

Preparing to detonate the world's first nuclear weapon: the Trinity test was conducted on 16 July 1945 in New Mexico, USA.

VOICES

The Future of the CTBT

BY RIZWAN ASGHAR

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Global efforts to halt the quantitative and qualitative nuclear arms race by preventing nuclear weapons testing started less than a decade after the first nuclear explosive test was carried out in Alamogordo, New Mexico, USA, in 1945. On the larger non-proliferation canvas, a global ban on nuclear explosions has remained one of the longest standing items on the international agenda. Arms control advocates have consistently pushed for the adoption of a treaty banning all nuclear explosions but no binding framework could be put in place. To date, more than 2,000 nuclear tests have been carried out at 60 different locations around the globe.

As the existential threat posed by the existence of nuclear weapons has emerged once again, following the three nuclear tests conducted by North Korea so far this century, a new momentum is gathering for a worldwide ban on nuclear testing. For more than two decades, nuclear experts have considered ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which bans nuclear explosions in all environments, as essential for achieving this goal. However, the Treaty remains stuck in limbo due to the political processes in some countries, which can be complicated and lengthy, and the 'after you' policy adopted by certain countries. It has now been more than 17 years since the CTBT was opened for

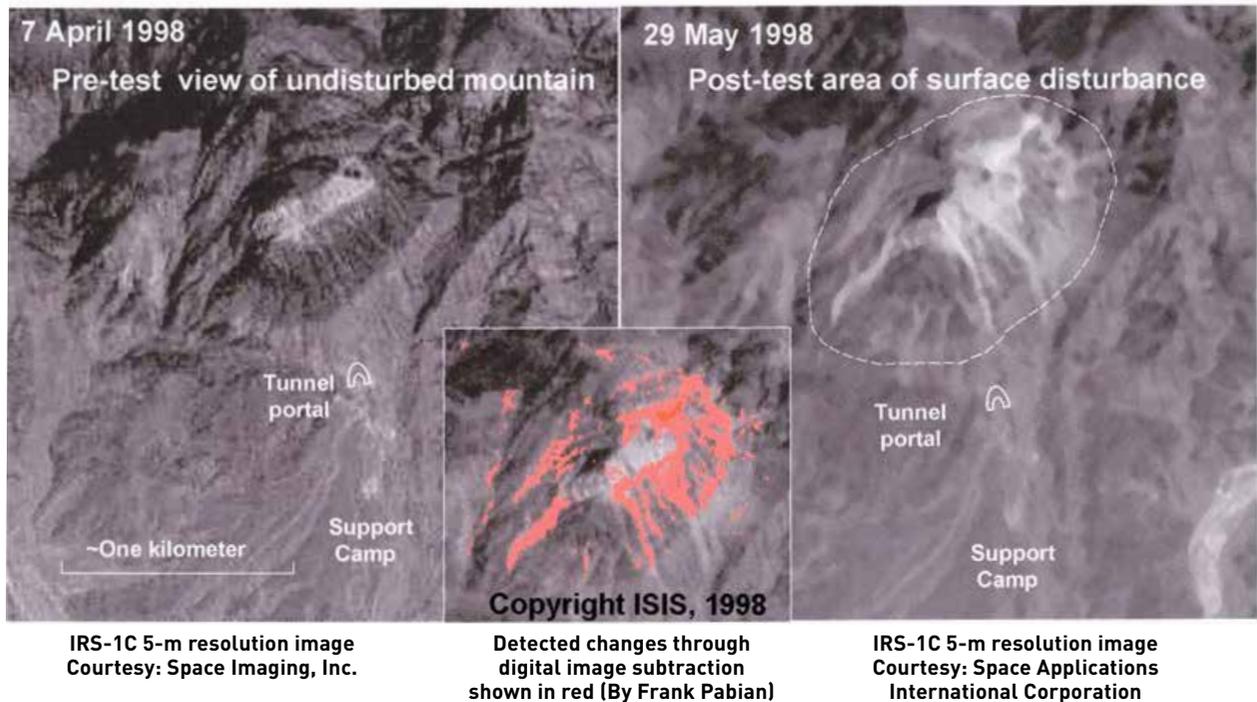
signature. As of 30 July 2014, more than 180 States had signed the CTBT and 162 had ratified it. A deadlock exists because one of the Treaty's clauses – known as Article XIV – makes ratification by 44 States with commercial or research nuclear reactors a necessary requirement for the Treaty to become legally binding. Of those 44 specified states, China, Egypt, India, Iran, Israel, North Korea, Pakistan and the United States, have so far been reluctant to ratify.

