



VIENNA CHAPTER

STATEMENT OF THE G-77 AND CHINA DURING THE 22ND SESSION OF PREP-COM, 22-25 JUNE 2004, DELIVERED BY H.E. AMBASSADOR TAOUS FEROUKHI, PR OF ALGERIA

Mr. Chairman,

On behalf of the State Signatories of the Group of 77 and China, I would like to congratulate you on your Chairmanship of the 22nd session of the Preparatory Commission of the CTBTO. I am confident that your outstanding diplomatic skills and broad experience will steer this session to a successful conclusion.

The Group wishes to thank the Executive Secretary, Ambassador Wolfgang Hoffmann, for his comprehensive written and oral reports and we would like to express our appreciation for the diligent efforts of the PTS in implementing the mandates of the Preparatory Commission for the establishment of the verification system at the Entry Into Force of the Treaty.

We are pleased to note that since the last Prep Com, Eritrea, Saint Kitts and Nevis and Sudan have signed and six other State Signatories of the G-77 and China, namely, Bahrain, Belize, Eritrea, Libyan Arab Jamahiriya, Seychelles and Sudan have ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT). This is a clear manifestation of support of G-77 and China to the Treaty. We have been informed that one member of the Group, namely Tunisia is at the stage of final process of ratification and its ratification will be announced in this session. We would also like to welcome the ratification of the Treaty by Serbia and Montenegro, bringing the total number of ratifications to 115.

Mr. Chairman,

The G-77 and China attaches great importance to the objectives of International Cooperation activities as stipulated in para 12 of article IV of the Treaty, including facilitation of fullest possible exchange of technologies relating to the verification system, capacity building and application of those technologies for peaceful purposes. The Group believes that all the workshops in this regard should continue to be guided by those objectives. We welcome the efforts of the International Cooperation Section of those objectives and take note with appreciation of convening of the Workshop on CTBTO International Cooperation for States from Northern Africa, in Tunis, from 13 to 15 April 2004. We take note with appreciation the hosting of the Workshop on CTBTO International Cooperation for States from South-East Asia which was held in Kuala Lumpur from 9 to 11 December 2003.

Mr. Chairman,

We appreciate the activities undertaken by the PTS during 2003 in the implementation of the 7 Major Programmes. We would like to ask the PTS to continue assisting in the promotion of cooperation among States Signatories to facilitate the exchange of technologies used in the verification of the Treaty. The Group believes that training courses of the PTS are useful for the dissemination of information about different technologies of the international monitoring system facilities of the Treaty. Those activities should be further coordinated and should involve wider representation.

Mr. Chairman,

As regards the programme and budget for 2005, we would like to reemphasize our budget principles which have been mentioned in the previous statements and in WGA and WGB meetings. In this regard the Group takes note with appreciation the efforts of the PTS in implementation of a realistic approach towards the program and budget for 2005 and trying to keep the 2005 at the same level of 2004 with no programmatic increases over the 2004 funding level, or in PTS staffing levels by sticking to the two assumptions of last

year namely no programmatic or staff increase and accommodation of proposed changes by prioritization and reallocating the resources.

We believe that by prioritization and reallocating the resources the PTS can easily accommodate the changes and have a budget, which is really based on no programmatic increase. Therefore we are expressing again our priorities and areas in which the reallocations can be done. The Group is of the opinion that funding for the Capital Investment Fund (CIF) should further decrease as a lot of progress has already been made in the IMS Major Programme, and the majority of stations have been site surveyed, installed and are being certified.

Mr. Chairman,

The only purpose of the proposed system-wide performance test is to evaluation of the whole system. Since there are no verification related activities for the system before the Entry In to Force of the Treaty, we believe that the test should be done in a very limited timeframe, taking into account the sole purpose of testing the system. The Group is of the view that the cost of this exercise should be absorbed within the existing resources and there should be no extra budgetary provision to this item.

The Group also believes that Post Certification Costs should be reduced taking into account already approved guidelines in the WGB (CTBT/WGB-19/1 Para 15) and WGA (CTBT/WGA-22/1 Para 15).

