HISTORY OF NUCLEAR TEST MORATORIA BY NWS: POSSIBLE LESSONS FOR THE CURRENT ISSUES

■ Fahkar Alam ■ Angel Chun ■ Sofya Shestakova

ABSTRACT

During more than four decades of complicated discussions and negotiations leading to the conclusion of the Treaty which outlaws all nuclear tests – the CTBT, states more than once turned their attention to one particular approach which, in the view of many, could facilitate the achievement of the final objective. Namely, the temporary suspension of nuclear testing (in other words – moratorium). This paper explores the most important instances and periods when proposals for a moratorium and their actual implementation, by mutual agreement or unilaterally, contributed to the search of partial or comprehensive solutions. In particular, at the second half of 1950s and the second half of 1980s – early 1990s, when the concept of a moratorium was very much on the agenda. It concludes that on balance it turned out to be very helpful in terms of confidence building, stimulating negotiations and preparing more systematic solutions. The paper also looks at the concept of the moratorium in a different set-up – that of addressing nuclear issues on the Korean peninsula – and also finds the usefulness of this instrument.

INTRODUCTION

The global discourse surrounding nuclear weapons testing has been characterized by a complex interplay of geopolitical, technological, environmental, and humanitarian considerations. An important part of this narrative is the history of nuclear test moratoria[1] announced or adhered to by Nuclear Weapon States (NWS), with the view to address the environmental and security implications of nuclear testing, as well as for political reasons to respond to demands from civil society, scientists and wider international community as a whole (NNWS, UNGA resolutions, etc.) to put an end to testing. This paper addresses historical trajectories of nuclear test moratoria and examines motivations behind the specific moratorium, and reasons associated with failure or continuation of those moratorium announced by NWS. Moreover, it explores the evolution of NWS's efforts towards a legal total ban on nuclear testing and analyses the complicated dynamics related to the Democratic People's Republic of Korea's (DPRK) nuclear test moratorium. By drawing parallels and extracting insights from past initiatives, this paper seeks to identify valuable lessons that can inform and guide contemporary discussions on nuclear testing issues. As the international community deals with renewed challenges, including the DPRK's nuclear ambitions and broader arms control concerns, understanding the historical context becomes important for fostering informed decision-making and forging a path toward a more secure and stable global landscape.

[1] In this paper, a nuclear moratorium is seen as a voluntary interim measure that imposes a ban on nuclear weapons testing, while a legal ban on nuclear testing is a formal prohibition on nuclear testing under the international law.

THE ROLE OF NUCLEAR TEST MORATORIA IN ACHIEVING PTBT (MOSCOW TREATY OF 1963)

During the initial years of the Cold War, a ban on nuclear testing was not of interest to major powers, including the US and USSR. Back then, nuclear testing was viewed as a viable option to validate the destructive power, reliability, and performance of established weapons. Also, there was limited understanding of and consideration for the ecological and health consequences of nuclear weapons testing. However, by mid-1950s the situation started to change. There were several reasons for that: Korean war came to an end, both the US and the USSR succeeded in developing, almost simultaneously, thermonuclear weapons (so that segment race was over) and the scientific and medical communities in east and west began to come up with highly disturbing information about environmental and health consequences of nuclear testing, which, in turn, triggered the birth of public movements aimed at discontinuation of nuclear testing. There was also a growing understanding that continuation of nuclear testing would feed further rounds of the nuclear arms race.

The initiative of a nuclear testing "standstill agreement" was first put forward by Indian Prime Minister Jawaharlal Nehru on April 2, 1954. The USSR responded promptly and positively and, in its proposal, on May 10, 1954, went further to formulate the task of complete ban on nuclear testing. The main reason for that was the necessity to take practical measures to stop the buildup of nuclear weapons and their further improvement.[2] To enshrine such a proposal in international law the USSR put efforts to create favorable conditions to conclude an international treaty on a complete and comprehensive ban on nuclear weapons testing.[3]

Since 1954, the Soviet Union kept suggesting various substantive measures against testing, including moratoria and more elaborate agreements. On August 21, 1957, US President Dwight D. Eisenhower announced that the United States would be willing to suspend testing of nuclear weapons for up to two years under certain conditions and safeguards. Meanwhile a petition to the United Nations highlighting the need for an international agreement to immediately stop the nuclear weapons tests was signed by 9,235 scientists and presented to UN Secretary-General Dag Hammarskjold.

