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The Comprehensive Test Ban Treaty: The Way Forward?

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Abstract

The debate surrounding the ratification and entry-into-force of the Comprehensive Nuclear Test Ban Treaty (CTBT) has been focused and multifaceted. An article of faith that has permeated the international arms control community is the perceived need for the United States to ratify the CTBT so that the treaty can enter-into-force. This paper examines the real impact that the United States has on the ratification process of the remaining unratified States named in Article XIV of the CTBT. Many assume that Washington's approval will accelerate the ratification process on the remaining twelve non-ratifiers. This assumption, however, may not be entirely correct.

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The Comprehensive Test Ban Treaty: The Way Forward?

Executive Summary

The debate surrounding the ratification and entry-into-force of the Comprehensive Nuclear Test Ban Treaty (CTBT) has been focused and multifaceted. An article of faith has permeated the international arms control community where U.S. ratification induces all remaining Article XIV States to ratify, thus permitting the Treaty to enter-into-force. Similarly, without U.S. ratification, the remaining states have little incentive to ratify. This paper examines the real impact that the United States has on the ratification process of the remaining unratified States named in Article XIV of the CTBT.

The findings of this paper suggest that the United States may have less influence in this ratification and entry-into-force process than what the “article of faith” would suggest. Although Washington’s signature is necessary, it is not sufficient to induce all of the other twelve States to ratify the CTBT. There are regional and domestic factors, as well as interrelationships, between the twelve States that affect the ratification decision of each State that are independent of U.S. actions and influence. This paper describes those factors and interrelationships.

In 1963 and again in 1968 (the PTBT and NPT, respectively), the international community noted their resolve to “achieve the discontinuance of all test explosions of nuclear weapons for all times,” and the CTBT provided the means to monitor and adequately verify a complete nuclear test ban. However, the merits of the CTBT were not recognized by the majority of persons in the U.S. Senate, leading to the Treaty’s rejection in October of 1999. The Senate rejection, and the Bush Administration’s lack of support for the CTBT have no doubt influenced other States and their ratification process. Analyses and interviews suggest that Washington is viewed by the international community as the key to the ratification process, but China also plays a significant role. In fact, an analysis of the current CTBT ratification environment is remiss without the inclusion of China, the only other nuclear weapons state excepting the United States to withhold ratification.

Acronyms

ACRS	Arms Control and Regional Security
BJP	Bharatiya Janata Party
BMD	Ballistic Missile Defense
BW/CW	Biological Weapons/Chemical Weapons
CD	Conference on Disarmament
CTBT	Comprehensive Nuclear Test Ban Treaty
CTBTO	Comprehensive Nuclear Test Ban Treaty Organization
CWC	Chemical Weapons Convention
DPRK	Democratic People's Republic of Korea
EIF	Entry Into Force
FARC	Revolutionary Armed Forces of Colombia
IAEA	International Atomic Energy Agency
IMS	International Monitoring System
Ji	Jamaat-i-Islami
JUP	Jamiat Ulema Pakistan
LWR	Light Water Reactor
NFU	No First Use
NPT	Nuclear Nonproliferation Treaty
NTM	National Technical Means
NWS	Nuclear Weapons State
OSI	On-Site Inspection
PNE	Peaceful Nuclear Explosion
PTBT	Partial Test Ban Treaty
WMD	Weapons of Mass Destruction
WMDFZ	Weapons of Mass Destruction Free Zone

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1. Introduction¹

The debate surrounding the ratification and entry-into-force of the Comprehensive Nuclear Test Ban Treaty (CTBT) has been as multifaceted as it is important. In addition to arms control and nonproliferation elements, it involves scientific and technical disciplines, military planning, national security strategy and international relations. The focus of this paper will be on the latter two issues and, in particular, on the States required for ratification for the CTBT's entry-into-force.

An article of faith that has permeated the international arms control community is the perceived need for the United States to ratify the CTBT, so that the Treaty can enter-into-force.² More specifically, what is the *real impact* on the States that have yet to ratify the CTBT, if the United States were to pen its signature of ratification? Will this action by Washington speed-up the ratification process of the remaining thirteen non-signatories or non-ratifiers? What, if any, linkages exist among the thirteen unratified States that either divides or unites them in executing Article XIV?

<u>Article XIV States – Unratified</u>	
<i>Algeria</i>	<i>China</i>
<i>Colombia</i>	
<i>Democratic People's Republic of Congo</i>	
<i>Egypt</i>	<i>Indonesia</i>
<i>Iran</i>	<i>Israel</i>
<i>United States</i>	<i>Vietnam</i>
<u>Article XIV States – Unsigned</u>	
<i>Democratic People's Republic of Korea</i>	
<i>India</i>	<i>Pakistan</i>

Figure 1: Article XIV EIF States

2. A Historical Perspective:

In 1963 the parties to the Partial Test Ban Treaty (PTBT) noted their resolve “to achieve the discontinuance of all test explosions of nuclear weapons for all times,” and to continue negotiations to achieve this end. This noteworthy resolution was again remembered in the preamble to the 1968 Nuclear Nonproliferation Treaty (NPT). However, the major obstacle in the prevailing international environment to achieve this end was the lack of trust existing among the nuclear weapon states (NWS), in their capabilities to monitor and adequately verify a nuclear test ban.

Ultimately, it was the effort of the Ad Hoc Group of Scientific Experts established in 1976 by the Conference on Disarmament (CD) that proposed international cooperative measures to detect and identify seismic events using a global network of seismic stations, which actualized the possibility of verifying a ban on nuclear weapon tests.

¹ This paper was written prior to the 11 September 2001 tragedy. A postscript has been added to consider the impact that this calamity will have on the CTBT and Washington's ratification of this Treaty.

² The complete text of Article XIV can be found in Appendix A.

In January 1994, the CD was able to give a mandate to its *Ad Hoc* Committee on a Nuclear Test Ban to negotiate a Comprehensive Test Ban Treaty (CTBT). These negotiations received a boost in 1995 when the NPT Review and Extension Conference adopted the *Principles and Objectives for Nuclear Nonproliferation and Disarmament* which recognized that “the completion by the CD of the negotiations on a universal, internationally, and effectively verifiable CTBT no later than 1996, is important in the full realization and effective implementation of Article VI,” of the NPT³. Additionally, the full scope of the CTBT was defined in 1996 when the United States committed to adopting a true zero-yield CTBT and an absolute ban on testing.

Signatories have differed as to whether the primary goal of the CTBT is nonproliferation (e.g., the U.S.) or disarmament (e.g., India). The treaty supports nonproliferation by decreasing the confidence of a signatory state with a clandestine nuclear weapon program that its weapons function as designed. The treaty supports the goal of nuclear disarmament of existing weapons states by 1) decreasing confidence that new nuclear weapon designs will function properly, and 2) making reliability and safety assessment of existing nuclear weapons more difficult. The latter was a key point in the Senate’s ratification debate in 1999 and the basis for the establishment of the Science-based Stockpile Stewardship program to maintain the U.S. nuclear stockpile without testing (described in Section 4).

Despite agreement in 1996 by the State Parties on most issues affecting the proposed CTBT, the CD was unable to reach a consensus on a final text. As a result, 127 States sponsored a resolution endorsing the draft Treaty, which was then overwhelmingly adopted by the UN General Assembly on 10 September 1996.⁴

Specifically, the CTBT decrees a comprehensive ban on any nuclear testing in any environment for any purpose. Article I sets out the basic obligations:

- *Each State Party undertakes not to carry out any nuclear weapon test explosion, and to prohibit and prevent any such explosion at any place under its jurisdiction; and,*
- *Each State Party undertakes, furthermore, to refrain from causing, encouraging or in any way participating in carrying out any nuclear weapon test explosion or any other nuclear explosion.*

Because the CTBT had not entered-into-force “three years after the date of the anniversary of its opening for signatures,” which was September 24, 1996, a conference of the States

³ Article VI of the NPT reads as follows: “*Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.*”

⁴ 158 States voted in favor, three against (Bhutan, India and Libya), and five abstained (Cuba, Lebanon, Mauritius, Syria, and Tanzania).

that ratified the CTBT was called to decide what measures should be taken to accelerate the ratification process and thereby implement Article XIV.

