implementation of international safeguards. International safeguards, a key component of the Nuclear Nonproliferation Treaty (NPT), are a set of technical measures administered by the IAEA that provide credible assurance to the international community that nuclear material is not being diverted from peaceful purposes.

In 2008, NNSA launched NGSI to develop the safeguards policies, concepts and approaches, technologies, expertise and infrastructure necessary to strengthen and sustain the international safeguards system as it evolves to meet new challenges over the coming decades.

"The wide participation and commitment demonstrated by the international community to the importance of a strong international safeguards system demonstrates a shared interest in upholding the NPT and global nuclear security," said Deputy Administrator for Defense Nuclear Nonproliferation Anne Harrington. "NNSA will continue to explore new opportunities and partnerships in this area, which is central to the success of the international nonproliferation regime as well as implementing the President's nuclear security agenda."

This meeting provided a unique opportunity to promote a common understanding among international stakeholders of the challenges, opportunities, and best practices for establishing and maintaining effective Safeguards Regulatory Authorities, which are the national entities responsible for collecting and reporting information about a country's nuclear program to the IAEA. Previous annual meetings focused on such topics as advancing and institutionalizing Safeguards by Design so that international safeguards measures are more fully integrated into new nuclear facilities, along with safety and security measures from the outset of the design process.



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## Washington P5 Conference on Implementing the NPT

U.S. Department of State, 09 July 2012, <http://www.state.gov>

On June 27-29, the State Department welcomed the other members of the P5 – China, France, Russia, and the United Kingdom – to discuss the implementation of the Nuclear Nonproliferation Treaty (NPT). Senior policy and defense officials and technical staff from these four countries and the United States continued the dialogue that the permanent members of the UN Security Council – the P5 – are having to advance their nuclear nonproliferation and disarmament commitments under the 2010 NPT Review Conference's Action Plan.

The Action Plan reflects the understanding that efforts to strengthen the Nuclear Nonproliferation Treaty must be balanced among the three pillars of the NPT: countries with nuclear weapons will move toward nuclear disarmament, countries without nuclear weapons will not acquire them, and all members in compliance with their nonproliferation obligations can have access to peaceful nuclear energy. All NPT Parties, nuclear-weapon and non-nuclear-weapon states alike, have rights and responsibilities under the treaty.

Under the Obama Administration, the United States has worked with our P5 partners to advance a regular dialogue on nuclear disarmament and nonproliferation, confidence-building measures, and verification and monitoring. The Washington meeting was the third conference held by the P5 and follows similar meetings in London in 2009 and in Paris in 2011.

The unique dynamic that is being developed among the five nuclear-weapon states under the NPT is important for establishing a firm foundation to build a broader multilateral approach. It complements the long-standing U.S.-Russia nuclear disarmament interaction and may one day pave the way for further disarmament efforts.

At the Washington Conference, the P5 reaffirmed their unconditional support for the NPT and the NPT Review Conference's Action Plan, reaffirmed the commitments to promote and ensure the swift entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) and its universalization, discouraged abuse of the NPT withdrawal provision (Article X), stressed the need to strengthen International Atomic Energy Agency (IAEA) safeguards and promote universalization of the Additional Protocol, and worked to pursue their shared goal of nuclear disarmament under Article VI of the NPT.

The P5 continued their discussion of how to report on their relevant activities, and considered proposals for a standard reporting form. The P5 also discussed ways to kick start negotiations on a verified treaty banning the production of fissile material for use in nuclear weapons that has stalled in the Conference on Disarmament.

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China will lead a P5 working group to develop a glossary of definitions for key nuclear terms, which will increase P5 mutual understanding and facilitate further P5 discussions on nuclear matters. Developing more mutual cooperation of this kind is a positive step that can lead to deeper engagement on nuclear weapons issues and greater mutual confidence.

The United States has an excellent record in transparency across-the-board – publicly declaring our nuclear stockpile numbers; participating in voluntary and treaty-based inspections measures; working with other nations on military-to-military, scientific, and lab exchanges, sponsoring site visits; and frequently briefing others on our nuclear programs and disarmament efforts.

In this spirit, the United States briefed participants at the P5 conference on U.S. activities at the Nevada National Security Site to encourage discussion on additional approaches to transparency. And in a tour of the U.S. Nuclear Risk Reduction Center, which is located at the State Department, P5 representatives observed how the United States maintains a communications center capable of simultaneously implementing notification regimes under a number of arms control treaties and agreements.

As a further measure of U.S. leadership on transparency the Department of Energy's National Nuclear Security Administration (NNSA) announced at the conference that it had released an updated report, titled The United States Plutonium Balance, which details the U.S. plutonium inventory through September 2009.

This year's conference was a success, as were its predecessors. China, France, Russia, the United Kingdom, and the United States agreed to continue to meet at all appropriate levels on nuclear issues to further promote dialogue, predictability, and mutual confidence. We plan to hold a fourth P5 conference in the context of the next NPT Preparatory Committee in 2013.

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## Four Nuclear Weapon States Postpone Signing Weapons-Free Zone Protocol

Xinhua News, 08 July 2012; <http://news.xinhua.net>

Four out of the five recognized nuclear weapon states (P5) will not be ready to sign on the protocol to the treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) during the ASEAN Foreign Ministers' meeting next week, a Cambodian senior official said Sunday.

The four countries are France, Russia, the United Kingdom and the United States, Kao Kim Hourn, secretary of state at Cambodia's foreign ministry, said in a press briefing after the meeting of the SEANWFZ Commission, which was attended by ASEAN foreign ministers and chaired by Cambodian foreign minister Hor Namhong.

"They (the four countries) have introduced the text of reservation and position reservation to the SEANWFZ commission very late; therefore, the commission has not had more time to review them, and the commission decided that the signing will be postponed so that we will have more time to review the text of reservation and position of reservation," said Kao Kim Hourn. "We do hope that the signing by the four countries can take part during the 21<sup>st</sup> ASEAN Summit in November this year."

The postponement was made just a week after Cambodia's foreign ministry announced on June 29 that the P5 would sign the protocol during ASEAN Foreign Ministers' meeting here on July 12.

China, one of the P5, will sign a Memorandum of Understanding [MOU] with ASEAN on the protocol and treaty to the SEANWFZ on July 10 as scheduled, according to a press release on Sunday. The MOU will clarify the understanding among the States Parties and China on the application of the treaty and the protocol, it said.

ASEAN leaders signed the SEANWFZ Treaty in Bangkok, Thailand on December 15, 1995 and it took effect two years later. The negotiations between the ASEAN and the P5 on the protocol have been ongoing since May 2001.

The ASEAN groups Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.



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## Yars Ballistic Missile Enters Service

*Global Security Newswire*, 06 July 2012; <http://www.nti.org/gsn>

Russia has completed a delivery of Yars long-range ballistic missile launchers to the Teikovo missile formation, enabling the Ivanovo region group to fully transition to the system in the middle of this year, Interfax reported on Thursday.

"The launchers will be used by a rocket battalion, whose placement on combat duty in August will complete the division's rearming with Yars missile systems," Russian strategic missile forces spokesman Capt. Sergei Shorin said to the news agency.

Other supplies to the Teikovo formation include a transportable control station as well as automobiles for technical, coordination and armed conflict support. "Organizational and technical operations are under way with regard to the delivered armaments and hardware," Shorin stated.

The spokesman said the Teikovo formation would become the initial Russian strategic missile forces unit to be completely equipped with Topol-M and Yars strategic missile systems. The Yars system is built to fire RS-24 ICBMs.

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