On 31 March 1958, USSR announced a unilateral moratorium on nuclear weapons testing and was meant to encourage the United States (and the UK, for that matter) to follow suit. One of the driving forces behind the ban was the growing awareness of the environmental and health dangers linked with nuclear testing. The global scientific community and public opinion were becoming increasingly alarmed by the radioactive fallout resulting from nuclear tests. This was also aimed to demonstrate goodwill and encourage further progress in efforts towards the nuclear test ban. Meanwhile negotiations were going on, the United States and United Kingdom began a one-year testing moratorium on 3 October 1958, thus turning its earlier announced unilateral moratorium in a trilateral one. On 29 December 1959, President Eisenhower stated that when the US nuclear testing moratorium expired at the end of 1959, though the US would not announce a new moratorium, it would not test nuclear weapons without a declaration. In the meantime, negotiations and discussions in Geneva, which were de facto going in two tracks (political and technical) had made significant progress on the verification of a future test ban. The emerging conclusion was that monitoring the absence of nuclear tests in atmosphere and under water would not be a problem, while identification of underground tests required a more sophisticated system.

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[2] Roland Timerbaev, "The Complete Prohibition of Nuclear Testing" [in Russian], PIR Center, <https://pircenter.org/wp-content/uploads/2023/09/1986-TIM-Complete-Prohibition-of-Nuclear-Testing.pdf, accessed 1 July 2024>.

[3] Mikhail Gorbachev response to the TASS correspondent of August 15, 1985, Sovetskaya Kultura, <https://portal-kultura.ru/upload/iblock/366/1985.08.15.pdf, accessed 1 July 2024>.

That moratorium collapsed in 1961 after the Soviet Union resumed nuclear testing in September 1961. As a result, the US also followed the same path resuming nuclear testing at the end of September 1961. Much wider tensions between US and USSR were the central factor that led towards resumptions of nuclear testing. However, the Cuban Missile Crisis of 1962 was among key factors that compelled the leadership from both sides to work for some arms control arrangements aggressively.[4]

In 1963, the Partial Test Ban Treaty (PTBT) was signed by the US, UK, and USSR in Moscow. It prohibited the nuclear weapons testing in the outer space, atmosphere and under water.[5] However, this Treaty did not ban the underground nuclear weapons testing. France entered the nuclear club in 1960s and was guided by the perceived need to ensure its independence in nuclear matters, largely influenced by the Suez Crisis.[6] China was not far from finalizing its nuclear weapons development programme (it conducted the first test in 1964) and therefore was not receptive to any measure limiting or prohibiting nuclear testing.

Thus, it can be concluded that from the early days of the cold war and nuclear arms race between the US and the USSR the idea of a nuclear test moratorium has emerged as a simple, easier to implement measure capable of creating better conditions and more constructive atmosphere for more in-depth negotiations on formal agreement or agreements, send messages of good will both internationally and for the own public. In that sense the moratoria on testing by major powers in the second half of 1950s-early 1960s partially succeeded. They helped galvanize and give a purpose to public movement to end nuclear testing, facilitated negotiations on the nuclear test ban in Geneva and productive expert-level exploration of verification issues involved. This process, literally speaking, was put to a halt by the spike of tensions between the US and USSR including the Berlin crisis, the U2 incident over the Ural Mountains and the Cuban Missile Crisis. However, the substantive results achieved were not lost – they facilitated the quick conclusion of the PTBT in 1963 and later provided a conceptual basis for the design of the International Monitoring System (IMS), which is a key element of the verification system under the CTBT as opened for signature in 1996.

NUCLEAR TESTING MORATORIA AND CONCLUSION OF THE CTBT

It was the period of the second half of 1980s-early 1990s which probably offered the most eloquent example of how nuclear testing moratoria could be a prologue for achieving a complete legal ban on nuclear testing. There were other factors enabling this transformation, in particular very powerful civil society pressure and initiatives of non-governmental organizations.

