APPENDIX

PROVISIONS OF THE COMPREHENSIVE TEST BAN TREATY

As has become commonplace with multilateral arms control agreements, the CTBT is a lengthy and complex document, consisting of three components. The text of the treaty itself includes a preamble and 17 articles. Integral to the treaty, the CTBT also contains two annexes and a protocol. A brief description of the articles, annexes, and protocol follow.

Preamble to the treaty:

The preamble to the CTBT establishes the historic context of the treaty, defines the spirit behind the treaty and spells out what is intended by its entry into force and implementation. The most important element of the preamble is its declaration that it is the intention of the framers to use it as a means for achieving nuclear disarmament. It is their view that a ban on nuclear testing, by constraining improvements to existing nuclear weapons and ending the development of new weapons, will eventually result in disarmament.

Article-I

This article describes the core purposes of the treaty. It bars participating states from conducting “any nuclear weapon test explosion or any other nuclear explosion” at any place under its control. Further, participating states pledge not to encourage or participate in nuclear test explosions carried out by other states or in other jurisdictions.

Article-II

This provision establishes the treaty’s implementing body, called the Comprehensive Nuclear Test-Ban Treaty Organization. The organization will consist of three elements. The Conference of States Parties includes
representatives of all the participating states and is responsible for directing the activities of the organization at the broadest level. The Executive Council includes the representatives of 51 of the participating states, which are chosen based on geographical distribution. The Executive Council, as its name implies, fulfills the executive functions of the organization. The Technical Secretariat is responsible for managing the monitoring activities included in later articles of the treaty and the protocol attached to treaty.

Article - III

Article III imposes a responsibility on states parties to devise ways to implement the treaty. These include adopting national legislation to outlaw the activities prohibited by the treaty and to establish an office in the national government to serve as a liaison with the Comprehensive Nuclear Test-Ban Treaty Organization.

Article – IV

This provision establishes the verification regime. This regime includes: (1) an international monitoring system, which includes a variety of sensor systems for detecting nuclear explosions, (2) a procedure for resolving questions related to noncompliance with the treaty, (3) an on-site inspection process and (4) confidence-building measures to promote the sharing of information among states parties and the Comprehensive Nuclear Test-Ban Treaty Organization to resolve concerns related to noncompliance.

The international monitoring system is quite elaborate. It includes for kinds of monitoring facilities to be located throughout the world. They include scismological, radionuclide, hydroacoustic, and infrasound monitors.

The procedure for resolving compliance problems is designed to allow resolution of claims of suspicious behaviour or noncompliance without resorting to an on-site inspection. The procedure would have the
Executive Council of the Comprehensive Nuclear Test-Ban Treaty Organization play mediator between the state charging suspicious behaviour and the state being charged.

The on-site inspection regime established in Article IV would be triggered by a state submitting a request for such an inspection on the territory of another state. The Executive Council can approve the request if 30 of its 51 members vote for it.

The confidence-building provision is designed to prevent misinterpretations of verification data arising from the non-nuclear activities of participating states, particularly chemical explosions. The provision encourages state parties to cooperate with each other and the Comprehensive Nuclear Test-Ban Treaty Organisation to avoid such misinterpretations.

**Article – V**

This article establishes the enforcement mechanism. The failure by a state party to redress a compliance problem could result in the restriction or suspension of treaty rights for that state, the recommendation of "collective measures" by other states parties to the treaty, and in the most serious cases a referral to the United Nations for consideration. The specific types of collective measures that may be adopted or options for the United Nations are not defined in the treaty.

**Article – VI**

Article VI creates a mechanism for settling disputes. This mechanism provides for the involvement of both the Executive Council and the Conference of States Parties to assist in the resolution of such disputes. Under certain circumstances the International Court of Justice, an arm of the U.N., established to mediate disputes among states on a full range of matters, could be called on to settle specific disputes over the meaning of treaty provisions.
Article – VII

This provision establishes the procedure for amending the treaty. Any state that is a party to the treaty may propose an amendment. Such proposals are to be considered by formal amendment conferences, which may be convened if a majority of states agree. Amendments are adopted if a majority of the states vote in favour of it and no state objects.

