

Comprehensive Nuclear-Test-Ban Treaty

Introduction

- 2.1 This chapter examines the Comprehensive Nuclear-Test-Ban Treaty (CTBT). There was wide agreement among submitters to the inquiry that bringing the CTBT into force is one of the critical next steps to progressing nuclear disarmament. This chapter examines the prospects for ratification of the treaty by a number of key states, including the United States. It also looks at the verification systems that will support the Treaty and which are already operating. The chapter concludes with discussion of how Australia might contribute to promoting the Treaty's entry into force.

Background

- 2.2 A treaty banning all nuclear explosions was first advocated by the international community in the early 1960s. In 1963 the United States, the Union of Soviet Socialist Republics and the United Kingdom concluded the *Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water*. The preamble to this Treaty avows that States Parties will continue negotiations to seek the discontinuance of all test explosions of nuclear weapons for all time. This commitment was recalled in the preamble to the NPT in 1968.
- 2.3 Little progress was made on the negotiation of such a treaty until the break up of the Soviet Union in 1991. Following a series of meetings, negotiations for a treaty banning all nuclear explosions began in 1993. In 1996 the United Nations General Assembly adopted the *Comprehensive*

Nuclear-Test-Ban Treaty (CTBT) which bans nuclear explosions in any environment. Australia ratified the Treaty in 1998.¹

- 2.4 Entry into force of the CTBT is conditional upon the ratification of the Treaty by 44 identified states, of which 9 are still to ratify: China, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran, Israel, Pakistan and the United States.²
- 2.5 In 1999, the US Senate rejected a move for US ratification of the Treaty and, as yet, the US Senate has not again considered the Treaty. A number of other states have also resisted signature or ratification of the CTBT.³
- 2.6 In an April 2009 speech in Prague, US President Barack Obama renewed the US commitment to seeking entry into force of the CTBT stating that his Administration:

... will immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty.⁴

The Treaty

- 2.7 The CTBT limits the technological development of nuclear weapons and is considered to be both a practical step towards nuclear disarmament and an effective non-proliferation measure.⁵
- 2.8 Article I of the Treaty contains the fundamental obligations on States Parties:

Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and

1 Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), *Objectives and Activities*, information brochure, CTBTO, April 2007; Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 4.

2 These states are the 44 States that participated in the CTBT negotiations within the Conference on Disarmament prior to adoption of the CTBT in 1996, and that also possess nuclear power or research reactors. Australian Radiation Protection and Nuclear Safety Agency, *Submission No. 40*, p. 1.

3 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 4; UN Association of Australia, *Submission No. 31*, p. 3.

4 President Barack Obama, *Remarks by President Barack Obama, Hradcany Square, Prague, Czech Republic*, The White House, Washington, 5 April 2009, viewed 5 August 2009, <www.whitehouse.gov>.

5 Mr Peter Burns, *Transcript of Evidence*, 26 March 2009, p. 26; Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 9.

prevent any such nuclear explosion at any place under its jurisdiction or control.

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 other nuclear explosion.⁶

- 2.9 Article II of the Treaty establishes the Comprehensive Nuclear-Test-Ban Treaty Organization to ensure the Treaty's implementation as well as to provide a forum for consultation and cooperation.⁷
- 2.10 Article IV mandates the establishment of a global verification regime to monitor compliance with the Treaty provisions. The Article states that the verification regime must be established prior to the entry into force of the Treaty.⁸
- 2.11 Annex II of the CTBT contains a specific list of countries that must ratify the Treaty for it to enter into force.
- 2.12 In 1996, a meeting of States Signatories to the CTBT agreed to establish the Preparatory Commission to the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) in order to prepare for the entry into force of the Treaty. The CTBTO's main area of responsibility is the establishment of the global verification regime to monitor the ban on nuclear explosive testing under the Treaty.⁹

Verification regime

- 2.13 As previously stated, the CTBT's verification regime must be established prior to the entry into force of the Treaty. Accordingly, the CTBTO has undertaken a substantial program of preparation. The regime is designed to detect any nuclear explosion conducted on Earth – whether underground, underwater or in the atmosphere – and consists of the following six elements:

- *International Monitoring System (IMS)*: the IMS is made up of 321 monitoring stations and 16 laboratories located in 89 countries around the world,

