**Treaty and Tragedy**

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Steve Andreasen

Ten years ago this fall at the United Nations, President Bill Clinton became the first world leader to sign the Comprehensive Test Ban Treaty (CTBT), hailed as the “longest sought, hardest fought” treaty in the history of arms control. Three years later in Washington, in one of the most dramatic votes of the post-Cold War era, the Senate declined to approve the treaty outlawing all nuclear explosions, delaying its entry into force. Yet, despite its historic significance, very little has been written about the CTBT since. Fortunately, Keith A. Hansen, who served for eight years as a member of the U.S. team that negotiated and prepared to implement the CTBT, has made an outstanding contribution to filling that void.

Hansen’s perspective is, by his own admission, limited in scope—a report from the field of battle rather than an account from headquarters in Washington. Moreover, the section of his narrative covering both the Geneva negotiations that led to the signature of the CTBT in 1996, as well as steps aimed at its subsequent implementation by the Vienna-based Preparatory Commission, is written almost solely from the perspective of his own experience and public records of the negotiation. There are no revelations here as to what his foreign counterparts or their respective governments were “really thinking” as the drama took place in Geneva or in capitals around the globe.

That said, the book is a fascinating read both for the general reader and the specialist. It will be an invaluable resource for anyone who wants to delve further into the lessons learned from one of the most complex multilateral negotiations undertaken in the latter half of the twentieth century.

Hansen’s account is evenly divided between the negotiations that led to the conclusion of the CTBT in 1996 and subsequent efforts designed to pave the way for its implementation. In the book’s beginning, he provides a valuable summary of early efforts to limit nuclear testing, noting it was the Nonaligned Movement, particularly, Indian Prime Minister Jawaharlal Nehru in 1954, that pressed hard for the cessation of all nuclear weapons testing—a reminder one hopes will someday soon resonate again in New Delhi. As Hansen recounts, Presidents Dwight Eisenhower and John F. Kennedy each made a valiant effort to achieve a total ban but came up short, reflecting both limitations in verification capabilities and, more broadly, the deep suspicions and tensions that prevailed during the Cold War. Nevertheless, Kennedy was able to complete and the Senate approved a Limited Test Ban Treaty (LTBT) banning nuclear explosions in the atmosphere, in outer space, and under water, which could be adequately monitored through “national technical means” of verification and did not require on-site inspection.

It was the dissolution of the Soviet Union and the end of the Cold War, along with Congress and Clinton, that gave new impetus to CTBT negotiations. The reduction in international tensions abroad and the search for a “peace dividend” at home led to renewed international calls for an end to nuclear testing. An assertive Congress took the lead in passing bipartisan legislation in the fall of 1992, signed by President George H. W. Bush, that mandated a U.S. testing moratorium as well as negotiations to conclude a CTBT by 1996. Hansen is quick and correct to give credit to the incoming Clinton administration for seizing the opportunity and leading international efforts over the next four
years to conclude a ban.

As Hansen notes, the Clinton administration’s drive to conclude a CTBT by the end of 1996, as mandated by Congress, did not take place in a strategic vacuum. The year 1995 was perhaps the most crucial in the life of the nuclear Nonproliferation Treaty (NPT). That year, a treaty review conference was required to decide whether or how to extend the NPT, with the possibility of indefinite extension. The United States supported the latter, as an extension of the NPT for a fixed period or periods would have cast a dark cloud over the future of the NPT or, more dramatically, would have led to the expiration of the treaty.

Hansen rightly states that “the Clinton administration’s 1993 decision to pursue CTBT negotiations was a major boost to those countries favoring indefinite extension of the NPT.” Moreover, it was the commitment by all five NPT nuclear-weapon states at the 1995 NPT Review Conference to complete a CTBT no later than 1996 that solidified international support for the indefinite extension of the NPT.

Still, as Hansen makes clear, it was far from certain that a CTBT could be successfully negotiated by the end of 1996 or any other date. Along the way, a number of issues had to be addressed, both in capitals and the Geneva-based Conference on Disarmament (CD), any one of which could have broken the momentum and thwarted a final accord. Hansen focuses on three major hurdles that needed to be cleared in the Geneva talks: the basic obligations of the treaty, the requirements for entry into force, and specific aspects of the verification regime, especially on-site inspection.

