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Report of Pugwash Consultations
on
CTBT Entry Into Force

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SUMMARY OF MAIN POINTS

by

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Introduction

This document summarizes input received during a series of Pugwash consultations in Autumn 2009. The purpose of this series of meetings was twofold:

- To explore the security concerns and political obstacles to Entry Into Force¹ of the Comprehensive Nuclear Test Ban Treaty (CTBT), and
- To obtain a better understanding of what each country can do concretely to create an environment to overcome these obstacles.

Our goal is to explore synergistic steps that can create a more positive environment and identify some preliminary steps that might facilitate Entry Into Force of the CTBT.

Pugwash convened a special meeting in New York City in October 2009 with 23 senior policy makers and experts from most of the key states. This was preceded and followed by a series of discussions in New York (at the UN), Washington, DC, Geneva, Islamabad, Beijing, and with key Middle Eastern countries.

While Pugwash is deeply grateful to all participants for their honest input, assessments, and creative suggestions, there was no attempt to seek consensus. This document is an overview of the points raised. Since the input was from varied sources, no one person should be identified with any particular point in this document. We do think, however, that there were several very useful suggestions that came out of these meetings, and we encourage dialogue at the appropriate governmental levels on some of the points raised at the end of this document.

In all of our meetings, participants reaffirmed the value of the CTBT. Its affect on regional security and global disarmament efforts was interwoven throughout the detailed discussions. Participants acknowledged that the CTBT is not an end in and of itself, but a step toward delegitimizing nuclear arsenals. Individual countries will rightly make judgment on the impact ratification and Entry Into Force will have on their own security calculus. There is some hope that we are now moving toward achieving some of the CTBT's central goals.

International environment

Participants acknowledged that these meetings took place at a remarkable time, in which the world community was witnessing many encouraging steps that could create a positive momentum toward achieving longstanding disarmament and non-proliferation goals, notably the historic chairing of the UN Security Council by US President Barack Obama and the approval of UNSC Resolution 1887, ongoing US-Russian negotiations on strategic nuclear arms, progress on ballistic missile defense issues, an approved work plan for the Conference on Disarmament, and a growing international consensus among former ministers and policy makers that an eventual nuclear weapons free world is in the security interests of all.

¹ The CTBT will enter into force 180 days after the 44 states specifically listed in Annex 2 of the Treaty have signed and ratified the treaty. These states were those with nuclear technology capabilities at the time of the final Treaty negotiations in 1996. Of these, nine are still missing: China, DPRK, Egypt, India, Indonesia, Iran, Israel, Pakistan and the USA. DPRK, India, and Pakistan have yet to sign the CTBT. See for example, "CTBTO Fact Sheet," http://www.ctbto.org/fileadmin/user_upload/public_information/CTBT_FactSheet.pdf.

CTBT trends

There also have also been positive trends regarding the CTBT itself. While at the time of the 2000 NPT Review Conference there were 50 states that had ratified the CTBT, today there are 151 (with 182 signatories). The verification regime is emerging, with 250 International Monitoring System (IMS) centers and laboratories now certified². A relatively positive side effect of the DPRK tests in 2006 and 2009 was that the system has now been tried and tested.

On September 24-25 2009, the Conference on Facilitating Entry into Force of the CTBT, or “Article XIV conference” took place in New York City and involved representatives from 103 States (86 ratifying States, 13 signatory States and two non-signatory States)³. The final document states,

We call upon all States which have not yet done so, to sign and ratify the Treaty without delay, in particular, those States whose ratification is needed for entry into force. **We strongly encourage such Annex 2 States to take individual initiatives to ratify the Treaty. We also commend efforts to create conditions facilitating ratification by such Annex 2 States, including confidence building measures through which such States could be encouraged to consider, as an option, ratifying the Treaty in a coordinated manner.** At the same time, we renew our commitment to work for universal ratification of the Treaty and its early entry into force (emphasis added).⁴

While there is a need to give capitals of the remaining nine so-called ‘Annex 2’ countries time to assess how this new international situation plays into each country’s individual situation, this series of Pugwash consultations built on the approach called for in the above declaration.

We focused on opportunities for leadership among the key countries and, to the extent possible, on identifying ways in which these individual national actions might have a synergistic effect benefiting the global non-proliferation and disarmament regime. This is time urgent. While there is a current international focus on nuclear disarmament, there are those who question whether this is a permanent ‘turn of the page’ or if things could regress.

There is a danger the current window of opportunity may be missed if the CTBT is tied too much with the need to resolve regional problems in the Middle East, in South Asia, etc. Some of our participants thought there is a window of approximately 1-2 years, and if missed, a similar opportunity may not present itself for a generation.

In other words, according to one of our participants, the ‘transformative efforts’ of Obama and others must now be urgently operationalized.

