

# CONFERENCE ON DISARMAMENT

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## FINAL RECORD OF THE NINE HUNDRED AND FIFTY-SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 18 May 2004, at 10.15 a.m.

President:

Mr. Pablo MACEDO

(Mexico)

The PRESIDENT (translated from Spanish): The 956th plenary meeting of the Conference on Disarmament is called to order.

On my list of speakers for today I have the distinguished representative of Colombia, Ambassador Clemencia Forero. I am very pleased to give you the floor, Madam.

Ms. FORERO (Colombia) (translated from Spanish): Under the item which is before the Conference today in its informal meetings, "Prevention of nuclear war, including all related matters", my country would like to share a number of thoughts on our present situation regarding the Comprehensive Nuclear-Test-Ban Treaty, the CTBT, and to do so in this formal meeting, so that it will be included in the record. We would like to place our official position on record in this formal meeting.

First of all, may I say that Colombia is of the view that the cessation of nuclear-weapon-test explosions is an effective nuclear non-proliferation and disarmament measure, and for that reason we signed the Treaty on the very day when it was opened for signature, on 24 September 1996. A few days afterwards, on 19 November 1996, through resolution CTBT/MMS/RES/1, setting up the Preparatory Commission for the body, it was determined that signatory States should contribute to the regular budget of the CTBT as of that time. This has generated a sum payable by Colombia in the form of contributions. However, owing to the fact that under Colombia's constitutional order it is not possible to make payments to international organizations or to make retroactive payments unless a law is adopted by the Congress and the appropriate instruments are deposited, it is impossible for my country to recognize or pay that retroactive commitment. Our arguments have been set out publicly and in a transparent fashion to the secretariat of the CTBT Organization as well as the Preparatory Commission for the review conference, and on that basis consultations have been held to try to find a solution or formula to enable Colombia to ratify the Treaty, as it wishes to, without violating its legal order. We hope that our consultations will soon lead us to a satisfactory formula.

We are aware of our special commitment as one of the States listed in annex 2, whose ratification is necessary for the Treaty to enter into force. You may all be certain that we have not neglected the ratification process, either domestically or at the multilateral level. During the most recent conference on measures to facilitate the entry into force of the Treaty, held in Vienna in September, my country reaffirmed its commitment to the Treaty and stated that, as part of the internal processes required for ratification, our Congress has adopted Law No. 660 of 30 July 2001 approving the CTBT, which has also been endorsed by the Constitutional Court, so that as of 15 April 2003 all that remains is the deposit of the instrument of ratification by the Government of Colombia.

As a result of the information provided and the steps taken by Colombia during the third conference on facilitating the entry into force of the Treaty, this issue was included in the agenda and dealt with in Working Group A and the Advisory Group to the Preparatory Commission. On both occasions it received the support of both GRULAC and the Group of 77 and China. As this is the only obstacle that has prevented us from ratifying the Treaty, and now that the internal procedures have been carried out, once agreement has been reached allowing for the

(Ms. Forero, Colombia)

contributions that have accumulated so far to be written off, Colombia will deposit the corresponding instrument of ratification and from that moment will begin paying its contributions to the Commission in keeping with its new legal status under the Treaty.

In our efforts to break out of this situation, we are grateful for the interest that many States have already shown in providing a formula or solution to overcome these obstacles and allow us to ratify the Treaty as soon as possible, as we have always wished to do. We are confident that we can count on the understanding and support of the member countries of the Conference on Disarmament in order to attain this objective.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Colombia for her statement.

As I announced at the outset, the distinguished representative of Colombia is the only speaker on the list for today. Would any delegation like to take the floor at this stage? It seems not.

Before we proceed with our work in an informal session - as you will all recall, today we will be holding the informal plenary to deal with agenda item 2, "Prevention of nuclear war, including all related matters" - allow me to make a brief closing statement to mark the end of Mexico's term in the Chair of this Conference.

Dear colleagues, this is the last formal plenary of the Conference on Disarmament under Mexico's presidency. I am very pleased that we have managed to begin work on the basis of the initiative that I submitted at the end of March for the holding of informal plenaries to address the various items on the approved agenda. As I have already stated, this initiative was based on the proposals made during their terms in the Chair by my immediate predecessors, Ambassadors Rajmah Hussain of Malaysia and Amina Mohamed of Kenya, and once again I would like to pay a special tribute to them.

As I see it, these exchanges of views that have begun have enabled us to have a better understanding of the substantive positions of the various delegations on the items on our agenda, and have fostered the start of a more frank and open dialogue which I hope will bring us closer to the early adoption of our programme of work, which should continue to be our priority. I am also pleased that my immediate successors in this office, the ambassadors of Mongolia and Morocco have agreed to continue this exercise, which guarantees continuity in this initiative. Nonetheless, distinguished colleagues, I cannot hide my disappointment that once again it has not been possible to move forward in adopting the programme of work. We are all aware that some delegations have problems with certain elements of what is known as the five Ambassadors' proposal, but to date we do not know what their specific difficulties are. Unfortunately, the consultations that I was able to conduct did not shed too much light on this. I hope that those who have so far been reticent will take the opportunity offered by the discussion of these issues in informal plenaries to set out their misgivings clearly and suggest solutions.

In my opinion, one of the main obstacles to progress does not lie in the actual substance of the issues or in the various mandates that would be assigned to the subsidiary bodies, but

(The President)

rather in the linkages which, rightly or wrongly, we have been establishing over time. The time has come to consider each issue on its own merits, setting aside any natural or artificial relationship that each might have with other issues. That might be the real “out of the box” thinking which could guide us in our work. I would invite you to begin thinking along those lines with flexibility and a political will to move ahead. The talent, dedication, ingenuity and seriousness which all members of this Conference show on a daily basis could be usefully drawn on as we seek solutions to overcome this intolerable stalemate.

Distinguished colleagues, it has been a great privilege for me to preside over this Conference. I would like to express my thanks for the cooperation that I have received from all of you. The support of delegations encouraged me as I took the steps that I did. I cannot conclude without expressing my appreciation to the secretariat, whose capacity is tested every day. Also a special word of thanks to the interpreters, who always help us to understand each other better.

Lastly, I wish to announce that next week I will be submitting my own evaluation of the first two informal plenaries - the first, last Thursday, and the second which will be taking place in a few minutes. This evaluation will be a joint one, as both plenaries will have tackled various aspects of nuclear disarmament, an issue that continues to be a priority for the international community. Once again I express the hope that the perceived outcome of these deliberations will make it possible for us to move ahead. Thank you very much.

This brings our formal work for today to an end. I would now like to adjourn this meeting and convene the informal plenary in five minutes’ time.

The next formal plenary meeting of the Conference on Disarmament will be held next Thursday, 27 May, at 10 a.m. under the presidency of the distinguished representative of Mongolia.

The meeting rose at 10.30 a.m.