

R. JAMES WOOLSEY &  
KEITH B. PAYNE

SEPTEMBER 8, 2011 4:00 A.M.

## Reconsidering the Comprehensive Test Ban Treaty

It's an ineffectual gesture that could do more harm than good.

**I**n 1999, Pres. Bill Clinton submitted the Comprehensive Test Ban Treaty (CTBT) to the U.S. Senate for advice and consent. It was soundly rejected. Pres. George W. Bush opposed the treaty, so it lay dormant during his two terms. But the Obama administration announced early in its tenure that it would resubmit the same CTBT to the Senate.

In anticipation of this renewed effort to secure Senate ratification of CTBT, the bipartisan Congressional Commission on the Strategic Posture of the United States (of which both authors of this article were members), in its May 2009 report, called for a “net assessment” of CTBT before the Senate’s renewed consideration of the treaty. The question of U.S. ratification of the CTBT was the *only* significant pertinent subject on which the Congressional Commission could not reach a consensus position; in fact, the Commission was about evenly divided between those for and those against CTBT ratification.

As the administration now begins to promote CTBT ratification, it is useful to elaborate further the case made by those members of the Congressional Commission opposed to ratification.

The primary argument made by CTBT supporters is that the treaty would inspire the international community to rally with the United States in support of nuclear nonproliferation, strengthen the Nuclear Non-Proliferation Treaty (NPT), and thereby help keep nuclear weapons out of terrorist hands. There are many reasons to question the hope that the gesture of U.S. ratification will have these profound symbolic, diplomatic, and psychological effects.

For example, Russia in particular values highly its continued possession and modernization of nuclear weapons. It views them as critically important to overcoming U.S. and Chinese conventional-force advantages. It would be naïve to expect otherwise, given Russia’s security concerns and its deficiencies in conventional forces. This emphasis on the continuing importance of modern nuclear arms may explain why Russia apparently has continued to test nuclear weapons at very low yields, despite its commitment not to do so.

In addition, under international law, U.S. ratification of the CTBT would legally bind the United States indefinitely to its restrictions, but would not bring the treaty into effect globally. To do so would necessitate that numerous additional countries also sign and ratify the treaty, including North Korea and Iran. In such cases, U.S. ratification would not likely inspire similar action. On the contrary, it could give North Korea an additional opportunity to play its favored game of extorting the international community. How much might we have to pay for North Korea's favor in this regard, if such favor is even possible?

Even if, by an unexpected stroke, U.S. CTBT ratification were to inspire the rest of the world to bring the treaty into force, it could not prevent further nuclear proliferation. Nuclear testing is not necessary for the development of primitive nuclear weapons. It never has been. The United States did not test the uranium-based "Little Boy" atomic bomb before dropping it on Hiroshima in 1945 (though it did test the plutonium-based "Fat Man" bomb, which was dropped on Nagasaki).

What's more, the argument that U.S. agreement to forgo nuclear testing would rally the world against nuclear proliferation is contrary to available evidence. The United States stopped all nuclear testing in 1992. Since then, China, France, India, Pakistan, North Korea, and apparently Russia have conducted nuclear tests, and several nuclear-weapon states (e.g., Russia, China, and France) have modernized their nuclear arsenals, while other states (e.g., India, Pakistan, North Korea, Iran) have demonstrated or developed nuclear-weapon technologies. If the end of U.S. nuclear testing actually is the key to rallying international opposition against proliferation, we have little evidence of it after almost two decades of no U.S. testing.

Skepticism about the verification and enforcement of CTBT was key to the Senate's rejection of the treaty in 1999. CTBT proponents now often promote the notion that CTBT verification and enforcement problems have been solved, but they are mistaken. The history of arms control from the 1930s until today demonstrates that without strong verification and enforcement measures, some states will violate solemn treaty commitments, and will continue to do so even after being caught. As a result, all now agree on the importance of on-site inspections of suspect nuclear testing to verify CTBT's restrictions. Yet the treaty's provisions for on-site inspections would require a mini-U.N.-like assembly of 31 countries to approve an on-site inspection request following suspicious activities. It is not difficult to see that agreement by 31 diverse countries to allow on-site inspection of suspicious behavior would become a political football; permission could not be assumed even following detection of highly incriminating behavior.

In addition, detection is not the same as enforcement — an important point typically dismissed by CTBT proponents. While the CTBT's International Monitoring System provides some impressive detection technology, the treaty lacks any serious enforcement mechanisms whatsoever. Without enforcement mechanisms, the ability to detect treaty violations is, to paraphrase Frederick the Great, like an orchestra without instruments.

But the problem with CTBT ratification is not simply that the hoped-for benefits are unlikely ever to be realized; there also are prospectively large risks for the United States and its allies. While the CTBT cannot prevent opponents from developing or taking steps to modernize their nuclear weapons, U.S. ratification could hinder our capability to modernize our nuclear weapons as necessary for deterrence purposes. The reason is that the CTBT does not contain a definition of what constitutes the nuclear testing to be precluded.