The Soviet Union announced a unilateral moratorium on any nuclear explosions as of August 6, 1985, by notifying the U.S. leadership in advance,[7] and urged the United States to do the same. Mikhail Gorbachev, General Secretary of the Communist Party of the Soviet Union, emphasized in “a complete cessation of nuclear testing would stop the nuclear arms race at its most dangerous – qualitative direction”.[8] The moratorium was initially in place until January 1, 1986, with a possible extension in the event of a US cessation of nuclear testing.[9] In

[4] C Lalengkima, “The Role of Crisis in the Arms Control Process,” World Affairs: The Journal of International Issues, March 2013, <https://www.jstor.org/stable/48535494, accessed 1 July 2024>.
[5] Treaty Text of Treaty banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water, August 5, 1963, <https://2009-2017.state.gov/t/avc/trty/199116.htm#treaty, accessed 1 July 2024>.
[6] Tariq Rauf (1995) French nuclear testing: A fool's errand, The Nonproliferation Review, 3:1, p. 56
[7] Roland Timerbaev, “The Complete Prohibition of Nuclear Testing” [in Russian], PIR Center, <https://pircenter.org/wp-content/uploads/2023/09/1986-TIM-Complete-Prohibition-of-Nuclear-Testing.pdf, accessed 1 July 2024>.
[8] Mikhail Gorbachev response to the American Time magazine of August 28, 1985, Sovetskaya Kultura, <https://portal-kultura.ru/upload/iblock/723/1985.09.03.pdf, accessed 1 July 2024>.
[9] Roland Timerbaev, “The Complete Prohibition of Nuclear Testing” [in Russian], PIR Center, <https://pircenter.org/wp-content/uploads/2023/09/1986-TIM-Complete-Prohibition-of-Nuclear-Testing.pdf, accessed 1 July 2024>.

fact, Gorbachev returned to the nuclear test ban in his famous statement of 15 January 1986, which was devoted to a whole range of disarmament and arms control issues; in particular, he announced the extension of the moratorium, expressed the hope of it becoming first bilateral (with the US) and then multilateral (involving also other nuclear weapon states) and called for the resumption of CTBT negotiations which had been interrupted by the US President Ronald Reagan shortly after his inauguration in 1981.[10]

Initially, the US did not respond positively to the moratorium. According to the US, if they were to move toward a mutual cessation of all nuclear explosions, proper control of the moratorium would be fully ensured by national technical means and by international procedures – with on-site inspection where necessary.[11]

In the absence of a clear positive response from the US, where the tests were on going, the unilateral Soviet moratorium was discontinued, but not for long. It was renewed in 1991, and then in 1992 the US joined it as well.

In the U.S. Physicians for Social Responsibility organized "Code Blue" congressional lobbying events on the test ban and annual protests at the Nevada Nuclear Test Site, whereas in USSR, especially in Kazakhstan and Moscow, opinion leaders and citizens gather in 1989 to demand a nuclear test ban and the closure of the Soviet nuclear test site near Semipalatinsk (the Semipalatinsk test site was officially closed in 1991).[12] That massive campaign and other initiatives by the civil society and NNWSs fostered the process toward nuclear tests ban. In October 1991, Mikhail Gorbachev announced a unilateral nuclear test moratorium. In response, the US Congress approved a reciprocal test moratorium for nine months in 1992. In 1993, President Bill Clinton decided to extend the U.S. test moratorium.

The UK conducted the last nuclear test at the Nevada Test Range in the United States in 1991. In April 1992 France announced a unilateral nuclear testing moratorium after rigorous Mururoa Protest by environmentalists and social activists against the nuclear tests due to their ecological effect and the adverse effects on the health of nearby populations. However, France resumed testing briefly in 1995, when the probability of successful conclusion of the talks became almost certain, and permanently ended testing the following January. China performed a last nuclear test explosion in July 1996 and announced it would not test after September 1996.

In fact, during 1994-1996 the Conference on Disarmament in Geneva got involved in the last and very intensive phase of negotiations on the CTBT draft, which was successfully finalized in September 1996.