6 CTBTO, *The Comprehensive Nuclear-Test-Ban Treaty*, information brochure, CTBTO, August 2001, p. 1.

7 CTBTO, *The Comprehensive Nuclear-Test-Ban Treaty*, information brochure, CTBTO, August 2001, p. 1.

8 CTBTO, *The Comprehensive Nuclear-Test-Ban Treaty*, information brochure, CTBTO, August 2001, p. 1.

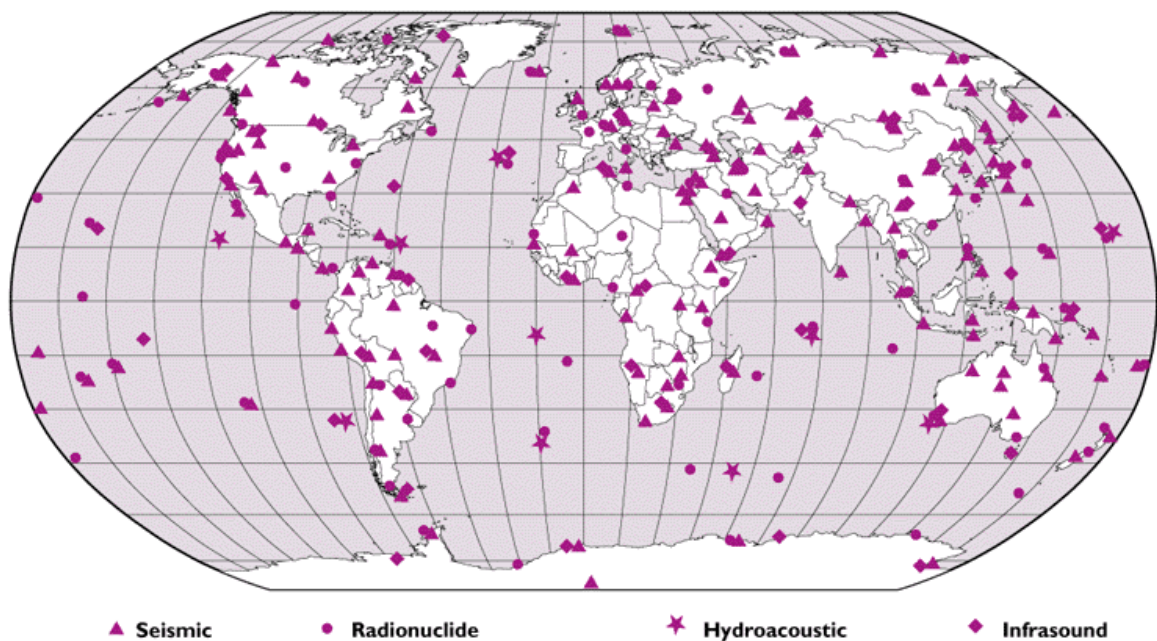
9 CTBTO, *Preparatory Commission to the Comprehensive Nuclear-Test-Ban Treaty Organisation*, information brochure, CTBTO, August 2001, p. 1; Australian Radiation Protection and Nuclear Safety Agency, *Submission No. 40*, p. 2.

which monitor the planet for any sign of a nuclear explosion. The IMS uses four complementary verification methods:

- ⇒ Seismic, hydroacoustic and infrasound stations monitor underground, large oceans and the atmosphere respectively; and
- ⇒ Radionuclide stations detect radioactive debris from atmospheric explosions or vented by underground or underwater nuclear explosions.

2.14 Figure 2.1 provides an overview of the proposed distribution of these monitoring systems across the globe.

Figure 2.1 CTBT's International Monitoring System



Source *Institute for Energy and Environmental Science, 'Verification Case Study: The Comprehensive Test Ban Treaty', IEER, 2000, viewed 7 August 2009, <www.ieer.org>.*

- **International Data Centre (IDC):** the IMS is supported by the IDC located at the headquarters of the CTBTO in Austria. The IDC processes and analyses the data registered at the monitoring stations, and produces data bulletins that are submitted to Member States for their evaluation and judgement. The IDC has been providing IMS raw data and IDC data bulletins to Member States since February 2000.
- **Global Communications Infrastructure (GCI):** the GCI is an independent and secure satellite system that transmits the data recorded at the IMS stations to the IDC. It also transmits raw data and data bulletins from the IDC to Member States.

