

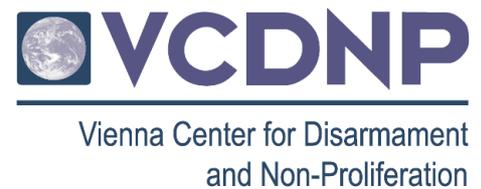
Achieving the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty



Permanent Mission of Japan to
the International Organizations
in Vienna



Permanent Mission of the Republic
of Kazakhstan to the International
Organizations in Vienna



Workshop Report
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Introduction

In 2015, the Governments of Japan and Kazakhstan served as the co-presidents of the biennial conference to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) required under Article XIV of the Treaty (the “Article XIV Conference”). Since then, these countries have served as the co-coordinators for facilitating the CTBT’s entry into force within the Article XIV process. With their Governments’ two-year terms as co-coordinators winding down, the Permanent Mission of Japan to the International Organizations in Vienna and the Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna, with the Vienna Center for Disarmament and Non-Proliferation (VCDNP), convened a workshop on “Achieving the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).” The event took place on the margins of the first Preparatory Committee (PrepCom) meeting for the 2020 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The CTBT has come a long way and achieved important successes: not only has it resulted in the establishment of an effective and highly respected International Monitoring System (IMS), but it has acquired near-universal support, creating a norm of a nuclear testing taboo adhered to by all States but one. However, 20 years after the CTBT was opened for signature, prospects for its entry into force are dim. Ratification by the eight remaining States identified in Annex 2 of the Treaty—the United States, China, India, Pakistan, Egypt, Iran, Israel and North Korea—is required for the CTBT to enter into force. The lack of action on the part of these remaining Annex 2 States is generating considerable frustration within the international community at large. What can be done to reverse the current state of affairs and improve the prospects for entry into force? What can be done to generate new ideas for achieving that result?

It was with those questions in mind that the co-organizers decided to convene a workshop on 10 May 2017 comprised of: a morning session involving a facilitated discussion among invited subject-matter experts, government representatives and officials from international organizations, which was attended by around 30 people, including 14 ambassadors; and an afternoon session, open to the public, which attracted more than 170 participants and included

a report on the results of the morning session as well as a high-level panel discussion devoted to the topic. The workshop facilitated a dialogue which, hopefully, added value to the ongoing debate on how to achieve the CTBT's entry into force.

The following report on the results of the workshop was drafted by the VCDNP, in collaboration with the Permanent Mission of Japan and the Permanent Mission of Kazakhstan.

Part 1: Facilitated Discussions

The purpose of the morning part of the workshop was to encourage a frank and open discussion on ways to achieve the entry into force of the CTBT. Towards this end, the discussion was divided into two sessions, each facilitated by a moderator:

- The first session addressed proposals to advance the prospects for the entry into force of the Treaty and was moderated by Daryl Kimball, Executive Director of the Arms Control Association;
- The second session focused on innovative and enduring ways to appeal to the general public and was moderated by Gaukhar Mukhatzhanova, Director for International Organizations and Non-Proliferation Programs at the James Martin Center for Nonproliferation Studies.

During the facilitated discussions, which were conducted under the Chatham House rule, participants were invited to speak in their personal capacities, rather than as representatives of their respective governments or organizations.

Session 1: Political and strategic proposals to advance the prospects of ratification by the remaining Annex 2 States; necessary conditions to prepare for entry into force of the CTBT, including the strengthened verification regime

During the first session, participants tackled a number of persistent challenges that the CTBT has been facing since it was opened for signature. Participants analysed existing political hurdles and tried to offer solutions to improve the prospects for the Treaty's entry into force.

The starting point for the discussion was a recognition of the near global norm against nuclear testing, adhered to by all but a single State, and the global implications of a deviation from the non-testing norm, for example if one of the hold-out Annex 2 States were to conduct a nuclear test. The consequences of such an action would be dire, in particular due to the fact that most of the eight Annex 2 States are located in regions of strategic tensions. Ensuring nuclear restraint, participants agreed, was paramount.

