



Constraining the development and qualitative improvement of nuclear weapons



## The Non-Proliferation Treaty Review Conference: Breakthrough or Bust in '05?

*A BASIC/ORG project - Briefing 4*

### Test Moratorium and the Comprehensive Test Ban Treaty

#### Background

The Comprehensive Test Ban Treaty (CTBT), which opened for signature in 1996, is designed to prohibit all nuclear weapon test explosions. India and Pakistan conducted the only nuclear test explosions since then. The CTBT is intended to fulfil both a non-proliferation and a disarmament role, by:

*Constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons.*

<http://www.ctbto.org>

The CTBT has achieved near universal adherence, having been signed by 175 States Parties and ratified by 120. However, Article XIV of the Treaty requires ratification by 44 named states before the Treaty can enter into force.

Of these 44 states, three – **India, Pakistan, and North Korea** – have not signed the Treaty. A further eight states – **China, Colombia, Egypt, Indonesia, Iran, Israel, the United States and Vietnam** – have signed but not ratified the Treaty. Some of these countries also have nuclear weapons programmes and may be intending to keep open the option of conducting nuclear weapon tests in the future.

[http://www.thebulletin.org/article\\_nn.php?art\\_ofn=nd98norris](http://www.thebulletin.org/article_nn.php?art_ofn=nd98norris)

#### The NPT and the CTBT

An end to nuclear testing has been a key non-proliferation and disarmament goal dating back to the NPT negotiations in the 1960s. The objective of a test ban is set out in the preamble to the Non-Proliferation Treaty (NPT), which refers to the need "to achieve the discontinuance of

## A litmus test to their commitment to Article VI



all test explosions of nuclear weapons for all time and to continue negotiations to this end".

For many states, the attitudes of the Nuclear Weapon States (NWS) to the CTBT has become a litmus test of their commitment to Article VI, as a halt to testing would curb qualitative improvements in nuclear arsenals and be a critical step towards preventing the re-emergence of a nuclear arms race.

<http://www.acronym.org.uk/ctbt>

The CTBT has the potential to be a make or break issue for the 2005 NPT Review Conference. The 1990 NPT Review Conference dissolved in acrimony over the issue of nuclear disarmament, in particular the refusal of the NWS to commit to negotiate a CTBT. The 1980 Review Conference was similarly unable to agree a final declaration due to disagreements between the NWS and members of the Non-Aligned Movement over nuclear disarmament, including the need for a moratorium on nuclear testing pending negotiation of a CTBT.

At the 1995 NPT Review Conference, as part of the package of decisions that allowed the Treaty to be extended indefinitely without a vote, NPT states parties agreed to a series of *Principles and Objectives for Nuclear Non-Proliferation and Disarmament*, in which the parties agreed a programme of action for the "full realization and effective implementation of article VI". First on the list was:

*The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint.*

Similarly, in the Final Declaration of the 2000 NPT Review Conference, the parties agreed on "practical steps" to implement Article VI, including:

- 1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Test Ban Treaty.*
- 2. A moratorium on nuclear weapon test explosions or any other nuclear explosions pending entry into force of that Treaty.*

## Future Prospects: Towards a Resumption of Nuclear Testing?

Since the 2000 NPT Review Conference, however, progress towards entry into force of the CTBT has stalled and the prospect of a resumption of nuclear testing has increased.

The Bush Administration has made clear its opposition to the CTBT and



A major  
obstacle  
to progress

is currently proposing to cut its funding for the CTBT Organisation by 25%. Although the Administration is currently continuing with the 13 year-old US nuclear test moratorium, the 2002 US Nuclear Posture Review stated that this "may not be possible for the indefinite future".

<http://www.armscontrol.org/subject/ctbt/>

The current US Administration wishes to retain the option to test future additions to its arsenal with 'low yield' or 'earth penetrating' nuclear weapons. But developing new and purportedly more useable nuclear weapons undercuts broader progress on US nuclear non-proliferation objectives.

Other US opponents to the CTBT cite the potential need to resume yield testing in order to rebuild the nuclear stockpile at some future date and problems with monitoring compliance with the Treaty. However, detailed technical analyses have confirmed that stockpile stewardship is possible without testing and that Treaty compliance can be effectively verified.

