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, 2009 and 2011 and in Vienna in 2003 and 2007.

The Secretary-General of the United Nations convenes the Article XIV conferences at the request of a majority of States that have ratified the Treaty. Both ratifying and signatory States participate in these conferences. Decisions are taken by consensus of the ratifying States, taking into account views expressed at the conference by signatory States. Non-signatory States, international organizations and non-governmental organizations are invited to attend as observers.

Article XIV conferences discuss and decide on what measures, consistent with international law, may be undertaken to accelerate the ratification process in order to facilitate entry into force of the Treaty.
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 formally participated in the final stage of the negotiation of the Treaty in the Conference of Disarmament in 1996 and possessed nuclear power reactors or nuclear research reactors at that time. As of 31 December 2011, 35 of these 44 States had ratified the Treaty. Of the Annex 2 States that had still to ratify the Treaty, three had not yet signed it.

NEW YORK, 2011

Convened on 23 September 2011 at the United Nations Headquarters in New York, the seventh Conference on Facilitating the Entry into Force of the CTBT served as another forum demonstrating the reinvigorated political determination of the international community to achieve the Treaty’s entry into force and its universality. At that conference, around 160 States Signatories gathered to take stock of progress, discuss strategies and coordinate efforts to generate further support for the Treaty and its universality. A significant number of foreign ministers and high level officials from ratifying, signatory and non-signatory States participated in the conference, including representatives from seven States whose pending ratification is required for entry into force: China, Egypt, Indonesia (whose Parliament subsequently ratified the Treaty), Iran (Islamic Republic of), Israel, the USA and Pakistan (a non-signatory State).

“these years have been well spent in carefully building up an unprecedented global verification system for the CTBT”

CARL BILDT, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

SHARED PRESIDENCY

The presidency of the conference was shared by the Secretary of Foreign Affairs of Mexico, Ms Patricia Espinosa Cantellano, and the Minister for Foreign Affairs of Sweden, Mr Carl Bildt.

Patricia Espinosa Cantellano, Secretary of Foreign Affairs of Mexico, and Carl Bildt, Minister for Foreign Affairs of Sweden, shared the presidency of the 2011 conference.
This reflected the global nature of the Treaty. In her opening remarks, Ms Espinosa stressed the importance of the Treaty’s entry into force, pointing out that “it will make the world safer”, “it will support the final goal of achieving nuclear disarmament and non-proliferation on a global level”, and “we must give future generations a world free of nuclear weapons.” Ms Espinosa’s call was reiterated by Mr Bildt, who said that “with the CTBT in place we can build a more secure global environment for all.” Referring to the 15 years since the Treaty was opened for signature, Mr Bildt stated that “these years have been well spent in carefully building up an unprecedented global verification system for the CTBT.”

**EXPRESSIONS OF STRONG SUPPORT**

The conference was characterized by numerous expressions of strong support for the Treaty and its entry into force. It was opened by the Secretary-General of the United Nations, Mr Ban Ki-moon, who referred to the Treaty as “an indispensable stepping stone to a nuclear-weapon-free world.” While urging the remaining Annex 2 States to ratify the Treaty without further delay, he pointed out that “the time for waiting has passed” and that “we must make the most of existing – and potentially short lived – opportunities.”

The Executive Secretary, Mr Tibor Tóth, called the Treaty “a uniting force in the nuclear non-proliferation and disarmament regime.” The 182 signatures and 155 ratifications of the Treaty were “an unprecedented vote of confidence in the CTBT.” He repeated the call to outstanding States to sign and ratify the Treaty and said that “the best way forward is to make the de facto norm banning nuclear tests a legally binding commitment.” (Following the conference, the Parliaments of Guatemala and Indonesia ratified the Treaty.)

The conference unanimously adopted a strongly worded Final Declaration that offers 10 practical measures to accelerate the ratification process and bring the Treaty into force. It calls upon the remaining countries to sign and ratify the Treaty without delay and expresses the commitment of participating States to spare no efforts and use all avenues open
to them to encourage further signature and ratification of the Treaty. The Final Declaration also recognizes the achievements made in the universalization of the Treaty and in advancing the operational readiness of its verification regime. It emphasizes the significance of the Treaty, stating that “entry into force of the CTBT is of vital importance as a core element of the international nuclear disarmament and non-proliferation regime.” It is imperative that the international community implement the Final Declaration. As the last barrier against nuclear weapons, the Treaty offers a systematic approach to addressing the challenges to the nuclear non-proliferation regime.

States commended the progress achieved in the establishment of the regime, saying that “it is essential to maintain momentum in building all elements of the verification regime.”

The civil and scientific applications of the monitoring technologies received considerable expressions of appreciation. Delegations acknowledged the rapid response of the Commission to the tsunami and the ensuing nuclear accident at Fukushima. The conference was held one day after the

High-level Meeting on Nuclear Safety and Security convened by the United Nations Secretary-General. This helped delegations to build on the findings of the United Nations system-wide study on the implications of the Fukushima accident. In its analysis and recommendations, the study features numerous references to the role of the Commission and its verification regime. It recognizes, in particular, the importance of the network of radionuclide stations in nuclear emergencies and highlights the critical role played by the network during the accident.

Many of these points were also echoed in national statements made during the parallel general debate of the General Assembly session of the United Nations. Many States Signatories in their statements expressed their support for the Treaty and the work of the Commission.

WORLDWIDE MEDIA COVERAGE

A multifaceted proactive media campaign was launched to promote the Treaty and the work of the conference. In the run-up, a number of op-ed articles by prominent personalities, media advisories and the new “Close the Door on Nuclear Testing” campaign on YouTube prepared the ground. Press conferences were held before (including on the occasion of the International Day against Nuclear Testing) and on the margins of the conference. A live stream, video–audio recordings, photographic material and statements were provided in near real time on a dedicated web page. Key quotes were broadcast via Twitter. These activities resulted in good media coverage of the conference in broadcast, print and online media, with a total of 274 articles appearing, including in a number of the remaining Annex 2 States.

“fifteen years after the opening of the Treaty for signature, its entry into force is more urgent than ever before”

FINAL DECLARATION OF THE 2011 ARTICLE XIV CONFERENCE