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1-1-1962

## Test ban treaty: Questions and answers

United States Arms Control and Disarmament Agency

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### Recommended Citation

United States Arms Control and Disarmament Agency, "Test ban treaty: Questions and answers" (1962).  
*PRISM: Political & Rights Issues & Social Movements*. 308.  
<https://stars.library.ucf.edu/prism/308>

# TEST BAN TREATY

## *Questions and Answers*

UNITED STATES  
ARMS CONTROL AND DISARMAMENT AGENCY

# TEST BAN TREATY

## Questions and Answers

*Why is this test ban treaty in our national interest?*

There are a number of reasons. This treaty can:

- act as a deterrent to the spread of nuclear weapons to many additional countries, thereby lessening the danger of nuclear war;
- drastically reduce or end the hazards of radioactive fallout;
- have the practical effect of slowing down the pace of the arms race;
- be a first step toward reduced world tensions and broader areas of agreement on the control of nuclear weapons.

*What are some of the reasons why the Soviet Union might believe this agreement to be in its interest?*

Some of the advantages of such an agreement serve the interests of the U.S.S.R. just as they serve our interests. Continuation of radioactive fallout is, in the long run, a hazard to the Soviet people as it is to Americans. The danger that other countries, some of which may act in an irresponsible fashion, might acquire nuclear weapons poses a threat to the security of both the U.S.S.R. and the United States.

Then there's the matter of economics. An unrestricted testing program is very costly.

There is reason to believe the Soviet Union is aware of these points. There is also reason to believe that it sees the agreement as serving its interests in the ideological dispute which now plagues the Communist camp.

*Was the limited test ban agreement reached without any strings attached—no secret deals or commitments on other matters?*

That is correct. Agreement on the test ban issue was not linked to agreement on any other matter.

At the Moscow negotiations and since that time the United States has expressed its willingness to consider other means of reducing tensions and controlling and limiting arms. This reaffirms a position we have consistently taken.

*What kinds of tests are banned by the agreement?*

The treaty bans tests in the atmosphere, in space, and under water, including territorial waters or high seas. Underground tests are, of course, permitted so long as they do not spread radioactive debris beyond the territory of the state where they are conducted.

*Why are underground tests not included in the agreement?*

Underground tests are the most difficult to police, because it is not always possible to distinguish seismic waves produced by earthquakes from those caused by nuclear explosions. Where there is doubt, it is necessary to conduct on-site inspections at the location where the event occurred to determine the cause of the tremor. The Soviet Union has so far been willing to accept only a token number of these inspections, and Soviet representatives have refused even to discuss ways in which inspections could be most effectively conducted.

*Are there any restrictions on underground testing?*

Any number of underground nuclear explosions, of any size or type, for peaceful or military purposes, may be carried out as long as such explosions do not cause radioactive debris to be present outside the terri-

torial limits of the country conducting the explosion.

Following an underground explosion it is not unusual for some radioactive material to reach the earth's surface through cracks or fissures in the ground. Such nuclear debris generally remains localized near the point of detonation. Under the treaty there would be no violation so long as this debris remained within national borders.

*The agreement refers to a ban on any type of nuclear explosion under water, including territorial waters or high seas. What does this mean?*

It means that underwater nuclear explosions cannot be carried out anywhere in the oceans, including the waters immediately adjacent to a country's shores. They are also prohibited in rivers or inland lakes.

*Is it true that the treaty in no way restricts our use of nuclear weapons in time of war?*

Yes. The treaty deals with the *testing* of nuclear weapons, not with their use in time of war.

*Does the treaty prevent a party from giving information and technical assistance on nuclear matters to other countries?*

The treaty prevents signatory states from "causing, encouraging, or in any way participating in" a nuclear explosion in the three prohibited environments. This would not prevent a party from providing technical assistance and information so long as it did not contribute materially to a test or test series in the prohibited environments.



*Does the Soviet Union have a veto power over amendments to the treaty?*

The three original parties to the treaty—the United States, the United Kingdom, and the U.S.S.R.—have the power to veto treaty amendments. Any amendment to be adopted must be approved by a majority of all the signatory nations, including all three of the original parties. Any amendment that would affect the rights or obligations of the United States under the treaty would, of course, be submitted to the Senate for its advice and consent.

*If the United States, as a Depositary Government—that is, one which can receive instruments of ratification from other states—were to accept an instrument of ratification from a regime we do not now recognize, would this not constitute recognition?*

No. Actually the three original parties to the treaty—the United States, the United

Kingdom, and the U.S.S.R.—are the Depository Governments. If a regime which one or even two of the three do not recognize wishes to adhere to the treaty, its instrument of ratification need be submitted only to that Depository Government which does recognize it.

*Wouldn't the United States be compelled to recognize all regimes which adhere to the treaty?*

No. The fundamental factor in determining recognition is intent. It is clear in international law that participation in a multilateral treaty with a nonrecognized regime does not entail recognition of that regime.

*Does the treaty provide that a party may withdraw if it believes its security interests are being threatened?*

Yes. The treaty contains a withdrawal clause which provides that a party may withdraw "if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country." Whether its interests are being jeopardized by a test or a series of tests is for that state alone to decide. If it believes this to be the case, it must give 3 months' notice of its intention to withdraw.

The withdrawal provision, with its requirement for 3 months' notice, does not restrict the right of a state in international law to withdraw immediately from the treaty if there is a plain violation by another party.

*What are the risks of secret testing and sudden withdrawal?*

Actually, the danger of clandestine testing in the prohibited environments—the atmos-

phere, space, and under water—is minimal. In addition to the fact that we have generally good verification capabilities in these environments, and can improve them, there would be little value in another nation's attempting to carry out in these environments the types of tests that it could freely conduct underground.

