

UN Security Council Bans Nuke Tests But Not Nuclear Weapons

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One day ahead of the twentieth anniversary of the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty ([CTBT](#)), the United Nations Security Council adopted a Resolution on reinforcing the de facto global ban on nuclear weapons testing established 20 years ago.

The 15-member body – comprising the United States, Russia, China, Britain and France as permanent (P5) members with the right to veto and 10 non-permanent members elected by rotation for a period of two years – adopted the Resolution after extensive discussions on September 23 by a vote of 14 in favour and none against but one abstention by Egypt on the ground that the text of the Resolution did not stress on the need for nuclear disarmament.

The Security Council emphasises “the vital importance and urgency of achieving the early entry into force of the Treaty” and “calls upon all States to refrain from conducting any nuclear-weapon test explosion or any other nuclear explosion and to maintain their moratoria in this regard”.

Such moratoria, it adds, “do not have the same permanent and legally binding effect as entry into force of the Treaty”.

The Resolution refers to a Joint Statement on the Treaty by the P5 on September 15, 2016, in which those States noted that, “a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT”.

While welcoming the action taken by the Security Council in support of the Treaty and commending the U.S. for its initiative and the members of the Council, particularly its permanent members, for their support, UN Secretary-General Ban Ki-moon said the Resolution is “not a substitute for the entry-into-force of the CTBT” – a view echoed by Dr. Lassina Zerbo, Executive Secretary of the Vienna-based Comprehensive Nuclear-Test-Ban Treaty Organization ([CTBTO](#)).

Addressing the 8th Friends’ Ministerial Meeting on September 21 in New York, Dr Zerbo said: “We have enjoyed twenty years with an almost complete cessation of nuclear testing, supported by a robust, shared, international system for detection and monitoring. What we do not yet have is a Treaty that is legally in force. And let me be clear – while the CTBT can be described as a Treaty in operation, there is ultimately no satisfactory alternative to its entry into force.”

In a web-posted message, the CTBTO Executive Secretary said: “The 20th anniversary year has thus far seen a number of important conferences and events dedicated to the CTBT, and two new ratifications: [Swaziland](#) and [Myanmar](#), bringing the total number to 166. With two nuclear tests by the DPRK (in January and September), the year has also reminded the international community of the urgency of advancing the Treaty’s entry into force.”

In August, events were held in Astana, Kazakhstan, New York and Vienna to mark the [International Day Against Nuclear Tests](#) and the 25th anniversary of the closure of the Semipalatinsk nuclear test site.

The “Art for a Nuclear Test Ban” initiative was featured at several exhibits throughout the year, including during the launch of a dedicated [United Nations Postal Administration Stamp](#) on September 21 in New York.

Ban said the action by the Security Council “is especially timely as the international norm against nuclear tests has been repeatedly challenged in recent years by one country.”

The reference was to North Korea (officially known as the Democratic People’s Republic of Korea – DPRK), which has conducted nuclear tests in 2006, 2009, 2013 and 2016 in defiance of the Security Council resolutions.

The fifth and potentially most powerful nuclear test was undertaken on September 9, in which DPRK claimed to have successfully detonated a nuclear warhead that could be mounted on ballistic rockets.

Ban renewed his call for the two nuclear-weapon States – China and the U.S. – that have not yet ratified the CTBT “to translate their commitment to the moratorium into urgent action as well as for the six other remaining States listed in Annex 2 of the Treaty to join the CTBT without any further delay”.

Indeed eight States are holding up CTBT’s entry-into-force. China, Egypt, Iran, Israel and the US have signed but not ratified. India, North Korea and Pakistan have yet to even sign. In order to achieve the universality of the Treaty, every single ratification counts, Ban said.

Behind the U.S. initiative

The Secretary-General’s appeal to the two nuclear powers to ratify the Treaty is underlined by the fact that when first presenting the idea of a Security Council resolution on the CTBT, the U.S. explained that the aim would be to reinforce global support for the treaty and its verification system and “stigmatise those countries that continue to test and act in ways contrary to a de facto norm of international behavior”, while emphasising that the resolution would not create any new legal obligations.

The U.S. initiative is widely seen as motivated by domestic U.S. politics and a desire to strengthen President Barack Obama’s nuclear non-proliferation legacy. While the U.S. was among the first signatories of the treaty, the Congress in 1999 voted against ratification and despite sustained efforts, the Obama administration has been unsuccessful in its attempts at re-engaging Congress.

According to observers, the initial reaction to the idea of a CTBT Resolution among Security Council members was “less than enthusiastic, and negotiations were difficult”. A draft was

first agreed among the P5, with the joint statement forming an integral part of the discussions, and was then shared with the elected members.

Nuclear disarmament

As negotiations moved to the full Council, there were significant reservations on the part of members who have traditionally held strong views on nuclear disarmament and have been critical of the nuclear weapon states for not fulfilling their obligations under the Nuclear Non-Proliferation Treaty ([NPT](#)), most notably from Egypt and New Zealand, who are in the New Agenda Coalition (NAC) in the General Assembly's First Committee.

