

# Jayantha Dhanapala

## *The management of NPT diplomacy*

From its beginnings, the multilateral Treaty for the Non-Proliferation of Nuclear Weapons (NPT) has been flawed by deeply entrenched discriminatory features. Yet somehow it has emerged as the most widely subscribed-to disarmament agreement in the world, with 190 member states-parties.<sup>1</sup> The year 2010 marks the fortieth anniversary of the NPT's entry into force, and also serves as occasion for the Treaty's next five-year review by all member states. This review comes at a time when the strength of the NPT is being sorely tested by pressures arising from the original "bargain" between the nuclear-weapons states (NWS) and non-nuclear-weapons states (NNWS); by the litany of unfulfilled promises from past review conferences, especially the 1995 Review and Extension Conference and its discussion surrounding Article VI; and by the few instances of NNWS attempting to renege on their NPT obligations.

The NPT is a unique treaty in many ways. It seeks to combine the prohibitive aspect of a disarmament treaty (with regard to NNWS, in Articles I, II, and III) and the advisory approach of an arms control treaty (with regard to the NWS,

in Articles IV and VI). It also contains a provision, in Article X, paragraph 2, for a conference to be convened 25 years after the Treaty's entry into force, to decide whether it should be extended indefinitely or "for an additional fixed period or periods." Article VIII, paragraph 3 of the Treaty also provides for review conferences at five-year intervals. If diplomacy is the application of tact, skill, and intelligence in the conduct of international relations among nation-states, then both of these Treaty provisions offer opportunities for the active exercise of diplomacy by states party to the Treaty.

Most treaties are designed to last for an indefinite duration and are frozen in time except for amendment procedures, which, at any rate, are normally difficult to implement. In this respect, the internal dynamics of NPT conferences assume special importance while the external context, including instructions from national governments, continues to have undisputed influence. Thus the 1995 NPT Review and Extension Conference and all other review conferences, held every five years since 1975, merit close analysis for the interplay of diplomatic efforts by NWS and NNWS and the impact these efforts have had on the future course of the NPT. The lead-up to

---

© 2010 by the American Academy of Arts & Sciences

the 2010 Review Conference provides an appropriate moment to study this diplomacy, which includes examining how past conferences have been managed. NPT diplomacy is not merely the interaction of delegations at NPT conferences and in between; it is also the management of the conferences by the officers elected to the various positions by the states-parties, in view of the impact these officers have on the success or failure of the conferences. Often the most intractable issues do not necessarily cause conferences to implode and collapse without agreement if there is sufficient goodwill and creative diplomacy. By contrast, negative personal chemistry among key delegations and poor conference management are likely to exclude any hope of accommodation or compromise.<sup>2</sup>

The negotiating record of the NPT – as revealed especially in Mohamed Shaker’s pioneering study<sup>3</sup> – indicates that the Treaty was largely a product of U.S. and, subsequently, USSR delegations that co-chaired the Eighteen Nation Disarmament Conference (ENDC), the negotiating body that preceded today’s Conference on Disarmament. Prior to the ENDC, in 1959 the United Nations General Assembly (UNGA) adopted Resolution 1380 (XIV), which had been proposed by Ireland and called for NWS to refrain from providing weapons to NNWS.<sup>4</sup> Two years later, another Irish draft resolution on the “prevention of the wider dissemination of nuclear weapons” was also adopted by the Assembly. What makes the 1959 and 1961 resolutions distinctive is that both resolutions represent the views of the NNWS. Of the two resolutions, the second, Resolution 1665 (XVI), adopted unanimously in the UNGA on December 4,

1961, can be regarded as the genesis of the NPT.

The transition from the UNGA, where voting is equitable with each member state having one vote, to the ENDC, where, among the 18 states, the cochairs were in a clear position of authority and influence as Cold War superpowers, was significant. The more evenly balanced interests of NWS and NNWS in the Irish resolution mutated to a draft treaty that was heavily weighted toward the interests of NWS. At the same time, the cochairs were aware that the draft treaty had to attract the support of a wide range of NNWS.

