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REPORT OUTLINE

SECTION I. BACKGROUND

- A. Nuclear Test Ban Treaties
- B. Comprehensive Test Ban Treaties Negotiations
- C. Resolution to Adopt the Treaty by the United Nations General Assembly
- D. Treaty Sent to Senate for Ratification

SECTION II. MAJOR ISSUES FACING RATIFICATION OF CTBT

- A. Impact on CTBT of START II and ABM Ratification
- B. Impact of India and Pakistan Nuclear Tests
- C. CTBT Entry Into Force
- D. Establishment of the Comprehensive Nuclear Test-Ban Treaty Organization

SECTION III. CURRENT STATUS ON CTBT RATIFICATION

- A. White House Position on CTBT
- B. The Senate Position on CTBT
- C. Department of Defense Position on CTBT
- D. Department of Energy Position on CTBT
- E. U. S. Arms Control and Disarmament Agency Position on CTBT

SECTION IV. STATUS OF CTBT SIGNATORIES AND RATIFIERS

- A. Status of Five Nuclear Powers
- B. Recent Consultations with India and Pakistan
- C. Status of Other Countries

SECTION V. CTBT ACTIVITIES NOT PROHIBITED

POLICY ISSUES FACING THE COMPREHENSIVE TEST BAN TREATY AND PROSPECTS FOR RATIFICATION

by

AMBASSADOR JAMES SWEENEY

OCTOBER 29, 1998

1. BACKGROUND

A. Nuclear Test Ban Treaties

Treaties to ban nuclear tests have been the subject of bi-lateral negotiations for over 30 years. Since 1963, the carrying out of a nuclear weapon test explosion, or any other nuclear explosion, in the atmosphere, in outer space or underwater has been prohibited by the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (the Limited Test-Ban Treaty, or LTBT), signed in Moscow on August 5, 1963. More than 120 states are party to the LTBT, but importantly two of the formally acknowledged nuclear weapon states, China and France is not. During the 1977-1980 time frame, the United States, the United Kingdom, and the Soviet Union carried out trilateral negotiations on a comprehensive test ban. These negotiations reached an impasse over a number of issues, including seismic monitoring. They continued following the Soviet invasion of Afghanistan in early December 1997 and was adjourned in November 1980.

Since December 11, 1990, the United States and the Russian Federation (as successor to the Soviet Union) have been legally precluded from conducting nuclear explosions with yields greater than 150 kilotons in the one environment to which the 1963 LTBT was not applicable, beneath the surface of the earth, by the Treaty on the Limitation of Underground Nuclear Weapon Tests (TTBT) and the Treaty on Underground Nuclear Explosions for Peaceful Purposes (PNET), signed on July 3, 1974 and May 28, 1976 respectively. Following signature of these treaties and pending their entry into force, the United States and the Soviet Union in 1976

each publicly stated its intention to observe the 150 kiloton limit, provided that the other side did likewise. Following agreement on new verification Protocols, the two treaties were ratified and entered into force on December 11, 1990.

B. Comprehensive Test Ban Treaty (CTBT) Negotiations

The text of the treaty was negotiated in Geneva, between January 1994 and August 1996, in the United Nations Conference on Disarmament (CD). Nearly all of the member states of the CD, initially numbering 38, but subsequently expanded to 61 in June 1996, participated actively in the negotiations. On behalf of the United States, representatives of the Arms Control and Disarmament Agency, the Department of State, the Chairman of the Joint Chiefs of Staff, the Intelligence Community, the Office of the Secretary of Defense, and the Department of Energy all played important roles in the development of the treaty through participation in the negotiations in Geneva and the development of policy in Washington. Throughout the negotiating process, the United States consulted and worked closely with its Western Allies in the CD, as well as with the non-western Nuclear Weapon State members of the CD, Russia and China.

Legislation was signed into law by President Bush in 1992 that directed the United States to stop all testing by September 30, 1996, provided no other state tested after that date, and to engage in negotiations to achieve a comprehensive test-ban by that date. In the meantime, the legislation (sponsored by Senators Hatfield, Exon, and Mitchell) precluded the expenditure of funds for more than 15 nuclear weapon tests (including three for the United Kingdom) and permitted the expenditure of appropriated funds for such tests only if they were found by the Executive Branch to be necessary for the sole purpose of maintaining the reliability and safety of the existing nuclear weapon stockpile.

As regards the international climate that contributed to the US decision to actively support negotiation and conclusion of a comprehensive test-ban, the then forthcoming 1995 Review and Extension Conference of the Nuclear Non-Proliferation Treaty (NPT) focused new light on the importance of a comprehensive test-ban to the member states of the NPT and to the continued viability of the nonproliferation regime. The United States was deeply committed to the indefinite and unconditional extension of the NPT, and it became clear that a comprehensive

test ban could make a major contribution to achievement of the NPT's permanent extension. The decision to support a concerted effort to conclude a comprehensive test-ban was thus based on the careful assessment that any possible technical risks were outweighed by the political benefits to United States nonproliferation and other security objectives in constraining the spread and improvement of nuclear weapons. However, the US decision to actively pursue a comprehensive test ban was conditioned on having the capability to ensure a high level of confidence in the safety and reliability of the US stockpile and to achieve an effective verification regime for the treaty.

C. Resolution To Adopt The Treaty By The United Nations General Assembly

The negotiations in the CD continued throughout 1994, 1995, and most of 1996. The CD was working to meet a target date for signature of the treaty in the fall of 1996 set by a United Nations General Assembly (UNGA) resolution unanimously adopted in December 1995. The objective was for the CD to forward the agreed-upon text to a resumed 50th session of the UNGA, which could then request the Secretary-General to open the treaty for signature. As the 1996 CD session drew close to an end it became clear that one state, India, would block consensus action by the CD to forward the text to the UNGA. India, citing various objections it has to the treaty, invoked the Conference's rule that all decisions must be taken by consensus and blocked submission of the CTBT to the UNGA. It was apparent that a majority of the States did not want to let this initiative die, and the international body decided that keeping the treaty alive was more important than adhering to the CD's consensus rule. The member states of the CD that supported the CTBT began to consider other means by which the treaty text that had resulted from the deliberations within the CD's Ad Hoc Committee on a Nuclear Test-Ban might be forwarded to the UN. Australia took the lead in its individual capacity, not as a member of the CD, and formally requested that the UNGA President convene a resumed session of the 50th General Assembly for the purpose of considering and acting upon the text of a comprehensive test-ban treaty. At its resumed session the General Assembly adopted the text of the Treaty on September 10, 1996, by a vote of 158 to 3 with 5 abstentions. The three countries opposed to the treaty were India, Libya and Bhutan. Pakistan voted to approve the treaty, but indicated it would

not sign if India did not sign the treaty. The 5 abstentions included Cuba, Lebanon, Syria, Mauritius and Tanzania.

The Secretary-General opened the treaty for signature on September 24, 1996, and President Clinton became the first Head of State to sign the CTBT. As of September 14, 1998, 150 nations have signed, including all five Nuclear-Weapon States, and 21, including France and the United Kingdom, have ratified the treaty.

D. Treaty Sent to the U. S. Senate for Ratification

President Clinton transmitted the CTBT to the Senate for its advice and consent on September 22, 1997. (Attachment 1) In his transmittal he indicated that the treaty would contribute to the prevention of nuclear proliferation and enhance international peace and security. A synopsis of the CTBT that identifies the purpose, scope and major features of the treaty is included in Attachment 2. In his January 27, 1998 State of the Union address, Clinton states: "I ask Congress to join me in pursuing an ambitious agenda to reduce the serious threat of weapons of mass destruction. This year, four decades after it was first proposed by President Eisenhower, a comprehensive nuclear test ban is within reach. By ending nuclear testing we can help to prevent the development of new and more dangerous weapons and make it more difficult for non-nuclear states to build them. I'm pleased to announce four chairmen of the Joint Chiefs of Staff have endorsed this Treaty. And I ask the Senate to approve it this year."

2. MAJOR ISSUES FACING RATIFICATION OF CTBT

A. Impact On CTBT Of START II Ratification And ABM Amendments

Senate Republican resistance to several arms control initiatives and, more importantly, Russian Duma failure to ratify the START II treaty have stalled the arms control agenda in Washington. Senate ratification of three amendments to the 1972 Anti-Ballistic Missile Treaty (ABM), whose status is crucial to the fate of strategic arms control, may occur next year, if START II is ratified by the Duma in the near future. The current impact on arms control treaties according to ACDA officials can only be undone by Duma ratification of START II. Even if the

treaty is ratified by the end of the year Senate consideration of the CTBT next year is probabilistic at best. CTBT ratification will have to await action on the ABM amendments, and if Duma ratification of START II occurs by the end of the year, the ABM amendments may be considered next Spring, and possibly CTBT ratification by the Summer of 1999.

START II ratification is essential if momentum is to be injected into a stalled arms control agenda. Not only are the CTBT, the ABM amendments, and new START II Protocol and time extension measures tied to START II ratification, but further strategic arms reductions now under consideration in the Administration and negotiations on START III (as well as on tactical nuclear weapons) also require Duma ratification of START II. Another Administration concern is the conditions the Duma may attach to the START II treaty which may impact the amendments to the ABM treaty and in turn CTBT ratification.

Regarding the ABM treaty, the United States, the Russian Federation Belarus, Kazakhstan, and Ukraine were involved in long and intense negotiations to modify the ABM treaty and on September 26, 1997 reached an agreement.

The treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, was a bilateral agreement between the two states. When the USSR dissolved at the end of 1991, and its constituent republics became independent States, the only operationally-deployed ABM system was at Moscow, while a number of its early warning radar's and an ABM test range were located outside of the Russian Federation. Although the ABM Treaty continues in force, it nevertheless has become necessary to reach agreement as to which New Independent States (NIS) would collectively assume the rights and obligations of the USSR under the treaty.

A Memorandum of Understanding on Succession (MOUS) establishes that the Parties to the ABM Treaty shall be the United States, Belarus, Kazakhstan, the Russian Federation, and Ukraine. For the purposes of the MOUS and the ABM Treaty, the latter four states are considered to be the USSR Successor States. Pursuant to the MOUS provisions, the USSR Successor States collectively assume the rights and obligations of the USSR. This means that only a single ABM deployment area is permitted among the four Successor States; in addition, only 15 ABM launchers at ABM test ranges are collectively permitted. Russia will be able to continue to operate any existing early warning radar's, as well as the ABM test range, located within other states with the permission of those governments.

States that become bound by the MOUS also are bound to observe the provisions of both the First and Second Agreed Statements, which deal with lower-velocity and higher-velocity theater ballistic missile defense systems, respectively. These agreements will now be subject to ratification or approval by the signatory states in accordance with the appropriate constitutional procedures of each state, and will enter into force on the date when the governments of all five signatory states have deposited instruments of ratification or approval of the Memorandum of Understanding on Succession. The MOUS will remain in force as long as the ABM Treaty remains in force.

It is important to note that several key members of the Congress, in particular Chairman, Jesse Helms, are not supportive of the ABM Treaty and have labeled it a "relic of the cold war." It appears that the Congressional strategy is to weaken or terminate the ABM Treaty, thus clearing the way for the development and deployment of a National Missile Defense (NMD) systems currently in the R&D phase. Senator Helms on September 1, 1998 stated on the floor of the Senate, during debate on the Spector-Biden Amendment to restore funding for the Comprehensive Test Ban Treaty Organization (CTBTO) Preparatory Commission, that "India's nuclear testing also is compelling, additional evidence pointing to the need for a national missile defense to protect the United States. Because India can readily reconfigure its space launch vehicle as an intercontinental ballistic missile (ICBM). Its actions clearly constitute an emerging nuclear threat to the United States".