CONSIDERING THE OPTION OF 'PROVISIONAL APPLICATION' OF THE CTBT

Under the present circumstances, the chances of the CTBT's ratification by



**Pre- and post-test commercial satellite image comparison of the 28 May 1998
Pakistan nuclear test Site showing physical test effects**



"Satellite Images of Pakistan's 28 May 1998 Test Site," Institute for Science and International Security, 28 May 1998, <http://isis-online.org/isis-reports/detail/satellite-images-of-may-28-1998-test-site/12#images>.

these unwilling countries are slim. With China linking its ratification process to that of the United States and Pakistan waiting for India to ratify first, achieving the CTBT's entry into force has been a daunting challenge. After the CTBT was defeated by the U.S. Senate in 1999, the Bush administration made little effort to promote it although U.S. ratification could have also spurred Egypt and Israel to sign and ratify the Treaty. President Obama expressed his strong commitment to the CTBT on many occasions during his first term but later it slipped down his agenda due to other domestic political concerns. In order to break this deadlock, many non-nuclear weapon States are considering the option of 'provisional application' of the CTBT until the Article XIV conditions are met in full.

This approach will not only enable the consenting States to avoid unnecessary political obstacles but will also strengthen nuclear test-ban regimes. Without violating the provisions of Article XIV of the

Treaty, this approach is likely to increase pressure on other countries to accelerate their ratification processes. After it has been applied provisionally by a large number of States the CTBT will have an enhanced legal status, increasing the political costs of violation. In this way, the Treaty would provide a stronger legal basis for collective United Nations action against the violator and there would be a glimmer of hope to prevent failure of the 'test-ban' norm.

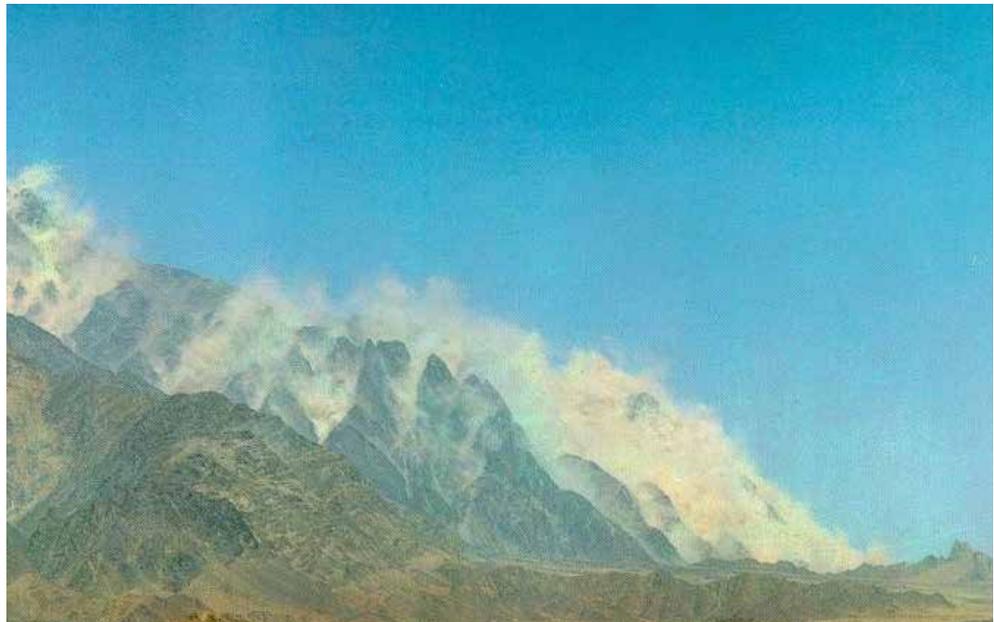
THE CTBT DOES NOT RULE OUT PROVISIONAL APPLICATION