The main opposition came from Germany and Italy, both of which felt that they were targeted. Their diplomacy helped limit the duration of the NPT to 25 years. Article VI – widely regarded as the disarmament pillar of the NPT – was the result of developing countries, NNWS like Mexico, whose redoubtable Ambassador Alphonse Garcia-Robles spearheaded the fight for the inclusion of this Article. By 1961, the Non-Aligned Movement (NAM), with member states from each continent, had its first summit in Belgrade. The 25 countries of NAM had pledged to pursue an independent foreign policy unattached to the two blocs and were beginning to assert influence in global politics. That Article VI was a watered-down version of what Mexico and others proposed and, eventually, was placed deliberately within the context of “general and complete disarmament” was perhaps the best possible outcome given the strength of the NWS in the ENDC. Garcia-Robles played a leading role in the conclusion of the 1968 Treaty of Tlatelolco, which made Latin America and the Caribbean the first inhabited nuclear-weapon-free zone. Later, he shared the 1982 Nobel

Peace Prize with Ambassador Alva Myrdal of Sweden, another outstanding disarmament diplomat.

In the formulation of Article X, paragraph 1 (the withdrawal clause of the NPT; now very much the center of discussion after the DPRK left the NPT), it is clear from the negotiating record that the United States introduced the clause, but that Egypt, Burma, Brazil, and Nigeria had a role in the final language adopted. The focus at the time was on states exercising their sovereign right to withdraw on the basis of other states-parties not complying with their obligations.

The NPT was signed on July 1, 1968, and entered into force in 1970. Its membership has expanded from 91 in 1975 to 190 in 2009. The three depositary states – the United States, Russia, and the United Kingdom – have strongly encouraged other states to join, contributing to this expansion. However, it is true that assertive U.S. diplomacy has succeeded in convincing many countries to join the NPT as NNWS. At certain stages, opponents of the NPT, such as India, have tried to counteract this diplomacy but without much success, especially in South Asia. A dramatic uptick in accessions was noticeable prior to the 1995 Review and Extension Conference. While sovereign countries of course make a decision to join the NPT according to their national interests, the entry of long-standing holdouts like Argentina, Brazil, and South Africa represents a diplomatic success for the depositary states.

Four review conferences were held in Geneva during the 1975 – 1990 period, with two of the conferences (1975 and 1985) seeing adoption of a Final Declaration by consensus and two (1980 and 1990) failing to do so. However, it is arguable whether the success or failure

of review conferences can be judged by the adoption of a Final Declaration. First, although the rules of procedure for the conferences provide for voting, decisions are generally reached by consensus, out of an increasing concern not to be divisive in vital issues of security. This empowers individual delegations or small groups of delegations to obstruct consensus and prevent the adoption of a Final Declaration.

Second, adopting a Final Declaration is regarded by some as less important than a comprehensive discussion of how the NPT has been implemented in all of its aspects. That belief may appear to be a rationalization for failure in diplomacy. But the fact is that the adoption of a Final Declaration is the expression of collective political will. Failure to do so could be a symptom of deeper political malaise or a demonstration of dissatisfaction with specific aspects of the review process, such as when the Arab group of countries focuses on a demand for Israel to join the NPT as a NNWS. The adoption of a Final Declaration is also influenced by the prevailing global atmosphere. Thus, a Final Declaration at a review conference is undoubtedly a political barometer.

*The 1975 Review Conference.* As the first review conference, the 1975 Conference served as a precedent, with those NNWS that were part of NAM – functioning under the title “Group of 77” – ready to confront the three NWS in the NPT at the time: the United States, the USSR, and the United Kingdom. Article VI was the key area of dispute, and the Comprehensive Test Ban Treaty (CTBT) was a principal demand, in addition to security assurances for the NNWS. The adoption of a Final Declaration was less a reflection of diplomatic agreement

among the parties and more a tribute to the forceful personality of Conference President Inga Thorsson of Sweden, who is said to have pushed her own draft through after the Drafting Committee failed to reach consensus on the nuclear disarmament aspects. Mexico, as spokesman for the Group of 77, made an interpretative statement of the Final Declaration that was incorporated as a Conference document. Thus, participants arrived at an uneasy compromise.

*The 1980 Review Conference.* The 1980 Review Conference followed the remarkable success of the 1978 First Special Session of the UNGA devoted to disarmament (SSOD I), and expectations were high. The Carter administration had been weakened considerably by the overthrow of the Shah in Iran and the subsequent student takeover of the U.S. Embassy, with its staff held in a prolonged hostage crisis. U.S. diplomats were in no mood to accommodate NAM demands. Relations between the United States and the USSR were strained by the Soviet invasion of Afghanistan. NAM itself was divided by tensions between Iran and Iraq, which erupted into a nasty war after the Review Conference.