B. Impact of India and Pakistan Nuclear Tests

The nuclear tests by India and Pakistan have led some in the United States Senate to seek further delay on the ratification of the CTBT.

India, one of five states worldwide, which are not members of the Non-Proliferation Treaty (NPT), has a long history of calling for complete nuclear disarmament by the nuclear states. In May 1998 at the Preparatory Committee for the 2000 Revision Conference of the NPT, the five official nuclear weapon states refused to commit themselves to modest nuclear disarmament steps, thereby preventing any agreement during the two week long session in Geneva.

The President denounced the May 1998 nuclear tests by India and Pakistan and directed economic sanctions against both countries. He also directed intensified diplomatic consultation with India and Pakistan in an effort to secure their agreement on signature of the CTBT as soon as possible.

The State Department's response is contained in a statement by John Holum, Under Secretary of State for Arms Control and International Security Affairs, in which he states: "As the President has said, the Indian and Pakistani people are now more at risk, not more secure. So the most immediate message to both is to cease their inflammatory rhetoric – adopt a cooling off period, restore bilateral dialogue, avoid provocative actions in Kashmir, and address the root causes of their tensions. Beyond that, we are vigorously pursuing a comprehensive strategy to address the destabilizing effects of these developments on the region and to reinforce the global nuclear nonproliferation regime."

Holum continued, "The ultimate objective remains for India and Pakistan to join the Nuclear Non-Proliferation Treaty as non-nuclear weapon states. In the meantime, there is no chance the Treaty will be modified to accommodate their self-declared nuclear status."

Less than a week after India's shocking nuclear test blasts, an overwhelming majority of Americans supported Senate ratification of a treaty banning nuclear tests according to a nationwide poll. The results are based on the findings of an opinion survey of 1000 adults conducted by the Mellon Group between May 15-17, 1998. The survey's margin of error is plus or minus 3 percentage points. When asked "Do you think the US Senate should approve a treaty with 140 countries that would prohibit underground nuclear weapons explosions worldwide," 73% of respondents say the treaty should be "approved" while only 16% "disapprove" and 11% "don't know."

On June 2, 1998 the Union of Concerned Scientists sent a letter to Senator Trent Lott, urging him to support rapid ratification of the CTBT. Their position is that the Treaty strengthens the case for Senate ratification, and would reduce the threat of nuclear proliferation, which threatens our national security interests. The letter was signed by nine distinguished scientists and military leaders, including Dr. Hans Bethe, Admiral William Crowe, Dr. Herbert York and Admiral Stansfield Turner. A copy of the UCS letter is attached as Attachment 3.

During a June 1998 visit to Japan by a United States delegation, it was reported that Japanese Ministry of Foreign Affairs officials indicated that Japan would build nuclear weapons if North Korea built nuclear weapons, and if the United States did not show strong support for Japan under those circumstances. Japan was very concerned about the India and Pakistan nuclear tests and they were critical of the weak US response to the tests. They admitted that Japan's plutonium economy is not simply for electrical power, but is really a hedge to ensure capacity for nuclear weapons. Japan currently controls about twenty tons of plutonium.

C. CTBT Entry Into Force

Article XIV of the Treaty provides the legal mechanism for entry into force, which requires the ratification of the Treaty by 44 specific states, including the five nuclear-weapon states, India, Pakistan, Israel and North Korea, among others. However, if these 44 states have not ratified the treaty by September 24, 1999, the states that have ratified can meet in a conference to determine measures, consistent with international law, which will accelerate the ratification process and facilitate the treaty's early entry into force.

Senator Helms in his January 21, 1998 letter to the President (Attachment 4) stated that: "The treaty has no chance of entering into force for a decade or more. Article 14 of the CTBT explicitly prevents the treaty's entry into force until it has been ratified by 44 specific nations. One of those 44 nations is North Korea, which is unlikely to ever ratify the treaty. Another of the 44 nations – India – has sought to block the CTBT at every step vetoing it in the Conference on Disarmament so that it could not be submitted as a Conference document. India has opposed it in the United Nations. And, India has declared that it will not even sign the treaty." Senator Lott supported Senator Helms position in a statement on the Senate floor on September 1, 1998.

If the required 44 states have not signed and ratified the CTBT, by September 1999, the State Department feels that the international community will be forced to respond by bringing the CTBT into force without the full complement of States. Their strategy includes provisional approval.

A precedent exists for bringing arms control treaties into legal application without strict fulfillment of entry into force requirements. The Conventional Armed Forces in Europe (CFE) Treaty was provisionally applied in July 1992 when unrelated circumstances prevented its timely

ratification by three signatories. The delegates to the potential CTBT conference in September 1999 will have the benefit of this example.

At the end of the day, the signatories to and ratifiers of the CTBT are sovereign states that will act in their own best interest. If at the time of the 1999 conference, a large number of states have ratified the CTBT – including the five nuclear-weapons states, but without India, Pakistan and North Korea – the signatories nevertheless may wish to consider bringing the treaty into force.

The purpose of the conference, as the CTBTs negotiating record makes clear, is only to discuss measures to facilitate early entry into force. However, these are sovereign states and they do have the power to bring the treaty into force among themselves. They can do it one of two ways. They could agree on a protocol that brings the treaty into force notwithstanding the terms of Article XIV. This would be, in effect, an amendment to the treaty, which would require submission of the document to all the relevant legislatures. Alternatively, the signatories could agree to provisionally apply the treaty among themselves without reference to legislatures simply by signing an agreement to do so.

D. Establishment of the Comprehensive Nuclear Test-Ban Treaty Organization

The Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO) will be located in Vienna, and its purpose is to ensure the implementation of treaty provisions, including those for international verification of compliance, and to provide a forum for consultations and cooperation among State Parties. The cost of the CTBTO shall be assessed to all State Parties in accordance with the United Nations scale of assessments. The United States share is 25%. The US portion is $20M for FY99. The arrears for last year and the FY99 appropriations were deleted from the Foreign Operations Appropriations bill earlier in the year.

In September of this year U.S. Senator Joseph Biden, Jr. (D-DE) and Senator Arlen Specter (R-PA) co-sponsored an amendment that would restore US funding for the CTBTO. The amendment would fund the Administration request for $28.9 million to cover the US contribution to the CTBTO. This issue was debated on the floor on September 1, 1998. Senator Lott (R-Miss) and Senator Helms (R-NC) strongly opposed the amendment on the grounds that there is no treaty to monitor, and there will not be one in the foreseeable future. And not until all

44 specific states ratify the CTBT. In addition, Senator Lott indicated that a vote on the Spector-Biden amendment would be a referendum on the CTBT, and if it received less than 67 votes, that would be interpreted as a signal that the Senate is prepared to reject the treaty. The amendment was approved by a 49 to 44 vote, with both Senators Domenici and Bingaman not voting. (They were unavailable). Senator Biden argued that "Whether we choose to ratify the CTBT or not, the United States must be able to monitor possible nuclear weapons tests world-wide. If we do join the CTBT, we will want to be able to verify other countries' compliance with the treaty as soon as it enters into force. Either way, the fastest, cheapest way for us to detect nuclear tests is to invest in the International Monitoring System (IMS) today."

Sidney D. Drell of Stanford University and a member of JASONS took exception to Senator Lott's statements in a June 2, 1998 New York Times article in which he states: "The nuclear tests by India and Pakistan have led some in the United States Senate to seek further delay on the Comprehensive Test Ban Treaty, which has already been awaiting ratification for more than a year and a half. Trent Lott of Mississippi, the Senate Majority Leader, said on May 29 'the nuclear spiral in Asia demonstrates the irrelevance of US action' on the treaty, calling the pact 'unverifiable and in effectual'." He continues, "To the contrary, the treaty's international monitoring system, when used in combination with our own intelligence resources, provides the means to verify the test ban effectively. Moreover, a quick vote in the Senate approving the treaty is an essential response to the South Asian nuclear gambit. While it is true that American intelligence failed to provide imminent warning of India's first three nuclear tests on May 11, we were well aware that the technical preparations had been made for testing. Furthermore, the global network of seismic sensors that will form the core of the treaty's verification system did detect, locate and identify the main nuclear blast that day."

Dr. Drell further stated, "I know from my own work for the Director of Central Intelligence, George Tenet, that the existing monitoring system did the job last summer, detecting a "seismic event" off Novaya Zemlya in Russia and eventually helping to determine that it was not from a nuclear test. Our intelligence services are rightly assigned the task of monitoring for nuclear explosions, with or without the treaty. But with the treaty, additional sensors would be deployed in a global network that would complement our own intelligence. Some of these additional sensors would be "aimed" at the subcontinent. And with the treaty, we could request on-site inspection of suspicious activities."

E. CTBT Science and Technology

The CTBT R&D program is sponsored by the US Department of Energy (DOE) Office of Non-Proliferation and National Security (NN-1) Office of Research and Development (NN-20). The mission of the DOE's CTBT R&D program is to carry out research and development necessary to provide the US government agencies responsible for monitoring and/or verifying compliance with the CTBT with technologies, algorithms, hardware, and software for integrated systems to detect, locate, identify, and characterize nuclear explosions at the thresholds and confidence levels that meet US requirements in a cost-effective manner.

The following National Laboratories participate in the CTBT R&D Program in coordination with other US Government Agencies and the Private Sector.

Environmental Measurements Laboratory (EML)

Lawrence Livermore National Laboratory (LLNL)

Los Alamos National Laboratory (LANL)

Pacific Northwest National Laboratory (PNNL)

Sandia National Laboratories (SNL)

US ratification of a CTBT will depend, in part, on the existence of a combined national and international monitoring system sufficient for effective verification. While the US and other countries pursue ratification, the Preparatory Commission (PrepCom) has been formed to address startup issues for the treaty (e.g. IMS station installation, funding, CTBT organization creation, etc). The PrepCom period lasts until treaty Entry-Into-Force (EIF) which could range from two years to many depending on when EIF criteria are met.

The primary objectives of an international CTBT monitoring system are to deter nuclear explosions in all environments and, if such explosions do occur, to permit identification and characterization with high confidence. It is also important to attribute the nuclear explosion to the proper source. Though technological progress over time should permit improvements in the quality of CTBT monitoring, a monitoring capability will be in place from the beginning in order to create a significant deterrent against those who may be tempted to try to evade detection.

3. CURRENT STATUS ON CTBT RATIFICATION

A. White House Position On The CTBT

The Arms Control Interagency Working Group at the National Security Council (NSC) has developed a CTBT Ratification Strategy which focuses on several key elements, including

(1.) the involvement of the President, Vice President, Secretaries of State, Energy and Defense; and the Director of the US Arms Control and Disarmament Agency (ACDA);

(2.) strong bipartisan Senate Leadership support;

(3.) existing support from prominent former executive and legislative officials; former senior military officials and distinguished scientists and weapon experts.

The strategy is based on the following major points:

(1.) The treaty is in the national security interest of the United States. It will constrain nuclear and non-nuclear weapons states from developing more advanced nuclear weapon capabilities.

(2.) The Administration supports prudent safeguards in the areas of stockpile stewardship and verification in order to ensure our security under a CTBT.

(3.) Republicans and Democrats, as well as the Congress, have played a critical role in negotiation of a CTBT over the past four decades. Originally conceived by President Eisenhower; advanced by President Kennedy; concluded by President Clinton under 1992 Congressional mandate (Hatfield-Exon-Mitchell legislation).

(4.) The United States is prohibited by law from conducting nuclear explosions; the treaty requires other countries to do the same, and provides a "new tool" to combat nuclear proliferation.

