

2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Interlinkage between the Comprehensive Nuclear-Test-Ban Treaty and the Treaty on the Non-Proliferation of Nuclear Weapons

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Canada, Denmark, Finland, France, Germany, Greece, Iceland,
Iraq, Italy, Luxembourg, the Netherlands, Norway and Sweden**

1. The goal of prohibiting all nuclear tests is firmly embedded in the Treaty on the Non-Proliferation of Nuclear Weapons, which includes in its preamble the objective “to achieve the discontinuance of all test explosions of nuclear weapons for all time”. The agreement on a partial test ban between a number of nuclear-weapon States (Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, 1963) constituted a milestone in nuclear non-proliferation and disarmament, lending credibility to the commitments enshrined in the Non-Proliferation Treaty, including the undertaking “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”. The prohibition on nuclear testing also found its way into the five treaties establishing nuclear-weapon-free zones, the first of which was concluded in 1967.

2. The realistic prospect of completion of negotiations on a comprehensive nuclear test ban treaty provided one of the determining factors allowing for the agreement on the indefinite extension of the Non-Proliferation Treaty at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The close interaction between the Comprehensive Nuclear-Test-Ban Treaty and the Non-Proliferation Treaty is further demonstrated by the agreement reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to interpret article V of the Non-Proliferation Treaty in the light of the provisions of the Comprehensive Nuclear-Test-Ban Treaty, which bans all nuclear explosions, including peaceful nuclear explosions. The dynamics of the Comprehensive Nuclear-Test-Ban Treaty have a clear bearing on the functioning and implementation of the Non-Proliferation Treaty.

Challenge of entry into force

3. The lack of entry into force of the Comprehensive Nuclear-Test-Ban Treaty constitutes an obstacle to the fulfilment of the objectives of the Non-Proliferation Treaty. While the recent signature (Tuvalu, 2018) and ratifications (Thailand, 2018; Zimbabwe, 2019; Comoros, 2021; and Cuba, 2021) by non-Annex 2 States are a



welcome sign of the continuing salience of the Comprehensive Nuclear-Test-Ban Treaty to strengthening international security, the absence of any signature or ratification by Annex 2 States since ratification by Indonesia in 2012 is a worrying sign that commitments to advance the entry into force of the Treaty will not be fulfilled in the near future.

4. The objective of entry into force and universalization of the Comprehensive Nuclear-Test-Ban Treaty has been promoted not only by the Conferences on Facilitating the Entry into Force of the Treaty enshrined in article XIV of the Treaty but also by other initiatives, such as the biennial Ministerial Meeting of the Friends of the Comprehensive Nuclear-Test-Ban Treaty, held on the margins of the General Assembly since 2002; the Group of Eminent Persons, launched in 2013; and the Comprehensive Nuclear-Test-Ban Treaty Organization Youth Group, established in 2016.

Contribution of the Comprehensive Nuclear-Test-Ban Treaty and its verification system to the global nuclear non-proliferation and disarmament regime

5. Despite its lack of entry into force, the Treaty has made a significant contribution to strengthening international security and the global nuclear non-proliferation and disarmament regime thanks to the ongoing commitment of its ever-growing membership and because of the provisional implementation of its verification system. In all, 90 per cent of the 337 facilities making up the Comprehensive Nuclear-Test-Ban Treaty Organization International Monitoring System are operational, which allows the Preparatory Commission for the Organization in Vienna to detect the telltale signs of nuclear test explosions in the atmosphere, underground and underwater all around the globe. The Organization has provided data to the international community in the wake of the six nuclear tests conducted by the Democratic People's Republic of Korea, notably in 2006, 2009, 2013, 2016 and 2017.

6. The data collected by the Comprehensive Nuclear-Test-Ban Treaty Organization verification system, in particular the International Monitoring System, have also benefited scientific cooperation and research and have been used for applications such as tsunami warning or the analysis of nuclear accidents.

