



# **Center for Nonproliferation Studies**

Monterey Institute of International Studies

Report on the  
Workshop on the Nuclear Non-Proliferation Treaty

## ***The Roadmap to 2005: Where do we want to go and how should we get there?***

Annecy, France

7 and 8 March 2004

The workshop was made possible with the financial support from the Ploughshares Fund and the governments of Canada, France, Germany, Japan, the Netherlands, Norway, the Republic of Korea, Sweden, Switzerland and the United Kingdom

# **The Roadmap to 2005: Where do we want to go and how should we get there?**

## **Workshop Report**

### **INTRODUCTION**

The Center for Nonproliferation Studies (CNS), as part of its ongoing program to promote the Nuclear Non-Proliferation Treaty (NPT) hosted a workshop in Annecy, France on 7 and 8 March 2004, entitled “The Roadmap to 2005: Where do we want to go and how should we get there.” Objectives of this workshop included helping ambassadors to the Conference on Disarmament and other national officials from State parties to the NPT identify specific issues that would be central to the 2004 Preparatory Committee (PrepCom) session and ways in which this PrepCom session could contribute towards the successful outcome of the 2005 Review Conference. The workshop provided an opportunity for an informal exchange of views between senior delegates from NPT State parties, representatives from the United Nations Department for Disarmament Affairs, the International Atomic Energy Agency (IAEA) and representatives from non-governmental organizations and think-tanks on practical options to confront the current challenges facing the NPT with a view to identify possible recommendations to the 2005 Review Conference.

The workshop was organized into eight substantive sessions designed to allow focused discussions on these challenges and ways to confront them at the third PrepCom. Each session began with introductory remarks from panelists and was followed by substantive discussions by participants. This report provides an indication of the range of issues discussed at the workshop and the flavor of those discussions. The workshop was held under ‘Chatham House rules’, and as a result statements and comments made during each session have not been attributed to specific individuals or to the organizations they represent. The report was prepared by Jean du Preez (Director of the *International Organizations and Nonproliferation Program* at CNS) with the assistance of Monterey Institute students Shawnee Delaney, Sean Lucas, Risa Mongiello, Jill-Marie Parillo and Maria Lorenzo Sobrado who bear sole responsibility for its contents.

The Center for Nonproliferation Studies wishes to thank the Ploughshares Fund and the governments of Canada, France, Germany, Japan, the Netherlands, Norway, the Republic of Korea, Sweden, Switzerland and the United Kingdom for their financial support.

### **EXECUTIVE SUMMARY**

Session I on “**Principles, objectives and ways to promote the full implementation of the treaty, as well as its universality: Progress, Problems and Prospects?**” considered the tasks that the third PrepCom should perform, and how it should seek to identify areas in which, and the means through which, progress towards full implementation of the Treaty could be made at the 2005 Review Conference. In this regard it attempted to identify the issues that emerged as potential areas for agreement during the first phase of the PrepCom, and which issues need further elaboration. Participants also tried to identify issues that could be incorporated into recommendations to the Review Conference, and in this regard considered the role of the Chairmen’s Factual Summaries in this process. The session also considered what other types of substantive recommendations should be sought from the PrepCom, and how their production might be managed.

Session II addressed the issue of **security of non-nuclear weapon states and whether progress would be possible in 2005**. In so doing participants considered the role of security assurances in nuclear nonproliferation, whether they are still relevant and if so, how they might be enhanced. This session also addressed the related issue of nuclear-weapon-free zones, in particular the status of the existing zones and the perspective of the NWS on these zones. Discussions were also held on whether progress has been made towards the establishment of nuclear-weapon-free zones in Central Asia and the Middle East.

During session III, entitled “**Advancing the process and objectives of nuclear disarmament in the 21<sup>st</sup> Century**,” workshop participants measured the progress toward achieving the goals set forth in Article VI and the agreements reached at the 1995 and 2000 Review Conferences and considered whether nuclear disarmament has come to a halt, and whether there is an increased utility in nuclear weapons possession. Workshop participants also discussed the future prospects for the entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) and whether a treaty banning fissile material production (FMCT) is still achievable. They also evaluated the prospects for further bilateral nuclear arms control and disarmament agreements among the NPT nuclear-weapon states and how the three non-NPT parties might be incorporated into the disarmament process. This session also considered how to further reduce non-strategic nuclear weapons as an integral part of the nuclear arms reduction and disarmament process.

Session IV focused on **nuclear terrorism and the role of non-state actors** in this regard. The workshop addressed the important issue of whether the existing nuclear nonproliferation regime can deal with this threat. Participants specifically considered how the international community should deal with the proliferation paths used by non-governmental networks uncovered as a result of the Libyan and Iranian cases. In so doing they evaluated whether existing mechanisms are able to address these networks. They also discussed ways to assist States in ensuring that their nationals, territories, ships and companies are not used to assist proliferation by other States. The implications of new clandestine state proliferation procurement paths being very similar to those for terrorist groups were also evaluated. This session furthermore considered whether it would be possible to make a case for international criminalization of nuclear proliferation activities, and what the IAEA’s responsibilities should be in this regard.

In evaluating **whether further progress is possible towards universalization of the NPT**, session V of the workshop considered the implications of having three states with nuclear weapons outside of the Treaty, and how NPT members can be assured that the three are not transferring their knowledge and technology to others. Discussions were also held on how State parties can be retained as members of the Treaty if policies to deal with non-members appear to reward their proliferation activities. This session also included consideration on how the PrepCom should deal with the DPRK situation, and how similar situations should be addressed in future. In this regard, the question was raised whether Article X (1) should be reinterpreted to make withdrawals more onerous.

In view of concerns over the misuse of the inalienable right of all states to peaceful uses of nuclear energy embedded in Article IV of the Treaty, session VI of workshop considered **ways to plug the loopholes in Article IV and whether the basic rules inherent in the NPT need to be reinterpreted to deal with changing circumstances**, and if so how this might be done. Workshop participants also considered whether NNWS states should continue to be allowed to have a complete fuel cycle, and if not, how the supply of nuclear fuel could be guaranteed.

During session VII, workshop participants considered **whether the strengthened review process continues to ensure that the purposes of the preamble and the provisions of the Treaty are being realized.** In this regard they considered whether changes in the procedures of the NPT review process, if any, should be considered at the 2005 Review Conference, and whether changes to the objectives of PrepCom sessions agreed in 2000 should be reversed. They also discussed proposals at previous PrepCom sessions regarding annual meetings of State parties, and some type of secretarial or executive committee arrangements. Bearing in mind the 1995 decision that review conferences should look forward as well as back, this session offered an opportunity to reflect on how the review process should be conducted in 2005. In this regard, consideration was given to whether the backward-looking elements of the 2005 Final Document should attempt to evaluate the implementation of the “thirteen practical steps”, or whether its forward-looking elements should attempt to build upon these “steps” or start afresh on a 2005 objectives document.