3. The Article XIV Conferences:

In terms of outcome, the 1999 Conference was modest in results and exercised only the powers of spotlighting, raising awareness and exhortation.⁵ Of the 154 States that had signed the CTBT prior to this meeting, only 92 States attended. Representatives from four unsigned States, including Pakistan, also attended. India and North Korea did not send representatives.

It should be noted that it was during the CTBT negotiations in the CD that Russia, China, Great Britain and Pakistan insisted that the entry-into-force requirements must include all countries that might develop a nuclear weapon or have test capabilities. This language primarily was aimed at the five declared nuclear powers, plus India, Israel and Pakistan. It should also be noted that the latter three States continue to remain outside of the NPT, but were active participants during the CTBT negotiations. As India pulled away from the Treaty in 1996, other negotiators inserted this clumsy provision for an "entry-into-force conference" into Article XIV in the hope that some international action would take place to keep up the pressure for the test ban.⁶

In the end, the Article XIV Conference adopted a Final Declaration that avoided confrontation and no actions were suggested that might be construed as punitive and isolating. There was an appeal to India and Pakistan, which had earlier indicated they would not impede the Treaty, to sign and ratify as soon as possible and to "refrain from acts which would defeat [the Treaty's] object and purpose."⁷ No doubt this was a very clear call to both India and Pakistan not to conduct any more nuclear explosions. North Korea was likewise called upon to sign and ratify the CTBT.

Many of the statements made by the delegations were short and to the point. There was also much talk of the new millennium and frequent reference to the NPT, especially Article VI and the importance given to the CTBT in the *Principles and Objectives* decision adopted together with an indefinite extension of the NPT in 1995.⁸

Although the Final Declaration avoided any direct reference to the failure of the United States, Russia⁹ and China to ratify in time for the Conference, it called on those states which had signed and not ratified, and "in particular those whose ratification is needed for

⁵ The Article XIV Conference was held in Vienna, Austria, October 6-8, 1999.

⁶ It is part of the negotiating record that the Conference could neither waive, amend or weaken the entry-into-force provisions, nor impose sanctions on a country which blocked entry-into-force.

⁷ "CTBT in Crisis," *Disarmament Diplomacy*, Number 40, September/October 1999, p. 3.

⁸ *Ibid*, p. 4.

⁹ The Russian Federation ratified the CTBT on June 30, 2000.

its entry-into-force” to “accelerate their ratification processes with a view to their early successful conclusion.”¹⁰

A second entry-into-force conference was scheduled for 25-27 September 2001 in New York to examine the extent to which Article XIV requirements have been met since 1999, and to consider and decide by consensus what measures should be undertaken to accelerate the ratification process. This forum was postponed until a later date, because of the tragic events in New York City and the Pentagon on 11 September 2001.

This Conference, when it takes place, will be after the United States Senate’s rejection of the CTBT (October 13, 1999) by primarily a partisan vote of 51 to 48 with only four Republicans voting for it.¹¹ The Senate’s rejection is noteworthy because it is the first time that the U.S. Senate has defeated a major international accord since it rejected the 1919 Versailles Treaty.

4. U.S. Senate Rejection:

The failure of the U.S. Senate to approve the CTBT was a severe blow to the ratification process. The rejection had less to do with the merits of the CTBT than U.S. domestic politics carried along partisan lines. To understand why the U.S. Senate chose to reject the CTBT after a brief 13-day period of debate in October 1999, it is essential to understand the challenges this Treaty faced prior to the months leading to the vote.¹²

Upon receipt of the transmittal letter, Senator Jesse Helms, then Chair of the Senate Foreign Relations Committee, demanded that the President also transmit two unrelated treaties to his Committee before he would move the CTBT forward.¹³ By late September 1999, after blocking Senate consideration of the Treaty for over two years, and failing to schedule a single hearing devoted to the CTBT, then Senate Majority Leader Trent Lott and Helms suddenly reversed course and decided to schedule a vote on the Treaty. This move precipitated several weeks of intense maneuvering by both the Republican and Democratic leaderships in the Senate. On October 1, 1999, Senator Lott proposed a “take it or leave it” offer to President Clinton and the Democratic leadership in the Senate of 14 hours of debate in the Armed Services Committee and a vote as soon as October 12th.

Acceptance of the offer was motivated in part by the belief that the effect of continued inaction on the CTBT could be as severe as outright defeat. Compounding the situation

¹⁰ *Disarmament Diplomacy, Op. Cit.*, p. 6.

¹¹ John H. Chafee of Rhode Island; Jim Jeffords of Vermont; Arlen Specter of Pennsylvania; and Gordon Smith of Oregon.

¹² President Clinton’s transmittal of the Treaty to the US Senate for its “advice and consent” for ratification took place on September 23, 1997.

¹³ Senator Helms took the position that “...not until the administration has submitted the ABM Protocols and the Kyoto global warming treaty... will the Foreign Relations Committee turn its attention to other treaties on the President’s agenda.” *The Wall Street Journal*, January 25, 1999.

was the fact that President Clinton and his Administration did not launch a high profile intense campaign to win Senate support of the CTBT until September's end. It became quite evident by October 5th that support for the Treaty was not materializing. Suggestions were made by both sides of the aisle that the vote should be postponed to avoid damaging U.S. credibility and international security.¹⁴ Senator Pete Domenici (R-NM), a senior lawmaker, urged President Clinton to shelve the accord rather than have it rejected. "There are international ramifications of killing it," Domenici said.¹⁵

There is no doubt that the limited amount of time for debate in the Senate, and the fact that the Treaty's opponents had begun their lobbying efforts weeks earlier, meant that the Clinton Administration officials should have done their pro-Treaty lobbying efforts well in advance. Unfortunately this was not the case. Therefore, the defeat of the CTBT was not only due to the U.S. Senate's rush to make a judgment after the Treaty had been tabled for two years, but it was also a consequence of President Clinton's failure to organize a sustained effort to build support for it in the months leading up to the vote in October. Distracted by domestic policy considerations, scandal, and the war in Kosovo, Clinton failed to heed repeated calls for a group inside his government to focus solely on the task of the CTBT's ratification.¹⁶

At another level, the rejection of the CTBT was inexplicable to analysts who thought that the Clinton Administration had prepaid the price for ratification by establishing the Stockpile Stewardship Program, and in acquiescing to the development of a ballistic missile effort.

As a result, and in an attempt to salvage the Treaty, President Clinton appointed former Chairman of the Joint Chiefs of Staff in January 2000, John Shalikashvili as Special Advisor on the CTBT to explore concerns about and build bipartisan support for eventual ratification of the test ban treaty. In his year long study, Shalikashvili detailed a series of recommendations that included increasing bipartisan and allied support for nonproliferation, enhancing U.S. capabilities to detect and deter nuclear testing, improving stewardship of U.S. nuclear weapons, and addressing concerns about the Treaty's indefinite duration through a joint executive-legislative review ten years after the Treaty's ratification and at "regular intervals thereafter." The report concludes that the "advantages of the test ban treaty outweigh any disadvantages" and calls for bipartisan efforts to forge an "integrated proliferation strategy for the new century."

¹⁴ Just days before the vote, French President Jacques Chirac, British Prime Minister Tony Blair and German Chancellor Gerhard Schroeder made a highly unusual plea to the US Senate not to reject the CTBT. "Failure to ratify the [CTBT] will be a failure in our struggle against proliferation. The stabilizing effect of the Non-Proliferation Treaty, extended in 1995, would be undermined. Disarmament negotiations would suffer," they wrote in the October 8, 1999, *New York Times* op-ed.