Thus, during the last several years before the finalization of the CTBT, the positive role of proposals for a moratorium and actual national decisions to announce or join the moratorium were even more evident than during the period of late 1950s. There were two sets of circumstances which enhanced this positive role. The first was that the movement to stop and outlaw nuclear testing during the late 1980s – early 1990s was unfolding against the background of wide protests against the risks of the new cycle of the nuclear arms race and dangers of nuclear war and first successes of that movement, as manifested by the INF Treaty. The second factor was the strong popular movements aiming at the closure of nuclear test sites for humanitarian reasons, especially in the US and the USSR. The momentum against nuclear testing was so strong that the moratorium was embraced not

[10] Statement by the General Secretary of the Central Committee of the CPSU Mikhail Gorbachev (In Rus.), 15 January 1986, <https://www.gorby.ru/userfiles/file/zayavlenie_msg_15_01_1986.pdf, accessed 1 July 2024>.
[11] Timerbaev, "The Complete Prohibition of Nuclear Testing".
[12] Arms Control Association, "Nuclear Testing and Comprehensive Test Ban Treaty (CTBT) Timeline", Arms Control Association, <https://www.armscontrol.org/factsheets/NuclearTestingTimeline, accessed 1 July 2024>.

only by the two nuclear superpowers, but also by other members of P5 (China, France and the UK), and several years later – by India and Pakistan (but not before these two latter countries conducted each a small series of tests to validate there recently acquired nuclear weapons). Another interesting peculiarity of the moratorium, which came into being shortly before the conclusion of the CTBT, has been sustained for almost 30 years in parallel with the Treaty, which, even if not in force, presents in accordance with the international law, a strong legal impediment for signatory states to test.

MORATORIUM AND THE ALREADY NEGOTIATED TREATY

In the paragraphs above we tried to demonstrate that during the long history of efforts to achieve the CTBT various initiatives promoting nuclear test moratoria usually played a positive, stimulating role. Truth be told, the positive results did not always materialize in the short run; sometimes the results were more modest than originally hoped for, but by large these initiatives worked and, as a result, the international community now has the fully negotiated Treaty, which has already been signed and ratified by an overwhelming majority of states, but which – alas – has not yet entered into force. The reason is very simple: the Treaty lists a number of states, so-called Annex 2 States, whose ratification is necessary, and some of these have not ratified the Treaty, while some others have not even signed it. As a result, today, almost 3 decades after the opening for signature, the Treaty is not in force. At the same time, there is a moratorium on nuclear tests, joined by all the P5, as well as by India, Pakistan and, so far, the DPRK (for the latter see the next section). At the moment, the parallel existence of the Treaty, which is, regrettably, not in force, and the moratorium, tend to reinforce the emerging norm against nuclear tests, with the moratorium – as long as it lasts – limiting the growing risks to the Treaty, but in the longer run the situation will be getting unstable, because any nuclear test, even if performed by a non-signatory to the Treaty, might severely damage the prospects for the Treaty's entry in force. Therefore, the international community is facing a double challenge of promoting the CTBT entry into force and preserving the existing moratorium. That requires not only political will, but careful and imaginative analysis and planning.

DPRK MORATORIUM

The history of nuclear testing moratoria includes one more example, but its context, origins, reasons, motivations, and outcomes are rather different from the moratoria described above.

On 20 April 2018, the DPRK declared a moratorium on the testing of nuclear warheads and long-range ballistic missiles. In the following month, the DPRK reported the destruction of its only known nuclear testing site at Punggye-ri, where six nuclear tests had been carried out from 2006 to 2017.[13] No foreign nuclear experts were granted access to verify the destruction of any tunnel or portal within the test site, while several international journalists observed the explosion from a distance.[14]

This self-imposed moratorium officially ended with leader Kim Jong Un's announcement[15] at the 5th Plenary Meeting (28-31 December 2019) of the 7th Central Committee of the

[13] "Punggye-ri Nuclear Test Facility", Nuclear Threat Initiative, 2023, <https://www.nti.org/education-center/facilities/punggye-ri-nuclear-test-facility/, accessed 1 July 2024>.

[14] Choe Sang-Hun, "North Korea's Big Moment Is Upended by Trump", New York Times, 2018 <https://www.nytimes.com/2018/05/24/world/asia/north-korea-shuts-nuclear-test-site.html, accessed 1 July 2024>.

