



THE COMPREHENSIVE NUCLEAR TEST BAN TREATY: ANOTHER VICTIM OF US NUCLEAR POLICY?

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Amid a number of nuclear nonproliferation and arms control crises (the nuclear crisis on the Korean peninsula, the U.S. withdrawal from the JCPOA and the INF Treaty), the Comprehensive Nuclear Test Ban Treaty (CTBT) was well down the list of pressing nuclear issues – until now.

During his speech at *Hudson Institute* on May 29, 2019, Lt. Gen. Robert P. Ashley Jr., Director of the US Defense Intelligence Agency, said as follows: “The United States believes that Russia probably is not adhering to the nuclear testing moratorium in a manner consistent with the zero-yield standard. Our understanding of nuclear weapon development leads us to believe Russia’s testing activities would help it improve its nuclear weapon capabilities.” The general did not provide any further details to support that claim, following it with a considerably watered-down statement in the Q&A (after being ambushed with questions on his allegation): “I’d say we believe they [Russia] have the capability to do it the way they are set up”.³ Nevertheless, immediately after his remarks, the US media picked up a new wave of anti-Russian rhetoric, interpreting the general’s words in a way that the United States accuses Russia of violating the CTBT.

The Situation with the CTBT

The Comprehensive Nuclear Test Ban Treaty was opened for signature on September 24, 1996. As of June 1, 2019, it was signed by 184 states and ratified by 168. Under the terms of the Treaty, “Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control”.⁴ To monitor compliance with the ban, the CTBT state parties agreed to set up a verification mechanism that consists of the three main pillars. First, the International Monitoring System (IMS) – a network of stations that use a range of techniques (seismic, infrasound, hydroacoustic and radionuclide) to detect any signs of suspicious activity with regards to nuclear testing. Second, the Treaty has set up the International Data

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³ The Arms Control Landscape ft. DIA Lt. Gen. Robert P. Ashley, Jr.: Keynote Remarks and Discussion; The Hudson Institute. <http://s3.amazonaws.com/media.hudson.org/Hudson%20Transcript%20-%20The%20Arms%20Control%20Landscape.pdf> (Retrieved on June 10, 2019).

⁴ Comprehensive Nuclear Test-Ban Treaty (CTBT) https://www.ctbto.org/fileadmin/content/treaty/treaty_text.pdf (Retrieved on June 10, 2019).



Center (IDC) that processes and analyses the data gathered by the IMS, and last but not least – the On-Site Inspection (OSI) mechanism. Together with these main instruments, the Treaty also stipulates the establishment of the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), a coordinating body with the HQ in Vienna.

In view of the Treaty's special importance for national security of its States Parties, and to prevent any party from gaining any unilateral military advantage, a special procedure for the Treaty's entry into force was negotiated. It requires a ratification by all the states that possess nuclear weapons or the capability to develop them (the Annex 2 to the CTBT contains a list of 44 such states). Unfortunately, 23 years on since opening for signature, the Treaty has yet to enter into force because eight states from the Annex 2 have yet to ratify it. These states are China, the DPRK, Egypt, India, Iran, Israel, Pakistan, and the United States.⁵ Russia concluded its ratification process in 2000; of the P5 states Britain and France have also ratified the CTBT.

It is worth noting that three countries – the DPRK, India, and Pakistan – have conducted nuclear tests since the CTBT was opened for signature. Each one of the P5 states had announced national moratoria on nuclear tests before the Treaty was opened for signature. Nevertheless, these moratoria are not legally binding, and they should not substitute for the Treaty. The nuclear test ban will become an indefinite and legally binding international obligation only once the CTBT enters into force; at that point, the CTBT verification mechanism will become universally applicable for the purposes of the Treaty.⁶

Russia, United States and the CTBT

The United States and Russia were the main driving force of the CTBT; the two also were among the first states to sign it.⁷ Back at the time, President Bill Clinton described the CTBT as “the longest-sought, hardest-fought prize in the history of arms control”⁸. But the US refusal to ratify the Treaty is a cause for grave concern because Washington has one of the largest nuclear arsenals on the planet, and without its participation the Treaty loses its meaning (the ratification hearings at the US Senate collapsed in 1999). In his Prague speech⁹, Barack Obama announced CTBT ratification as one of his

⁵ Of the remaining eight states on the Annex 2 to the CTBT, the DPRK, India, and Pakistan have not signed the Treaty; the other five have signed, but not ratified.

⁶ One example: the entry of the CTBT into force will make it possible to conduct On-Site Inspections, which are the most reliable mechanism of verifying whether there has been a nuclear test. Also, without the Treaty's entry into force, the CTBT Organization can't be created; the entity that is partially in charge of its functions is the CTBTO Preparatory Commission (PC CTBTO). Despite the current state of affairs, the IMS is being installed since 2000 and is now more than 90% ready. The IDS is operating since 1997. However, none of them can fully exercise their functions unless the CTBT is in force.

⁷ The Treaty was signed by Russian Foreign Minister Evgeniy Primakov and US President Bill Clinton on the day of its opening for signature on September 24, 1996.

⁸ Excerpts from President Clinton. Remarks to the 52nd Session of the UN General Assembly. September 22, 1997. <https://1997-2001.state.gov/global/arms/ctbtpage/president/excerpt.html> (Retrieved on June 10, 2019).

⁹ Remarks by President Barak Obama in Prague As Delivered, April 5, 2009. <https://www.documentcloud.org/documents/3119179-2009-Obama-Prague-Speech.html> (Retrieved on June 10, 2019).



