Facilitating the Treaty’s Entry into Force

Article XIV of the CTBT concerns the Treaty’s entry into force. The article foresees a mechanism of regular conferences to facilitate entry into force (commonly referred to as ‘Article XIV conferences’) if this has not taken place three years after the Treaty is opened for signature. The first Article XIV conference took place in Vienna in 1999. Subsequent conferences were held in New York in 2001, 2005 and 2009 and in Vienna in 2003 and 2007.

The Secretary-General of the United Nations convenes the conference at the request of States that have ratified the Treaty. Representatives of ratifying States are invited to participate in deliberations. Signatory States, non-signatory States, international organizations and NGOs are invited to attend as observers.

Article XIV conferences normally discuss and decide by consensus what measures, consistent with international law, may be undertaken to accelerate the ratification process in order to facilitate entry into force.

CONDITIONS FOR ENTRY INTO FORCE

The entry into force of the CTBT is conditioned on its ratification by all 44 States listed in its Annex 2. These so-called Annex 2 States are States that participated in the final stage of the negotiations of the Treaty in 1996 and possessed nuclear facilities at that time. So far, 35 of the 44 States have ratified the Treaty. Of the nine Annex 2 States that have still to ratify the Treaty, three have not yet signed it.

NEW YORK, 2009

Convened from 24 to 25 September 2009 at the United Nations Headquarters in New York, the sixth Conference on Facilitating the Entry into Force of the CTBT served as another indication of the strengthened political determination to achieve entry into force and universality. Representatives of 103 States, comprising 87 ratifying States, 13 signatory States and 3 non-signatory States, participated in the conference, which opened with an unprecedented number of high level dignitaries in attendance. Among the 13 signatory States were 6 whose ratification is required for the Treaty to enter into force: China, Egypt, Indonesia, the Islamic Republic of Iran, Israel and the United States of America. The three non-signatory States were Pakistan, Saudi Arabia and Trinidad and Tobago.

SHARED PRESIDENCY

The presidency of the conference was shared by the Foreign Ministers of France and Morocco, Bernard Kouchner and Taib Fassi Fihri. This reflected the global nature of the Treaty. Calling on all States that have not yet signed or ratified to do so, Kouchner stressed that the Treaty “was never before so close to entry into force.” He was supported in his appeal by Fassi Fihri, who emphasized that “a voluntary moratorium on nuclear testing cannot replace ratification of the CTBT.”

EXPRESSIONS OF STRONG SUPPORT

The conference was characterized by numerous expressions of strong support for the Treaty and its entry into force. The conference was opened by the Secretary-General of the United Nations, Ban Ki-moon, who referred
to the new political momentum in support of the CTBT. He said that this momentum must be maintained, and promised to devote all his time and energy to ensuring early entry into force, calling it “the right path to a world free of nuclear weapons.” The Secretary-General described the CTBT as a fundamental building block of a world free of nuclear weapons and a major pillar of his five point proposal on nuclear non-proliferation and disarmament. Michael Douglas, United Nations Messenger of Peace, asserted that States must adjust their strategic policies in accordance with this new emphasis on nuclear disarmament, with the CTBT serving as a twenty-first century tool to progress towards this objective.

The US Secretary of State, Hillary Clinton, declared at the conference that the USA was pleased to return to the conference after nearly ten years. She added: “We will work in the months ahead both to seek the advice and consent of the United States Senate to ratify the Treaty, and to secure ratification by others so that the Treaty can enter into force.” The Executive Secretary noted that, as evinced by the high profile attendance at the conference and the Security Council summit, the CTBT was once again at the top of the international arms control agenda. He also emphasized that it was time for leaders to lead on the “last mile of our long journey and to our final destination: the entry into force of our Treaty.” Ambassador Jaap Ramaker of the Netherlands, announcing that he was stepping down from his role as Special Representative to promote the ratification process, also noted that political leaders must now throw their weight behind the Treaty. “The ball is fully in the court of the politicians,” he added.