One of the main issues addressed in several meetings was the view that the US bears the main responsibility for leading the Annex 2 countries into ratification. On the other hand, people in Washington pointed out that a positive approach towards the CTBT from the remaining Annex 2

² See for example, statement of Tibor Toth, Executive Secretary CTBTO, 17 November 2009, [http://www.ctbto.org/fileadmin/user_upload/public_information/2009/Verification Statement 17 November 2009.pdf](http://www.ctbto.org/fileadmin/user_upload/public_information/2009/Verification_Statement_17_November_2009.pdf).

³ “Unique Day for Comprehensive-Nuclear-Test-Ban Treaty,” Press Release, 25 September 2009.

<http://www.ctbto.org/press-centre/press-releases/2009/unique-day-for-comprehensive-nuclear-test-ban-treaty/>

⁴ “Annex, Final Declaration and Measures to Promote the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty,” CTBT-Art.XIV/2009/6, available at: http://www.ctbto.org/fileadmin/user_upload/Art_14_2009/CTBT-Art.XIV-2009-6.pdf

countries could have an important impact on the US Senate and could play some role in any future attempt to bring about CTBT ratification in the Senate.

The goal of our past and future activities has been and will be then to encourage key political players in various countries to see what can be done in each country to support the idea of CTBT Entry Into Force while stressing the synergistic elements, as opposed to the “wait and see what others are doing” approach.

Country Profiles

This section gives a general overview of the situation in the nine remaining Annex 2 countries. It is not meant to be fully comprehensive. We welcome feedback and dialogue on these points.

China (*signed, not ratified*)

The Chinese Foreign Minister recently reiterated Chinese support for the CTBT. “China is the Treaty’s constant supporter and abides by its commitment to moratorium on nuclear test [sic]. ...China has...also taken active and steady steps to advance the preparatory work for the implementation of the Treaty....The Chinese government will continue to work with the international community to facilitate the early Entry Into Force of the Treaty.”⁵

A 17 November 2009 joint statement between US President Barack Obama and President Hu Jintao states, “They committed to pursue ratification of the Comprehensive Nuclear-Test-Ban Treaty as soon as possible, and will work together for the early entry into force of the CTBT.”⁶

It is widely believed that China will ratify once the US Senate confirms the CTBT. However, some in Washington, DC believe that if China would ratify the CTBT, but withhold deposition of the ratification until the US ratifies, then that would give China maximum political leverage to ensure US ratification.

It was noted that China could play an important leadership role. If a country like the PRC, with modest numbers of nuclear weapons and a more limited testing history than the US, can feel comfortable about its warhead reliability under a CTBT, then this would send a clear message to the US and other countries that they too can have a similar confidence.

Democratic Peoples’ Republic of Korea (*has not signed nor ratified*)

The CTBT is not an active part of the ongoing discussions and priorities in relation to negotiations with the DPRK. It was, however, considered conceivable by some participants that the DPRK might make a statement on a testing moratorium, and that this might be the most realistic “ask” at this moment in time. After a series of successful confidence building measures and progress on these issues, this discussion might then be reopened. This further emphasized the need for the negotiations to move forward in a productive manner.

⁵ “Message from H.E. Yang Jiechi Minister of Foreign Affairs for the People’s Republic of China to the Sixth Conference on Facilitating the Entry Into Force of the Comprehensive Nuclear-Test-Ban Treaty,” 24 September 2009. http://www.ctbto.org/fileadmin/user_upload/Art_14_2009/240909_Afternoon_Session/240909_China.pdf

⁶ “In Full: US-China Joint Statement,” CBS News, 17 November 2009.

<http://www.cbsnews.com/blogs/2009/11/17/politics/politicalhotsheet/entry5677524.shtml>

It was noted, however, that the DPRK has sent signals in the past by not restarting plutonium production and seems to be doing so now. Although this was perhaps a ‘two-edged’ signal with the implicit threat to resume, it was noted that in stopping reprocessing numerous times the DPRK gave up a significant amount of plutonium.

A concern was raised, however, that more attention needs to be paid to the impact on prospects for CTBT entry into force if the DPRK were to test prior to a vote on CTBT ratification in the US Senate. It was noted that DPRK probably does not yet have the ability to arm missiles with nuclear warheads, and to do this they will need possibly more tests. They also need to increase the reliability and functioning of their medium and long-range missiles. It is a reasonable assumption, according to one participant, to assume there are technical people in DPRK looking into these sorts of questions.

The need for inducements was discussed, and the fact that for years the DPRK’s negotiating position was that it wanted a new political relationship with the USA. The DPRK would like to be reassured that the US, Japan, South Korea are no longer a threat to their security and economy. It must be noted that the USA does not have a good track record in this regard, and there is a trust deficit on both sides. When the DPRK is reassured, at the minimum they may be prepared to give up capacity to build more nuclear weapons. It seems they do, however, intend to keep at least their present deterrent, though “denuclearization of the Korean peninsula” remains their stated goal, implying that even their nuclear weapons may be on the table.

