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CD/NTB/WP.57
JUN 22 1994 May 1994

Original: ENGLISH

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Ad Hoc Committee on a
Nuclear Test Ban

JAPAN

Working paper

Japanese views on a CTBT

1. Basic views

(1) As stated in the Mandate of the Ad Hoc Committee and in United Nations General Assembly resolution 48/70, a "universal, and multilaterally and effectively verifiable comprehensive nuclear test ban treaty" should be sought. The treaty should be also non-discriminatory in nature, and should involve all nuclear-weapon States as well as the so-called threshold countries.

(2) In order to facilitate the negotiations, we may refer to, when appropriate, other treaties such as the PTBT and the CWC as guidance in the process of drafting the text. However, for the sake of an early conclusion of a CTBT, we should try to formulate each article as simple and concise as possible and avoid wasting time in exchanging views on too much details.

(3) In order to maintain sufficient reliability and credibility, a CTBT should have an effective verification mechanism. However, such a verification mechanism should be cost-effective at the same time and we should examine all possibilities to utilize existing institutions and national technical means for minimizing the costs.

2. Period for the CTBT negotiations

Though G21 has proposed since last year to conclude the negotiations by the end of 1994, Japan does not support the idea of establishing any

artificial deadline in the early stage of the CTBT negotiations. We should try our best to fully discuss all important questions in order to avoid formulating an unsatisfactory treaty. On the other hand, Japan desires that the CD will reach a stage where we can have a prospect of a successful conclusion of a CTBT by April 1995 when the NPT Review and Extension Conference will be held.

3. Contents of a CTBT

(1) Structure

A CTBT should consist of two parts, namely, the main treaty text and an attached protocol(s) on verification and the treaty organization. Through the experience of the CWC, Japan considers the following items as the possible elements of a CTBT: preamble, basic obligations, national implementation measures, declarations, organization, verification, consultation and clarification, settlement of disputes, compliance and sanctions, review of the treaty, amendments, duration and withdrawal, status of the Protocol, entry into force, depositary, authentic text.

(2) Purpose of a CTBT

A CTBT should serve both nuclear disarmament and nuclear non-proliferation.

(3) Basic obligations

(a) Based on the formulation of article 1 of the PTBT, a CTBT should prohibit any nuclear weapon test explosion and any other nuclear explosion at any place.

(b) Japan believes that it is impossible to establish objective criteria for distinction between nuclear weapon test explosions and the so-called peaceful nuclear explosions. Therefore, a CTBT should ban all nuclear explosions irrespective of their purpose. We should take note of the fact that both the PTBT and the NPT are so interpreted as to apply the same restrictions to both nuclear weapons and peaceful nuclear explosive devices.

(c) A CTBT should embody a truly comprehensive nuclear test ban, not a threshold test ban.

(d) Japan does not believe that it is appropriate to include "preparations" on the list of activities to be prohibited under a CTBT, because it is too difficult to define the adequate range of the "preparations" to be covered by the treaty. Without a clear definition, it is impossible to implement the ban on the "preparations" as a "preparation" may include

anything. It is much more practical to establish an effective verification mechanism with the provisions of heavy sanctions which could deter possible nuclear test explosions instead of prohibiting preparations of such explosions. As for ambiguous activities of other State parties, it is possible to request consultations or clarifications if an adequate provision for consultation and clarification is included in the treaty.

(4) Definition

(a) Japan believes that it is not appropriate to provide a detailed definition of a nuclear explosion for the following reasons:

- (i) Though there is no detailed definition in the PTBT, the concept of "nuclear explosion" has already been well established;
- (ii) Once we start discussing the definition of "nuclear explosion", it may take too much time and delay the conclusion of the negotiations.

(b) A CTBT should not prohibit peaceful use of atomic energy and its research.

(c) Japan is of the view that the activities of private persons which should be prohibited by the States parties by means of their national law should be made as clear as possible.

(5) Duration

The duration of a CTBT should be indefinite.

(6) Declarations

Japan wishes to consider the specific proposals on this matter to be made by the Friend of the Chair on transparency measures based on his consultations with delegations.

(7) Settlement of disputes, compliance and sanctions

It is necessary to include appropriate provisions on the measures to be applied (clarification, consultation, settlement of disputes or referral to the United Nations Security Council) either in the case of ambiguity of compliance (for example, possibility of a nuclear explosion), or in the case of non-compliance.

(8) Verification

Verification is the most important part of a CTBT and the reliability of a CTBT largely depends on the reliability of its verification. Establishing a

technically reliable and efficient verification mechanism is not an easy task. The following points should be taken into consideration in discussing the CTBT verification:

- It may be rather easy to verify the existence of a certain nuclear explosion. However, it is considered impossible to establish a verification network which can detect any nuclear explosion without failure;
- In view of the need for financial rationalization and the technology level of States parties available, it is appropriate not to establish a large organization like the OPCW for a CTBT. It is hoped that national technical means will be utilized as much as possible;
- The CTBT verification mechanism should comprise a package of complementary verification technologies and be formulated as an evolutionary one allowing for a measure of flexibility for additions or changes of the technologies employed, considering the future development of science and technology. This verification package includes the seismic monitoring network, as was decided in Working Group I of the NTB Ad Hoc Committee, and may include the radionuclide monitoring network, on-site inspection and national technical means, at the outset.

