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## I Background

A Comprehensive Nuclear Test Ban Treaty (CTBT) has been the declared goal of many states and arms control proponents for the last 40 years, but only with the end of the Cold War did it become a practical prospect. Negotiations began early in 1994 under the auspices of the UN Conference on Disarmament and concluded with agreement on a draft text in August 1996. The Treaty was adopted by a majority of the UN General Assembly on 10 September 1996 and was opened for signature on 24 September 1996.<sup>1</sup>

The main intention of the Treaty is to end the continuous competitive development of ever more sophisticated and destructive nuclear weapons and to place further obstacles in the way of nuclear proliferation. A side benefit is environmental even if, as some governments still claim, the risks associated with careful testing are very low. To be a success, the CTBT required compromise from the five states which have declared their possession of nuclear weapons: Britain, China, France, Russia and the USA; and from the three 'threshold' states, that is those states thought either to possess nuclear weapons or to be in the position to develop that capability rapidly: India, Israel and Pakistan. The fact that India, and therefore its rival, Pakistan have not signed the CTBT is a major obstacle not only to the principle of the Treaty but also, due to a specific Treaty provision, to its coming into force.

Before the UK Government can ratify the Treaty, changes need to be made to UK law, firstly, to prohibit the carrying out of nuclear explosions and, secondly, to enable a verification regime to operate in this country. Provisions to this effect are contained in Clauses 1-3 and 4-9 of the Bill, respectively, and are outlined in Section V of this paper.

The Bill began its proceedings in the Lords and was welcomed by Lord Moynihan, a Conservative spokesman, and Lord Thomson of Monifieth, speaking on behalf of the Liberal Democrats. Both expressed concerns about the provisions of the Treaty on its entering into force and the wider context of the proliferation of nuclear and missile technology amongst 'rogue states'.<sup>2</sup>

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<sup>1</sup> Cm 3665

<sup>2</sup> HL Deb 24/7/97 c 1546-1551

## **II Negotiation and Signature of the Comprehensive Test Ban Treaty**

The negotiation and signature of the CTBT has a long and complex history. Three of the nuclear weapon states, the USA, Russia and the UK, observed a moratorium on nuclear testing from 1992 and announced their intention to proceed to signature of a CTBT without carrying out further tests. China and France continued to test while the detailed negotiations began, but France ceased in early 1996 and China in summer of that year.

China eventually dropped its demand that peaceful nuclear explosions (i.e. for civil projects, such as tunnelling and river diversion) should still be allowed under the treaty. These were permitted under the Non-Proliferation Treaty, but have not taken place anywhere in the world since the Soviet Union ended its programme in 1987. The USA dropped its insistence that certain low-yield "laboratory" experiments should still be permitted.

China also resisted the idea that some of the verification mechanisms, including on-site inspections, could be triggered by information gathered by "national technical means" (i.e. satellites and sensors belonging to particular countries) and preferred that such inspections could take place only on the basis of decisions taken under the international system of verification. Other countries wanted to rely to a greater extent on national technical means because this would reduce the need to put in place a very expensive verification system under international control. Eventually a compromise was agreed whereby on-site inspections can only be triggered by a three-fifths majority of the 51-Member Executive Council which will administer the verification arrangements.<sup>3</sup>

While these issues were important, they finally proved to be amenable to negotiation and compromise on the part of the five nuclear weapon states. In the end it was the terms on which the three threshold nuclear weapon states - India, Israel and Pakistan - were prepared to support the treaty which turned out to be the greatest stumbling block. Of these, India conducted a single nuclear test in 1974 and is believed to have contemplated another, Israel is known to have a small nuclear arsenal and may have conducted a covert test in 1979, and Pakistan is committed to matching India's capability for deterrence purposes, should the need arise.

At the close of the Conference on Disarmament session on 28 June 1996 there was deadlock over the "entry into force" provisions of the draft treaty. The UK had been one of many states which advocated making the entry into force of the new treaty dependent on the ratifications of the three "threshold" states as well as all five declared nuclear weapon states. This view was also held by both Russia and China. The USA and France supported this view at some points in

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<sup>3</sup> Cm 3665, Article 4, Clause 46

the negotiation but both at other times seemed prepared to be more flexible and to rely on diplomatic pressure to bring India on board. India is the key to this issue, because Pakistan would comply provided that India did so, and Israel also seemed happy to sign because this might help to prevent future proliferation to states such as Iraq, Iran or Egypt.