7. Moreover, the Comprehensive Nuclear-Test-Ban Treaty Organization on-site inspection capabilities continue to be tested and refined, in particular through the integrated field exercises that took place in 2008 in Kazakhstan and in 2014 in Jordan. It is vital that these capabilities be operationally ready when entry into force of the Treaty is achieved.

8. Signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty is not a prerequisite for hosting International Monitoring System facilities or signing a facility agreement. Actions undertaken by numerous States to complete the International Monitoring System stations in their territory show the firm global commitment to the object and goals of the Treaty. Currently, 302 out of 337 facilities have been certified, and around 50 per cent of facility agreements with the 89 States hosting International Monitoring System facilities have entered into force.

9. The International Monitoring System is supported by the International Data Centre, which collects and processes the data transmitted by monitoring stations and produces data bulletins that are submitted to the signatory States for their analysis and evaluation. To facilitate the interaction with the Comprehensive Nuclear-Test-Ban Treaty Organization, many States signatories have established national data centres, which play a pivotal role in the exchange of information. Given the fact that national data centres often have diverse and complementary expertise, notably with regard to the four technologies used by the International Monitoring System (seismic, hydroacoustic, infrasound and radionuclide), there can be merit in regional cooperation among national data centres. The pooling of expertise allows for more profound and

multidimensional analysis, which can generate more in-depth analysis reports of events, to the benefit of the verification system. Australia and New Zealand established arrangements for regional cooperation in 2012. The Benelux countries (Belgium, Netherlands and Luxembourg) signed a memorandum of understanding in 2019.

Potential contribution of the Comprehensive Nuclear-Test-Ban Treaty to the denuclearization process of the Democratic People's Republic of Korea

10. The developments regarding the Democratic People's Republic of Korea nuclear file highlight the urgent need for entry into force of the Comprehensive Nuclear-Test-Ban Treaty. They also show how progress in the field of non-proliferation is interlocked with the achievement of the objective of the Treaty. The announcement, in December 2019, by the Democratic People's Republic of Korea that it no longer considered itself bound by its self-declared moratorium on nuclear tests (April 2018) demonstrated the need to render any moratorium legally binding through signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty. Such action, coupled with the comprehensive, verifiable and irreversible dismantlement of the nuclear test site at Punggye-ri under independent international verification, would significantly strengthen the confidence of the international community in any future commitment of the Democratic People's Republic of Korea to permanently ending its nuclear testing. The Comprehensive Nuclear-Test-Ban Treaty Organization is well placed to play an important role in facilitating these steps by seeking the adherence of the Democratic People's Republic of Korea to the Treaty. In this context, the Comprehensive Nuclear-Test-Ban Treaty Organization and its expertise could contribute to the characterization of the test site, if the conditions allowing independent monitoring have been met.

Recommendations for the 2020 Non-Proliferation Treaty review cycle

11. In order to acknowledge the close interaction between the Comprehensive Nuclear-Test-Ban Treaty and the Non-Proliferation Treaty and to take stock of the steps taken on the road to achieving entry into force, the Review Conference of the Non-Proliferation Treaty should properly reflect on progress, challenges and opportunities with regard to the prohibition of nuclear test explosions and formulate specific recommendations.

Entry into force and universalization

12. The 2020 review cycle should:

(a) Welcome the signature (Tuvalu) and ratifications (Comoros, Cuba, Eswatini, Myanmar, Thailand and Zimbabwe) of the Treaty since the 2015 Review Conference;

(b) Urge the remaining States to adhere to the Treaty without further delay;

(c) Remind the eight remaining Annex 2 States of their particular responsibility, as their ratification is necessary for the entry into force of the Treaty;

(d) Call upon these States to take individual initiatives to sign and ratify the Treaty without waiting for other States to do so first;

(e) Request all remaining States parties, in particular the Annex 2 States, to inform the membership of steps taken to advance the goal of accession to the Comprehensive Nuclear-Test-Ban Treaty;

(f) Encourage opportunities to engage with non-signatory States, including through the participation of these States in future sessions of the Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission as observers;

(g) Encourage the exploration of the merits of a regional approach to Treaty accession in regions where building confidence and security can help to overcome obstacles and acknowledge that confidence-building can be advanced through coordinated or concurrent steps towards Treaty signature and/or ratification;

(h) Encourage nuclear-weapon States, pending the Treaty's entry into force, to take steps towards the permanent closure and dismantlement of nuclear test sites;

(i) Reaffirm that a ban on nuclear test explosions will constrain the development of new nuclear weapons, as well as the development of advanced new types of nuclear weapons, thus contributing both to nuclear disarmament and non-proliferation.