- *Consultation and clarification:* Member States will be able to request clarification where it is considered that certain data collected imply a nuclear explosion. A state will have 48 hours to clarify the event in question.
 - *On-site inspection:* Member States have the right to request an on-site inspection, regardless of the results of the consultation and clarification process, in order to ascertain whether a nuclear explosion has occurred in violation of the Treaty. On-site inspections are regarded as the final verification measure under the Treaty.
 - *Confidence-building measures:* Member States are to notify the CTBTO Technical Secretariat on a voluntary basis of any large chemical explosion detonated on their territories. The purpose of these notifications is to confirm that such explosions are not a nuclear explosion and to assist in the testing and fine tuning of the IMS network.¹⁰
- 2.15 Upon Australia's ratification of the Treaty in 1998, the Australian Government was required to assist in the development and promotion of the CTBT's verification regime. Australia will host 20 facilities for the IMS, 16 of which are now in place and certified as capable of operating to CTBT technical specifications. Australia also built a monitoring station in Papua New Guinea, and operated the station from 2002 to 2006.¹¹
- 2.16 The Committee inspected one of Australia's facilities in Darwin, which undertakes both particulate and noble gas monitoring. Data gathered at the station is sent directly to the International Data Centre in Vienna. A delegation of the Committee also had the opportunity to visit the International Data Centre during its visit to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in July 2009.
- 2.17 The Committee observed that the verification system, particularly the IMS, is well advanced despite the Treaty not yet being in force. In March 2009, Ambassador Tibor Tóth, the Executive Secretary of the CTBTO, stated that, although only 60% of the IMS had been installed at the time of the 2006 North Korean test, the verification system 'exceeded the expectations

10 CTBTO, *Overview of the verification regime*, CTBTO, 2009, viewed 5 August 2009, <www.ctbto.org>; Australian Radiation Protection and Safety Agency, *Submission No. 40*, pp. 2-3; Mr Peter Burns, *Transcript of Evidence*, 26 March 2009, p. 29.

11 Australian Radiation Protection and Safety Agency, *Submission No. 40*, pp. 1, 4; Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 10.

of the Treaty negotiators in 1996 in terms of sensitivity, reliability, precision and characterisation.’¹²

- 2.18 The Australian Radiation Protection and Nuclear Safety Agency told the Committee that the technologies used in the IMS are extremely sensitive and have the ability to detect any covert nuclear weapons test, whether in the atmosphere or underground.¹³
- 2.19 In detecting North Korea’s nuclear test in 2006, the technical capability of the system, and the quality of information and data, was proven. Specifically, over 20 of the IMS stations worldwide detected the low yield (well under one kiloton) explosion.¹⁴
- 2.20 More recently, the CTBTO succeeded in detecting and notifying Member States of North Korea’s May 2009 nuclear test, hours before North Korea itself officially announced the test. The CTBTO has stated that the IMS detected the 2009 nuclear explosion much more rapidly than the event in 2006 due to the further development of the IMS and the increased density of monitoring systems.¹⁵

Importance of the CTBT

- 2.21 Participants in the inquiry emphasised the importance of bringing the CTBT into force. Participants argued that an in-force CTBT is a crucial element of the nuclear non-proliferation and disarmament regime.¹⁶

12 Ambassador Tibor Tóth, ‘Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges’, *Speech to 2009 Nuclear Policy Symposium*, Budapest, March 2009, p. 5, *Exhibit No. 81*.

13 Mr Peter Burns, *Transcript of Evidence*, 26 March 2009, p. 25.

14 Australian Safeguards and Non-Proliferation Office, *ASNO Annual Report 2007-08*, ASNO, 2008, p. 14; Ambassador Tibor Tóth, ‘Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges’, *Speech to 2009 Nuclear Policy Symposium*, Budapest, March 2009, p. 6, *Exhibit No. 81*.

15 CTBTO, *CTBTO’s initial findings on the DPRK’s 2009 announced nuclear test*, media release, CTBTO, 25 May 2009, viewed 5 August 2009, <www.ctbto.org>; CTBTO, *Next phase in the analysis of the announced DPRK nuclear test*, media release, CTBTO, 27 May 2009, viewed 5 August 2009, <www.ctbto.org>.