At the end of May 1996 the Conference chairman, Ambassador Ramaker of the Netherlands, proposed a solution based on a British idea - all eight declared and threshold nuclear states would have to ratify before entry into force, but they would not be singled out as such. Instead the treaty would require 44 named states with advanced nuclear facilities to ratify before entry into force - a list which includes the "five" and the "three". India had campaigned for nuclear disarmament for many years and had supported a CTBT, but it had also argued that there should not be discrimination against developing countries. Rather than seeing the Non Proliferation Treaty (NPT) and the CTBT entrench the positions of the nuclear weapon "haves" and "have-nots" it wanted a firm commitment in the CTBT to complete nuclear disarmament. On this issue Ambassador Ramaker engineered a compromise which referred to the ultimate goal of eliminating nuclear weapons in the treaty preamble in language very similar to the statement adopted in 1995 on the extension of the NPT. The preamble indicated that the test ban would be a step in this direction, but it did not make total nuclear disarmament a formal objective of the new treaty or set a time-table, as India had demanded.<sup>4</sup> Despite a change of government, these Indian demands have remained unaltered.

Most of the non-nuclear-weapon states in the negotiation were prepared to accept this compromise, but on 20 June 1996 the Indian representative announced in absolute terms that her country would not sign the treaty on this basis. The ultimatum was ostensibly based on the unwillingness of the nuclear powers to take firmer steps towards disarmament, but it was also clear that the Indian government did not want to abandon its nuclear option at this stage. The main opposition, the Bharatiya Janata Party or BJP, openly advocated a further Indian test explosion. Rebecca Johnson commented:

Despite its rhetoric, India appeared unwilling to work with its non-aligned colleagues to strengthen the treaty's preamble by confronting France, Britain and the United States with a co-ordinated proposal. This appeared to confirm the growing view that India is less interested in getting a good treaty than in pandering to a strident sector of domestic opinion that wants India to demonstrate its nuclear capability, thereby maintaining an illusion that India can keep its nuclear options open even if others sign a CTBT.<sup>5</sup>

Further negotiations in August failed to break the deadlock and the Conference found itself unable to transmit the treaty by consensus to the UN General Assembly because of the strong objections lodged by India, and also, on similar grounds. Instead the treaty text was referred to the General Assembly on the initiative of a group of 127 states led by Australia and adopted

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<sup>4</sup> *Disarmament Diplomacy*, May 1996, 20

<sup>5</sup> *Disarmament Diplomacy*, June 1996, p12. See also *Disarmament Diplomacy*, July/August 1996, 48 and Z. Mian & A. H. Nayyar, "A Time of Testing?", *Bulletin of Atomic Scientists*, July/August 1996.

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there on 10 September 1996 by 158 states to three, with 24 abstaining or absent. The three states voting against were India, Bhutan and Libya.<sup>6</sup> Signature of the treaty began on 24 September 1996 with President Clinton signing for the USA and Foreign Secretary Malcolm Rifkind for the UK.

The refusal of India to sign or ratify the CTBT means that it cannot enter into force under the provisions of Article XIV. Without India, Pakistan is also unlikely to ratify. All three states are on the list of 44 states which must ratify the Treaty six months before it can enter into force. If the treaty has not entered into force three years after the opening for signature (i.e. by September 1999) a conference will be convened and will meet annually thereafter to consider measures to accelerate the process of ratification.

In the mean time the fact of signature alone creates some obligations for the signatories, including the five nuclear-weapon states. There is a customary view in international law that states which have signed but not ratified a treaty should refrain, as a matter of good faith, from acts which would undermine the value of the treaty. Once they have ratified a treaty, but are waiting for the ratifications of other states to bring it into force, states are bound by Article 18 of the Vienna Convention on the Law of Treaties not to act in ways which would defeat the object of the treaty. This obligation fades only if there is undue delay in the treaty coming into force.<sup>7</sup> If the treaty is ratified by a large number of states, but still does not enter into force it could, in time, be deemed to express rules of customary international law which would be binding on all states, including non-signatories. President Clinton said on signing the treaty that "the signatures of the world's five declared nuclear powers... will immediately create a norm against nuclear testing, even before the treaty formally enters into force."<sup>8</sup>

During the final stage of negotiations Ambassador Ramaker assured India that the measures which might be proposed by the conference likely to be convened in 1999 would not include UN Security Council sanctions against non-signatories. However, this is not to say that India would not face sanctions or other Security Council measures if, despite the near universal support for the CTBT, it were to carry out another nuclear weapon test. Given the danger of a nuclear arms race developing between India and Pakistan the Security Council might well decide that such a test constituted a "threat to the peace" under Chapter VII of the UN Charter and act accordingly.