It might help with negotiations with the DPRK if the US were to make a statement to the effect of “The U.S. maintains nuclear weapons to deter, and if necessary, respond to nuclear attacks against itself, its forces, or its friends and allies.” Some thought this might be possible in the context of the US nuclear posture review, or some sort of negative security assurance.

Questions were discussed over the possible proactive role China might play in promoting a positive outcome, though some expressed the sense that the possible impact of China’s role may be smaller than what is generally believed.

Egypt (*signed, not ratified*)

In Egypt public opinion is focused on the non-universality of the NPT, with attention to the CTBT framed in that context. At the recent Article XIV Conference, Amb. Abdelaziz restated Egypt’s position:

Egypt played a visible role in the negotiation of the CTBT and was among the first states to sign the Treaty in 1996. Egypt’s support for the Treaty has been associated with the fact that, as stipulated in the CTBT preamble itself, CTBT is a complementary reinforcement to the NPT system, and was motivated by the adoption of the NPT 1995 review/extension package that included an essential resolution on the Middle East....the 2010 Review Conference will be of paramount importance to move our agenda together, to implement the 1995 Resolution on the Middle East, which will open the doors for a new horizon to the CTBT.⁷

There is a deep sense of frustration in Egypt that there has not been significant progress on the Middle East resolution, and this affects not only the CTBT but prospects for a successful NPT Review Conference as well. Ways on which the Middle East WMD Resolution could be implemented have been

⁷ Statement of Egypt, delivered by H.E. Amb. Maged Abdelaziz, Permanent Representative of Egypt to the United Nations in New York, at the Conference of Facilitating Entry Into Force of CTBT, 25 September 2009, http://www.ctbto.org/fileadmin/user_upload/Art_14_2009/250909_Morning_Session/250909_Egypt.pdf

discussed and several proposals have been considered, including an international coordination to promote a WMD Free Zone in the Middle East.

In our meetings, some expressed the view that there is a need to create the public environment in Egypt for discussing the CTBT. However, others felt that at the moment, if Egypt were to push forward on CTBT, it may be counterproductive, as many would raise the raw history that when Egypt joined the NPT, Israel did not follow suit. They would prefer for Israel to move first. On the other side, Egypt, being a member of the NPT, has also signed (but not yet ratified) the Pelndaba Treaty, so Egypt has multiple obligations that are impeding any nuclear test.

Thus, in this as in many other cases, the refusal to ratify the CTBT is mainly a part of a political checkers game, in which arms control items are the draftsmen. This is all understandable, but an effort should be made to call the attention to what the CTBT and the other arms control items mean in reality, and not only in the realm of political symbolism.

India (*has not signed nor ratified*)

India maintains a voluntary testing moratorium. Indian Prime Minister Singh reiterated India's commitment to this moratorium in a press conference with Japan's Prime Minister Hatoyama. He said, "...India has unilaterally declared moratorium [sic] on conducting nuclear explosive testing and that is a commitment we will honour."⁸

As part of the US-India deal, the Indian foreign minister reaffirmed India's unilateral moratorium on testing and the US Secretary of State and others stated this deal would be wrecked if India were to test.⁹ The Indian Prime Minister, National Security Advisor¹⁰ and the Department of Energy have all disagreed with the perception recently put forth by K. Santhanam, an Indian scientist who claims that India needs further tests.¹¹

⁸ "Japan asks India to sign CTBT, no word on N-deal," Press Trust Of India, 29 December 2009, <http://ibnlive.in.com/news/japan-asks-india-to-sign-ctbt-no-word-on-ndeal/107916-3.html>

⁹ Secretary of State Condoleezza Rice told Congress on April 5, 2006, "We've been very clear with the Indians...should India test, as it has agreed not to do, or should India in any way violate the IAEA safeguard[s] agreements to which it would be adhering, the deal, from our point of view, would at that point be off." <http://csis.org/publication/us-india-nuclear-deal-and-nonproliferation>. A US government official responded to a Congressional question on this matter by saying, "Article 14 of the proposed US-India agreement for cooperation provides for a clear right for the U.S. to terminate nuclear cooperation and a right to require the return of equipment and materials in all of the circumstances required under the Atomic Energy Act, including if India detonated a nuclear explosive device...." Questions for the Record Submitted to Assistant Secretary Bergner by Chairman Tom Lantos, House Committee on Foreign Affairs, October 5, 2007, http://media.washingtonpost.com/wp-srv/world/documents/Lantos_Letter.pdf

¹⁰ National Security Adviser M.K. Narayanan, "As of now, we are steadfast in our commitment to the moratorium. At least there is no debate in the internal circles about this." In the same article he is quoted as saying, "I think we need to now have a full-fledged discussion on the CTBT." Quoted in Siddharth Varadarajan, "NSA: India doesn't need another nuclear test," The Hindu, 30 August 2009, <http://www.thehindu.com/2009/08/30/stories/2009083059910800.htm>