Sharp divisions arose over Article VI and the CTBT, security assurances, Article III, and nuclear-sharing insofar as it was contrary to Articles I and II. After the success of SSOD I, NAM was not prepared to settle for anything less than disarmament, and so a deadlock resulted, with no Final Declaration adopted.

*The 1985 Review Conference.* In preparation for the 1985 Review Conference, I chaired the third session of the Preparatory Committee (which decided on the current structure of the three Main Committees and apportioned the chairs of these committees to the Western,

Eastern, and NAM groups) and went on to chair Main Committee I of the Conference, which was held during U.S. President Reagan's first term.

Israel had attacked and destroyed Iraq's safeguarded nuclear reactor by the time of the 1985 Conference. Despite this inclement atmosphere, NPT diplomacy reached new heights under the able presidency of Ambassador Mohamed Shaker of Egypt (himself an authority on the NPT). His innovative diplomacy included assembling a representative group of advisors who helped to steer the Conference to the successful adoption of a Final Declaration. Before that, however, numerous hurdles had to be cleared, as sharp and irreconcilable divisions arose over disarmament issues, especially the CTBT.

It was evident that instructions given to the U.S. delegation were very tight, and I conceived of a drafting exercise similar to the Shanghai Communiqué of February 28, 1972, from the end of President Nixon's historic visit to China. That communiqué had stated China's position and the U.S. position on many controversial issues separately and with no attempt to bridge the differences. Thus a draft that reflected an overwhelming majority of delegations expressing support for a CTBT with a few delegations holding a contrary view was drawn up and finally accepted, helping to break the stalemate that was preventing a consensus.

This formula of "agreeing to disagree" was unusual but helped in the adoption of a Final Declaration. The personal diplomacy of the leader of the U.S. delegation, Ambassador Lewis Dunn, who painstakingly built relationships with the main officers of the Review Conference throughout all sessions of the Preparatory Committee, was another ingredient in the success of the 1985

Conference. In the final hours of the Conference, the hard work on the more substantive issues was almost wrecked over a non-NPT-related dispute between Iran and Iraq. This dispute was also resolved by a drafting exercise, which satisfied both parties, and in the small hours of the morning, with the clock having been stopped, the Conference was successfully concluded.

*The 1990 Review Conference.* The 1990 Review Conference had to confront NAM's renewed demand for a CTBT, which could not be resolved through drafting tricks or innovative diplomacy. Although the Mexican delegation is accused of having "wrecked" the Conference, standing out resolutely against any compromise, it must also be stated that the president of the Conference and other key delegations lacked the flexibility to devise diplomatic solutions or procedural fixes.

On the other hand, the 1990 Conference is possibly an example of the limits of NPT diplomacy when the political context is so difficult that no diplomacy could overcome the differences among delegations. The lesson to be drawn is that politics and diplomacy must go together if multilateral conferences are to succeed. There has to be political will to adopt decisions in a conference; creative diplomacy alone will not be enough.

Preparations for the 1995 NPT Review and Extension Conference (NPTREC) and its month-long conduct presented a huge diplomatic challenge.<sup>5</sup> The NPT depositary states, led by the United States, were clear that an indefinite extension was their goal, and U.S. diplomats, particularly Ambassador Thomas Graham, Jr., worked with national governments to achieve this end. (Ambassador Graham's book *Disarmament Sketches* describes his efforts.) While

Russia, the United Kingdom, and France supported the same objective, there was no evidence of the same organized diplomatic offensive from them. China maintained publicly that it wanted "a smooth extension" but, with one eye on NAM, declined to be more explicit or active. The political atmosphere around the 1995 NPTREC was made favorable by the Clinton administration's decision to begin negotiating a CTBT in the Conference on Disarmament, thus removing one of the most contentious issues in NPT conferences.

