

Observance of the International Day Against Nuclear Tests

An informal meeting of the United Nations General Assembly was held in the Trusteeship Council at UN Headquarters in New York on Wednesday, August 31, 2016, to commemorate the annual “Observance of the International Day Against Nuclear Tests.” It was on December 2, 2009, by Resolution 64/35, the United Nations declared August 29 to be observed annually as the International Day Against Nuclear Tests.

The annual observance is devoted to educating the public about the effects of nuclear weapons explosions and testing and the goal of achieving a nuclear-weapons-free world. A Judicial Watch NGO representative was in attendance at this commemoration as an associate member of the UN’s Department of Public Information (DPI/NGO)¹

To measure progress and discuss challenges and opportunities, a High-Level Panel was convened around the theme of “Strengthening the Global Norm Against Nuclear Tests and the CTBT@20” (Comprehensive Test Ban Treaty). The Chair of the CTBT Prep Com in Vienna, H.E. Cristian Istrate, was moderator of the panel and speakers included: Mr. Kim Won-soo, Under Secretary-General and High Representative For Disarmament Affairs, United Nations Office for Disarmament Affairs; Dr. Lassina Zerbo, Executive Secretary, Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization; H.E. Amatlain Elizabeth Kabua, Permanent Representative of the Marshall Islands to the United Nations; H.E. Laura Elena Flores Herrera, Permanent Representative of Panama to the United Nations; and Mr. Randy Rydell, Mayors for Peace.

The date for the annual observance, August 29, 1991, marks Kazakhstan’s landmark decision to close the Semipalatinsk Test Site—the largest nuclear test site in the world. It also marked the beginning of a worldwide movement towards the implementation of a comprehensive international nuclear weapons test ban treaty in furtherance of the UN’s ultimate goal of a nuclear-weapons-free world.

And this year marked the 25th anniversary of Kazakhstan’s closure of the Semipalatinsk Test Site and the anniversaries of other major developments resulting from that decision, to include the 20th anniversary of the opening for signature of the Comprehensive Test Ban Treaty (CTBT) on September 10, 1996, and the 10th anniversary of the signing of the

¹ Judicial Watch is associated with the United Nations Department of Public Information (UN-DPI) as a nongovernmental organization, whose mission is to promote transparency, accountability and integrity in government, politics and the law. It fulfills its educational mission through litigation, investigations, and public outreach. Its International Program serves as an integral part of its educational program. Since 2001, it has been meeting with delegations from all over the world who participate in U.S. State Department-sponsored leadership programs.

Central Asian Nuclear Weapons Free Zone (CANWFZ) treaty on September 8, 2006.² (There are five Nuclear-Weapon-Free Zone treaties, with the Central Asian treaty the most recent to be ratified.³)

In Opening Statements given by high-level UN officials and on behalf of the Secretary-General, by invited speakers, and in prepared statements by ambassadors of countries from all over the world, the message was the same: there is an ever increasing urgency to ratify the Comprehensive Test Ban Treaty (CTBT), and with a united voice they called on those states who have yet to sign and or ratify the treaty to do so.⁴

Although the treaty opened for signature over 20 years ago, India, Pakistan, and North Korea have not yet signed the treaty—and 8 “nuclear-capable states” have not ratified it (Russia, France, China, the United States, and the United Kingdom, along with the three non-signatory states noted above. Entry of the CTBT into force requires the signature and ratification of all 8 states.⁵

However, since the signing of the CTBT in 1996, a moratorium on nuclear weapons testing has been observed by all states, except for the Democratic People’s Republic of Korea—which faces ongoing UN Security Council-approved sanctions and the condemnation of the international community. The President of the United Nations General Assembly stated that a moratorium on nuclear weapons testing is today a de facto international norm, but it remains fragile without entry into force of the CTBT.

The 25th anniversary of the closure of the nuclear test site was also the anniversary of Kazakhstan’s independence from the former Soviet Union in 1991. It is this rich piece of history—the breakup of the Soviet Union—that provides insight into why, at that time, Kazakhstan closed its nuclear weapons test site and rid itself of nuclear weapons. In the

² The CANWFZ Treaty was signed at the Semipalatinsk Test Site on the 15th anniversary of its closing in 2006 by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan establishing a nuclear-weapon-free zone. On May 6, 2014, all five Permanent Members of the Security Council—and nuclear weapons states—signed a Protocol to the treaty providing legally binding assurances not to use or threaten to use nuclear weapons against CANWFZ treaty partners. (United Nations Office for Disarmament Affairs (UNODA), <http://disarmament.un.org/treaties/t/canwzf>, accessed October 27, 2016.)

³ There are currently five Nuclear Weapon Free Zone treaties (NWFZs) comprising 115 states and include 60 percent of all UN Member States. The five zones cover the entire southern hemisphere. (United Nations Office for Disarmament Affairs (UNODA), <https://www.un.org/disarmament/wmd/nuclear/nwzf/>, accessed October 27, 2016.)