¹¹ K. Santhanam, a former official with the Defence Research and Development Organisation, was quoted as saying, "We can't get into a stampede to sign CTBT. We should conduct more nuclear tests which are necessary from the point of view of security," Times of India, 27 August 2009, <http://timesofindia.indiatimes.com/india/No-CTBT-India-needs-more-nuclear-tests-Pokhran-II-coordinator-/articleshow/4940502.cms>. Following Santhanam's statement, the government reportedly "strongly refuted claims that the 1998 test of a thermonuclear device had been a failure", Siddharth Varadarajan, "'Fizzle' claim for thermonuclear test refuted," The Hindu, 28 August 2009, <http://www.hinduonnet.com/thehindu/2009/08/28/stories/2009082859831000.htm>. This article quotes Principal Scientific Adviser R. Chidambaram.

As part of the Lahore Declaration, there is a Memorandum of Understanding¹² between the India and Pakistan that the two sides remain committed to the moratorium. For ten years this moratorium has held, and there has not been a single statement in public discussing testing (prior to Santhanam). On 1 January of each year, there is an exchange regarding nuclear installations in which each side agrees not to attack the others' installations. There are notifications of ballistic missile tests. The MOU includes also discussion of nuclear doctrine.¹³ In 2007 India and Pakistan signed detailed nuclear risk reduction measures. There are still questions as to how to work through Pakistan's concerns regarding the Indian stockpile.

Some participants suggested it might be useful to go back to the MOU, to explore expanding the 'non-attack' provisions to other facilities, and use this as a way to restart the process. India supports an FMCT.

In September 1998, Indian Prime Minister Vajpayee emphasized India's commitment to the goals of the CTBT, "After concluding this limited testing program, India announced a voluntary moratorium on further underground nuclear explosions," he said. "We conveyed our willingness to move toward a *de jure* formalization of this obligation. In announcing a moratorium, India has already accepted the basic obligation of the C.T.B.T."¹⁴ He also stated that India would not stand in the way of operationalizing the CTBT.¹⁵

It was agreed that building on the momentum of Obama's Prague speech, ratification by the US and China, for example, would certainly create a more favorable environment in India not only for the CTBT but also for the general framework of nuclear disarmament. Some participants thought that these sorts of steps would create the conditions where India's unilateral moratorium could transition into a legally binding obligation. Indian Prime Minister Manmohan Singh reported stated recently in December 2009 that, "'Should the US and China ratify the CTBT, a new situation will emerge."¹⁶ An even more direct commitment from the leaders would be most useful.

There is however a spectrum of views in India, as in all countries. Participants discussed the possible negative impact of encouraging debate in India at this time. At the moment, some said, there is no serious 'application of minds' to the idea of conducting nuclear tests likelihood of an Indian test in the foreseeable future is seen by some as negligible, though questions related to design and reliability cannot be ignored, as is the case in most states with nuclear weapons. It was felt that this situation is unlikely to change unless there is a dramatic turn—for example if the nuclear regime collapses, or if there is a need for nuclear modernization, or if the Indian security environment is severely undermined. Some pointed out that if India takes steps to test as threatened by K. Santhanam, it will be of interest to see if it takes steps to change the Lahore Declaration. Some thought that even if relations were normalized between

¹² The Lahore Declaration states (21 February 1999 Memorandum of Understanding): "The foreign secretaries agreed that the two sides....shall continue to abide by their respective unilateral moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty decides that extraordinary events have jeopardized its supreme interests;" See for example: <http://cns.miis.edu/inventory/pdfs/lahore.pdf>, p. 3.

¹³ For related documents, see "Lahore Summit, February 20-2, 1999,"

<http://www.stimson.org/southasia/?sn=sa20020109215>

¹⁴ Quoted in Barbara Crossette, "New Delhi Pledges to Sign World Ban on Nuclear Tests," New York Times, 25 September 1998, <http://www.nytimes.com/1998/09/25/world/new-delhi-pledges-to-sign-world-ban-on-nuclear-tests.html?pagewanted=1>

¹⁵ See for example, "To save N-deal, PM says India won't sign CTBT", Times of India, 12 June 2008,

<http://timesofindia.indiatimes.com/india/To-save-N-deal-PM-says-India-wont-sign-CTBT/articleshow/3121769.cms>

¹⁶ Josy Joseph, "Let US, China Sign CTBT First [sic], Singh Tells Japan," DNA, 30 December 2009.

http://www.dnaindia.com/india/report_let-us-china-sign-ctbt-first-singh-tells-japan_1328949

India and Pakistan it is unlikely that either would sign/ratify the treaty due to nationalist sentiments and pride.

