



PERMANENT MISSION OF SRI LANKA

GENEVA

Statement to the Plenary Meeting

by

Ambassador Bernard A. B. Goonetilleke

Permanent Representative

and Head of Sri Lanka Delegation

to the Conference on Disarmament

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(Check against delivery)

Mr President,

Please allow me to congratulate you on your assumption of the presidency of the Conference on Disarmament at this historic final phase in the negotiations on a comprehensive nuclear test ban treaty. We depend on your diplomatic skills and good sense of judgement to conclude our work on a comprehensive test ban, which for decades on, the international community has been aspiring for. Let me also congratulate and welcome the new members of the Conference, whose entry into the CD has strengthened the Conference in no small measure.

Mr President,

Even as we resume the final part of the 1996 CD session, many a doubt continues to linger on in our minds on the text of the CTBT presented by the Chairman of the AHC on NTB on 28 June, the status of the negotiations and, most importantly, the position of the CD vis-a- vis the Chairman's text contained in document WP.330/Rev.1. The Chairman of the AHC on NTB has put together his text which, in his best judgement, would reflect and represent a fair balance between what is desirable and what is attainable. My delegation is very much aware of the fact that during the current round of negotiations he has done his utmost to produce a text that would bring us closer to our final destination. The Conference should applaud him and his delegation for their contribution.

During the negotiations, many a compromise has been made by individual delegations in respect of their national positions, which are near and dear to their hearts. It is clear that without such a spirit of compromise, the Ad Hoc Committee would not have made the progress that it has achieved in the past two and half years. The question is whether we have been able to reach the desired goal and announce to the international community that the CD has succeeded in completing the task entrusted to it.

Despite the progress achieved by the Ad Hoc Committee, there remain a few but vital issues that call for resolution in order that we achieve the good Treaty that we all aspire for. This aspiration is reflected in no uncertain terms in the mandate handed down to the Ad Hoc Committee on a Nuclear Test Ban by the Conference on Disarmament in January 1994, which I wish to repeat. **"To negotiate intensively an universal and multilaterally and effectively verifiable C.T.B.T. which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and, therefore, to the enhancement of international peace and security."**

Since the establishment of the Ad Hoc Committee on a Nuclear Test Ban in January 1994, its mandate has been renewed annually by the Conference. In this regard, it is important to point out that during the entire process of negotiations spanning a period of two and half years, there has been no proposal to revise or amend the original mandate given to the Ad Hoc Committee in 1994. In the circumstances, it is incumbent upon us to examine carefully whether the draft Treaty presented by the Chairman AHC/NTB and contained in WP.330/Rev.1, fully reflects the mandate so carefully drafted, agreed upon and given to the Ad Hoc Committee.

Mr President,

I now propose to comment on some of the issues that still remain to be resolved prior to the conclusion of our negotiations. The first issue is whether the AHC on NTB has indeed been able to deliver draft of a **comprehensive** test ban Treaty as required by the C.D. The draft Treaty is by no means comprehensive. As one delegation aptly put it, it will only "ban the bang". In this context it is to be noted that the mandate given to the Ad Hoc Committee was designed to effectively prevent the proliferation of nuclear weapons **"in all its aspects"**. Refusal to give a firm undertaking that under the CTBT

environment there will be no measures for the development or qualitative improvement of nuclear weapons, has sent a signal that vertical proliferation of nuclear weapons will not be stopped under the draft CTBT, as it has been formulated at present. If this is all what we can achieve in the present circumstances, let us then accept the situation and constructively acknowledge that fact. Such a decision will provide room for the CD to continue from where it has stopped and commence work for a truly comprehensive test ban treaty at a more propitious time.

Mr President,

The **preamble** of a treaty should reflect the purposes and principles that bring the parties together. Such a declaration has to adequately cover the relevant aspects succinctly. As you are aware, Mr President, there exists a considerable divergence of opinion as to whether the preamble contained in the Chairman's draft text offers the very best which the Ad Hoc Committee can achieve. For example, last year, the State parties agreed to an indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons. In doing so, the nuclear weapon States reaffirmed their commitment to pursue in good faith negotiations on effective measures relating to nuclear disarmament. In this context, the Group of 21 has called upon the CD and the Ad Hoc Committee on NTB time and again for a commitment to nuclear disarmament in the context of the draft CTBT. However, such a commitment has so far not been made. Our position has been further reinforced by the advisory opinion handed down by the International Court of Justice on 8th July, which, *inter alia*, states, I quote: **"There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."** It is, therefore, clear that the obligation is not only to **pursue** negotiations in good faith but also to bring such negotiations to a logical **conclusion**. Moreover, the advisory opinion has made it clear that this is a responsibility of all States and not only of the nuclear

weapon States. In the circumstances, it is important for the Ad Hoc Committee on NTB to have a fresh look at the preamble of the Chairman's draft CTBT text.

