



BI-WEEKLY TREATY REVIEW



11 August 2009 – 24 August 2009

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BIOLOGICAL WEAPONS CONVENTION (BWC)

Biological Weapons Convention Experts to Meet in Geneva from August 24-28

United Nations, 20 August 2009, <http://www.unog.ch/>

The 2009 Meeting of Experts from States Parties to the Biological Weapons Convention (BWC) will be held in Geneva from August 24-28, 2009. (635 words) [Click here for full text.](#)

Biodefense Research Could Violate Weapons Conventions, Report Warns

Global Security Newswire, 20 August 2009; www.globalsecuritynewswire.org

Member states to the Biological Weapons Convention [BWC] must be careful not to violate their commitments to the pact as they conduct research activities and seek to defend themselves against bioterrorism, according to a think tank report issued this week. (1,254 words)

[Click here for full text.](#)

CHEMICAL WEAPONS CONVENTION (CWC)

Army Corps Finds World War I Chemical, Halts Dig

Associated Press, 12 August 2009, <http://news.google.com/>

The U.S. Army Corps of Engineers is halting its search for World War I-era chemical weapons in a Washington, D.C., neighborhood after workers found an open glass flask containing traces of the chemical agent mustard. (129 words) [Click here for full text.](#)

Russia to Meet Chemical Weapons Convention Deadlines, Says Official

BBC Worldwide Monitoring, 13 August 2009, accessed via Lexis Nexis

Russia will finish disposing of its chemical weapons stockpiles before 2012, according to Gen Nikolay Abroskin, director of the Russian Federal Special Purpose Construction Agency (Spetsstroy). (142 words) [Click here for full text.](#)

Chemical Soldiers Visit Anniston Activity, Incinerator

U.S. Army, 17 August 2009, <http://www.army.mil/>

Traveling from Fort Campbell, Kentucky, the 101st Airborne Division (Air Assault) Soldiers visited the Anniston Chemical Activity (ANCA) to see chemical agent-filled munitions. (738 words) [Click here for full text.](#)



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CHEMICAL WEAPONS CONVENTION (CWC) (CONT.)

Army Wins Court Approval to Burn Chemical Weapons

Bloomberg, 19 August 2009, <http://www.cwwg.org/>

The U.S. Army's plan to incinerate World War II-era chemical weapons at sites in Alabama, Arkansas, Utah and Oregon can continue, a federal judge ruled. (412 words)

[Click here for full text.](#)

Pueblo Gets Destruction Preview

The Pueblo Chieftain, 21 August 2009, <http://www.chieftain.com/>

Members of the local group monitoring the destruction of chemical weapons here got a detailed description Wednesday evening [August 19] of the work that's already being done to test the kind of machinery that will be used in Pueblo in a few years. (553 words) [Click here for full text.](#)

Clock Ticks Down on a Deadly Chemical Stockpile

Los Angeles Times, 23 August 2009, <http://www.latimes.com/>

Behind armed guards in bulletproof booths deep in the Kentucky woods, workers have begun pouring the foundations for a \$3-billion complex designed to destroy America's last stockpile of deadly chemical weapons. (1,320 words) [Click here for full text.](#)

COMPREHENSIVE NUCLEAR TEST-BAN TREATY (CTBT)

Liberia Ratified the Comprehensive Nuclear Test-Ban Treaty

CTBTO, 19 August 2009, <http://www.ctbto.org/>

On August 17, 2009, Liberia ratified the Comprehensive Nuclear Test-Ban Treaty (CTBT).

(456 words) [Click here for full text.](#)

FISSILE MATERIAL CUTOFF TREATY (FMCT)

Conference on Disarmament Continues Search for Consensus on Modalities to Implement Its Agreed Program of Work

United Nations, 20 August 2009, <http://www.unog.ch/>

This morning [August 20] the Conference on Disarmament heard statements on achieving consensus on a procedural decision on the implementation of a program of work for 2009.

(535 words) [Click here for full text.](#)



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INTEGRATED SAFEGUARDS

IAEA Tracks Illicit Possession of Nuclear Materials

Global Security Newswire, 17 August 2009; <http://www.globalsecuritynewswire.org>

The International Atomic Energy Agency [IAEA] last year received reports of 15 cases of illicit nuclear material possession or related incidents and 16 cases involving the theft or loss of sensitive substances. (692 words) [Click here for full text.](#)

Iran Apparently Confirms IAEA Access to Arak Reactor

Global Security Newswire, 24 August 2009; <http://www.globalsecuritynewswire.org>

Iran today [August 24] insisted it was fulfilling its obligations to the International Atomic Energy Agency, seemingly verifying reports that agency inspectors had been allowed to visit its unfinished Arak heavy-water reactor earlier this month, Reuters reported. (530 words) [Click here for full text.](#)

NUCLEAR NON-PROLIFERATION TREATY (NPT)

Make Breaking, Leaving Nuke Treaty Harder: United States

Reuters, 12 August 2009, <http://www.washingtonpost.com/>

States that break or leave the treaty preventing the spread of nuclear weapons should face tougher sanctions than at present, the top U.S. nonproliferation official said on Wednesday [August 12]. (563 words) [Click here for full text.](#)

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Biological Weapons Convention Experts to Meet in Geneva from August 24-28

United Nations, 20 August 2009, <http://www.unog.ch/>

The 2009 Meeting of Experts from States Parties to the Biological Weapons Convention (BWC) will be held in Geneva from August 24-28, 2009. This year's Meeting of Experts is the third of a four-year program mandated by the 2006 Sixth Review Conference of the BWC, 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 BWC prohibits the development, production and stockpiling of biological and toxin weapons.

This year the Meeting of Experts will discuss, and promote common understanding and effective action on:

"With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases:

- (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and
- (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields."