¹⁵ Senator Domenici ultimately would vote "no" on the CTBT. "Both Parties Seek Graceful Way to Put Off Nuclear Treaty Vote," by Eric Smith, *The New York Times*, October 6, 1999.

¹⁶ *Op. Cit.*, *Disarmament Diplomacy*, p. 12.

5. The Bush Administration

The future of the CTBT under President George W. Bush's administration is in doubt. During the campaign, President Bush agreed that "our nation should continue its moratorium on [nuclear] testing." He has, however, indicated that he is opposed to the CTBT, claiming that it "...does not stop proliferation, especially in renegade regimes. It is not verifiable. It is not enforceable and is fatally flawed. And it would stop us from ensuring the safety and reliability of our nation's deterrent, should the need arise."¹⁷ Furthermore, President Bush has not ruled out testing in the future, echoing his father's 1992 position that testing might be needed to maintain the reliability of the nation's nuclear stockpile. This places the United States in a state of test ban policy limbo and, additionally, it robs itself of the moral, political and legal authority to prod other nations not to test nuclear weapons.

The Bush Administration seems content to let the rejected treaty, now the legal property of the Senate Foreign Relations Committee,¹⁸ languish in the Senate. Jack Mendelsohn of the Lawyers Alliance for World Security notes that the Bush Administration has three basic options for dealing with the CTBT. First, it could renounce any intentions of ratifying the CTBT. This would free the United States from international legal and financial obligations of the Treaty. No doubt this would provoke serious repercussions both domestically and abroad. It would place the whole nuclear nonproliferation regime – in particular the NPT – in jeopardy.

While widespread repudiation of the NPT is not likely in the immediate future, the regime is vulnerable. Rejection of the CTBT by some states might provide an excuse for a government that wishes to renounce or thwart its NPT obligations to do so. The actions of the United States have already complicated efforts to strengthen the International Atomic Energy Agency (IAEA) safeguards on civilian nuclear programs. Though the CTBT cannot alone stop the spread and development of nuclear weapons, the international community cannot effectively pursue a nonproliferation and disarmament agenda without it.

A second option could be to continue to pay the U.S.'s share (25%) of the Treaty's implementation costs and ignore the question of whether the U.S. intends at some point in the future to ratify the agreement and make no effort to seek Senate reconsideration and ratification.¹⁹

¹⁷ *Arms Control Today*, September 2000, pp. 3-7. For a detailed discussion of President Bush's position and options on the CTBT see "The Bush Presidency: Reconsidering the CTBT," by Jack Mendelsohn in *Disarmament Diplomacy*, Number 53, December 2000/January 2001, pp. 5-8.

¹⁸ "White House Wants to Bury Pact Banning Test on Nuclear Arms" by Thom Shanker and David Sanger, *New York Times*, July 7, 2001.

¹⁹ *Ibid.*

Finally, the Administration could reevaluate its campaign stance and reach the conclusion that the CTBT serves U.S. national security interests,²⁰ resubmit the Treaty and strongly encourage Treaty support in the Senate.

The seeds for the Administration to reconsider its position have been sown by the study by General Shalikashvili, the roundtable discussions undertaken by the Lawyers Alliance for World Security, and the National Academy of Sciences study. All of these efforts contain serious responses to the technical, political, and economic criticisms that arose during the ratification debates, and they address the central issues that most concern President Bush: proliferation value, verifiability, enforceability, and confidence in the stockpile.

The Bush Administration, in the summer of 2001, requested that U.S. nuclear scientists examine methods to accelerate preparation time for nuclear explosions at the Nevada Test Site if the government decides to end the nine-year moratorium on nuclear testing. Current estimates place test preparation time at approximately three years. An advisory committee of nuclear scientists recommended shortening the time it takes to prepare for testing to less than a year, and wants to add training for new designers who would produce “robust, alternative warheads that will provide a hedge if problems occur in the future...within the current stockpile.”²¹

For the time being, however, given that President Clinton signed the Treaty, under international law, the United States like other signatories is obligated under Article XVIII of the Vienna Convention on Treaties not to undertake any actions that violates the “object or purpose” of the Treaty such as conducting a nuclear test explosion.²²

6. National Responses to a Future U.S. Ratification:

6.1. *The CTBT Endgame in South Asia:*

There are a number of indigenous technical and military imperatives, national prestige and domestic political factors that provide the critical impetus for the nuclear programs of India and Pakistan. Both countries, up until 1999, tended to go against the admonitions of the international community in developing their indigenous nuclear weapons programs.

It was not until after the Indian nuclear tests conducted on 11 and 13 May in Pokhran and the Pakistani tests at Ras Koh on 28 and 30 May 1999, that both governments initiated steps to sign the CTBT. A Pakistani diplomat noted that when India tested, it forced

²⁰ *Ibid.* p. 6.

²¹ “Underground Test Speedup Barred,” by Walter Pincus in *Washington Post*, July 6, 2001, p. A23.

²² The Vienna Convention on Treaties obliges a signatory to refrain from acts that would defer the “object and purpose” of the treaty it has signed until “it should have made its intentions clear not to become a party to the treaty....” Article XVIII (a).

Pakistan to test. "It was the 'heart of the moment, or never again."²³ Moves to convert informal adherence to the Treaty's objectives, into formal acceptance of its legal provisions, has come at an end of a protracted nuclear dialogue with the United States. For both of these nations, acceptance of the CTBT is conditional, and the conditions that New Delhi and Islamabad place on their willingness to accept the test ban are quite different.

India has linked its acceptance of the CTBT to the outcome of its nuclear dialogue with the United States, easing of all sanctions imposed in the wake of its nuclear tests, and the ratification decisions of other nuclear weapon states. Pakistan, on the other hand, has pegged its participation in the test ban to India's decision. Overall, both States' willingness to ratify the CTBT will most likely be deferred for some time in the future.

6.1.1. The View from New Delhi:

In 1996, India rejected the CTBT on four grounds. First, the CTBT was not linked to time-bound nuclear disarmament. New Delhi argued that far from fostering global nuclear disarmament, the Treaty's focus shifted to nonproliferation. Further, India also made a case that the CTBT was not a zero-yield treaty; its scope permitted hydronuclear and sub-critical tests.²⁴ These tests, when combined with computer simulations would permit a nuclear weapon state to refine its weapon and design capabilities. Third, New Delhi invoked national security concerns for not signing the Treaty. Finally, India strongly objected to Article XIV, claiming that this article violated its sovereignty.²⁵ All of these factors led to a national consensus against the CTBT. Over the next several years the debate within the Indian Government vacillated between the moderates who favored India's ratification of the CTBT and the hard-liners who opposed not only ratification of the CTBT, but who doubted the success of their nuclear tests in 1998 and wanted additional testing.

With the return to power of the Bharatiya Janata Party (BJP) led by Atal Behari Vajpayee, the government adopted measures to build a national consensus to prepare the ground for India's eventual acceptance of the CTBT. Likewise and more significantly, Washington abandoned its policy of attempting to freeze, cap, and roll back nuclear proliferation in South Asia. There is also clear recognition by the United States that nuclear proliferation in the region is an inescapable fact, and Washington lacks the leverage to reverse it. As a consequence, Washington appears to have shifted its focus to institutionalizing nuclear stability in South Asia at the lowest possible level of weaponization.

In September 2001, the Bush Administration lifted the sanctions imposed on New Delhi after its nuclear tests in 1999, suggesting that Washington is now less interested in limiting the spread of nuclear weapons in South Asia. The sanctions were intended to send a

²³ Interview conducted with a Pakistani official in Washington, DC, September 10, 2001.