The Group would like to stress that the recommendations for enhancing security measures should be decided by State Signatories after discussion in a transparent manner with the secretariat and with due regards to cost efficiency and a realistic and practical approach based on a real threat perception and local security situation.

In this regard, the Group is of the view that additional financial burdens as a result of these measures should not be imposed on State Signatories beyond their capacity to pay for them. The Group therefore welcomes any voluntary contribution and further consultations between the PTS and other organizations as well as UN Secretariat in New York. We expect that the State Signatories will be fully informed about any developments in this regard.

Mr. Chairman,

The Group has expressed its views on the initiative of WGB for the review of the organizational structure of the PTS, both in Working Group B and Working Group A and takes note of the decision of the Working Group A in this regard as reflected in its latest report. In the light of very recent developments and consultations, and the present composition of a 9 member team and the mechanism of joint chairmanship, we are ready to work with other State Signatories on this issue taking into account the following consideration.

From our point of view the tasks of the PTS are based on two main pillars namely political issues and technical issues and the balance between political and technical tasks of the PTS should be maintained in the restructuring process as well as the enhancement of coordination and cost efficiency. We reiterate that the recommendations of the team should be implemented only after thorough reviewing by the State Signatories and decisions should be taken in the Working Groups and the Prep-Com. We believe that the whole process of restructuring should be fully transparent and in close consultation with the State Signatories. With regard to the funding of the team, it is our view that this exercise should be funded within available resources.

The Group noted with satisfaction that the External Auditor had placed an unqualified opinion on the 2003 Accounts. The Group also takes note the 2003 Report of the PTS on Human Resources Management in CTBT/PTS/INF.665. In order to improve and enhance fair geographical representation and gender balance at the decision making level posts in the PTS, The group is of the view that in recruitment of the new members of the PTS due regard should be paid to the principle of wider geographical representation and

transparency should be applied in the process of recruitments. Equitable geographical representation, as well as high-level standards of expertise, competence, integrity and experience shall be the main criteria for appointment of the staff in the PTS. The Group reaffirms the criteria for recruitment of the staff which have been clearly stipulated in the paragraph 50 article II of the treaty and firmly believes that any introduction of other new criteria such as linkage of recruitment with the contribution is beyond the text of the Treaty. The Group is following the issue of equitable geographical representation in the PTS seriously and expects improvement of the situation in the near future and reserves its right to come back to this issue later on.

The Group believes that the Human Resources issues in the PTS should continue to be treated in an open and transparent approach according to the existing staff rules and regulations. Therefore, the Group strongly support the Commission's non-career policy, especially the seven-year limit service in the PTS, as outlined in its staff rules and regulations and the administrative directive on recruitment, appointment, reappointment and tenure. Although it is the prerogative of the Executive Secretary to make some exceptions to the service limit in accordance with Administrative Directive No. 20 (Rev.2), in order to retain essential expertise or institutional memory in the PTS, but these exception shall be done in absolute minimum cases in accordance with the Administrative Directive No. 20 (Rev.2), and WGA reports. These exceptions shall be reported to the Commission.

We take note of the fact that the only reason on which the judgment of the International Labour Organization Administrative Tribunal (ILOAT) was based to rule out the decision of the Executive Secretary is non reflection of the Non career policy and 7 year limit in the contract of the staff. Since we don't have access to the new contracts we ask the PTS to take due care and make sure that the requirements of the judgment are fulfilled.

Mr. Chairman,

The Group takes note with appreciation your efforts, and the informal meetings held under your chairmanship for reaching consensus on the new modalities of tenure of a future Executive Secretary and the appointment of a future Executive Secretary. We thank you and believe that your paper can be a basis for further consideration. Although the Group supports the criterion that the next Executive Secretary must come from a ratifying State, we believe that in the framework of Preparatory Commission the only legal actors are State Signatories. The Group is of the view that there must not be any link between the fulfilling of financial obligations of a Signatory State and the selection of the future Executive Secretary, because it is an unprecedented link and no reference in this respect is made in the Treaty or Rules of Procedure.