Hansen’s description of the difficulties in achieving agreement on what precisely the treaty would ban—the most crucial issue in the negotiation—is illuminating. He highlights the different perspectives and positions of the five NPT nuclear-weapon states, where some of the five appeared at times to favor a ban that would permit tests producing a nuclear yield, and many of the non-nuclear-weapon states, who sought to define the ban as tightly as possible. Hansen accurately pegs a crucial turning point in the debate in the United States: the findings of a July 1995 report on nuclear testing by a group of distinguished U.S. scientists (the JASONS) that made clear that “low-yield” testing did not have a high priority in the U.S. program to maintain an acceptable level of safety and reliability in the U.S. nuclear stockpile. Shortly thereafter, on August 11, 1995, Clinton told the nation that the United States would support a true zero-yield comprehensive test ban that would prohibit “any nuclear weapons test explosion or any other nuclear explosion.”

This is the most crucial instance where Hansen’s battlefield account would have benefited from an additional layer of insight from headquarters. Although it is true the July 1995 JASONS study was widely briefed to National Security Council (NSC) principals and was used as ammunition in internal administration debates by those who opposed low-yield testing, it is unlikely to have carried the day in the absence of another crucial development: the emergence of six CTBT “safeguards.” Clinton announced these safeguards the same day he committed to a zero-yield CTBT; and the text of each safeguard was released in a White House fact sheet immediately after the president’s remarks. Together, the safeguards strengthened U.S. commitments in the areas of intelligence, monitoring and verification, stockpile stewardship, nuclear labs maintenance, and test readiness. They also specified the circumstances under which the president would consider CTBT withdrawal, along with a new annual reporting and certification requirement to ensure our nuclear weapons remain safe and reliable.

The idea of adopting CTBT safeguards, similar in concept to those adopted by the Kennedy administration during the Senate debate over the LTBT in 1963, germinated in the NSC staff in early August 1995. On the day he learned of the idea, National Security Advisor Anthony Lake took a car to the Pentagon to meet with Secretary of Defense William Perry and Chairman of the Joint Chiefs of Staff General John Shalikashvili to begin work on the specific text of the safeguards. The result of Lake’s shuttle diplomacy: when Clinton announced his support of a zero-yield CTBT on August 11, he did so with the support of the secretary of defense, the Joint Chiefs of Staff, and his entire national security team.

Even with this bold move and unprecedented consensus in the United States, at least within the executive branch, negotiators in Geneva still had to do the heavy lifting to complete a treaty text, and as Hansen recounts, some of that lifting came with a heavy price. The most difficult and
controversial issue, one that still casts a shadow over the future of the CTBT, was the specific conditions under which the treaty would enter into force. Although it was a given that all five NPT nuclear-weapon states would need to sign and ratify the CTBT as a condition for entry into force, there was no consensus, either in Geneva or in the national capitals, on what more should be required. In particular, some of the five NPT nuclear-weapon states dug in their heels, insisting the so-called threshold states of India, Israel, and Pakistan must also be bound, either to ensure that one of the treaty’s central objectives, to limit nuclear proliferation, was achieved or, more cynically, as a last-ditch attempt to foil the treaty ever entering into force.

Final resolution of the entry-into-force dilemma escaped the normal give-and-take between delegations in Geneva. This was also true of the third negotiating challenge described in rich detail by Hansen: the question of which provisions were needed to verify the CTBT, in particular, the procedures for conducting on-site inspections. Hansen describes how the chairman of the Geneva CTBT negotiations, Ambassador Jaap Ramaker of the Netherlands, deftly introduced a “compromise text” representing the chairman’s best efforts to compromise across all issues. The tactic was successful in producing a final text, although not without a high-stakes, make-or-break round of bargaining with China on the issue of how many votes would be needed in the CTBT’s 51-member Executive Council to approve an on-site inspection. Yet, the fact that China alone was “permitted” to raise this one final issue in Ramaker’s compromise text, along with an entry-into-force provision that required all three threshold states to sign and ratify the accord, was too much for India, who refused to allow a “consensus” final text to go forward to the United Nations from the CD.

How and why the Indian government maneuvered itself or was maneuvered by others into opposing rather than taking historic credit for a CTBT in 1996 is one of the more interesting subplots of the negotiations. Here, Hansen’s insights are again limited largely to the public record and subsequent events. Although there was much speculation at the time and a general recognition that India’s public explanation, that the CTBT was not “comprehensive” and was “discriminatory,” was spurious, in retrospect the answer appears clear: India in 1996 could not bring itself to forgo the option of further nuclear tests, which New Delhi carried out two years later in the Pokhran desert. Nevertheless, despite its dramatic opposition, India could not stop a final treaty text from being sent from Geneva to the UN General Assembly, where only three nations—India, Libya, and Bhutan—voted against the resolution opening the treaty for signature. As of March 31 of this year, 176 countries have signed, and 132 have ratified the treaty.

