

126 states) on a draft CTBT resolution at the United Nations General Assembly on 10 September 1996. As of October 2002, 166 states had signed the Treaty, and 97 had ratified. In accordance with Article 14, the CTBT shall enter into force 180 days after its ratification by 44 States listed in the Treaty's Annex 2 as "states with nuclear capabilities." Although a total of 31 "Annex 2" states have ratified the Treaty, many of these required states (including Algeria, China, Colombia, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran, Israel, Pakistan, the United States, and Vietnam) have not yet ratified the Treaty. Furthermore, three of the Annex 2 states – India, Pakistan, and North Korea – have not even signed the Treaty.

Due to the rigid nature of the Treaty's Article 14 conditions, the CTBT has been in something of a holding pattern for some time. Paradoxically, the very conditions for the CTBT's entry into force (EIF) have hampered the implementation of the Treaty. The fact that 44 specific states must ratify the Treaty before it becomes operational is in part stalling the implementation of the CTBT. However, this list of 44 states (those listed by the International Atomic Energy Agency as having nuclear reactors) is in fact a compromise, since some CTBT negotiators originally did not want to limit the required number of states to the original five (United States, Russia, United Kingdom, France, and China), while others objected to including three additional tacit possessing powers (Israel, India, and Pakistan).

For each non-ratifying, or non-signing Annex 2 country, there is a distinctive political explanation, or set of explanations, for non support. Some of these hold-out states are more consequential than others: for example, if India were to accede (sign and ratify) the Treaty, Pakistan has stated it would also follow suit. Likewise, if the United States would ratify, China would likely also ratify, and Israel would probably do so as well. With American ratification, furthermore, other hold-out states would be pressed upon by the full diplomatic weight of the United States to speed the Treaty along to EIF.

However, the possibility of either Indian accession or American ratification are not anticipated, for reasons described below. Fortunately, the designers of the Treaty foresaw such a stalemate. Recognizing the inherent difficulty in achieving ratification by all 44 states, CTBT negotiators allowed for annual "facilitating" conferences to permit continued discussion and deliberation. The first Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty, held in Vienna, 6-8 October 1999 came three years after the Treaty was made open for ratification. At that time, states that had not yet ratified the treaty were encouraged to sign the CTBT, and were requested to "refrain from acts which would