(5.) The CTBT is overwhelmingly supported by the American public, and the world community. Latest national poll shows 73 percent support for ratification, only 16 percent opposed. The treaty has [redacted] been signed by 146 nations.

The Administration's original strategy was to push for consultations with the Senate Foreign Relations Committee (SFRC) staff in the fall of 1997, and SFRC hearings in the spring of 1998 and Senate debate and a vote prior to Congressional adjournment in October 1998.

On the date the White House sent the treaty to the Senate for ratification, a press release was issued which outlined the history of involvement by the White House on the CTBT. Starting on March 3, 1993 when National Security Advisor Anthony Lake directed a comprehensive review of US Policy on nuclear testing and the prospects for a comprehensive test ban treaty President Clinton and Yeltsin both agreed that consultations and negotiations should start at an early date, during the Vancouver Summit in April 1993. On July 3, 1993 the President announced his intentions to extend the US testing moratorium and seek to negotiate a CTBT. A detailed chronology of events is attached as Attachment 5.

A major part of the CTBT is the safeguards required in maintaining confidence in the enduring US nuclear stockpile and assuring that the nations nuclear deterrent remains strong during a nuclear test ban. The White House has recognized this vital component of the CTBT and by Presidential Decision Directive and through an act of Congress the Department of Energy was directed to "establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the US in nuclear weapons." The DOE has developed the appropriate safeguards and identified the critical scientific and technical issues, which are contained in Attachment 6. Item F of the attachment addresses the annual certification requirement which is a very important and significant part of the CTBT safeguards program.

On February 10, 1998, President Clinton sent a letter to Senator Jesse Helms requesting that he increase the priority of CTBT ratification hearings by the SFRC, and hopefully complete Senate ratification prior to the President's visit to India and Pakistan this fall. A copy of President Clinton's letter is included as Attachment 7.

In a September 24, 1998 meeting with Bob Bell, Special Assistant to the President and Senior Director for Defense Policy and Arms Control at the National Security Council (NSC) he informed me that the White House will be pushing hard to secure Senate ratification of the CTBT in 1999. Mr. Bell was selected by the President to lead the Administration in securing CTBT ratification. The NSC strategy for the Administration is to push hard in 1999 and reach a suitable compromise with Senator Jesse Helms. Bob recognizes that the task will be a formidable challenge but if START II is ratified by the Russians this year and the ABM amendments are submitted to the Senate Foreign Relations Committee early next year, then maybe the CTBT can be ratified in the Summer of 1999. Mr. Bell stated that "if the CTBT is not ratified in 1999 then it will not be ratified in 2000, because its an election year and the Treaty will be left for the next

administration." He agreed that Senator Domenici is a key figure and that "Domenici will not push Senator Helms for hearings on the CTBT, but will support the treaty when it comes before the Senate." We discussed the statement by President Clinton on the anniversary of the CTBT and LTBT, which occurred on the date I visited with Bob Bell. The President's statement strongly urges Senate action on CTBT ratification as soon as possible next year. The President's statement is attached as Attachment 8.

B. The Senate Position on the CTBT

(1.) Majority Position

In January 1998 Senator Jesse Helms, Chairman of the Senate Foreign Relations Committee – the panel responsible for reporting CTBT out for full Senate consideration – indicated in a letter (Attachment 4) to President Clinton that the treaty would only be taken up "after the Senate has had an opportunity to vote on the Kyoto Protocol [the global warming treaty] and the amendments to the ABM treaty." The global warming treaty has no prospect of being sent to Capital Hill by the Administration for another year or so. The three ABM agreements agreed to by the White House and the Yeltsin government in September 1997 will not be sent to the Senate until the Russian Duma ratifies Start II. State Department sources indicate that the prospects for Start II ratification by the Duma improved by virtue of the appointment of Foreign Minister Y. Primakov as Prime Minister in Russia. His close ties to the Duma leadership is seen as a positive indicator and he has privately stated that for economic reasons he supports early Start II ratification.

The Republican majority has remained unyielding in their resistance to the CTBT, renewing their question about the effects of a test ban on the long-term effectiveness of the nations nuclear arsenal. Senator Lott, Senate Majority Leader, said on May 29, 1998 that "the nuclear spiral in Asia demonstrates the irrelevance of US action" on the CTBT, calling the treaty "unverifiable and ineffectual." Senate Majority Leader Trent Lott and Foreign Relations Chair Jesse Helms say they will block action on the test ban treaty. If it came to a vote it would fail anyway.

When it was revealed that only one of the claimed five tests had been detected by the seismic network, the opponents of CTBT were quick to cite the failure as proof that a test ban is not verifiable. Weapons experts were not so sure. It may not have been the seismic monitoring that failed but the tests themselves. Everyone agrees that the testing procedure was unusual. If the undetected tests were not actual duds, they may have only been sub-critical tests of weapons components or even shams meant to exaggerate India's nuclear capability.

Several Republican Senators have advocated a slow down approach on CTBT ratification. Senator Chuck Hagel, (R-NEB), recently stated "Sure we should debate the treaty and get India and Pakistan to go in on it, but we need to really examine it and give it some thought and focus. I don't think the urgency of this is that critical." Senator Pete Domenici, (R-NM), agreed, "I think we ought to wait awhile" Senator Domenici said; "in order to get the treaty through, we've got to get stockpile stewardship going so we don't need testing. There are three or four senators who say we still need testing. Then the Administration and Congress have to develop some kind of strategy in reference to proliferation that we don't have today. If that gets working, we ought to jump on the treaty then."

On July 15, 1997 Senator Domenici spoke on the Senate floor on the subject of nuclear testing, and said that he is "leaning strongly in support of the international treaty banning it."

During a meeting with Senator Domenici's Legislative Assistant last month, I was informed that the Senator "would like to support the treaty, but is concerned about misconceptions and misunderstanding on some aspects of the treaty." It was further stated that the Senator quietly supports the Spector-Biden resolution calling for the prompt consideration of the treaty. The Domenici staffer also indicated that the treaty is not an important issue this year, but could be next year.

(2.) Minority Position

The majority of the Democratic Senators have taken a strong position in supporting the Administration on CTBT ratification. On May 19, 1998, Senator Joseph R. Biden, Jr. ranking minority member of the Senate Foreign Relations Committee and Senator Arlen Specter circulated the attached draft resolution (Attachment 9), requesting co-sponsorship of a Sense of the Senate Resolution requesting that Senator Jesse Helms, Chairman of the Foreign Relations Committee hold hearings on the CTBT. Thirty-six Senators co-sponsored the resolution, which was presented, to the Senate body on July 29, 1998. In presenting the resolution to the Senate,

Senator Biden said, "Ten months ago, the President submitted the Comprehensive Nuclear Test Ban Treaty to the Senate for its advice and consent. Since then, I regret there has not been a single hearing in the Senate Foreign Relations Committee on this treaty." Senator Biden and Specter released results of a nationwide poll indicating widespread support for the treaty. Biden stated "The vast majority of Americans support US ratification of the treaty. Less than one in four Americans want us to resume nuclear testing in the wake of the India and Pakistan tests. It's very hard to argue with numbers like that. Americans know that the best response to the Indian and Pakistani nuclear tests is to rope those two countries into signing the test ban." He continued that if this nation does not ratify, countries like Japan, South Korea, and Brazil will undertake serious reviews of their own nuclear status within the next few years. Senator Biden called US approval of the treaty before this is allowed to happen "absolutely vital to our naked self-interest." Senate Minority Leader Tom Dashle, (D-SD), tried unsuccessfully to force a vote on the treaty this year, but Senator Lott who controls the Senate agenda blocked the attempt.

Senator Jeff Bingaman and Senator Carl Levin, requested Armed Forces Committee Chairman Strom Thurmond, (R-SC), to hold hearings on the treaty in his committee. Senator Bingaman indicated in a recent meeting that Senator Thurmond refused to hold hearings and there was no likelihood that his position would change.

C. Department of Defense Position on the CTBT

Secretary of Defense William Cohen in testimony before the Senate Armed Services Committee on February 3, 1998 stated "Beyond the defense realm, economic and diplomatic initiatives such as non-proliferation can help shape a favorable international environment. Also important are the Cooperative Threat Reduction Program and the Comprehensive Test Ban Treaty, which I urge the Senate to ratify." In conjunction with the State of the Union address, President Clinton announced the support of the four Chairman of the Joint Chiefs of Staff, who, after careful consideration, have stated that: "With the safeguards under which the United States will enter into the treaty, we support Senate approval of the Comprehensive Test Ban Treaty." The four former Chairmen of the JCS are General John Shalikashvili (1993-1997); General Colin Powell (1989-1993); Admiral William Crowe (1985-1989) and General David Jones (1978-1982). The current Chairman of the JCS, General Hugh Shelton, in testimony before the Senate

Armed Services Committee on February 4, 1998 said "In his State of the Union address, the President asked the Senate to approve the Comprehensive Test Ban Treaty this year. The Joint Chiefs of Staff support ratification of this treaty, with the safeguards package that establishes the conditions under which the US would adhere to the treaty. Last week, four previous Chairmen of the Joint Chiefs of Staff, General Shalikashvili, General Powell, Admiral Crowe, and General Jones, joined me in endorsing this position."

D. Department of Energy Position on the CTBT

Secretary Federico Pena in testimony before the Senate Energy and Water Subcommittee hearing on the Comprehensive Test Ban Treaty on October 29, 1997, supported ratification of the CTBT, and he considered the maintenance of a safe and reliable nuclear stockpile to be of supreme national interest to the United States. The job of the Department of Energy is to continue to maintain the safety and reliability of the deterrent under a CTBT, and this will be done by strict adherence to the six safeguards announced by the President in August 1995, when he determined that the United States would pursue a zero-yield CTBT. In his testimony Secretary Pena stated "The transmittal of the treaty by President Clinton to the Senate for its advice and consent to ratification last month represents the culmination of many years of effort on the part of United States government agencies, the National Laboratories, and Congress. There continues to be overwhelming public support for such a treaty, and for good reason. This treaty provides a significant benefit to the national security of the United States. It will contribute effectively to the prevention of nuclear proliferation and serve as a component of future nuclear disarmament."

From a more pragmatic standpoint, several national security experts have indicated that, universal ratification would freeze the US advantage in nuclear weapons technology, because the US has the most advanced arsenal. If other nations can't test and develop new weapons, the US will remain the greatest nuclear power in the world. The National Laboratories have been working through the Stockpile Stewardship Program to develop the world's most powerful computer systems to simulate nuclear explosions, so it can realistically evaluate a weapon without actually detonating a device. At the moment it is unlikely that any other country could duplicate the US simulation and laboratory testing capabilities.

E. US Arms Control and Disarmament Agency Position on CTBT

The Arms Control and Disarmament Agency (ACDA) provided the senior Ambassador and head of the United States delegation at the United Nations Conference on Disarmament (CD) in Geneva, during the over two and a half years of negotiations on the Comprehensive Test Ban Treaty. Ambassador Ledogar led the difficult US negotiations on the CTBT with the other 61 States representative to the CD, which resulted in adoption by the United Nations General Assembly in September 10, 1996, by a vote of 158 to 3 with 5 abstentions. ACDA because of its active involvement in the negotiation process is vitally interested in the timely ratification of the CTBT. John Holum, Acting Under Secretary of State for Arms Control and International Security Affairs and Director of the Arms Control and Disarmament Agency in testimony before the Senate Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on March 18, 1998 made a strong and passionate bid for Senate ratification of the CTBT. Mr. Holum stated "US ratification will encourage further ratification, just as US ratification of the Chemical Weapons Convention facilitated ratification by Russia, China, Pakistan and Iran. The most effective means of moving reluctant states is to make them feel the sting of isolation on this issue and not to provide them with the cover of US inaction. US delays in ratification would compromise our efforts to encourage others. In particular with regard to India and Pakistan, it is important that when the President travels to the subcontinent later this year he does so with US ratification in hand." He added that "If US ratification is delayed for an extended period, the norm that we seek to advance could unravel. Moreover we would run the risk that other nuclear weapon states, which are currently observing self-imposed moratoria on test explosions, could decide, in the absence of constraints, to declare they do not intend to ratify the treaty and to resume testing."

