

# ARMS CONTROL ASSOCIATION

## Political Significance of the CTBT and Perspectives of Entry into Force

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### *The significance of CTBT entry into force*

CTBT entry into force is more urgent than ever but the perspectives for achieving that goal are also better than in a long time. The two core purposes of the treaty – preventing nuclear proliferation and slowing modernization of nuclear weapons – have gained new relevance. North Korea's October 2006 nuclear test demonstrated that states intent on developing nuclear weapons still consider nuclear tests as important. A test may help to validate a nuclear weapon design and is viewed as a demonstration of a nascent nuclear weapons capability. But the international condemnation of North Korea's nuclear weapon test also demonstrated that this kind of thinking is outdated.

The majority of the international community now regards nuclear weapons as a liability, not as an asset. As the CTBT preamble states, the treaty is "a meaningful step in the realization of a systematic process to achieve nuclear disarmament." That vision of a world free of nuclear weapons is now being discussed widely and is supported even by former advocates of nuclear deterrence. The CTBT is generally recognized as an essential step towards a world free of nuclear weapons.

Entry into force would make legally binding what is already the international norm. It would consolidate political and practical progress in treaty implementation. Entry into force would bring permanency to the CTBTO and enable the international community to use all treaty tools, including on-site inspections, to verify compliance with the ban of all nuclear test explosions. Last but not least, it would be a powerful symbol that multilateralism is back on track, at a time when there is a growing realization that global problems such as the proliferation of weapons of mass destruction and disarmament need to be tackled by all states together, not unilaterally or by some powerful states.

By joining the CTBT, states enter a legally-binding commitment that severely constrains any state's ability to develop workable nuclear warheads. Such assurances can support regional efforts at conflict resolution and confidence building, which are needed in many regions today where nuclear proliferation is a problem.



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Nowhere is trust more vital than in the Middle East. By ratifying the CTBT, Iran could demonstrate that it does not intend to develop nuclear weapons. Ratification by Israel would be an important symbol of nuclear constraint. Already, Israel's involvement in the CTBTO as a signatory helps to build confidence. Israel participates actively in the development of treaty procedures, particularly in the development of on-site inspection modalities.

CTBT entry into force would also improve security in South Asia. India and Pakistan are involved in a process of confidence and security building, including on nuclear issues. Both have declared unilateral testing moratoria and accession to the CTBT would solidify that progress. Twelve years after the treaty was concluded, Delhi and Islamabad should take a fresh look at the CTBT and reassess its merits on the basis of the current situation, not past discussions. By signing the treaty, India would demonstrate its resolve to move towards the nuclear non-proliferation mainstream. India's accession would certainly increase pressure on Islamabad to follow suit.

Last but not least, CTBT entry into force would constrain efforts by nuclear weapon states to modernize their nuclear arsenals. All nuclear weapons possessors are implementing measures to extend the lifetimes of their arsenals and in some cases have programs to make their weapons more capable. These policies are in contradiction of the Nuclear Nonproliferation Treaty (NPT) and the CTBT. The opposition to the CTBT by nuclear establishments in most nuclear weapon states is an indication that without tests, the development of nuclear weapons is much more difficult and in many cases likely to be impossible.

China's reluctance to ratify is probably motivated by a wish to keep the option for renewed testing open. Like other nuclear weapon states, China is in the process of modernizing its nuclear arsenal. Development of multiple independently targeted warheads for China's nuclear forces would be the next step if China wants to emulate the policies of other nuclear powers.

In the United States, supporters of nuclear weapons modernization have recently attempted to turn the linkage between nuclear modernization and entry into force of the CTBT on its head. Absurdly, the current U.S. administration argues that development of a new type of nuclear weapon – the so-called Reliable Replacement Warhead (RRW) – could reduce the risk that the United States will resume nuclear testing. Regardless of whether the claim by the Bush administration that the RRW can be developed without tests will hold true, it is important for the international community and particularly U.S. friends and allies to reject the bizarre notion that the global nuclear test moratorium and the CTBT would be strengthened through the modernization of nuclear warheads.

### *Prospects for CTBT entry into force*

Despite the merits of CTBT entry into force, significant political hurdles still need to be overcome before that goal will be reached. U.S. ratification would be the most important single step towards entry into force. As long as the most powerful state refuses to ratify the CTBT, other states will continue to hide behind Washington, despite the fact that ratification might be in their best national interest.

Regardless of the outcome of the U.S. Presidential election in November, the next U.S. administration is likely to take a fresh look at the treaty, maybe more. The presumptive Republican and Democratic nominees for the presidency have, to varying degrees, expressed their support for reconsideration of the CTBT. On May 27, 2008, the presumptive Republican nominee, Senator John McCain, delivered a speech on “nuclear security” in which he said:

“As president I will pledge to continue America’s current moratorium on testing, but also begin a dialogue with our allies, and with the U.S. Senate, to identify ways we can move forward to limit testing in a verifiable manner that does not undermine the security or viability of our nuclear deterrent. This would include taking another look at the Comprehensive Test Ban Treaty to see what can be done to overcome the shortcomings that prevented it from entering into force. I opposed that treaty in 1999, but said at the time I would keep an open mind about future developments.”