Role of the verification regime

13. The 2020 review cycle should:

(a) Welcome the adoption, by consensus, of the Ministerial Declaration of the 2021 article XIV Conference and echo the call to “the remaining eight Annex 2 States ... whose ratification is necessary for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty without further delay, bearing in mind that the Comprehensive Nuclear-Test-Ban Treaty was opened for signature over 25 years ago”;

(b) Acknowledge in this regard the strong unity of purpose of all Treaty on the Non-Proliferation of Nuclear Weapons member States and the consensus-building potential of the Comprehensive Nuclear-Test-Ban Treaty also in the context of the Non-Proliferation Treaty review process;

(c) Acknowledge the progress made to establish the Comprehensive Nuclear-Test-Ban Treaty verification regime, as evidenced by the work of the International Monitoring System and the International Data Centre and by the experience gained with on-site inspections;

(d) Support the completion of the International Monitoring System and efforts to maximize data availability from International Monitoring System facilities in provisional testing and operations;

(e) Call upon all States that host International Monitoring System facilities to transmit data to the International Data Centre and to consider concluding and putting into force a facility agreement, subject to internal regulations;

(f) Express appreciation for the scientific and civil benefits provided by the data gathered by the Comprehensive Nuclear-Test-Ban Treaty verification regime, such as tsunami pre-warning, analysis of nuclear accidents and volcanic studies;

(g) Acknowledge that the primary function of the verification regime remains the detection of nuclear test explosions;

(h) Acknowledge in this regard that only entry into force of the Treaty would allow for short-notice, on-site inspections to clarify whether a nuclear weapon test explosion or any other nuclear explosion has been carried out in violation of article I of the Treaty;

(i) Welcome the international scientific cooperation fostered by the interaction between scientists in the framework of the Comprehensive Nuclear-Test-Ban Treaty verification regime;

(j) Acknowledge the potential benefits of regional cooperation between national data centres in order to pool complementary expertise, allowing for more profound and multidimensional analysis, which can generate more in-depth assessments of suspected nuclear test explosions;

(k) Acknowledge the role that the Comprehensive Nuclear-Test-Ban Treaty Organization plays in education on non-proliferation and disarmament through its promotion of cooperation among scientists and through the Group of Eminent Persons of the Comprehensive Nuclear-Test-Ban Treaty and the Comprehensive Nuclear-Test-Ban Treaty Organization Youth Group initiative;

(l) Call upon all States signatories to the Comprehensive Nuclear-Test-Ban Treaty Organization to honour the legal obligation of their assessed contributions and encourage States to provide voluntary contributions of a financial or in-kind nature to the Organization.

Democratic People's Republic of Korea

14. The 2020 review cycle should:

(a) Condemn in the strongest terms the nuclear tests conducted by the Democratic People's Republic of Korea and express serious concern over its nuclear weapons programme, which undermines the global non-proliferation regime;

(b) Urge the Democratic People's Republic of Korea not to conduct any further nuclear tests and to accede to the Comprehensive Nuclear-Test-Ban Treaty;

(c) Urge the Democratic People's Republic of Korea to take concrete steps to comprehensively, verifiably and irreversibly dismantle its nuclear weapons and its nuclear weapons programme, including the dismantlement of the Punggye-ri nuclear test site, and to immediately cease all related activities;

(d) Acknowledge the role that the Comprehensive Nuclear-Test-Ban Treaty Organization can play if requested, and as part of a coordinated suite of activities that would contribute substantively to complete, verifiable and irreversible denuclearization of the Democratic People's Republic of Korea.