Regrettably, the Bush Administration appears to be considering ways to overcome the technical and legal obstacles to further testing, by, for example, reducing the time needed to resume tests at the Nevada Test Site. Consideration has also been given to repudiating former President Clinton's signature of the CTBT.

[http://www.psr.org/home.cfm?id=nuclear\\_weapons](http://www.psr.org/home.cfm?id=nuclear_weapons)

If the US resumes nuclear testing, other countries may follow suit. China is also modernising its nuclear arsenal and has not ratified the CTBT. India, Pakistan, Israel, Iran and North Korea, also have refused to ratify the Treaty. North Korea in particular, has made several threats to test a nuclear weapon in recent years.

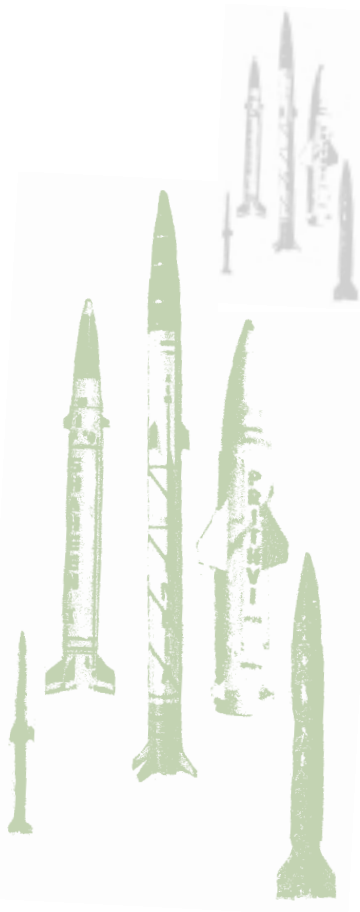
Whether the US resumes testing or not, its opposition to the CTBT is highly damaging as it contributes to blocking progress on entry into force of the Treaty. It also encourages others, including several states of proliferation concern, to do likewise. This impasse is a major obstacle to progress at the 2005 NPT Review Conference.

## **An Alternative Future: Urgent Action on Entry into Force?**

Conversely, a US decision to ratify the CTBT and lead the effort to bring the treaty into force would be an effective way of strengthening the NPT. Others, including China, have indicated that they would bring the Treaty into force once the US has ratified it. In September 2004, the Foreign Ministers of 30 countries signed a statement stating that:

*The entry into force of the [CTBT] Treaty, within the broader framework of multilateral arms control and non-proliferation efforts, is more urgent today than ever before.*

We cannot afford such a setback



And as UN Secretary-General Kofi Annan has noted, the longer:

*Entry into force is delayed, the more likely that nuclear testing will resume. Were this to happen, it would be a major setback in non-proliferation and nuclear disarmament efforts. In the era in which we live, we cannot afford such a setback.*

Bringing the Treaty into force would allow for the full implementation of the verification system. This would add a challenge inspection protocol to the existing worldwide remote monitoring network that would permit on-site inspections of suspicious events.

## Recommendations

We urge:

1. All states that have so far failed to sign and ratify the CTBT to do so without delay and to refrain from any activities harmful to the Treaty.
2. The NWS to do everything possible to strengthen the moratorium, including stronger statements of no intention to resume nuclear testing and stronger support for the International Monitoring System.
3. NPT States Parties to commit themselves to:
  - continue to support the nuclear test moratorium, even if some states resume nuclear testing; and
  - maintain and strengthen existing national technical capabilities for verifying treaty compliance.
4. CTBT States Parties to consider further measures to:
  - strengthen the Treaty pending entry into force, including provisional application of the Treaty under Article 25 of the 1969 Vienna Convention on the Law of Treaties;
  - improve the international monitoring network – for example, by incorporating private or government seismic stations as full-time participants in the detection system and by funding the development of the on-site inspection regime so that it could be implemented voluntarily even before the treaty enters into force; and
  - strengthen the sensitivity of the CTBT to detect covert, treaty violations – for example, by negotiating improved bilateral and multilateral transparency measures, such as the introduction of on-site sensors at former test sites.

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