In the selection of the new Executive Secretary paramount importance should be attached to the principle of fair geographical representation, therefore new Executive Secretary should be a person from a developing country with highest quality of competence and integrity and demonstrated diplomatic and managerial skills and experience to assist the work of the Commission.

Mr. Chairman,

The Group takes note of the decision of Working Group B in its 21st session, as stipulated in para 10-12 of CTBT/WGB-21/1, on the proposed system-wide performance test. We are of the view that this test should be carried out when the majority of the IMS stations, especially certified stations, are in place and connected to the IDC and after enough preparation for this wide scale test had been made by the PTS. The only purpose of this test is to evaluate the performance of the whole system. We take note of the fact that Working Group B in its latest meeting (para 12 of CTBT/WGB-21/1) agreed "the schedule for the phases of wide scale testing as well as their duration should be flexible". However, we believe that the test should be done in a very limited timeframe, taking into account the sole purpose of testing the system. In the light of this position we believe that option one of level of operation as reflected in document CTBT/PTS/INF.664 could be a basis for further consideration subject to reducing the monitoring level by PTS staff to normal working hours.

The Group attaches great importance to the National Data Centers (NDCs) and welcomes the establishment of a joint theme task of NDC in the framework of Working Group B and supports the main objectives of this task as articulated by its distinguished task leader in the report of last WGB. We believe that the PTS should play a more active role in promoting the NDCs of developing countries, especially in providing hardware and software. The Group invites the PTS to ensure wider participation of the developing countries in IDC training courses.

In accordance with the provisions of the Treaty, and with the text on the establishment of the Prep Com and due to the development in the work of the PTS, we believe that adopting a Confidentiality Policy for the PTS is a real and urgent need. The confidentiality policy should create a strict and transparent regime for handling all data and information available to the PTS. In this regard, we take note of the paper of the PTS on its policies and procedures in handling sensitive information, in document CTBT/PTS/INF.614. This document could be a basis for further discussion. However, we believe that a comprehensive approach is necessary for the confidentiality policy of the PTS. We believe that more time in WGB discussions should be allocated to this important task.

The Group believes that all the elements of the verification regime of the treaty including IMS, IDC and OSI, are important and in this regard attaches great importance to a balanced approach in establishing all those elements. We urge all State Signatories to actively participate in the financing of OSI activities. We encourage the PTS and State Signatories to continue exploring ways and means to enhance participation of the experts of developing countries in these and other WGB discussions. From our point of view elaboration of the draft OSI Operational Manual, based on the Initial Draft Rolling Text (IDRT), remains a priority task for all members of the Commission. We consider that enough resources should be allocated to the OSI major program in order to help the necessary preparations for the establishment of the OSI regime at Entry Into Force of the Treaty. This should include testing and evaluation of all OSI equipments, establishing supporting infrastructures and preparing a comprehensive programme for training of the inspectors and The Group asks for the continuation and increased contribution of the PTS, based on the experience of workshops, tabletop exercises and field experiments, to the discussion of draft OSI Operational Manual.

Thank you Mr. Chairman.

Statement of the Group of 77 and China regarding the appointment of the Executive Secretary on 24 June 2004

Mr Chairman,

I would like to express the sincere appreciation of the Group of 77 and China for the outstanding manner in which you have guided the complex process of informal consultations, and also to warmly congratulate both you and our partners on achieving a positive outcome, which will enable us to proceed smoothly with the appointment of a new Executive Secretary.

Mr Chairman,

The Group of 77 and China supports your statement, which will form an integral part of the report on the present session of the Commission, and reaffirms the importance of the criteria of integrity, solid diplomatic experience and management skills in the process of selecting a new Executive Secretary. These criteria will assist the Executive Secretary in the task of promoting the Comprehensive Nuclear-Test-Ban Treaty.

Naturally, the Group attaches particular importance to equitable geographical distribution, a principle which, incidentally, is enshrined in the text of the Treaty.