Senior officials of ACDA indicated to me that they were frustrated over Senator Helms tactics in refusing to hold hearing on the treaty. It was generally felt that the White House, and in particular, the NSC, was not applying enough pressure on the Republican leadership in Congress to expedite hearings by the Senate Foreign Relations Committee. The feeling by ACDA officials is that if the CTBT came up for a vote on the Senate floor, it would be approved. There was also the view that if the CTBT is not ratified in the near future, that future arms control treaties maybe

in jeopardy. In addition, one senior official expressed concern over the perceived lack of strong support for the CTBT by Secretary of State, Madeleine Albright.

4. STATUS OF CTBT SIGNATURES AND RATIFIERS

As of this date 150 nations have signed and 21 nations have ratified the Comprehensive Test Ban Treaty. A listing of the countries that have signed the treaty and those that have ratified it, along with the date of ratification, are shown in Attachment 10. The most recent country to ratify the treaty was El Salvador, which deposited their instruments of ratification on September 14, 1998.

A. CTBT Status of the Other Nuclear Powers

(1.) United Kingdom

The House of Lords successfully passed the Nuclear Explosives (Prohibition and Inspections) Bill, unopposed. The House of Commons completed its CTBT debate on November 6, 1997. All the main political parties in the UK support the CTBT. All legislative actions have been completed and Great Britain deposited their instruments of ratification for the CTBT with the Secretary General of the United Nations in New York on April 6, 1998.

(2.) France

French President, Jacques Chirac announced in August 1997 that France would ratify the CTBT within a year. The French Foreign Ministry submitted the CTBT ratification package to the French Council of Ministers for their consideration and approval, and then sent the Treaty to the National Assembly for their approval. All actions were completed and France formally submitted their instrument of ratification with the Secretary General of the United Nations in New York on April 6, 1998.

President Clinton praised both Great Britain and France for their leadership and said: "I applaud this milestone in the global effort to reduce the nuclear threat and build a safer world. In particular, I want to thank Prime Minister Blair and President Chirac and the parliaments of Great Britain and France for their leadership in paving the way towards early entry into force of

this historic treaty." Clinton also noted that France and Great Britain are the first two nuclear weapon states to ratify the CTBT.

(3.) Russian Federation

In Russia the CTBT must be ratified by the Russian Duma. The Duma has a long list of arms control treaties and domestic legislation, including Start II, which must be completed first. At this time there are no concrete plans for when the CTBT will be brought before the Duma.

(4.) China

I was unable to secure any meaningful information regarding China's ratification of the CTBT. ACDA sources indicated to me that the Chinese are taking a wait and see attitude concerning developments in India. Mr. Holum is planning on visiting China in mid-November and China's ratification of the CTBT is one of the agenda items.

B. Recent United States Consultations with India and Pakistan

The State Department, at the direction of the White House, has aggressively pursued consultations with both India and Pakistan in an effort to secure their support and signature of the CTBT. The negotiations intensified after the India and Pakistan nuclear tests in May 1998, with Deputy Secretary of State Strobe Talbott, leading the US delegation.

(1.) Pakistan

In July of this year, the international community was told that Pakistan would no longer relate its nuclear policy to India and that its decision on CTBT would be independent of what India does. In New York for the United Nations General Assembly Conference in September, Pakistan Prime Minister Nawaz Sharif announced his country's intention to sign the CTBT.

Secretary General of the United Nations Kofi Annnan, warmly welcomed the Prime Minister's statement and stated: "that the announcement was particularly gratifying since yesterday was the second anniversary of the opening for signature of the CTBT at the United Nations. He said it was an important milestone in the history of efforts to end the nuclear arms race and to achieve nuclear non-proliferation and disarmament." With Pakistan's commitment to sign the CTBT, 42 of the 44 states required for entry into force will have signed. Of those 42 states, 10 have ratified the treaty.

(2.) India

In August of this year, India revealed its nuclear doctrine when Prime Minister Atai Behari Vajpayee announced that their doctrine would consist of three elements. First, that "in order that our independence and integrity are never jeopardized we will have a policy of minimum deterrent." Secondly, "we have stated that we will not be the first to use nuclear weapons." And thirdly, "having stated that we shall not be the first to use nuclear weapons there remains no basis for their use against countries which do not have nuclear weapons."

On September 26, United Nations Secretary General Kofi Annan welcomed India's willingness to conclude discussions on signing of the CTBT. Indian Prime Minister Atai Bihari Vajpayee announced at the UN General Assembly Conference that India was prepared to sign the CTBT within a year. Negotiations between the US and India are ongoing and India has indicated that they wish to conclude these negotiations at an early date, but no later than September 1999, the date of the CTBT conference to discuss entry into force.

5. CTBT ACTIVITIES NOT PROHIBITED

Article I of the CTBT addresses the issue of activities not prohibited. The language is very general and reads as follows:

Article I: Basic Obligations

1. Each State Party undertakes not to carry out any nuclear weapon test explosions or any other nuclear explosion, and to prohibit and prevent any such nuclear explosions 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.

In the interest of clarifying the purpose and intent of Article I, the ACDA CTBT staff prepared the following analysis of those activities which are not prohibited under the Treaty.

The US decided at the outset of negotiations that it was unnecessary, and probably would be problematic, to seek to include a definition in the treaty text of a "nuclear weapon test explosion or any other nuclear explosion" for the purpose of specifying in technical terms what is prohibited by the treaty. It is important to emphasize that Article I prohibits only nuclear

explosions, not all activities involving a release of nuclear energy. It is clearly understood by all negotiating parties, as a result of President Clinton's announcement on August 11, 1995, that the US will continue to conduct a range of nuclear weapon-related activities to ensure the safety and reliability of its nuclear weapons stockpile, some of which, will not involving a nuclear explosion, may result in the release of nuclear energy. Such activities, a number of which are planned as part of the Stockpile Stewardship and Management Program (SSMP), could include: computer modeling; experiments using fast burst or pulse reactors; experiments using pulse power facilities; inertial confinement fusion (ICF) and similar experiments; property research of materials, including high explosives and fissile materials, and hydrodynamic experiments, including subcritical experiments involving fissile material. None of these activities will constitute a nuclear explosion. Similarly, activities related to the operation of nuclear power and research reactors and the operation of accelerators are not prohibited pursuant to Article I, despite the fact that such activities may result in the release of nuclear energy. The examples of activities not prohibited by the treaty cited above are not all-inclusive, but are illustrative.

Concerning ICF, the US statement made at the 1975 NPT Review Conference established that energy sources "involving nuclear reactions initiated in millimeter-sized pellets of fissionable and/or fusionable material by lasers or by energetic beams of particles, in which the energy releases, while extremely rapid, are designed to be and will be non-destructively contained within a suitable vessel" do not constitute "a nuclear explosive device within the meaning of the NPT or undertakings in IAEA safeguards agreements against diversion to any nuclear explosive device." Thus, such energy releases at the planned National Ignition Facility, as well as at existing facilities such as the NOVA laser facility, are not considered nuclear explosions and are not prohibited by the treaty.

With respect to the obligation "not to carry out" any nuclear explosion, the negotiating record reveals that Article I does not limit in any way a state party's ability to conduct activities in preparation for a nuclear weapon test explosion or any other nuclear explosion. During the negotiations, a proposal to prohibit such preparations was rejected as being unnecessary, too difficult to define, and too complicated and costly to verify. In addition, the US opposed this proposal because it might interfere with its ability to maintain the basic capability to resume nuclear test activities prohibited by the treaty should the United States exercise its

"supreme interests" rights pursuant to Article IX and withdraw from the treaty – one of the treaty safeguards announced by the White House on August 11, 1995.

Although preparations would not constitute non-compliance, a state party could use the consultation and clarification procedures set forth in Article IV to address concerns about such preparations. In addition, irrespective of the CTBT, any state with information regarding another state's preparations to conduct a nuclear explosion could bring the matter directly to the attention of the UN Security Council.

The United States understands that Article I, paragraph 1 does not prohibit any activities not involving nuclear explosions that are required to maintain the safety, security, and reliability of the US nuclear stockpile, to include: design, development, production, and remanufacture of nuclear weapons, replacement of weapon parts, flight testing of weapon components, engineering tests of the mechanical and electrical integrity of weapon components under a variety of environmental conditions, and changes to weapons. The United States also understands that the CTBT does not prohibit disposal or rendering safe of damaged weapons and terrorist devices, and experiments not involving nuclear explosions to develop render-safe methods.

Finally, the obligation "not to carry out any nuclear weapon test explosion or any other nuclear explosion" does not place limitations on the ability of the United States to use nuclear weapons. As noted above, the phrase "or any other nuclear explosion" is identical in meaning to that of the same text in the LTBT, where it was clearly understood that the phrase would not apply to a prohibition of the use of nuclear weapons in the event of war. Similarly, the CTBT negotiating record demonstrates that the prohibitions in Article I do not apply to the use of nuclear weapons. The US position, which was repeated on numerous occasions, was that any proposed undertakings relating to the use of nuclear weapons were totally beyond the scope of this treaty and the mandate for its negotiation. Moreover, the Preamble reflects this view in that it does not in any way address the issue of the use of nuclear weapons. Thus, Article I of the treaty cannot be deemed to prohibit the use of nuclear weapons or restrict the exercise of the right of self-defense recognized in Article 51 of the Charter of the United Nations.

Letter of Transmittal

The White House,
September 22, 1997

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Comprehensive Nuclear Test-Ban Treaty (the "Treaty" or "CTBT"), opened for signature and signed by the United States at New York on September 24, 1996. The Treaty includes two Annexes, a Protocol, and two Annexes to the Protocol, all of which form integral parts of the Treaty. I transmit also, for the information of the Senate, the report of the Department of State on the Treaty, including an Article-by-Article analysis of the Treaty.

Also included in the Department of State's report is a document relevant to but not part of the Treaty: the Text on the Establishment of a Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization, adopted by the Signatory States to the Treaty on November 19, 1996. The Text provides the basis for the work of the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization in preparing detailed procedures for implementing the Treaty and making arrangements for the first session of the Conference of the States Parties to the Treaty. In particular, by the terms of the Treaty, the Preparatory Commission will be responsible for ensuring that the verification regime established by the Treaty will be effectively in operation at such time as the Treaty enters into force. My Administration has completed and will submit separately to the Senate an analysis of the verifiability of the Treaty, consistent with section 37 of the Arms Control and Disarmament Act, as amended. Such legislation as may be necessary to implement the Treaty also will be submitted separately to the Senate for appropriate action.

The conclusion of the Comprehensive Nuclear Test-Ban Treaty is a signal event in the history of arms control. The subject of the Treaty is one that has been under consideration by the international community for nearly 40 years, and the significance of the conclusion of negotiations and the signature to date of more than 140 states cannot be overestimated. The Treaty creates an absolute prohibition against the conduct of nuclear weapon test explosions or any other nuclear explosion anywhere. Specifically, each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion; to prohibit and prevent any nuclear explosions at any place under its jurisdiction or control; and 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.