The concluding session provided an opportunity for the chairman-elect of the third PrepCom, Ambassador Sudjadnan Parnohadinigrat, to consult delegates and share his views on progress made so far in his consultations leading up to the PrepCom meeting.

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**Session I:**

**Principles, objectives and ways to promote the full implementation of the treaty, as well as its universality: Progress, Problems and Prospects?**

The problems experienced during past review cycles were addressed and substantive proposals were made on the potential outcome of the 2004 PrepCom session. A panelist recalled that the Final Document of the 2000 Review Conference contains detailed elements identifying specific “means” for “future progress” and he emphasized that these elements addressed in a balanced way the substantive agreements achieved in both the areas of nuclear disarmament and nuclear nonproliferation. He also mentioned that in 2000, the States Parties reached agreement not only on specific “means”, but also on fundamental underlying principles contained within the Treaty. In this regard reference was made to the determination by the States parties that there was an unequivocal undertaking given by the nuclear-weapon States (NWS) to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament and that they also together determined that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control. These agreements clearly laid down the broad parameters in which the specific “means” must now be accomplished. It was also emphasized that the possibility no longer exists where nuclear disarmament is considered as a part of some “ultimate” objective, but as in the case of the other weapons of mass destruction (chemical and biological), the elimination of nuclear weapons is a milestone that must be reached on the way to the ultimate objective of the disarmament process, namely, general and complete disarmament.

Addressing past PrepCom sessions (before and after the 2000 Review Conference) a panelist concluded that these meetings have been disappointing and have largely been unable to achieve their objective of considering principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. While some progress has been made since 2000 in preparing factual summaries of the deliberations at the last two PrepCom sessions that reflect the understanding of the Chairmen, it was pointed out that the contents of these documents have no standing in terms of binding the States parties to their substance or even to the formulations used. At best these factual summaries may be utilized as a guide by the President of the 2005 Review Conference and the Chairs of the Main Committees.

With regard to the functions and outcomes of the 2004 PrepCom, it was recalled that the PrepCom should draft a consensus report containing recommendations, finalize procedural arrangements and make recommendations on legally binding security assurances to the Review Committee. It was emphasized that the PrepCom’s success will be measured by the willingness of the States parties to *inter alia* focus their preparations on these outcomes and on the need to produce a consensus report. Failure to do this, a panelist emphasized, will only ensure that these issues arise again at the Review Conference. It was also stressed that in preparing recommendations to the Review Conference, caution should be demonstrated not to endanger the successes contained in the 2000 Final Document. As it was considered unlikely that agreement would be possible at the PrepCom on recommendations dealing with the full range of substantive issues that would need to be addressed at the PrepCom, a panelist suggested a more cautious approach towards a set of recommendations that would include:

- A Chairperson’s factual summary to the President of the Review Conference and the Chairs of the Main Committees at the Review Conference, which takes into account the deliberations and results of the previous sessions, for their consideration and possible use. The factual summary should not attempt to duplicate a Final Document but rather to highlight the issues.

- Recommendations on non-substantive issues taking into account the deliberations and results of previous sessions (e.g. recommendations on reporting, the strengthened review process as well as on the establishment of subsidiary bodies to Main Committees to deal with such issues as nuclear disarmament, the 1995 Middle East Resolution, security assurances, etc).
- The procedural arrangements for the Review Conference (e.g. dates, rules of procedure, documentation, etc).

It was also emphasized that one of the greatest challenges facing the NPT process is how to restore the trust of State parties in the Treaty. In this regard a panelist considered that the outcomes of the PrepCom and the Review Conference will have to deliver convincing proof of the strengthened review process's effectiveness and vitality amid concerns about the continued viability of the nuclear nonproliferation regime at large. It was also pointed out that the 2005 Review Conference will have to address individual cases of non-compliance and potential withdrawals from the NPT as well as how to prevent any roll backs from undertakings given and agreements reached in the context of the strengthened review process.

With regard to issues that could be incorporated into the recommendations to the Review Conference, it was suggested that a thorough examination of the second PrepCom Chairman's Factual Summary may highlight the issues that enjoy a wide range of agreement. It was also suggested that a breakdown of the existing language in the last Chairman's Factual Summary could serve as basis for a consensus language at the third PrepCom session. In this regard, a number of substantial issues were identified. These include the importance of preserving and strengthening the NPT, the important role that the IAEA plays as the fundamental pillar of the nuclear nonproliferation regime, the importance of safeguards, strengthening of physical protection of nuclear materials, the need for safe and secure transport of nuclear materials, the importance of preventing the dumping of radioactive waste, nonproliferation and disarmament education and support for Article IV. With regard to the latter it was pointed out that recent proposals regarding centralized control of uranium enrichment and reprocessing capabilities are likely to be highly controversial as will the issue of misusing the loopholes in Article IV. Issues which clearly lacked agreement were identified as nuclear disarmament and the implementation of the 13 practical steps; transparency in export controls; negative security assurances; regional issues, especially the Middle East; and how to deal with non-strategic (tactical) nuclear weapons.

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## **Session II:**

### **Security of non nuclear weapon states: Is progress possible in 2005?**

With regard to the role of security assurances, it was recalled that since the NPT opened for signature without any legally binding non-use commitment, linked to the relatively weak provisions of Article VI, it has been increasingly more difficult over the years to obtain any legally binding negative security assurances from the nuclear weapon States (NWS). It was pointed out that a reference to such assurances was, however, included in the *Principles and Objectives for Nuclear Non-Proliferation and Disarmament* which called for further steps to be considered to assure NPT NNWS against the use or threat of use of nuclear weapons and that these steps could take the form of an international legally binding instrument. It was also recalled that the 2000 Review Conference specifically requested the PrepCom to make recommendations on the issues of security assurances to the 2005 Review Conference. In the view of one panelist, the role of security assurances in nuclear nonproliferation has changed, primarily given the increased reliance on nuclear weapons in security doctrines of some NWS. He pointed to increasing concerns over the backtracking by the NWS on their existing unilateral nuclear

security assurances. Reference was also made to statements by senior U.S and U.K. officials and to the 2002 U.S. Nuclear Posture Review and the U.S. National Defense Strategy, which included the possible use of nuclear weapons against NNWS – in some cases preemptively. In addition, the panelist noted that the U.S. Congress approved funding for studies on the development of “robust nuclear earth penetrators” and withdrew the “Spratt-Fuse” ban on low yield nuclear weapons by approving funding for possible development of “mini nukes”, which give further rise to concerns among the NNWS.