In the second half of his book, Hansen focuses on efforts in the Vienna-based CTBT Preparatory Commission to prepare the way for entry into force. Hansen makes clear that achieving the last 10 of the 44 ratifications specified by the treaty for entry into force, starting with the United States but also including China, Colombia, North Korea, Egypt, India, Indonesia, Iran, Israel, and Pakistan, will not be an easy task. Indeed, it is difficult to imagine a successful scenario that does not begin with a renewed commitment by the White House and the Senate to achieve the two-thirds vote necessary for ratification in the United States, and as Hansen notes, the Bush administration shows no signs of moving in that direction during its second term.

That said, many of the same senators who voted against the CTBT have continued to vote in favor of U.S. funding for the preparatory commission. As Hansen states, that is a positive sign, suggesting that the senators are at least prepared to acquiesce in keeping the treaty alive, if not actively support ratification at this time. Indeed, one of the more significant insights from Hansen’s book is the light he shines on the work being done by the preparatory commission to lay the foundation for the treaty’s eventual entry into force. Most impressive has been the construction of the International Monitoring System (IMS), which appears to be on track for completion in 2007, as well as the International Data Center in Vienna, designed to collect and share data from the 321 IMS stations spread around the globe. Momentum in the commission has been slowed by the Bush administration’s refusal to seek ratification or support activities in Vienna relating to entry into force, such as preparing for on-site inspections, where the United States could make a valuable contribution that could pay dividends, both inside and outside the context of the CTBT. But the work in the preparatory commission continues to bode well for the future of the treaty.

What of that future? Hansen underscores the essential point: the longer the United States refuses to move toward ratification, the more the implementation effort is likely to suffer and stagnate.
Moreover, other states whose signatures and ratifications are likewise essential for CTBT entry into force are likely to hide behind the United States, waiting to see which way the wind blows in Washington before taking any further action on the treaty. Ironically, there have been exceptions to this paradigm. Vietnam, one of the 44 states required for entry into force, completed its ratification in March 2006; and Libya, one of three states in 1996 to vote against the CTBT at the UN, has now signed and ratified the accord. The inescapable conclusion, however, is that only the United States can provide the political and diplomatic momentum to move this treaty forward. Unfortunately, the Bush administration may be missing a golden opportunity to achieve Indian signature this year by not insisting that India sign the CTBT as part of the “deal” with India to sweep aside the NPT and cooperate on civilian nuclear energy, a possible bargain with New Delhi if the administration in Washington was more committed both to the CTBT and creative diplomacy.

How important is the CTBT to U.S. and global security in the twenty-first century? Hansen is described in the author’s note as “neither a defender nor a critic” of the treaty, but it is difficult to read his book and not conclude that a reinvigorated CTBT would be a significant boost for the NPT and the nuclear nonproliferation regime, and there is no greater U.S. or global interest today than doing everything in our power to prevent the spread of nuclear arms. Moreover, the CTBT would place a significant barrier in the path of some states that, in the absence of the CTBT, would have much to gain—much more than the United States—from renewed testing. Both the case for the CTBT and a path forward to ratification was laid out by Shalikashvili in a January 2001 report to the president commissioned after the Senate failed to ratify the treaty. The door is open for this president or the next to walk through.

Finally, Hansen’s book is a timely reminder of the valuable role that can be played by multilateral diplomacy and arms control in reducing nuclear threats to U.S. and global security. Yes, there are costs and risks in engaging in the kind of multinational give-and-take that produced the CTBT. Moreover, balancing domestic politics and the security concerns of many states can frustrate any agreement; witness the trials and travails of bringing the CTBT into force. Yet, despite the difficulties, the CTBT experience clearly demonstrates there is merit to the promise that multilateral diplomacy involving all the world’s major powers can succeed in crafting agreements that are widely accepted by all states on issues that transcend national borders. The prerequisite for success is leadership from the White House.

Steve Andreasen is a national security consultant and teaches at the University of Minnesota’s Humphrey Institute of Public Affairs. From 1993 to 2001, he was director for defense policy and arms control on the National Security Council.

ENDNOTE

1. The Comprehensive Test Ban Treaty’s entry into force requires the ratification of 44 states listed in the treaty, i.e., those states that participated in the 1996 Conference on Disarmament session and possessed either nuclear power or research reactors. This captures the nuclear Nonproliferation Treaty nuclear-weapon states and “threshold states,” as well as North Korea.