The Meeting of Experts will be chaired by Ambassador Marius Grinius of Canada. Referring to the topic for the meeting, the Chairman said that "it reaches to the heart of one of the fundamental aims of the BWC: ensuring that the peaceful applications of biological science and technology can safely and securely reach their full potential, and that developments in these fields are used only for the benefit of humanity. Building capacity in disease surveillance, detection, diagnosis and containment is in the interests of all: it strengthens the Convention both by enhancing international cooperation, assistance and exchange for peaceful purposes, and by improving capabilities for preventing and responding to illicit uses of biological agents and toxins".

The Chairman welcomed the broad participation expected at the meeting, which will include government scientists and public health experts, as well as experts from international organizations such as the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the World Organization for Animal Health (OIE), and the International Committee of the Red Cross (ICRC); regional disease surveillance organizations; NGOs; and private sector companies. Noting that global concern over the H1N1



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influenza pandemic had highlighted the need for boosting disease surveillance and response capacity worldwide, the Chairman said that "these experts' contributions will be crucial to help us review our existing disease surveillance, detection, diagnosis, and containment capacities; and identify the resources that might be used to help others build their capacity."

Following the success of the Poster Session in 2008, the 2009 Meeting of Experts will again feature this event, to be held on Thursday August 27 at 16:00. The poster session represents an opportunity for experts to meet their counterparts and maximize the chance offered for networking; it will enhance the technical information available to delegations by allowing experts to present a poster on the details of their work. The Chairman said that "this poster session, like the one last year, will encourage dynamic and direct exchange among participants, and will lead to new opportunities for cooperation and partnership".

The results of the Meeting of Experts will be considered by the Meeting of States Parties, to be held in Geneva from December 7-11, 2009. 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 topic.

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 currently has 163 States Parties, with a further 13 States having signed but not yet ratified.

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Member states to the Biological Weapons Convention [BWC] must be careful not to violate their commitments to the pact as they conduct research activities and seek to defend themselves against bioterrorism, according to a think tank report issued this week. "There is growing recognition that States Parties engaged in biodefense research and development activities must take active steps to ensure their own compliance with the convention and to effectively reassure others of their compliance," according to the document released Monday by the Center for Arms Control and Nonproliferation. ...

The report is the result of a February 25, 2008, conference aimed at facilitating information sharing and discussion among a small group of governmental and nongovernmental experts about the processes used by various agencies to ensure compliance with the treaty.

Participants examined and summarized in great detail the compliance mechanisms of Australia, Canada, Germany, the United Kingdom, and the United States.

Annual U.S. funding for research and development of medicines and other countermeasures to biological agents has increased from roughly \$580 million in fiscal 2001 to more than \$3 billion by fiscal 2007, according to the center. Since the September 11 terrorist attacks the government has spent or allocated nearly \$50 billion among 11 federal departments and agencies to address the threat of biological weapons

The significant growth of biodefense research and development programs over the last decade, coupled with failure by member states to establish a verification protocol to ensure compliance with the treaty, has placed "new pressure" on the prohibitions contained in the compact, according to the report. It does not specify what activities have put pressure on the treaty. Some experts have said that almost any activity conducted with "defensive intent" would be allowed by the convention. However, others argue that the issue is more complex and that some ostensibly protective research could lead to development and proliferation of biological weapons, the study says.

"When one is doing bioresearch and biodefense, one has to be careful to not overstep the treaty itself," independent analyst Gerald Epstein, who participated in the 2008 meeting as a senior fellow for the Center for Strategic and International Studies, said yesterday in a telephone interview. He cited the U.S biodefense effort *Project Bacchus*—an investigation by the Defense Threat Reduction Agency to determine whether it was possible to build a bioweapons production facility using readily available equipment—as an instance where questions were raised if the treaty had been violated.

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The type of biodefense activity that is most likely to raise questions regarding treaty compliance is "threat assessment," the process of determining what type of biological attacks are most likely to occur, he told *Global Security Newswire*. A dangerous biological agent could inadvertently be developed during such research, Epstein said.

"If one had perfect intelligence and a perfect ability to predict the future, one could base threat assessment on intelligence, and no scientific research or technical activity would be needed to assess or characterize biological threats," he wrote yesterday following the interview. "In the real world, where intelligence is imperfect and the ability to make predictions quite limited ... one has to make assumptions about what the threat might entail." Epstein added it is difficult to determine what kind of research could cause a violation because "the treaty is not at all specific about what's prohibited."

Last year's conference focused in part on whether compliance processes can be designed to gain legitimacy and assure outside observers, including other nations, that biological research and defense operations are not being turned to weapons production. Epstein described a compliance process as a system under which technical activities are evaluated to determine where they meet international obligations. Participants noted that enhancing the confidence of outside observers can be a "formidable challenge" but compliance review processes could support that process, according to the report.

The document does not specify what a universal compliance review would entail. Some participants said the value of such a procedure would be increased by national laws criminalizing behavior banned by the convention, though not every nation could be expected to sign on for such measures. "Even if one doesn't have much faith in the process of a given country, outside observers would nonetheless gain more insight into that country's activities if it had a compliance review process in place than if it did not," the document says.

Epstein said the compliance process could be broadened if governments provide assessments of biological research or defense operations by separate agencies that do not have a stake in a given project. It also could be augmented by including nongovernment inspectors or international partners.

While greater transparency is important, the definition differs from country to country. Participants in the 2008 workshop decided that more transparent governments would need to lead by example even though their efforts would be complicated by the fact that there will never be complete transparency of all biodefense activities, the study states. Epstein said absolute transparency is impossible as countries do not want to disclose what secret projects they might

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be working on or possibly highlight their own weaknesses. Epstein, who served in the White House Science and Technology Policy Office during the Clinton administration ... [said] "When you're doing biodefense you cannot ever share everything you're doing." The new report does not specify which governments are considered more transparent. Epstein said the United States is "by far the most transparent on defense issues" as the Defense Department publishes its budget every year.

The experts meeting also addressed development of oversight and review procedures that could ensure a country's biodefense activities remain compliant with the rules of the convention. The group laid out three "treaty interpretation principles."