Indonesia (*signed, not ratified*)

Indonesia's recent statement that it would ratify the CTBT immediately after the US ratifies was widely appreciated as a very positive step. Indonesian Foreign Minister Hassan Wirajuda stated in June 2009, "We share [President Obama's] vision of a world in which nuclear weapons have been eradicated. We trust that he will succeed in getting the CTBT ratified—and we promise that when that happens, Indonesia will immediately follow suit."¹⁷

Iran (*signed, not ratified*)

It was noted that officially Iran has not indicated any specific anti-CTBT sentiment, that it has generic support for it, though it couches its support, as do some other countries, in terms of general trends toward nuclear disarmament. For example, at the 2007 Article XIV conference, Amb. Ali Asghar Soltanieh said,

...the Islamic Republic of Iran believes that the following key factors could pave the way for the total elimination of nuclear weapons in general, and early entry into force of the CTBT in particular:

- The NWSs bear the main responsibility in entry into force of the CTBT and they should take the lead in this regard. Ratification of the CTBT by Nuclear Weapon States could be considered as a positive step towards restoration of the confidence of NNWSs and international community.
- Some of the Annex II States are not even a party to the NPT and have un-safeguarded nuclear material and facilities. Their promptly acceding to the NPT would be another significant element in facilitating early entry into force of the CTBT.¹⁸

While the absence of exposure on the issue can create opportunities for forward movement, it was felt that Iran is unlikely to start with the CTBT as a confidence building measure.

In Iran the issue of the CTBT is not considered separate from nuclear negotiations. Movement on the Middle East WMD Free Zone might help. Perhaps a 5+1 agreement could imply a corollary for CTBT ratification. However it was noted that of the '5+1', 2 of the 6 have the same position as Iran with regard to the CTBT so there is no leverage to push Iran on the issue at the moment. It was felt it might be useful to emphasize NAM support for the CTBT in discussions with Iran¹⁹.

¹⁷ Indonesian Foreign Minister Hassan Wirajuda at the Carnegie Endowment on 8 June 2009, <http://www.carnegieendowment.org/events/?fa=eventDetail&id=1356>

¹⁸ Statement by H.E Ambassador Soltanieh, Permanent Representative of the Islamic Republic of Iran To the UN and other international organizations in Vienna, To the Fifth Conference on Facilitating the Entry into Force of the CTBT Vienna, September 17-18, 2007,

http://www.ctbto.org/fileadmin/content/reference/article_xiv/2007/statements/1809_pm_session/1809pm_iran.pdf

¹⁹ The final document of the XV Summit of Heads of State and Government of the Non-Aligned Movement, Sharm el Sheikh, Egypt, 11 – 16 July 2009 states, "The Heads of State and Government *stressed* the significance of achieving universal adherence to the CTBT, including by all NWS, which, inter alia, should contribute to the process of nuclear disarmament. They *reiterated* that if the objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the NWS, to nuclear disarmament would be essential." NAM2009/FD/Doc.1, <http://www.namegypt.org/Relevant%20Documents/01FINAL%20DOCUMENT.DOC>

If one considers the Iranian declaration that they have no intention to build nuclear weapons, the logical consequence is that it should be possible to have inspections, transparency, and possibly to allow international bodies to have control. If this is combined with the lifting of sanctions, this is a possible way out of the deadlock. It should not be politically impossible to consider as a side point negotiating for CTBT ratification.

It was noted that the extent to which Iran may help test a ‘new non-proliferation regime’, and to be at the forefront of facilitating communications and scientific understanding of the possibilities of this new regime, there may be prospects for cooperation.

Israel (*signed, not ratified*)

At the most recent Article XIV conference, Amb. David Danieli reiterated Israel’s “unequivocal support for the CTBT. Israel’s support has been manifested all along including in our active participation in the many activities of the Preparatory Commission.”²⁰ He emphasized the need to address nuclear issues in their regional context.

Participants in the Pugwash consultations emphasized that Israel gave great thought before signing the CTBT, and that this should be seen as a very clear commitment. It was noted that when the yearly CTBT resolutions come up in the First Committee, Israel always votes for them and agrees to the ministerial declarations. Further Israel has welcomed verification centers, and has political standing within the CTBTO, and it was expressed that this should be viewed as an important perspective on Israel’s policy toward the CTBT. Israel is not likely to tie its ratification of the CTBT to ratification by other countries.

Participants stressed that from the Israeli perspective it is important to see how the regime and the non-proliferation architecture can deal with breaches. Israel prioritizes a very structured regional process based on confidence building measures, and improved relations with neighbors over global regimes. This is anchored in a 1993 cabinet decision, adopting a step by step approach, starting with peace accords between Israel and its neighbors, followed by confidence building measures, followed by regional processes, conventional arms control, then non-conventional (bio, chemical, then nuclear). This is not envisioned in decades but in a few years, step by step and gradual. It was noted that while it has not ratified various regimes (CWC, BWC, NPT), Israel has incorporated into its legislation the relevant suppliers’ group regimes.

Israel does not see May 2010 as a critical date for the CTBT, as they are not a party to the Review Conference, and are not likely to join the NPT in the near future.