²⁴ "India and the Comprehensive Test Ban Treaty," by Dinshaw Mistry in *ACDIS Research Reports*, Program in Arms Control and Disarmament, Department of Political Science, University of Illinois at Urbana-Champaign, September 1998.

²⁵ *Ibid.*

message to the international community that nuclear proliferation would carry a price. The result has been that the sanctions mainly serve as obstacles to change, and reduce Washington's ability to affect events in India.

Additionally, it would appear that this action by Washington acknowledges India's security concerns.²⁶ New Delhi has "legitimate security concerns" when it comes to China. The 1962 Sino-Indian war left India with psychic scars that have been difficult to overcome, but most Chinese regard the conflict as a minor border skirmish.²⁷ From New Delhi's point of view, Beijing's military build-up and its missiles reportedly located in Tibet present a clear and present danger. This is further compounded by the fact that China has continued, uninterrupted, to build up and to modernize its nuclear and missile capabilities. Also, Beijing supplies missile and nuclear technologies to countries in India's neighborhood (Iran, Iraq, Pakistan and Saudi Arabia), and particularly has assisted Pakistan in developing its nuclear and missile-related capabilities.

Ultimately, India's decision on ratification of the CTBT will likely be linked to the ratification decisions of Beijing and Washington.

6.1.2. The View from Islamabad:

With apparent changes taking place in New Delhi with respect to the CTBT, signs of change are also stirring in Pakistan. This is because Pakistan has formally tied its position on the CTBT to India's course of action.

Unlike India, Pakistan did not oppose the CTBT at the Conference on Disarmament (CD) in Geneva. In 1996, Pakistan voted in favor of the Treaty after it was brought before the United Nations to bypass the New Delhi veto. However, Islamabad feared that India would conduct additional nuclear tests. Since an Indian test program would force Pakistan to follow suit, Islamabad declined to accede to the CTBT unless India did likewise.²⁸

From 1998 forward, Pakistan came under enormous pressure from the United States and the international community to accept the CTBT. Washington's economic sanctions affected greatly Pakistan's economy, which resulted in Islamabad delinking accession to the CTBT from New Delhi's course of action, and agreed in principle in September 1998 to sign the CTBT. Washington granted partial sanctions' relief to Pakistan in November 1998. This action paved the way for a resumption of multilateral institutional lending, a move that was disallowed in India's case. Nevertheless, Washington failed by the time of the October 1999 coup d'etat by General Pervez Musharraf to persuade Pakistan to sign the CTBT.

²⁶ "Undue Fears: Pragmatic Approach to Signing the CTBT," by K. Subrahmanyam, *Times of India*, December 13, 1999.

²⁷ "What Threat" by Eric Arnett, *Bulletin of the Atomic Scientist*, Vol. 53, No. 2.

²⁸ "Pakistan To Upgrade N-deterrence: Sattar," by Raja Zulfikar, *News International*, November 26, 1999.

The overthrow of a legitimately constituted government in Pakistan worsened relations with Washington with the imposition of sanctions by Washington as required under the Foreign Assistance Act.²⁹ Washington further voiced its displeasure with the coup d'etat by meting out differential treatment to Pakistan and India.

In the case of Pakistan, the majority of the sanctions remained in force, while India enjoyed sanction relief.³⁰ This naturally hardened Islamabad's position against the CTBT. In fact, during the first press conference given by General Musharraf, he noted that the CTBT was not a priority issue. Further, he added that before Pakistan could sign the CTBT there was a need for a national debate and consensus, and formally pegged Islamabad's acceptance of the CTBT to New Delhi's accession.

Reaching a consensus will require the Jamaat-i-Islami (JI) and Jamiat Ulema Pakistan (JUP) political parties to accept the CTBT. They argue that acceptance would compromise Pakistan's national interests. Also, elements in the Pakistani military affect this decision by arguing that acceding to the Treaty retards Pakistan's nuclear capability. Musharraf's government has hinted that it may take financial assistance from Japan to the tune of \$1 billion to fund its ailing economy as a consideration for penning the CTBT.

Currently, it does not appear that Pakistan is ready to sign the Treaty. Islamabad is wary that India will resume testing "down the road." A Pakistani official said, "If India were to sign the CTBT, the pressure on us would be considerable." The official also noted that if Pakistan gained something substantial from the United States, then perhaps Islamabad would sign the CTBT, sans Washington's signature on the CTBT.³¹ Opinion is strong in Pakistan that a decision should wait until after the general election that is scheduled for late 2001. Until then, Pakistan has declared a moratorium on nuclear testing and has indicated it will not be the first country in the region to resume nuclear testing.³²

6.2. The Middle East Conundrum:

The Middle East is one of few regions that has not witnessed a serious arms control process. In this absence, the region over the years has escalated in the proliferation ladder in all classes of WMD, especially their delivery systems, both quantitatively and

²⁹ "Testimony by Assistant Secretary Karl F. Inderfurth," in *House International Relations Committee, Asia Pacific Subcommittee*, October 20, 1999.

³⁰ *Presidential Determination (PD) No. 2000-04*, October 27, 1999. Pakistan sanctions have since been lifted.

³¹ Interview conducted with a Pakistani official in Washington, DC, September 10, 2001.

³² "Japanese PM gets CE's letter," in *Dawn*, March 17, 2001.

qualitatively.³³ In the absence of any type of arms control process for the region, the proliferation trend has proceeded virtually unchecked.³⁴

Though the Israeli-Arab conflict is greatly responsible for the instability in this region, it definitely is not the sole culprit. This instability and volatility is also a function of regional disagreements and rivalries and not totally related to the Israeli-Arab conflict

6.2.1. The View from Tel Aviv:

Israel is not a party to the Nonproliferation Treaty. Israel has not acknowledged that it has nuclear weapons, but generally is regarded as a *de facto* nuclear state.³⁵ In order for the region to have a meaningful arms control policy, Israel argues that it can only begin with the successful settlement of the Arab-Israeli conflict.³⁶ However, such a settlement is unlikely in the near future given the issues revolving around the autonomy for the Palestinian Authority, the continued unrest that persists in the region, the divergence that exists between Israel and Syria over the status of the Golan Heights, and the enmity of Iran.

On September 25, 1996, Israel signed the CTBT, the only one of the threshold states to do so. It further co-sponsored the United Nations resolution that opened the CTBT for signature and was one of the first signatories. Israel states that its decision to sign the CTBT reflects its long standing policy of supporting international nonproliferation as long as there is due consideration to the specific characteristics of the Middle East and Israel's national security needs.³⁷ Israel expects that arms control agreements have reliable verification protocols and not be subject to abuse or frivolous requests for information or inspections. The August 2001 statement by the U.S. at the 15th CTBT Preparatory Commission meeting that it has no plans to reconsider the Treaty's ratification has not changed Israel's position regarding the ratification of the CTBT.

The following factors are key in Israel's ratification decision:

- The completion of the essential elements of the CTBT verification regime: the IMS, the IDC, and the capability to carry out OSI as cited in Article IV of the Treaty.
- The effectiveness and immunity to abuse the verification regime.

³³ The Arms Control and Regional Security (ACRS) talks held in the Middle East grew out of the Madrid peace process with the goal of addressing a broad range of issues. Instead the ACRS agenda focused almost exclusively on discussions of confidence building measures and information sharing regarding military exercises. At no time did ACRS negotiations address substantive arms control issues relating to any class of weapons, WMD or conventional.

³⁴ The only disarmament process that has occurred involves Iraq under the United Nations Resolution 687, and the results of this whole process are mixed.

³⁵ The estimate of the number of nuclear devices that Israel possesses varies from a low of 50 to as high as 200. A book by Seymour Hersh in 1991, argues that Israel's arsenal is considerably larger and more advanced than previous information suggested. He concluded that Israel possess "hundreds" of low-yield enhanced-radiation type warheads, many in the form of artillery shells and land mines, as well as full-fledged thermonuclear weapons.