Administration's nonproliferation goals – but failed to achieve any progress. In February 2018 a new edition of the US Nuclear Posture Review was published. As for the CTBT, the document says that “although the United States will not seek ratification of the Comprehensive Nuclear Test Ban Treaty, it will continue to support the Comprehensive Nuclear Test Ban Treaty Organization Preparatory Committee as well as the International Monitoring System and the International Data Center”¹⁰ [and not the On-Site Inspections mechanism – *authors' note*].

A perfect demonstration of how low the CTBT is on the agenda of US Congress took place in March 2019 at a large nuclear policy forum in DC. In the Q&A to his keynote speech at the event, the Chair of the US House of Representatives Armed Forces Committee was asked about the prospects for generating bipartisan support for the Treaty's ratification, but the congressman couldn't as much as recall what the acronym CTBT stands for.¹¹

The situation is exacerbated by the fact that the CTBT topic is virtually nonexistent in the focus of the US think tanks research. That affects the level of available expertise of US disarmament specialists and reduces the chances of the CTBT being put on the agenda in the US executive and legislative branches.

Meanwhile, Russia is putting considerable efforts to promote the Treaty and to facilitate its entry into force. The CTBT issue is raised regularly during bilateral contacts, including with the countries whose signature and ratification the treaty's entry into force depends on. The deployment of IMS stations in Russia is nearing completion, and 28 stations have already been certified. The Preparatory Commission of the Comprehensive Nuclear Test Ban Treaty Organization (PC CTBTO) has on several occasions praised Russia as a nation that has signed the Treaty, ratified it, and remains in strict compliance with it. The level of Russian support for the CTBT is also demonstrated by the statement by President Putin made on the occasion of the 20th anniversary of the treaty's opening for signature in 2016.¹² Also, Russian Deputy Foreign Minister Sergey Ryabkov and PC CTBTO Executive Secretary Lassina Zerbo have co-authored two very detailed articles on the subject of importance of the Treaty's entry into force in the international media.¹³

¹⁰ The United States Nuclear Posture Review. <https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF> (Retrieved on June 10, 2019).

¹¹ Carnegie International Nuclear Policy Conference 2019. Keynote: Adam Smith, Representative of the Eighth District of Washington State and Chairman of the House Armed Services Committee. <https://s3.amazonaws.com/ceipfiles/pdf/NPC19-RepAdamSmith.pdf> (Retrieved on June 10, 2019).

¹² Statement by the President of Russia on the 20th anniversary of the signing of the Comprehensive Nuclear-Test-Ban Treaty, April 11, 2016. <http://en.kremlin.ru/events/president/news/51699> (Retrieved on June 10, 2019).

¹³ Sergey Ryabkov, Lassina Zerbo. The United States Needs to Step Up and Ratify the Nuclear-Test-Ban Treaty. *Foreign Policy*. 2016, April 22; <https://foreignpolicy.com/2016/04/22/the-united-states-needs-to-step-up-and-ratify-the-nuclear-test-ban-treaty-china/>; Sergey Ryabkov, Lassina Zerbo. The Nuclear Test Ban: Time to Finish What We Started. *The Diplomat*. 2017, April 21. <https://thediplomat.com/2017/04/the-nuclear-test-ban-time-to-finish-what-we-started/> (Retrieved on June 10, 2019).



What's Next?

In this respect, a simple question comes to mind: why is the United States that has failed to ratify the CTBT and has no plans for undertaking any legally binding commitments regarding the nuclear test ban, is now trying to make it look as though Russia that ratified the CTBT almost 20 years ago, is in violation of the Treaty? And why the subject of the CTBT is even being raised now, after many years of oblivion in the White House and on the Hill?

Clearly, the situation with the CTBT is merely an element of the broader pattern of the arms control and nuclear nonproliferation current state of affairs. It is no secret that starting from the turn of the century, the United States has chosen a course aimed at destroying the existing nuclear agreements: the ABM Treaty, the INF Treaty, the JCPOA. It cannot be ruled out that the CTBT will soon be added to that list – especially since calls for the US to withdraw the signature from the Treaty have been multiplying.

The next two years will be a serious challenge for the CTBT. Will the Treaty be able to resist against the backdrop of the destructive actions of the US? It will be put to test on a number of occasions – the 74th Session of the UN General Assembly (starts on September 17, 2019), where another Resolution in support of the CTBT will be considered and unlikely will again be supported by the US; Article XIV Conference (September 25, 2019)¹⁴, that the US simply may not attend (which, on the other hand, may be a ‘window of opportunity’ for other participating States to adopt a Final declaration condemning US actions damaging the CTBT); another P5 meeting in London planned for early 2020, where it will be hard to count on parties working out a joint stance on accelerating CTBT entry into force.

All these steps by the US jeopardizing the CTBT can be of great harm for prospects of the New START Treaty extension and for the upcoming 2020 NPT Review Conference. The connection between the CTBT and the NPT is obvious: the preamble of the NPT states that the Parties agree “to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end”.¹⁵ The NPT is a key pillar of the international security architecture – for the 50 years of its existence the Treaty has overall achieved its goal of stopping the spread of nuclear weapons around the world. Should the US go ‘all the way’ by taking down the entire nuclear nonproliferation and arms control regime, this would be a huge blow for international peace and security.

¹⁴ Article XIV Conference on Facilitating Entry into Force of the CTBT is convened every two years in accordance with Article XIV of the Treaty.

¹⁵ Treaty on the Nonproliferation of Nuclear Weapons (NPT). <https://www.un.org/disarmament/wmd/nuclear/npt2020/text/> (Retrieved on June 10, 2019).