16 Anti-Nuclear Alliance of Western Australia, *Submission No. 75*, p. 11; United Nations Youth Association of Australia, *Submission No. 35*, p. 4; United Nations Association of Australia, *Submission No. 31*, p. 7; Uniting Justice Australia, *Submission No. 27*, p. 3; Medical Association for Prevention of War (Australia), *Submission No. 61*, p. 10; People for Disarmament, *Submission No. 15*, p. 3; Professor Joseph Camilleri, *Submission No. 66*, p. 13; Edmund Rice Centre for Justice and Community Education, *Submission No. 59*, p. 4; International Physicians for the Prevention of Nuclear War, *Submission No. 42*, p. 5; The Australian Psychological Society Ltd, *Submission No. 76*, p. 5; Rep. Park Jin, *Submission No. 44*, p. 2; Ms Marion Giles, *Submission No.*

- 2.22 One of the most commonly cited benefits of entry into force was that it would provide assurance that countries would not be able to develop and test nuclear weapons in a clandestine manner.¹⁷
- 2.23 Ms Joan Rohlfing of the Nuclear Threat Initiative told the Committee that the CTBT would slow the ability of any state to develop a new nuclear weapon capability, or to improve a currently existent nuclear weapon capability.¹⁸
- 2.24 Submitters argued that entry into force would also help to reassure nuclear armed states that their strategic competitors are not developing new advanced nuclear weapons. Such confidence may in turn encourage nuclear armed states to participate in nuclear non-proliferation and disarmament initiatives, such as reductions in their nuclear weapons stockpiles.¹⁹
- 2.25 The Committee also heard that the CTBT provides an opportunity by which states that are currently outside of the NPT, such as India, Pakistan and Israel, could be brought into the nuclear non-proliferation and disarmament framework.²⁰
- 2.26 Dr Hans Blix argued that:
- To strengthen the [nuclear non-proliferation and disarmament] regime further, and bring countries currently outside the NPT into the international non-proliferation framework, no measure could be more important than bringing the Comprehensive Nuclear Test Ban Treaty (CTBT) into force. The entry into force of the CTBT is important to prevent the development of a new generation of nuclear weapons, and to help reduce reliance on nuclear deterrence in security policies. It would also reset the stage for global nuclear disarmament, signalling to the world that leading states stand firmly behind their commitments to disarmament.²¹

25, p. 1; Campaign for International Cooperation and Disarmament, *Submission No. 28*, p. 2; Ms Leitha Martin, *Submission No. 43*, p. 1.

17 Mr Peter Burns, *Transcript of Evidence*, 26 March 2009, p. 26; Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 9; United Nations Youth Association of Australia, *Submission No. 35*, p. 4.

18 Ms Joan Rohlfing, *Transcript of Evidence*, 14 May 2009, p. 4.

19 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 9; United Nations Youth Association of Australia, *Submission No. 35*, p. 4; Dr Carl Ungerer, *Submission No. 50*, p. 5.

20 Ms Joan Rohlfing, *Transcript of Evidence*, 14 May 2009, p. 8; Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 8; Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 16; Canadian Centre for Treaty Compliance, *Submission No. 64*, p. 1.

21 Dr Hans Blix, *Submission No. 78*, p. 3.

- 2.27 Additionally, the Director General of the IAEA, Dr Mohamed ElBaradei has commented:

...there has always been a permanent and indissoluble link between ending nuclear explosive testing and moving down the path of achieving a world free of nuclear weapons... Why is the CTBT so important? Because it would send a very clear, very concrete signal that the nuclear-weapon States are taking seriously the commitment under the NPT to move towards nuclear disarmament.²²

Importance of US ratification of the CTBT

- 2.28 Ratification by the US was seen by many inquiry participants as one of the most critical steps towards bringing the CTBT into force.²³
- 2.29 Witnesses told the Committee that US ratification of the CTBT is central to the success of the Treaty and that, if the US does ratify, it would be positively received elsewhere and may be the most effective way of encouraging other Annex II States to ratify the Treaty.²⁴
- 2.30 Ms Caroline Millar, Australia's Ambassador for Disarmament, told the Committee that, even though the US has not yet ratified the CTBT, President Obama's commitment to pursue ratification of the Treaty has already increased the prospects of other Annex II parties joining the Treaty.²⁵
- 2.31 The Committee notes comments by Indonesian Foreign Minister Hassan Wirajuda during a visit to Washington in June 2009 regarding ratification by the United States:

22 Dr Mohamed ElBaradei, 'Nuclear Testing: A Bygone Era', CTBT Spectrum, September 2008, p. 7, *Exhibit No. 83*.

23 United Nations Youth Association of Australia, *Submission No. 35*, p. 4; Canadian Centre for Treaty Compliance, *Submission No. 64*, p. 1; Vine and Fig Tree Planters, *Submission No. 38*, p. 7.

