

‘Precious But Fleeting’

**Conference on Facilitating the Entry-Into-Force of the Comprehensive
Nuclear Test Ban Treaty, New York, November 11-13, 2001**

Report/Analysis

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Summary: Overshadowed by continuing U.N. action to combat terrorism following the September 11 attacks, the Comprehensive Test Ban Treaty (CTBT) conference called on the 13 remaining requisite states to “accelerate” the ratification process to bring the five-year-old treaty into force. But one of those States, the United States, refused to attend the conference (108 States attended), thus casting into doubt that the CTBT will come into effect in the foreseeable future. Nonetheless, momentum is building: 161 States have signed the treaty and 87 have ratified it.

Forty-four nuclear-capable countries are required to ratify it. Several of the hold-outs said they were working on the process. But three States, North Korea, India and Pakistan, have not even signed the treaty, which has been called a pillar of the global architecture. Several States warned that the architecture would collapse without an effective CTBT to shut off forever explosive nuclear testing (there were 2,050 tests worldwide from 1945-1998). A moratorium on testing has been holding since India and Pakistan tested in 1998. But U.N. Secretary-General Kofi Annan warned that the longer the delay in the CTBT’s entry-into-force, “the greater the risk that nuclear testing will resume.” He said: “We have a precious but fleeting opportunity to render this troubled world a safer place, free of the threat of nuclear weapons.”

Though 52 foreign ministers or senior government officials attended, the conference was dispirited and finished early at the conclusion of speeches. The Final Declaration, drafted in advance in Vienna where the permanent CTBT office is located, was not even debated.

The conference exposed the split within the three Western nuclear powers, the U.S., the U.K., and France. The U.K. and France, which have both ratified the treaty, urged all the hold-outs to join. An NGO statement vigorously criticized the Bush Administration for undermining prospects for U.S. ratification. On the day

the conference ended, President George W. Bush announced the U.S. would reduce its arsenal of strategic weapons to between 1,700 and 2,200 over the next ten years. Some States, anticipating this move, said unilateral measures cannot take the place of legally binding and verifiable international agreements.

1. Background.

The CTBT, banning nuclear explosive testing in any environment, is the culmination of 40 years of effort. A Partial Test Ban Treaty (PTBT) shutting off tests in the atmosphere and underwater was achieved in 1963. But the Cold War prevented any real progress in closing down underground tests. Parties to the PTBT held an amendment conference in 1991 to try to convert the treaty into an instrument banning all nuclear weapons tests. That led to negotiations in the Conference on Disarmament for a CTBT. In 1996, the CTBT was achieved, and the United States (President Bill Clinton) was the first to sign.

The CTBT commits States parties not to carry out any nuclear weapon-test explosion or any other nuclear explosion in any environment. The treaty also provides for a complex global verification regime, and measures to ensure compliance and redress a situation contravening it.

The treaty, under Article XIV, provided for a conference to be held three years after it was opened for signature to promote the ratification process. The first such conference, held in 1999 in Vienna, affirmed that the CTBT was an effective nuclear disarmament and non-proliferation measure. At that time, 154 States had signed the treaty and 51 had ratified. Since then, 36 more States have ratified it and seven more signed. The focus remains on 13 hold-out States. These States have signed but not ratified: Algeria, China, Colombia, Democratic Republic of the Congo, Egypt, Indonesia, Iran, Israel, U.S., Vietnam. These States have yet to sign: North Korea, India, Pakistan.

