

Prospects for the U.S. Ratification of the CTBT and its entry into force

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1. Introduction

On September 24, 1996, the Comprehensive Test Ban Treaty was opened for signature and leaders from 179 countries, including the United States, Russia, the United Kingdom, France, and China, have signed the CTBT until today. But the U.S. Senate rejected the CTBT in October 1999. In response to U.S. CTBT policy, key states that have signed the CTBT, such as China and Israel, have delayed their ratification. Other states including India and Pakistan have yet to sign the treaty and it is highly unlikely they will do unless the United States, China finally ratify. Consequently the goal of CTBT entry into force remains unfulfilled, and about a dozen nuclear tests have been conducted after the CTBT was opened for signature. Yet, recent situations and circumstances will give the next U.S. president an opportunity to ratify the CTBT and initiate sweeping changes in U.S. nuclear weapons and arms control policies.

2. Prospect for the U.S. Senate's approval

There are many traditional differences between the Republican and the Democratic.

	Republican	Democratic
ideology	Conservative Christain	Liberal
Main support section	White, upper class	Minorities, Lower class
Tax & welfare	Reduction	Increase
Armaments	Strong military	disarmament
Nuclear policy	Peaceful use	Non-proliferation

In November 1999, after Senate's rejection, the Clinton administration (Democratic) informed other governments that it would continue to abide by the CTBT and would continue to work toward its ratification. But the Bush administration (Republican) has not conducted a formal policy review of the CTBT. By the way the presumptive Republican and Democratic nominees for the presidency have expressed their support for reconsideration of the CTBT. McCain (Republican) declared his willingness to take another look at the treaty in a reversal of his 1999 rejection of the CTBT and Obama (Democratic) has also declared that he will make the ratification of the CTBT a priority. But it remains to be seen whether McCain's willingness will mean that the treaty would reach the Senate floor for ratification, and it is possible that if Obama becomes

the next president, the Senate rejects the CTBT again as in 1999. However the current situation is different from that in 1999.

The reason that the Senate rejected was that the CTBT is neither verifiable nor compatible with indefinitely maintaining the existing U.S. stockpile.

But today, the combined national technical means and international monitoring system is adequate enough to detect and deter CTBT violations. As the 2002 National Academy of Science report stated:

"The capabilities to detect and identify nuclear explosions are considerably better than the "one kiloton worldwide" characterization that has often been stated for the IMS. If deemed necessary, these capabilities could be further improved by increasing the number of stations in networks whose data streams are continuously searched for signals."

And by the same report, the U.S. has the technical capabilities to maintain confidence in the safety and reliability of its existing nuclear-weapon stockpile under a test ban.

Beyond these technical aspects, the U.S. benefits from monitoring capabilities that are currently only available through the CTBT's IMS, including monitoring stations in Russia, China, and other sensitive locations that the U.S. would otherwise not be able to access. Furthermore, the current U.S. approach requires the U.S. to assume most CTBT-related responsibilities but robs U.S. diplomats of the moral and political authority to prod other nations to join the treaty.

The next Article XIV Conference on Facilitating Entry Into Force¹ could be scheduled as early as September 2009 in New York. The timing and location of this meeting would be helpful.

Taking advantage of recent technical advances and situations, the next president can achieve bipartisan support for the treaty inside and outside the Senate.

3. Review the article XIV the entry into force

The CTBT shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this treaty. Annex 2 is the list of States members which appear in Table 1 of the IAEA's April 1996 edition of "Nuclear Power Reactors in the World" and of States members which appear in

¹ Article XIV 2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification upon the request of a majority of those States.

Table 1 of the IAEA's December 1995 edition of "Nuclear Research Reactors in the World". It includes China, Democratic People's Republic of Korea, France, India, Iran, Israel, Japan, Pakistan, Republic of Korea, Russian Federation, United States of America, etc. So, even if the U.S. ratifies the CTBT, it would not promptly enter into force. Of course the U.S. will persuade other nations to sign and/or ratify the treaty. And the Article XIV CTBT Entry Into Force Conference will press the U.S. and other hold-out states to sign and/or ratify the treaty. But it will be a difficult work. In particular, India has recently ruled out signing CTBT under any circumstances and Pakistan has said it will not sign the CTBT unless India does so. There is a long way to go. Then should we wait until then?

At this time, we should consider the amendments of entry into force.²

The nuclear-weapon states' commitment to achieve the CTBT was a crucial part of the bargain that won the indefinite extension of the NPT in 1995 and was a part of the 2000 NPT Review Conference final document. Then the CTBT shall enter into force under same conditions as the NPT. In case of the NPT, it shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. This treaty was opened for signature on July 1, 1968 and entered into force on 5 March 1970. India and Pakistan are not member states and also did not participate in NPT Review and Extension Conference in 1995. So, I think that it is inequality to demand not NPT member states' ratification for CTBT 's entry into force.

4. Conclusions

CTBT requires the signature and ratification of all the states that have reactors for its entry into force. Because of this, it has not entered into force yet. But, both nominees for the US presidency have expressed their support for reconsideration of the CTBT.

It is preferable that the CTBT enter into force after all listed states' ratification including India etc. But it is more practical that we bring the problem up, increasing the universality of the CTBT after its entry into force.

Korea is confronting with DPRK which announced that it had conducted a nuclear test in 2006. So we shall take every measure, including persuading other hold-out states to ratify and participating in The Article XIV CTBT Entry Into Force Conference, for the purpose of the CTBT's entry into force.

REFERENCES

- [1] Calin Trenkov Vermuth, US NUCLEAR SECURITY STRATEGY AFTER THE 2008 PRESIDENTIAL ELECTIONS, ISS Analysis, August 2008.
- [2] Daryl G. Kimball, Prospects for U.S. Ratification of the Comprehensive Test Ban Treaty, Arms Control SA IAEA, News center, Top Features, IAEA Illicit Trafficking Database (ITDB), 2006
- [3] 이서향, 미국상원의 CTBT 비준부결에 따른 국제적 영향과 CTBT의 미래, <http://www.ifans.go.kr/index.html>, 2008. 9.8, 검색.
- [4] 李秉和, 包括的核實驗 禁止條約의 有效性和 限界, 韓國 法學院, 2007.

² That Conference shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.