According to Article 25 of the 1969 Vienna Convention on the Law of Treaties: "A treaty or part of a treaty is applied provisionally pending its entry into force if: (a) the treaty itself so provides or (b) if the negotiating states have in some other manner so agreed." The CTBT does not rule out provisional application and even during the negotiations over entry-into-force requirements, the

idea of provisional application was discussed by many States as a way to prevent a handful of other States from exercising a veto. Thus the CTBT could take legal effect for those who wish to abide by the agreement. Though not binding on those who remain outside, the Treaty in provisional application would be more likely to act as a brake on further 'copycat' testing.

A major criticism leveled against provisional application of the CTBT is based on the apprehension that the United States, which contributes a fifth of the overall costs of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), may oppose this step and limit its funding to the organization. Such fears are exaggerated because any such decision to cut down funding to the CTBTO would be far more costly to Washington in terms of political influence against nuclear proliferation. Also, provisional application of the CTBT could be expected to tilt

Dust raised in the Ras Koh mountains from Pakistan's first nuclear test on 28 May 1998.



American public opinion in favour of ratification and place the U.S. Senate under additional pressure to ratify the CTBT. Once the United States ratifies the Treaty, the remaining holdout States will most likely be stimulated to follow suit due to the fear of being marginalized by choosing to remain outside of the Treaty.

Pakistan's nuclear security establishment remains steadfast in its stubborn position. Since May 1998, successive governments in Pakistan have tied their stance on the CTBT to New Delhi's future course of action. Pakistani analysts have frequently commented that in a nuclearized South Asia, the CTBT will have relevance only if both India and Pakistan are parties to the Treaty. In 1998, Pakistan responded to India's nuclear tests by conducting its own underground explosions and Pakistan fears that India even harbours plans to conduct additional nuclear tests in the future. But Pakistan has repeatedly made it clear that it will not be the first to resume nuclear testing in the region. Although it subsequently came under enormous pressure from the United States to accept the CTBT, the government in Pakistan maintained that its ratification would depend on India's future course of action. Despite many incentives, the United States failed to persuade Islamabad to ratify the CTBT.

CTBTO MEMBERSHIP OFFERS MANY BENEFITS

Some people, including myself, have argued on many occasions that if Pakistan joins the CTBT, it will be able to access CTBT monitoring data. In addition, if the nuclear establishment in Pakistan is really so obsessed with India's position, signing the CTBT would be the perfect tool to promote Pakistan's position as a responsible nuclear State willing to accept real restraints, unlike India. Pakistan's willingness to join the CTBT might also prove instrumental in securing cooperation in civilian nuclear technology from the United States and other major powers. Unfortunately, however, policymakers in Pakistan have never tried to think along these lines and some analysts even say openly that it would be suicidal to sign the CTBT .

The technological advances in the global nuclear test monitoring system have already made it easier to detect underground nuclear tests with a yield of even less than one kiloton. The CTBT's entry into force will also make on-site inspections possible. Over the past few years, the United States and Russia have spent billions of dollars on modernizing their nuclear forces. Thus the CTBT, after

taking full legal effect, would be a major contribution to non-proliferation goals by restraining countries with nuclear weapons capabilities from further modernizing their nuclear forces.

BIOGRAPHICAL NOTE



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