

THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY – AN OVERVIEW

"The States Parties to this Treaty, recognising that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects, and that an end to all such explosions will thus constitute a meaningful step in the realisation of a systematic process to achieve nuclear disarmament, have agreed as follows:

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion."

So states **Article I** of the Comprehensive Nuclear Test-Ban Treaty which ushers in the post-nuclear-testing era. The Treaty is the result of many years of intensive international negotiation, and is an impressive document of some 48 pages plus 15 pages of Annexes which, by April 1997, 143 nations including New Zealand had signed.

New Zealand has consistently maintained a strong opposition to the testing of nuclear weapons and has had a long involvement in negotiations towards this Treaty. This is the first of a series of articles on the Treaty, its enforcement, and its implications for New Zealand, and provides an overview of the treaty by means of a quick tour through its main provisions.

Article II: The first priority after the initial statement of Article I is the establishment of an organisation and structure to implement, verify and enforce the treaty while also providing for a means of consultation among Parties – known as the Comprehensive Nuclear Test-Ban Treaty Organisation – and this is the subject of Article II. The seat of the Organisation is to be Vienna, and all States Parties shall be members. The Organisation will comprise three entities: the Conference of States Parties, the Executive Council, and the Technical Secretariat which includes the International Data Centre.

The Conference of States, including a representative from each signatory country, will meet at least annually to consider any matters which arise within the scope of the Treaty, while overseeing the activities of the Executive Council and Technical Secretariat and appointing their officers.

The Executive Council puts into effect the decisions of the Conference and supervises the Technical Secretariat – specifically, it implements the Treaty, co-operates with the National Authority of each State Party, arranges Conference sessions, approves agreements with State Parties relating to verification activities, and generally act as a facilitating body. The Council is to comprise elected 51 members, with each State Party having the right to serve on it; with 10 States Parties from Africa, 7 from Eastern Europe, 9 from Latin America and the Caribbean, 7 from the Middle East and South Asia, 10 from North America and Western Europe, and 8 from South-East Asia, the Pacific, and the Far East.

The Technical Secretariat is a professional body with its own Director-General and an employed staff recruited on as wide a geographical basis as possible. The basic functions of the Secretariat are to supervise the International Monitoring System, operate the International Data Centre, report data, provide assistance for installation and operation of monitoring stations, provide technical support for on-site inspections, negotiate agreements with States Parties concerning verification practices, and develop operations manuals.

Article III concerns national implementation measures which call on all signatories to prohibit any persons on their territory, or any of their nationals on anyone else's territory, from taking part in activities prohibited by the treaty. Each State Party is required to set up a National Authority which will serve as the national point of contact with the Organisation and other States Parties.

Article IV: Verification. Verification and monitoring of treaty compliance are obviously major considerations in the Treaty, and Article IV details the requirements. There are four components to the verification programme: an International Monitoring System (IMS); consultation and clarification; on-site inspections; and confidence-building measures. Each State Party is required, through its National Authority, to establish the necessary facilities to participate in verification activities, provide data from national monitoring stations which are part of the IMS, participate in consultations, permit on-site inspections on their territory, and participate in confidence-building measures. Data generated by the IMS will be available for international exchange for scientific purposes.

The IMS itself will comprise four distinct technologies – seismological monitoring, for underground explosions; radionuclide monitoring, for atmospheric explosions and venting from underground explosions; hydroacoustic monitoring for underwater explosions; and infrasound monitoring to provide real-time information on atmospheric explosions (to supplement the delayed nature of radionuclide monitoring). All IMS monitoring facilities shall be owned and operated by the States hosting them. The Organisation shall meet the costs of establishing or upgrading monitoring stations, their operation and maintenance, data transmission, and analyses of samples. States Parties may also choose to provide data from national facilities which are not part of the IMS, at their own expense.

The consultation and clarification provisions of the Treaty are intended to encourage the resolution of matters causing concern without necessarily having to initiate an inspection. Signatories undertake to provide clarifying information to any requesting State Party, through the Executive Council, as soon as possible.

The requirements for on-site inspections, as would be expected, occupy a significant portion of the Treaty. It outlines the requirements for requesting an inspection, the handling of requests by the Executive Council and the time-frames within which it has to act, and the conduct of the inspection.

Article V empowers the Conference to redress any situation which contravenes the Treaty and, if necessary, to recommend collective measures which are "in conformity with international law", including sanctions. In support of this, **Article VI** sets out the procedure for the settlement of disputes.

Articles VII - XVII are mostly very short articles, covering what are essentially "housekeeping" issues such as: amendments (VII); review of the Treaty (VIII) which will occur 10 years after entry into force, and at 10-yearly intervals thereafter; duration (IX), which is deemed to be unlimited; status of protocol and annexes (X); signature (XI); ratification (XII); accession (XIII), allowing any State which has not signed it by entry into force, to do so at any time thereafter; entry into force (XIV); reservations (XV); depository (XVI), deemed to be the Secretary-General of the United Nations; and authentic texts (XVII), stipulated as being Arabic, Chinese, English, French, Russian, and Spanish. Of all of these Articles, the entry into force provisions of XIV are worth further discussion.

The Treaty shall enter into force 180 days after ratification by all States listed in Annex 2, but not earlier than two years after opening for signature (ie, not before 16 September 1998). The States listed in Annex 2 are the members of the former Conference on Disarmament: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, North Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, South Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, USA, Vietnam, and Zaire. Of these, the only ones which had not signed by April 1997 were India, Pakistan, and North Korea.

If the Treaty has not entered into force three years after opening for signature, a conference of States which have ratified the Treaty will be convened to decide by consensus a process to facilitate early

entry into force. This conference may reconvene annually thereafter, until entry into force, if necessary.

It is also a requirement (Article IV) that that the verification regime, including the International Monitoring System, must be operational at entry into force.

The Protocol to the Treaty is in three Parts describing the International Monitoring System and International Data Centre, on-site inspection procedures, and confidence-building measures. The provisions of Part 1 concerning the International Monitoring System, are discussed in the next information sheet.