2. The United States.

Though the additional signatures and ratifications have provided momentum, the treaty is clearly stalled. One week after the 1999 conference, the U.S. became the first country to vote down ratification when the Senate in a highly-partisan 51-48 vote rejected it. The Senate ran counter to support for the treaty expressed by U.S. military leaders and to public opinion polls showing 82 per cent of all Americans backed the treaty. Senate opponents charged that the CTBT verification provisions were not good enough. Though General John Shalikashvili, former Chairman of the Joint Chiefs of Staff, conducted a study and gave the CTBT his seal of approval, the incoming Bush Administration turned its back on the treaty. President Bush refused to re-submit it for ratification and the Senate, though now controlled by Democrats, has let it lie dormant. But two steps the

Administration has taken show its hostility to the treaty: it cut its share of contributions to the CTBT Organization; and it singularly voted against (140 to 1) a procedural resolution in the U.N. First Committee merely to send the CTBT topic to next year's agenda at the U.N. The U.S. has said it is "not supporting" the CTBT, which is a diplomatic step below an outright pull-out. Thus delegates to the conference, though chagrined at the U.S. absence, were generally non-committal about the absence for fear that the U.S. might be provoked into outright rejection. Since the U.S. share of the \$83.5 million budget for the CTBT Organization is 22 per cent, a U.S. pull-out would devastate the regime.

3. Verification.

Developing the verification techniques for the CTBT is the main business of the CTBT Organization (CTBTO), which is located in Vienna and headed by former German Ambassador Wolfgang Hoffman. The treaty provides for the establishment of a unique global verification regime comprising an International Monitoring System, on-site inspections and confidence-building measures, and stipulates that the verification regime must be functioning at the time of entry-into-force. The build-up of the International Monitoring System (IMS), comprising seismic, hydroacoustic, infrasound, and radionuclide stations, as well as radionuclide laboratories, represents a major challenge. This global network of 337 facilities is to be established in some 90 States, with many stations located in remote and inaccessible areas. The IMS network will be capable of registering vibrations underground, in the sea and in the air, as well as detecting traces of radionuclides released into the atmosphere from a nuclear explosion. Steady progress has been made in the establishment of the IMS. Construction and upgrading of 121 IMS stations has been completed. Another 90 stations are under construction or under contract negotiation.

By means of the Global Communications Infrastructure (GCI), the data generated by IMS stations can be transmitted through a satellite communications network to the International Data Centre in Vienna and the National Data Centres of States Signatories. Establishment of the GCI is advancing and currently 65 IMS stations are linked to the GCI.

On-site inspection is provided for in the Treaty as a final verification measure. But VERTIC reports that establishing an effective regime for on-site inspection is greatly complicated by the new U.S. policy. The U.S. decision signals a lack of confidence in the future of the verification process and may lead to a weakening effort by other States. Washington's reversal on the treaty takes the pressure off other States which are reluctant to join in. India and Pakistan are clear examples. A number of States are now complaining about the cost of completing the IMS, especially when it does not appear that entry-into-force of the treaty will be anytime soon. The political uncertainty impacts negatively on the technical work still required. Nonetheless, it cannot be alleged that the

CTBT lacks proper verification methods. An Independent Commission on the Verifiability of the CTBT, composed of 14 experts from 11 countries, said: “When fully in place, [verification] resources will be capable of meeting the international community’s expectation that relevant events will be detected, located and identified with a high probability.”

4. Pressure on U.S.

The other four Nuclear Weapon States (NWS), the European Union, the New Agenda countries, and several other countries, including Canada and Japan, all put varying degrees of pressure on the United States to ratify the treaty.

Russia. Igor D. Sergeev, Assistant to President Putin on Strategic Stability, brought a message from President Putin stating that the treaty’s universality would meet the interests of all the world community. Then Sergeev linked disruption of the CTBT to a weakening of the Non-Proliferation Treaty (NPT) and revision of the ABM Treaty which would stimulate proliferation of weapons of mass destruction.

“Who can guarantee that in such a situation the most dangerous thing will not happen and nuclear weapons will not fall into the hands of terrorists? The international community should preclude any opportunity for nuclear blackmail and unite its efforts in strengthening the non-proliferation regime. The entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty is the most important step in this direction.”

He then offered the U.S. a way to make its point about verification and join in by suggesting that Russia and the U.S. develop additional verification provisions, such as “the exchange of geological data and results of certain experiments, installation of additional sensors, and other measures.”