The first states that "compliance assessments should proceed from the presumption that biodefense activities must be shown to be justified under the terms of the BWC, rather than from the presumption that biodefense activities must be considered compliant unless shown to violate the terms of the treaty," according to the report. This principle neither requires nor precludes formal review and justification of every individual biodefense activity, the report states. That interpretation "goes to the heart" of determining compliance, Epstein told GSN. "That's not something you can go to the treaty to find out; it's how you approach the treaty."

The second principle states that biodefense research activity should be shown to be both "useful and critical" for a "prophylactic, protective or other peaceful purpose," the document says. It defines a useful activity as one that aims to increase the ability of a country to protect itself against biological weapons, while a critical activity is one that would significantly increase that ability. Epstein said he believes that principle can be met by a country demonstrating how it would be better protected through biological research.

In the third principle—on which the report notes there was "significant disagreement" among the meeting's 15 participants—the group asserted that there should be an independent review and assessment of biodefense research and development activities for compliance with the convention.

Some participants felt formal interagency compliance reviews within government are not "necessary or feasible" because technical reviews by the agency conducting the sensitive activities already generate transparency. In addition, an interagency review would add unacceptable delays and complexity and would be too resource intensive for the external agency or agencies conducting the review, they argued. Others suggested interagency review should not be done as a matter of course, but that there should be a formal procedure for reviewing projects that closely approach the line between compliance and noncompliance.

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Army Corps Finds World War I Chemical, Halts Dig

Associated Press, 12 August 2009, <http://news.google.com/>

The U.S. Army Corps of Engineers is halting its search for World War I-era chemical weapons in a Washington, D.C., neighborhood after workers found an open glass flask containing traces of the chemical agent mustard.

The discovery was made last week at a vacant home behind American University, where chemical weapons were developed and tested during World War I.

Army Corps project manager Dan Noble says the mustard agent was uncovered two feet below ground but the Corps is confident there was no public exposure. Eight workers underwent precautionary tests but didn't show symptoms.

During World War I, mustard gas was used to cause blisters, temporary blindness, breathing problems and vomiting and could be fatal in high doses.

Noble says safety procedures will be reviewed before the excavation continues.

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Russia to Meet Chemical Weapons Convention Deadlines, Says Official

BBC Worldwide Monitoring, 13 August 2009, accessed via Lexis Nexis

Russia will finish disposing of its chemical weapons stockpiles before 2012, Gen Nikolay Abroskin, director of the Russian Federal Special Purpose Construction Agency (Spetsstroy), told journalists on Friday [August 7].

"We will meet all deadlines. There will be no delays in the implementation of the international convention. Today, the state authorities regard the Federal Program '*Destruction of Chemical Weapons Stockpiles in the Russian Federation*' as one of the most successful programs in the country," Abroskin said.

According to official reports, of the 40,000 tonnes of Russia's chemical arms, about 15,000 tonnes have already been disposed of.

The country's complex financial and economic situation could hamper the timely implementation of the federal chemical arms disposal program, putting Russia's international commitments in this area in danger, Valeriy Kapashin, head of the Russian Federal Agency for Chemical Arms Safe Storage and Disposal, told journalists earlier.

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Chemical Soldiers Visit Anniston Activity, Incinerator

U.S. Army, 17 August 2009, <http://www.army.mil/>

Eleven U.S. Army Chemical Corps Soldiers made a summer trip—not to a beautiful beach for R&R—but to see something the military has that they—the Soldiers—had never laid eyes on before. Traveling from Fort Campbell, Kentucky, the 101st Airborne Division (Air Assault) Soldiers visited here to see chemical agent-filled munitions. The weapons they saw were 4.2-inch mortars filled with mustard, a blistering agent.

The mission of safely storing chemical munitions here is the responsibility of the Anniston Chemical Activity (ANCA). The munitions are being safely demilitarized at the Anniston Chemical Agent Disposal Facility (ANCDF) by employees of the site systems contractor, Westinghouse Anniston, a division of URS Corporation.

The Dragon Soldiers, a term given those who have graduated from the U.S. Army Chemical, Biological, Radiological, Nuclear (CBRN) School at Fort Leonard Wood, Missouri, have trained with small amounts of chemical agents in very controlled scenarios. In contrast, hundreds of thousands of chemical munitions are stored here containing approximately 980 tons of mustard agent.

1stLt. Matthew S. Hacker is the battalion chemical officer of the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team. He led the Dragon Soldiers on their mission to Anniston. "We heard about these facilities in (training) at Fort Leonard Wood. We didn't know much, just there was a stockpile and they were being destroyed," he said. ...

Storing chemical munitions presents a certain level of risk to the Army's civilian work force and to the surrounding communities. Legislation, as well as an international treaty, mandate all of the munitions be safely demilitarized. Provisions of the treaty, known as the Chemical Weapons Convention [CWC], are managed by the Organization for the Prohibition of Chemical Weapons (OPCW). The OPCW headquarters is located at The Hague, Kingdom of the Netherlands. Internationally, 188 countries have ratified the treaty.

Chemical munitions have been stored at the northeast Alabama Depot since 1963. Anniston disposal operations began in August 2003. Since then, more than 56 percent of the local stockpile (more than 372,400 munitions) has been safely processed.

Hacker, a prior service Soldier, explained, "All except two of the 11 Soldiers that visited Anniston entered the Army after the [CWC] came into effect, so most of us never considered how different our jobs might be with the addition of CBRN offensive operations." "Seeing live



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chemical munitions is a chance that most Chemical Corps Soldiers will never have the opportunity to witness, especially in that amount [Hacker said]. I also understand that the munitions we saw represented only a small amount of the munitions at Anniston." ...

When asked about Chemical Corps training, Hacker said, "In general, Army Chemical Corps Soldiers are trained to protect the force and allow the Army to continue to fight in an environment in which the threat of weapons of mass destruction is ever-increasing. I think the job of the Chemical Corps Soldiers is unique in that we all are trained to protect the force." ... Hacker went on to explain that while Dragon Soldiers are trained and prepared for the worst, they do hope and pray the force is never attacked with weapons of mass destruction.