[15] Stéphane Dujarric, Spokesman for the Secretary-General of the United Nations, "Statement attributable to the Spokesman for the Secretary-General – on the Democratic People's Republic of Korea", United Nations, 2020, <https://www.un.org/sg/en/content/sg/statement/2020-01-01/statement-attributable-the-spokesman-for-the-secretary-general-%E2%80%93-the-democratic-people%E2%80%99s-republic-of-korea?_gl=1*nydu84*_ga*MTM1MjExNTU3LjE2OTkyODQ5MzI.*_ga_S5EKZKSB78*MTY5OTI4ODQzMi4yLjAuMTY5OTI4ODQzMi42MC4wLjA.*_ga_TK9BQL5X7Z*MTY5OTI4ODQzMi4yLjAuMTY5OTI4ODQzMi4wLjAuMA, accessed 1 July 2024>.

Workers' Party of Korea. On 21 January 2020, the DPRK's Permanent Mission at the United Nations (UN) in Geneva stated that the DPRK would no longer observe the moratorium.[16] It is noteworthy, however, that despite announcing the end of its moratorium and carrying out four missile tests in 2020, doubled to eight in 2021, and more than seventy ballistic- and cruise-missile tests in 2022,[17] the DPRK has not conducted any nuclear tests as of June 2024.[18]

FACTORS LEADING TO THE DPRK MORATORIUM

The moratorium was declared against the backdrop of a historical summit between the heads of the DPRK and the Republic of Korea. On 27 April 2018, Kim Jong Un became the first DPRK leader to cross the border south to meet with the then ROK President Moon Jae-in, where alongside a pledge to convert the armistice that ended the hostility of the 1950-1953 Korean War into a formal peace treaty, they affirmed the shared goal of the denuclearization of the Korean Peninsula as part of the "Panmunjom Declaration".[19] This was a milestone achievement; especially given that in July 2017 the DPRK, as reported, successfully tested an ICBM technically capable of striking the United States of America for the first time. The result was an extremely nervous reaction by the US political and military leadership and many think tanks, the prospect of imminent nuclear war with DPRK was discussed in the US.

It is understood that the USA factor played a major role in the lead-up to the 2018 moratorium. It was announced at a time that the DPRK leadership hoped that bilateral negotiations, under the Trump administration, would prompt the USA to begin lifting "crippling sanctions" imposed on the DPRK.[20] The DPRK showcased a willingness to ease USA-DPRK tensions through several gestures, such as by the release of three American prisoners in May 2018.[21] Two months subsequent to his declaration of the moratorium on 12 June 2018, Kim Jong Un and the then President of the USA Trump met in Singapore, the first-ever meeting between the heads of two countries, and concluded with a joint pledge of lasting peace on the Korean Peninsula,[22] albeit with little detail revealed.

The US policy and practical steps, as perceived and portrayed by the DPRK, was equally influential towards the end of the moratorium. According to Ju Yong-chol, a counselor to the DPRK's mission to the UN in Geneva the moratorium had the objective of "build[ing] confidence with the United States". Citing "brutal and inhumane" sanctions imposed by the USA, Ju concluded, "[as] it became clear now that the USA remains unchanged in its ambition to block the development of the DPRK and stifle its political system, we found no reason to be unilaterally bound any longer by the commitment that the other party fails to honour",[23] including its self-imposed temporary pause on nuclear testing since April 2018.

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[16] Kelsey Davenport, and Julia Masterson, "North Korea Reiterates End to Test Moratorium", Arms Control Association, 2020, <https://www.armscontrol.org/blog/2020-01-30/north-korea-denuclearization-digest, accessed 1 July 2024>.

[17] International Institute for Strategic Studies, "North Korea's missile activity in 2022", International Institute for Strategic Studies, 2022, <https://www.iiss.org/publications/strategic-comments/2022/north-koreas-missile-activity-in-2022/, accessed 1 July 2024>.

[18] International Institute for Strategic Studies, "North Korea's missile activity in 2022", International Institute for Strategic Studies, 2022, <https://www.iiss.org/publications/strategic-comments/2022/north-koreas-missile-activity-in-2022/, accessed 1 July 2024>.

