

# RUSSIA, RATIFICATION AND THE CTBT'S ENTRY INTO FORCE

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Speaking last September at the CTBT's Article XIV conference in New York, US Secretary of State Hillary Clinton reaffirmed the resolve of the Obama administration to seek both "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."<sup>1</sup> But to any independent observer, it is clear that actually delivering on those promises poses a huge challenge for the US indeed.

First and foremost, despite an 18-year hiatus in US nuclear testing (since the first Bush administration halted the practice in 1992) and the ongoing success of its Stockpile Stewardship Program, the complete cessation of all nuclear explosions for all time remains a highly controversial issue in the United States, where proponents and opponents of such a step are deeply divided along party political lines—a state of affairs further complicated by the previous (and highly partisan) rejection of the CTBT by the US Senate in 1999.

There have been more recent setbacks too. Take the 2009 failure of the Congressional Commission on the Strategic Posture of the United States (also known as the Perry-Schlesinger Commission)<sup>2</sup> to agree on anything resembling consensus on the issue of nuclear testing, then add to that the mounting degree of opposition to CTBT ratification spearheaded by the treaty's leading Republican opponent, Senator John Kyl of Arizona. Writing in the *Wall Street Journal* last October, Senator Kyl argued that ratification of the CTBT would be a "profound mistake", as a ban on nuclear testing would "jeopardize American national security."<sup>3</sup>

In addition, the ability of the US to exert influence over the eight other Annex II hold-outs (Iran and North Korea among them) is a far from certain proposition, to put it mildly. To a considerable extent, the attitude of each of the remaining Annex II states to ratification of the CTBT is dictated by their own specific geopolitical circumstances and concerns—which cannot and will not disappear overnight, either after US ratification or under American pressure.

These rather sombre (or sober) thoughts point toward one simple conclusion: that the Obama administration will need as much help as it can get from other CTBT supporters—Russia in particular—if entry into force is ever to become reality.

As the debate in the US shows, there are at least two major inter-related issues on which Russian interventions could be usefully made. The first relates to the scope of the CTBT (i.e. what is and

what is not banned under it) and the second to transparency and/or confidence-building measures that could be implemented at operational test sites.

Taking first the matter of scope, opponents of the CTBT such as Senator Kyl have argued that since the treaty does not contain a clear-cut definition of what constitutes a nuclear test it leaves room for different interpretations of its prohibitions. What is there, they say, to stop Russia (or some other NWS) from conducting low-yield nuclear tests while the US dutifully abides by the so-called "zero option". And the doubters remain unmoved by the words of America's chief CTBT negotiator, Ambassador Stephen Ledogar, who in 1999 told the Senate Foreign Relations Committee in no uncertain terms that Russia was fully committed to the comprehensiveness of the treaty.<sup>4</sup>

Given these circumstances, Russia—for whom US ratification of the CTBT is clearly in the national interest—might be well-advised to reaffirm at a higher political level similar statements made during CTBT ratification hearings the Russian Duma in 2000 (and by mid-level Russian officials since). Worth reiterating in particular is the testimony of the then director of the Russian Foreign Ministry's Department for Security and Disarmament Issues, Yuri Kapralov, who ten years ago declared that the "qualitative modernisation of nuclear weapons is only possible through full-scale and hydronuclear tests with the emission of fissile energy, the carrying out of which *directly contradicts* the CTBT."<sup>5</sup> And while admitting then that the "concealment of hydronuclear experiments" from CTBT verification mechanisms was a danger, it was an issue, Mr Kapralov said, that he believed could be "resolved within the framework of the CTBTO verification regime."<sup>6</sup>

Half a decade on, writing in the December 2005 edition of CTBTO's *Spectrum* magazine, Russia's chief CTBT negotiator, Ambassador Grigory Berdennikov, argued that Russia had supported the idea of a test ban without low-yield thresholds "from the very beginning" of negotiations. Ultimately, treaty negotiations resulted in a compromise, Ambassador Berdennikov noted, with the final version of the CTBT prohibiting nuclear explosions "however low the yield" but permitting experiments with nuclear weapons under the condition that tests are purely hydrodynamic (i.e. using non-fissile materials) in nature.<sup>7</sup>

The second issue, one closely related to the first, is how to verify the abovementioned statements since, as noted earlier, the testimony of Ambassador Ledogar has to date been regarded (perhaps

unsurprisingly) as insufficient proof of good intentions by opponents of CTBT ratification. In several recent statements, CTBT supporters have underlined the importance of potential confidence-building and transparency measures that could be implemented at nuclear test sites (see, for example, the Article XIV statement made on 25 September 2009 by Jessica Matthews of the Carnegie Endowment for International Peace on behalf of non-governmental organisations).

In fact, the idea is nothing new—and is another area in which Russia may be able to make a welcome contribution to the current CTBT debate. At the second Article XIV conference in 2001, Marshal Igor Sergeev, then assistant to the Russian president on issues of strategic stability, stated that: “In order to strengthen the confidence-building measures after entry into force of the treaty we are prepared to suggest, to the United States in the first place, considering the possibility to develop additional verification measures for nuclear test ranges going far beyond the treaty provisions. This could include the exchange of geological data and results of certain experiments, installation of additional sensors, and other measures.” In the spirit of these remarks, Russia might be well-advised to reaffirm this proposal, while additionally suggesting that these negotiations should begin even before the treaty’s entry into force.

Such an idea might also go a long way toward satisfying the continued misgivings about the “discriminatory nature” of the treaty alleged by some of the hold-out states, and thus help in bringing them into the fold—with the ultimate goal of securing entry into force of the treaty as soon as possible.

## Endnotes

- 1 Secretary of State Hillary Clinton’s Remarks at CTBT Article XIV Conference, 24 September 2009,
- 2 America’s Strategic Posture: The Final Report of the Congressional Commission on the Strategic Posture of the United States, William J. Perry, Chairman, James R. Schlesinger, Vice-Chairman, Authorized Edition, 2009,
- 3 John Kyl, ‘Why We Need to Test Nuclear Weapons: The credibility of our nuclear deterrent depends on the reliability of the arsenal’. *Wall Street Journal*, 20 October 2009, <http://online.wsj.com>
- 4 Statement by Ambassador Stephen J. Ledogar (Ret.), Chief U.S. Negotiator of the CTBT, Prepared for the Senate Foreign Relations Committee Hearing on the CTBT, 7 October 1999
- 5 Elaine M. Grossman, Strategic Posture Panel Reveals Split Over Nuclear Test Pact Ratification, *Global Security Newswire*, 7 May 2009.
- 6 Kaegan McGrath, Battle Lines Being Drawn in the CTBT Debate: an Analysis of the Strategic Posture Commission’s Arguments against U.S. Ratification, Issue Brief, James Martin Center for Nonproliferation Studies, 8 July 2009.
- 7 Ambassador Grigory Berdennikov, The history of CTBT negotiations – a Russian perspective, CTBTO Spectrum No. 7, December 2005

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ISSN 2043-0418 (Print)

ISSN 2043-0426 (Online)

VERTIC is grateful to the government of Norway and the Ploughshares Fund for their generous financial support for this paper.

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