Article – VIII

Article VIII authorizes the convening of review conferences to assess the effectiveness of the treaty at ten year intervals following entry into force. In the first such review conference, the question of allowing peaceful nuclear explosions will be addressed. The approval of such explosions would require a consensus of participating states.

Article – IX

This article declares that the treaty shall be of unlimited duration. It also establishes the procedure for a state to withdraw from the treaty. To withdraw, a state must describe how extraordinary events related to the treaty have jeopardized its supreme interests and provide other states parties six months notice before withdrawal.

Article – X

This provision states that the two annexes and the protocol are integral parts of the treaty. It means that the annexes and protocol, along with the text of the treaty itself, are considered a single agreement.

Article – XI

Article XI states that any state may sign the treaty before it enters into force.
Article XII

This article describes the ratification procedure for the treaty. It allows each state to ratify the treaty in accordance with its constitution.

Article – XIII

This provision describes how any state that has not signed the treaty prior to entry into force may join at a later date.

Article – XIV

Article XIV sets the procedure for bringing the treaty into force. It states that the treaty shall become effective 180 days after the date that the last of 44 specifically identified countries has deposited its instrument of ratification, as long as it is not earlier than two years following the date the treaty was opened for signature. This article also calls for the convening of a conference to consider steps for accelerating the ratification process if the treaty has not entered into force by the end of a four year period following the date the treaty was opened for signature. Finally this article establishes the entry into force procedure for the countries that accede to its terms. For these states, entry into force will occur on the 30th day following accession.

Article – XV

This provision prohibits reservations to the treaty. A reservation allows a country to declare a circumstance under which it will consider itself to be exempt from a provision of a treaty, or even the treaty as a whole. Article XV also prohibits reservations to the protocol to the treaty if they are incompatible with the object and purpose of the treaty.

Article – XVI

This article designates the Secretary General of United Nations to serve as the depositary of the treaty. It means that he will receive treaty signatures, instruments of ratification and accession; and keep a record of which states are bound by the treaty, following its entry into force.
Article – XVII

Article XVII allows for authentic texts of the treaty to appear in six languages. They are Arabic, Chinese, English, French, Russian, and Spanish.

Annex 1

The first annex to the treaty consists of a list of countries divided into six regional groupings. It is to be used in allocating seats on the Executive Council of the Comprehensive Nuclear Test-Ban Treaty Organization, which is established by Article II of the treaty. Seats on the Executive Council are allocated according to a quota for each region. The purpose is to assure geographical balance in the Council’s membership.

Annex – 2

The second annex to the treaty consists of a list of the 44 specific states that must deposit instruments of ratification to bring the treaty into force. The list includes, among others, the five declared nuclear powers (the U.S., China, France, Great Britain, and Russia), the three states that have nuclear weapons but are not recognized as nuclear powers (India, Israel, and Pakistan) and two states thought to be serious proliferation risks (Iran and North Korea). Together, the 44 states are all those that have significant nuclear facilities on their territories. If a single one of the 44 countries (North Korea, for example) fails to ratify, then the treaty may not enter into force.

The Protocol

The protocol attached to the CTBT describes the international monitoring system and data center to detect nuclear test explosions worldwide and process the data collected by the system. This network of sensors and facilities includes 170 seismic stations, 80 radionuclide stations (with supporting laboratories), 11 hydroacoustic stations, 60 infrasound stations and an international data processing center. The protocol describes
how these facilities will be managed, both individually and collectively, to fulfill the verification requirements of the treaty established by Article IV. Further, the protocol defines the specific terms for the conduct of the on-site inspections and confidence-building measures, also established by Article IV of the treaty. Finally, the protocol contains two annexes. Annex I provides the precise location of the facilities described in the protocol. Annex II describes the parameters that international data center technicians will use to read the data and determine whether "an event" recorded by the sensors is likely to be a nuclear test explosion. This list of parameters is not exhaustive and leaves room for individual judgements by international data center technicians.