

Renewed opportunities to bring the CTBT into force

by Dr Rebecca Johnson

Eleven years after it was opened for signature, ten countries still have to ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) before it can take full legal effect. For a treaty that has been signed by 177 countries and ratified by nearly 140, this is a ridiculous – and potentially dangerous – situation.

The CTBT in limbo

The CTBT's limbo is affecting the nonproliferation regime as a whole. Called for in the preamble of the 1968 Nuclear Non-Proliferation Treaty (NPT) and finally negotiated in the multilateral Conference on Disarmament and concluded in 1996, the CTBT has become hostage to its unnecessarily stringent entry-into-force provision. Instead of lamenting its fate, however, it behooves the international community to redouble efforts to bring the ten remaining States into the Treaty so that it can enter into full effect. This was the message coming from the 2007 NPT Preparatory Committee meeting.

The key to entry into force

The key to getting CTBT entry into force back on the practical agenda is undoubtedly the United States. In 1999, US ratification was sacrificed in a poisonous climate where Republicans – including test ban supporters – put their hostility towards President Bill Clinton above US security and nonproliferation interests. In 2007-2008, the United States is a different place. The Democrats became the majority party in the US Congress in 2006, and there is growing understanding that the United States needs to uphold the rule of law and engage more constructively in collective efforts to strengthen international security agreements. The significance of the 4 January 2007 editorial in the *Wall Street Journal* by Henry Kissinger, George Shultz, William Perry and Sam Nunn should not be underestimated. These former defence and foreign policy leaders stated as one of

the priorities for US security “Initiating a bipartisan process with the Senate, including understandings to increase confidence and provide for periodic review, to achieve ratification of the Comprehensive Test Ban Treaty, taking advantage of recent technical advances, and working to secure ratification by other key states.”

After the ratification debacle in 1999, President Clinton commissioned General John Shalikashvili to consult with Senators and “lay the groundwork for future ratification of the treaty”. Shalikashvili's report argued that the CTBT enhances US security interests and noted “the value of a verification system extends well past the range where a monitor has high confidence of detecting, identifying, locating and attributing a violation, and down into the gray area where a potential evader lacks certainty about the likelihood of discovery”. Shalikashvili emphasized how the CTBT's verification regime would be able to provide global coverage below 500 tons and much lower at all known test sites. A high level, bipartisan initiative is now needed to build on this assessment and convince American decision makers that continuing to block the CTBT is against US interests.

Indeed, there is much new data to bring Shalikashvili's assessment up to date and strengthen the case for American accession to the CTBT even more. In particular, the effectiveness of the sophisticated technologies that already feed into the CTBT's verification regime were vividly demonstrated when they detected and identified the low yield North Korean nuclear test of 9 October 2006.

The nuclear event in North Korea

North Korea's nuclear test came as a shock to the NPT regime, but may be turned to positive purpose. Firstly it reminded the world that nuclear testing remains a technology-proving rite of passage for would-be nuclear proliferators. It also forced the

United States and China to join forces more effectively to bring about the North Korean Denuclearization Agreement in January 2007. It ought to be obvious to everyone that North Korea's signature and ratification of the CTBT should be made a requirement under the Denuclearization Action Plan, but for that to happen, the United States needs to stop repudiating the Treaty itself.

The importance of China's ratification

China's failure to ratify also weakens efforts to bring others on board. In addition to the United States, North Korea and China, the hold-out countries are: four non-nuclear-weapon NPT parties that have signed but not yet ratified: Colombia, Egypt, Indonesia and Iran; Israel, which is a non-NPT party that signed the CTBT in 1996 and participates in the CTBTO; and two further non-NPT parties that have not yet even signed: India and Pakistan.

For the past nine years, Chinese diplomats have assured NPT meetings that Beijing supports the CTBT, but that the National People's Congress is still deliberating over its ratification. This excuse merely gives the impression that China is waiting for the United States (and possibly India?), which leaves China looking as if it hasn't yet managed to overcome a sense of inferiority vis-à-vis the United States. To ratify now would be in China's regional security interests. It would demonstrate its international status as a leader, not a follower. It would set a positive example to North Korea and non-aligned countries like Indonesia, Egypt and Iran, and help governments and civil society put greater political pressure on Washington and New Delhi – a win-win strategic move for Beijing.