³⁶ It would appear that this position contradicts the record of arms control during the height of the Cold War.

³⁷ Written interview with Israeli official received November 5, 2001.

- The equal and sovereign status of Israel in the Preparatory Commission and policy making organizations of the CTBTO. One way to prevent an impasse in the Middle East and South Asia geographical regional grouping in the CTBTO is to grant Israel a permanent seat on the Executive Council.
- Developments in the Middle East including adherence to the CTBT by other States in the region.

In spite of India and Pakistan declarations of possessing nuclear weapons in 1998, it is unlikely that Israel will follow suit or change its policy of nuclear ambiguity. Israel's decision-makers continue to hold the view that for as long as adversaries in the Middle East maintain capabilities to mount large-scale military attacks or threaten Israeli cities with missiles carrying BW and CW warheads, Israel will need to maintain the nuclear deterrence option. In addition, the deployment by Israel of an effective ballistic missile defense will improve its security.

6.2.2. The View from Cairo:

Egypt was also one of the very first signatories of the CTBT. And like Israel, the future actions Egypt takes regarding the Treaty's ratification will depend upon the actions of its neighbor(s). Egypt over the years has been concerned with Israel's nuclear arsenal. This preoccupation is not entirely born of the direct threat that these weapons pose on Egypt. From a historical perspective, Cairo perceives itself as a major regional player, and as a result, has attempted to set the tone and impose that tone on many of the developments in the Middle East.

This is especially true concerning the Arab-Israeli peace process. Cairo perceives itself as the leading voice on nuclear issues, which provides a means to consolidate its leadership position in the Arab world. This is an important motivation for Egypt, in light of the fact that many of the Arab states voice their own concerns over Israel's nuclear capability. Once a peace agreement between Israel and the Palestine Authority is achieved, Israel will most likely be Egypt's primary rival for regional power. Tel Aviv's technological prowess and military capabilities raise fears that Israel has hegemonic designs for the region.

These explanations go beyond the nuclear threat to the wider political/regional realm where Egypt's interests diverge from those of the other Arab states. In other words, Egypt's emphasis on the nuclear issue goes beyond traditional security explanations and that "nuclear capability" translates for Egypt into very significant political, economic and regional leadership implications.

In 1994 Egypt proposed within the framework of Arms Control and Regional Security forum (ACRS) the establishment of a Weapons of Mass Destruction Free Zone (WMDFZ). Israel agreed to the principles of establishing a WMDFZ in the Middle East, but Egypt insisted on including a specific provision that all parties in the region would accept the Nuclear Nonproliferation Treaty (NPT) in the near future. Tel Aviv could not adhere to this. At that time, Egypt's Foreign Minister Amr Musa noted that "...no future regional

scheme can be completed without a security regime that tackles arms control matters, in particular the establishment of a zone free of all mass destruction weapons in the Middle East.”³⁸ Israel will not give its blessing for the establishment of a WMDFZ in the Middle East before a comprehensive peace is achieved with Arab states including Iraq and Iran.

Within this overall Middle East context, Egypt has linked its ratification of the CTBT to that of Israel’s. In fact, Cairo has no inherent problems with the Treaty, and considers it a “least relevant document.”³⁹ Egypt further notes that the CTBT is not a disarmament agreement because it permits vertical proliferation, and does not provide transparency on Israel’s nuclear stockpile. The perception in Cairo is that if the United States ratifies the CTBT, Israel would follow suit and thus force Egypt to do so likewise. “We do not want to be isolated.”⁴⁰

6.2.3. The View from Teheran:

The future of Iran’s ratification of the CTBT is dependent upon Israel’s actions. Iran, one of the very first nations to sign the CTBT, indicated that it intended to ratify the Treaty as soon as possible. However, recent indications from Teheran suggest that this action will not be forthcoming in the near future regardless of what Washington or Beijing might do. It is Teheran’s position that Israel’s nuclear program is a security threat to the overall region. In addition, it advocates the establishment of a WMDFZ in the Middle East, which would be a step towards comprehensive nuclear disarmament for the region.

Within this context, Iran is driven by three major security objectives: to form an alliance that includes China, India and Russia to coordinate regional policy as a bulwark against the United States and Israel; to be able to deter other powers from threatening the country; and to heighten its military capabilities so as to be in a position to control the Straits of Hormuz.

To accomplish these elements, Iran has launched a weapons of mass destruction program with emphasis of developing an indigenous nuclear weapons program centered around the Bushehr nuclear reactor.⁴¹ Further, because it views the United States and Israel as its primary enemies, Iran has also developed ballistic missiles with the assistance of both China and North Korea. Teheran view’s these programs as a means to hold Israel at risk, deter the “Great Satan” from intervening in the Middle East, discouraging Washington’s European allies from entering into a coalition with the United States, deterring its neighbors, and preventing the recurrence of an Iran-Iraq war.

³⁸ “Egypt and Israel in ACRS: Bilateral Concerns in a Regional Arms Control Process,” by Emily Landau in *Jaffee Center for Strategic Studies, Memorandum 59, June 2001*, p. 66.

³⁹ Interview conducted with an Egyptian official in Washington, DC on September 7, 2001.

⁴⁰ *Ibid.*

⁴¹ Iran has some capability in the area of chemical and biological weapons. Its nuclear program has at least some 10 or so locations devoted to nuclear activities. See “Iran’s Nuclear Facilities: a Profile,” Andrew Koch and Jeanette Wolf, by the *Center for Nonproliferation Studies*, 1998.

Iran would ratify the CTBT, if China and the U.S. did likewise. The key to Iran's ratification, however, will depend on Israel's actions and the overall conditions of Israeli and Arab relations.

6.3. The North Korea Challenge:

Pyongyang's engagement with the international community has accelerated in the last two years, with the country now moving on several fronts to strengthen its ties with former enemies. For the West, security issues are the priority in dealing with the Democratic People's Republic of Korea (DPRK), but it is through economic assistance and investments that this priority can be actualized. To date, easing the tension has been limited to economic aid provided by Japan, South Korea and the United States.

Since the 1960s, North Korea has consistently allocated a vast proportion of its budget to its military establishment to the detriment of its population because of the advanced capabilities of the South Korean and U.S. Forces. Specifically, North Korea has developed long-range missiles and weapons of mass destruction. These combined programs pose, over time, an enhanced threat to the security of Japan. In addition, the sale of their missiles and the accompanying technologies to the likes of Iran and Syria is quite vexing.

North Korea tends to be invisible in international arms control fora. Pyongyang first came into full compliance with its nonproliferation obligations under the NPT in 1994 when the "Agreed Framework" was signed.

Among the international arms community, it is assumed that Pyongyang has plutonium for one or two nuclear weapons. The nuclear facility at which the plutonium was produced is inactive following the agreement North Korea negotiated with the United States in 1994, known as the "Agreed Framework." The North traded financial assistance and a freeze on the facility at Yongbyon for assistance to construct two Light Water Reactors (LWR) to produce power under IAEA safeguards. As "insurance" the North retained irradiated spent fuel, which it will dispose of only when the LWRs are completed in about 2008.

The DPRK, under the "Agreed Framework," further agreed to allow the IAEA to visit several "undeclared sites" and to resolve inconsistencies in Pyongyang's declaration. These visitations will have to be done to the satisfaction of the IAEA, *a very important phrase in the agreement*. Furthermore, any steps that North Korea takes to enhance transparency lessens mistrust and serves as a reliable indicator of Pyongyang's true commitment to denuclearization and peaceful intentions. Finally, North Korea could also rejoin the IAEA. Overall, the "Agreed Framework" was structured to become stronger over time in constraining the nuclear weapons capability of the DPRK.