South Africa was a key target of U.S. diplomacy, following Nelson Mandela's assumption of leadership of the nation and its emergence as a non-racial democracy replacing the white minority regime of the past. More significantly, South Africa had joined the NPT as a non-nuclear-weapons state after destroying its nuclear devices under International Atomic Energy Agency (IAEA) supervision. A special link on key NPTREC issues is said to have been established between U.S. Vice President Al Gore (who addressed the opening of the NPTREC) and South African Vice President Thabo Mbeki, ensuring South Africa's support for an indefinite extension of the NPT. This was an undoubted diplomatic triumph, especially as South Africa had proposed another 25-year extension during the Preparatory Committee stage.

The United States attempted similar diplomacy with the Arab group of countries, Egypt in particular, but was less successful. The Egyptian Foreign Minister at the time, Amr Moussa, remained critical of Israel's rejection of the NPT and demanded a solution to this rejection, calling for the Middle East to become a weapons of mass destruction-free zone. Another critic of U.S. NPT

policy was the able Mexican diplomat Miguel Marin Bosch, who was marginalized under U.S. pressure. A series of articles in *The Washington Post* on the eve of the NPTREC outlined U.S. policy and its diplomatic efforts. In marked contrast to the well-organized U.S. diplomatic offensive, the NAM countries had no similar campaign. No alternative to indefinite extension was conceptualized clearly or pursued vigorously, although many delegations proposed extensions of varying length since an extension would have given NAM the leverage it wanted. Even the critics outside the NPT, like India, made no effort to see that their wishes for a deadlocked conference were realized by way of an organized NAM stance.

The officers for the 1995 NPTREC, principally the president, were identified at an early stage. Two names, including my own, were proposed for the presidency at the very first session of the Preparatory Committee, and I was confirmed as president at the second session. This jump start provided ample time for consultations to be conducted and for diplomatic strategies to be planned. (In contrast, the confirmation of the president-elect for the 2010 NPT Extension and Review Conference was confirmed at the third session of the Preparatory Committee in May 2009.) Because of the complexity and importance of the 1995 NPTREC in comparison to other five-year review conferences, four sessions of the Preparatory Committee were necessary, and yet there was no complete agreement on the rules of procedure.

The diplomatic wrangling surrounding the rules of procedure was concerned with the mode of voting: would voting be conducted by secret ballot or by open ballot, if the Conference came to voting? NAM countries overwhelm-

ingly preferred the former while the Western group preferred the latter. The importance of this decision revolved around the wording of Article X, paragraph 2, which stipulated that the extension decision be taken "by a majority of the Parties to the Treaty." This deadlock remained unresolved throughout the NPTREC, and it was just as well that the final package of three decisions and the Resolution on the Middle East were adopted without a vote.

At the opening of the Conference it was clear to me as president, through interviews with delegations that had not openly announced their extension preferences, that the majority needed for an indefinite extension did exist. It was therefore left to me to craft a procedure that would legitimize this as well as reflect the overwhelming view that the extension should be conditioned on specific guarantees that nuclear disarmament would be achieved. To respond to that challenge, a small group styled the "President's Consultations," along the lines of Ambassador Shaker's group from 1985, was adopted. The group included all Conference officers, the chairs of the political groups, and key delegations selected by me. It was conceived as an "inner cabinet," or a laboratory, to discuss the all-important extension issue, which transcended the normal business of the Main Committees. The device was not entirely undemocratic or lacking in transparency because group leaders (and all delegations belonged to a group, except for China) were encouraged to report back to their groups regularly and seek their endorsement on the decisions being taken.

The fact that the results of these consultations were endorsed by the entire Conference proved that success came from effective multilateral diplomacy rather than from seeking to arrive at

decisions in the plenary through unwieldy debate. The composition of the group was undoubtedly arbitrary, and that was resented by some of the delegations that were excluded, particularly by their ambassadors, whose egos were bruised. In terms of conference diplomacy, however, it was the practical and effective thing to do. It was within this group that two decisions – “Strengthening the Review Process for the Treaty” and “Principles and Objectives for Nuclear Non-proliferation and Disarmament” – were drafted over a two-week period. With all delegations now asserting their right to participate fully in decision-making, it is doubtful that the same device could be adopted in the future.