For each verification technology, Japan has the following comments:

(a) Seismic verification network

- (i) An urgent issue is how to establish an effective global seismic monitoring network, building upon the GSE exercises. Optimum utilization of existing seismic stations is highly desirable. The cost for operating the network and establishing additional monitoring stations, if necessary, and the International Data Centre (IDC) should be shared by all States parties in an equitable manner, and those countries which have seismic stations on their territory should not be financially overburdened. The questions of the costs and cost-sharing should be discussed carefully.
- (ii) Concerning the experimental International Data Centre of GSETT-3, the United States of America has accepted its functions and established the Centre. We should examine such

questions as to where to establish the IDC for a CTBT and how to manage it within the overall structure of a CTBT. Japan is ready to consider any proposal for the location of the IDC, but hopes that the comparison of advantages and costs between the candidate host cities will be suggested.

(b) Monitoring of radionuclides

For the monitoring system of radionuclides, considering the fact that the progress in this field is much behind compared to the seismic network, it is necessary to look into the possibility of utilizing some existing monitoring networks in order to minimize time for the preparation. Other subjects worth consideration include the possibility of co-location of radionuclide monitoring equipment with those seismic stations which form a part of the seismic network for the CTBT verification. Japan also suggests the review of the possibility of utilizing national technical means in addition, in this field.

(c) On-site inspection

In the CWC, two types of on-site inspections, namely routine inspection and challenge inspection are included. However, since the expected frequency of having recourse to the procedures for determining the absence of nuclear tests is very small, Japan is not persuaded of the necessity of the so-called routine inspection which will be conducted on a regular basis. Japan considers a challenge inspection type of on-site inspection, which is to be implemented only in case of a reasonable doubt of violation of the treaty provisions, is insufficient. In this regard, Japan proposes that the implementing agency should maintain only a roster of inspectors who should be trained in each State party, if necessary in cooperation with another State party. Japan does not consider it necessary for the implementing agency to keep full-time inspectors, since occasions for such a challenge inspection are expected to be not frequent. On the other hand, Japan does not rule out the possibility of utilizing IAEA inspectors for this purpose.

(d) Hydroacoustic method

As for the necessity of employing hydroacoustic technology to verify a CTBT especially in the underwater environment, Japan wishes to listen to the views of other delegations, especially of those countries which have expertise in the technology.

(e) National technical means

In order to minimize the necessary cost and to avoid infringing upon the security of the relevant States parties, Japan considers it appropriate to utilize national technical means of States parties as much as possible. Such technologies may include hydroacoustic detection, satellite imagery, and others.

(9) Organization

A CTBT organization may include a Conference of all States parties, which may be also convened as a review conference of the treaty, the secretariat and the International Data Centre, which can be incorporated into the secretariat. The necessity to establish a kind of Executive Council which will consist of fewer members than all States parties, should be carefully examined. At this stage, Japan does not see any indispensable role for the Executive Council. In order to minimize the cost and staff, the secretariat for a CTBT should not keep inspectors as full-time staff as in the case of the CWC. Concerning the functions to be discharged by the secretariat including the IDC, aside from the routine administrative work, Japan is examining the advisability for the secretariat to conduct some analytical work, which may include automated work in part, as was proposed by Australia. Though Japan believes that the final analysis and evaluation of data which include the judgement of compliance with the treaty should be basically conducted by States parties individually or collectively, Japan does not preclude the possibility for the secretariat or the IDC to conduct preliminary analysis of data including what is called provisional event identification. Japan is of the view, however, that the secretariat should not carry out such detailed analyses or in-depth evaluations of data as require a substantial increase of necessary resources in terms of staff and equipment. Japan does not preclude the possibility of designating the IAEA as the secretariat of the CTBT organization. However, this question should be reviewed carefully from legal, organizational and financial points of view.

(10) Entry into force

To ensure that a CTBT is truly meaningful, the participation by all nuclear-weapon States and the so-called threshold countries from the outset is most desirable, although advantages and disadvantages of including a provision which requires the ratification by a certain category of countries as condition for the entry into force should be carefully considered. Japan does

not consider it is appropriate to introduce a category of the so-called "nuclear threshold countries" since it is very difficult to define the extent of "threshold". In this regard, a sentence in the Australian explanatory notes to its draft CTBT (CD/NTB/WP.50) may be worth quoting:

"Discussion of this element of the treaty will revolve around potential States parties' parallel (and to some extent competing) interests in ensuring:

- . adherence to the CTBT of all States currently or potentially capable of nuclear testing; and
- . early entry into force and achievement of the consequent benefits of the treaty, including the establishment of an international norm against testing."

The question of specific conditions for entry into force should be fully discussed by conducting more detailed examinations.