The Soldiers' trip to Anniston was short. But was it worthwhile? To that question, Hacker replied, "The Anniston trip was a great addition to our training. At the battalion level, we train on protecting the troops against the CBRN threat as well as operations in a CBRN environment. We were able to take away information that will help us in our operations. For example, at the protective equipment facility, we were able to take away information on how to better maintain our individual protective equipment."

Hacker was referring to ANCA's Toxic Test Equipment Branch in Building 87. ANCA's assigned personnel there are responsible for the maintenance, cleaning, and issuing of M40 protective masks, suits, and other equipment used when employees train or are required to enter storage igloos that may contain leaking mustard munitions. Leaking munitions are not a common occurrence. However, ANCA employees and other Anniston Army Depot employees with first responder responsibilities have to have expertly maintained equipment to use in case of an emergency.

The Dragon Soldiers also toured the chemical munitions disposal facility. ... "There are so many factors that go into these operations, from storage to disposal [Hacker said]. I was impressed with the disposal facility in particular. There are so many safeguards and precautions to ensure the workers' and surrounding area's safety." ...

[For full text of article, please visit:

<http://www.army.mil/-news/2009/08/14/26063-chemical-soldiers-visit-anniston-activity-incinerator/>]

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Army Wins Court Approval to Burn Chemical Weapons

Bloomberg, 19 August 2009, <http://www.cwwg.org/>

The U.S. Army's plan to incinerate World War II-era chemical weapons at sites in Alabama, Arkansas, Utah and Oregon can continue, a federal judge ruled. U.S. District Judge Richard K. Eaton in Washington rejected a challenge brought by 20 citizen and environmental groups, including the Sierra Club and Vietnam Veterans of America Foundation, that claimed plans to incinerate weapons containing chemicals such as sarin and the blister agent mustard would harm the environment and endanger public safety.

The groups wanted the Army to conduct additional tests to see if there were other ways to eliminate the weapons, such as using substances to neutralize the chemicals and make them non-lethal. The Army said that process was good only for stored chemical agents, not the munitions containing them. The groups "have failed to demonstrate that alternatives to incineration are readily available and capable of destroying the quantity and type of chemical warfare agents and munitions at the challenged sites," Eaton said.

Congress ordered the Army to destroy the nation's stockpile of chemical warfare agents to comply with a 1993 international treaty. The weapons are stored at eight sites in the United States, including the four that were the subject of the 2003 lawsuit. The Army said it conducted environmental and safety tests of the effects of incineration. The citizens' groups said those tests are outdated and don't reflect new technology or the Army's plans to use the neutralization method at sites in Kentucky and Colorado.

Arguments that the process can't be used on munitions is a "red herring," said Craig Williams, director of the Chemical Weapons Working Group, a coalition of residents in the United States, Russia and the South Pacific who live near chemical weapons sites. "It's really a bogus argument to say that just because we have never done it with XYZ weapon, it can't be done," Williams said.

The military has incinerated weapons with VX, or sarin gas, and GB, a related compound, he said. Incineration of weapons with mustard could be completed within four years, Williams said. Sarin is the more lethal of the compounds, but "mustard is the most difficult to burn" and has more toxic emissions, Williams said.

He said the groups are reviewing today's decision and considering an appeal. Andrew Ames, a spokesman for the Justice Department, said the government was pleased with the decision. The case is Chemical Weapons Working Group v. U.S. Department of Defense, 03cv645, U.S. District Court for the District of Columbia (Washington).

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The Pueblo Chieftain, 21 August 2009, <http://www.chieftain.com/>

Members of the local group monitoring the destruction of chemical weapons here got a detailed description Wednesday evening [August 19] of the work that's already being done to test the kind of machinery that will be used in Pueblo in a few years.

With slides and videos, Paul Dent, equipment manager for Bechtel, showed the Colorado Chemical Demilitarization Citizens Advisory Commission how a fully automated system would dismantle the weapons stockpiled at the Pueblo Chemical Depot and remove the deadly mustard agent stored inside them.

The depot is home to 780,000 artillery shells and mortar rounds that contain a total of 2,611 tons of mustard agent. While most demilitarization facilities around the country have incinerated weapons, Pueblo's will be treated with hot water to break down the mustard agent into less dangerous compounds. Before the water treatment, however, explosive fuses and bursters have to be removed, a job that will be done by arrays of robotic stations.

After the explosives are removed, another automated system will pressure wash the inside of the weapons to clean out the mustard agent. Dent said that the process could be complicated by the condition of the mustard in the decades-old weapons. Typically, mustard agent has the consistency of molasses but over the years can develop "heels" or even interact with the steel in the shell or pressure can build up. That's been taken into account in the design of the machinery, most of it the first of its kind, so that there will be no accidents.

The robotic equipment that will be used in Pueblo is being tested now in Anniston, Alabama, where the Army depot there has begun destroying its mustard agent weapons. While they will be incinerated, they still have to have explosives removed. The risks from problem weapons and forecasted wear and tear on machinery are all being built into the process for Pueblo so that operators here will be able to work more efficiently.

Dent said that in addition to having experience with the equipment before it's installed in Pueblo, there's going to be an experienced human component of people transferring here from Anniston when that work is finished and Pueblo's starts. "There are a lot of people working in Anniston who are really looking forward to coming here," he said, adding that not having to hire all new workers and train them is "a major, major benefit to us."

In other business, Bechtel manager Paul Henry reported that there were 302 employees in non-construction jobs, 100 of them locally hired, and 223 construction workers now. At its peak, the

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project is expected to employ 1,100 people in operations jobs. Destruction of weapons is expected to finish by 2017.

The continued funding and now additional money to accelerate the project has been pushed by members of Colorado's Congressional delegation and this month there have been visits by Sen. Michael Bennet on Aug. 8 and Rep. Mike Coffman on Wednesday. Coffman, after his visit, said, "I'm very impressed with the work of the advisory commission. They've had tremendous input. If not for the Community Advisory Commission, we would be dealing with incineration instead of water neutralization."

Coffman, a freshman representative, said he is trying to visit every military installation in Colorado this month to help with his work on the House Armed Services Committee.

