

The CTBT and the 2020 NPT Review Cycle: challenges, risks, and opportunities

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*Executive Secretary Lassina Zerbo addresses the 2015 NPT Review Conference on 29 April 2015
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When the Comprehensive Nuclear-Test-Ban Treaty (CTBT) was concluded in 1996, US President Bill Clinton called it the “longest sought, hardest fought prize in arms control history.” This characterization proved both more prescient—and more premature—than he could have imagined at the time. While 168 countries have ratified the CTBT as of February 2020, eight of the 44 states that must do so in order for it to enter into force have not. This situation has remained unchanged since 2012, when Indonesia became the 36th Annex 2 State to become a party to the Treaty.

In spite of these circumstances, the CTBT has played a crucial role in the development of a robust global norm against nuclear testing in the nearly 24 years since its conclusion. One unintended consequence of this outcome, however, is the current lack of urgency surrounding the Treaty’s

entry into force. In part because a return to widespread nuclear testing has seemed so unlikely in recent years, efforts to persuade the eight remaining Annex 2 states to pursue ratification have been unsuccessful. As a result, the CTBT is neither legally binding or enforceable today, a situation that places the non-proliferation community at a significant disadvantage.

This is especially the case today, given that the international security situation is both more dangerous than it was a year ago and rapidly deteriorating. The traditional arms control architecture is eroding, and the norm against nuclear testing could potentially follow suit. Faced with the challenges posed by North Korea’s nuclear weapons program, the unraveling of the Joint Comprehensive Plan of Action (JCPOA), and a return to arms racing, practitioners

and experts should consider how the CTBT can help address the world’s most pressing nuclear threats. Reaffirming the Treaty’s contributions to the non-proliferation regime would be an important first step toward reinvigorating support for its entry into force today.

The upcoming 2020 Review Conference of Treaty on the Non-Proliferation of Nuclear Weapons (NPT) could constitute a target of opportunity for this endeavor. Here, States Parties will have the chance to underscore the CTBT’s relevance to new and longstanding challenges while highlighting its mutually reinforcing relationship with the NPT. They could do so in an especially compelling way when it comes to addressing North Korea’s nuclear weapons program. If North Korea signed and ratified the CTBT, this would provide a legally binding assurance that Kim Jong Un planned

to uphold the nuclear test moratorium he unilaterally declared in April 2018. Proposals to this effect were included in the 2018 NPT Chair's Factual Summary and the 2019 Chair's working paper, both of which urged the DPRK to sign and ratify the CTBT. Delegates should revisit this language as they look for practical recommendations that could attract widespread support when they meet in New York later this year.

The documents issued by the Preparatory Committee (PrepCom) chairs in 2018 and 2019 also encourage continued efforts toward the establishment of a the Weapons of Mass Destruction-Free Zone (WMDFZ) in the Middle East, and the CTBT has a role to play here, too. Were states in the region to sign and ratify the CTBT, it would help to reduce the trust deficit between relevant actors—especially against the backdrop of an unravelling JCPOA. What is more, since nuclear testing will almost certainly be prohibited under any treaty establishing a WMDFZ in the Middle East, joining the CTBT would help to forge agreement on this issue among diverse parties, which could make future negotiations easier. States in the region could start by installing and certifying their IMS stations, which would constitute a powerful transparency and confidence-building measure without requiring an immediate commitment to ratify. The moment is right to explore how these concrete steps and others could help to operationalize the political declaration adopted at the inaugural session of the UN conference on the establishment of a WMD Free Zone in the Middle East in November 2019. In answering its call for “initiatives, resolutions, decisions and recommendations” relevant to these efforts, delegations at the Review Conference should highlight where the CTBT, as both a non-proliferation and arms control treaty, can contribute to this process.

In addition to its relevance to regional challenges, the CTBT is of central importance to the implementation of

Article VI of the NPT, which will no doubt be a focal point at the Review Conference, as well. While its role in limiting vertical proliferation is fairly obvious, the CTBT can also help to lower the risk of nuclear use by reducing uncertainty and preventing NPT States Parties from engaging in certain provocative behaviours. These include a return to widespread nuclear testing, which would worsen an already dire international security situation and make deliberate or accidental nuclear exchange more likely. An in-force CTBT would greatly increase the political consequences of resuming testing while preventing nuclear weapon States from developing new tactical nuclear weapons that would lower the threshold for nuclear use. Revisiting the language from Action 5d of the 2010 Action Plan could provide a useful starting point from which to capture how the CTBT can help reduce nuclear risk. It calls upon the nuclear weapon States to “discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons.” Identifying CTBT ratification as one of these policies at the 2020 Review Conference would highlight this Treaty's relevance to what is arguably one of the most significant dangers the international community faces today. It would also serve to underscore the continued validity of commitments agreed to in the 2010 Review Conference final document, which, as the most recent outcome document to have been adopted by consensus, is especially significant.

These proposals are likely to be dismissed by States Parties that oppose the CTBT, and there is some risk that raising the profile of Treaty too visibly during the current review cycle may have the opposite of its intended effect. If the Conference is unable to agree on the CTBT's relevance to today's most significant nuclear threats, this outcome could

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serve to diminish support for the Treaty's entry into force instead of increasing it. By the same token, however, States Parties are mandated under the Strengthened Review process to assess past implementation of the NPT and to consider ways to achieve further progress in the future. They cannot carry out this obligation in good faith without acknowledging the importance of the CTBT. A commitment to “achieve the discontinuance of all test explosions of nuclear weapons for all time” is enshrined in preamble of the NPT itself. Reaffirming this objective is only appropriate upon the 50th anniversary of the NPT's entry into force, and doing so would go a long way toward shoring up the credibility of the nonproliferation regime at a time when it desperately needs it.

Whether in the context of addressing North Korea's nuclear weapons, establishing a WMDFZ in the Middle East, or arms control and nuclear risk reduction, the CTBT and its global monitoring system provide opportunities to build trust and confidence, reduce uncertainty, and strengthen norms and values shared by diverse parties. The CTBT's applicability to the full roster of non-proliferation challenges—both existing and emerging—is part of what makes it so central to efforts to overcome them. With this in mind, States Parties, experts, and practitioners should consider how best to highlight the Treaty's salience during this final act of the 2020 NPT Review Cycle without increasing its vulnerability. If successful, their efforts will help ensure that the international community can take full advantage of this underutilized Treaty for which it fought so hard.