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<sup>6</sup> *Jane's Defence Weekly*, 18 September 1996, 5

<sup>7</sup> *Oppenheim's International Law*, Ninth edition, 1239

<sup>8</sup> *Jane's Defence Weekly*, 2 October 1996, 3

### III The Implications for the United Kingdom

Work on the Trident warhead was completed before the moratorium on nuclear testing took effect. It has been reported that the UK planned to carry out at least three more tests during 1992-6, probably in connection with the now cancelled Tactical Air-to-Surface Missile (TASM) and proposed safety devices, but these fell victim to the US decision to introduce and then extend the moratorium. The last British test was held at the Nevada test site in the USA in 1991. Previously there had been on average, one British test at Nevada each year throughout the 1980s.

Official thinking on the need for nuclear tests has undergone a significant evolution. During most of the 1980s the view of the British government was that a comprehensive ban would eventually be desirable, but that in the short term testing was essential to maintain deterrence and safety. As recently as 1993 the Conservative Government still believed that only live testing could ensure the safety and reliability of nuclear weapons and that it could not yet be certain that simulation techniques could provide an adequate substitute.<sup>9</sup> However, the Clinton administration was persuaded that the Russian willingness to outlaw testing provided a unique opportunity to halt the nuclear arms race. The Russians had been forced to stop testing new warheads because their test site was in now-independent Kazakhstan and they faced great technical and environmental problems and cost in renewing their test activities at the alternative site on their Arctic coast. The Americans were also deeply concerned about the possible proliferation of nuclear weapon-possessing states and hoped that an enforceable world ban would help to limit the number of these to the current five.

By the time that the 1994 *Statement on the Defence Estimates* was published the Conservative Government had accepted that future plans would be based on simulation and alternative technologies alone, but it was openly acknowledged that, "Committing ourselves to negotiate a CTBT has not been an entirely easy decision for us".<sup>10</sup>

Thus, assuming that the CTBT is eventually brought into force and the USA does not waver in its decision to maintain the moratorium until then, the UK will have no further opportunity to carry out nuclear tests of any kind and will have to rely on simulation techniques.

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<sup>9</sup> HC Debates, 5 July 1993, c.24

<sup>10</sup> Cm 2550, p20, para 4. The technical arguments surrounding the testing issue were summarised in Nuclear Testing and the UK, Library Research Paper 93/73 of July 1993. An official witness told the Defence Select Committee in March 1995 that "if the moratorium were lifted and the United States started testing again we would wish to test as well because as we discussed last year the only way that a nuclear physicist really knows that what he is doing is correct is by carrying out an experiment to prove it", HC 350 of 1994-95, p.9, Q1515.

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The Defence Committee commented on this prospect in its 1995 report on the progress of the Trident programme. It noted the MOD view that a CTBT would constitute a "very severe limitation" in maintaining a nuclear capability and concluded:

We look to MOD to provide the resources to facilitate the widest possible use of existing expertise and facilities at AWE and to pursue with vigour the prospects for future co-operation with appropriate allies in non-nuclear testing.<sup>11</sup>

Co-operation with the USA and France is restricted by the terms of Article 1 of the Non-Proliferation Treaty which prohibits the transfer of weapons or control over nuclear weapons directly or indirectly, but the sharing of technologies designed to test the safety of existing nuclear weapons would be permissible. The UK and USA have a Mutual Defence Agreement (1958, most recently amended in 1994) which provides for the exchange of nuclear weapons information and materials. The USA and France have recently concluded a similar agreement.<sup>12</sup>

Speaking in the Lords second reading debate, Baroness Symons of Vernham Dean, the Parliamentary Under Secretary of State at the Foreign and Commonwealth Office, declared:

“With the advent of the Treaty, the implications of any changes or deterioration in our Trident warheads will now have to be assessed without nuclear testing. Similarly, after any corrective action or refurbishment we will have to requalify warheads as safe and reliable without nuclear testing. These requirements will place great demands on alternatives to nuclear testing. We intend to use experiments and computer simulation for this purpose. Both are consistent with the terms of the treaty.”

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<sup>11</sup> *Progress of the Trident Programme*, Eighth report of the Defence Committee, HC 350 of 1994-95, para 25.

