

The Enduring Value of the Comprehensive Nuclear-Test-Ban Treaty and New Prospects for Entry Into Force

by Daryl G. Kimball

The history of the nuclear age makes it clear that opportunities to reduce the risks posed by nuclear weapons are often very fleeting. When the right political conditions are in place, governmental leaders must seize the chance to make progress.

In 1958 and again in 1963, U.S. and Soviet leaders attempted to negotiate a comprehensive ban on all nuclear test explosions. They came close but failed to seal the deal. While the latter effort led to the 1963 Partial Test Ban Treaty, it took another three decades of on-and-off efforts to conclude negotiations on a comprehensive test ban treaty. During that time, hundreds more underground tests propelled further arms racing and proliferation.

Treaty (NPT) regime. The nuclear weapon States' commitment to achieve the CTBT was a crucial part of the bargain that won the indefinite extension of the NPT in 1995 and the 2000 NPT Review Conference document.

U.S. Senate's untimely rejection of the CTBT in 1999

Over the years, the importance of the Treaty to global security has only increased and international support has grown. Today, 179 countries have signed the CTBT, and 144 countries have ratified. Unfortunately, the U.S. Senate's brief debate and untimely rejection of the CTBT in October

The situation is self-defeating and counterproductive. Given the U.S. signature of the CTBT and its test moratorium policy, the United States bears most CTBT-related responsibilities. Yet Washington's failure to ratify has diminished its ability to prod other nations to join the Treaty and refrain from testing. At the same time, there is no need—nor is there any political support—for renewed U.S. testing for new nuclear warheads or for any other reason.

Treaty helps prevent regional conflicts and avert nuclear arms race

The CTBT is also needed to help head off and deescalate regional tensions. With no shortage of conflict and hostility in the Middle East, ratification by Israel, Egypt, and Iran would reduce nuclear weapons-related security concerns and bring those States further into the nuclear non-proliferation mainstream. Action by Israel to ratify could put pressure on other States in the region to do so. Iranian ratification would help address concerns that its nuclear program could be used to develop and deploy deliverable nuclear warheads.

Likewise, North Korean accession to the CTBT would help demonstrate the seriousness of its commitment to verifiably dismantle its nuclear weapons program through the Six-Party process¹. The ongoing India-Pakistan nuclear arms race could be substantially slowed to the benefit of both countries if they signed

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Today, the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) remains a vital disarmament and non-proliferation instrument. By prohibiting all nuclear test explosions it impedes the ability of States possessing nuclear weapons to field new and more deadly types of warheads, while also helping to prevent the emergence of new nuclear-armed States.

Moving forward on the CTBT is also an essential step towards restoring confidence in the beleaguered Nuclear Non-Proliferation

1999, coupled with the George W. Bush administration's opposition to the Treaty, has slowed the momentum. Nine key States must still ratify to achieve entry into force.

Partially in response to U.S. policy on the CTBT, some countries that have signed the CTBT, such as China and Israel, have delayed their ratification processes. Others, including India and Pakistan, have yet to sign the Treaty and are unlikely to do so unless the United States, China, and perhaps other hold-outs, finally ratify.

¹ The Six-Party talks process aims to find a peaceful resolution to security concerns raised by the North Korean nuclear weapons programme. The process began in response to Democratic People's Republic of Korea's (DPRK) withdrawal from the NPT in 2003 and involve China, the Republic of Korea (South Korea), DPRK, the United States, the Russian Federation and Japan.



and ratified the CTBT or agreed to an equivalent legal instrument.

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Moving forward – prospects of ratification by the U.S. Senate

To begin to break the ratification logjam and pave the way for entry into force, leaders in key States must make the right choices in three key areas.

First, it is essential that the next occupant of the White House builds upon growing bipartisan calls for U.S. reconsideration of the CTBT and initiates a serious effort to engage the new Senate on the issue with the goal of winning two-thirds support for ratification by the end of 2010.

Most notably, former Republican Secretaries of State, George Shultz and Henry Kissinger, former Democratic Secretary of Defense, Bill Perry, and retired Democratic Senator, Sam Nunn, have called for a bipartisan push to ratify the CTBT as a key step toward a nuclear-weapon-free world.