References were made to specific proposals to address security assurances at the 2005 Review Conference, including those by Myanmar, South Africa and the New Agenda Coalition. These proposals included a draft protocol to the Treaty aimed at providing comprehensive and unconditional negative security assurances to NPT NNWS. It was pointed out that negotiations of such instrument within the NPT would create an incentive for States outside the Treaty to join and for all States inside the Treaty to fully comply with their nonproliferation obligations. Given the emphasis on this issue at the second PrepCom session, the view was expressed that the Chairman’s summary reflected in part the belief that “security doctrines have included the potential use of nuclear weapons” and that this doctrine and other related policies “might undermine commitments made under the respective Security Council resolutions.” It was also emphasized that, while many States recognize the challenges posed by negative security assurances, these assurances can only be enhanced by a legally binding instrument to guarantee their benefits. Such a measure would have far reaching benefits for not only NNWS who are members of the NPT, but to the international nonproliferation regime as a whole. It was furthermore pointed out that security assurances must only be granted to States that have forgone the nuclear option and that such assurances should not be granted to countries that are in clear violation of the Treaty, or that have in fact decided to withdraw, such as the DPRK, as this would be considered a reward for bad behavior and would set a bad precedent. In the case of the DPRK, it was emphasized that negative security assurances should only be granted if the DPRK verifies it is taking steps towards disarmament. However, a view was also expressed that that security assurances would be crucial to the solution of the DPRK crisis as it would help avoid further aggression. It was pointed out that the DPRK had offered to freeze its nuclear program in early January 2004 in exchange for economic bonuses and security assurances. Another view was held that the United States should grant security assurances to the DPRK only on the condition that it re-enters the NPT. This approach would not undermine the NPT since it would underline the principle that negative security assurances are only be available to NPT States parties.

With respect to Nuclear-Weapons-Free Zones (NWFZ), the basic requirements for the establishment of such zones were emphasized, i.e. that States of a region concerned as well as the five NPT NWS should agree that no nuclear weapons will exist in that Zone and that NWS should agree not to threaten States in the Zone with nuclear weapons or test nuclear weapons within the Zone. It was also reiterated that the Zone should be clearly defined, contain more than one State and that no members of the Zone should have an alliance agreement with a NWS. Most of the participants agreed that NWFZ are an important part of arms control. With regard to the Central Asian NWFZ, the critical role of the NWS in the establishment of such a Zone was emphasized. With respect to the Bangkok Treaty, a linkage was made to the issue of security assurances. In this context, it was recalled that although all NWFZ treaties included protocols requiring NWS to provide legally binding negative security assurances to members of the Zones, many of these protocols are yet to be ratified. As for progress towards a NWFZ in the Middle East, references were made to the 1995 Resolution on the Middle East and the responsibility of all States to assist in bringing this zone into being.

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### **Session III:**

#### **Advancing the process of objectives of nuclear disarmament in the 21<sup>st</sup> Century**

One panelist analyzed the steps and measures taken by the international nonproliferation regime in the context of the NPT and asked whether nuclear disarmament continues to be a real objective and binding commitment under the NPT. The question was raised whether Article VI is actually different from Articles I, II and III, as a kind of rhetorical device meant only to express an ideal aspiration and act as a “diplomatic fig-leaf.” The view was expressed that most NWS today consider the pursuit of nuclear disarmament as a real undertaking at best naïve. It was suggested that some States are indeed seeing utility in nuclear weapons possession and that, in order to curb the total halt of nuclear disarmament, a nuclear prohibition regime should be established. It was argued that the NWS maintain an ideology that gets in the way of the most effective approaches to nuclear disarmament by preserving a need for nuclear weapon research and development. The best ways to deal with this issue is by reinforcing and deeply embedding a taboo on the acquisition and use of weapons capable of mass destruction effects, specifically nuclear weapons. It was also pointed out the NWS had an obligation to fulfill given that NNWS had renounced the use of nuclear weapons in exchange for a promise from NWS to disarm. It was emphasized that, in order to maintain the Treaty’s integrity, the NWS needed to fulfill their side of the bargain.

In light of recent developments in the international nonproliferation regime, the following recommendations were offered on how to assist in the growth of the NPT’s focus and utility:

- Reduce incentives to acquire nuclear technology and weapons;
- Address the security concerns of potential proliferators and their neighbors;
- Restore the credibility and effectiveness of arms control and the international rule of law; and
- Increase verification and enforcement powers.

The importance of converting the NPT into a nuclear weapons prohibition regime through the full implementation of the 13-step plan of action agreed by NPT parties or by negotiating a protocol to the Treaty was also raised. It was emphasized that in order to keep the world safe from the terrorist use of weapons of mass destruction, there is a need to take nuclear as well as biological and chemical weapons out of the security doctrines of all governments and commit to a multi-layered, multi-tiered mix of national and multilateral measures

With respect to the CTBT, another panelist noted that new challenges were facing the treaty including its sustainability and verification. It was argued that, despite these significant challenges, there were positive signs of improvement as the rate of ratification of the Treaty continued to grow despite the withdrawal of the United States in 2000. Some participants raised concerns that the 2002 U.S. Nuclear Posture Review and its National Security Strategy not only modernized nuclear policy and strategy, but calls for the continued testing of new deep penetrating bunker busters or “mini-nukes”, luring the United States further away from the CTBT. In one panelist’s view, this is another indication that States are seeing increased utility in the possession and testing of nuclear weapons. References to the other NWS (Russia, China, France and the United Kingdom) were also made with respect to their nuclear programs and lack of serious progress made towards nuclear disarmament.

This session also focused specifically on practical measures that could be taken to further reduce non-strategic (tactical) nuclear weapons as an integral part of the nuclear arms reduction and

disarmament process. A panelist noted in this context that the change in the international security situation requires new thinking over the question of non-strategic nuclear weapons. Several problems with respect to non-strategic nuclear weapons were identified, including:

- Defining non-strategic nuclear weapons;
- The diversity of weapon types (from nuclear artillery to gravity bombs);
- How to verify measures to further reduce non-strategic nuclear weapons as an integral part of the nuclear arms reduction and disarmament process; and
- Defining the scope of how to deal with non-strategic nuclear weapons (for instance, global versus limited deployment in Europe), as well as how to include other possessor states in the process.