China. Though China itself has not ratified the CTBT, Ambassador Shen Guofang criticized the U.S. for explicitly refusing to ratify. He warned that a new nuclear arms race would break out, killing the CTBT if research into and deployment of a missile defence system continues. He called for renunciation of the Cold War mentality and nuclear deterrence strategy. China, he added, has presented the treaty to the National People’s Congress for deliberation.

U.K. and France. Naturally more circumspect, the U.K. and France, both of which sent their Foreign Ministers to the conference, sent the U.S. a message by declaring their strong commitment to the CTBT. Jack Straw, U.K., said, “We now have an obligation to work towards universalizing the CTBT . . . I urge all States which have

not yet done so to sign and ratify the Treaty.” M. Hubert Vedrine, France, appealed to all the hold-outs: “We need multilateral legal instruments for the control of the proliferation in armaments. The obligations and the verification mechanisms which they entail are elements of confidence and stability.”

European Union. Foreign Affairs Minister Louis Michel, of Belgium, spoke on behalf of the European Union.

“...we can only regret the United States’ announcement that it will cease to participate in certain activities arising from the Treaty and that it does not plan to reconsider its position on ratification. This is all the more worrying given that until now the United States has played a key role in nuclear arms control, in particular within the framework of the CTBT.

The European Union appeals to the government of the United States, urging it to review its position and participate in our joint endeavours to implement the ban on all nuclear weapon test explosions and all other nuclear explosions.”

Regardless of how the political scene or strategic balances develop in the 21st century, he added, the CTBT remains the “indispensable” element of any comprehensive policy on nuclear disarmament.

New Agenda Coalition. The seven New Agenda countries expressed their common concern for the lack of progress in nuclear disarmament and vision for a nuclear weapon-free world. They emphasized the need for progress in implementing the 13 Action Steps agreed to at the 2000 NPT Review, which include entry-into-force of the CTBT.

Mexico. Miguel Marin-Bosch, Deputy Foreign Minister of Mexico was elected President of the conference (but returned to Mexico at the end of the first day). The Mexican speech was given by Ambassador Olga Pellicer, who appealed to the United States to reconsider its decision. The terrifying prospect of the use of nuclear weapons by terrorist groups threw entry-into-force of the CTBT into a new light. She extended her appeal to the other hold-outs and called on India, Pakistan and North Korea to sign and ratify.

Sweden. Foreign Minister Anna Lindh of Sweden expressed deep regret that the U.S. had even voted to keep the CTBT off next year’s U.N. agenda, and called on the U.S. to reconsider its position. She praised the CTBT because:

- It puts the threshold higher for the acquisition of nuclear weapons.
- It prevents a qualitative arms race.
- Its effective verification system builds confidence.

Now is the time, she said, to implement the 13 Steps for nuclear disarmament, put an end to nuclear testing, halt the production of fissile material for nuclear weapons, reinforce efforts to contain proliferation of weapons of mass destruction, and promote multilateral solutions.

New Zealand. Foreign Minister Phil Goff of New Zealand said that China and the United States, as permanent members of the Security Council pledged to make the world a safer place, should demonstrate their leadership by ratifying the treaty. Also, since the Indian subcontinent is now the most dangerous place in the world, India, Pakistan and North Korea should sign the treaty and reduce current risks.

“As long as nuclear weapons persist, with a growing risk that they could ultimately fall into the hands of terrorists, we live with a sense of insecurity and under the shadow of nuclear devastation. We cannot be complacent. This is not a game. The World Trade Centre was not a nightmare we can wake from. It happened and worse may be ahead of us.”

South Africa. Obliquely referring to the U.S., Abdul S. Minty, Deputy Director-General of Foreign Affairs, South Africa, said that “a rising unilateralist paradigm shift” in the field of nuclear disarmament and non-proliferation is taking place. This shift has the potential to undermine international treaty regimes.