As Pyongyang engages more broadly and deeply with the West, it may rely more heavily on China as a diplomatic counterweight.⁴² For the United States, China's influence with the DPRK is a mixed blessing. Although it is not in China's interest that tensions remain high on the Korean Peninsula, Beijing is naturally more interested in pursuing its own agenda than advancing Washington's.

No doubt, China is an essential interlocutor with Pyongyang in order to obtain leverage over U.S. policy. Chinese diplomats have sought to persuade North Korea of the dangers associated with nuclear weapons development and continued missile testing. Some of North Korea's recently self-imposed restrictions on missile testing are likely a partial result of Chinese intervention.⁴³ No doubt the Chinese are very aware that North Korean missile tests indirectly compromise Chinese security interests by bolstering U.S. and Japanese support for national and theater missile defense systems.

If the road to Pyongyang runs through Beijing, Washington should expect to be charged a toll, which might be quite high. For example, as a price for intervening with the DPRK over ballistic missiles, nuclear weapons and arms control issues – like signing and ratifying the CTBT – the Chinese might demand some modification in the deployment of the U.S.'s ballistic missile defense system (BMD). Beijing might view such an intervention as a reasonable trade-off, since the DPRK's missile threat has provided the rationale for the development of a BMD.

At a 1997 international meeting in Katmandu, Nepal, sources indicated that the DPRK “will adhere to the CTBT contingent upon fulfillment of the “Agreed Framework.”⁴⁴ Based on its fairly consistent behavior, since 1994, of mitigating its policies for economic incentives, it can be safely assumed, albeit imperfectly, that Pyongyang will sign and ultimately ratify the CTBT in exchange for some kind of a compensation package. For example, Pyongyang suggested in 2000 that it would agree to a halt all missile exports, freeze all testing, production, and deployment of its missiles and eventually eliminate them in exchange for financial compensation that would include commercial satellite launches. China could exercise its influence, if Beijing felt it was in its interest to do so.

⁴² On the whole, the DPRK-Russia economic ties do not look too promising. The Russians complain that the DPRK still wants to build economic relations along the lines of the old Soviet-DPRK model of “getting things free of charge.”

⁴³ “Rebuilding Bilateral Consensus: Assessing U.S.-China Arms Control and Nonproliferation Achievements,” by Evan S. Medeiros in *The Nonproliferation Review* in Spring 2001.

⁴⁴ Ninth Regional Disarmament Meeting in the Asia-Pacific Region, February 24-26, 1997, Katmandu, Nepal, paper presented “*Nuclear Disarmament in the Post-CTBT Era-Entry Into Force of the CTBT*,” by Ambassador Hisami Kurokuchi of Japan, p 2.

6.4. *China and the CTBT:*

Among the major powers, China, up until 1990, was most removed from arms control and nonproliferation negotiations and activities. This is in sharp contrast to the United States and Russia. Beijing was never involved with any of the strategic nuclear discussions and agreements.

After its first nuclear test in 1964, China gradually developed its nuclear capabilities, including the development of intercontinental ballistic missiles. During this period the Chinese government's declaratory policy supported nuclear proliferation as a means of "breaking the hegemony of the superpowers."⁴⁵ During this time, China declared that China's nuclear tests and nuclear weapons development were solely for the purpose of defense and that at no time and under no circumstances would China be the first to use nuclear weapons (NFU). This is still a basic component of China's nuclear strategy.⁴⁶ However, Beijing was reluctant to enter into arms reduction negotiation until the two major nuclear states had made significant progress in their own disarmament.

Beijing has continued to pursue a program to modernize its aging nuclear force structure. China presently stands out as the only nuclear weapon state that is increasing the size and scope of its arsenal.⁴⁷ As a Chinese diplomat noted "We could expand by several folds...we have the money."⁴⁸

Furthermore, as the Chinese defense industry and technological sector developed from the 1970s forward, commercial factors became important. This was particularly true with respect to nuclear and missile-related technologies and their exportability. Technology transfers by China to Pakistan are the most visible case. These exports have provided Islamabad the important foundation for Pakistan's missile and nuclear weapons program. For China, the Middle East also continues to be another key market for sales of advanced technologies, and these exports are a major source of revenue.⁴⁹

⁴⁵ "Chinese Policies on Arms Control and Proliferation in the Middle East," by Gerald M. Steinberg, in *China and the Middle East* by R. Kumaraswamy, 1998, No.3-4.

⁴⁶ For a detailed discussion see "No-First-Use and China's Security," by Liu Huaqiu, The Henry L. Stimson Center, June 24, 2001.

⁴⁷ China recently announced it would spend an additional \$9.7 billion to upgrade its nuclear forces modernization program to allow for "a "vigorous counterattack once hegemonists and their military alliance use nuclear weapons to make a surprise attack on China," according to General Zhang Wannian of the PLA. The extent of modernization will undoubtedly be a function of US missile defense plans and how China evaluates the impact of those plans on its security.

⁴⁸ Interview conducted with a Chinese diplomat in Washington, DC, September 7, 2001. See also, "The Asian Nuclear Reaction to China," by Joseph Cirincioni, *Carnegie Endowment for International Peace*, August 29, 2001.

⁴⁹ China has exported arms and military technologies to Iran, Iraq, Syria, Saudi Arabia and Egypt, and has political interests in developing closer ties to the Persian Gulf. Beijing views its sales to the states as a form of retaliation for the US's arm sales to Taiwan.

It appears that in the wake of the 1998 nuclear tests by India and Pakistan, Beijing may want to reconsider its export policies. These events were a substantial shock to the nonproliferation regime, and have endangered the future of the NPT. Suddenly, China has a nuclear rival in its geographic region. Ironically, among the reasons cited by India for its decision to go nuclear, is the Chinese assistance provided to Pakistan's nuclear weapons and ballistic missile program.

The widespread proliferation of missiles and nuclear weapons in South Asia and the Middle East does not serve China's interests, and may become a source of concern, leading to a willingness to curtail exporting these destabilizing arms and technologies.

In the last decade, Beijing has become more centrally and constructively involved in multinational nonproliferation fora, joining the NPT, the CWC, the Nuclear Suppliers Group (Zangger Committee) and the CTBT. It has embraced the normative assumptions of nonproliferation and has institutionalized its obligations through the adoption of national export control legislation and regulations.

In the case of the CTBT, China was initially quite reluctant to join the negotiations. At that time (1994), Beijing was in the middle of its first major missile and nuclear modernization program and had conducted far fewer nuclear tests than any other country. Chinese participation in the CTBT discussions meant that for the first time Beijing would adopt real constraints on its military capabilities. Yet, the international pressure increased on China to join the CTBT and to halt all nuclear testing.

In particular, China's CTBT concerns were primarily threefold. These included: the scope of the treaty, and the exception to peaceful nuclear explosions (PNEs); verification issues related to the use of national technical means (NTMs); and, the acceptability of on-site inspections (OSI). During the end-stage of the CTBT negotiations Sino-U.S. bilateral discussions reached a peak of exclusivity concerning the OSI trigger mechanism. The United States wanted a "red light" procedure whereas China wanted a "green light" one.⁵⁰ Drawing on the Chinese compromise formula, Washington and Beijing agreed upon the "green light" procedure requiring 30 votes. U.S. officials viewed China's serious and detailed efforts to resolve this impasse as an indication of the positive contributions Beijing was willing to make to global arms control efforts.⁵¹

This bilateral Sino-U.S. effort continued following the India and Pakistan nuclear tests. The responses of the U.S. and China reflected a mutual recognition of the dangers of overt vertical proliferation and weaponization in South Asia. In June 1998, Washington and Beijing jointly initiated the drafting of United Nations Security Council Resolution 1172, which condemned the tests and called upon New Delhi and Islamabad to halt further

⁵⁰ In the CTBT, the "green light" procedure is one in which the on-site inspection is not automatic and 30 members of the 51 member Executive Committee have to agree for it to go forward; a "red light" procedure is one in which an inspection is automatic unless prohibited by a vote of the Executive Committee.