The following recommendations were offered on how the regime should address these problems:

- Reaffirmation of the 1991/92 Presidential Nuclear Initiatives (by way of a joint US/Russian statement);
- Detailed information on the implementation of the 1991/92 Presidential Nuclear Initiatives;
- Exchange of information in the context of the NPT strengthened review process (on a voluntary basis);
- Exchange of confidential information between possessor States;
- Agreement on minimum security and safety requirements for the handling and storage of non-strategic nuclear weapon warheads and delivery systems;
- Agreement on de-alerting of non-strategic nuclear weapon warheads;
- Agreement on non-forward basing/central storage (in designated facilities) / deployment restrictions;
- Formalization/codification of the 1991/92 Presidential Nuclear Initiatives, including an agreement on disaggregated data exchange and verification measures;
- Global agreement on the elimination of certain non-strategic nuclear weapon categories (i.e. Atomic Demolition Munitions, nuclear artillery, short range ballistic missile warheads, etc); and
- Agreement on further reductions of non-strategic nuclear weapons.

A question was raised whether or not enlarged research and development budgets for new types of nuclear weapons, including non-strategic nuclear weapons, should be considered proliferation and how it should be dealt with in the context of the NPT. It was also emphasized that non-strategic nuclear weapons should be addressed with the same diligence as efforts used to combat nuclear terrorism. A representative from one NWS (United Kingdom) noted that his government had no plans to build new weapons and that the major challenge facing his country was the dismantling of nuclear weapons. The representative from the United States noted that the United States was disarming as rapidly as possible while citing its compliance with Article VI and the Moscow Treaty. The same representative pointed out that the real threat was not from the NWS but from rogue states and terrorists armed with weapons of mass destruction, and that confidence building measures were important when addressing these areas of concern.

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#### **Session IV:**

#### **Nuclear terrorism and non-state actors: Can the nuclear non-proliferation regime deal with this threat?**

One panelist explained how challenging dealing with non-state actors has become, since the NPT is designed to deal only with States. The importance of defining non-state actors was underlined. The view was expressed that export controls are not sufficient to address the problem, and several participants indicated the need to enhance them. However, the threat is global, and therefore it should be addressed by the entire international community, including think-tanks, not just from a State's perspective. The fact that nuclear weapons are not as easy to acquire as fissile material or radioactive sources was emphasized and that this factor should be taken into account when assessing the threat of nuclear terrorism. Programs to deal with the problem of nuclear terrorism in former Soviet Union countries were generally commended, but it was also noted that budgets should also be allocated to address similar problems in the same effective manner in countries such as Pakistan.

With regard to what can be done at the PrepCom to address the issue of nuclear terrorism, emphasis was placed on "safety and security" issues. In this regard, it was considered important for NWS to make their facilities safer and securer, and to implement their own national regulations. Participants felt that this issue should be dealt with within the framework of the NPT strengthened review process.

The different facets of the threat posed by nuclear terrorism were identified as:

- Dispersal of highly radioactive material/dirty bomb;
- Sabotage of nuclear facilities; and
- Seizure of intact nuclear weapons (the highest risk is posed by non-strategic nuclear weapons)

It was pointed out that these threats vary greatly depending on which perspective they are analyzed from (ranging from human loss to financial perspectives). As pointed out by one of the panelists, prioritization of the risks could lead to efforts focusing on the highest risk. For example, many unsafeguarded sites containing HEU and HEP should be secured, consolidated and eliminated since a terrorist could easily build gun-type nuclear weapons with material stolen from unsecured sites. When assessing the problem, one panelist pointed out that suppliers such as Brazil, Argentina and DPRK must be taken into account, although the main focus should be put on traders, brokers, shippers and buyers.

It was also emphasized that States should at the national level take responsibility, while efforts should be made at the United Nations to criminalize the trafficking of fissile material. One participant suggested a limited role for the UN Security Council in this regard. It was argued that the Council could potentially be deadlocked or divided in case a Permanent Member itself is implicated in proliferation activities related to fissile material. It was also argued that given the Security Council's structure and working methods, it has at best a limited role to address issues related to WMD proliferation effectively. It is not structured under the Charter to address these issues on a permanent or ongoing basis which is what would be required in terms of current proposals before the Council. It was also emphasized that the Council will have to address itself to the issue of nonproliferation in a balanced and comprehensive manner. Other participants, however, considered that the Security Council should play an active role in this regard.

One participant expressed disagreement with one of the panelist's view that one can deal with terrorism through deterrence. Disagreement came from the conviction that there is a need to work from inside the NPT, instead of resorting to initiatives such as the Proliferation Security Initiative (PSI). It was stressed that nonproliferation control mechanisms do not always work. The role of effective intelligence was also emphasized. It was also pointed out that both theft and unsafeguarded nuclear facilities are a problem, and that it is questionable whether the bigger threat is actually terrorism. Others agreed with this idea, and highlighted WMD facilities and the transportation of fissile and other related material as major concerns. One panelist explained that the core problem seems to be access to HEU.

A call was made for strengthening the relevant international law instruments in order to address the illicit trade problems. Specific mention was made to the weakness of the 1982 UN Convention on the Law of the Sea as it contains no provisions to prevent trafficking in materials used in WMD. In this regard, it was underlined that the role of initiatives such as the PSI and the legal implications it might have should be carefully assessed. The inclusion of criminalizing provisions, also within the IAEA framework, was suggested, as well as expanding the PSI to all States who want to join and who wish to strengthen international maritime law.

Participants also underlined the obligation of NWS under Article I of the Treaty not to proliferate, and emphasized that the legal obligations emanating from this Article are often disregarded.

Several interesting questions were raised in the context of the discussion during this session, including:

- i. What the role of the Conference on Disarmament should be, if any, in addressing the threat of nuclear terrorism?
- ii. Is the goal of a FMCT still relevant and can it deal with this threat?
- iii. What is/should be the role of the IAEA?
- iv. Whether a body, such as the International Court of Justice (ICJ) could criminalize trafficking?

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#### **Session V:**

#### **Universality: Is Further Progress Possible?**

Referring to recent disclosures of non-compliance, the announced withdrawal of the DPRK and indications of closer cooperation between some NWS and States with nuclear weapons outside the Treaty, one panelist stated that these developments have had a negative impact on the status of the Treaty as one of the most universally supported international regimes. Doubts voiced by States about the future of nuclear disarmament and problems with effective enforcement are a further threat to the Treaty's efficacy and future. It was stressed that until now, the position of the three nuclear capable states outside the Treaty, has not been seriously challenged. Despite the 1998 nuclear test by India and Pakistan, recent history seems to indicate a positive spin-off for non-adhering States that have violated the norm of nonproliferation that emanates from the NPT.