“If the Treaty does not enter into force, it will weaken the non-proliferation and disarmament machinery and deal a blow to the international community’s quest to achieve a world free from the threat of nuclear devastation. Surely, Mr. President, we cannot allow this to happen, as we would be sending a signal that we had the opportunity to act, but failed to do so because we could not act together for the common good of the international community and the future of generations still to come.”

Brazil. Ambassador L. A. de Araujo Castro, Under-Secretary-General for Multilateral Political Affairs of Brazil, said Brazil was proud of having actively worked with its New Agenda partners to obtain a consensus at the 2000 NPT Review, which

included entry-into-force of the CTBT as one of the 13 Steps. The CTBT is in line with the “unequivocal undertaking” the NWS had made to eliminate their nuclear arsenals.

Ireland. Rather softly, Foreign Affairs Minister Brian Cowen of Ireland, called on all remaining States whose ratification is necessary to take action without delay and without conditions. “It is evident that a widespread political will exists globally for this treaty to enter into force.”

Egypt. Egypt is the only one of the New Agenda countries not to have ratified the treaty. This puts Egypt in an anomalous position, since it will coordinate the New Agenda’s preparations for the First PrepComm in 2002 for the 2005 NPT Review, which will certainly concentrate on the CTBT. As Ambassador Mahmoud Mubarak, Assistant Minister of Foreign Affairs, Egypt, explained, his country’s hesitation is conditioned on Israel’s possession of nuclear weapons. Israel also has not ratified. He said Egypt could not neglect “regional considerations” in considering ratification. Since Israel refuses to join the NPT and since the CTBT is directly connected to the NPT, Egypt continues to call for “achieving the universality of these two treaties without selectivity or discrimination.” The CTBT and the NPT go together, he said, and States with nuclear capabilities must sign and ratify both.

5. Selected Other States.

Israel. When Israel took the floor, Gideon Frank, Director General of the Israel Atomic Energy Commission, held the door open to his country’s ratification. It would depend, he said, on the readiness of the verification regime, Israel’s sovereign equality status, and “developments in our region, including the adherence to the CTBT by States in the Middle East.” He did not mention Israel’s non-membership in the NPT, which is Egypt’s central concern. But Frank did make the point that Israel was fully engaged in developing the work of the International Monitoring System.

Japan. Japan has a special interest in entry-into-force of the CTBT, having taken on the task of rallying nations to support it. Ambassador Nobuyasu Abe said that, even though there was no prospect at the moment for entry-into-force, it would be a “grave mistake” to consider the CTBT dead. He argued:

- The CTBT is the embodiment of the international community’s strong desire for a treaty to ban all nuclear tests.
- The CTBT has been instrumental in achieving a moratorium on nuclear testing.

- The verification regime makes it virtually impossible to conduct a nuclear test without being detected.

“As the only country that has suffered from nuclear bombs, Japan has a particularly strong hope for a nuclear test ban. Whenever a nuclear test has been conducted anywhere on earth, we could not but be reminded of the devastation caused by the atomic bombs.”

Canada. Foreign Minister John Manley of Canada, holding that the CTBT “is a pillar of the global security architecture” and is an urgent and compelling necessity, said he had written to all 13 hold-outs to urge ratification. “We are disappointed that the United States is not proceeding with ratification of the CTBT, and we urge it to reconsider.” Canada, he added, considers the verification provisions to be “complete and effective.”

Australia. Ambassador John Dauth of Australia expressed his country’s disappointment that the U.S. would not reconsider ratification of the CTBT.

“That said, the U.S. position should not be used as an excuse by other countries to delay their own signature and ratification. We would urge all countries yet to sign and ratify the Treaty to do so as soon as possible.”

Holy See. Archbishop Renato R. Martino, head of the Holy See Delegation, said the Holy See added its voice to the appeal for entry-into-force. “A weakened NPT and an inoperable CTBT,” he said, “will force the world to continue wandering through a dangerous morass of tensions and recriminations. The security of all States and, more importantly, the people of the world will continue to be severely jeopardized.”

