

CTBT: Review of Recent Developments & Impact on “Entry into Force”

Sarah Bidgood,¹ Sylvia Mishra² & Lin (Irene) Yu³

The Comprehensive Nuclear Test Ban Treaty (CTBT) represents a vital step towards increasing regional stability and global security. However, the failure of certain Annex 2 countries to ratify the Treaty has stymied its Entry into Force for twenty years. At the June 2016 CTBT Ministerial Meeting in Vienna, numerous efforts were undertaken to generate support for the CTBT and to awaken it from its current stupor. Recent events including North Korea’s fifth nuclear test and launch of sea-based ballistic missiles affirm the ongoing relevance of the Treaty. Simultaneously, certain positive international developments such as Israel’s apparent decision to ratify the CTBT in 5 years and reports of Iran’s commitment to the obligations of the nuclear deal suggest that now is the moment to push for the Treaty’s Entry into Force.⁴ This paper reflects on some recent developments of relevance to the CTBT’s future; these merit the ongoing attention of the CTBTO, the CTBT Youth Group, and the international community.

UN Security Council Resolution on nuclear tests

- The U.S. recently submitted a proposal for a United Nations Security Council resolution regarding the reinforcement of existing norms against nuclear explosive tests, which the UNSC members adopted on September 23, 2016 with 14 in favor and one abstention. This resolution aims to strengthen existing national moratoria on nuclear testing, reinforce national commitments to the CTBT, and promote the Treaty’s early entry into force.
- Introducing a politically binding UNSC resolution will undoubtedly increase international attention given to the CTBT. The resolution that has been adopted calls upon nuclear weapons possessors to maintain commitments to nuclear moratoria and not to conduct nuclear weapon tests. This resolution is likely to increase pressure on the DPRK to take concrete steps to cease nuclear testing. The international community’s focus on the issue could stimulate consideration of CTBT ratification by the eight holdout Annex-2 countries.
- However, within the United States government, the UNSC resolution has the potential to decrease support for the CTBT and CTBTO. More than 30 U.S. Senators have written to President Obama

¹ Graduate Research Assistant, James Martin Center for Nonproliferation Studies (CNS). Master’s Degree candidate, Nonproliferation and Terrorism Studies, Middlebury Institute of International Studies at Monterey (MIIS), sbidgood@miis.edu

² Visiting Fellow, James Martin Center for Nonproliferation Studies, MIIS, Researcher at Observer Research Foundation, mishra.sylvia@gmail.com

³ Graduate Research Assistant, James Martin Center for Nonproliferation Studies (CNS). Master’s Degree candidate, Nonproliferation and Terrorism Studies, Middlebury Institute of International Studies at Monterey (MIIS), lyu@miis.edu

⁴ ‘UN Official: Israel to Ratify Nuke Test Ban Treaty within 5 Years’, *Times of Israel*, June 23, available at <http://www.timesofisrael.com/un-official-israel-will-ratify-nuke-test-ban-treaty-within-5-years/>; Report: Iran Granted Exemptions to Nuclear Accord’, CNN, September 1, 2016, available at <http://www.cnn.com/2016/09/01/politics/iran-exemptions-nuclear-deal/index.html>

stating that the Congress would consider cutting funds for the CTBT international monitoring system should a UNSC resolution be adopted.⁵ If this were the case, would other countries follow suit and reduce their financial support to the CTBTO?

- Additionally, Egypt's abstention from voting on the UNSC resolution deserves further attention from the international community, as do its implications for the Treaty's entry into force.

OEWG and the CTBT

- Through Resolution 70/33, the General Assembly committed to convene an open-ended working group to discuss "effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons and to also substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations..."⁶
- This group has held plenary meetings in Geneva in February, May, and August 2016 at which these issues were discussed. Underpinning the work of the group were concerns about the humanitarian impact of nuclear weapons. Although the report of the group was adopted, this decision was taken by non-recorded vote rather than by consensus: 68 participants voted in favor, 22 against, and 13 abstained.⁷
- Twenty-four States advocated a "progressive approach" to nuclear disarmament, which would rely on existing legal and non-legal building blocks to help reduce the number of nuclear weapons to the point where a verification framework could be instituted. However, "many states supported a comprehensive nuclear weapons convention which would set out general obligations, prohibitions and practical arrangements for time-bound, irreversible and verifiable nuclear disarmament." A UN high-level international conference was suggested, to be convened "no later than 2018," which would "review progress on these negotiations."⁸
- The importance of examining all paths and combinations of approaches leading to nuclear disarmament is well established. However, growing support for a legally-binding instrument or nuclear weapons ban treaty may inadvertently undermine support for the Entry-into-Force of the