The reasons for the current stalemate in the CTBT ratification process were discussed at length. It was highlighted that, in many cases, leaders of the eight holdout States appeared to be waiting for each other to take action before deciding to move forward on their own. In an attempt to break this deadlock, many participants recommended finding a way to cool down regional tensions and encourage States to pursue simultaneous or parallel ratifications: the key was to find an interest—financial, strategic or reputational—which would convince States that the entry into force of the CTBT was a worthwhile cause. As challenging as this might be, it was not deemed as an impossible goal. Indeed, prospects for the entry into force of the CTBT were not seen as a “black-and-white” situation: participants agreed that the remaining Annex 2 States could take certain steps, short of signature or ratification, which could bring the entry into force of the Treaty closer. For example, States could, as a confidence building measure, start transferring data from their monitoring stations to the International Data Centre (IDC) of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)—a step which at least some of the eight holdout States have already taken. On the other hand, it was also stressed that the idea of establishing a nuclear test-free zone in the Middle East, which has been advocated as a mechanism to advance the CTBT, is perceived by some as a distraction from the broader goal of establishing a zone free of weapons of mass destruction in the region.



While the discussion focused mostly on actions by the remaining eight Annex 2 States, it was emphasized that States that have already become party to the CTBT could also play an important role by putting pressure on the holdouts. Noting that among the latter group there are three Annex 2 States which possess nuclear weapons, it was suggested that these States were optimally situated to make the argument that renouncing nuclear testing does not imply abandoning nuclear deterrence. The discussion also highlighted that there are 12 non-Annex 2 States who have signed but not ratified the Treaty; grasping these “low hanging” fruits would strengthen the international norm against nuclear testing, which in turn would put pressure on the eight holdout States.

Based on these preliminary remarks, there seemed to be some cause for hope on the entry into force of the CTBT, though none of the participants appeared optimistic enough to believe that this would occur very soon, even though the benefits of the Treaty are widely acknowledged.

The discussion also focused on possibilities for breaking the legal impasse over the CTBT's entry into force. One such proposal was provisional application. On the one hand, Article 18 of the Vienna Convention on the Law of Treaties (VCLT)¹ obliges signatory and ratifying States not to defeat the object and purpose of a treaty before it enters into force. Thus, from this perspective, one can argue that all States that have signed and/or ratified the CTBT are in effect bound not to conduct nuclear testing.

On the other hand, the CTBT could also be applied provisionally, in whole or part, based on VCLT Article 25, whereby CTBT provisions become legally binding, pending its entry into force. There will nevertheless be a number of challenges, including: reaching



agreement on the scope of provisional application, bringing signatory and ratifying States on board, addressing financial implications of provisional application and creating a decision-making organ for implementing on-site inspections (OSI).

One of the main findings of the workshop—and a highlight of this session—was participants' agreement to focus efforts on understanding what specific challenges are preventing each Annex 2 State from ratifying the Treaty. It was underscored that, with regard to South Asia, there was much that the international community and regional rivals could do, such as focusing on the balance of conventional forces. In this instance, it was once again stressed that entry into force of the CTBT should not be viewed as a black-and-white situation: a conversation on the regional balance of conventional forces could alleviate tensions and help create the necessary conditions for the Treaty's entry into force; the inclusion of conventional weapons in the picture demonstrates that the decision to adhere to the CTBT is interlinked with a State's perception of its own security.

The rich and productive discussion thus came to a close before moving on to another important topic: the role of the general public in relation to the CTBT.

¹ The text of the 1969 Vienna Convention on the Law of Treaties can found at: <https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>.

Session 2: Innovative and enduring ways to appeal to the general public

Before giving the floor to the discussants, the moderator of the second session asked the participants to consider the following questions: Who should be the target audiences for outreach on the CTBT? What effective ways are there to reach these audiences? Who should conduct such outreach activities?

In discussing these questions, participants first underlined the importance of promoting disarmament and non-proliferation education and training, especially in the eight Annex 2 holdout States. They agreed that the local populations in these countries could play a role in advocating for the Treaty's entry into force by exerting pressure on their governments' policies. The participants also stressed the importance of educating and engaging the younger generations, in particular those in the eight Annex 2 countries, as an important step that could make entry into force of the Treaty a reality.



The conversation then shifted to an analysis of existing problems in educational approaches in general. It was mentioned, for example, that traditional teacher-centred methods (i.e. where the teacher talks and the students listen) offer limited outreach opportunities. To address this problem, participants suggested that the wider use of new technologies and social networks to engage the general public could generate awareness and more effectively transfer knowledge on issues related to the CTBT and nuclear weapons testing.

The participants also discussed the strategies and approaches to reaching out to students and young professionals from an educator's point of view. Four aspects in particular were highlighted:

- (1) The benefits of simulation pedagogy and active learning strategies: the use of role-playing exercises, such as simulations of arms control negotiations, has proven to be effective in capturing the interest and imagination of young people.
- (2) The power of open source tools: thanks to the availability of new technologies, researchers can independently monitor many of the same activities which previously could only be followed by governments and international organizations.