[19] Official translation provided by the Inter-Korean summit, "READ: Full declaration of North and South Korean summit", CNN, 2018, https://edition.cnn.com/2018/04/27/asia/read-full-declaration-north-south-korea/index.html, accessed 1 July 2024>.

[20] Choe Sang-Hun, "North Korea is No Longer Bound by Nuclear Test Moratorium, Kim Says", New York Times, 2019, <https://www.nytimes.com/2019/12/31/world/asia/north-korea-kim-speech.html, accessed 1 July 2024>.

[21] Alex Ward, "North Korea has just released 3 American hostages", Vox, 2018, <https://www.vox.com/2018/5/9/17333964/north-korea-hostages-release-trump, accessed 1 July 2024>.

[22] Council on Foreign Relations, "1985-2022 North Korean Nuclear Negotiations", Council on Foreign Relations, 2023 <https://www.cfr.org/timeline/north-korean-nuclear-negotiations, accessed 1 July 2024>.

[23] Stephanie Nebehay, "North Korea abandons nuclear freeze pledge, blames 'brutal' U.S. sanctions", Reuters, 2020, <https://www.reuters.com/article/us-northkorea-nuclear-usa-idUSKBN1ZK1FX, accessed 1 July 2024>.

Indeed, the DPRK's Korean Central News Agency (KCNA) reported that at the 5th Plenary Meeting (28-31 December 2019), Chairman of State Affairs Kim Jong Un announced that the DPRK would "shift to shocking actual actions" to make the USA "pay for the pains sustained by our people" under Washington's sanctions regime". While DPRK officials also blame the USA's joint military exercises with ROK on the Korean Peninsula, and the USA's failure to make concessions by the year-end deadline for what they view as diplomacy that had yielded limited results, sanctions (and relief thereof) appear to be the determinative factor in the DPRK's issuance and withdrawal of the moratorium. At the 2019 talks in February in Hanoi, Vietnam, June in Pyongyang (which saw the sitting President of the USA set foot in North Korea for the first time), and October in Stockholm, Sweden, the DPRK has consistently sought sanctions relief but to no avail.

It appears that the DPRK is likely to have tactically refrained from testing nuclear weapons after the end of the moratorium mainly for political reasons. It also appears that limitations in resources have not prevented the DPRK from rapidly expanded its nuclear stockpiles, and the DPRK is technically capable of conducting another nuclear test. This is likely in pursuance of two-fold political objectives: to reinforce internal solidarity and divert attention (any, if at all) from what would otherwise be their top priorities; and more importantly and strategically, to use the prospect of nuclear tests as a powerful bargaining chip in diplomatic negotiations, especially with the USA.

There is increasing discussion on whether the question being considered by the DPRK has shifted from whether to test, to whether to use nuclear weapons. In fact, Lee Jong-sup, the Defense Minister of South Korea, has commented that the focus of efforts to deal with the DPRK should no longer be halting nuclear weapons development and testing, but to deterring the possible use by the DPRK.[24] Regrettably, this speculation is far from unfounded: the nuclear weapons policy legislation issued by the DPRK in September 2022 stipulates novel conditions for nuclear weapons launch which go further than the traditional aims of war deterrence and retaliation, including when a "catastrophic crisis threatens the existence of the state [of the DPRK] or the safety of the people",[25] which leaves the nature of such "crisis" unspecified so to possibly encompass even economic circumstances.

What is beyond clear is that efforts should not cease in calling upon the DPRK to sign and ratify the CTBT and adopt another moratorium.[26] However, it is also crucial for the international community to understand and leverage the USA's influence, in particular through sanctions on the DPRK, in bringing about another moratorium by the DPRK. Continuous diplomatic engagement is the pathway to sustainable peace.