Whether McCain is interested in some new initiative to “limit testing in a verifiable manner” or will eventually find a way to endorse the CTBT itself is not clear at this point. It is important to note, however, that given the widespread support for the CTBT among U.S. allies and most of the world’s other nations, anything short of U.S. support of a comprehensive test ban under the terms of the 1996 treaty would very likely be met with disappointment if not scorn. A proposal to ban nuclear test explosions above a certain explosive yield (a.k.a. as “threshold” test ban), for instance, would be of little or no nonproliferation value and would pose its own unique verification challenges.

The presumptive Democratic nominee for president, Senator Barack Obama (Ill.), is on record in support of U.S. ratification of the CTBT. He stated: “As president, I will make it my priority to build bipartisan consensus behind ratification of the CTBT. In the meantime, the least we can do is fully pay our contribution to the CTBTO.”

During a June 16 debate, sponsored by the *Arms Control Association*, advisers to the campaigns of both Presidential candidates provided further insights into the position of their candidates on the CTBT.

John Holum, who works with Obama’s campaign, made clear that the case for CTBT has been strengthened since the U.S. Senate rejected ratification in 1999 and said that “we know now better than we did nine years ago that we can maintain our stockpile safe and reliably under the test ban treaty for the indefinite future.”

Stephen E. Biegun, who advises the Republican campaign on nonproliferation issues stated that John McCain will evaluate the CTBT “for its potential not only to meet U.S. national security needs, but also, ultimately, to meet through reducing the risk of nuclear proliferation.” Biegun explained that for Senator McCain apart from national security considerations, the opinion of friends and allies matter: “One of the first stops that Senator McCain will make is with our allies. All of this has to be done in concert with the other countries that depend so much on U.S. national security.” However, Biegun was far more equivocal about the advisability of the CTBT in its current form, saying: “... can this treaty, as it is currently written, be brought into force. I think that is a stretch ... .”

For supporters of the CTBT the message is clear: Urging the next U.S. administration to move forward on CTBT ratification must be high on their agenda. Since ratification will require a two-thirds majority in the U.S. Senate, the next vote on the CTBT needs to be well prepared. During the ACA event, both advisers stated that a new, high-level review of the merits of the CTBT, along the lines of the report that former chairman of the Joint Chiefs of Staff, John Shalikashvili presented to President Bush in 2001 would be needed. This process will take time and the international community should be prepared to present to the United States and other holdouts the arguments why the CTBT is effective and verifiable.

Progress on ratification in other regions of the world remains uncertain but good progress has been made towards entry into force over the last 12 years. The decreasing number of states remaining outside the CTBT proves that efforts of the friends of the treaty have paid off. It is also evidence of the valuable work done by the Provisional Technical Secretariat (PTS) and the Special Representative on Entry Into Force. Because of these concerted efforts, CTBT entry into force today is not a distant prospect but a real possibility.

As we move closer to gaining the necessary 44 ratification for entry into force, progress naturally gets more difficult. Delays in accession by some of the 17 states that have not yet signed the treaty may be due to financial or bureaucratic hurdles but most of the nine states whose ratification is necessary to secure entry into force have not joined for security reasons.

Some of those countries have decided to “wait-and-see” and first evaluate developments in the United States and regional neighbors. But hedging is not a sound strategy in the case of the CTBT. Remaining outside the international norm of non-testing risks isolation, and in some cases condemnation by the international community. CTBT membership should be judged on its own merits, not as part of a grand give-and-take of nuclear arms control concessions. Entry into force remains indispensable for sustainable progress towards nuclear disarmament and is an integral part of efforts to prevent the spread of nuclear weapons.

In the Middle East, there are signs of hope that the security situation may be improving but at the same time, there are serious risks of escalation. The CTBT in this context should be seen as a means to build confidence and increase transparency. Given recent doubts about Syria’s nuclear intentions, accession to the CTBT would be a signal that nuclear weapons are not in Damascus’ interest. Iran’s ratification and continued cooperation with the PTS would be a demonstration that Tehran is serious about nuclear arms control and that it does not intend to pursue a nuclear weapons capability.

Bringing India and Pakistan on board will be difficult as long as both states have not decided to freeze nuclear arsenals and forego the option of further tests. Both countries have declared testing moratoria but are apparently not yet ready to join the nonproliferation mainstream by signing the CTBT. If all five original nuclear weapon-states renounced the development new types of nuclear warheads and ratified the CTBT, it could be an important stimulus to Indian and Pakistani accession to the CTBT.

