

The general arguments contained in the report are as follows:

- The non-testing regime is at the foundation of nuclear NACD.
- There are two commitments with which states (both Annex 2 states and others) have come to view the Treaty: a commitment to verification, and a commitment to a moratorium on testing.
- Paradoxically, the very conditions for the CTBT's entry into force (EIF) have hampered the implementation of the Treaty.
- According to the United Nations Law of Treaties, ratifying an agreement is the articulation of acceptance of the agreement prior to EIF; furthermore, signing the treaty – even without ratification – is the acceptance of the principles of the treaty, and the implied agreement not to work against the objectives of the treaty. Signatory states are required to “refrain from acts which would defeat its object and purpose in the meanwhile.”
- This creates an interesting state of affairs for the CTBT. Although the agreement clearly has not met the conditions of the EIF provisions, the fact that all P5 states (United States, United Kingdom, France, China, and Russia) have at least signed the treaty requires them to observe conditions that would not “defeat the purpose” of the CTBT. This means that signatory states cannot take part in actions that would render the CTBT useless.
- The strengths of the CTBT lie in its verification capability, which is the most advanced for any NACD regime in the international system. This, coupled with the legal argument that signatory states should at the very least not work towards to defeat the purpose of the treaty, presents an fascinating scenario: the universality and effectiveness of the CTBTO is actually closer to EIF with the status quo than it would be with a provisional EIF.
- There is no consensus regarding the trajectory for the CTBTO with continued non-EIF.
- Given the extent of non-testing verification available to the CTBTO currently, the only stage left is the most important one: establishing the legal elements necessary to permit the implementation of the regime.
- While not official, with the strength of the Law of Treaties (especially Article 18), the global proclaimed desire for both a moratorium as well as verification, and the text creating the Preparatory Commission of the CTBTO, there is now a “de facto” EIF.
- The status quo *supported by the recommendations contained here* is preferable to the potential outright rejection – or at least hardening of attitudes – were a provisional EIF to be pursued.