Atch 1

The Treaty establishes a far reaching verification regime, based on the provision of seismic, hydroacoustic, radionuclide, and infrasound data by a global network (the "International Monitoring System") consisting of the facilities listed in Annex 1 to the Protocol. Data provided by the International Monitoring System will be stored, analyzed, and disseminated, in accordance with Treaty-mandated operational manuals, by an International Data Center that will be part of the Technical Secretariat of the Comprehensive Nuclear Test-Ban Treaty Organization. The verification regime includes rules for the conduct of on-site inspections, provisions for consultation and clarification, and voluntary confidence-building measures designed to contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of monitoring data related to chemical explosions that a State Party intends to or has carried out. Equally important to the U.S. ability to verify the Treaty, the text specifically provides for the right of States Parties to use information obtained by national technical means in a manner consistent with generally recognized principles of international law for purposes of verification generally, and in particular, as the basis for an on-site inspection request. The verification regime provides each State Party the right to protect sensitive installations, activities, or locations not related to the Treaty. Determinations of compliance with the Treaty rest with each individual State Party to the Treaty.

Negotiations for a nuclear test-ban treaty date back to the Eisenhower Administration. During the period 1978-1980, negotiations among the United States, the United Kingdom, and the USSR (the Depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)) made progress, but ended without agreement. Thereafter, as the nonnuclear weapon states called for test-ban negotiations, the United States urged the Conference on Disarmament (the "CD") to devote its attention to the difficult aspects of monitoring compliance with such a ban and developing elements of an international monitoring regime. After the United States, joined by other key states, declared its support for comprehensive test-ban negotiations with a view toward prompt conclusion of a treaty, negotiations on a comprehensive test-ban were initiated in the CD, in January 1994. Increased impetus for the conclusion of a comprehensive nuclear test-ban treaty by the end of 1996 resulted from the adoption, by the Parties to the NPT in conjunction with the indefinite and unconditional extension of that Treaty, of "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" that listed the conclusion of a CTBT as the highest measure of its program of action.

On August 11, 1995, when I announced U.S. support for a "zero yield" CTBT, I stated that:

> ". . . As part of our national security strategy, the United States must and will retain strategic nuclear forces sufficient to deter any future hostile

foreign leadership with access to strategic nuclear forces from acting against our vital interests and to convince it that seeking a nuclear advantage would be futile. In this regard, I consider the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States.

"I am assured by the Secretary of Energy and the Directors of our nuclear weapons labs that we can meet the challenge of maintaining our nuclear deterrent under a CTBT through a Science Based Stockpile Stewardship program without nuclear testing. I directed the implementation of such a program almost 2 years ago, and it is being developed with the support of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. This program will now be tied to a new certification procedure. In order for this program to succeed, both the Administration and the Congress must provide sustained bipartisan support for the stockpile stewardship program over the next decade and beyond. I am committed to working with the Congress to ensure this support.

"While I am optimistic that the stockpile stewardship program will be successful, as President I cannot dismiss the possibility, however unlikely, that the program will fall short of its objectives. Therefore, in addition to the new annual certification procedure for our nuclear weapons stockpile, I am also establishing concrete, specific safeguards that define the conditions under which the United States can enter into a CTBT . . ."

The safeguards that were established are as follows:

- The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile, including the conduct of a broad range of effective and continuing experimental programs.
- The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.
- The maintenance of the basic capability to resume nuclear test activities prohibited by the CTBT should the United States cease to be bound to adhere to this Treaty.
- The continuation of a comprehensive research and development program to improve our treaty monitoring capabilities and operations.
- The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate

and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

- The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE) -- advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of the U.S. Strategic Command -- that a high level of confidence in the safety or reliability of a nuclear weapon type that the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with the Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required.

With regard to the last safeguard:

- The U.S. regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the country and will regard any events calling that confidence into question as "extraordinary events related to the subject matter of the treaty." It will exercise its rights under the "supreme national interests" clause if it judges that the safety or reliability of its nuclear weapons stockpile cannot be assured with the necessary high degree of confidence without nuclear testing.

- To implement that commitment, the Secretaries of Defense and Energy -- advised by the Nuclear Weapons Council or "NWC" (comprising represen-tatives of DOD, JCS, and DOE), the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command -- will report to the President annually, whether they can certify that the Nation's nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable, and, if they cannot do so, whether, in their opinion and that of the NWC, testing is necessary to assure, with a high degree of confidence, the adequacy of corrective measures to assure the safety and reliability of the stockpile, or elements thereof. The Secretaries will state the reasons for their conclusions, and the views of the NWC, reporting any minority views.

- After receiving the Secretaries' certification and accompanying report, including NWC and minority views, the President will provide them to the appropriate committees of the Congress, together with a report on the actions he has taken in light of them.

- If the President is advised, by the above procedure, that a high level of confidence in the safety or reliability of a nuclear weapon type

critical to the Nation's nuclear deterrent could no longer be certified without nuclear testing, or that nuclear testing is necessary to assure the adequacy of corrective measures, the President will be prepared to exercise our "supreme national interests" rights under the Treaty, in order to conduct such testing.

- The procedure for such annual certification by the Secretaries, and for advice to them by the NWC, U.S. Strategic Command, and the DOE nuclear weapons laboratories will be embodied in domestic law.

As negotiations on a text drew to a close it became apparent that one member of the CD, India, would not join in a consensus decision to forward the text to the United Nations for its adoption. After consultations among countries supporting the text, Australia requested the President of the U.N. General Assembly to convene a resumed session of the 50th General Assembly to consider and take action on the text. The General Assembly was so convened, and by a vote of 158 to 3 the Treaty was adopted. On September 24, 1996, the Treaty was opened for signature and I had the privilege, on behalf of the United States, of being the first to sign the Treaty.

The Treaty assigns responsibility for overseeing its implementation to the Comprehensive Nuclear Test-Ban Treaty Organization (the "Organization"), to be established in Vienna. The Organization, of which each State Party will be a member, will have three organs: the Conference of the States Parties, a 51-member Executive Council, and the Technical Secretariat. The Technical Secretariat will supervise the operation of and provide technical support for the International Monitoring System, operate the International Data Center, and prepare for and support the conduct of on-site inspections. The Treaty also requires each State Party to establish a National Authority that will serve as the focal point within the State Party for liaison with the Organization and with other States Parties.

The Treaty will enter into force 180 days after the deposit of instruments of ratification by all of the 44 states listed in Annex 2 to the Treaty, but in no case earlier than 2 years after its being opened for signature. If, 3 years from the opening of the Treaty for signature, the Treaty has not entered into force, the Secretary-General of the United Nations, in his capacity as Depositary of the Treaty, will convene a conference of the states that have deposited their instruments of ratification if a majority of those states so requests. At this conference the participants will consider what measures consistent with international law might be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty. Their decision on such measures must be taken by consensus.

Reservations to the Treaty Articles and the Annexes to the Treaty are not permitted. Reservations may be taken to the Protocol and its Annexes so

long as they are not incompatible with the object and purpose of the Treaty. Amendment of the Treaty requires the positive vote of a majority of the States Parties to the Treaty, voting in a duly convened Amendment Conference at which no State Party casts a negative vote. Such amendments would enter into force 30 days after ratifi-cation by all States Parties that cast a positive vote at the Amendment Conference.

The Treaty is of unlimited duration, but contains a "supreme interests" clause entitling any State Party that determines that its supreme interests have been jeopardized by extraordinary events related to the subject matter of the Treaty to withdraw from the Treaty upon 6-month's notice.

Unless a majority of the Parties decides otherwise, a Review Conference will be held 10 years following the Treaty's entry into force and may be held at 10-year intervals thereafter if the Conference of the States Parties so decides by a majority vote (or more frequently if the Conference of the States Parties so decides by a two-thirds vote).

The Comprehensive Nuclear Test-Ban Treaty is of singular significance to the continuing efforts to stem nuclear proliferation and strengthen regional and global stability. Its conclusion marks the achievement of the highest priority item on the international arms control and nonproliferation agenda. Its effective implementation will provide a foundation on which further efforts to control and limit nuclear weapons can be soundly based. By responding to the call for a CTBT by the end of 1996, the Signatory States, and most importantly the nuclear weapon states, have demonstrated the bona fides of their commitment to meaningful arms control measures.

The monitoring challenges presented by the wide scope of the CTBT exceed those imposed by any previous nuclear test-related treaty. Our current capability to monitor nuclear explosions will undergo significant improvement over the next several years to meet these challenges. Even with these enhancements, though, several conceivable CTBT evasion scenarios have been identified. Nonetheless, our National Intelligence Means (NIM), together with the Treaty's verification regime and our diplomatic efforts, provide the United States with the means to make the CTBT effectively verifiable. By this, I mean that the United States:

- will have a wide range of resources (NIM, the totality of information available in public and private channels, and the mechanisms established by the Treaty) for addressing compliance concerns and imposing sanctions in cases of noncompliance; and
- will thereby have the means to: (a) assess whether the Treaty is deterring the conduct of nuclear explosions (in terms of yields and number of tests) that could damage U.S. security interests and constraining the proliferation of nuclear weapons, and (b) take

prompt and effective counteraction.

My judgment that the CTBT is effectively verifiable also reflects the belief that U.S. nuclear deterrence would not be undermined by possible nuclear testing that the United States might fail to detect under the Treaty, bearing in mind that the United States will derive substantial confidence from other factors -- the CTBT's "supreme national interests" clause, the annual certification procedure for the U.S. nuclear stockpile, and the U.S. Safeguards program.

I believe that the Comprehensive Nuclear Test-Ban Treaty is in the best interests of the United States. Its provisions will significantly further our nuclear nonproliferation and arms control objectives and strengthen international security. Therefore, I urge the Senate to give early and favorable consideration to the Treaty and its advice and consent to ratification as soon as possible.

WILLIAM J. CLINTON

THE WHITE HOUSE,

September 22, 1997

THE WHITE HOUSE

Office of the Press Secretary
(New York, New York)

For Immediate Release September 22, 1997

FACT SHEET

Comprehensive Test Ban Treaty

The Purpose of the Comprehensive Test Ban Treaty

The Comprehensive Test Ban Treaty (CTBT) marks an historic milestone in our efforts to reduce the nuclear threat and build a safer world.

- The CTBT will prohibit any nuclear explosion whether for weapons or peaceful purposes.
- The cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons, constitutes an effective measure of nuclear disarmament and nonproliferation in all its aspects.
- It will thus contribute effectively to the prevention of nuclear proliferation and the process of nuclear disarmament and enhance international peace and security.

The CTBT Parties

The CTBT was negotiated in the Geneva Conference on Disarmament (CD), recently expanded to include 61 member states, between January 1994 and August 1996. The United Nations General Assembly voted on September 10, 1996 to adopt the Treaty by a vote of 158 in favor, 3 opposed, and 5 abstentions. Since September 24, 1996, the Treaty has been open to all states for signature before its entry into force. 146 nations have now signed. Any other state can accede to the Treaty at any time, enabling its participation to be universal.

CTBT's Central Features

- Basic obligations. The CTBT will ban any nuclear weapon test explosion or any other nuclear explosion, consistent with President Clinton's August 11, 1995 decision to negotiate a true zero yield CTBT.
- Organization. The Treaty establishes an organization to ensure the implementation of its provisions, including those for international verification measures. The organization includes a Conference of States Parties, an Executive Council and a Technical Secretariat, which shall include the International Data Center.

Atch 2

- Structure. The Treaty includes a Protocol in three parts: Part I details the International Monitoring System (IMS); Part II on On-Site Inspections (OSI); and Part III on Confidence Building Measures. There are two Annexes: Annex 1 details the location of treaty monitoring assets associated with the IMS; and Annex 2 details the parameters for screening events.