⁴ The U.S., under President George H. W. Bush, signed the treaty the day it opened for signature on September 10, 1996, but it faced stiff opposition in the Senate for full ratification. (Arms Control Association, <https://www.armscontrol.org/factsheets/ctbtsig>, accessed October 27, 2016.)

⁵ Currently, 183 states have signed and 164 have ratified the CTBT. (CTBTO Preparatory Commission, preparatory commission for the comprehensive nuclear-test-ban treaty organization, <https://www.ctbto.org/the-treaty/status-of-signature-and-ratification/>, accessed October 27, 2016.)

“officially authorized biography,” *Nazarbayev And The Making of Modern Kazakhstan*, President Nazarbayev, who became the nation's first president following its independence in 1991 and continues as president today, said “Kazakhstan was realistic about its inability to master the technicalities and pay the costs of maintaining the missiles stationed on its soil, and that he was a President with a long history of opposition to the presence of nuclear installations in his country. However, . . . he was not going to renounce possession of Kazakhstan's nuclear weapons without getting something in return.”

In other words, Kazakhstan’s decision to give up its nuclear weapons was based more on realpolitik, than a “principled self-sacrificing choice,” in keeping with its carefully crafted public image. For that exchange, President Nazarbayev accepted “substantial U.S. aid for the technical work of getting rid of the weapons,” along with security guarantees and the “status of (being) a responsible member of the international community.”⁶

Following the panel discussion, the commemoration turned to states ambassadors for their written statements concerning their affirmation regarding the Observance of the International Day Against Nuclear Tests. For the most part, states reconfirmed their support of the CTBT and called on the 8 remaining states to ratify the treaty. Other notable areas of consensus by the states and suggested focus for improvement included the following:

- A recognition that although not ratified, there is a de facto norm against nuclear testing that has been observed by all states in the last 20 years, except North Korea;
- To further compel the remaining holdouts to bring about ratification, there is a need to engage civil society, NGOs, and youth;
- Improvement is needed to make the verification system operational in order to strengthen the no testing ban;
- A recognition of the need to reduce nuclear weapons globally;
- A recognition of the myth of survivability of a nuclear war and the need for further education on the hard truth about weapons of mass destruction; and
- A concern that due to the failure of the international community to fully ratify the CTBT after 20 years—the issue will continue to lose traction.

The sense that this commemoration was no different than previous ones conducted over the last 20 years found support in the statement given by H.E. Amatlain Elizabeth Kabua, Permanent Representative of the Marshall Islands to the United Nations, who in her remarks, applauded the planners of the commemoration for its excellent work and the excellent speeches by U.N. dignitaries and invited speakers—but tellingly added that

⁶ Joshua Kucera, Published on *EurasiaNet.org* (<http://www.eurasianet.org>), “Why Did Kazakhstan Give Up Its Nukes?”; May 15, 2013, <http://www.eurasianet.org/print/66967>, accessed October 28, 2016.

there is clearly a lack of political will which won't be resolved "by repeating it again and again."

And the urgency for ratification of the treaty noted at this year's commemoration arising out of North Korea's continued defiance of the nuclear weapons test ban only served to strengthen the resolve of the anti-ratification arm of the U.S. Congress. Just one week following this year's commemoration, on September 8, 2016, a letter signed by 31 Republican senators warned President Obama against bypassing the Senate through a UN Security Council endorsement of the Comprehensive Nuclear Test Ban Treaty, stating:

At a time when a rogue nation like North Korea is directly violating UN Security Council resolutions meant to prevent further development of nuclear weapons, the senators questioned the wisdom of banning further American tests on weapons that help deter such aggression and diminishing the role of the Senate's advice and consent.⁷

And just one day following the senators' warning to President Obama, as if to underscore their position, North Korea brazenly conducted its fifth and most powerful nuclear weapons test.

The 20th commemoration celebrated the continued moratorium on nuclear weapons testing observed by all states—except one—and the slow but sustained progress in the establishment of nuclear-weapons-free zones. There was, however, no change in the movement towards ratification of the CTBT by the 8 remaining nuclear weapons states and, more importantly, no plan of action or initiative to prevent North Korea from continuing to conduct nuclear weapons tests in defiance of the entire international community.

Judicial Watch's mission in the promotion of transparency and accountability in government, politics, and the law is a cornerstone of good governance in the most influential nation in the world, the United States of America. As set forth in its Mission Statement, "through its educational endeavors, Judicial Watch advocates high standards of ethics and morality in the nation's public life and seeks to ensure that political and judicial officials do not abuse the powers entrusted to them by the American people. Judicial Watch fulfills its educational mission through [litigation](#), [investigations](#), and public outreach." [The International Program](#) is an integral part of its educational program.

⁷ Isakson, Perdue Warn Obama Against Bypassing Senate on Nuclear Testing, News Releases – U.S. Senator Johnny Isakson, September 9, 2016, <http://www.isakson.senate.gov/public/index.cfm/2016/9/isakson-perdue-warn-obama-against-bypassing-senate-on-nuclear-testing>, accessed October 28, 2016.