We will maintain on a standby basis those testing facilities affected by the ban. This is a strong deterrent to any nation which might contemplate suddenly breaking off the treaty and testing in the atmosphere, in space, or under water.

*How would we know if a state were to violate the agreement?*

The system for policing the agreement is really a reciprocal inspection system—you police me, I police you. The United States has a detection system for the purpose of monitoring nuclear testing by other countries. Our present capabilities to detect tests in the atmosphere and under water are good.

Existing capabilities for space are limited, but most of the basic instruments required for improvement in this environment have already been developed.

Under the treaty we will continue to operate our present system, and we will also be free to make whatever improvements are necessary in order to assure ourselves that any significant testing by another country would be detected.

*Is it possible to detect tests if they are conducted in far outer space?*

The primary concern in space tests centers on tests of several megatons or more, since the smaller tests can be conducted underground.

There is at present a possibility that deep in outer space illegal tests might go undetected. But we already have the capability to construct a detection system that would make multimegaton tests in space almost impossible to conceal. Any time we determine that there is a need for such a system, it can be put into operation.

A party contemplating clandestine tests in space has more to reckon with than the possibilities of being caught. Not only is this testing an extremely expensive undertaking but it is time-consuming. To obtain results from a test millions of miles away could take weeks or months. This problem is further compounded by a number of other technical difficulties that would have to be overcome to gain even limited knowledge from the explosion.

*The Soviet Union has tested larger multimegaton weapons than we have. From a military standpoint, aren't we going into this treaty at a disadvantage?*

We already have in our stockpile a large number of nuclear weapons with different amounts of explosive power. These can be used for a variety of strategic or tactical purposes. We also have a number of different sophisticated systems for delivery of our nuclear weapons. Our present nuclear arsenal, combined with our conventional

forces, permits us to respond in a flexible manner and in a number of different ways to any overt act of aggression.

It is true that the Soviets have tested nuclear weapons of a yield higher than we have. But we have not exploded or developed weapons in this range of very high yield because we do not believe them necessary for our security. By choice we have concentrated on efficient weapons that have a lesser but sufficient yield. We believe that lesser yields combined with large numbers of hard or mobile delivery systems provide the United States with greater security.

In these circumstances it is clear that we are not at a disadvantage in terms of nuclear weapons development.

*What about development of an anti-ballistic missile? Don't we need further tests in the atmosphere to determine the feasibility of such a system?*

Further nuclear tests will not solve certain basic problems which we face in de-

velopment of the anti-ballistic missile (ABM). First, any ABM defense is susceptible to saturation—enemy missiles launched in such quantities as to overwhelm the defensive missiles. Secondly, decoys or missiles with dummy warheads, launched along with the real missiles, could lead the defensive missiles astray.

Since there is still a question as to the effectiveness of the ABM, no decision to date has been made as to whether we should deploy such a system.

*We are evidently ahead of the Soviet Union in the development of tactical nuclear weapons. Under the treaty, parties are free to test underground where much can be done to develop these weapons. Doesn't this give the Soviet Union an opportunity to catch up in this area?*

Since underground testing is permissible under the treaty, we can match the U.S.S.R.



test-for-test in this area if need be. The United States has thus far had more experience in underground testing than the Soviets. In the absence of any test ban the rate at which the Soviet Union could develop its tactical weapons would certainly be greater since it could then test in all environments without limitation.

*Suppose France or Communist China tests in the prohibited environments. How would this affect the agreement?*

What action, if any, a party to the treaty might take in this event would depend on the circumstances at the time. In any case, should a signatory state consider its national security seriously jeopardized by testing by others, it would be free to withdraw from the agreement.

With this treaty in effect, there would certainly be greater pressures on France and Communist China to desist from any testing program than would exist in the absence of an agreement. And regardless of what

Communist China and France may do, there is the fact that a number of other technically able countries have already signed the treaty. This alone represents a significant gain toward halting the spread of nuclear weapons to many countries.

*Isn't there a real danger that with this agreement in hand we may now feel we can relax our guard against further attempts by the Communists to encroach on free-world nations?*

This may be the greatest danger we face. It would be a great mistake to assume that, because the Soviet Union is a party to this limited test ban agreement, the millennium has arrived.

The Communists have in no way renounced their avowed objective of world domination even though the Soviet Union may use means other than nuclear war to achieve it. While we must continue earnestly to seek further arrangements designed to reduce international tensions and limit

and control armaments, we must not so relax our guard as to invite aggression.

*How does the treaty affect the Atomic Energy Commission's Plowshare program for peaceful uses of atomic energy?*

Officials of the Atomic Energy Commission say that the treaty will not prevent development of devices for use in Plowshare nor will it seriously inhibit scientific projects, or mining or resource development projects, which can be carried out deep underground. On the other hand, the treaty's effect on the excavation program will depend on the location of the specific excavation. An explosion could not be carried out if it would cause radioactive debris to be present outside the territorial limits of the country involved.

Treaty  
Banning Nuclear Weapon Tests  
in the Atmosphere,  
in Outer Space and Under Water

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the

contamination of man's environment by radioactive substances,

Have agreed as follows:

### *Article I*

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from

causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

### *Article II*

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depository Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depository Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

### *Article III*

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties—the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics—which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding

States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### *Article IV*

This Treaty shall be of unlimited duration.

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty three months in advance.

#### *Article V*

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depos-



itary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate at the city of Moscow, the fifth day of August, one thousand nine hundred and sixty-three.

UNITED STATES ARMS CONTROL AND  
DISARMAMENT AGENCY

PUBLICATION 18

Released August 1963

GPO : 1963 O-698-015

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For sale by the Superintendent of Documents, U.S. Government  
Printing Office, Washington, D.C. 20402 - Price 15 cents