⁵¹ *Op. Cit.*, in "Rebuilding Bilateral Consensus," by Evan S. Medeiros, p. 133.

testing and to abandon their nuclear programs, and for both to join the NPT and the CTBT.⁵²

These nascent bilateral relations have somewhat faded in recent years. Beijing's view is that Sino-U.S. cooperation should increase and that neither should look at each other as an enemy.⁵³ However, a couple of challenges loom on the horizon for Washington and Beijing. First, is the need to rebuild their arms control and nonproliferation dialogue since the accidental bombing of the Chinese Embassy in Belgrade. Other issues include acute differences that exist over Washington's deployment of a NMD, and the impact of a NMD on Beijing's security concerns. In fact, China has called upon the international community to "make a concerted effort to conduct fair, reasonable and comprehensive disarmament," and emphasized "...the prevention of an arms race in outer space... and an anti-missile system that will damage strategic stability is the top priority."⁵⁴

There is no question that China is concerned that the global strategic environment not be compromised and that Beijing's national security interests not be undermined. With the U.S. Senate's rejection of the CTBT, compounded by the opposition that President Bush has to the CTBT, and the declared intention of the Administration to move forward on a NMD, many issues affect the Sino-U.S. dialogue. In principle Beijing is still very committed to the CTBT and feels that 'overall it is a good treaty.' In China's view the U.S.'s actions on the CTBT provide for the international community an example and an impetus "good" or "bad" for other countries to take action. China will in due course ratify the CTBT. It will not wait for Washington to take this lead. In the case that India ratifies the CTBT, "this action will not influence our (Chinese) thinking to ratify."⁵⁵

From a global perspective, Chinese arms control and nonproliferation policies can be described as ambivalent if not at times contradictory. On a declaratory basis, Beijing is formally committed to nonproliferation. This is a marked change from its previous stated policy of several decades ago, yet it continues to permit the transfer of weapons and dual-use technologies to outcast states.

6.5. The Remaining Five:

The remaining five States that must ratify the CTBT for EIF – Algeria, Columbia, Congo, Indonesia and Vietnam – are countries that consistently support comprehensive nuclear disarmament and see the ratification of the CTBT as the first stage in attaining this former goal through hampering the qualitative improvement of nuclear weapons. Their cumulative position is that there is no justification for the maintenance of nuclear arsenals for the security of a handful of powerful states. In addition, the lack of ratification by the

⁵² *Ibid.*

⁵³ Interview conducted with a Chinese diplomat in Washington, DC, September 7, 2001.

⁵⁴ "China Deems World Arms Control, Disarmament "at the Crossroads," in *Peoples Daily*, January 28, 2000.

⁵⁵ Interview conducted with a Chinese diplomat in Washington, DC, September 7, 2001.

remaining two nuclear weapon states – China and the United States – is evidence that they are not fulfilling their obligation under Article VI of the NPT.

More specifically, Algeria and Indonesia, both Muslim states, face domestically strong Islamic extremist movements. These movements could conceivably undermine the existing governments if ratification of the CTBT occurred without a comprehensive Arab-Israeli peace plan, and ratification by Tel Aviv of the CTBT. In addition, without the signatures of ratification of the United States and China, the EIF provisions of the Treaty become doubtful and call into question the true intent of these nuclear weapon states to the NPT and to nuclear disarmament.

Vietnam has consistently supported adherence to the NPT and CTBT regimes. Due to historical concerns over China, Vietnam has used India as a counterweight. This new relationship is further compounded by India moving closer to Japan (another country obsessed by China), and also to the United States. Pragmatism prevails in these efforts as Vietnam and India emerge as strategic partners against Beijing. Unilaterally, under the present strategic arrangement, Vietnam will not ratify the CTBT. Ratification will occur only when India, China and the United States pen their names to the instrument. It is likely, however, that if China and the United States ratified the CTBT, Vietnam would follow suit. It is unlikely that if India alone were to ratify the CTBT, Vietnam would follow suit.

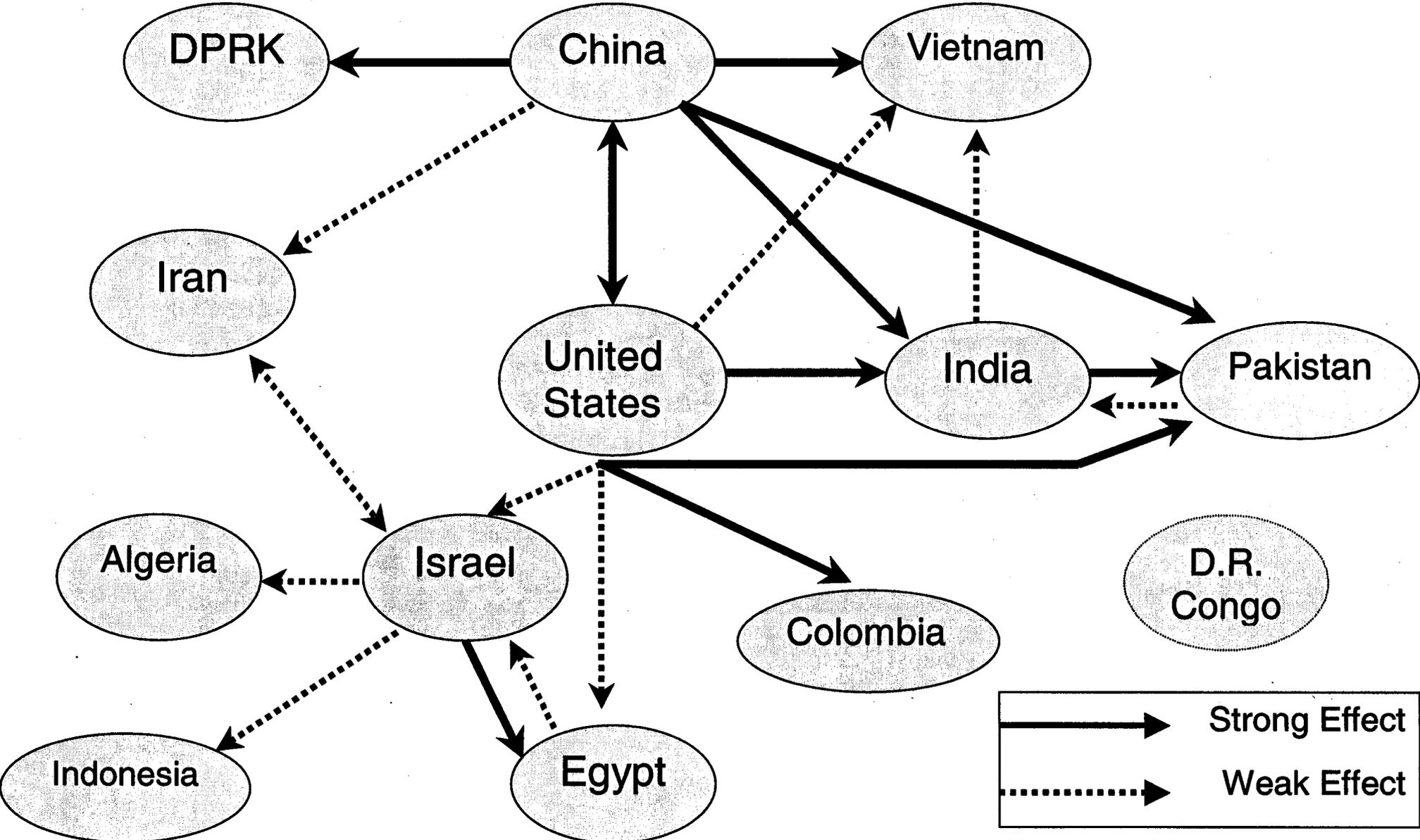
Colombia has consistently urged the nuclear weapon states to adopt and ratify the CTBT as part of the process leading to the total elimination of all nuclear weapons. Colombia's preoccupation with its domestic political unrest [Revolutionary Armed Forces of Colombia (FARC)] and its war on narcotics has affected its performance in the international arena. The extent of U.S. support, economically and politically as part of Washington's war on drugs, leaves no doubt that if Washington were to ratify the CTBT, Colombia would do likewise. It cannot afford to alienate Washington and expect its continued support.