(3) The need for non-proliferation and disarmament education and training at all levels: even well informed citizens often have little or no knowledge about nuclear non-proliferation and disarmament issues. Participants agreed that young people can hardly be expected to use their critical thinking skills to mitigate nuclear risks if they are not given the opportunity to study such dangers. The 2002 UN Study on Disarmament and Non-Proliferation Education and its recommendations remain topical and need to be implemented.²

(4) Personal engagement of diplomats: they could visit classrooms in their own countries and explain their work to school children.

Special attention was given to the achievements of the CTBTO Youth Group, which, in its short existence, had already managed to elaborate insightful policy recommendations.

The participants also discussed the relative merits of promoting the CTBT on its own as compared with connecting the CTBT to other issues. Participants had divergent views as to whether the CTBT was in itself compelling enough to capture the attention of the general public, particularly given that many people have not experienced the consequences of the use or testing of nuclear weapons in their lifetimes. This discussion led to competing recommendations: on the one hand, it was suggested that putting the CTBT in the context of North Korea's nuclear activities and threats could be a way to engage the public; on the other hand, it was argued that the merits of the CTBT in its own right could and should be stressed, for example, by encouraging policymakers to travel to Vienna to learn about the CTBTO's verification regime, including the IMS.

² Available at <http://undocs.org/A/57/124>.

Part 2: Public Panel Discussion

Recalling the role of Japan and Kazakhstan as the co-coordinators of the Article XIV process, VCDNP Executive Director Laura Rockwood introduced Ambassador Mitsuru Kitano of the Permanent Mission of Japan and Ambassador Kairat Sarybay of the Permanent Mission of Kazakhstan in Vienna, who kicked off the afternoon session with a few words of welcome. The Ambassadors spoke of the importance of achieving the entry into force of the CTBT. They referred to the joint appeal³ of their respective Foreign Ministers and CTBTO Executive Secretary Lassina Zerbo, issued at the outset of the NPT PrepCom, which deplored North Korea's nuclear tests and called for the early entry into force and universalization of the CTBT.

Ambassadors Kitano and Sarybay also spoke of the need to be imaginative in using all available resources to disseminate the message of a ban on nuclear testing, including, as noted by Ambassador Sarybay, through the use of movies to communicate the humanitarian impacts of nuclear weapons. In that context, he recalled the screening of the documentary *Where the Wind Blew*, jointly co-hosted by the VCDNP and the CTBTO on 10 April 2017, as well as the screening of the Japanese movie *Nagasaki: Memories of My Son*, which took place immediately following the workshop. Ambassador Kitano stressed that, even though the provisions of the CTBT had become an almost universally recognized norm, the Treaty should not remain “unfinished business.”

The moderators of the morning sessions then reported on the results of those discussions, as summarized in Part 1 of this report:

Mr. Kimball emphasized the need for targeted and carefully tailored strategies to encourage ratification among the remaining Annex 2 States, each of which had its own unique set of national policies and threat perceptions. It was also important to reinforce the non-testing norm, noting the security benefits of an in-force CTBT, including: improving the image of a ratifying State and ensuring security benefits; simultaneous signature and ratification of the CTBT could contribute to the reduction of regional tensions in at least three regions (the Middle East, South Asia and North East Asia); US and Chinese support for the nuclear test ban and ratification of the CTBT could help reduce growing superpower rivalry and strengthen efforts to halt further testing by North Korea; and, for the hold-out nuclear-weapon States, observance of the CTBT has

³ The joint appeal can be accessed at goo.gl/1mJdGm.

established that testing is not necessary to maintain credible deterrence. Finally, given the strong global norm against nuclear testing, it is unrealistic for leaders to expect that they could conduct a nuclear test explosion in the future without incurring significant international security, political, reputational and economic costs. This alone should encourage the remaining Annex 2 States to see CTBT ratification as a win-win opportunity.

Ms. Mukhatzhanova shared with the audience the importance the discussion had placed on education and training in the area of disarmament and non-proliferation, along with the need to involve youth and the general public in both advocacy and analytical work on nuclear weapons issues. Emphasis was placed on the need to tailor approaches and target different audiences in different countries, noting that traditional pedagogical tools may not work as well as new tools and technologies, such as social media. Governments and civil society all had a responsibility to ensure greater awareness of nuclear weapons issues, and a corresponding responsibility to examine the structures and mechanisms for enhanced coordination and information exchange.