POSSIBLE LESSONS FOR CURRENT SITUATION

In the current geopolitical environment, it is crucial to find a way to break the vicious circle and the long-standing stalemate in the arms limitation process. Impact of the moratorium on non-proliferation regime cannot be underestimated. First, it facilitates the management of nuclear risks. Second, it allows to reduce the possibility of nuclear tests by countries that are not CTBT signatory states such as India and Pakistan. For now, it can facilitate the process

[24] Josh Smith, "U.S. and allies turn to deterring war with North Korea as options for preventing nuclear tests dwindle", Reuters, 2022, <https://www.reuters.com/world/us-allies-turn-deterring-war-with-north-korea-options-preventing-nuclear-tests-2022-10-31/, accessed 1 July 2024>.

[25] Bong-geun Jun, "Comparing North Korea's Nuclear Forces Policy Laws", Asia-Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament, 2022, <https://www.apln.network/analysis/commentaries/comparing-north-koreas-law-on-nuclear-forces-policy-2022-with-the-law-on-consolidating-the-position-of-nuclear-weapons-state-2013, accessed 1 July 2024>.

[26] It is acknowledged and appreciated that the CTBTO has ceaselessly contributed in this regard. See, for example, a statement by Dr. Robert Floyd, Executive Secretary of the CTBTO on 27 June 2022, <https://www.ctbto.org/resources/for-the-media/press-releases/ctbto-head-calls-n-korea-renew-commitment-suspend-nuclear, accessed 1 July 2024>.

of the CTBT entering into force because the moratoria are viewed as a step towards the CTBT ratification.

What should be particularly emphasized is that nuclear tests moratorium is a voluntary interim measure but not an alternative to the CTBT because it cannot replace the legal obligations of states under an international treaty. The point is that the CTBT implies not only a ban on nuclear testing, but a legal complex system of unique verification regime, which comprises a global network of monitoring stations – the International Monitoring System (IMS) – a consultation and clarification process, On-Site Inspections and a set of confidence-building measures.

In this regard, the following recommendations may be taken into account for a new version of moratorium.

1. It would be helpful if all the NPT NWS could find a way to jointly announce their continued commitment to the moratorium on nuclear testing as a step towards the entry into force of the CTBT. Such an announcement could envisage that non-NPT states possessing nuclear weapons could also become part of such a declaration. Such an approach is considered as a symbolic way to strengthen confidence-building measures. The DPRK should not be singled out or even mentioned in such a declaration.

2. It could be proposed that the DPRK announce another moratorium in exchange for something that would be of benefit to it. The moratorium could be initially for 6 months and then extended further if all conditions are met.

3. However, if an all-inclusive joint moratorium seems (so far) difficult to be achieved because of the unstable geopolitical environment, where various antagonistic dyads risk escalating towards nuclear testing, regional and bilateral moratoriums on nuclear testing could be established. For instance, on 12 August 2016, Pakistan invited India to convert their unilateral moratoriums on nuclear testing into a bilateral moratorium. Such regional and bilateral moratoriums would just not reduce the probability of nuclear testing rather they could serve as effective substitutes for a larger global moratorium or, at the very least, provide a foundation for establishing one.

GENERAL CONCLUSIONS – MORATORIUM AND THE CTBT TODAY

1. Over years, the international efforts to ensure a nuclear-weapons free world benefitted by proposals for, as well as from deliberations and implementation of moratoria on nuclear testing. Moratoria can also be an instrument, which can be applicable in other areas of arms control and disarmament. For example, a moratorium on deployment of medium and shorter-range missiles in certain areas or globally is still on the agenda following the demise of the US-Russian INF Treaty. There are discussions on a moratorium on anti-satellite weapons or, in a wider context, on space weapons. It will not be an exaggeration to say, that today, when the arms control architecture is disintegrating, and the new multidimensional arms race is looming, ideas of a moratorium on certain dangerous activities deserve even more, not less attention.

2. In a narrower area of nuclear testing, it appears that efforts should continue on both tracks: working towards the entry into force of the CTBT and strengthening the current de-facto global moratorium. Both deserve great attention on the part of the CTBTO Preparatory Commission and wider international community. Until the Treaty is brought into force, these are two mutually reinforcing factors, and both should be considered as priorities.

3. One of the possible ways to strengthen the current de-facto moratorium is to publicly reaffirm it. The yielded benefits would be to foster confidence and transparency, (re)set de-facto moratorium as a norm of international law (including by establishing a precedent) and be seen as an international commitment and validation by states, notably by the NWS.