<sup>12</sup> *The Times*, 18 June 1996

## IV The Status of the Comprehensive Test Ban Treaty

### A. Signatures and Ratifications

As of 9 October 1997 148 states had signed the CTBT and of these only seven had ratified it: the Czech Republic, Fiji, Japan, Micronesia, Mongolia, Qatar and Uzbekistan.<sup>13</sup> Japan is the only state to have ratified of the 44 required to do so before the Treaty can come into force. Significantly, neither India, Pakistan nor North Korea, all members of the 44 states which possess nuclear weapons or installations on their soil, have yet signed the Treaty. The Indian Prime Minister, IK Gujral, recently reaffirmed India's criticisms of the Treaty.<sup>14</sup> During the Lords Second Reading, Baroness Symons stated that, "We are doing what we can to encourage all three states, and indeed all non-signatories, to sign and ratify the treaty quickly".<sup>15</sup>

In an address to the UN General Assembly in September President Clinton announced that he would shortly be presenting the CTBT to the US Senate for ratification, where passage requires the formal assent of 67 of 100 Senators. The Republican-controlled chamber has been sceptical about recent arms control treaties and there is no guarantee that the CTBT will be passed. In April 1997 US ratification of the Chemical Weapons Convention was agreed to by a vote of 76 to 26. Senator Jesse Helms, the influential Chairman of the Senate Foreign Relations Committee, opposed ratification of the CWC and insisted on concessions from the US government before allowing the measure to proceed. Senator Helms is currently more interested in holding hearings on NATO enlargement than on the CTBT, which is unlikely to reach the Foreign Affairs Committee until next year.<sup>16</sup> US opponents of the CTBT are worried as to whether Treaty compliance can be verified, particularly with respect to very low-yield tests, and also as to whether the safety and reliability of the US nuclear arsenal can be checked without test explosions.<sup>17</sup> On this point, President Clinton has promised a \$4.5bn programme of laboratory testing and computer simulation to ensure the effectiveness and security of US nuclear weapons.<sup>18</sup> The ratification process was recently coloured by reports of a tremor near the Russian island of Novaya Zemlya in the Arctic, an occasional site for Russian nuclear testing before 1990. The offshore location would seem to point to an earthquake, but the US government was unable to attest that it was not the aftershock of a nuclear explosion. Russia has strongly denied holding any nuclear test. The mere fact that the existing global network of seismological stations was unable to determine conclusively the origin of the tremor may fuel doubts that CTBT compliance can be verified by technical

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<sup>13</sup> US Arms Control and Disarmament Agency

<sup>14</sup> 'India can't be forced to sign the CTBT: Gujral', *Asia Intelligence Wire* 27/9/97

<sup>15</sup> HL Deb 24/7/97 c 1545

<sup>16</sup> The additional protocols to the North Atlantic Treaty, allowing the accession of the three candidate states to NATO, must also be ratified by the US Senate.

<sup>17</sup> *AP* 23/9/97

<sup>18</sup> *International Herald Tribune* 25/9/97

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means.<sup>19</sup> US ratification of the CTBT, of course, has wider significance since US leadership on this issue may be important in persuading other countries to follow suit.<sup>20</sup>

The Russian *Duma*, dominated since 1995 by the Communist and their allies, has so far resisted ratifying previous arms control measures such as the Chemical Weapons Convention and the START II agreement. Russia has recently been in dispute with the USA over the import of high performance IBM computers, which have been acquired for a Russian nuclear weapons laboratory. The US government has insisted that these machines, purchased through a middleman and without federal government approval, should either be returned to the USA or moved to a civilian site where they would operate under US monitoring. Russian officials claim that they had been assured by the State Department, prior to signing the CTBT, that they would be able to procure sophisticated US computers to assist with nuclear weapon test simulations. They added that without such US help the *Duma* might not ratify the CTBT.<sup>21</sup>

### **B. The Comprehensive Nuclear Test Ban Treaty Organisation**

Under Article II, the CTBT establishes a number of new international bodies to ensure that its provisions are properly observed. A CTBT Organisation (CTBTO) will be established in Vienna once the Treaty enters force. It will co-operate with the International Atomic Energy Authority (IAEA), also housed in Vienna. The Organisation will be governed by an Executive Council of 51 members, elected by the Conference of State Parties. The Organisation will include a Technical Secretariat, which will assist the State Parties in the implementation of the Treaty and also carry out various verification functions. The Secretariat will supervise the operation of an International Monitoring System (IMS), composed of a network of world-wide monitoring stations, the location and operation of which are governed by a Protocol and related annex to the Treaty. These stations will use seismological (50 primary and 120 auxiliary stations), radionuclide (80 stations), hydroacoustic (11 stations) and infrasound (60 stations) techniques to detect, identify and locate the source of any suspicious event. A number of the stations are located in the UK and in its Dependent Territories, including ones on Ascension Island in the Atlantic and the Chagos Archipelago (BIOT) in the Indian Ocean. The technical information collected will be relayed to an International Data Centre (IDC), which will form part of the Technical Secretariat. The information will then be freely available to all the State Parties.