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Clock Ticks Down on a Deadly Chemical Stockpile

Los Angeles Times, 23 August 2009, <http://www.latimes.com/>

Behind armed guards in bulletproof booths deep in the Kentucky woods, workers have begun pouring the foundations for a \$3-billion complex designed to destroy America's last stockpile of deadly chemical weapons. The aging arsenal at the Blue Grass Army Depot contains 523 tons of liquid VX and sarin—lethal nerve agents produced during the Cold War—and mustard, a blister agent that caused horrific casualties in World War I.

The Obama administration has pushed to speed up the disposal operation after decades of delay, skyrocketing costs and daunting technical problems. The arms must be destroyed by April 2012 under international treaty and by December 2017 under federal law. But the Pentagon notified Congress in May that, even under what it called an accelerated schedule, it would not finish the job until 2021.

A senior administration aide downplayed the diplomatic fallout of missing the arms control deadline. "No one accuses the United States of willfully seeking to violate the treaty for purposes of maintaining our ... arsenal," said Gary Samore, the White House coordinator for weapons of mass destruction. "Everyone understands this is a technical problem."

For now, more than 100,000 poison-filled munitions are stacked like bottles of wine in 44 dirt-covered concrete bunkers beside the construction site. Intruders are kept out by a double row of chain-link fences topped with cameras, coiled razor wire and signs warning, "Use of Deadly Force Authorized." About a third of the World War II-era igloos are so dilapidated that green plastic sheeting was recently draped over them to keep the rain out. Some of the rockets, warheads, mortar rounds and artillery shells inside are just as old—and are leaking as well.

On Monday, trace amounts of mustard vapor were detected inside a munitions bunker. That followed a sarin leak in another igloo in June, and separate sarin and mustard leaks in May. "We do experience leakers from time to time at very, very low levels," said Lt. Col. David Musgrave, commander of the Blue Grass Chemical Activity, as the storage site is called. He said no toxic plumes have escaped the igloos or threatened the surrounding community.

Local emergency response officials, however, have stepped up precautions. Madison County recently obtained federal funds to give 40,000 special radios to residents and businesses here in the lush, rolling hills of central Kentucky, home to horse farms and tobacco fields. The radios will sound an alarm if a major accident occurs. "I'm happier now," said Kent Clark, the county judge-executive. "People have finally stood up and noticed that we live next to the country's deadliest stockpile."

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Blue Grass is one of six Army installations where chemical weapons are stored. Four currently are incinerating their stockpiles. In the 1980s, Pentagon officials estimated a \$600-million price tag to eliminate the toxic arsenals. The estimated cost today: \$40 billion. "We wound up having to build many more destruction facilities than originally planned," said Milton Leitenberg, a weapons expert at the University of Maryland. "The more time it takes, the more it costs."

Blue Grass is the last site to store lethal VX and sarin, and will be the last to destroy its weapons. The task is unusually difficult because, unlike other sites, all the chemicals here are loaded in highly explosive M55 rockets and corroding, fully armed munitions. "It's like super-toxic hazardous waste at this point," said Jonathan Tucker, a nonproliferation specialist at the Monterey Institute of International Studies. "Getting rid of it is a very nasty process."

Concerns about safety at Blue Grass were highlighted last month when lawyers for Donald Van Winkle, a former chemical weapons monitor who claims he was forced out of his job at the facility after he uncovered unsafe conditions, obtained an Army investigative report through the Freedom of Information Act. The inspector general's report confirmed Van Winkle's allegation that a key air-monitoring component was improperly installed in the VX igloos between September 2003 and August 2005. VX is the deadliest of all nerve agents.

An "accurate measurement of any VX agent vapor release would not have been possible," the 51-page report concluded. It found "no evidence" that VX had leaked or endangered the public before the error was corrected. In December, a federal administrative law judge dismissed Van Winkle's whistle-blower lawsuit against the Army. The burly, 38-year-old Gulf War veteran remains bitter about his attempts to expose what he said were dangerous conditions. "I tried to protect a place that's crucial to national security," Van Winkle said. "I thought they'd thank me."

Another self-described whistle-blower, Kim Schafermeyer, 59, alleged he was fired as a chemist in 2006 in retaliation for citing safety and pollution problems at Blue Grass. A judge dismissed his lawsuit last year on a technicality. Schafermeyer contends that the aging munitions are decomposing faster than officials admit. "They are highly unstable," he said. "These things should be destroyed next week."

Documented problems at the facility have persisted. In October 2007, the Kentucky Department for Environmental Protection cited Blue Grass for four violations of state regulations. Inspectors noted unsafe storage and disposal of hazardous material, inaccurate record keeping and inadequate training "to prevent releases of chemical warfare agents to the environment."

Partly as a result, the environmental crimes section at the U.S. Justice Department launched a criminal investigation. The grand jury inquiry concluded in April without any indictments or

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arrests, Blue Grass legal counsel B. Kevin Bennett said. U.S. forces have not fired chemical munitions in combat since World War I, although during the Vietnam War, the Air Force sprayed Agent Orange and other herbicides to defoliate jungles and cropland. The postwar Vietnamese government said the defoliants caused thousands of deaths, disabilities and birth defects. Some U.S. soldiers also were affected, and the Veterans Affairs Department has listed numerous cancers and other illnesses as "presumptive" conditions of Agent Orange exposure.

In 1975, President Ford signed the Geneva Protocol, a treaty that prohibits first use of chemical weapons. But the Pentagon continued to produce deadly nerve agents in battlefield weapons as a deterrent—or in case the Cold War turned hot. By the mid-1980s, the Army had stockpiled 31,500 tons of liquid chemical agents in eight states and on Johnston Atoll, a remote Pacific island. But political pressure was growing to get rid of the witch's brew. In 1986, President Reagan signed a law to eliminate chemical warfare material and production facilities. Officials pledged to complete the disarmament by 1994.

The program instead sparked bitter political battles across the country. The Pentagon and the National Academy of Sciences insisted that incineration was the easiest, cheapest and safest solution. But local activists and environmental groups opposed moving the munitions or incinerating them at each site, arguing that neither option was safe.

