Making the CTBT Effective
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Thirteen years after the Comprehensive Nuclear-Test-Ban Treaty (CTBT) opened for signature, the Treaty has still not entered into force. Despite the fact that the United States and China were the first two countries to sign the Treaty, neither of them has ratified it to public knowledge.

During the CTBT negotiations, a number of countries including the U.S. and China agreed to add Article XIV to the Treaty, which relates to the Treaty’s entry into force. This will take place 180 days after the 44 States listed in Annex 2 to the Treaty have all ratified. The reason for including Article XIV was presumably to reinforce the non-nuclear weapons testing regime so as to facilitate nuclear non-proliferation worldwide. In reality, however, Article XIV has never exerted political or moral pressure upon the Nuclear Non-Proliferation Treaty (NPT) hold-out States such as India, Pakistan and Israel, in an effective manner. Also, the inclusion of Article XIV has meant that every nuclear capable State can block the CTBT’s entry into force. This is because any of the 44 States listed in Annex 2 to the Treaty who possessed nuclear power reactors or research reactors when the Treaty was being negotiated, could fail to sign or ratify. The process related to the CTBT’s entry into force is simply too democratic.

The importance of a CTBT

While a great amount of effort has been invested in building up the CTBT and its verification regime, it is understood that nuclear weapons testing is the single most outstanding obstacle to nuclear disarmament and non-proliferation. For a nuclear weapon State, the continuation of nuclear weapons testing is directed to sustain the safety, security, reliability and/or modernization of its nuclear arsenal. Whatever its purpose may be, such efforts emphasize the political importance and military utility of nuclear weapons, thereby offering incentives to nuclear proliferation. For a non-nuclear weapon State, a nuclear test unveils its nuclear weapons programme more directly, contributing directly to nuclear proliferation.

Therefore, in order to address the issue of nuclear non-proliferation, it is crucial for nuclear weapon States to:

■ reduce their nuclear weapons as quickly as possible;
■ restrain from developing new nuclear weapons;
■ cease nuclear weapons testing permanently;
■ foreclose the production of fissile materials for weapons purposes; and
■ declare the intention not to use nuclear weapons in the first place.

In the meantime, the non-nuclear weapon States of the non-proliferation regime ought to keep up their commitment, especially when the nuclear weapon States are moving toward nuclear disarmament.

U.S. ratification

Obviously, the United States has the least need to retain its nuclear arsenal due to its superiority in terms of conventional arms and it is most susceptible to nuclear proliferation. Whatever the reasons were for the reluctance of the previous U.S. administration to ratify the Treaty, the nuclear tests conducted by India, Pakistan and the Democratic People’s Republic of Korea (DPRK) – all carried out since the CTBT opened for signature – posed a huge risk to the United States by threatening the world order in which America dominates. No other country in the world today has its interests undermined as seriously as the U.S. by nuclear proliferation. By not ratifying the CTBT, the U.S. is facing more threats now than it would otherwise be confronted with.

The unwillingness of the United States to ratify the Treaty has contributed directly to the inability of the CTBT to enter into force. If the world’s most powerful country militarily – accounting for 47 percent of global military spending alone – still needs to keep its option to resume nuclear testing open, why should other countries feel more secure by foreshewing their options?

Chinese ratification

China is the only nuclear weapon State to advocate a total prohibition and thorough destruction of all nuclear weapons. Since the early 1980s, China has also urged a “three halts and one reduction” policy which includes a component of “halting nuclear weapons testing”. China’s traditional view is that all countries should stop nuclear weapons testing. However, China should also consider that the nuclear superpowers – the U.S. and Russia – should shoulder most

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responsibilities by both undertaking drastic nuclear disarmament with the U.S. also ratifying the CTBT.

That does not reduce China’s responsibility of making the CTBT effective as early as possible. After a decade of preparing for the maintenance of a nuclear deterrent without physical testing, all nuclear weapon States should be more or less better prepared for the CTBT’s entry into force through various simulation schemes similar to the U.S. science-based Stockpile Stewardship Program. Therefore, it is quite likely that the reasons for two of the nuclear weapon States under the NPT not having ratified yet are more out of political considerations than technical necessity at this stage.

President Obama’s Prague speech

On 5 April 2009, U.S. President Barack Obama made epoch-making remarks in Prague, calling for a nuclear-weapon-free world, with the U.S. taking the lead to further cut its strategic force along with Russia through a follow-on treaty to START which is being negotiated and will be concluded this year. President Obama has further committed his administration to ratifying the CTBT as soon as possible, among other proposals. Given the Democratic leadership in the Senate, it is increasingly possible that the U.S. Congress will soon be ready for ratification of the CTBT. With Senator Arlen Specter’s party switch in April 2009, the Democrats are close to having dominant control of the Senate floor, so the chances of clearing the hurdles for the Treaty’s ratification are looking greater than ever.

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Amending the CTBT

Even if the U.S. and China ratify the CTBT, the Treaty’s entry into force may still be held hostage, as any of the 44 States listed in Annex 2 could spoil its chances. Therefore, as long as the U.S. and China aspire to the CTBT entering into force, it is critical not to allow any Annex 2 State to use a procedural process to jeopardize the Treaty’s effectiveness.

One way to resolve this difficulty would be to amend the CTBT by calling for a conference to revise Article XIV. The CTBT may be the only international treaty that exerts moral pressure on ALL relevant States to sign and ratify. Alternatively, one could envisage a revised CTBT that lowers the bar for entry into force. For instance, the CTBT could enter into force provided that a certain number of Annex 2 States ratify the Treaty. This could be a touchstone to see if the nuclear weapon States genuinely want a CTBT.

This is increasingly relevant given the DPRK’s most recent nuclear test in May 2009. For security or strategic reasons, Pyongyang does not seem ready to halt its testing programme anytime soon and is continuing to confront the international community. While its behaviour has been condemned and will be further sanctioned, the world should not be held hostage by such hold-outs. Revising the CTBT offers a way to lower the threshold of the Treaty’s entry into force that has been unnecessarily raised too high.

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