Whilst the various State Parties embark on their ratification processes, some progress has been made in the creation of the CTBTO and its various organs. Three meetings of the Organisation's Preparatory Commission have been held, one in New York in November 1996 and two in Geneva in March and May 1997, respectively. The first meeting achieved little,

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<sup>19</sup> AP 20/10/97

<sup>20</sup> John Issacs, 'The Senate: Treaty Tactics', *Bulletin of Atomic Scientists*, July/August 1997

<sup>21</sup> AFM 27/10/97

being dominated by disagreement over questions of the structure of the body, its staffing, including the nationality of its senior officials, and its budget. These disputes had largely been resolved by the time of the second and third meetings, which agreed that the Provisional Technical Secretariat should be established at Vienna. Wolfgang Hoffman, a respected German arms control expert, was chosen to be head of both the CTBTO and the Provisional Technical Secretariat. Two working groups are studying the modalities of the IMS, the IDC and other aspects of the verification regime (see below). Although a budget for the CTBTO has been agreed, some scientists were concerned that there will be insufficient funds to establish the network of monitoring stations by September 1998 when the verification regime is intended to be fully operational.<sup>22</sup>

### C. The Issue of Sub-Critical Explosions and Other Nuclear Testing

In July 1997, the US Department of Energy conducted the first of a series of so-called ‘sub-critical’ nuclear experiments at its Nevada test site. More tests are planned for 1998. These experiments involve the use of plutonium but do not involve a nuclear explosion or the release of fissile material, and therefore comply with Article 1 of the CTBT. The stated aim of the experiments is to maintain the safety and reliability of the US stockpile, and not to design or develop new weapons. However, the experiments have been criticised by politicians and non-governmental organisations in the USA and some states abroad. Some see the tests as needless, asserting that warhead safety and reliability can be ensured without them. Others maintain that they are contrary to the spirit of the Treaty and merely encourage non-nuclear weapon states to continue their nuclear development programmes. As Lord Moynihan said during the Lords second reading: “to continue to allow sub-critical tests which use small quantities of high explosive charges mixed with pellets of nuclear material will only reinforce the view of an exclusive nuclear club which has no real desire to surrender its technological superiority”.<sup>23</sup> Significantly, India issued a statement condemning the US action and arguing that it demonstrated the fraudulence of the CTBT.<sup>24</sup>

The Treaty ban of “any nuclear weapon test or any nuclear explosion” is not as clear as it seems in another respect. From the negotiations leading to the CTBT, there is the understanding that the prohibition includes atomic bombs (fission) and boosted atomic bombs and Hydrogen bombs (which include mixtures of fusion and fission). However, there is also agreement that the Treaty allows small fusion explosions if they are ignited by laser or particle beam implosions. Research of this nature is pursued both in nuclear weapon states as well as in non-weapon states, such as Japan and Germany. However, concern has been voiced amongst arms control specialists that this exemption could be widened to extend to all pure-fusion explosions, no matter how they are ignited. Such work could lead to the

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<sup>22</sup> *Disarmament and Diplomacy*, February/March 1997, pp.18-19

<sup>23</sup> HL Deb 24/7/97 c 1547

<sup>24</sup> *Disarmament and Diplomacy*, July/August 1997, pp. 30-31 and *Programme for Promoting Nuclear Non-Proliferation*, No. 39, 3<sup>rd</sup> Quarter, 1997

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development of mini-neutron bombs and other nuclear devices, which might undermine the Test Ban Treaty.<sup>25</sup>

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<sup>25</sup> Mike Moore, 'Test Ban Treaty: Angles and Loopholes', *Bulletin of Atomic Scientists*, July/August 1997

## V The Nuclear Explosions (Prohibition and Inspections) Bill

The Bill can broadly be divided into two parts: the first relating to the prohibition of nuclear explosions; and the second enabling inspections to be carried out in the UK under the terms of the Treaty.