The first incinerator began operating at Johnston Atoll in 1990. It completed the job and closed a decade later as debate continued to rage at other sites. "We sued everyone we could," said Craig Williams, a Vietnam veteran who heads the Chemical Weapons Working Group, an anti-incineration organization based above a quilt shop in Berea, Kentucky, a town near Blue Grass.

The logjam broke after September 11, 2001, when domestic security officials warned that the igloos made tempting targets for terrorists. Alabama, Arkansas, Oregon and Utah soon began incinerating their stockpiles. On Wednesday, a federal judge in Washington tossed out a lawsuit from Williams' group that sought to close the four incinerators for allegedly pumping out hazardous emissions. The judge ruled that the Army had proved the incinerators were safe.

"On the whole, they [have] worked pretty well," said Paul Walker, head of Global Green USA, a nonproliferation group. "From time to time, they would burp out live agent and had toxic releases. But no one was injured."

Under pressure from incineration opponents, however, Congress ordered the Pentagon to seek other options. The result: machines in sealed chambers that disassemble the munitions, neutralize the toxic chemicals inside and decontaminate the waste.

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"These facilities are expensive because they're essentially operated by robots," said Tucker of the Monterey Institute of International Studies. Disposal operations using those techniques recently concluded in Indiana and Maryland, and the Pentagon says 60 percent of the U.S. arsenal is now destroyed.

The Obama administration has stepped up funding to push the process. Last month, the House approved \$547 million for the last two disposal facilities, at Blue Grass and the Pueblo Chemical Depot in Colorado. If the Senate agrees, it would be a sharp increase from previous years. Under the defense appropriations bill passed last year, the Pentagon must complete destruction of the U.S. chemical weapons stockpile "in no circumstances later than" December 31, 2017. But under the timetable sent to Congress in May, Blue Grass won't begin operations until 2018 and won't finish destroying the munitions for three years.

It thus is on track to violate a deadline set by the international Chemical Weapons Convention. Washington obtained a five-year extension on compliance with the convention, which initially required signatories to eliminate their stockpiles by 2007. The treaty, however, doesn't provide for a second deferral. U.S. diplomats recently visited The Hague, where the treaty organization is based, to explain the situation.

"We're going to take all sorts of whacks from other delegations, especially the Iranians," Walker said. "How can the United States expect other countries to honor the treaty if we're in violation?" For now, crews are busy at an 18-acre site carved into the forest at Blue Grass. On a recent muggy afternoon, they operated front-end loaders and laid pipe. A red steel crane towered overhead. It will help erect a six-story building designed to contain the accidental detonation of poison-filled rockets or other munitions. "No vapors would get out and there'd be no breaches to the wall," said Mark Seely, the project manager.

Nearby, row after row of chemical weapons igloos were visible in a grassy field, patrolled by armed guards in a white pickup truck. "This facility is not [like building] a shopping mall," Seely said. "It's one of a kind."

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Liberia Ratified the Comprehensive Nuclear Test-Ban Treaty

CTBTO, 19 August 2009, <http://www.ctbto.org/>

On August 17, 2009, Liberia ratified the Comprehensive Nuclear Test-Ban Treaty (CTBT). Liberia is the 149th state to have ratified the treaty, bringing the total number of ratifications closer to the hallmark figure of 150. A total of 181 states have signed the treaty.

Liberia signed the CTBT on October 1, 1996, just a few days after it opened for signature on September 24, 1996. It has shown its support for the treaty by participating in a number of workshops organized by the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty (CTBTO), including the Cross-Regional Workshop for CTBTO International Cooperation in Turkey in July 2008. With Liberia's ratification, adherence to the CTBT in Africa now stands at 51 signatures and 37 ratifications out of a total of 53 countries. There has been significant progress in Africa in the field of nuclear disarmament and nonproliferation this year with the entry into force of the African Nuclear-Weapon-Free Zone Treaty, also known as the Treaty of Pelindaba, on July 15, 2009.

Liberia's ratification comes at a time of great political support for the CTBT and its entry into force. On September 24, 2009, a meeting of the UN Security Council will address key issues of nuclear disarmament and nonproliferation, including the CTBT. The meeting will be chaired by U.S. President Barack Obama who earlier this year announced that he would pursue U.S. ratification of the CTBT "immediately and aggressively". A two-day gathering of states to promote the entry into the force of the treaty, the so-called Article XIV Conference, will commence on the same day in New York. In light of the current political momentum, the conference ... offers a great opportunity for more states to sign and ratify the CTBT.

Adherence to the treaty is almost universal. To enter into force, however, it must be signed and ratified by the 44 states listed in the treaty's Annex 2. These States participated in the negotiations of the treaty in 1996 and possessed nuclear power or research reactors at the time. Thirty-five of these states have ratified the treaty, including three nuclear weapon states: France, Russia and the United Kingdom. The remaining nine states are: China, Democratic People's Republic of Korea [DPRK or North Korea], Egypt, India, Indonesia, Iran, Israel, Pakistan, and the United States. The DPRK, India, and Pakistan still need to sign the CTBT.

The CTBTO is mandated to build a verification regime to detect nuclear explosions anywhere on Earth. Three hundred and thirty seven (337) facilities worldwide will monitor underground, the oceans, and the atmosphere for any sign of a nuclear explosion. Today, close to 250 facilities have been certified and incorporated into the network, and send data to the International Data Center at the CTBTO in Vienna.

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Conference on Disarmament Continues Search for Consensus on Modalities to Implement Its Agreed Program of Work

United Nations, 20 August 2009, <http://www.unog.ch/>

This morning the Conference on Disarmament heard statements from 16 national delegations, as well as from Sweden on behalf of the European Union and from Australian Ambassador Caroline Millar, the outgoing President, in which all commented on the central issue of achieving consensus on a procedural decision on the implementation of a program of work for 2009.

Pakistan observed that on August 10, it had circulated its proposals relative to draft decision CD/1870/Rev.1 to all members. Pakistan had remained engaged in discussions with the President, as a demonstration of its flexibility, and had agreed on a number of key issues. Nevertheless a number of issues remained.