May I assure you, Mr Chairman, of the cooperation of the Group of 77 and China in working both with you and with other States Signatories on the basis of the delicate compromise we have just reached. We are driven by the desire to promote the entry into force of the Treaty, which constitutes a specific stage in nuclear disarmament and is also one of the key objectives of the Review Conference of the Non-Proliferation Treaty (NPT), and therefore of the strengthening of the multilateral system in this field.

Mr Chairman,

Since we have just formally adopted a decision on selection criteria for the appointment of the next Executive Secretary, allow me to restate the position of the Group of 77 and China with regard to the link between the financial stability of the Commission and the appointment of the Executive Secretary.

The Group sees no legal basis for this link, which it views as a condition that goes beyond the obligations undertaken by States Signatories in accordance with the Treaty. Moreover, this link is also seen to deprive small States Signatories of their inalienable right to propose candidates for the post of Executive Secretary. The Group is of the view that the establishment of such a link is largely politically motivated, and is therefore a particularly delicate issue.

The Group of 77 and China nonetheless wishes to underline the importance it attaches to the financial stability of the Commission, which is a matter of budgetary issues rather than the selection of candidates for the post of Executive Secretary. I should like to take this opportunity to urge all States Signatories which have not yet done so to pay their financial contributions in full and on time.

Thank you.

Original text delivered in French:

Déclaration du Groupe des 77 et de la Chine sur la désignation du Secrétaire exécutif 24 juin 2004

Monsieur le Président,

Je voudrais vous exprimer les sincères remerciements du G-77 et de la Chine, pour la manière remarquable avec laquelle vous avez conduit ce laborieux processus de consultations informelles, et tiens à vous féliciter chaleureusement, ainsi que nos partenaires, pour cet heureux aboutissement qui nous permettra d'aborder, dans la sérénité, la désignation du nouveau Secrétaire exécutif.

Monsieur le Président,

Le Groupe des 77 et la Chine appuie votre déclaration, qui fera partie intégrante du rapport de cette session de la Commission, le Groupe réaffirme l'importance que revêtent les critères d'intégrité, d'une solide expérience diplomatique et de capacités de gestion dans le processus de sélection du nouveau Secrétaire exécutif. Ces critères seront de nature à faciliter la mission du Secrétaire exécutif de promotion du TICE.

Naturellement, notre Groupe est particulièrement attaché à la répartition géographique équitable, principe, qui au demeurant, est consacré par le texte du Traité.

Je peux vous assurer, Monsieur le Président, de la coopération du Groupe des 77 et de la Chine, pour travailler avec vous, ainsi qu'avec les autres Etats signataires, sur la base de ce délicat compromis que nous venons de réaliser. Nous sommes animés par la volonté d'œuvrer en faveur de l'entrée en vigueur du Traité, qui constitue une étape concrète dans le désarmement nucléaire et l'un des objectifs majeurs de la Conférence de révision du TNP, et partant du renforcement du système multilatéral dans ce domaine.

Monsieur le Président, Maintenant que nous venons d'adopter, formellement, la décision concernant les critères de sélection pour la désignation du prochain Secrétaire exécutif, permettez-moi de revenir sur la

position du Groupe des 77 et de la Chine au sujet du lien entre la stabilité financière de la Commission et la désignation du Secrétaire exécutif.

En effet, notre Groupe ne voit pas de fondement juridique à ce lien qui est perçu comme une conditionnalité qui va au-delà des obligations contractées par les Etats signataires au titre du Traité. De plus, ce lien est également perçu comme un élément qui prive les petits Etats signataires de leur droit inaliénable à postuler au poste de Secrétaire exécutif. Pour le Groupe, l'établissement de ce lien relève d'une appréciation éminemment politique, ce qui lui donne un caractère particulièrement sensible.

Ceci étant dit, le G-77 et la Chine tient à souligner son attachement à la stabilité financière de la Commission qui relève de questions budgétaires, et non de la sélection des candidats pour le poste de Secrétaire exécutif. Je saisis cette occasion pour exhorter tous les Etats signataires qui ne l'ont pas encore fait, à s'acquitter, à temps, de la totalité de leurs contributions financières.

Je vous remercie.