Nauru. On behalf of the Pacific Islands Forum Group, Ambassador Vinci N. Clodunmar of Nauru made a poignant appeal, referring to “the region’s harsh direct experience with nuclear testing by colonial powers in the Pacific.” He said: “Tragically, the people of our region still suffer the consequences of this testing,” which went on for five decades.

Costa Rica. Foreign Affairs Minister Roberto Rojas of Costa Rica tried to uplift the conference by insisting that an effective CTBT is just the first step towards general and complete nuclear disarmament. Because of the possibility of an accident or nuclear terrorism, “disarmament becomes an urgent ethical imperative.” He appealed to the NWS to adopt a no-first-use policy and to deactivate and decommission their offensive systems.

6. Other Hold-outs.

Among the hold-outs, **Indonesia** said it “will submit its ratification in due time in conformity with its national ratification procedures.” **Vietnam** expects to ratify soon. **Algeria** said it also would ratify at an early date, as did **Colombia**, even though it considered the decrease in nuclear weapons world wide had been “disquietingly” slow. **Iran** blamed the U.S. for the “chain of setbacks” and pointed to the Israel-Arab deadlock as a reason for delay in ratification.

7. NGO Statement.

Though NGOs were few in attendance, they tried to make a strong impact on the conference through a vigorous statement given by Rebecca Johnson, Executive Director of the Acronym Institute. The statement criticized the policies of U.S. President George W. Bush for injuring international efforts to end nuclear testing, curb nuclear proliferation, and advance nuclear disarmament. She also criticized China, India and Pakistan for failing to demonstrate the leadership and courage necessary to secure a political consensus within their countries for ratification. The statement urged committed governments to send “high level groups of emissaries” to press the hold-outs to take action.

“As non-governmental representatives, we want to remind the governments attending this conference of your grave responsibility, on behalf of the peoples of the world and future generations, to do what you can to prevent future nuclear explosions and eliminate the risk of nuclear war.

The implementation of a CTBT has been a goal of world leaders, diplomats, scientists, physicians and millions of ordinary people from all walks of life for nearly five decades. We urge you to do all that is within your power to ensure that the Treaty enters into force so that the next international gathering devoted to the CTBT is the first review conference. Seize the chance now to end nuclear testing forever, as an indispensable step towards the elimination of nuclear threats.”

8. Final Declaration.

The NGO Statement was given at the end of the government speeches and only a minute before the conference adopted a Final Declaration. The draft Declaration had been negotiated previously in Vienna and no delegation asked that it be opened, even though Egypt said that it was not happy with the draft.

The Declaration, noting that India and Pakistan (though not mentioned by name) had carried out nuclear explosions after the CTBT came into existence, said that nuclear testing “constitutes a serious threat to global efforts towards nuclear disarmament and non-proliferation.” It welcomes the progress made in ensuring that the verification regime would be capable of meeting the verification requirements.

The Declaration then called on all remaining States to sign and those whose ratification is necessary “to accelerate their ratification process.” It appealed to India, Pakistan and North Korea to cooperate.

The Declaration made a special appeal to “all relevant sectors of civil society to raise awareness of and support for the objectives of the treaty.”

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9. Analysis.

It is ironic that on the last day of a conference dedicated to the completion of a multilateral legal instrument to shut down the nuclear arms race, and which the United States refused to attend, President Bush announced a unilateral cut by about two-thirds of U.S. strategic nuclear weapons. The President pledged to reduce the stockpile of deployed nuclear warheads to between 1,700 and 2,200 over the next decade.

“U.S. Will Slash Nuclear Arsenal,” read one newspaper headline, repeated around the world. “Putin Applauds Move to Reduce Arms By Two-Thirds, Vows Similar Reductions by Russia,” ran the sub-head.

How can one not applaud a significant cut in nuclear weapons?

