

VOICES

Why Wait?

States will cede power by waiting for others to ratify the CTBT first

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The Comprehensive Nuclear-Test-Ban Treaty (CTBT) is awaiting ratification by nine nuclear holder countries before it can enter into force: China, the Democratic People's Republic of Korea (DPRK), Egypt, India, Indonesia, Iran, Israel, Pakistan, and the United States¹. Governments in each country have their own specific reasons for not yet ratifying the Treaty. But one reason is shared by many, and deserves particular attention: the argument that a government does not want to ratify the CTBT until x or y State does so.

Often, that blank is filled by naming the United States, such that U.S. ratification becomes the pivot on which decisions by other States turn. There are good reasons for attention to the United States: clearly the CTBT will not enter into force *without* U.S. ratification, and the Treaty's fate in the United States is therefore important. Yet the same could be said of China, India, Israel, Pakistan, or any other so-called Annex 2 State² that has not yet ratified the Treaty but is required to do so for entry into force. Moreover, for a government to make its decision contingent on U.S. (or Chinese,

or Indian, or Israeli, or Pakistani...) action is to give enormous power to that State—and to the opponents of the CTBT within that State. At the regional level, governments may also assert that their own decision is contingent on ratification by their neighbour. This is likely especially in regions of ongoing political and potential military conflict.

NO NEED FOR FURTHER NUCLEAR EXPLOSIONS

The implication is that governments are cautious because their security interests are threatened if certain States do not ratify. However, the only actual loss that a government sustains through

ratification is that it foregoes the option to conduct tests legally. But is this a real loss? Five of the non-ratifying Annex 2 States have nuclear arsenals that are more than adequate for deterrence, and their governments are confident in that deterrent. Indeed, there is no apparent need for further testing—a position that is acknowledged in numerous of these countries, at least in private. Furthermore, three of the non-ratifying Annex 2 States are non-nuclear weapon States Parties to the Nuclear Non-Proliferation Treaty (NPT), and legally obligated not to develop nuclear weapons programmes. Only one State – the DPRK – with a still-small nuclear weapons programme in development, has tested recently. It may do so again. But this does not mean that the other Annex 2 countries are threatened to a degree that the Treaty should not come into force.

[1] Six of these States have signed the CTBT but not yet ratified: China, Egypt, Iran, Indonesia, Israel, and the United States. The DPRK, India, and Pakistan have not signed the Treaty. Indonesia has stated its intention to ratify the CTBT in the near future.

[2] The Annex 2 States include 44 countries, which possessed nuclear power or research reactors in 1996. Thirty-five have already ratified the CTBT.





The last Conference on Facilitating the Entry into Force of the CTBT held at the United Nations Headquarters in New York in September 2009 resulted in several ratifications.

If the rationale for testing is not compelling, then how do we account for these governments' reluctance to ratify the CTBT? One factor is that the status quo works well for many of the remaining Annex 2 States: other than the DPRK, no State has tested for over a decade, and governments can reap the benefit of a testing moratorium without taking on Treaty obligations. In this context, governments may be reluctant to disturb the seemingly tacit agreement among major nuclear-armed States to refrain from testing. Alternatively, some governments may be willing to ratify, but hold out ratification as a bargaining chip in other international transactions.

Equally, if not more important, are the domestic politics of the CTBT. Although a government may decide that acceding to the CTBT does not represent a security risk, it may still face divisive domestic opposition. Given the potential cost of ratification, especially in the context of a workable status quo, the price of ratification may well seem higher than the benefits conferred.

WORRYING ABOUT LOSSES, NOT PLANNING FOR GAINS

Which brings us to the crux of the issue. As with most things in public life, the real question that governments face is whether there is more to gain or to lose through positive action. To date, for the governments of these non-ratifying Annex 2 States, the scale has tipped

toward worrying about losses, rather than planning for gains. Inaction has seemed better than action. But this is under-ambitious and shortsighted—for there are significant gains to be had if States choose not to wait for others to adopt the CTBT.

Firstly, if any of the non-ratifying nuclear-armed States were to adopt the Treaty before the United States does, the international political context for entry into force would change instantly. Partly this is because the widely held view that everything depends on the United States would need re-thinking. But also, a decision made independently of U.S. action would affirm that the CTBT is valuable in its own right and that its implementation is trustworthy, regardless of any one State's failure to ratify. Moreover, such a decision could reassure domestic opponents in other non-ratifying States, i.e. those who argue against ratification because they fear that powerful States will still remain outside the Treaty.

Finally, if the U.S. were no longer seen as the primary obstacle to further CTBT progress, then other non-ratifying States would confront the ratification question head-on: do they want to join the large number of States – three quarters of the world's countries – that have already completely renounced the testing of nuclear weapons, or continue to side-step the issue?

RATIFICATION BRINGS SEVERAL BENEFITS

These consequences would constitute a gain for the ratifying State in two ways. Firstly, the decision to ratify would promote progress toward entry into force by breaking the logjam that has beset the Treaty ratification process. It would take States out of the debilitating, circular dynamic in which no one State will ratify unless certain other States do so first, and bring additional pressure to bear on the remaining Annex 2 States. Secondly, deciding to ratify the Treaty—especially for those Annex 2 States that have nuclear weapons but have not yet ratified—would represent significant and constructive global leadership.

Indeed, that leadership is there for the taking. It only requires that a State value its long-term security—as obtained through entry into force of this important international agreement—more than it values any short-term political considerations. There is no reason to wait.

BIOGRAPHICAL NOTES

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