



How to fix the CTBT: One easy step to improve the treaty by Arnold Kanter and Brent Scowcroft

However one judges the merits of the Comprehensive Test Ban Treaty (CTBT), no one can deny that both the treaty's defeat in the Senate and the process by which that result was reached have done grave damage. Perhaps the greatest harm was that done to the confidence our friends and allies, our potential adversaries, and fence sitters around the world have not only in American leadership and reliability, but even in our competence.

The President and the Congress, Republicans and Democrats, all share a full measure of responsibility for a debacle which reflected the triumph of partisan wrangling over responsible debate about the national interest. But it would only further compound the harm already done if we were to become preoccupied with CTBT post-mortems, which are amounting to little more than political recriminations and positioning for the upcoming elections. The issues themselves, however, will not simply go away and time alone will not repair the damage. (Indeed, we now face what many would regard as the worst of both worlds: the continuation of a unilateral U.S. moratorium on our own nuclear testing without any of the constraints on others which the CTBT would impose.) What is needed is an initiative that picks up the pieces and re-establishes U.S. credentials as leader of the community of nations.

CTBT supporters have argued that the treaty would make a vital contribution to slowing the spread of nuclear weapons. CTBT opponents are skeptical that the proliferators of greatest concern to us would ever ratify the treaty, much less that the behavior of rogue states will be influenced by treaty constraints. They also are concerned that we do not know yet whether we can maintain the long term confidence we need to have in our nuclear deterrent without testing, and that it may prove to be too easy to cheat on a nuclear test ban.

There is a straightforward way both to provide an opportunity to see whether the promised benefits of the treaty can be realized, and to assess whether the concerns expressed by CTBT opponents are well-founded. It is to renegotiate the CTBT – which is now of unlimited duration – for the sole purpose of limiting its initial term to a fixed period (for example, five years) with the option for renewal for additional fixed periods.

This one change would allow time to determine whether the stockpile stewardship program, with its reliance on computer simulations and indirect experiments, not only will be adequately funded, but also whether it proves sufficient to maintain the safety and reliability of our nuclear stockpile. It also would give us time to assess the adequacy and shortcomings of the treaty's verification provisions and procedures. Finally, it would give us time to judge whether a

treaty banning nuclear testing is making an effective contribution to combating the proliferation of nuclear weapons.

At the end of its initial term, we would be in a better position to determine whether the CTBT has been effective, whether some of its terms need to be changed, or whether the CTBT is failing to serve U.S. national security interests. If, based on its review, the then-incumbent administration concludes that the CTBT should be renewed, it could then submit the treaty to the Senate for its advice and consent.

There is good precedent for limiting the duration of the CTBT. The 1970 nuclear Non-Proliferation Treaty (the NPT) was initially subject to review and renewal every five years until 1995. Only after some 25 years of experience was accumulated did the parties to the NPT agree to make the treaty of indefinite duration.

The NPT example notwithstanding, we should expect that there would be strong objection both here and abroad to a U.S. effort to reopen the CTBT, which already has been ratified by several nations, and signed by many, many more. Indeed, such a proposal could reinforce the already widespread and damaging perception that the United States arrogantly asserts its superpower status through unilateral actions that ignore the interests and sensibilities of others. The timing and tactics of a U.S. proposal to reopen the terms of the CTBT, therefore, would need to be considered with great care.

But, at the end of the day, the simple fact is that there is no CTBT without the United States and the United States is not prepared to become party to this CTBT. That fact, in combination with the need to repair the damage we have inflicted on ourselves, makes the risks of an international backlash both manageable and worth running.

A proposal to reopen the CTBT text also would create enormous pressure to expand the list of provisions to be revisited beyond the sole one of its duration and the real risk that the CTBT parties would get bogged down in a protracted re-negotiation. But if the community of nations in fact favors a test ban, then it should not be asking too much of American leadership to ensure that the process of making this one change in the treaty is quick and clean.

This is a proposal which ought to command support both from CTBT supporters and those who have concerns about it. It is an initiative which the president should be eager to take to restore responsible American leadership, and one which, for the same reasons, the Senate should be prepared to embrace. And it is an approach which could put us back on the path of some badly needed bipartisanship in the conduct of U.S. foreign policy.

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