



Reviewing the Comprehensive Nuclear-Test-Ban Treaty at 20

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9 May 2016

Author's Note: *All views in this piece are the author's own and do not reflect her employer's views or anyone else's.*

In 1996, the [Comprehensive Nuclear-Test-Ban Treaty \(CTBT\)](#) opened for signature. The CTBT is a multilateral treaty that bans **all** nuclear explosions on Earth. Its predecessor, the [1963 Partial Test Ban Treaty \(PTBT\)](#), banned nuclear explosions except for underground testing. Between 1945 and 1996, over 2000 tests were conducted by the five NPT nuclear-weapon states. Since 1996, India, Pakistan and the DPRK have conducted around half a dozen tests. A ban on testing limits further development of nuclear explosive devices. Twenty years since the CTBT opened for signature, the Treaty has not yet entered into force given the pending necessary ratifications by [eight Annex 2 states](#) (China, the DPRK, Egypt, India, Iran, Israel, Pakistan and the United States). [Annex 2 states are the 44 states](#) that participated in the negotiations of the CTBT and possessed nuclear power or research reactors at the time.

Marking the 20th year of the CTBT, I attended the [2016 CTBTO Symposium](#), including several [panel events](#) on the treaty in Vienna, and organized a [public panel event](#) at the Vienna Center for Disarmament and Non-Proliferation (VCDNP). Last week, I attended a high-level CTBTO public [discussion panel](#) featuring the UN Secretary-General Ban Ki-Moon, among other dignitaries. The following are a few reflections and musings on issues surrounding the CTBT at 20 to stimulate discussion. These include issues and questions which continue to irk me—an analyst—and which remain unanswered.

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Trite but true: political will vs policy priorities

Twenty years on, the bottom line ultimately remains languishing political will. Let's be honest—the CTBT is not a priority for most states who have yet to sign or ratify this treaty. If this issue had been a policy priority for states, there would have been positive progress towards ratification by now, despite domestic hurdles. Some Annex 2 states may be increasingly perceived to be holding CTBT entry-into-force hostage to other regional issues and priorities.

Political will is again tested when those few windows of opportunity for exerting political leverage on other states vis-à-vis non-proliferation and disarmament are dismissed for more pressing policy objectives. In bilateral nuclear cooperation deals with India, NPT states who advocate routinely for the entry into force of the CTBT—including the US and Australia—could have used the negotiation of a bilateral commercial cooperation deal to include some requirement for India to progress on its CTBT status. More significantly, if the Nuclear Suppliers Group (NSG) has to take a decision in the future on [admitting India into the NSG](#) as a participating government, then the pre-condition of adhering to nuclear non-proliferation conditions such as ratifying the CTBT could be pushed. Yet these small windows of opportunity for bilateral or multilateral leverage on non-proliferation priorities are squandered.

In a similar vein, one could wonder whether requiring Iran to ratify the CTBT was sacrificed early on in the negotiation process of the multilateral deal seeking to curtail Iran's nuclear activities. Of course, more pressing objectives vis-à-vis Iran's nuclear program were at stake. The CTBT and missile development issues were expendable.

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If CTBT entry-into-force is indeed a priority for states of the international community, as oft heard in high-level declarations of support and urgency for this issue, political will and determination for the CTBT should align with policy priorities. It currently doesn't and, as evidenced by bilateral nuclear cooperation agreements, securing trade policy objectives seem instead to be prioritized.

With the DPRK's continued defiance of the nuclear testing moratorium, more than high-level statements of condemnation and expressions of regret need to take place following suspected nuclear tests and missile-related activities. China seems to be finally exerting some pressure on the DPRK in the UNSC and via bilateral channels after all these years of acquiescence. Concerted and united action by the international community and the UN Security Council needs to be taken against the DPRK. Such action should include curtailing bilateral trade relations with the DPRK. Again, this will require policy priorities—trade versus non-proliferation—to be assessed by governments.

CTBT: is it a disarmament, non-proliferation, or an arms control treaty?

Throughout the various sessions of the CTBTO Symposium, there were comments and unanswered questions posed by speakers on their views of how to categorize the CTBT. For example, is it a disarmament, non-proliferation or arms control treaty? Or possibly a hybrid of these? There was no clear consensus of views on this issue which was recurrently woven throughout sessions and presentations. An academic assessment of this issue would be useful and may have implications on practicalities.