24 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11; Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 8; Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 41; Adjunct Professor Richard Broinowski, *Submission No. 16*, p. 4.

25 Ms Caroline Millar, *Transcript of Evidence*, 14 May 2009, pp. 5, 18.

We trust that [President Obama] will succeed in getting the CTBT ratified – and we promise that when that happens, Indonesia will immediately follow suit.²⁶

- 2.32 Ambassador Tibor Tóth outlined the pathway to entry into force which may follow US ratification:

U.S. ratification ... will create new momentum and a new political environment. ...

This is how the pieces of the puzzle could fall into place: Given China's role during negotiations in 1996 ... it is likely that China will follow the US. In the case of the DPRK, ratification would come as a natural consequence of the six-party talks. ... Indonesia would likely come on board at an early date ... If Iran would like to restore confidence in the peaceful nature of its nuclear program, as they claim, CTBT ratification would be a logical step. ... Israel ... would likely follow the US and Iran. And Egypt would not want to be the only remaining non-ratifier in the Middle East. ... India has stated that it won't stand in the way for the entry into force of the CTBT, and Pakistan would follow India.²⁷

- 2.33 The Committee notes that North Korea has announced its withdrawal from the Six Party Talks. The Committee notes however the strong opinions amongst participants in the inquiry that US ratification of the CTBT would have a flow on effect which would lead to the ratification of the CTBT by a significant proportion, if not all, Annex II countries.

Barriers to US ratification

- 2.34 The Committee was told that opponents of US ratification, especially within the Congress, have three main concerns:

- whether the US can maintain its nuclear weapons stockpile at a confident state of useability in the absence of nuclear explosion tests;
- whether the CTBT verification regime can reliably detect a nuclear weapon test anywhere in the world; and

26 H.E. Dr. N.H. Wirajuda, 'The United States-Indonesia Comprehensive Partnership', *Speech to the Carnegie Endowment of International Peace and the United States-Indonesia Society*, Washington DC, 8 June 2009, p. 6, accessed 9 July 2009, <www.carnegieendowment.org>.

27 Ambassador Tibor Tóth, 'Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges', *Speech to 2009 Nuclear Policy Symposium*, Budapest, March 2009, p. 6, *Exhibit No. 81*.

- whether all other Annex II countries will follow the US in ratifying the Treaty.

Stockpile reliability

- 2.35 Witnesses told the Committee that there is a major concern in the US as to whether nuclear weapons will be able to be maintained in a safe and reliable way without the ability to conduct nuclear explosions.²⁸
- 2.36 The Hon Gareth Evans AO QC told the Committee that a range of evidence suggests there is no need to conduct test nuclear explosions in order to maintain the reliability of current nuclear weapon stockpiles.²⁹
- 2.37 In 2000, the US National Academy of Science, at the direction of the then Special Advisor to the US President and the US Secretary of State for the CTBT, conducted a detailed study on, amongst other things, 'the capacity of the US to maintain confidence in the safety and reliability of its nuclear stockpile ... in the absence of nuclear testing'. The study concluded that 'the United States has the technical capabilities to maintain confidence in the safety and reliability of its existing nuclear-weapon stockpile under the CTBT'.³⁰
- 2.38 Former US Senator Bob Graham told the Committee that, given the evidence that the US can maintain its nuclear stockpile without detonation tests, concerns that stockpile reliability will not be maintained under the CTBT are diminishing.³¹
- 2.39 Nonetheless, Mr Evans suggested that the issue of stockpile reliability would become entwined with the desire of some in the US to develop a new 'reliable replacement warhead'; a new class of warhead that is enthusiastically supported by a range of parties in the US. Mr Evans argued that the development of such a warhead would be severely damaging to the success of the CTBT and the nuclear disarmament regime as a whole.³²

28 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11; Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 8; Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 11.