Due to regional considerations, Israel will not ratify the treaty, especially given their concerns about Iran’s current policies. Others commented that there are a lot of people in Israel who are ready to go back to ACRS, to see what can be done in a regional forum.

Pakistan (*has not signed nor ratified*)

At the 2007 Article XIV conference, Amb. Shahbaz reaffirmed Pakistan’s support of the CTBT. He said, “Despite being a non-signatory state, we are not opposed to the objectives and purposes of the treaty.

²⁰ Statement by Ambassador David Danieli, Deputy Director General (Policy), Israel Atomic Energy Commission, Conference on Facilitating Entry Into Force of the Comprehensive Nuclear Test Ban Treaty, United Nations, New York, 24-25 September 2009, http://www.ctbto.org/fileadmin/user_upload/Art_14_2009/240909_Afternoon_Session/240909_Israel.pdf

Pakistan had resolved to abide by the main provisions of the Treaty by declaring and maintaining a unilateral moratorium on nuclear testing in 1998.”²¹

Pakistan maintains its Memorandum of Understanding regarding a testing moratorium with India (see above) and is likely to continue to maintain this moratorium, unless something undermines it. There is a belief that if the US were to ratify the CTBT and if momentum builds with India, Pakistan would not stand in the way. Currently, there is a question as to why Pakistan should move forward if the US, India, and China have not done so.

There is no opposition to CTBT (or even to FMCT) in terms of principles, but there is a sense that before Pakistan could proceed, reassurances concerning India should be very clear. The US India nuclear deal has obviously sent the wrong message in general and to Pakistan in particular, and a forward looking Indian nuclear policy (non increase of forces, CTBT, etc.) would have of course a positive effect on Pakistani nuclear policy. Statements or hints that the US might decide to take control by force of Pakistani nuclear weapons in time of crisis, have of course the opposite effect. Likewise statements or hints that India may need to test again, have a detrimental effect in Pakistan on these issues.

There remains a considerable conventional imbalance between Pakistan and India, and the Composite Dialogue is stalled. Given this conventional imbalance, some participants in the Pugwash consultations questioned whether it is a given that Pakistan would move forward on the CTBT even if India does. Another negative point was that like India, Pakistan may not have confidence in its designs. Although neither country likes to discuss this, they do not have a sense of where they want to stop. Pakistan’s nuclear weapons are India-specific, and this may create both opportunities and challenges for the CTBT. There was a sense that if the US continues to pressure Pakistan on nuclear security issues, and if Pakistan feels squeezed between India and the US on this topic that there is no way they will move forward.

Some participants believed that perhaps the best way to promote discussion would be to make the technical aspects of the CTBT more widely known, especially given the developments made in the past decade. This sort of discussion could move forward in parallel with progress in other areas of the disarmament regime, including confidence building measures and regional security.

It was noted that Pakistan is participating in some of the technical work of the CTBTO, though this is not widely publicized.

United States of America (*signed, not ratified*)

At the recent Article XIV conference, US Secretary of State Hillary Clinton reiterated the Obama Administration’s support for the CTBT:

The Comprehensive Nuclear-Test-Ban Treaty is an integral part of our non-proliferation and arms control agenda, and we will work in the months ahead both to seek the advice and consent of the United States Senate to ratify the treaty, and to secure ratification by others so that the treaty can enter into force.....President Obama and I applaud Indonesian Foreign Minister Wirajuda’s recent

²¹ Statement by Ambassador Shahbaz, Permanent Representative of Pakistan to the International Organizations in Vienna, Conference on Facilitating the Entry Into Force of CTBT, Vienna, 17-18 September 2007, http://www.ctbto.org/fileadmin/content/reference/article_xiv/2007/statements/1809_pm_session/1809pm_pakistan.pdf

pledge that his country will move forward with ratification once we have done so. We look forward to similar statements from the remaining Annex 2 nations...²²

The US further reaffirmed its commitment to the CTBT in a joint US-EU declaration in November 2009, “We express our support for entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) at an early date, and in the meantime continued observance of moratoria on nuclear test explosions.”²³

Following the failed 1999 ratification vote in the US Senate, there is now for the first time in a decade active consideration of putting forward the CTBT for ratification in the US Senate. A total of 67 votes are needed, and approximately 7 are still questionable. Some say the target should be 68 or 69 to allow for a ‘hedge.’ Achieving this target may become more difficult after the Democratic defeat in the recent special election in Massachusetts and the upcoming mid-term elections.

President Obama has said he will not authorize new nuclear warhead development (despite contrary statements made by Secretary of Defense Gates). The US National Academy of Sciences has a study underway to address some of the technical issues. The US Nuclear Posture Review (now reportedly due 1 March, though there are indications this date may slip further) is another bellwether. The recent JASON report on warheads definitely stated that there are no concerns about the aging of the arsenal.²⁴ It is possible some of arguments from the defense establishment may arise during debate of the US-Russia Strategic Arms Reduction Talks, though the belief is that the Obama administration firmly realizes that designing a new warhead is not necessary and would complicate their broader non-proliferation goals. Meanwhile, some in the US will say, why should the US stick its head out, when there is no indication that all of the other countries will follow US ratification?