But what is the real meaning of Bush’s announcement when one considers that the U.S., with its NATO allies, intends to maintain nuclear weapons as “essential” to the core of their military doctrine? How effective are cuts by the U.S. and Russia in redundant weapons when they still keep 5,000 nuclear weapons on instant alert status? What real contribution to nuclear disarmament is made when the U.S. pursues a missile defence system that will stimulate an offensive arms race?

These are questions that are immediately opened up by the Bush announcement. Even more worrisome is the Bush Administration’s open disdain of multilateral treaties

to enforce disarmament measures. To show hostility to the CTBT by refusing to attend the conference and voting against the inclusion of the CTBT item on next year's U.N. agenda are acts interpreted by the world community as rejection of multilateral efforts. Yet when the U.S. suffered the terrorist attacks of September 11, it turned immediately to the international community for support in building a coalition to combat terrorism.

It is not unilateral acts, however entrancing, that will secure international peace and security; rather it is negotiations to build a body of law that cannot be changed by political caprice. The International Court of Justice has said that the legal provisions of the Non-Proliferation Treaty must be concluded. That means there is a legal obligation to negotiate the elimination of all nuclear weapons. That obligation cannot be papered over by a unilateral declaration to cut unneeded weapons while insisting on the retention of a base number as "essential."

Unilateral cuts in nuclear weapons outside the framework of international treaties lack transparency and verifiability, which raises the possibility of reversion. The principle of irreversibility must be applied in a formal manner to guarantee that today's cuts will not be undone tomorrow. It is important, therefore, that unilateral cuts be followed by transparency and verification measures, which should be codified as part of the disarmament treaty process. The United States is ignoring the legal processes leading to nuclear disarmament.

Through its stockpiling stewardship programs, new nuclear weapons facilities are being built, a new generation of nuclear scientists is being trained, and nuclear weapons design and production is going forward. The U.S. is now spending more than \$5 billion a year on nuclear weapons, research, development, computer testing, and production. These basic facts must not be lost sight of in the chorus of approval for cuts. But the U.S. is so powerful today that States do not dare to challenge it. Even Russia, which once held firm to an unamended ABM Treaty, is now wavering as President Putin pursues policies of economic and political co-operation with the U.S.

Some States tried gently at the CTBT conference to inform the U.S. of its obligations to international agreements. **Norway** said:

"Unilateral measures cannot take the place of legally binding and fully verifiable commitments through the signing and ratification of international agreements. Norway believes that in order to succeed in developing stable regional and global security arrangements, it is important that all states are firmly bound to the norms and institutions established by international disarmament and non-proliferation regimes."

Switzerland said:

“Without doubt, unilateral procedures can serve as a catalyst or as a temporary measure. But they cannot replace multilateral treaties. These, by their very nature, possess the potential to establish universal and lasting norms which bind and protect all members of the international community.”

The prospect of the U.S. holding itself out of the CTBT, altering the ABM Treaty to accommodate a massive missile defence system, developing through laboratory and computer models a new kind of nuclear weapon, and extending its military dominance through the weaponization of space greatly worries thoughtful observers of the international scene.

The maintenance of the Non-Proliferation Treaty at the 2005 Review, now looming on the horizon, has become a new question mark. The 13 Action Steps of the NPT are not being fulfilled. Multilateral cooperation, including that of the most powerful country in the world, is essential.

How can the international community draw in the United States to engage in cooperative work to establish the legal basis for a genuine global security system? That is the immense challenge the world faces – a challenge underscored by the dispirited CTBT conference.

Middle-power countries, which have done so much to strengthen the Non-Proliferation Treaty by obtaining the “unequivocal undertaking” to the total elimination of nuclear weapons, must now bear down on the U.S. and the other hold-outs to make the CTBT a reality. Vigorous political and diplomatic work is called for to make the U.S. Administration and Senate aware of their responsibilities to the security of the world community. The time, as U.N. Secretary-General Annan noted, is “fleeting.”