The significance of the CTBT as a nonproliferation and arms control instrument has also been demonstrated in the context of discussions on the planned nuclear cooperation agreement between the United States and India. Discussions on a possible lifting of nuclear sanctions

against India give CTBT supporters leverage to move India closer to the nuclear nonproliferation mainstream and that possibility should not be traded away lightly. *Vice versa*, accession to the CTBT would be one way for Delhi to silence some critics of the U.S.-India nuclear deal.

China's position on the CTBT is crucial and Beijing's official excuse that ratification is being held up in the National People's Congress has been implausible for a long time. Other factors are account better for China's feet dragging. When explaining China's non-ratification at an event in March 2007 similar to this conference, China's former chief negotiator of the CTBT, Ambassador Sha Zukang explained that changes in the international scene were responsible for Beijing's reluctance to ratify. Sha said: "A former leading advocate of the CTBT has now turned against it", referring obviously to the United States. The problem, however, can also be viewed from the opposite perspective. Completion of ratification procedures would not only be further proof of China's engagement on arms control but also make the United States the last NPT nuclear weapon state to not have ratified the CTBT.

Once the process of stopping and verifiably dismantling North Korea's nuclear weapons program has made further progress, it should be backed up by North Korea's accession the CTBT and return to the NPT. Apart from the positive effects on regional security, this would be significant because North Korea is the country to have tested a nuclear weapons most recently and is the only country to have announced its withdrawal from the NPT.

#### *The way forward*

Perspectives for CTBT entry into force are better than they have been for many years, if current opportunities for making progress are exploited by CTBT supporters and holdouts.

It is essential that signatories and ratifiers give sufficient support to the CTBTO. As the PTS matures, it is faced with the dual challenge maintaining and modernizing the International Monitoring System (IMS) while continuing to invest in the completion of the system. It is regrettable that several countries are not paying their dues. While failure to comply with financial commitments may not be motivated by a lack of commitment to the CTBT, it does undermine the treaty.

Demonstrating the capability of the IMS to detect nuclear tests is essential and it is good news that a new international scientific study has been launched by the CTBTO to evaluate the nuclear test ban verification system. The case for the verifiability of the test ban treaty is strong and it can be further strengthened by taking into account the scientific and national means available for monitoring of unusual events. North Korea's test was not only a demonstration of IMS capabilities but also an example of the synergies between multilateral, scientific and national monitoring means in detecting, locating and identifying violations of the norm against testing.

To build the case for the CTBT, it might also be worthwhile to explore the potential for cooperation among signatories and member states in the conduct of on-site inspection exercises, for example in the Middle East. Mock inspections have been one way to use verification as an instrument to increase transparency in other regions of the world, and it might be useful particularly in the Middle East, where secrecy and distrust prevail.

France has recently suggested additional transparency measures, including at the former test sites of nuclear weapon states. This could help address lingering concerns from some quarters in the United States about Russian test site activities, and *vice versa*. CTBTO involvement in such on-site activities can be an additional way to improve openness and trust in compliance with the CTBT.

Finally, it is essential to keep political pressure on holdout states. The numerous statements by individual governments, the EU, the Non-Aligned Movement, the Organization of American States, and the biennial Article XIV CTBT Entry Into Force Conference in favor of the CTBT are essential to the maintenance of the test ban norm and pressure on the United States and other hold-out states to sign and/or ratify the treaty.

While important, such statements are not sufficient. Unfortunately, top leaders of states committed to the CTBT often fail to press their counterparts in the nine CTBT hold-out states to reconsider their opposition to the treaty or move forward with ratification. If they are truly committed to the treaty, CTBT ratifying states must exercise much more consistent, top-level diplomacy in support of CTBT entry into force.

The next important opportunity for friends of the CTBT to show their support will come this September in New York on the eve of the UN General Assembly meeting when foreign ministers from CTBT ratifying states will gather to issue their biennial joint statement calling upon remaining states to sign and/or ratify the CTBT. Another important opportunity is the next Article XIV Conference on Facilitating Entry Into Force, which could be scheduled as early as September 2009 in New York. The timing and location of this meeting would help focus the attention of the next U.S. presidential administration on the treaty, and give the new U.S. president the opportunity to announce his commitment to secure Senate advice and consent for ratification at the earliest possible date.

When the CTBT was opened for signature on September 24, 1996, there was a race for signature at the United Nations. Then-U.S. President Bill Clinton eventually signed the CTBT first, followed by China. The Chinese later argued that they were actually first to have signed because the United States, as hosts of the United Nations and the signing ceremony, were disqualified as winner of the race to signature. Today, we need to recapture that spirit and have a race towards entry into force in which no state wants to come in last to sign the CTBT.