The view was expressed that the example of the DPRK withdrawing from the Treaty, might furthermore give the impression that even by revoking the Treaty, States could be in a stronger position than they were before. In this regard some pertinent questions were raised, including whether some States parties might re-think their own adherence to the NPT and whether nuclear proliferation by States outside the Treaty, including through a bargaining process with NWS, is a more lucrative option to place them in an even better position than before. It was considered that

the only one way to deal with this risk would be to make it utterly unattractive to withdraw from the Treaty or highly attractive to remain within its framework. The following options were offered to address further “de-universalization”:

i. The three nuclear capable States outside the Treaty should be persuaded, or pressured, to join the Treaty. This might be done not only by warning them of the negative consequences, but also by showing them the benefits of the Treaty. This would, however, be a long-term process and a positive outcome will depend on a solution for the specific problems these countries are facing in their respective regions. The view was expressed that for the short term it is highly improbable that any of these three States would join the NPT. However, every effort should be made to reach an agreement with them to effectively stop any further nuclear proliferation by them and to reduce the appeal for NPT State parties to pursue the nuclear option. For this reason, it was emphasized that it must be made clear that States with nuclear weapons outside the Treaty can not derive any privileges or a special status on the international stage. The view was also expressed that although universality would be difficult to achieve, it is not impossible. In this regard, it was recalled that the 1995 NPT Review and Extension Conference recognized universality is a major goal of all State parties.

ii. It was also mentioned that States parties should continue to see the benefits of positively adhering to the Treaty. It was emphasized that assistance in peaceful nuclear use should be made available if not mandatory, and security concerns of NNWS should be taken seriously and solutions should be offered by those in a position to do so. In this context, the question was also raised whether the NPT is still considered as an enhancement to smaller States’ security or is it becoming the opposite? It was considered that the NPT provides verification capabilities that small countries would otherwise not have. Perhaps more importantly, it provides the norm that nuclear weapons are weapons of mass destruction and that these shall ultimately be eliminated. That would require reaffirming the value of Article VI and seriously taking up the challenge to push for implementation of the thirteen steps.

iii. Withdrawal from the Treaty should be made more difficult. In this regard it was recalled that several ideas to put this into practice have been circulated following the DPRK’s announced withdrawal in January 2003. For instance it was argued that a withdrawal should require approval by the UN Security Council and/or should be followed by imposing IAEA safeguards, also after the actual withdrawal has taken place. Another option would be to insist on removal of fissile material from such a State. However, it was considered that these measures would encounter several legal problems which have yet to be solved, e.g. what legal basis does the IAEA have to impose safeguards on a country that has revoked the Treaty; how should the Security Council go about it when imposing sanctions on violators who have withdrawn from the Treaty; and should an adjustment of the additional protocol be considered obliging State parties to still comply fully with IAEA safeguards after withdrawing from the Treaty? The view was expressed that these solutions would need extreme political pressure by the major actors to overcome the complications set out above and that it would probably entail mandatory measures by the Security Council. Although some workshop participants considered sanctions as the only logical response to a withdrawal, and they should only be lifted if a State comes back to the NPT, other participants voiced their opposition to this concept.

It was also added that if universality remains to be the goal, then it should be borne in mind that States such as India and Pakistan might never join without the withdrawal option. These States will want the same terms available to current State parties and will want the same options for withdrawal. Instead of removing the withdrawal possibility, efforts must be focused on making NPT credible and highly valued in order for States not to want to withdraw. It was also recalled that Article X (1) protects the sovereign right of every State to withdraw from the Treaty as it spells out the circumstance and the standards for withdrawal. The view was expressed that most

States parties might not have supported the NPT in the first place if the right to withdrawal did not exist.

The DPRK's withdrawal, however, raised several important related questions, such as whether or not NPT State parties should have reacted differently to the withdrawal announcement; whether an unfortunate precedent has now been set; and whether Article X(1) should be fixed or changed or reinterpreted. It was recalled that some have argued that there should be mechanisms available to the State parties to impede future withdrawals and ways to permit State parties to make their collective will known and effective. The view was expressed that it is doubtful whether a caucus of NPT State parties could accomplish more than the UN Security Council or the IAEA Board of Governors. It was pointed out that the difficulties evident in the Security Council to try and dissuade a State party from withdrawing are likely to be evident in any NPT caucus.

It was also clear that there continues to exist wide disagreement over the legal status of the DPRK's withdrawal. The general held view was that assuming no resolution of its legal status will be achieved before the third PrepCom convenes, it is expected that the PrepCom will resort to the "Molnar solution" by keeping the DPRK nameplate in the chairman's "custody." Some participants stated clearly that the issue of the DPRK should not be dealt with in the context of the NPT PrepCom.

One panelist pointed out that the DPRK's withdrawal is highly unique in every respect. It is an isolated country, has few friends and defied the NPT and its supporters. Since it is the only State that has withdrawn from the NPT, it does not provide a strong basis for other States to conclude that their interests might be best served by withdrawing from one of the most widely accepted treaties ever negotiated. It was mentioned that the example of Libya proved just the opposite, since it perceived its security interests best assured by staying in the NPT and returning to the compliance, including under other WMD related treaties, albeit very late. Hence, the DPRK's actions alone should not necessarily lead to the conclusion that Article X (1) of the NPT must be "fixed". One participant also raised the question whether it would be desirable to get the DPRK back into the Treaty as if nothing had happened.

A number of steps were identified to be considered as means to prevent possible future withdrawal actions. In this regard it was stressed that the object should be to deter any withdrawal by emphasizing the real consequences that stem from such withdrawal action.

- i. The Security Council should accelerate its resolve to act promptly when a State party indicates its intention to withdraw. It should not allow threats from an offending State to deter it from considering constructive action, as was the case with the DPRK.
- ii. Security Council deliberations should be accompanied by a clear expression in opposition to a withdrawal by other NPT State parties in a similar fashion as the strong condemnation following the 1998 nuclear tests by India and Pakistan. At the bare minimum, all assistance to a withdrawing State's nuclear program should be suspended immediately and a cut-off of other forms of assistance could be considered. In the end, the withdrawing State must realize it will be worse off than it was before making the decision to pull out of the NPT.
- iii. The NPT depository States should/could meet promptly to determine what, if any, role they might play in dealing with the situation in addition to actions already undertaken in the Security Council and elsewhere. Although the depository States have no particular mandate in this regard, informal consultations among them would be seen as an appropriate political step.
- iv. Regional State parties, affected most directly by a withdrawing State, could consider forming an ad hoc group, involving some or all of the P-5, to reinforce or supplant any action by

the Security Council. A firm regional response to the withdrawal could be effective in elevating the political costs of a withdrawal.

v. The NPT strengthened review process should be utilized as a sounding board to register strong condemnation. In this regard it was considered important for broad consensus among State parties to firmly oppose a withdrawal thereby increasing the political pressures on a withdrawing State. In this context, reference was made to a proposal that before a withdrawal becomes effective, a special session of NPT State parties should be held. Another participant mentioned that a withdrawing State party should have to explain to other States parties at such a conference, its reasons to withdraw.

vi. The 2005 Review Conference could pronounce itself clearly that the initiation by a State of a nuclear weapons program cannot be seen as an extraordinary event related to the subject matter of the Treaty, which the State decides jeopardizes its supreme interests, thus giving it the right to withdraw under the terms of Article X (1).

vii. The Security Council could give an expression of support for the security concerns of any NPT NNWS that may feel threatened by the actions of the withdrawing State, especially if that State is seeking nuclear weapons.

viii. The Nuclear Suppliers Group (NSG) and/or Zangger Committee could also meet to consider action to cut off of nuclear supplies and if appropriate, to intensify monitoring of compliance with bilateral assurances pertaining to nuclear material and equipment previously supplied to the withdrawing State.

viii. Intelligence and interdiction resources could be directed at the withdrawing State to stop any clandestine procurement directed at the acquisition of a nuclear weapons capability.