- Verification and inspections. The Treaty's verification regime includes an international monitoring system composed of seismological, radionuclide, hydroacoustic and infrasound monitoring; consultation and clarification; on-site inspections; and confidence building measures. The use of national technical means, vital for the Treaty's verification regime, is explicitly provided for. Requests for on-site inspections must be approved by at least 30 affirmative votes of members of the Treaty's 51-member Executive Council. The Executive Council must act within 96 hours of receiving a request for an inspection.

- Treaty compliance and sanctions. The Treaty provides for measures to redress a situation and to ensure compliance, including sanctions, and for settlement of disputes. If the Conference or Executive Council determines that a case is of particular gravity, it can bring the issue to the attention of the United Nations.

- Amendments. Any state party to the Treaty may propose an amendment to the Treaty, the Protocol, or the Annexes to the Protocol. Amendments shall be considered by an Amendment Conference and shall be adopted by a positive vote of a majority of the States parties with no State party casting a negative vote.

- Entry into force. The Treaty will enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature. Annex 2 includes 44 States members of the Conference on Disarmament (CD) with nuclear power and/or research reactors. If the Treaty has not entered into force three years after the date of the anniversary of its opening for signature, a conference of the States that have already deposited their instruments of ratification may convene annually to consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

- Review. Ten years after entry into force, a Conference of the States Parties will be held to review the operation and effectiveness of this Treaty.

- Duration. The Treaty is of unlimited duration. Each State Party has the right to withdraw from the CTBT if it decides that extraordinary events related to its subject matter have jeopardized its supreme national interests.

- Depository. The Secretary General of the United Nations shall be the Depository of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.

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UNION OF CONCERNED SCIENTISTS

June 2, 1998

The Honorable Trent Lott
United States Senate
Washington, DC 20510-2403

Dear Senator Lott:

As people with a long involvement with nuclear weapons and their implications for national security, we urge you to actively support rapid ratification of the Comprehensive Test Ban Treaty (CTBT). The Indian and Pakistani nuclear tests strengthen the case for decisive Senate action. This important Treaty, signed by the five "original" nuclear weapon states and 144 other nations, prohibits nuclear explosive testing for all time and thus is a central part of international efforts to stop the spread of nuclear weapons. Nuclear proliferation is one of the greatest threats to American security today; ratification will strongly reinforce our efforts to manage this problem and thus enhance the national security interests of the United States.

Now more than ever, it is crucial for the United States to send the clearest possible message that nuclear testing is not legitimate and will not be tolerated by the international community. This message is relevant not only to South Asia but to any nation that may consider following India and Pakistan's example. Moreover, the CTBT would help defuse tensions in South Asia by limiting weapons development and the emerging regional nuclear arms race.

For its part, the United States does not need nuclear explosive testing to maintain its nuclear deterrent. The Department of Energy's Science Based Stockpile Stewardship Program will sustain high confidence in our nuclear weapons stockpile over the long term. The capabilities of our existing nuclear weapons more than meet all military requirements, and there is no justification for postponing CTBT ratification until every element of the Stewardship Program is in place. A 1995 report by the JASON group of nuclear weapons experts, some of whom are among the signers below, concludes that the U.S. nuclear arsenal can be maintained under a CTBT of unlimited duration that includes a standard supreme national interest clause, as this Treaty does.

The Treaty augments our capability to detect nuclear explosions of military significance because it establishes an international monitoring system and allows for challenge on-site inspections to clarify ambiguous events. Although US intelligence did not predict the Indian nuclear tests, the CTBT monitoring system is charged to detect militarily significant nuclear explosions after the fact, not before. India's first test series was clearly detected by the provisional CTBT monitoring system, as were Pakistan's. India's second series of tests was reported to be very small and was below the monitoring threshold. Such tests, which are not significant in terms of U.S. national security, cannot be monitored with high confidence. The Indian and Pakistani tests support the conclusion that no would-be violator could be confident that a nuclear explosion of sufficient yield to threaten US security would escape detection.

The Indian and Pakistani nuclear tests are a wake-up call for those who question the importance of the CTBT to US security. The US must take the lead in locking in the test ban regime before other nations follow India and Pakistan's path. But without the advice and consent of the Senate, the Treaty cannot go into force and the benefits of the verification system cannot be fully achieved. In the interest of US national security, the Senate must consent to ratification of the CTBT without delay.

Sincerely,

Attch 3

Dr. Hans Bethe
Nobel Laureate; Emeritus Professor of Physics, Cornell University;
Head of the Manhattan Project's theoretical division

Adm. William Crowe
US Navy, former Chairman of the Joint Chiefs of Staff

Dr. Freeman Dyson
Emeritus Professor of Physics, Institute for Advanced Study, Princeton

Dr. Richard Garwin
Senior Fellow for Science and Technology, Council on Foreign Relations; IBM Fellow Emeritus;
consultant to the Sandia National Laboratory, former consultant to Los Alamos National Laboratory

Dr. Henry Kendall
Nobel Laureate; Professor of Physics, MIT; Chairman of the Board, Union of Concerned Scientists

Dr. Wolfgang K. H. Panofsky
Director Emeritus, Stanford Linear Accelerator Center, Stanford University; Recipient of National
Medal of Science and Lawrence and Fermi Awards of the Department of Energy

Dr. Jeremiah D. Sullivan
Professor of Physics, University of Illinois at Urbana-Champaign

Adm. Stansfield Turner
US Navy, former Director of the Central Intelligence Agency

Dr. Herbert F. York
Emeritus Professor of Physics, University of California, San Diego; founding director of Lawrence
Livermore National Laboratory; former Director of Defense Research and Engineering, Department of
Defense

Washington Office: 1616 P Street NW Suite 310 * Washington, DC 20036-1495 * 202-332-0900 * FAX: 202-332-0905
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United States Senate

COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510–6225

January 21, 1998

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As Congress prepares to reconvene shortly, I am convinced that it is important to share with you the Senate Foreign Relations Committee's agenda relating to consideration of treaties during the second year of the 105th Congress.

There are a number of important treaties which the Committee intends to take up during 1998, and we must be assured of your Administration's cooperation in making certain that these treaties receive a comprehensive examination by the Senate.

Mr. President, the Committee's first priority when Congress reconvenes will be to work with you and Secretary Albright to secure Senate ratification of NATO expansion. The expansion of the Atlantic Alliance to include Poland, Hungary and the Czech Republic is of critical importance, and we have come a long way in resolving some of the concerns that I, and other Senators, had raised about various details of this expansion (e.g., ensuring an equitable distribution of costs, limiting Russian influence in NATO decision making, et. al.).

While much work remains to be done, I am confident that if we continue to work together, the Senate will vote to approve the expansion of the Atlantic Alliance early this Spring.

Following the vote on NATO expansion, the Committee will turn its attention to several other critical treaties which could affect both the security of the American people and the health of the United States' economy. Chief among these are the agreements on Multilateralization and Demarcation of the 1972 Anti-Ballistic Missile (ABM) Treaty, and the Kyoto Protocol to the UN Convention on Climate Change.

Mr. President, I feel obliged to make clear to you my concern that your Administration has been unwisely and unnecessarily engaged in delay in submitting these treaties to the Senate for its advice and consent.

Atch. 4

Despite your commitment, made nearly eight months ago, to submit the amendments to the ABM Treaty to the Senate, we have yet to see them. As our current stand-off with Iraq clearly demonstrates, the danger posed by rogue states possessing weapons of mass destruction is growing -- and, with it, the need for a robust ballistic missile defense.

The Senate has not had an opportunity to consider the rationale behind the ABM Treaty since that treaty was ratified nearly 26 years ago, in the midst of the Cold War. The world has changed a great deal since then. It is vital that the Senate conduct a thorough review of the ABM Treaty this year when it considers and votes on the ABM Multilateralization and Demarcation agreements.

Similarly, the Senate is forced to continue to wait for any indication that your Administration intends to submit the Kyoto Protocol for the Senate's advice and consent. Indeed, I have heard a great deal of discussion from supporters of this treaty indicating that the Administration may attempt to circumvent both the Senate -- and the American people -- by simply imposing the treaty's requirements on U.S. businesses by executive order. Mr. President, I must respectfully counsel this would be extremely unwise.

This treaty clearly requires the advice and consent of the Senate. Further, because the potential impact of the Kyoto Protocol on the American economy is so enormous, we owe it to the American people to let them know sooner, rather than later, whether they will be subject to the terms of this treaty.

Ironically, while the Administration has delayed in submitting these vital treaties to the Senate, some in your Administration have indicated that the White House will press the Senate for swift ratification of the Comprehensive Test Ban Treaty (CTBT), immediately following the vote on NATO expansion.

Such a deliberate confrontation would be exceedingly unwise because, Mr. President, the CTBT is very low on the Committee's list of priorities. The treaty has no chance of entering into force for a decade or more. Article 14 of the CTBT explicitly prevents the treaty's entry into force until it has been ratified by 44 specific nations. One of those 44 nations is North Korea, which is unlikely to ever ratify the treaty. Another of the 44 nations -- India -- has sought to block the CTBT at every step: vetoing it in the Conference on Disarmament so that it could not be submitted as a Conference document. India has opposed it in the United Nations. And, India has declared that it will not even sign the treaty.

By contrast, the issues surrounding the ABM Treaty and the Kyoto Protocol are far more pressing (e.g., the growing threat posed by nuclear, biological, or chemical-

tipped missiles, and the potential impact of the Kyoto Protocol on the U.S. economy).

Mr. President, let me be clear: I will be prepared to schedule Committee consideration of the CTBT only after the Senate has had the opportunity to consider and vote on the Kyoto Protocol and the amendments to the ABM Treaty.

When the Administration has submitted these treaties, and when the Senate has completed its consideration of them, then, and only then, will the Foreign Relations Committee consider the CTBT.

Mr. President, please let's work together, beginning with the effort to secure Senate ratification of NATO expansion this Spring, and then with your timely transmittal of these treaties.

Sincerely and respectfully,

Jesse Helms

JESSE HELMS

THE WHITE HOUSE

Office of the Press Secretary
(New York, New York)

For Immediate Release September 22, 1997

FACT SHEET

Comprehensive Test Ban Treaty
Chronology During Clinton Administration

- March 3, 1993: Assistant to the President for National Security Affairs (APNSA) Lake orders completion of an interagency Presidential Review of U.S. Policy on Nuclear Testing and a Comprehensive Test Ban Treaty (CTBT).

- April 4, 1993: Presidents Clinton and Yeltsin agree at the Vancouver summit that negotiations on a multilateral nuclear test ban should commence at an early date and that the two governments would consult with each other accordingly.

- April 23, 1993: President Clinton releases a White House statement on advancing U.S. relations with Russia and the other New Independent States stating his intention to begin consultations with Russia, our allies and other states on the specific issues related to a CTBT negotiation within the next two months.

- July 3, 1993: President Clinton announces in his Saturday radio address to the nation the conclusion of the Presidential review on nuclear testing and a CTBT and states his intention to extend the U.S. testing moratorium and seek to negotiate a CTBT.

- August 10, 1993: The Geneva Conference on Disarmament (CD) decides to give its Ad Hoc Committee on a Nuclear Test Ban a mandate to begin negotiations on a CTBT in January, 1994. The Chairman of the AHC is authorized to proceed with intersessional consultations on the specifics of the CTBT mandate and other issues.

- October 5, 1993: China conducts first nuclear test since President Clinton's appeal for a global moratorium. White House issues statement regretting China's decision to resume nuclear testing.