Adopted by consensus at the start of the conference, the strongly worded Final Declaration expressed the concern shared by States about nuclear testing and the delay in the entry into force of the Treaty. It called on “holdout” States to sign and ratify the CTBT, particularly the nine Annex 2 States whose ratifications are necessary for entry into force. The Final Declaration also noted the international condemnation of the nuclear test carried out by the Democratic People’s Republic of Korea in May 2009, and stated that the announced test “highlighted the urgent need for the early entry into force of the Treaty and hence the completion of the CTBT verification regime at its entry into force”.

In a symbolic move, the United Nations Secretary-General, who is the Depositary of the CTBT, presented the news of the unanimously adopted Final Declaration to the assembled world media immediately before the summit meeting of the United Nations Security Council on nuclear non-proliferation and disarmament. He was accompanied by the co-presidents of the conference, Bernard Kouchner and Taïb Fassi Fihri, the United Nations Messenger of Peace, Michael Douglas, and the Executive Secretary of the CTBTO Preparatory Commission, Tibor Tóth.

**UNITED NATIONS SECURITY COUNCIL: CALL FOR EARLY ENTRY INTO FORCE**

On 24 September, the United Nations Security Council held a summit meeting in New York. The meeting, chaired by the US President, Barack Obama, addressed nuclear non-proliferation and disarmament. The CTBT was placed in the spotlight of the deliberations at the summit and in the unanimously adopted resolution. The resolution called on all States “to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), thereby bringing the Treaty into force at an early date.”

**MESSAGE OF SUPPORT FROM NON-GOVERNMENTAL ORGANIZATIONS**

The conference ended with a statement by Jessica Mathews, President of the Carnegie Endowment, on behalf of 40 NGOs from around the world. “Entry of the CTBT into force is vital and it is urgent,” Mathews stated, adding that “nuclear proliferation is the biggest security threat of the twenty-first century and entry into force is an absolute prerequisite to the steps that have to be taken to plug the dangerous holes in the non-proliferation regime.”
WORLDWIDE MEDIA COVERAGE

A multifaceted proactive media campaign resulted in unprecedented international media attention. Through direct targeting of journalists, a widely distributed media advisory in the six official languages of the United Nations, the use of social networking tools, and five well attended press conferences in Vienna, New York and Washington, D.C., awareness was raised worldwide about the conference, the Treaty and the CTBTO. This was reflected by exceptional news coverage in the print, broadcasting and Internet based media. Media coverage was widely spread internationally and included leading media outlets in China, Europe, India, Japan, the Middle East and the USA.

ARTICLE XIV of the Treaty

ENTRY INTO FORCE

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.

2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification upon the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.

4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.

5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.
Facilitating the Treaty’s Entry into Force

Ambassador Jaap Ramaker (Netherlands), Special Representative to promote ratification.


The Honorable John Silk, Minister of Foreign Affairs of the Marshall Islands. Kanat Saudabayev, Secretary of State and Minister of Foreign Affairs of Kazakhstan.

Ban Ki-moon, United Nations Secretary-General.
Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

New York, 24–25 September 2009


Yu Myung-hwan, Minister of Foreign Affairs and Trade of the Republic of Korea.

On the podium (from left to right): Michael Douglas (United Nations Messenger of Peace), Sergio Duarte (United Nations Under-Secretary-General and High Representative for Disarmament Affairs), Ban Ki-moon (United Nations Secretary-General), Bernard Kouchner (Minister of Foreign and European Affairs of France and co-president of the conference), Taïb Fassi Fihri (Minister of Foreign Affairs and Cooperation of Morocco and co-president of the conference) and Tibor Tóth (Executive Secretary of the CTBTO Preparatory Commission).

Sergey A. Ryabkov, Deputy Minister of Foreign Affairs of the Russian Federation.

Juan Manuel Gómez-Rubio, Deputy Foreign Minister for Multilateral Affairs and Human Rights of Mexico.