**Clause 1** makes it an offence, punishable by life imprisonment, to cause a nuclear weapon test explosion or any other nuclear explosion, other than one carried out in the course of an armed conflict. Under Clause 1 (3) it is for the Secretary of State for Foreign and Commonwealth Affairs to decide whether a nuclear explosion was or was not carried out during an armed conflict. **Clause 2** applies Clause 1 both to acts done in the UK and also to acts done by UK nationals and corporations, including Scottish partnerships, outside the UK. The two Clauses fulfil UK obligations under Article I of the Treaty. Under **Clause 3** proceedings for an offence under Clause 1 can only be instituted by or with the consent of the Attorney General. Equivalent provision is made for Northern Ireland and also for forfeiture of anything relating to Clause 1.

**Clauses 4-10** concern the CTBT verification regime and its operation in the UK and fulfil UK obligations under Article IV of the Treaty. In cases of indications of possible non-compliance, Article IV provides for consultation and clarification. If necessary and subject to the agreement of over 30 members of the 51 member-strong Executive Council, on-site inspections can start within 96 hours. These will be carried out by inspectors chosen from an agreed international list of trained experts. The inspection teams will transfer their findings to the Technical Secretariat and to the State Parties.

During the Lords second reading, the Government indicated that it wished to retain a national capability in the detection and verification of nuclear explosions. This would allow it to be in an independent position to judge data produced by the international monitoring system.<sup>26</sup>

**Clause 4** contains definitions relevant to the provisions on inspections in the following clauses. **Clauses 5** provides for the Secretary of State to authorise that an inspection team shall, within a specified area, have rights of access, entry and unobstructed inspection as are conferred by Article IV of and Part II of the Protocol to the Treaty. The inspection team will be accompanied by a UK representative. The Government has stated that the MOD will act as the UK point of contact with the CTBTO and will facilitate operation of the Treaty in the UK.<sup>27</sup> **Clause 6** entails that the occupier of any premises shall be entitled to require a copy of any authorisation to be produced by a UK representative. **Clause 7** creates offences, such as

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<sup>26</sup> HL Deb 24/7/97 c 1545

<sup>27</sup> HL Deb 24/7/97 c 1546

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failure or refusal to facilitate inspections and wilful obstruction of a member of an inspection team. The penalty for these offences is a fine.

**Clause 8** confers the same privileges and immunities (such as immunity from prosecution) on members of inspection teams and observers as are enjoyed by diplomatic agents in accordance with the Articles set out in Schedule 1 of the *Diplomatic Privileges Act 1964*. Similar privileges and immunities have already been conferred on inspectors and observers for other arms control agreements.

**Clause 9** authorises the Secretary of State to reimburse any person for expenditure incurred in connection with an inspection. Under **Clause 10** warrants may be issued to enter and search premises, if offences are suspected. Generally the inspection provisions of the Bill are similar to those of Acts implementing other arms control verification regimes, such as *The Chemical Weapons Act 1996*.

**Clauses 11-15** contain various technical provisions. Under **Clause 11**, where an offence under the Bill is committed by a body corporate or a Scottish partnership, individual officers of bodies corporate and partners are also guilty of an offence. **Clause 12** makes consequential amendments to the three Service discipline acts, the *Army Act 1955*, the *Air Force Act 1955* and the *Naval Discipline Act 1957* to ensure that service personnel committing an offence under the Act will be tried by a civil court, rather than by court martial. **Clause 13** empowers the Secretary of State to amend the Act by Order in Council in order to apply future amendments of the Treaty. Amendments to the Treaty of an administrative or technical nature under Article VII (8) could be enacted by negative statutory instrument i.e. they could enter force immediately subject to the retrospective annulment of Parliament. Amendments of the Treaty of a more substantive nature would need to be adopted at an Amendment Conference of all the State Parties. The implementation of any such amendments in UK law would require a statutory instrument subject to the affirmative procedure i.e. it would need to be approved in draft by both Houses of Parliament.

**Clause 14** binds the Crown, subject to certain qualifications. Ministers, acting in the name of the Crown, have immunity from prosecution, however the courts can declare unlawful any act or omission on their part which constitutes a contravention of the Act.

**Clause 15** provides for the Act to enter into force ‘on such day as the Secretary of State may appoint by order made by statutory instrument’, declares that the Act extends to Northern Ireland and provides for provision, through Order in Council, to be made to extend its provisions to any Crown Dependency or colony. It finally provides for the Act to be cited as the *Nuclear Explosions (Prohibition and Inspections) Act 1997*.

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