- December 16, 1993: United Nations General Assembly (UNGA) passes resolution 48/70 by consensus supporting the multilateral negotiation of a CTBT. This is the first time that a consensus resolution in support of a CTBT has been adopted by the UNGA.

- January 25, 1994: The CD reconvenes in Geneva and directs the Ad Hoc Committee to negotiate intensively on a universal and multilaterally and effectively verifiable

Atch 5

comprehensive nuclear test ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security. Negotiations begin in the Ad Hoc Committee.

- December 15, 1994: UNGA passes resolution 49/70 by consensus reaffirming its support for multilateral negotiations on a CTBT.

- January 30, 1995: APNSA Lake announces that the President has decided to extend the moratorium on U.S. nuclear testing until a CTBT enters into force (assuming signature before September 30, 1996). Lake also announces that the U.S. will withdraw its proposal for a special "right to withdraw" from the CTBT ten years after it enters into force, noting that the President considers the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States.

- May 11, 1995: The NPT Review and Extension Conference agrees to extend the NPT indefinitely and without condition. The Conference adopts "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" calling for the conclusion of negotiations on a CTBT in 1996.

- June 13, 1995: President Chirac announces he will resume nuclear testing in September, conduct eight tests, to be completed by May, and be ready to sign a CTBT in the fall of 1996. White House issues statement regretting France's decision to resume nuclear testing.

- August 11, 1995: President Clinton announces that the United States will support a true zero yield CTBT banning any nuclear weapon test explosion or any other nuclear explosion.

- September 5, 1995: France resumes nuclear testing in the South Pacific. White House issues a statement regretting this action.

- September 14, 1995: The United Kingdom announces its support for a zero yield CTBT.

- October 20, 1995: The United States, France and the United Kingdom release a joint statement at the United Nations and in capitals stating their intent to sign the Protocols to the South Pacific Nuclear Free Zone (SPNFZ) Treaty "during the first half of 1996."

- October 23, 1995: Presidents Clinton and Yeltsin agree at Hyde Park to work together to succeed in getting a zero yield CTBT in 1996.

- December 12, 1995: United Nations General Assembly passes resolution 50/65 by consensus calling on the CD to conclude the CTBT so as to enable its signature by the outset of the 51st session of the General Assembly.

- January 29, 1996: President Chirac announces the end of French nuclear testing in the South Pacific.

- February 29, 1996: Australia submits a 102-page draft CTBT text to the CD and calls on negotiators to reach an agreement by late June.

- March 19, 1996: UN Secretary General Boutros Boutros-Ghali appeals to the CD to complete a global treaty banning all nuclear explosions by June 30.

- March 25, 1996: U.S., France and the UK sign three Protocols to the South Pacific Nuclear Free Zone Treaty in Suva, Fiji.

- April 11, 1996: U.S. signs Protocols I and II to the African Nuclear Weapon Free Zone Treaty in Cairo, Egypt.

- April 20, 1996: Moscow Nuclear Summit issues statement on CTBT calling for concluding and signing the CTBT by September, 1996.

- May 28, 1996: Nuclear Test Ban Ad Hoc Committee Chairman Jaap Ramaker of the Netherlands tables a draft "Chairman's text" stating he had concluded that the best way to meet the internationally agreed deadline was to "present a complete draft to show the way forward."

- June 28, 1996: Chairman Ramaker tables compromise draft text at the conclusion of the second part of the 1996 CD session. White House releases statement by the President from Lyon, France, applauding the compromise draft and calling on members of the CD to return to Geneva in late July prepared to agree to forward a CTBT to the United Nations, so that the Treaty can be approved and opened for signature in the United States in September.

- July 29, 1996: China conducts nuclear test and declares it will start a moratorium on nuclear testing effective from July 30, 1996.

- August 9, 1996: After consultations in the Ad Hoc Committee, Chairman Ramaker announces that he has confirmed that continuing negotiations on the draft Treaty as a whole would not likely yield further results. Announces one modification in the draft Treaty relating to the number of states required to approve an on-site inspection.

- August 16, 1996: Nuclear Test Ban Ad Hoc Committee meets and agrees to a report to the CD stating that "no consensus" could be reached either on adopting the text of the CTBT or on formally passing it to the CD, due to Indian objections.

- August 23, 1996: Australian Foreign Minister Alexander Downer announces Australia will sponsor a resolution seeking the endorsement from the United Nations General Assembly of the CTBT and its opening for signature at the earliest possible date.

- September 10, 1996: UNGA reconvenes and votes to adopt the CTBT and open it for signature at the earliest possible date by a vote of 158 in favor, 3 opposed (India, Bhutan, Libya), and 5 abstentions (Cuba, Lebanon, Syria, Mauritius, Tanzania).

- September 24, 1996: President Clinton is the first world leader to sign the CTBT.

- November 19, 1996: Meeting of CTBT signatory states adopted by acclamation the Text on the Establishment of a Preparatory Commission for the CTBT Organization, developed at the CD.

- November 20, 1996: Preparatory Commission convenes its first meeting to begin the process of developing Rules of Procedure, Financial Regulations, and other necessary measures for the future operation of the Organization in implementing the Treaty.

- September 22, 1997: President Clinton transmits the CTBT to the Senate for advice and consent.

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THE WHITE HOUSE

Office of the Press Secretary
(New York, New York)

For Immediate Release September 22, 1997

FACT SHEET

Comprehensive Test Ban Treaty Safeguards

A Comprehensive Test Ban Treaty (CTBT) is conditioned on:

A: The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile, including the conduct of a broad range of effective and continuing experimental programs.

B: The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and ensure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.

C: The maintenance of the basic capability to resume nuclear test activities prohibited by the CTBT should the United States cease to be bound to adhere to this treaty.

D: Continuation of a comprehensive research and development program to improve our treaty monitoring capabilities and operations.

E: The continuing development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

F: The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE) -- advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command -- that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard "supreme national interests" clause in order to conduct whatever testing might be required.

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Atch 6

THE WHITE HOUSE

WASHINGTON

February 10, 1998

Dear Mr. Chairman:

Thank you for your recent letter to me outlining the Committee's agenda for considering treaties in 1998. I was especially pleased to know that you agree the first priority is to secure Senate advice and consent to the NATO enlargement protocols, and that you are confident that the Senate will give its approval early this Spring.

In my State of the Union address, I asked the Senate to give its advice and consent to the Comprehensive Test Ban (CTBT) Treaty this year - a Treaty that enjoys the support of four former Chairmen of the Joint Chiefs of Staff, as well as the current Chairman, the Joint Chiefs, and the Commander of the U.S. Strategic Command. Last week I was briefed on the Department of Energy's Stockpile Stewardship program at Los Alamos National Laboratory (LANL). I am pleased to advise you that all three of the Directors of our nuclear labs - John Browne (LANL), Bruce Tarter (Lawrence Livermore National Laboratory) and Paul Robinson (Sandia National Laboratory) - confirmed to me their confidence in the Stockpile Stewardship Program and its ability to maintain America's nuclear deterrent without nuclear testing.

I was, therefore, disappointed to read that the CTBT is lower on your list of priorities. I believe it is essential that the United States demonstrate leadership with regard to the crucial treaties and regimes that strengthen our global non-proliferation system. Rather than waiting to see if others will ratify the CTBT, I believe America must lead in bringing the CTBT into force. And with regard to India and Pakistan, I think it is important that when I travel to the subcontinent later this year I do so with U.S. ratification in hand.

Atch 7

As you and Secretary Albright continue your consultations on the order in which we hope your Committee will take up treaties and other important foreign policy matters this session, I urge you to afford the CTBT the very high priority I believe it warrants.

You also raise the Kyoto Protocol. This treaty will require the advice and consent of the Senate. However, I do not believe that the United States should assume binding obligations under the climate treaty unless key developing countries meaningfully participate in meeting the challenge of climate change. It is clear that the Senate shares my concerns. Although the Kyoto Protocol was an historic step forward, more progress is necessary with respect to the participation of key developing countries. It would be premature to submit the treaty to the Senate for its advice and consent to ratification at this time.

Sincerely,

Bill Clinton

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release September 24, 1998

STATEMENT BY THE PRESIDENT

CTBT and LTBT Anniversaries

Two years ago today, I was proud to be the first world leader to sign the Comprehensive Test Ban Treaty - first proposed by President Eisenhower over forty years ago. Since then, 150 states have signed this historic treaty, including all of our NATO allies, Russia, China, Israel, Japan and South Korea. Twenty states already have ratified the CTBT, including Britain, France, Germany, Australia and Brazil. It is my strong hope that India and Pakistan will join the list, and thereby reduce nuclear tensions in South Asia. I discussed this with Prime Minister Sharif on Monday and I welcome his commitment yesterday to adhere to the treaty by next fall. I look forward to further discussion with the leaders of Pakistan and India as we emphasize our common obligation to build peace and stability.

Today also marks the thirty-fifth anniversary of the Senate bipartisan vote, 80-19, to approve the Limited Test Ban Treaty, which President Kennedy considered his greatest accomplishment as President. In 1963, Senate approval of the LTBT took place less than two months after it was signed and within seven weeks of its submission to the Senate. Contrast that with the CTBT. A year after it was submitted, the Senate has yet to take any action toward ratification.

The CTBT will ban all nuclear weapons explosions. As a result, it will constrain the development of more sophisticated and powerful nuclear weapons and give us a powerful new tool in the fight against the proliferation of weapons of mass destruction. The American people understand that Senate approval of the CTBT is the right thing to do. I strongly urge the Senate to give its advice and consent as early as possible next year.

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Atch 8

United States Senate

WASHINGTON, DC 20510

May 19, 1998

Dear Colleague:

We write to ask for your cosponsorship of a Sense of the Senate Resolution that the Foreign Relations Committee should hold a hearing or hearings on the Comprehensive Nuclear Test-Ban Treaty and that the Senate should take up the treaty for debate and vote on ratification as expeditiously as possible.

Please note that the resolution does not call for ratification of the Treaty, but only for prompt consideration of the Treaty.

On September 24, 1996, the United States signed the Treaty, which obligates its signatories not to carry out any nuclear weapon test explosion or any other nuclear explosion. On September 22, 1997, the President transmitted the Treaty to the Senate for ratification.

The Treaty has been signed by 149 countries. It has been ratified by 13 countries including Great Britain and France.

Hearings on the Treaty have been held by a Governmental Affairs Subcommittee and Appropriations Subcommittee in October, 1997, and March, 1998.

As you know, the government of India conducted a series of underground nuclear weapon tests on May 11 and 13, 1998, and it is the obvious concern that those tests may start a chain reaction by Pakistan, North Korea, Iran and Iraq.

Failure by the United States Senate to ratify the Treaty may give rise to an inference that the United States government is not serious about banning nuclear testing and may, in effect, encourage or at least not discourage such testing.

We ask you to review the brief resolution, which is enclosed, and let us know if you are willing to sign on as a cosponsor.

You may call us or have your staff call Gretchen Birkle on Extension 49016.

Sincerely,

Joseph Biden

Arlen Specter

Atch 9

AMENDMENT NO. __ Calendar No.

Purpose: To express the sense of the Senate regarding expeditious consideration of the Comprehensive Nuclear Test-Ban Treaty.

IN THE SENATE OF THE UNITED STATES – 105th Cong., 2d Sess.

S.