As president, I handled the drafting of the key legal decision on extension and the weaving of it and the other two decisions into a package, which I announced to a large representative gathering. The dispute over the rules of procedure – whether voting should be secret or open – was unlikely to have been resolved given the strongly held positions. I would have had to break the deadlock with a vote, and my decision whether that was to be by open or secret vote would itself have been highly contentious. It was also my conviction, which I voiced repeatedly, that voting on a treaty as important as the NPT would expose the Treaty membership as a house divided, eroding the viability of the Treaty. As president of the Conference, my main task was to fulfill the terms of Article X, paragraph 2: that a decision on extending the Treaty had to be taken by a “majority of the parties to the treaty.” What better way to accomplish this task than by agreeing that there was a consensus that such a majority existed? The formulation thus presented by me was irrefutable and was met with widespread

agreement. In any event, the package was not unwrapped, but some tinkering of the wording in Decision I was agreed upon, including dropping the words “a consensus” for simply “deciding that, as a majority exists.” This satisfied the purists among the NAM members who resisted being a part of the consensus. And yet, because they could not deny that a majority did exist for an indefinite extension, they agreed that the entire package would be adopted without a vote!

The contentious issue of the Middle East, which, according to the wishes of the Arab Group, had proceeded on a separate track, had not made any progress, and I was approached for a solution at a very late stage of the Conference. This resulted in special consultations on a Resolution on the Middle East, with key delegations present, and an agreement was finally reached. Failure to consult Iran proved almost disastrous when the Resolution came up for adoption but was resolved during a recess in the plenary on the final day.

While the extension aspect of the Conference appeared to have been conducted successfully, the review aspect in the key political areas handled by Main Committee I was a diplomatic failure. (Main Committees II and III, thanks to the efficiency of their chairmen, successfully concluded their work on technical aspects on the NPT.) My last-minute intervention to rescue the process in Main Committee I did not succeed. This was not, in the final analysis, a major setback since the main outcome – a decision on extension – had been achieved.

The two conferences of 2000 and 2005 offer a study in contrast: 2000 saw the adoption of a landmark Final Declaration, with its well-known “13 Steps” (see Figure 1); 2005 ended in disarray.

At the 2000 Nuclear Non-Proliferation Treaty (NPT) Review Conference, states-parties agreed to take 13 “practical steps” to meet their commitments under Article VI of the NPT.

1. The early entry into force of the Comprehensive Test Ban Treaty (CTBT).
2. A nuclear testing moratorium pending entry into force of the CTBT.
3. The immediate commencement of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral, and effectively verifiable fissile material cutoff treaty. The negotiations should aim to be concluded within five years.
4. The establishment in the Conference on Disarmament of a subsidiary body to deal with nuclear disarmament.
5. The principle of irreversibility to apply to all nuclear disarmament and reduction measures.
6. An unequivocal undertaking by nuclear-weapons states to eliminate their nuclear arsenals.
7. The early entry into force and implementation of START II, the conclusion of START III, and the preservation and strengthening of the Anti-Ballistic Missile Treaty.
8. The completion and implementation of the Trilateral Initiative between the United States, the Russian Federation, and the International Atomic Energy Agency (IAEA).
9. Steps by all nuclear-weapons states toward disarmament including unilateral nuclear reductions; transparency on weapons capabilities and Article VI-related agreements; reductions in nonstrategic nuclear weapons; measures to reduce the operational status of nuclear weapons; a diminishing role for nuclear weapons in security policies; the engagement of nuclear-weapons states as soon as appropriate in a process leading to complete disarmament.
10. The placement of excess military fissile materials under IAEA or other international verification and the disposition of such material for peaceful purposes.
11. Reaffirmation of the objective of general and complete disarmament under effective international control.
12. Regular state reporting in the NPT review process on the implementation of Article VI obligations.
13. The development of verification capabilities necessary to ensure compliance with nuclear disarmament agreements.

Source: Taken from the compilation by Claire Applegarth in *Arms Control Today* (January/February 2005).

One conference saw active diplomacy working toward a positive conclusion while the other, under the Bush administration and with Ambassador John Bolton as Permanent Representative of the United States, was polarized from the beginning, with little or no bridge-building efforts.