NAC, which also comprises Brazil, Ireland, Mexico and South Africa, sponsors an annual resolution in the First Committee titled 'Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments', which is normally adopted with several abstentions, including China, and with the other P5 voting against.

The current Council composition also includes several members of the Non-Aligned Movement, which has been consistently critical of the P5's lack of compliance with their nuclear disarmament obligations, namely Angola, Malaysia, Senegal and Venezuela, in addition to Egypt.

Against this backdrop, statements by the U.S. and Egypt before the adoption of the Resolution and others after the Resolution was voted make an interesting reading.

Statements before and after

U.S. Secretary of State John Kerry said before action on draft resolution that Member States had a chance to reaffirm the CTBT's promise of a more secure and peaceful planet. In October, the international community would mark the thirtieth anniversary of a meeting between former Soviet leader Mikhail Gorbachev and former U.S. President Ronald Reagan in Iceland, where they had declared plans to move in a new direction on nuclear issues.

Most recently, he continued, the United States and Iran had spent two long years negotiating what many had seen as improbable: the decision of a nation to give up its nuclear programme and make it clear it was willing to take steps to make the world safer.

Responsible Governments everywhere were committed to addressing the dangers posed by nuclear materials and weapons. An affirmative vote on the resolution before the Council today would be a sign of the body's unwavering commitment to a safer world in which nuclear energy was used solely for peaceful purposes.

With today's technology, "we don't need to blow up weapons to see what we can do", he said, adding that the Council's action today could reaffirm to people everywhere that a world without nuclear weapons was possible and that States were doing everything possible to make that future a reality.

Egypt's Deputy Foreign Minister for International Institutions and Organizations Hisham Badr outlined six concerns over the resolution, emphasizing that the Council was not the appropriate forum to address the Test-Ban Treaty in the way the resolution had attempted.

The text failed to highlight the importance of the Non-Proliferation Treaty, the mention of which was absent in its operative paragraphs. "Why is there eagerness to achieve the

universality of the CTBT, but complete silence when it comes to the NPT?” he asked, calling on all Non-Proliferation Treaty member States to promote that instrument’s universality.

The text, he said, also failed to address the urgency and criticality of steps towards nuclear disarmament and turned a blind eye to the outcome documents from the Non-Proliferation Treaty review conferences of 1995, 2000 and 2010.

Further, he said, the absence of nuclear disarmament from the text severely undermined its credibility and sent the wrong message to the international community – that the Council had engaged in a “cherry picking” approach to disarmament.

In that vein, he said the text unreasonably placed nuclear-weapon States on equal footing with non-nuclear-weapon States. Calling the resolution’s intrusive nature in the work of the Preparatory Commission and the Provisional Technical Secretariat counterproductive, he said the text reflected a puzzling dilemma.

While some States had expressed enthusiasm in the Council for the urgency of the completion of the verification regime, they did not shoulder their responsibility to ratify the Test-Ban Treaty, with their respective legislative branches repeatedly refusing to do so. Despite those reservations, Egypt had decided to abstain from the vote, he said.

After the vote of 14 in favour and none against but one abstention, Senegal’s Foreign Minister Mankeur Ndiaye said the final goal was not only non-proliferation, but also nuclear disarmament. Moving towards that objective, it was important to strengthen non-proliferation among nuclear-weapon States, who must provide negative security assurances.

Malaysia’s Permanent Representative to the UN Ramlan Bin Ibrahim noted with serious concern that the Test-Ban Treaty had yet to take effect and encouraged its early entry into force. As the Treaty did not contain any provisions, which committed States with nuclear weapons and those with nuclear weapon capabilities to total nuclear disarmament, the deed preserved in the Treaty could not be disregarded.

The resolution did not sufficiently recognize that fact. Furthermore, it was crucial that States with nuclear capabilities undertook their responsibility to ratify the Treaty, he said urging Annex 2 countries to do so as soon as possible.

The challenge ahead, was “ensuring that there should not be precedent on making reference to documents in Council resolutions that can only be agreed to by a handful of States”, he added. The text’s authority and credibility would be negated if the concerns of all Council members were not taken on board in a balanced way.

Gerard van Bohemen, New Zealand’s Permanent Representative to the UN, said that the anniversary of the adoption of the Test-Ban Treaty was reason to celebrate, yet there was cause for deep disappointment that the Treaty was still not in force. Urging all States that had not yet signed and ratified the Treaty to do so as soon as possible, he said until they all did, the international community would not be able to “close the door” on nuclear testing.

New Zealand, he said, shared the reservations of other Council members about the reference in the resolution to the Joint Statement by five nuclear-weapon States who also happened to be permanent Council members, he said, adding that “we are uncomfortable with this Council being used to validate the perspectives” of any group.

“For as long as some States retain nuclear weapons – and declare them to be essential for national security – others would seek them as well,” he continued. That paradox highlighted the mutually reinforcing nature of nuclear non-proliferation and nuclear disarmament. “The neglect of one will set back the other,” he added.

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