It was also emphasized that the best guarantee against withdrawal by a NPT State party is to ensure that all Parties continue to believe in the value of the NPT in today's security environment. If the NPT is seen to have a continuing value to it, States are not likely to consider withdrawing from it. That, however, places a responsibility on all of State parties to support efforts to strengthen the NPT.

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#### **Session VI:**

#### **Plugging the Treaty loopholes: Lessons from Iran, Libya and North Korea: Inalienable right to peaceful nuclear energy or virtual nuclear deterrents?**

The panelists examined ways in which Article IV of the NPT allowed certain non-nuclear weapon states to engage in a clandestine nuclear weapons programs. One panelist addressed this concern by looking at the past, present and future. Regarding the past, he recalled that under Article IV States are allowed "the inalienable right to develop research, production and use of nuclear energy for peaceful purpose without discrimination and in conformity with Articles I and II." Article IV also acknowledges an "undertaking to facilitate, and ...a right to participate in, the fullest possible exchange...for the peaceful uses of nuclear energy." It was pointed out that these provisions have, however, led to differing interpretations, including the emphasis by developing countries of the "inalienable right" and the "fullest possible exchange" and emphasis by nuclear suppliers of "in conformity with Articles I and II" and the "possible" in "the fullest possible exchange". It was pointed out that today, issues surrounding Article IV remain to be difficult, especially issues of nuclear supply and the fuel cycle. These concerns are driven by both revelations by Dr. A.Q. Khan's "nuclear Wal-Mart" and concerns about the extent to which countries could develop nuclear weapons, while simultaneously confessing their innocence and disinterest in nuclear weapons. These issues have always been of concern, but in light of concerns over nuclear weapons program in Iran, Pakistan and North Korea, these issues are of

utmost importance, especially the ability of States to supply sensitive technologies and materials to rogue nations or terrorist organizations. The threat could increase if access to national controlled stocks of plutonium and enriched uranium is increased. This provides a growing number of countries with a latent nuclear weapon option, a breakout capability in extremis. Given these risks, it was considered timely to step back to think about peaceful nuclear cooperation and access to the nuclear fuel cycle. Looking towards the future, the panelist argued there are at least three broad solutions or responses currently on the international agenda:

- i. IAEA Director General ElBaradei's proposal to multi-nationalizing or internationalizing sensitive enrichment if not other aspects of the nuclear fuel cycle.
- ii. President Bush's proposals which include strengthening national export control laws while reaffirming or perhaps strengthening the restraint on national access to enrichment and reprocessing. It was pointed out that this in effect proposes a new bargain: no sales of enrichment and reprocessing equipment or technology to States that do not currently possess full-scale fuel cycle capabilities, joined to a commitment of reliable, reasonable cost supply to States that renounce enrichment and reprocessing.
- iii. The U.S. led PSI is indicative of the readiness by a number of countries - 16 to date - who are committed to interdict shipments via land, sea and air, of WMD and related materials.

In evaluating these responses, it was argued that there are four assertions to be made.

- i. The NPT's injunction on peaceful nuclear cooperation cannot be regarded as an absolute.
- ii. The notion of multi-nationalizing international nuclear activities may be unavoidable. It was suggested that the 2004 NPT PrepCom, as well as the 2005 NPT Review Conference, offer one forum to begin such exploration of new approaches to managing the nuclear fuel cycle. In this regard, it was pointed out that it would be necessary to consider what such a new bargain of no enrichment and reprocessing in return for guaranteed supply would entail and how might it be implemented.
- iii. Exploitation by some States of gaps in the NPT or of the nuclear fuel cycle to move closer to nuclear weapons remains an important challenge, and responses are necessary. This is a symptom as much as a cause of today's non-proliferation problems. It was suggested that to address this problem will require getting at the underlying motivations, such as insecurity, aggrandizement and the prestige of nuclear weapon possession – that lead to national decisions to seek nuclear weapons. New thinking is required about what can be done in this regard – thinking that considers not only national alliance commitments but broader collective security undertakings. In this regard it should be considered whether security assurances should be provided to insecure countries, or how to dissuade the pursuit of nuclear weaponry by sending an international signal that nuclear backed aggrandizement will not succeed.
- iv. Actions need to be taken to put some teeth into nonproliferation. Examples cited were the PSI and strengthened means of inspection and compliance. It was emphasized that these actions, as well as nonproliferation as a whole, draw their legitimacy from a broader global vision of actions by the great powers to move towards a world in which nuclear weapons are no longer instruments of prestige or power. In such a world, nuclear weapons may not have been physically eliminated – but they could be politically eliminated, sharply reduced in numbers, and moved into the political-military “deep freeze.”

The IAEA safeguards system and mechanisms on how to assure non-diversion of nuclear material and the absence of undeclared nuclear material and activities were also discussed. It was underlined that the system of comprehensive safeguards, following the structural content of the NPT safeguards agreement, has developed continuously with the accumulation of experience and the introduction of new verification technology and methods. Based on material accountancy, this safeguards system has proved reliable in providing assurances about the peaceful uses of declared

nuclear material and declared facilities. However, it was stressed that while the scope of the NPT safeguards agreement is not limited to declared nuclear material and facilities, the safeguards system that developed through the early 1990s had limited capability to deal with the “completeness” of States’ nuclear material declarations. It was stated that the problem of providing assurances regarding the completeness of a States’ nuclear material declarations has to be addressed under three circumstances:

- i. The completeness of States’ initial nuclear material declarations upon entry into force of their comprehensive safeguards agreement with the IAEA.
- ii. The completeness of States’ nuclear material declarations as a continuing feature of the implementation of safeguards; and
- iii. The completeness of States’ declarations under circumstances where safeguards inspections are not carried out because of the small quantities of nuclear material involved.

