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POLICY BRIEF

Achieving the Entry-Into-Force of the Comprehensive Nuclear Test-Ban Treaty: What UN Member States Can Do Now

April 2009

Jonathan Granoff, President, and Rhianna Tyson, Senior Officer, co-authored this policy brief for the special briefing and strategy session, *Contributions of the United Nations System in Advancing the Entry-Into-Force of the Comprehensive Test-Ban Treaty*, co-sponsored by the Permanent Mission of Austria to the United Nations – New York and the Global Security Institute.

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GSI Brief:

**ACHIEVING THE ENTRY-INTO-FORCE OF
THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY:
WHAT UN MEMBER STATES CAN DO NOW**

April 3, 2009

The Comprehensive nuclear Test-Ban Treaty (CTBT) is the longest sought-after agreement in the history of arms control. Starting with the demands of mothers in the 1960s alarmed at the levels of strontium 90 in their babies' teeth, the calls for a prohibition against nuclear testing continually increased until finally, in 1996, the members of the Conference on Disarmament completed negotiations on a comprehensive ban and brought it to the General Assembly in 1996, where it was overwhelmingly adopted by a vote of 158 to 3 with 5 abstentions.

More than ten years since the adoption of the CTBT and with over 2/3 of UN Member States' ratification, the treaty that will prohibit all nuclear testing is still not yet in force. This paper will briefly illustrate why the entry-into-force (EIF) of the CTBT is an important element of the new, verifiable international security regime. It will also explore some common elements preventing ratification in the remaining hold-out states and suggest ways that supportive Member States can use the tools at their disposal to promote ratification and contribute to achieving the entry-into-force of the nuclear testing ban.

Substantive arguments in favor of the CTBT are well-known and well-founded. Those opposed to the treaty rarely counter the substantive arguments, raising instead tangential diversions and constructing partisan political barriers. Moreover, test ban adversaries are economically and politically formidable in several Member States. Rather than delve deeply into arguments in favor of a test ban, we will suggest some new supportive approaches to advance the entry-into-force of the treaty.

We believe that the CTBT will not be won on arms control merits alone. The CTBT, after all, is not just an arms control measure. The CTBT is an environmental issue, a humanitarian issue, a science issue. It is a harbinger of the new globalized world, a way to foster greater international cooperation in these realms, in the way the International Space Station has precipitated unprecedented cooperation in space between scientists from dozens of nations, and has given us a new perspective on ourselves. We must use this multi-dimensional benefit of the CTBT—that it engenders international cooperation, strengthens our global intelligence capability and protects human beings against the dangers of nuclear weapons and natural disasters—to build the political momentum and coalitions necessary to win this debate.

The Importance of the CTBT

The treaty remains as important today as ever throughout its long, tortuous history. The threat of the proliferation of nuclear weapons is arguably greater than at any time since the creation of the nuclear Non-Proliferation Treaty (NPT), which itself is under newfound strains: the 21st century threat of nuclear terrorism adds a new proliferation dimension against which existing mechanisms are unable to protect; a “renaissance” in nuclear energy highlights inadequacies of the non-

proliferation regime; insufficient implementation of the disarmament obligations of the NPT has weakened many nations' faith in the treaty; suspicious activity has cropped up across the globe in nearly every continent, including the potential quest of existing states to engage in vertical proliferation. After NPT States parties failed to strengthen the NPT at the 2005 Review Conference, it has become ever more imperative to bolster the global disarmament and non-proliferation regime in substantial ways. These challenges will persist despite positive signs coming from a new administration in Washington.

From the creation of the NPT, a legal prohibition against testing has been central. States parties have affirmed and reaffirmed this centrality at the 1995 Review and Extension Conference¹ and again at the 2000 Review Conference.² Should States parties to the NPT fail to adhere to their own commitments to pursue the CTBT's entry-into-force, faith in (and commitment to) the NPT—and the global non-proliferation regime at large—will suffer .