Indonesia should have no excuse not to ratify the CTBT. It was a significant player during the CTBT negotiations, and stands to lose credibility as a disarmament advocate and



leader among the Non-Aligned Movement and civil society if it continues to delay.

Incentives for the Middle East

By contrast, the Middle East triumvirate of Egypt, Iran and Israel will be tough to bring on board. In view of concerns about Iran's nuclear programme, its neighbours should have a clear incentive to get the CTBT locked down, but they don't seem to grasp that fact. Israel's problem is not the test ban per se: while there may be some remaining concerns about intrusive inspections at sensitive sites like Dimona, the main barrier to Israeli ratification is its close alliance with the United States. Israel has more to gain by ratifying than by continuing to stall, so a more positive sign from Washington is needed.

If Iran wishes to reassure the world that it really does want nuclear energy only for peaceful purposes, ratifying the CTBT would be a very important way to demonstrate that Tehran is not – as many fear – planning to emulate North Korea in the future by withdrawing from the NPT and testing a nuclear weapon. The international community should insist that Iran demonstrate its good faith by ratifying the CTBT, but at present the non-ratification of Egypt, Israel – and, of course, the United States – is providing Iran with a degree of cover. During the CTBT, Iran negotiated fully and constructively, including providing a Friend of the Chair on Inspections. Ratification by Iran would go some way towards alleviating international suspicions. If, on the other hand, Iran wants to pursue nuclear weapons under the guise of a nuclear energy programme, then ratification of the CTBT by the remaining countries, particularly Egypt, Israel and the United States, could more clearly expose such intentions.

Egypt is perceived to be waiting for Israel and perhaps also for Iran. This may be understandable, but in the case of the CTBT, such a policy is not in Egypt's interests. It stands to gain far more by ratifying now, and

using that position to work with other major players to exert greater political pressure on Israel and Iran.

The special case of Colombia

Colombia's position is different. While saying that it strongly supports the CTBT, Colombia has a 'constitutional difficulty' and wants to be assured that when it deposits its ratification it will not be forced to pay backdated contributions, which it maintains would contravene its domestic law. Negotiations are continuing to find a way to resolve this legal conundrum.

India, Pakistan and the CTBT

This brings us to India and Pakistan, which hold rather different attitudes to the test ban. In September 1996, India declared that the CTBT was discriminatory and voted against its adoption by the General Assembly. Pakistan has always voted in favour of the CTBT but makes clear that it won't sign without India.

That was then and much has now changed. Nine years after India (followed by Pakistan) shocked the world with a series of nuclear tests, New Delhi is desperate to be accepted by the international community as a nuclear power, and there are those willing to accommodate this ambition, as exemplified by the US-India nuclear deal. As with the North Korean test, India's nuclear ambitions are a problem for international security. However, its desire to be perceived as a responsible nuclear weapon possessor also presents an opportunity to bring India into the CTBT. And if India joins, so will Pakistan – or at least that is the implication in all Pakistan's statements about the CTBT.

The role of the United States

None of this is likely without a change of policy in the United States. Whenever the Bush administration speaks or votes against

the CTBT, it lets Iran, North Korea, China, India and the others off the hook. The US is thus undermining its own security objectives by repeatedly ignoring opportunities to make CTBT signature and ratification a condition of resolutions or negotiations intended to curb nuclear threats or programmes. Most recently, persistent US arrears in making their payments to the CTBTO are calling into question US commitment to nonproliferation, and risk undermining the Treaty's highly-effective monitoring system.

Though a successful Senate vote on ratification is still some way in the future, work needs to begin now on a bipartisan strategy to build greater understanding and support for the CTBT, especially among Republicans. While a first step needs to be payment of the US arrears, so that Americans can participate fully in the verification regime and decision-making, the overall aim must be to persuade 66 Senators to vote to ratify this international Treaty. After all, opinion polls show that 80 percent of Americans regard the CTBT as a desirable and necessary security step, not just for their country, but for the whole world. ■

Biographical note



Dr Rebecca Johnson is Executive Director of the Acronym Institute for Disarmament Diplomacy and author of a series of monographs on multilateral

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