29 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11.

30 National Academy of Science, *Technical Issues Related to Ratification of the Comprehensive Test Ban Treaty*, National Academy Press, Washington D.C., 2002, p. 1.

31 Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 8.

32 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11.

Verification

- 2.40 The Committee was informed that another major concern in the US, and one of the primary reasons the US Senate did not approve the CTBT in 1999, is whether the CTBT's verification regime can reliably and confidently detect a nuclear test anywhere in the world.³³
- 2.41 The Executive Secretary of the CTBTO, Ambassador Tibor Tóth, has pointed out that when the US Senate rejected ratification of the Treaty in 1999, 'the CTBT verification system was an idea, an ambition – its capabilities scientific theory'. Ambassador Tóth stated that, in contrast:
- [as of March 2009, the CTBT verification system] is nearing completion, with 71% of the system's 337 global monitoring stations already sending operational-standard data to headquarters in Vienna. We are coming within sight of the fulfilment of our mandate as a Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization whose main task it is to establish the global verification regime so that it is fully operational once the Treaty enters into force. Theory is moving in to the realm of established fact.³⁴
- 2.42 On the question of the reliability of the CTBT's verification regime in its current state, Ambassador Tóth stated:
- ...there is a very high probability today that states would be able to discover any nuclear test using data generated by the CTBT verification regime and other assets available to individual states.³⁵
- 2.43 Additionally, the 2002 report by the US National Academy of Science concluded that:
- [assuming that] all of the elements of the IMS are deployed and supported at a level that ensures their full capability, functionality, and continuity of operation in the future ... nuclear explosions

33 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11; Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 8.

34 Ambassador Tibor Tóth, 'Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges', speech to 2009 Nuclear Policy Symposium, Budapest, March 2009, p. 5, *Exhibit No. 81*.

35 Ambassador Tibor Tóth, 'Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges', speech to 2009 Nuclear Policy Symposium, Budapest, March 2009, p. 6, *Exhibit No. 81*.

with a yield of 1 kiloton (kt) or more can be detected and identified with high confidence in all environments.³⁶

- 2.44 The 2006 nuclear test by North Korea was described by Mr Gareth Evans as 'the best possible practical demonstration we have that the verification system works'. This test was detected seismically and then verified by atmospheric radionuclide testing a few days later.³⁷
- 2.45 Additionally, the CTBTO's success in detecting and notifying Member States of North Korea's May 2009 nuclear test, hours before North Korea itself officially announced the test, demonstrates the improved effectiveness of the verification regime.³⁸

Ratification by all other Annex II countries

- 2.46 Dr George Perkovich, from the Carnegie Endowment for International Peace, told the Committee that another significant barrier to US ratification is the concern that other Annex II States will seek to stay outside of the CTBT, despite US ratification:

Somebody in the Senate will ask Secretary Clinton or another administration witness: isn't it true, even if we ratify this treaty, it will not go into force unless and until the other states-which I have just mentioned-also ratify? Secretary Clinton will have to say, 'Yes, that's true,' and then they will say, 'Do you have any indication that, if we do ratify it, all of the others will do so? Why should we go first and lock ourselves in? Do you have an indication that everyone else will follow?' At the current point, the Secretary of State would not be able to say with, I believe, any real confidence that we know what India, Pakistan or Egypt would do, for example. Those three countries-and we could go through the rest of the list, too-are absolutely pivotal.³⁹

- 2.47 Mr Gareth Evans told the Committee that 'US Senators are going to want to know what the response to US ratification will be from the other hold-out countries'.⁴⁰

36 National Academy of Science, *Technical Issues Related to Ratification of the Comprehensive Test Ban Treaty*, National Academy Press, Washington D.C., 2002, p. 5.

37 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11.

38 CTBTO, *CTBTO's initial findings on the DPRK's 2009 announced nuclear test*, media release, CTBTO, 25 May 2009, viewed 5 August 2009, <www.ctbto.org>; CTBTO, *Next phase in the analysis of the announced DPRK nuclear test*, media release, CTBTO, 27 May 2009, viewed 5 August 2009, <www.ctbto.org>.

39 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 6.

40 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 11.