In her last statement under the Australian Presidency of the Conference, Ms. Millar said they had yet to meet the expectations of world leaders as, regrettably, they had yet to adopt a decision on implementation of the program of work. That was dispiriting. All understood that important national security interests were at stake. The place to advance and protect them was in the negotiations, not through delaying implementation of a consensus decision (i.e. CD/1864). There should be no doubt: negotiations on a Fissile Material Cut-Off Treaty would happen; and substantive, meaningful work on other agenda items would happen. The overwhelming majority of states believed it was imperative to address serious disarmament and nonproliferation challenges and to do so now. It was up to all of them to ensure that the Conference's potential to do that was realized. ...

Document CD/1864 is the adopted program of work for the Conference on Disarmament's 2009 session. Draft decision CD/1870/Rev.1, on the implementation of CD/1864, outlines the conduct of work and decision-making under the Conference Working Groups and Special Coordinators and the rotation and equitable geographic representation of office bearers. The draft decision also includes a list of proposed names for the office bearers of the different Working Groups and Special Coordinators. The draft further includes a timetable of activities for the Working Groups and Special Coordinators, up to the end of the 2009 session. ...

Garold Larson (United States) said it was profoundly disappointing that, nearly three months after the adoption of a program of work, they had failed to accomplish the simple, straight-forward procedural task of agreeing on a schedule of work. The United States understood and expected that serious national security concerns would be fully addressed in negotiations on a Fissile Material Cut-Off Treaty and in their substantive discussions on other issues, as set out in the program of work. But, "make no mistake", he said, what they had seen in the past few

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weeks in the Conference was procedural faultfinding that had cost valuable time and had thwarted the stated goals and aspirations of the international community to pursue in this multilateral forum the central questions of nuclear proliferation, arms control and disarmament. For years they had heard protests of those seeking progress on those issues, had heard the frustrations of those seeking a role for the Conference, and had argued over balance in the program of work. Those issues had been settled in decision CD/1864. The United States was therefore left wondering as to the motivations of those who had blocked agreement since the Conference reconvened in August.

[For full text of article, please visit:

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/8666A521EEB53896C1257618004EC07B?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/8666A521EEB53896C1257618004EC07B?OpenDocument)]

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IAEA Tracks Illicit Possession of Nuclear Materials

Global Security Newswire, 17 August 2009; <http://www.globalsecuritynewswire.org>

The International Atomic Energy Agency [IAEA] last year received reports of 15 cases of illicit nuclear material possession or related incidents and 16 cases involving the theft or loss of sensitive substances, the organization announced last week in its annual report for 2008.

The incidents were among 119 events from 2008 added to the agency's Illicit Trafficking Database. As of the end of last year, the database had recorded 1,562 nuclear trafficking incidents dating back to 1993, ranging from illicit disposal efforts to discoveries of "orphan" nuclear material with an unknown provenance. Details for two cases reported last year remained too vague to allow classification. The number of participants in the database program increased in 2008, growing to include 103 IAEA member nations and one nonmember contributor, according to the report.

"The continued reporting by states of incidents—whether criminal, unauthorized or inadvertent in nature—points to the need for further improvement of measures to control and secure nuclear and other radioactive material, wherever used or located, and of capabilities to detect illicit nuclear trafficking and other unauthorized acts involving such material," the report states.

The agency warned again of the danger of diversion of nuclear materials.

"Malicious acts involving nuclear or other radioactive material are a continuing worldwide threat," the report states. "Existing data indicate circumstances in which nuclear and other radioactive material is uncontrolled or is in unauthorized circulation. Related facilities and transports are at risk from acts of sabotage."

Several IAEA member nations took "concrete steps" last year to address faults in their nuclear security infrastructure, the report notes. The UN nuclear watchdog continued preparing Integrated Nuclear Security Support Plans aimed at addressing nuclear security vulnerabilities in various countries. Ten nations approved their plans last year while 28 additional plans remained in drafting stages, according to the report.

The agency carried out 21 advisory missions last year that generated sets of proposals for states to improve the security of nuclear materials and related infrastructure, establish nuclear regulatory systems, counter nuclear smuggling and prepare for nuclear or radiological attacks, the report's authors wrote.

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IAEA assistance played a role in installing new security measures or preparing to improve physical security at nuclear sites in 12 nations. In nine countries, the agency helped to bolster physical protections for radioactive material caches.

The organization cooperated with the U.S. Global Threat Reduction Initiative to repatriate Russian-origin spent highly enriched uranium from Bulgaria, Hungary and Latvia, the report notes. In August 2008, the agency played a direct role in the transfer of spent HEU fuel from a Portuguese research reactor to the United States.

The bulk of IAEA security improvement efforts were financed by a Nuclear Security Fund supported by donations from 20 member nations and the European Union. "The NSF continued to rely on the contributions of relatively few donors," the report states.

The agency conducted safeguards activities in 163 nations last year, intended to ensure the states are not diverting material for illicit purposes, producing undeclared nuclear material or conducting secret nuclear operations.

Of the 84 nations that had signed an IAEA safeguards agreement and the Additional Protocol, the agency was able to conclude that the atomic activities in 51 of those countries were exclusively peaceful. Agency officials had not finished assessing nuclear work in 33 of the states, allowing them to assert only that those nations' declared nuclear material was being used for peaceful purposes. The organization also did not reach definitive conclusions about nuclear activities in 70 nations that had signed safeguards agreements but not the Additional Protocol, an arrangement that opens signatory states to increased scrutiny.

Last year, one nation signed its safeguards deal while three inked the Additional Protocol. The IAEA governing board OK'd a safeguards agreement for one nation and protocols in another four, according to the report. Thirty countries had signed the Nuclear Nonproliferation Treaty but had not entered inspections agreements with the UN nuclear watchdog, preventing it from making any assertions about the nature of the nations' nuclear activities. ...

The IAEA Secretariat continued to pursue its Plan of Action to Promote the Conclusion of Safeguards Agreements and Additional Protocols in 2008, according to the report.