Mr President,

My delegation feels strongly about the need for the Treaty to **enter into force** with a minimum delay. Sri Lanka is fully aware of the strong view points expressed by various delegations on the matter and the difficulties faced by the Chairman of the Ad Hoc Committee in arriving at a consensus on this issue. However, my delegation believes that Art. XIV, as presently drafted, will not permit the Treaty to come into force - at all. Annex 2 to the draft CTBT contains a list of 44 countries, some of which have insurmountable difficulties with the Treaty in its present form. To insist, therefore, that all these countries should sign, for the Treaty to enter into force, even when some of them have clearly stated that they would definitely not be a party to the Treaty, is not the best way to prod the Treaty to enter into force. It is tantamount to creating a power of veto over the Treaty, thereby negating all the hard work achieved since negotiations commenced in 1994. Should we, Mr President, erect an impenetrable barrier, knowing fully well that the end product of our labour will not see the light of day, despite the measures referred to in paragraphs 2 & 3 of Art. XIV.

I might also add that the formulation in Article (XIV)(2) which vests in the conference the power to consider and decide "measures consistent with international law to accelerate the ratification process" should not be interpreted to mean a derogation in any form of the sovereign right of States to decide on ratification of treaties which is a right well established in international law.

Another important issue that has to be resolved relates to the question of composition of the Executive Council. Interests of equality and equity would best be served if we implement the principle of equitable geographical

distribution. Views have been expressed in the Ad Hoc Committee against the proposed geographical distribution and use of contribution to the annual budget of the Organization as an indicative criterion for the allocation of seats. To put it mildly, using contributions made by States parties as a criterion for determining seats on the Executive Council, is an unhealthy precedent in multilateral instruments of this nature.

Mr President,

An important issue that is bound to concern the future States parties to the Treaty, including mine, is the question of funding. The majority of these countries will be anxious to know in advance the actual financial cost of becoming party to the Treaty. The Treaty's prime cost would have as its elements the funding of the Preparatory Commission and the Provisional Technical Secretariat, during the preparatory stage and the International Monitoring System, the first Conference of States Parties and the C.T.B.T.O. following the entry into force of the Treaty. With the reaction to the language in Article XIV on Entry Into Force, at least by one delegation, it is clear that the Treaty will not enter into force for a considerable period of time. However, countries which have signed the Treaty will become liable to meet certain costs whether the Treaty enters into force or not. If the experience of the CWC is an index of the time and resources needed for the full implementation of the CTBT, then my own surmise would be that the Prepcom could last a considerably long period of time prior to the convening of the first Conference of States Parties of the future CTBT. As signature would entail immediate financial obligation, we should have a clear picture of the annual cost to our budgets by virtue of signing the Treaty.

Mr President,

I would like to remind the Ad Hoc Committee about its responsibility for concluding negotiations as required by GA Resolution 50/65. A number of countries stated very clearly at the Ad Hoc Committee meeting of 29 July that they support the Chairman's text as the basis to continue consultations on remaining issues and conclude negotiations within the stipulated time limit.. Some delegations made it clear that they wish to submit amendments to the Chairman's text. It is the hope of my delegation that these proposals will receive due consideration of the Chairman of the AHC and the members of the Conference. We support those delegations which expressed their agreement to use the Chairman's text as the basis for completing the final phase of negotiations. We are confident that the experience and skill which have been amply demonstrated so far, the Chairman of the Ad Hoc Committee will be able to complete the negotiations on this landmark Treaty in the coming days. In this task Mr President, deeply aware as we are of the acute time constraints that face us, we are ready to lend our fullest support to the Chairman of the AHC to relieve him of his great burden, thus make a cherished dream of the international community come true.

Thank you, Mr President.