It was pointed out that co-operation between the IAEA and a State is necessary for the successful implementation of safeguards in any context. Furthermore, it was emphasized that the level of cooperation essential to the process of verifying an initial declaration, for States with a significant nuclear program prior to, or at the time of entry into force of their safeguards agreement, goes beyond that required to implement a comprehensive safeguards agreement or even an additional protocol to the agreement. It was highlighted that the completeness of a State’s declaration is not limited to States that have not concluded an additional protocol and the problem continues to be addressed by available means. However, the assurances that the Agency can provide for States without additional protocols are limited since, as it was pointed out, the information provided by States and the access available to inspectors are limited to that stipulated under their safeguards agreement. It was explained how drawing a conclusion that a State’s declarations are also complete requires a shift in emphasis from evaluating information on a facility-by-facility basis to the consideration of the information for the State as a whole. State Evaluation Reports (SERs) are periodically updated in different departments. It was noted that SERs mean a revolution in the sense that, for the first time, the Safeguards Department has systematically documented the basis for its safeguards conclusions.

The development and implementation of integrated safeguards was identified as the next step in the evolution of safeguards. It was underlined that the agreement and the protocol have to be read as a single document resulting in a single, unified safeguards system. The point was made that broader assurances regarding the completeness of States declarations would result in reduced verification intensity on some types of nuclear material, in exchange for the greatly increased nuclear transparency and openness provided by the additional protocol. It was underscored that to date, implementation of integrated safeguards is limited to seven States with limited nuclear program. The remark was made that this situation will soon change, since several States – some of them with large nuclear programs - will soon be implementing integrated safeguards. It was stated that integrated safeguards should evolve parallel to the new developments and challenges. The question was raised whether the Agency will have the resources necessary to perform the verification tasks it has been asked to do. In this sense, mention was made to the fact that the implementation of integrated safeguards will free some resources that can be directed to dealing with the completeness problem. However, it was noted that that might not be enough. It was pointed out the fact that through 15 years of zero real growth budgets, the safeguards program has become increasingly dependant on extra-budgetary contributions. Although IAEA Member States have agreed to a nearly \$20 million annual increase in the safeguards budget, given the fact that the IAEA provides the nuclear safeguards system called for by the NPT, NWFZs and other nuclear non-proliferation arrangements, this sum remains to be insufficient.

Several participants emphasized that considering the provisions of Article IV as a loophole should be avoided, as it could trigger controversy. In this context it was observed that a weak verification and inspection regime provided the opportunity for states such as Iran, Libya and North Korea to acquire the material necessary to establish a nuclear weapons program. It was also mentioned that even with the additional protocol in place, Agency inspectors do not have enough rights to conduct intrusive inspections. It was suggested that the NPT verification system and legal framework must be strengthened to deal with this challenge and that the language of Article IV should rather be broken down or reinterpreted to help build a consensus at the third PrepCom and at the 2005 Review Conference. Views were also expressed that State parties should agree at the Review Conference to make the additional protocol an integral part of the NPT itself, as well as to increased funding and staff resources to the IAEA.

It was furthermore suggested that the philosophy behind the verification regime as incorporated in the Treaty through the IAEA's safeguards agreements needs to be revised. That philosophy, in one panelist's opinion, is based on several assumptions that are no longer pertinent, including the assumption that State parties will give the IAEA an honest and complete inventory of all their nuclear material and activities; that State parties will refrain from clandestine activities, for fear of publicity; that by providing a full picture of a State's nuclear activities, safeguards guarantee security; and that no State will help a NNWS develop a weapons program. It was pointed out that although the additional protocol to the Agency's traditional ("comprehensive") safeguards system specifically addresses the first two of these assumptions, the majority of States party to the Treaty have not yet accepted the additional protocol and the Agency cannot force them to do so, neither does it have the financial means or the manpower to deal with these tasks. In this context, it was suggested that the Review Conference should agree that the safeguards required under Article III of the Treaty should include the provisions of the additional protocol (INFCIRC.540). It was also suggested that the Conference call on all States to provide the Agency with the wherewithal to apply safeguards accordingly.

It was furthermore pointed out that a change in the legal basis of safeguards should go in parallel with a change in the philosophical approach. In this regard, it was suggested that a refusal by a State party to conclude the additional protocol would be a *prima facie* indication of a State's unwillingness to open its nuclear activities to international scrutiny. It was proposed that the Review Conference might further wish to express the view that in its safeguards application, the Agency should take account the stage of a State's nuclear development, thus encouraging it to apply the full weight of the authority it derives from the additional protocol, presuming the availability of IAEA funds and staff.

Specific reference was made to the challenge presented by the disclosure that several, if not all, of the proliferating States (North Korea, Libya and Iran were cited) have obtained most of the necessary technology and equipment from a source in Pakistan and that this is likely to lend special interest to discussions on export controls, restrictions on the equipment to be sold abroad, transparency of supply arrangements and states' obligations to maintain strict controls on nuclear exports. It was emphasized that the Review Conference should underline governments' responsibility for the actions of their nationals in this regard. It was also stressed that export regimes should interdict the sale of equipment and technology that might form a part of a program for the production of weapons-usable nuclear material. It was, however, noted that if the

extended interpretation of safeguards include the application of the additional protocol, Article III (2) (b) of the Treaty would prohibit such sales unless there is assurance that the additional protocol will apply.

Reference was also made to the advantages of proposals to persuade States from producing weapons-grade nuclear material, but it was pointed out that attempts to interdict plutonium reprocessing or uranium enrichment would likely fail. As a possible alternative, it was suggested the Review Conference agree to interpret the term “peaceful purposes” used in Article IV (1) of the Treaty to *per se* exclude these activities.

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### **Session VII:**

#### **Can the Strengthened review process ensure that the purposes of the preamble and the provisions of the Treaty are being realized?**

One panelist highlighted several deficiencies in the NPT by pointing to the imbalance between the obligations of NWS versus NNWS. He suggested that while NNWS accepted the strict prohibition and verification procedures, NWS have only engaged in nuclear disarmament in “good faith.” As a result, there has been no tangible progress in nuclear disarmament. In his view, the NPT did not bestow the right to the indefinite possession of nuclear arsenals on the five NWS or their exclusive use of nuclear technology for peaceful purposes. However, NWS are continuing to engage in vertical proliferation and are excluding developing nations from enjoying the benefits of legitimate nuclear programs. This discrimination, in his opinion, may be providing an incentive for NNWS to develop illicit nuclear weapon programs. These circumstances have shown that a hard look at the mechanisms set by the Treaty is both urgent and necessary. He cautioned against declaring the NPT a failure as this might provoke the unraveling of the whole multilateral non-proliferation regime. Instead the conceptual progress achieved so far should be put to good use, including by utilizing the strengthened review process adopted in 1995 and evaluating the implementation of the commitments accepted by both categories of Parties, while at the same time trying to build upon the consensual 13 steps agreed only four years ago.