U.S. presidential candidates stress importance of nuclear test ban

Most importantly, the two major U.S. presidential candidates have both stressed the importance of a nuclear test ban. Democratic nominee, Senator Barack Obama, has repeatedly expressed support for the CTBT. He said on 16 July 2008 that "...we'll work with the Senate to ratify the Comprehensive Test Ban Treaty and then seek its earliest possible entry into force."

Republican presidential nominee, Senator John McCain, who voted against the Treaty in 1999, said in a speech on 27 May 2008 that, if elected, he would "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." Whether McCain is interested in some new

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Biographical note



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Responsibility, which lobbied for the U.S. nuclear test moratorium legislation of 1992. He also served as Director of the Coalition to Reduce Nuclear Dangers, which led NGO efforts to win support for U.S. CTBT ratification. ■

Notes & quotes

"Today, eight nations in the world have declared they have conducted nuclear tests. I am proposing to the international community an action plan to which I call on the nuclear powers to resolutely commit by the 2010 NPT Conference.

Thus I invite all countries to ratify the Comprehensive Test Ban Treaty, beginning with China and the United States, who signed it in 1996. It is time for it to be ratified."

**SPEECH BY FRENCH PRESIDENT NICOLAS SARKOZY,
IN CHERBOURG, FRANCE, ON 21 MARCH 2008.**

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test limitation initiative or will eventually find a way to endorse the 1996 Treaty is not clear.

It is clear that in order to gain the necessary support for ratification, the next U.S. president must do more than study the CTBT and should not try to renegotiate or amend it. A full-scale effort will require strong presidential leadership, a high-level CTBT coordinator, and an effective NGO advocacy campaign.

High-level diplomatic pressure must continue on “hold-out” States

Second, leaders of States committed to the CTBT must exercise much more consistent, top-level diplomacy in support of entry into force. The numerous statements by individual governments and regional groupings of States are essential but are not sufficient. Too often, they fail to press their counterparts in the nine CTBT hold-out States.

One important opportunity will be the “Friends of the CTBT” Foreign Ministers meeting in New York this September, when foreign ministers from CTBT ratifying States will gather to issue their biennial joint statement calling for the Treaty’s entry into force. Another is the next Conference on Facilitating the Entry into Force of the CTBT, likely to take place in the fall of 2009, to help prod the U.S. president and other hold-outs to approve the Treaty. China merits special attention. For years, Beijing has reported that the Treaty is before the National People’s Congress for consideration but has apparently taken no action to win legislative approval.

U.S. nuclear trade with India

Unfortunately, the 45 participating countries of the Nuclear Suppliers Group (NSG) failed a third important leadership test on the CTBT

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when they approved an India-specific waiver from NSG guidelines on 6 September 2008 without any call for New Delhi to translate its political pledge not to test into a legally-binding and enforceable commitment by joining the CTBT.

Worse still, the United States, France, the United Kingdom, and Russia, each of whom stand to profit from nuclear trade with India, opposed a group of six responsible like-minded NSG States, plus Japan, that sought to establish a clear and unambiguous NSG policy to terminate trade if India resumes testing.

Following the NSG’s reluctant approval of the India-specific waiver, several States delivered national statements to clarify their views on how the NSG’s policy on India should be implemented. Japan, and perhaps others, noted that if India resumed testing, “the logical consequence is to terminate trade.”

Indeed, paragraph 3 of the NSG statement undeniably says the “basis” of the India specific waiver is the July 2005 pledge and the 5 September 2008 statement by India’s External Affairs Minister, Pranab Mukherjee, which included a pledge to maintain India’s nuclear test moratorium.

To address the severe shortcomings of the NSG’s decision, it is incumbent upon each of the world’s major nuclear suppliers and CTBT signatories to unequivocally state that if India tests, they would terminate nuclear trade with India. Each also has a responsibility to actively seek India’s early consideration and support for the CTBT. If, as Prime Minister Manmohan Singh said in July 2005, India is prepared to take on the responsibilities expected of other advanced nuclear nations, it is reasonable to expect that India should agree to a legally-binding test moratorium, as the five original nuclear-weapon states have all done.

Securing the Treaty’s entry into force

CTBT entry into force is within reach. With the 2008 U.S. election and the 2010 NPT Review Conference approaching, it is vital to redouble efforts to secure ratification by key CTBT hold-out States, accelerate work to complete the International Monitoring System, and avoid developments that would damage the CTBT regime. The next one to two years may represent the best opportunity to secure the future of this long-awaited and much-needed Treaty. ■