_____

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SPECTER (for himself and Mr. BIDEN, Mr. DASCHLE, Mr. HARKIN, Mr. JEFFORDS, Mr. GLENN, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. DORGAN, Mr. LEAHY, Mr. KERREY, Mr. FEINGOLD, Mr. KERRY, Mr. JOHNSON, Mr. KENNEDY, Mr. BUMPERS, Mr. CLELAND, Mr. REED, Ms. FEINSTEIN, Ms. MURRAY, Mr. DODD, Mr. GREGG, Ms. MOSELEY-BRAUN, Mr. SARBANES, Mr. DURBIN, Ms. MIKULSKI, Mr. FORD, Mr. WYDEN, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. KOHL, Ms. BOXER, Mr. LEVIN, Mr. CONRAD, Mr. WELLSTONE and Mr. ROBB.)

Viz:

At the appropriate place in the bill, insert the following:

Sec. _____. Sense of Senate Regarding Ratification of Comprehensive Nuclear Test-Ban Treaty.

(a) Findings.-- Congress makes the following findings--

(1) The continuing threat of nuclear proliferation is a troubling legacy of the 20th Century;

(2) A meaningful international agreement designed to defuse the proliferation of weapons of mass destruction would be an important step toward making the world safer in the 21st Century;

(3) On September 24, 1996, the United States signed the Comprehensive Nuclear Test-Ban Treaty, which essentially provides that it is an obligation of its signatories not to

carry out any nuclear weapon test explosion or any other nuclear explosion;

(4) On September 22, 1997, President Clinton transmitted the Comprehensive Nuclear Test-Ban Treaty to the United States Senate for ratification;

(5) One hundred forty nine countries have signed the treaty and 13 have ratified it, including allies such as Great Britain and France, which on April 6, 1998, became the first declared nuclear weapons states to ratify the treaty;

(6) A subcommittee of the Senate Governmental Affairs Committee and a subcommittee of the Senate Appropriations Committee held separate hearings in October, 1997 and March, 1998 on implications for the United States if the Treaty goes into effect;

(7) On May 11 and 13, 1998, the Government of India conducted a series of underground nuclear weapon tests, creating an even more urgent need to focus sharply on the Treaty;

(8) In response to the Indian tests, the Government of Pakistan is preparing for nuclear tests which could take place as early as the week of May 18, 1998;

(9) These events threaten to create a chain reaction, particularly with China. Although China previously announced a moratorium on testing on July 30, 1996, the Chinese government has also stated in the past that it will discontinue nuclear tests only "after a comprehensive test-ban treaty is concluded and comes into effect";

(10) Within a day of India's test, North Korea officials were quoted in the media as announcing that "they are suspending their efforts to carry out the 1994 nuclear freeze agreement that was intended to dismantle North Korea's nuclear program";

(11) There is ample reason to be concerned that this chain reaction could spread to Iran and Iraq, as well, for United States officials believe Iran is secretly pursuing a nuclear

weapons program and will continue to seek technical and material assistance for its nuclear weapons program from China. Further, although Iraq's nuclear weapons program was largely dismantled during the Gulf War, lingering concern over Iraq's failure to comply with inspections for weapons of mass destruction creates legitimate suspicion regarding Iraq's nuclear weapons capabilities and intentions;

(12) On July 3, 1993, the Administration announced a moratorium on testing, noting that "a test ban strengthens our efforts worldwide to halt the spread of nuclear technology in weapons," and which was extended on January 30, 1995;

(13) On May 13, 1998 at a hearing before the Defense Appropriations Subcommittee, Secretary of Defense Cohen reiterated his strong belief in the Comprehensive Nuclear Test-Ban Treaty, stating that "the Senate should take it up and ratify it as quickly as possible" and "place a high priority on it";

(14) Ratification of the Treaty will send a strong message and articulate a forceful position that the United States considers a nuclear test unacceptable and that the Comprehensive Nuclear Test-Ban Treaty should be the international norm;

(15) If the Treaty is not in force by September 1999, nations that have ratified the Treaty can participate in a multilateral conference to consider and decide by consensus what measures consistent with international law may be taken to facilitate and enforce a test-ban treaty. Without Senate ratification of the Comprehensive Nuclear Test-Ban Treaty, the United States will not be a party to this conference.

(b) Sense of Senate.– It is the sense of the Senate that the Foreign Relations Committee should hold a hearing or hearings on the Comprehensive Nuclear Test-Ban Treaty and that the full Senate should take up the Treaty for debate and a vote on ratification as expeditiously as possible.

FACT SHEET

September 16, 1998

COMPREHENSIVE TEST BAN TREATY SIGNATORIES/RATIFIERS

The Comprehensive Test Ban Treaty (CTBT) was opened for signature on September 24, 1996. President Clinton was the first to sign the Treaty. As of September 14, 1998, 150 nations have signed, including all five nuclear-weapon states, and 21, including France and the United Kingdom, have deposited their instruments of ratification.

The CTBT was negotiated over a period of two-and-a-half years in the Conference on Disarmament (CD) in Geneva. However, the CD was not able to reach a consensus decision to forward the text to the United Nations. On August 22, 1996, Australia requested the Secretary General of the United Nations to reconvene the 50th United Nations General Assembly (UNGA) for the purpose of receiving and acting on the Treaty. On September 10, 1996, the UNGA adopted the CTBT by a vote of 158 to 3, with 5 abstentions.

On November 19, 1996, the signatories adopted a resolution establishing the Preparatory Commission (Prepcom) for the CTBT Organization (CTBTO). The CTBTO Prepcom consists of all signatory states, and meets in Vienna. It has established two working groups, on verification and administration, and a Provisional Technical Secretariat (PTS). Under Prepcom direction the PTS is working to establish the verification regime required by the Treaty. This includes the International Monitoring System, with global monitoring capabilities in four technologies -- seismic, hydroacoustic, radionuclide, and infrasound; the International Data Center, for receiving and processing data from the monitoring stations; and capabilities for carrying out on-site inspections, once the Treaty enters into force.

The United States transmitted the CTBT to the Senate in September 1997 for its advice and consent to ratification. President Clinton has called on the Senate to approve the Treaty this year.

US ARMS CONTROL AND DISARMAMENT AGENCY, WASHINGTON, D.C. 20451
OFFICE OF PUBLIC AFFAIRS (202) 647-8677 OR (1-800-581-ACDA) http://www.acda.gov

Atch. 10

COMPREHENSIVE TEST BAN TREATY

Bold: One of 44 countries whose ratification is required for Entry-Into-Force

Participant	Signature	Ratification	Participant	Signature	Ratification
Albania	9/27/96		Equatorial Guinea	10/9/96	
Algeria	**10/15/96**		Estonia	11/20/96	
Andorra	9/24/96		Ethiopia	9/25/96	
Angola	9/27/96		Fiji	9/24/96	10/10/96
Antigua & Barbuda	4/16/97		**Finland**	**9/24/96**	
Argentina	**9/24/96**		**France**	**9/24/96**	**4/6/98**
Armenia	10/1/96		Gabon	10/7/96	
Australia	**9/24/96**	**7/9/98**	Georgia	9/24/96	
Austria	**9/24/96**	**3/13/98**	**Germany**	**9/24/96**	**8/20/98**
Azerbaijan	7/28/97		Ghana	10/3/96	
Bahrain	9/24/96		Greece	9/24/96	
Bangladesh	**10/24/96**		Grenada	10/10/96	8/19/98
Belarus	9/24/96		Guinea	10/3/96	
Belgium	**9/24/96**		Guinea-Bissau	4/11/97	
Benin	9/27/96		Haiti	9/24/96	
Bolivia	9/24/96		Holy See	9/24/96	
Bosnia & Herzegovina	9/24/96		Honduras	9/25/96	
Brazil	**9/24/96**	**7/24/98**	**Hungary**	**9/25/96**	
Brunei Darussalam	1/22/97		Iceland	9/24/96	
Bulgaria	**9/24/96**		**India**		
Burkina Faso	9/27/96		**Indonesia**	**9/24/96**	
Burundi	9/24/96		**Iran (Islamic Republic of)**	**9/24/96**	
Cambodia	9/26/96		Ireland	9/24/96	
Canada	**9/24/96**		**Israel**	**9/25/96**	
Cape Verde	10/1/96		**Italy**	**9/24/96**	
Chad	10/8.96		Jamaica	11/11/96	
Chile	**9/24/96**		**Japan**	**9/24/96**	**7/8/97**
China	**9/24/96**		Jordan	9/26/96	8/25/98
Colombia	**9/24/96**		Kazakhstan	9/30/96	
Comoros	12/12/96		Kenya	11/14/96	
Congo, Republic of (Brazzaville)	10/4/96		Kuwait	9/24/96	
Congo, Democratic Republic of (Kinshasa)	**10/4/96**		Kyrgyzstan	10/8/96	
Cook Islands	12/5/97		Lao People's Democratic Rep.	7/30/97	
Costa Rica	9/24/96		Latvia	9/24/96	
Cote d'Ivoire	9/25/96		Lesotho	9/30/96	
Croatia	9/24/96		Liberia	10/1/96	
Cyprus	9/24/96		Liechtenstein	9/27/96	
Czech Republic	11/12/96	9/8/97	Lithuania	10/7/96	
Denmark	9/24/96		Luxembourg	9/24/96	
Djibouti	10/21/96		Madagascar	10/9/96	
Dominican Republic	10/3/96		Malaysia	7/23/98	
Ecuador	9/24/96		Maldives	10/1/97	
Egypt	**10/14/96**		Malawi	10/9/96	
El Salvador	9/24/96	*9/14/98*	Mali	2/18/97	
			Malta	9/24/96	
			Marshall Islands	9/24/96	
			Mauritania	9/24/96	

Participant	Signature	Ratification
Mexico	**9/24/96**	
Micronesia (Federated States of)	9/24/96	7/25/97
Moldova	9/24/97	
Monaco	10/1/96	
Mongolia	10/1/96	8/8/97
Morocco	9/24/96	
Mozambique	9/26/97	
Myanmar	11/25/96	
Namibia	9/24/96	
Nepal	10/8/96	
Netherlands	**9/24/96**	
New Zealand	9/27/96	
Nicaragua	9/24/96	
Niger	10/3/96	
North Korea		
Norway	**9/24/96**	
Pakistan		
Panama	9/24/96	
Papua New Guinea	9/25/96	
Paraguay	9/25/96	
Peru	**9/25/96**	**11/12/97**
Philippines	9/24/96	
Poland	**9/24/96**	
Portugal	9/24/96	
Qatar	9/24/96	3/3/97
Republic of Korea	**9/24/96**	
Romania	**9/24/96**	
Russian Federation	**9/24/96**	
Saint Lucia	10/4/96	
Samoa	10/9/96	
San Marino	10/7/96	
Sao Tome & Principe	9/26/96	
Senegal	9/26/96	
Seychelles	9/24/96	
Slovakia	**9/30/96**	**3/3/98**
Slovenia	9/24/96	
Solomon Islands	10/3/96	
South Africa	**9/24/96**	
Spain	**9/24/96**	**7/31/98**
Sri Lanka	10/24/96	

Participant	Signature	Ratification
Suriname	1/14/97	
Swaziland	9/24/96	
Sweden	**9/24/96**	
Switzerland	**9/24/96**	
Tajikistan	10/7/96	6/10/98
Thailand	11/12/96	
Togo	10/2/96	
Tunisia	10/16/96	
Turkey	**9/24/96**	
Turkmenistan	9/24/96	2/20/98
Uganda	11/7/96	
Ukraine	**9/27/96**	
United Arab Emirates	9/25/96	
United Kingdom	**9/24/96**	**4/6/98**
United States	**9/24/96**	
Uruguay	9/24/96	
Uzbekistan	10/3/97	5/29/97
Vanuatu	9/24/96	
Venezuela	10/3/97	
Viet Nam	**9/24/96**	
Yemen	9/30/96	
Zambia	12/3/96	

Total: 150 Signed
21 Ratified

Changes from previous Fact Sheet in italics and underlined