It was emphasized that the overwhelming majority of the world community supports multilateral action to face new realities, including the prevention of nuclear terror. On the other hand, decisive action by the NWS to honor the commitments accepted in the NPT and in the Final Documents of Review Conferences is long overdue. It was also stressed that further restrictions and controls over legitimate peaceful nuclear programs which might be deemed necessary in the light of the current realities, must be matched by both the reinforcement of the obligation to achieve nuclear disarmament and by concrete, irreversible and verifiable action in that direction, based on the consensual 13 steps agreed to at the 2000 Review Conference. The uncovering of a couple of real or suspected cheaters should not become a pretext to curtail *bona fide*, lawful programs of scientific or commercial interest in developing countries, opening the way to a directorate of the powerful that would confiscate sensitive technologies and make them the exclusive property of a few.

It was noted that the preparatory process for the 2005 Review Conference, and for that matter the Conference itself, provide the membership of the NPT with an opportunity to test the willingness of all State parties to live up to their commitments and to the expectations they have generated. It was emphasized that attempts to backtrack from those commitments, or the pursuance of

initiatives that would turn unequivocal undertakings into equivocal commitments, must be repelled. It was again emphasized that the strength, credibility and permanence of the NPT rests on a fundamental bargain which must be recognized and upheld if the Treaty is to be effective and lasting by virtue of its own merits rather than let it be used to serve selective interests through intimidation or the perpetuation of discrimination and imbalance.

Discussions during this session also focused on possible mechanisms to overcome the “institutional deficit” of the NPT. In this regard, a panelist stated that the basic weakness of the NPT is that it lacks an institutional capacity to protect the interest of all State parties. He pointed out that the NPT has no annual meetings of State Parties, an executive council, or a secretariat to oversee the implementation of the Treaty. Although the IAEA has certain important responsibilities under the Treaty, he considered these limited in scope given the difference in Agency membership and that of the NPT. Another weakness of the Treaty, in his view, is that PrepCom meetings are essentially held only to prepare for Review Conferences. As a result, these meetings are not utilized as a forum for making independent decisions. To correct these structural deficiencies, the following solutions were suggested:

- i. Replace the current PrepCom system with Annual Conferences of State parties with a mandate to discuss the current state of NPT implementation and consider and decide on any issues covered by the Treaty. Such Conferences would have duration of one week. In the year immediately preceding a Review Conference, the Annual Conference would be extended in length in order to carry out preparations for the Review Conference.
- ii. Reconstitute the bureau of the review process as a standing bureau of the Treaty comprised of the President and Chairs of the quinquennial Review Conference with a mandate extending to the next Review Conference.
- iii. Empower this standing bureau to convene, on its own decision or pursuant to a request from the Depositary Governments or Secretary General, extraordinary sessions of the General Conference of States Parties when situations arise that threaten the integrity or viability of the Treaty.
- iv. Establish a small secretariat, within the UN Department of Disarmament Affairs, to support the bureau and General Conference of States Parties.

Other participants felt that there was no need to establish a separate secretariat to serve the NPT since this task is already covered by the UN Department for Disarmament Affairs. Questions were also raised over the scope and mandate of the proposed Annual Conferences of State parties and the mandate of the standing bureau.

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## Annexure A

**WORKSHOP AGENDA****Sunday, March 7, 2004**

- 09:00           Opening:           Professor William Potter (CNS)
- 09:15           **Session I:     Principles, objectives and ways to promote the full implementation of the treaty, as well as its universality: Progress, Problems and Prospects?**
- Chair:             Mr. Jean du Preez (CNS)  
                  Panellists:       Mr. Peter Goosen (South Africa)  
                          Ambassador Laszlo Molnar (Hungary)  
                          Dr. Ben Sanders (Netherlands)
- 10:30           Break
- 11:00           **Session II:    Security of non nuclear weapons states: Is progress possible in 2005?**
- Chair:             Ambassador Pablo Macedo (Mexico)  
                  Panellists:       Ambassador Mya Than (Myanmar)  
                          Ambassador David Broucher (United Kingdom)  
                          Mr. Badriddin Obidov
- 12:15           Lunch **(Sponsored by the Federal Republic of Germany)**
- 14:00           **Session III:   Advancing the process and objectives of nuclear disarmament in the 21st Century**
- Chair:             Ambassador Rastam Isa (Malaysia)  
                  Panellists:       Ms. Rebecca Johnson (Acronym)  
                          Ambassador Tibor Toth (Hungary)  
                          Mr. Ruediger Luedeking (Germany)
- 15:30           Break
- 16:00           **Session IV:   Nuclear terrorism and non-state actors: Can the nuclear non-proliferation regime deal with this threat?**
- Chair:             Mr. Anton Vasiliev (Russian Federation)  
                  Panellists:       Mr. Camille Grand (France)  
                          Professor William Potter (CNS)
- 18:30   Reception/Dinner **(Sponsored by Japan and the Republic of Korea)**

**Monday, March 8, 2004**

- 09:00      **Session V:**      **Universality: Is further progress possible?**
- Chair:            Mr. Knut Langeland (Norway)
- Panelists:       Deputy Assistant Secretary of State Andrew Semmel (United States)
- Mr. Alaa Issa (Eqypt)
- Ambassador Chris Sanders (Netherlands)
- 10:30      Break
- 11:00      **Session VI:**      **Plugging the Treaty loopholes: Lesson from Iran, Libya and North Korea: Inalienable right to peaceful nuclear energy or virtual nuclear deterrents?**
- Chair:            Professor William Potter (CNS)
- Panellists:       Ambassador Nobuyasu Abe (UN Under Secretary-General)
- Mr. Tariq Rauf (IAEA)
- Dr. Lewis Dunn (Science Applications International Corporation)
- 12:30      Lunch (Sponsored by the United Kingdom and Northern Ireland)
- 14:00      **Session VII:**      **Can the strengthened review process ensure that the purposes of the preamble and the provisions of the Treaty are being realized?**
- Chair:            Adrian McDaid (Ireland)
- Panellists:       Ambassador Paul Meyer (Canada)
- Professor John Simpson (United Kingdom)
- Ambassador Sergio Duarte (Brazil)
- 15:15      Break
- 15:30      **Session VIII:**      **The Vision of the Chair Designate**
- Chair:            Professor William Potter (CNS)
- Panellists:       Ambassador Sudjadnan Parnohadinigrat (Indonesia)
- 16:30      Closing

## Annexure B

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