Finally, the Democratic Republic of the Congo is a basket case, politically, economically and socially. Civil war, famine, domestic violence and abuse, corruption and a break down of overall society are all ingredients that do not lend to governing in any orderly manner. Issues pertaining to nonproliferation and the CTBT are too far down on the list of concerns of the central government and are not of priority for Congo's political leaders and decision-makers.

7. Conclusions:

The rejection of the CTBT by the U.S. Senate was a major setback for the whole ratification process necessary for the CTBT's entry-into-force. However, although Washington's signature is necessary, it is not sufficient to induce the other twelve States' to ratify this protocol. Figure 2 illustrates the interrelationships between the thirteen

Figure 2: Impact of Ratification on Article XIV States



non-ratified States to the CTBT. The analyses and interviews conducted suggest that Washington is viewed by the international community as the key to this ratification process.

China may ratify the CTBT without waiting for the United States, and when this occurs it will be at a time of its choosing. A Chinese diplomat noted that U.S. action on ratification provides other States with the impetus to sign. No doubt if Beijing ratified the CTBT it would also exert political pressure upon North Korea and Pakistan to also subscribe to the Treaty.

China is an essential interlocutor with North Korea and therefore it has influence on Pyongyang's actions. However, it is Washington who can command attention under the "Agreed Framework". Economic incentives by the U.S. could greatly hasten Pyongyang's signature to the CTBT.

In the case of Islamabad, it has linked ratification of the CTBT to New Delhi's actions. However, Pakistan would sign the CTBT if the U.S. provides aid. This could happen with or without Washington's ratification. India, on the other hand, has legitimate security concerns when it comes to China, although on the surface it has tied ratification of the CTBT to the actions of Pakistan. Like Islamabad, the lifting of these sanctions by Washington would enhance the U.S.'s ability to influence India in signing the CTBT. Moscow is also in a position to assist in this process. Vietnam might take its cues from New Delhi as to the actions it should take. Likewise, the United States could play a role in influencing Vietnam.

Without a comprehensive solution to the Arab-Israeli conflict, Israel, Egypt, Indonesia and Algeria will not ratify. It will require Washington's full diplomatic prowess for this to occur. Tel Aviv, although a strategic partner of the U.S., exercises significant autonomy from Washington. Therefore, the influence the U.S. can exert is somewhat limited. Israel has its own agenda as to how its relationship with its Arab neighbors determines its actions, sans the influence of Washington.

Iran is a wild card in this mix. Its ratifying the CTBT will basically be dependent on the maturation of the political climate within Iran and the government's perceived views of Israel. China has only limited influence on Teheran in these matters. To ingratiate itself to the international community, Tehran could ratify the CTBT. This would be done regardless of what ratification actions Washington took on this matter.

Finally, both Colombia and the Congo face serious domestic problems. In the case of Colombia it is likely that ratification by the United States would provide the momentum necessary for Colombia to do likewise. The case of the Congo is less predictable, albeit it would ratify the CTBT if both Beijing and Washington have penned their signatures to the instrument. In fact, if the latter were the case, the likelihood for the CTBT's entry-into-force would be highly enhanced.

Overall, the United States has significant influence over many of the twelve States that have not signed or ratified the CTBT. However, there are many other intervening factors that impinge upon this process. The entry-into-force of the CTBT is multifaceted, with no one State controlling the outcome.

8. Postscript: September 11 and the War on Terrorism

On September 11, 2001, the United States embarked on a new and uncharted course, fighting terrorism in its own backyard, as well as abroad. The Bush Administration's priorities and agenda have been changed. Emphasis on counter-terrorism and homeland defense now far outweighs all other considerations, domestic and foreign, including arm control issues. America's security interests will be foremost in foreign policy decisions. Prior to September 11th, the CTBT was not viewed favorably by the Bush Administration. President Bush had called the CTBT a flawed treaty and noted that it might be best for the U.S. to opt out of such defective multilateral treaties. Under U.S. law, the Treaty is under the control of the Senate Foreign Relations Committee and a majority vote of the Senate is required to transfer control of the Treaty back to the White House. Such a vote by the current Senate is extremely unlikely. The administration stated in August 2001 that it had no plans to seek Senate ratification but would continue to support the development of the International Monitoring System (IMS) by the CTBT Organization. With U.S. ratification a "non-starter", at least until after the 2004 U.S. election, the prospects for entry-into-force are extremely poor and the question becomes whether the CTBTO can remain a viable organization and continue progress in the establishment of the IMS and the on-site inspection system.⁵⁶

In the current unsettled domestic and international political environment, an alternate scenario is possible although it is too early to assess its likelihood. President Bush has organized a coalition of States, with various points of view, to fight the war on international terrorism. The Bush Administration now finds itself in the position of having to do a complete turnabout from its initial policies of unilateralism and disengagement. In spite of its philosophical objections to the CTBT, administration support for the treaty might grow as part of its efforts to maintain the anti-terrorism coalition. Practical international quid-pro-quo considerations might give the CTBT a new lease on life.

⁵⁶ The United Nations postponed the September 2001 entry-into-force meeting for sometime in the near future.

Appendix A: Article XIV of the CTBT

ENTRY INTO FORCE

- 1. This Treaty 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, but in no case earlier than two years after its opening for signature.*
- 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. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and 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.*
- 3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.*
- 4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.*
- 5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.*

Appendix B: Complete List of Article XIV States:

STATE	SIGNATURE	RATIFICATION
Algeria	15-Oct-96	
Argentina	24-Sep-96	4-Dec-98
Australia	24-Sep-96	9-Jul-98
Austria	24-Sep-96	13-Mar-98
Bangladesh	24-Oct-96	8-Mar-00
Belgium	24-Sep-96	29-Jun-99
Brazil	24-Sep-96	24-Jul-98
Bulgaria	24-Sep-96	29-Sep-99
Canada	24-Sep-96	18-Dec-98
Chile	24-Sep-96	12-Jul-00
China	24-Sep-96	
Colombia	24-Sep-96	
Democratic People's Republic of Korea		
Democratic Republic of the Congo	4-Oct-96	
Egypt	14-Oct-96	
Finland	24-Sep-96	15-Jan-99
France	24-Sep-96	6-Apr-98
Germany	24-Sep-96	20-Aug-98
Hungary	25-Sep-96	13-Jul-99
India		
Indonesia	24-Sep-96	
Iran, Islamic Republic of	24-Sep-96	
Israel	25-Sep-96	
Italy	24-Sep-96	1-Feb-99
Japan	24-Sep-96	8-Jul-97
Mexico	24-Sep-96	5-Oct-99
Netherlands	24-Sep-96	23-Mar-99
Norway	24-Sep-96	15-Jul-99
Pakistan		
Peru	25-Sep-96	12-Nov-97
Poland	24-Sep-96	25-May-99
Republic of Korea	24-Sep-96	24-Sep-99
Romania	24-Sep-96	5-Oct-99
Russian Federation	24-Sep-96	30-Jun-00
Slovakia	30-Sep-96	3-Mar-98
South Africa	24-Sep-96	30-Mar-99
Spain	24-Sep-96	31-Jul-98
Sweden	24-Sep-96	2-Dec-98
Switzerland	24-Sep-96	1-Oct-99
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