Towards entry into force of the CTBT

- 2.48 In light of the evidence received throughout the inquiry, and especially given the priority now being afforded to these issues by the US Administration, the Committee considers that the most important factor in bringing the CTBT into force is the Treaty's approval by the US Senate.
- 2.49 The Committee heard that, given the significant opposition to the CTBT in the US, the Obama Administration is unlikely to pursue ratification of the Treaty in the US Senate until it is absolutely sure it will succeed. Ms Martine Letts told the Committee:
- ...there is concern that the question of ratification not get to the [US] Senate too quickly lest it fail again, which would be an absolute nail in the coffin [for the CTBT] for a very long period of time.⁴¹
- 2.50 The Committee considers that every attempt should be made to support current efforts in the US to ratify the Treaty. Dr Perkovich suggested one way in which Australia might contribute is if it could help to reassure the US that other Annex II States will ratify the Treaty following US ratification. Dr Perkovich argued that Australia and other countries could privately seek the commitment of other countries to follow the US in ratifying the Treaty. In his view, this would not only assist the Obama Administration but also demonstrate international support and teamwork to opponents of ratification.⁴²
- 2.51 Australia has already encouraged ratification by other countries through diplomatic channels such as the 2010 NPT Review PrepCom meetings, the Conference of Disarmament, the UN General Assembly and through regional workshops.⁴³ Submitters to the inquiry supported continued efforts by Australia to advocate the entry into force of the CTBT through traditional diplomatic channels.⁴⁴

41 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 11; President Barack Obama, *Remarks by President Barack Obama, Hradcany Sqaure, Prague, Czech Republic*, The White House, Washington, 5 April 2009, viewed 5 August 2009, <www.whitehouse.gov>.

42 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 6.

43 Ms Caroline Millar, *Transcript of Evidence*, 14 May 2009, p. 23; Ms Jennifer Rawson, *Transcript of Evidence*, 14 May 2009, p. 30; Dr Geoffrey Shaw, *Transcript of Evidence*, p. 30.

44 Uniting Justice Australia, *Submission No. 27*, p. 3; Medical Association for Prevention of War (Australia), *Submission No. 61*, p. 10; Australian Conservation Foundation, *Submission No. 55*, p. 8; United Nations Youth Association of Australia, *Submission No. 35*, p. 4; Anti-Nuclear Alliance of Western Australia, *Submission No. 75*, p. 11; People for Disarmament, *Submission No. 15*, p. 3; Dr Ben Saul, *Submission No. 54*, p. 2; Religious Society of Friends (Quakers) In Australia Inc, *Submission No. 17*, p. 2; Edmund Rice Centre for Justice and Community

- 2.52 Submitters also argued that the completion of the verification regime is necessary to prepare for entry into force of the Treaty.⁴⁵
- 2.53 The Committee supports efforts by the Australian Government towards early completion of the CTBT verification system. The Committee is of the view that the completion of the CTBT verification system would further allay any concerns relating to the systems reliability, which may in turn encourage US ratification of the Treaty.

Recommendation 1

The Committee recommends that the Australian Government promotes and supports efforts to achieve ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the United States Senate, including by making clear that United States ratification of the CTBT would be positively received by Australia and other countries, and that Australia seeks a world without nuclear weapons.

Recommendation 2

The Committee recommends that the Australian Government pursue diplomatic efforts to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the remaining Annex II states whose ratification is required to achieve entry into force of the Treaty, and seek undertakings from these countries that they will not be the impediment to the CTBT entering into force.

Education, *Submission No. 59*, p. 2; Religious Society of Friends (Quakers) Western Australia, *Submission No. 83*, p. 2; Adjunct Professor Richard Broinowski, *Submission No. 16*, p. 4; Mr Adam Dempsey, *Submission No. 24*, p. 1; The Australian Psychological Society Ltd, *Submission No. 76*, p. 5; Friends of the Earth Adelaide, *Submission No. 67*, p. 3; Mr Nic Maclellan, *Submission No. 36*, p. 6; Professor Richard Tanter, *Submission No. 53*, p. 2; Dr Marianne Hanson, *Submission No. 79*, p. 2; Dr Margaret Beavis, *Submission No. 5*, p. 1; Victorian Trades Hall Council, *Submission No. 68*, p. 2.

45 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 10; Professor Joseph Camilleri, *Submission No. 66*, p. 46; Rep. Park Jin, *Submission No. 44*, p. 2.