The CTBT is one of the most effective non-proliferation tools in our shared toolbox. The global verification monitoring system, the International Monitoring System (IMS), can detect all nuclear explosions over a kiloton, (and sometimes smaller), according to a 2002 report from the prestigious US National Academy of Sciences.³ Smaller tests are unlikely, as they are not useful for major nuclear powers and are unreliable indicators for new proliferators.⁴

Beyond these immediate security gains, the CTBT is an important element in the new security paradigm that must emerge. A global norm prohibiting nuclear weapons testing is a light of hope that will help bring us out of the shadow of adversity and aggression. It will advance a cooperative security regime upon which our mutual survival, indeed the survival of the planet, depends. Just as the global recession has rendered the interdependence of our economies as conventional wisdom, so too must we realize the interdependence of our security, and build a network of global norms and laws that are non-discriminatory and technically-verifiable.⁵

It is for this latter reason that the CTBT is perhaps most important. The treaty is not just an effective arms control and non-proliferation tool. It is, in essence, a game-changer, a way not only by which we will strengthen our collective security, but will actually impel us to cooperate in that collective regime. The IMS is a global, holistic tool that both reinforces and transcends national security interests. It is a global intelligence gatherer which informs all nations, not just with data on nuclear explosions, but on earthquakes, tsunamis and other natural disasters possibly made more

¹ See Decision 2, operative paragraph 4 of the Package of Decisions. Available at: <http://www.reachingcriticalwill.org/legal/npt/1995dec.html#1>

² Step 1 of the much heralded “Thirteen Steps” contained in the Final Document of the 2000 Review Conference affirms the importance of the CTBT and the need for EIF. See: <http://www.un.org/disarmament/WMD/Nuclear/2000-NPT/2000NPTDocs.shtml>

³ “Technical Issues Related to the Comprehensive Nuclear Test-Ban Treaty,” Committee on Technical Issues Related to Ratification of the Comprehensive Nuclear Test Ban Treaty, National Academy of Sciences, Washington, DC: National Academy Press. Available at: http://books.nap.edu/openbook.php?record_id=10471&page=R1

⁴ See: “Nuclear Testing is an Acceptable Risk for Arms Control,” Scientific American Magazine, March 2, 2009: <http://www.sciam.com/article.cfm?id=nuclear-testing-is-an-acceptable-risk>

⁵ See, for instance, “The Justice They Deserve,” speech delivered by Jonathan Granoff, President of the Global Security Institute, at the Sixth Meeting of the Article VI Forum, Berlin: January 30, 2009. Available at: http://www.gs-institute.org/mpi/pubs/A6F_Berlin/Granoff.html

frequent by the collective challenge of climate change.⁶ It constitutes another part, a physical, tangible part, of the web of relationships that engender the cooperation necessary to address the global challenges that threaten the existence of civilization and the living systems upon which it depends.

The Hold-Out States

There are nine countries whose ratification of the CTBT is required for the treaty to enter into force: Egypt, Indonesia, Iran, Israel, India, Pakistan, North Korea, China and the United States. While each of these “Annex II” states cite their own domestic reasons for failing to ratify, the internal politics of any given state are directly related to the behavior and security perception of other states.⁷ For instance, it is widely believed that, should India ratify, Pakistan would follow suit. China has consistently expressed its support for the treaty but has delayed ratification, many speculate, pending ratification by other significant hold-outs, such as the United States and, possibly, India.

Treaty supporters looking to advance ratification in any of the nine hold-out states must understand three crucial facts. First, support for the treaty within the domestic legislatures must be nonpartisan if it is to triumph. Second, the treaty does not exist in a vacuum devoid of political context with both domestic and international implications. India’s decision to sign and ratify, for example, is as heavily affected by domestic considerations as it is by the behavior of other states. Third, that *strategic* international pressure from the foreign ministries of friends and allies is crucial.

It is in this last regard that UN Member States can be most effective. For far too long, the CTBT has failed to be viewed as a priority for most governments. Of course many detailed statements in support of a CTBT were made in arms control fora, such as the General Assembly First Committee or the Conference on Disarmament. But in the past eight years, how many Foreign Ministers or Heads of State have delivered key security speeches on the subject? How many Heads of State spoke at the last Article XIV conference, or broached the subject in a bilateral meeting with their counterpart in a hold-out state?

Each hold-out state’s domestic and international considerations vary and must be taken into careful consideration before any state, or representative thereof, engages in advocacy within the hold-out. For example, a multi-party delegation of parliamentarians from Brazil, for instance, is likely to have greater and more effective impact in India than one from the United Kingdom. High level officials from ASEAN countries may bear more fruit in Indonesia than pressure from the European Union.

In the US, there is the risk of “trading” CTBT ratification in exchange for acceptance of a proposal to “modernize” the existing arsenal. Such proposals are contrary to a central purpose of the CTBT;

⁶ See: <http://www.ctbto.org/verification-regime/potential-civil-and-scientific-applications-of-ctbt-verification-data-and-technologies/page-2/?Fsize=a>.

