

hold-out states any excuse to abandon the Treaty altogether.”⁴¹ For the time being, the current dilemma surrounding these “hold-out” states is less severe than what could appear if the Treaty were applied provisionally.

The relationship between the Preparatory Commission and the organs of the CTBTO reveals important questions. These questions not only strike at the heart of the CTBT itself, they relate to the purposeful implementation of a viable test ban regime. On another equally important level, there are also issues surrounding current levels of support to the CTBTO Preparatory Commission, both in political and monetary terms.⁴² The upshot of all of this is that provisional application could bring on problems that currently do not exist, such as financing for the regime, and tacit support of the verification regime by states that have still not ratified.

All of this suggests that creating a mechanism for immediate and inclusive implementation of the CTBT is remote, based on the wording of the prior agreement – the CTBT itself. Making matters more complicated is the clear EIF formula devised in the CTBT. Here we seem to have a clear conclusion: we cannot have the CTBT EIF without the EIF process executed, but we cannot have the process executed because the conditions of the EIF cannot be met! Evidently, some countries have attempted to counter this dilemma, and the Austrian attempt to allow for a provisional EIF – though it would not create a truly inclusive and comprehensive treaty, even if it had been agreed upon in 1995-1996 – is the best example of a forward-looking bid to avoid the current dilemma we face regarding EIF. However, as explained later, there are other ideas and potential courses of action that might be undertaken to work towards both an effective, and a binding EIF.

To complicate matters, even if ratifying states opted for “some other manner so agreed” to provisionally implement the CTBT, perhaps the most important unanswered question would be whether such

⁴¹Interview, official, states party to the United Nations and International Organizations, Vienna, Austria, 15 July 2002.

⁴²The most serious example of this concerns the United States decision to reduce its payments to the CTBT. The US specified that it wanted the reduction in payment to come from the OSI budget. The CTBT, however, cannot simply remove the American “share” of the OSI budget from OSI, alone. A “line-item” style of compensation would be unprecedented in international organizations; this is clear to the United States, which has used the “no funds for OSI” argument for domestic political purposes. Rather, the reduction in payment will affect all financed structures of the CTBTO.