The run-up to the 2000 Review Conference was helped by the conclusion

of the CTBT and its signature by several countries, although the U.S. Senate rejected its ratification. The Indian and Pakistani nuclear tests of 1998 were undoubted setbacks; however, these two countries were bound neither by the NPT nor the CTBT. The Preparatory Committee sessions were also marred by persistent efforts of the NWS to conduct “business as usual,” ignoring the



major changes achieved in 1995 in terms of strengthening the review process. In marked contrast, the 2000 Review Conference itself proved a success. Conference President Ambassador Baali of Algeria demonstrated that a background in disarmament diplomacy was not necessarily a prerequisite so long as you had multilateral diplomatic skills. Main Committee I Chairman Ambassador Camillo Reyes of Colombia and the chairman of the subsidiary body on Article VI issues, Ambassador Pearson of New Zealand, showed great diplomatic skills in guiding their discussions to a consensus. The conference almost ran aground on a dispute between Iraq and the United States, but even this was eventually resolved. Thus, the needs of good conference management were well served.

The 13 Steps and the “unequivocal undertaking” of the NWS to achieve the elimination of nuclear weapons were among the successes of the 2000 Conference, although subsequent events were to show how ephemeral this could be. The lead-up to the 2005 NPT Review Conference was inauspicious. The NWS began to retreat from the 13 Steps, the Bush administration’s Nuclear Posture Review of 2002 envisaged the actual use of nuclear weapons, and the United States and its allies invaded Iraq in 2003. The DPRK and Iran continued to be regarded with concern. The Conference failed to adopt a Final Declaration and was described by one commentator as “the biggest failure in the history of this Treaty.”<sup>6</sup> Disagreement among the parties arose along all of the fault lines, and only four-and-a-half days of the four-week-long conference were spent on substantive issues. The rest of the time was spent on procedural wrangling – surely a recipe for the failure of any conference. Whether this focus on procedure was the intent of those

who wanted no substantive discussion or whether it was accidental is not clear.

Politically, the lines were drawn when the Bush administration rejected the 2000 Final Declaration and all references to it, leaving little room for diplomacy. The New Agenda Coalition (NAC) – Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden – which had been so active in the 2000 Conference, was a pale shadow in 2005, perhaps because of changes in leadership or a basic lack of cohesion. A new group emerged – the “NATO 7” – comprising The Netherlands, Belgium, Italy, Spain, Norway, Lithuania, and Romania, but even their efforts could not rescue the Conference. The NAM countries were not united. Egypt seemed determined to end the Conference without sacrificing any of the gains achieved in 2000, even if it meant a failed Conference. The political climate clearly doomed the 2005 Conference to failure. Except for a few delegations, such as the NATO 7, few were interested in salvaging the Conference through diplomatic initiatives. Squabbling over procedure was no substitute for diplomacy, but there was little else to do given the huge disagreements.

A number of features of NPT diplomacy bear mentioning as the 2010 Review Conference approaches, especially with the third session of the Preparatory Committee having been concluded successfully on May 15, 2009, in New York (albeit without agreement on a set of recommendations). While delegation positions follow instructions from national governments, it is not surprising that some act at their own discretion within the limits of flexibility permitted by their governments. This flexibility allows for individuals to show initiative in finding solutions to problems. It is also

possible that the stances taken by individual delegations on the conference floor can be changed as a result of diplomatic demarches by powerful countries compelling delegations to change their positions. Given the confidentiality of diplomatic communications, we will not know what pressures are exerted on NPT parties or what linkages are made as a part of the ongoing diplomatic activity in conferences.

The functioning of various groups within NPT conferences is an important element of NPT diplomacy, although the groups can sometimes be a help and sometimes a hindrance. The groups are: the Western Group, which includes Japan, Australia, NATO, and the EU; the Eastern Group, which includes Russia and the former USSR states but which has no political role and functions today only to agree on common candidates for NPT positions; and NAM, which decides collectively on political issues but is subdivided into the Asian, African, and Latin American & Caribbean groups for purposes of agreeing on candidates for NPT conference positions. In addition, NAM has within it the Arab group, which meets to discuss and decide on Middle East issues. (NAM generally accepts the positions of the Arab group.) The five NWS meet among themselves during conferences and in between. After some of these meetings, joint statements are issued representing common positions.

No group exists uniting all NNWS, and it is left to temporary coalitions like the NAC to form transcontinental groupings to espouse common positions. Such groupings can be very effective; it has been an omission that more diplomatic energy has not gone into forging such alliances to serve as “bridge builders” among the Treaty parties and to act as a “fire brigade” to defuse controversies as

well as seek negotiated solutions to problems as they arise.<sup>7</sup> Group meetings usually take place prior to the commencement of the day’s conference proceedings, but can also be held at any moment to coordinate group positions.