⁷ International considerations behind important hold-out states are articulated in the 1999 US State Department Fact Sheet released by the Bureau of Arms Control October 8, 1999. Ten years have passed but the arguments remain the same. See: http://www.fas.org/nuke/control/ctbt/news/fs_991008_adherence.htm

the test ban aims to advance not only non-proliferation but also disarmament.⁸ Moreover, NPT commitments found in the Thirteen Practical Steps to achieve a diminishing role for nuclear weapons in security policies could also be undermined.⁹ Further developments, which can be characterized as vertical proliferation (even if numbers go down while “modernization” and reliability and accuracy is improved) could lead to a resumption of testing to gain confidence in the performance of new or modified warheads.

While the US proposal for a “Reliable Replacement Warhead” (RRW) currently seems off the table, any similar “modernization” of the weapons systems suggests that deterrence (and thus nuclear weapons) is regarded as a policy in perpetuity. The “modernization” task must be to find ways of strengthening the architecture of disarmament – dismantlement and verification processes, for example. So-called “modernization” should never be used as a *quid pro quo* for achieving votes to ratify a test ban. Those who would hold up ratification of the test ban until there is a commitment to “improve” the existing arsenal are actually undermining the very purpose of the test ban and risking setting back progress on nonproliferation and disarmament by again placing confidence in US commitments to disarmament into question.

Rather than frame the issue as only a political question, the CTBT must be presented as a 21st century security tool which is unprecedentedly global in scope. Its monitoring stations are sprinkled all over the globe, irrespective of cold war era alliances and national borders. It is thus free from the risk of being perceived as a neo-colonialist tool, or a discriminatory system that favors 20th century powers. In an age of interdependent economies, a shared ecosystem and an emerging collective security paradigm, hold-out states are not just refraining from participating in an international arms control treaty, they are actually holding *on to* an antiquated concept of the world, where nation-states can exist and thrive independent of one another. That era is gone.

Promoting Entry-Into-Force

The time for achieving the CTBT’s entry-into-force is now. For far too long, states that support a CTBT have failed to prioritize it within their respective foreign ministries when devising their bilateral and regional strategies with hold-out states.

The next major opportunity to meaningfully express support for a CTBT will be at the NPT Preparatory Committee conference in May. The inter-agency processes to prepare for the NPT Preparatory Committee meeting and Review Conference are already underway. It is important that CTBT considerations are paramount. Supportive states must make it clear to the hold-outs that they expect them to utilize this opportunity to express their support or articulate the substance of their objections. When support is expressed by a hold-out state, the room should burst into applause.

⁸ Preambular paragraph 5 of the CTBT states: “Recognizing that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects”

⁹ See Step 9.e. of the Thirteen Practical Steps, contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2000/28, Part I: 14-15. Access at <http://disarmament.un.org/wmd/npt/finaldoc.html>.

Multilevel advocacy – head of government to head of government, foreign minister to foreign minister, diplomats to diplomats, and members of parliaments to members of parliaments – should be part of our collective strategy to advance the CTBT. For example, an important resolution supporting nuclear disarmament and non-proliferation will be introduced at this year’s Inter-Parliamentary Union summit in Ethiopia which provides a good opportunity for parliamentarians to engage in discussion with their colleagues in hold-out states.¹⁰ The multifaceted benefits of the CTBT and the IMS allow advocates to build political coalitions across parties, ministries, and interests, if framed in a way beyond the immediate concerns of arms control. Ministers of Environment and Science, as well as national humanitarian agencies, can and must be effectively brought on board to champion ratification. However, we must make every effort to ensure that domestic partisanship does not distort the debate.

Conclusion

In sum, supporters of the CTBT must appropriately raise the level of debate. They must raise the political level so that it is foreign ministers and heads of state championing the issue at every given opportunity, and they also must raise the substance of the debate. The Comprehensive Test-Ban Treaty may not be achievable only on merits of arms control and non-proliferation arguments. These concerns may not be sufficient to win. The CTBT represents more than a technical system of monitoring stations to advance the politics of arms control. It is an actual realization of the kind of world people crave – cooperative and realistically addressing our shared threats together. The supporters of the CTBT can properly frame the treaty as not only addressing threats posed by nuclear weapons by constraining proliferation and supporting disarmament but also as a tool for protecting the environment, for saving lives in the event of natural disasters, and for doing so irrespective of national borders. The CTBT is a game-changer, a way by which we can transcend our national intelligence gathering capacities and cooperate in a truly global fashion to address the most pressing global challenges of our 21st century world.

¹⁰ The draft IPU resolution is available on the website of the network of Parliamentarians for Nuclear Non-Proliferation and Disarmament: http://www.gsinstitute.org/pnnd/IPU_disarm_res.html