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Iran Apparently Confirms IAEA Access to Arak Reactor

Global Security Newswire, 24 August 2009; <http://www.globalsecuritynewswire.org>

Iran today [August 24] insisted it was fulfilling its obligations to the International Atomic Energy Agency, ... verifying reports that agency inspectors had been allowed to visit its unfinished Arak heavy-water reactor earlier this month, Reuters reported.

"All our nuclear activities have been within the framework of the agency and the NPT (Nuclear Nonproliferation Treaty). ... (IAEA Director General Mohamed) ElBaradei has always confirmed Iran's cooperation with the agency," Iranian Foreign Ministry spokesman Hassan Qashqavi said when questioned about reports of the Arak tour.

"This trend will be continued in the future. What has been mentioned recently was in the same framework," Qashqavi said.

It had been more than a year since IAEA inspectors had been allowed to visit the facility.

Iran also announced it would permit increased agency scrutiny of its Natanz uranium enrichment complex to ensure that material produced at the site is not diverted for weapons use, according to diplomats linked to the agency. ... Tehran has maintained it only wants to produce fuel for its nuclear energy program.

... [S]ome diplomats representing the five permanent UN Security Council member nations and Germany, which have encouraged Tehran to negotiate a halt to the enrichment program in exchange for diplomatic and financial benefits ... urged Iran to provide additional detail regarding prior nuclear work, halt uranium enrichment, and resume negotiations on the standoff.

Iran's cooperation with the UN nuclear watchdog remains insufficient, U.S. State Department spokesman Ian Kelly said Friday, urging Tehran to meet its commitments to the Vienna-based organization. The United States and other Western nations have threatened to pursue new sanctions against Iran if it fails to join multilateral nuclear talks by the end of September.

Iran will not compromise its atomic ambitions, and the international community should develop working partnerships with the Middle Eastern state, Agence France-Presse quoted Qashqavi as saying. "It is the right time for the other parties to review their policy. Rather than countering Iran, they should interact with Iran," he said. "Past experience has shown that sanctions are futile. Sanctions will not prevent us from pursuing our legal rights," the spokesman added.

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Germany could seek new economic penalties targeting Iran's energy sector, German Chancellor Angela Merkel warned Friday. ... Germany is set to discuss Iran early next month in talks with China, France, Russia, the United Kingdom, and the United States, she noted. "I don't want to pre-empt the talks but economic sanctions dealing with the energy sector are on the table but we must wait to see what comes of the talks. We must also speak about them (possible sanctions) with our partners Russia and China," Merkel said.

Responding to complaints about the proposed sanctions from German business interests, [Merkel] said: "We must, as part of the international community, accept our part of the responsibility for the desired success of a diplomatic solution (to the dispute with Iran). If Iran got atomic weapons it would a dangerous situation. That is why sanctions would be justified."

Israeli Prime Minister Benjamin Netanyahu is set to push for new sanctions against Iran during talks this week with Merkel, British Prime Minister Gordon Brown, and U.S. envoy George Mitchell, the Jerusalem Post reported.

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BI-WEEKLY TREATY REVIEW



11 August 2009 – 24 August 2009

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Make Breaking, Leaving Nuke Treaty Harder: United States

Reuters, 12 August 2009, <http://www.washingtonpost.com/>

States that break or leave the treaty preventing the spread of nuclear weapons should face tougher sanctions than at present, the top U.S. nonproliferation official said on Wednesday [August 12].

Susan Burk said the world now had a real opportunity to strengthen the regime enshrined in the Nuclear Nonproliferation Treaty (NPT), and President Barack Obama's administration was determined to make an ambitious effort to do so.

Burk pointed to the sale of sensitive nuclear technology by Pakistani scientist Abdul Qadeer Khan—the father of his country's nuclear program which is not governed by the NPT; North Korea's withdrawal from the treaty as it pursued a nuclear weapons program; violations of the treaty by Iran and North Korea; and Syria's construction of a covert nuclear reactor.

Such actions had created the perception in some that the treaty was doomed to collapse, she said in a lecture to the Geneva Center for Security Policy. "That is a view that is wrong and must be refuted," said Burk, U.S. special representative for nuclear nonproliferation.

Burk said it was not enough to detect violations, and noncompliance must be met with real consequences. "The record in this area in the past has been poor, and it is imperative that the international community produce the necessary political will to halt this dangerous problem," she said.

Burk said countries had the right to leave the treaty, which now has almost 190 members, but remaining parties needed to make good use of the notice period to consider the impact of a withdrawal on functioning of the nonproliferation regime.

A review of the NPT in New York next May should examine this issue in the light of Obama's call last May for "consequences for countries caught breaking the rules or trying to leave the treaty without cause," she said.

The treaty limits the official nuclear powers to five—the United States, Russia, Britain, France, and China.

"The basic bargain is sound: countries with nuclear weapons will move toward disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful

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nuclear energy," Obama said in April, when he committed the United States to seeking a world without nuclear weapons.

Burk's speech capped a day of activity in disarmament diplomacy.

Earlier, Chinese Foreign Minister Yang Jiechi ... said the international community should use peaceful diplomatic means to deal with any efforts by Iran and North Korea to acquire nuclear weapons. Yang, speaking at the Conference on Disarmament in Geneva, called for a quick start at the forum to talks on a treaty to halt production of the fissile material—enriched uranium and plutonium—used to make nuclear weapons.

The 65-member conference, the world's only multilateral disarmament forum, agreed in May on a work program after a 12-year deadlock, but on Monday it became clear that Pakistan ... wanted to reopen that deal. Pakistan insisted on Wednesday it wanted to end nuclear weapons but said the "legitimate security interests of all states" had to be protected in any new talks at the conference.

Sergei Ordzhonikidze, the Russian diplomat who is secretary-general of the disarmament conference, told the Geneva Center after Burk's lecture that he shared her assessment of renewed momentum in disarmament talks and the conference had now received plenty of political signals to advance. "We hope that these signals will be heard by everybody, every delegation," he said. ...

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