The political strength of NAM derives from its numbers and its solidarity, providing protection for the smaller and weaker countries within it. The other groups do not always welcome NAM’s strength. Countries within the Western Group do not always find themselves in agreement.

As noted earlier, the selection and appointment of officers for review conferences should be done in a careful and timely manner and not left to fortuitous circumstances. Not every chairman or president need have detailed knowledge of the NPT and its history, provided he or she has the necessary diplomatic skills to strive for a consensus that strengthens the Treaty.

The Secretariat of NPT Conferences is staffed by members of the UN’s Office of Disarmament Affairs and the IAEA. While they are international civil servants who are mandated to help service the needs of conferences through their experience and objective vantage point, they could often provide advice to help the outcome of the conference. In this regard, the “institutional deficit” the NPT faces must be remedied. There is no permanent body that acts as an administrative entity for the NPT. The UN staff who do perform functions related to the NPT do so in addition to their other duties. Ireland and Canada have presented working papers on this subject, and nongovernmental organizations (NGOs) have also raised it. Adding infrastructure to the NPT would greatly aid the exercise of NPT diplomacy. To oppose that infrastructure because of the cost seems shortsighted.

NGOs representing civil society are another significant element of NPT diplomacy. While the quality of NGOs may vary, and while some perform more of a think tank or research role, others can be useful pressure groups. Increasingly, NGOs play a diplomatic role. Some have representatives within delegations. Others organize briefing seminars for delegations, providing extremely useful background for young diplomats who are attending their first NPT conference and who want to understand past proceedings and details of current issues. These seminars and the briefing books made available also afford the opportunity of beginning discussions in an informal setting, which could lead to consensus when the conference actually begins.

By its very structure and content, the NPT encourages the practice of diplomacy in its conferences. It is a living treaty that, despite its seemingly impossible amendment procedure, has adapted

and changed through the Final Declarations of its review conferences and the NPTREC's package of decisions. It is the only multilateral treaty that commits NWS to nuclear disarmament. Despite problems within the NPT, its conferences are well attended and attract widespread media attention. The longevity of the NPT and its near universality are a tribute to the multilateral diplomacy that has supported it.

However, diplomacy must be informed by a political will to make the NPT work. Absent that political will, the NPT cannot be sustainable, especially with its division of the world into NWS and NNWS. In a May 14, 1995, *New York Times* article, Barbara Crossette quoted me as having said: "The President of [an NPT review] conference is not a magician who can produce a rabbit out of a hat. The rabbit must be in the hat and must want to come out. All we can do is to coax it occasionally." NPT diplomacy is, in the end, a coaxing process.

#### ENDNOTES

- <sup>1</sup> This number includes the Democratic People's Republic of Korea (DPRK), which announced its withdrawal from the NPT in 2003. See also United Nations Office for Disarmament Affairs, "Status of Multilateral Arms Regulation and Disarmament Agreements," <http://disarmament.un.org/TreatyStatus.nsf> (accessed May 27, 2009).
- <sup>2</sup> Jayantha Dhanapala, with R. Rydell, "Multilateral Diplomacy and the NPT – An Insider's Account" (Geneva, Switzerland: United Nations Publications, 2005), 16.
- <sup>3</sup> Mohamed I. Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation, 1959 – 1979* (London: Oceana Publications, 1980).
- <sup>4</sup> In the same year, UNGA resolution 1378 (XIV) put "general and complete disarmament" on the UN agenda, where it has remained ever since.
- <sup>5</sup> A detailed description is provided in my "Multilateral Diplomacy and the NPT – An Insider's Account," cited above.
- <sup>6</sup> Harald Müller, "The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair," Weapons of Mass Destruction Commission, Paper No. 31, August 2005, <http://www.wmdcommission.org/files/No31.pdf> (accessed May 27, 2009).
- <sup>7</sup> See also Jayantha Dhanapala, "The NPT Review Process: Identifying New Ideas to Strengthen the Regime," *The Enhanced Review Process: Towards 2000*, United Nations Institute for Disarmament Research (UNIDIR) Newsletter, No. 37, 1998, 10.