The United States holds to a “zero-yield” criterion, meaning that no sustained nuclear reactions can take place as part of a test. But other nations need not hold to the same scrupulous definition, and could allow very-low-yield nuclear reactions during tests. The U.S. “zero-yield” criterion could undercut our ability to develop new capabilities critical to deterring future threats, while opponents choosing a less rigorous testing restriction could conduct nuclear experiments that would provide important military and/or political advantages.

For this reason, CTBT ratification would close off a deterrence safety route that we may need to take, without providing a barrier against a range of threat developments that may drive us to seek that safety route. Ratification could erect a solid legal barrier to meeting future deterrence needs that cannot now be known with certainty. It would be compatible with the Obama administration’s policy not to develop any new U.S. nuclear-weapon capabilities — but not with prudent deterrence policy.

International relations are unpredictable, particularly with regard to the potential for the rapid development of severe security threats. Increasingly, technology spread, global communications, and cultural developments abroad have joined to make the United States the object of animosities and to shrink the security value of the great distances that separate us from most centers of serious threat. Technology spread, including chemical, biological, and nuclear weapons, and the means to deliver such weapons, has also increased the potential for unexpected threat developments and the lethality of otherwise second- and third-rate military powers. No one knows what types of nuclear weapons may be needed in the future to deter new threats, but they are not likely to be the ones we designed and built during the Cold War.

While the character of opponents’ nuclear and other highly lethal forces is *not* locked in, and would not be so under CTBT, it is unclear whether we would be able to design and produce the new types of capabilities we might need for future deterrence based solely on our past testing experience and extrapolations. Precluding our ability to test with an enduring legal instrument like the CTBT means taking the risk that we will not have the deterrent capabilities necessary to prevent a future war. Any future testing we might be compelled to undertake to help deter newly emerging threats would be burdened by delay and an extended prior period of intense internal review and argument. That delay and burden might have been survivable in prior centuries, when we enjoyed the luxury of time courtesy of the protection provided by vast oceans. It now would be a risk, unless the CTBT also could preclude the types of threat developments, some now unknown, that might compel us to test in the future. Unfortunately, however, the CTBT cannot prevent

the development of new threats because it does little or nothing to make current and future enemies less hostile toward us, less able to reach us, or less able to attack us and our allies with primitive or modern nuclear weapons or other weapons of mass destruction.

CTBT is analogous to the 1972 ABM Treaty, which restricted U.S. development and deployment of any serious defenses against long-range offensive missiles and effectively constrained U.S. defenses against shorter-range missiles, but did nothing to reduce the development of offensive missile threats to us or our allies. It was based explicitly on the benign expectation that future offensive missile threats would be curtailed, and it precluded the development of defensive capabilities that would facilitate timely recovery if international relations proceeded in a darker direction. As history actually unfolded, missile threats to us and our allies expanded dramatically, and the need to withdraw from that treaty and deploy defenses became blatantly obvious — but the ABM Treaty remained an enormous legal impediment to doing so for years. If not for the shock of 9/11, it is doubtful that we would have withdrawn from the ABM Treaty as quickly as we did, and our capability to defend against even limited offensive missiles would now be far behind the need.

The moral here is useful when thinking about CTBT. The arguments in favor of CTBT are based on hope that the future would unfold in benign directions following U.S. ratification. To say that there is evidence contrary to this hope is an understatement. CTBT cannot stop the pace of lethal proliferation or the development of future threats that we may be compelled to confront, but its ratification could create a significant legal obstacle to our ability to counter new threats.

In short, U.S. ratification of the CTBT will do little to stop proliferation, but could harm U.S. security severely. This, of course, is the reverse of the image presented by CTBT proponents. We hope that all informed citizens — and particularly all members of the U.S. Senate — will heed these concerns. The promises made on behalf of the CTBT by its proponents represent the elevation of hopes and dreams over experience and prudence.

*— R. James Woolsey is the chairman of the Foundation for Defense of Democracies and served as director of central intelligence during the Clinton administration. He also served as an adviser on the SALT I delegation 1969–70, as a delegate at large to the START and Defense in Space negotiations with the USSR 1983–86, and as the ambassador and chief negotiator for the Conventional Forces in Europe (CFE) Treaty 1989–91. Keith B. Payne is professor and head, graduate department of defense and strategic studies, Missouri State University, and served as deputy assistant secretary of defense during the George W. Bush administration. In that capacity he participated in the 2002 U.S.-Russian Strategic Offensive Reductions Treaty and in 2003 served as head of U.S. delegation to U.S.-Russian discussions on missile-defense cooperation. This article is adapted from the author's foreword to the 2011 study, The Comprehensive Test Ban Treaty: An Assessment of the Benefits, Costs and Risks.*

<http://www.nationalreview.com/articles/276530/reconsidering-comprehensive-test-ban-treaty-r-james-woolsey>