The administration understands the need to show progress, and the studies about to be published may help with this. The Vice President is beginning to make speeches, and it might be possible to start Senate Foreign Relations hearings ahead of time. However, there is a strong concern that it would be a huge mistake to push for a vote before the numbers are solid. The stakes are high—as one participant phrased it, “There won’t be a third Senate debate on the CTBT.”

One US participant said that when the US Senate ratifies the treaty, the Indian and Pakistani and other ambassadors should expect to be called into the Oval Office, and those conversations at that time will be important bellwethers.

Mutuality and Opportunities for Further Movement

This section briefly identifies some of the areas where it might be possible to further explore the synergist elements involved with creating the climate conducive for Entry Into Force of the CTBT. Further discussion on these sorts of points is urgently needed.

The importance of dialogue and public statements

²² US Secretary of State Hillary Rodham Clinton, Remarks at CTBT Article XIV Conference, New York, NY, September 24, 2009,

http://www.ctbto.org/fileadmin/user_upload/Art_14_2009/240909_Morning_Session/240909_US.pdf

²³ 2009 U.S.-EU Summit Declaration, Annex 3, Declaration on Non-proliferation and Disarmament, November 3, 2009, <http://www.whitehouse.gov/the-press-office/us-eu-joint-declaration-and-annexes>.

²⁴ See for example, Hans Kristensen and Ivan Oelrich, “JASON and Replacement Warheads,” 20 November 2009, <http://www.fas.org/blog/ssp/2009/11/jason.php>

While some raised concerns about prematurely raising the CTBT in different countries, it was pointed out that one should not confuse this with, nor use it as, an excuse to avoid the need to get increase familiarity over the various options. Suggestions were put forward for ways to promote discussion at the appropriate levels.

Many believed that it would be very useful for the US debate in particular to have statements expressing willingness to move forward once the US ratifies from heads of state and public officials in other Annex 2 countries.

Another idea put forward was to have initiatives similar to the ‘Four Horsemen’ in the US – to get former ministers, former army chiefs, etc to start the discussion specifically on the CTBT in various countries, either through a letter or at a multilateral conference.

A related option would be to have the nine Annex 2 governments separately or in groups review the situation and make a statement before the Review Conference, to the effect that they support the objective of the CTBT, that it is an excellent instrument, that they understand that all will benefit from the treaty when it is working, etc. This might create a positive environment for the NPT Review Conference. It was pointed out that the test ban issue has been a major stumbling block in many Review Conferences.

The idea of pulling together composite documents or various declarations to which the Annex 2 countries have at times agreed may be an interesting exercise (for example, the Article XIV 5-page declaration includes most, but not India, Pakistan, DPRK or Israel; there have been General Assembly resolutions that have included Pakistan, DPRK, etc.)

Reinforcing and building upon existing commitments

Most of the Annex 2 countries have committed to testing moratoria, or in some other way have agreements or public statements that they will not test. Yet many prefer to wait for others to ratify first. The fact is that if the other Annex 2 countries do not sign/ratify the CTBT, the treaty will not Enter Into Force. The argument then that countries do not want to stick their heads out and ratify first should be switched. For states that have no intention to test, nothing is in fact jeopardized by ratifying the treaty, but rather such a move creates the momentum toward Entry Into Force.

The norms that exist to prevent testing are strong in some regions. For example, according to Ahmer Bilal Soofi, a lawyer in the Supreme Court of Pakistan and the founding President of Research Society of International Law, the moratorium on testing contained in the 21 February 1999 Memorandum of Understanding between India and Pakistan as part of the Lahore Declaration has treaty status, and thus serves as a “mini-CTBT” between the two countries. Others may still say that this MOU is a very weak substitute for the CTBT. Yet the point is that both India and Pakistan are to a certain extent legally bound not to test. This fact should be further injected into the relevant policy debates in other Annex 2 countries.

Further engaging in technical discussions

While emphasizing the ratification of the CTBT is above all a political decision, participants identified areas where technical discussions might help create an atmosphere promoting mutuality. If the scientists are convinced in different countries as to the merits of the CTBT EIF, this will have a profound impact.

For example, more discussions could be held detailing the benefits of the verification regime for countries. These sorts of discussions could contribute to an informative debate in different capitals, not

putting pressure, but stressing information sharing. The CTBTO could conduct technical sessions about the working/monitoring systems in different countries as a way to foster an informed discussion. “Convenient entry points” for discussions include a nuanced understanding of what the system can do beyond verification – for example, tsunami warning efforts. Exploring ways scientific data can be exchanged, and how scientists can contribute, is very important. This sort of discussion/presentation should be possible in most countries. The possibility of additional Middle East monitoring stations might be raised.