Ms. Rockwood then introduced the other three panellists: Genxin Li, Director of Legal and External Relations, CTBTO; Angela Kane, VCDNP Senior Fellow and member of the CTBTO's Group of Eminent Persons (GEM); and Lord Desmond Browne, GEM member, Chair of the

European Leadership Network and Vice Chairman of the Nuclear Threat Initiative.

Mr. Li stressed the strategic importance of the CTBT in international efforts towards nuclear disarmament and non-proliferation and described the work of the CTBTO's IMS and the IDC. He recalled that achieving a global prohibition on testing had been an objective of the international community since the dawn of the nuclear age. He noted that the IMS was 90 percent complete and was already capable of fulfilling its purpose with a truly global reach. Further, the CTBTO had not only proven its ability to conduct on-site inspections through its

field trials, but had also provided data with numerous civil and scientific applications in other areas, such as earthquake and tsunami detection and radionuclide dispersion tracking. He underlined, however, that the significance of the CTBT is, first and foremost, political: completing and enforcing this complex verification system could represent, in his view, a step toward making the world free of nuclear weapons.

Ms. Kane appealed to the non-ratifying Annex 2 States not to wait for each other and suggested that, in her view, China, which of late had appeared more willing to act independently, might be a good candidate to take the lead in ratifying the CTBT. According to Ms. Kane, the international community should take advantage of every opportunity to promote the cause of the CTBT. In this regard, she stressed that States and civil society groups



should bring something to the table by borrowing the “gift basket” concept introduced at the Nuclear Security Summits: the younger generation, for example, could help raise awareness, even just by organizing meetings. In her view, States had not been doing enough to empower youth by “feeding” their citizens’ hunger for information and had, until now, left that potential unexpressed.



Lord Browne expressed concern about the current generation of politicians who, in his view, had little or no knowledge about nuclear weapons. The state of affairs was even more worrisome given the weakening of the international environment in the past years. As a GEM member, he intended to focus his efforts on Europe and the Organization for Security and Cooperation in Europe (OSCE). His goal was to encourage officials of the OSCE to recall the reasons why their governments had decided to join the CTBT in the first place, to re-ignite the conversation that had led to their ratification of

the Treaty and to use this dialogue to put pressure on the remaining Annex 2 States. He emphasized that, since the majority of the international community has committed itself to the CTBT, States should find a way to work together, for example, by coming up with ideas on how to persuade the remaining eight Annex 2 States to sign and ratify the Treaty.

During the question and answer period, the participants pointed out the importance of creating an environment conducive to ratification by each remaining Annex 2 State. In the case of Israel, where national security is a paramount concern, it was suggested that limited IMS coverage in the region presented challenges for the country to take positive steps towards ratification of the CTBT. It was, thus, proposed that building new IMS stations in the region and/or connecting existing stations to the CTBTO IDC network would contribute to bringing Israel closer to ratification. In Iran, the security benefits of joining the CTBT should be clearly defined for the country to move towards ratification.



The activities of the CTBTO Youth Group were also highlighted. Much attention was paid to innovative ways to educate the public, for example, by connecting students around the world and creating easily accessible online modules for training and education on nuclear issues. The participants also focused on the need for CTBT State Signatories to take more concrete action in promoting the Treaty's entry into force.

In his concluding remarks, Ambassador Kitano, recalling the work of the morning session, reiterated that there were many steps that States could take to promote the Treaty's entry into force, such as becoming an observer in the CTBTO, building stations to complete the IMS and sending data to the IDC. These actions could also be seen as confidence building measures that would help alleviate regional tensions that were hindering progress towards the entry into force of the CTBT. Ambassador Kitano told the audience that he remained an optimist about the fate of the CTBT. Although he could not predict when the process would be completed, he believed that "anything can happen" in international security, referring to the surprise decision by Syria to join the Chemical Weapons Convention, an outcome that many had not anticipated. With this in mind, he urged everyone to be creative in thinking about small steps which could improve the prospects for the entry into force of the Treaty.

In closing, both Ambassador Kitano and Ambassador Sarybay conveyed their governments' commitment to continue to provide tangible support to the CTBT. They encouraged the governments of Belgium and Iraq, which will take over the role of co-presidents of the Article XIV Conference in the fall, to be imaginative in coming up with new ideas to promote the entry into force of the CTBT.