During a session on the CTBT and nuclear security, I posed a politically sensitive question which remains unanswered. What are the prospects of the

CTBT contributing to issues of the broader nuclear security agenda given the existing apprehension and political sensitivities by IAEA member states to link any aspects of nuclear disarmament in addressing nuclear security issues post the Nuclear Security Summit (NSS) process? The “d” word inside certain corridors of the Vienna International Center (VIC) seems to raise apprehension and discontent, with arguments voiced by member states of certain international organizations that nuclear disarmament is not covered by the mandates. Disarmament seems to traditionally not be a Vienna issue, and belongs to the enclave dialogue in the NPT and First Committee bubbles in Geneva and New York. Until, that is, 2017, when the NPT PrepCom is due to roll into town for the kick-off of the 2020 NPT review cycle. How states parties view the CTBT—as a disarmament, non-proliferation or arms control treaty—may have implications for this question on whether the CTBT can contribute towards the broader nuclear security priorities.

Is testing necessary?

During the CTBTO Symposium there was a very interesting panel discussion between scientists elaborating the technical rationale for why states conduct nuclear tests. One passing comment on [the Vela Incident](#)—a 1979 event which is believed to be a nuclear test conducted by Israel and South Africa over the ocean between the southern part of Africa and the Antarctic—prompted me to think the unthinkable quietly to myself. Given the existing moratorium on testing (not including subcritical)—which only the DPRK defies—and based on the technical assessment that testing is not necessary for certain devices, would the potential sharing of nuclear test data amongst allies be a preferable solution to testing?

Although this would strictly not contravene the testing moratorium and the text of the CTBT, assisting proliferation and nuclear weapons advancement to NPT non-nuclear weapon states and non-NPT states would still contravene the NPT and the spirit of the CTBT. Although states could potentially avoid international condemnation by transgressing the established testing moratorium e.g. by relying on allies for the required testing data and expertise in relation to simple devices, this would still be contradictory to the spirit of the established non-proliferation treaties which underpin the broader nuclear non-proliferation regime. Moreover, some Annex 2 states seem to be debating domestically whether [computer simulations, subcritical tests and activities](#) not specifically prohibited by the CTBT are sufficient for the maintenance of their safe, secure and reliable nuclear arsenals. A comment by a Chinese Ambassador at this week's recent [CTBTO discussion panel](#), alludes to this debate as the National People's Congress deliberate the Treaty.

Definitional issue: does nuclear testing constitute nuclear use?

There is a definitional issue which remains to be addressed adequately: does nuclear testing constitute nuclear use? Individuals affected by nuclear testing definitely consider the testing of nuclear explosives and devices as nuclear use. In his intervention at this week's [CTBTO discussion panel](#), [UN Secretary-General Ban Ki-Moon](#) argued that bringing the CTBT into force would honour the victims of nuclear testing. The Secretary-General noted that nuclear testing poisons water, causes cancers and pollutes the environment with radioactive fallout for generations.

Whilst most states, academics and analysts would consider the explosion of nuclear devices at Hiroshima and Nagasaki the two instances of nuclear use, many—including victims of nuclear testing—would argue that nuclear testing

actually constitutes nuclear use. This is based on the [detrimental effects and impact](#) that nuclear testing has had on individuals, communities and [the environment](#) where these tests were conducted. In [Australia](#), “nuclear nomads” from aboriginal communities have been forced to leave their spiritual lands. In the South Pacific, including [the Marshall Islands](#), many communities are still living with the long-term reproductive health implications from the nuclear testing that was conducted on their territory.

During this year, marking the 20th anniversary of the CTBT, it may therefore be fitting to have an honest conversation about whether the international community ought to start considering and reframing our understanding and discourse of what actually constitutes nuclear use. This wouldn't be politically popular, given the many states who have conducted nuclear tests. Given the highly contentious discord and fractures in the multilateral nuclear non-proliferation and disarmament fora—the NPT review process, the UNGA First Committee and the [Open Ended Working Group taking forward multilateral nuclear disarmament negotiations \(OEWG\)](#)—in multilateral discussions of pathways towards nuclear disarmament and the humanitarian consequences of nuclear weapons, discussions of reframing the discourse on nuclear testing as nuclear use may add further contention. It could, however, also serve to discursively elevate the issue of nuclear testing, and strengthen the case for entry-into-force of the CTBT. Additionally, it would raise the political costs of future nuclear tests. It does however remain an issue—along with several others raised in this short piece—which ought to be assessed and adequately discussed, even if only in wonky academic circles.

UN Secretary-General Ban Ki-moon at the CTBTO Symposium. Image by the Official CTBTO Photostream via [Flickr](#).

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