It was noted that all states could show their support for the treaty’s goals by funding the CTBTO. Providing CTBTO access to data and full support for all the organization’s activities would also be helpful.

A separate but related technical discussion centers on nuclear modernization as a driver for the perceived need for continued testing. Further discussions could be held both internally and between states with nuclear weapons on what matters and what doesn’t regarding modernizing nuclear arsenals.

For example, other countries are watching the US, to see if a deal will be made with the nuclear labs on nuclear modernization as a quid pro quo for Senate ratification. Such a move undoubtedly would have a negative effect in other countries. For example, if the US increases the quality and capabilities of its nuclear weapons, this will have an impact on the security calculus of other countries and cause a ripple effect. Some say this lack of US progress on the CTBT, and this outstanding question about the possible form of US nuclear modernization, is discouraging any meaningful debate in other countries.

One idea put forward was to explore the possibility of having a clear statement from the US and/or other countries, stating that new tests are not needed to maintain existing arsenals. It would be helpful if side agreements and understandings on permissible activities were made public or communicated to the CTBTO. Some expressed the opinion that this is a zero yield treaty, that hydrodynamic tests with no yield are not forbidden. Some suggested it would be worth asking the P5 what form these agreements took, as it is unclear if for example a signed piece of paper exists. Participants were advised to look very closely at the 1997 Clinton transmission of the CTBT to the Senate, which spells out an article by article analysis.

As a related corollary, some participants believed that countries need to have a more public discussion of the role nuclear weapons in their security policies, including further definition of the minimum deterrent needs, and possibly clear public statements that demonstrate an effort to decrease the salience of nuclear weapons in doctrines. This could reinforce the principle that no new designs need to be tested for the purpose of introducing new capabilities.

There was a suggestion that perhaps US National Academy of Sciences members and other scientific experts might go to India and Pakistan and other regions to discuss these issues. Some related points also could be raised in the Obama summit in 2010.

Regional interplays

As mentioned throughout this summary, regional dynamics were obviously thread through all of our discussions.

In India/Pakistan, the role of major opinion makers (former officials and the media) in catalyzing the discussion about the CTBT was discussed, while emphasizing the importance that it must not seem to be manufactured externally. Nuclear confidence building measures can help. India and Pakistan might seek to further define their minimum deterrent levels. Pugwash was encouraged to organize a meeting in the

region specifically on the CTBT and FMCT. One proposal was that India and Pakistan might use joint talks on the CTBT as a confidence building measure.

Between Israel/Egypt there exists a complex dynamic. Both countries could consider decoupling the CTBT from the Middle East situation. Egypt could perhaps begin to discuss the CTBT in terms of general global stability. It is after all not interested in nuclear testing. However, given Egypt's reluctance to ratify first due to the NPT history, some wondered if Israel might ratify first to satisfy Egypt's concerns. There was a question raised as to the wisdom of using the WMD Free Zone as a bargaining chip in a area where political leadership could have a profound impact.

A question was posed that if neither Israel nor Egypt intends to test a nuclear weapon, is it reasonable to hold the CTBT hostage to political dissatisfaction arising from the regional setting? This was put in contrast with the situation in South Asia. However, from another perspective, it was recognized that there is a degree of political normalization in South Asia which does not exist in the Middle East.

Provisional Entry Into Force

A controversial idea was raised as to when it might be necessary to think about provisional entry into force of the treaty, and whether or not the Article XIV conferences could do more work on this. For example, one possibility posed was whether or not it would be useful to move forward with provisional entry into force if all other Annex 2 countries sign and ratify, except for one (such as the DPRK). Some participants worried about the impact of leaving a 'black hole' and questioned why it is impossible to think such a hole might not be able to be blocked. There is a concern of the impact on the regime's long-term stability, and the sustainability of the NPT if we begin to think in these terms.

Anticipating possible stumbling blocks

Concerns were raised in our consultations as to the need for further consideration of the question as to what to do if a state tests or claims it will conduct a limited number of tests before ratifying. This was highlighted as a weak spot in the current climate. What disincentives to CTBT EIF would this raise and how should such a situation be handled were questions identified as needing further exploration.

Conclusion

As can be seen from the above very initial selection of possible activities, there are many ways to push forward toward the goal of Entry Into Force of the CTBT. It is essential that the international community step back from this idea of a 'chicken or egg' scenario. There are avenues that can be pursued which emphasize mutuality of interests and that can create a synergy on these issues. More work is needed to push these sorts of approaches forward, both in Track 2 and inter-governmental fora.

Pugwash would like to thank the many foundations, governments, and individuals who have shared their resources and expertise with us during this project, and we look forward to continuing our discussions in the lead up to the 2010 NPT Review Conference and beyond.

Please share any feedback on the above points.

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