⁵ Paul Sonne, "Senate GOP Protests Obama's Planned Nuclear Test Ban Push", *The Wall Street Journal*, 8 September 2016, available at <http://www.wsj.com/articles/senate-gop-protests-obamas-planned-nuclear-test-ban-push-1473360939>.

⁶ United Nations Open-Ended Working Group. "Report of the Open-Ended Working Group taking forward multilateral nuclear disarmament negotiations." August 19 2016. <[http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/B7F8C26BC8E15317C1258018003E1D71/\\$file/Final+Report+of+the+OEWG,+as+submitted+to+GA+\(clean\).pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/B7F8C26BC8E15317C1258018003E1D71/$file/Final+Report+of+the+OEWG,+as+submitted+to+GA+(clean).pdf)> Paragraph 2.

⁷ Jenny Nielsen. "2016 Open Ended Working Group: Towards 2017 Nuclear Weapon Ban Negotiations?" *Arms Control Wonk* September 13, 2016. <<http://www.armscontrolwonk.com/archive/1201937/2016-open-ended-working-group-towards-2017-nuclear-weapon-ban-negotiations/>>

⁸ United Nations Open-Ended Working Group. "Report of the Open-Ended Working Group taking forward multilateral nuclear disarmament negotiations." August 19 2016. <[http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/B7F8C26BC8E15317C1258018003E1D71/\\$file/Final+Report+of+the+OEWG,+as+submitted+to+GA+\(clean\).pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/B7F8C26BC8E15317C1258018003E1D71/$file/Final+Report+of+the+OEWG,+as+submitted+to+GA+(clean).pdf)> Paragraph 37

CTBT by turning attention away from traditional nonproliferation and disarmament objectives to more sweeping measures to ban nuclear weapons.

South Asia and the CTBT

- In South Asia, one development has been Pakistan's outreach to India on signing a mutually-binding test ban treaty. Pakistan's PM Foreign Adviser Sartaj Aziz stated "Pakistan is prepared to consider translating its unilateral moratorium into a bilateral arrangement on non-testing with India."⁹ This move by Pakistan is considered by many to be a positive step towards nuclear confidence building measures between the two nuclear rivals. However, it is important to assess the merits of Pakistan's offer against the backdrop of Islamabad's bid for membership in the Nuclear Suppliers Group (NSG) and its clandestine nuclear and missile cooperation with North Korea.
- Indian officials so far have not commented on Pakistan's offer, and it appears highly unlikely that India will endorse any significant elements of Islamabad's offer at a time when both countries' political engagements are at a low point owing to cross-border firing. However, to reduce nuclear tensions, it might be reasonable for New Delhi to consider strategically delinking talks with Pakistan on political issues from nonproliferation and nuclear confidence building efforts.
- Both India and Pakistan are non-signatories to the Nuclear Non-proliferation Treaty (NPT) and have expressed their desire to become members of the NSG. As such, it will be interesting to follow how the potential NSG membership of India and Pakistan plays out, as it is intrinsically linked with nonproliferation efforts and the goal of getting the two South Asian states to sign and ratify the CTBT.

Conclusions

The CTBTO Youth Group has the potential to make a significant contribution toward advancing the objective of achieving the entry into force of the Treaty through substantive research outputs, education initiatives, advocacy efforts, and a combination of these approaches. With this in mind, and recognizing the impact that the preceding issues could have on the CTBT's entry into force, the CYG should remain actively engaged and alert to developments on these fronts while making realistic assessments about how they could affect the Treaty's future.

⁹ 'Pakistan Ready for Nuclear Non-Testing with India: Aziz', The Hindu, August 12, 2016, available at <http://www.thehindu.com/news/international/pakistan-ready-for-nuclear-nontesting-agreement-with-india-aziz/article8980279.ece>