

National implementation measures

States that have ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT) must ensure that their internal laws comply with it. Some may also be required to adopt new laws in order to give effect to the Treaty's provisions. Such national implementation measures are indispensable in fulfilling a State's obligations under the CTBT.

Article III of the CTBT explicitly requires States that have ratified it to take "any necessary measures" to implement their obligations under the Treaty. This includes making nuclear testing a prohibited activity not only for States but also for individuals, for example, through the adoption of criminal legislation. Furthermore, each State Party must ensure that an on-site inspection can be carried out on its territory in accordance with the Treaty's rules in order to determine whether illegal nuclear testing has been undertaken. To make this possible a State may need to pass new, or change existing, national laws. States also need to align their administrative procedures with Treaty requirements, for example as regards the issuing of visas for inspectors.

National implementation measures must be effective at the latest when the Treaty enters into force for the State. The State may then not invoke the absence of implementing provisions in its internal laws as an excuse for not complying with the Treaty (Article 27 of the 1969 Vienna Convention on the Law of Treaties).

In order to adopt implementation measures in time, advance preparation is necessary. One of the mandates of the Preparatory Commission is to advise and assist States in this effort. For this purpose the Commission has issued information material, including a model implementation law, and States can address the Provisional Technical Secretariat for legislative assistance if required. ■

Relationship agreements

The CTBTO Preparatory Commission cooperates at various levels with many intergovernmental organizations in order to facilitate the implementation of its mandate. Relationship agreements are an important mechanism to formalize this cooperation. Authority to conclude these agreements flows from paragraph 7 of the Commission's establishing Text, which stipulates that it shall have "authority to negotiate and enter into agreements". As international agreements in accordance with the 1986 Vienna Convention on the Law of Treaties (to which the Commission acceded in 2002), relationship agreements are submitted to the Commission for approval prior to their signature or conclusion.

To date the Commission has entered into relationship or cooperation agreements with the following international organizations and agencies: the United Nations (in 2000), the United Nations Development Programme (UNDP)

(2000), the World Meteorological Organization (WMO) (2001), the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) (2002) and the European Centre for Medium-Range Weather Forecasts (ECMWF) (2003).

In New York, on 26 May 2000, when the United Nations Secretary-General and the Executive Secretary signed the agreement regulating the relationship between the two organizations, the Commission became the first preparatory commission to conclude a relationship agreement with the United Nations. This agreement was an important milestone as it brought the Commission into the United Nations family as a 'related organization'. Like the agreement between the United Nations and the International Atomic Energy Agency (IAEA) upon which it was based, the agreement deals with matters such as cooperation and coordination, reciprocal representation and exchange of information. ■

"The multilateral system of binding international agreements designed to control the proliferation of nuclear weapons is under increasing pressure. We need to step up collective efforts to defend and strengthen these treaties. ...the Comprehensive Nuclear-Test-Ban Treaty has already created an efficient monitoring system, and has been signed by 170 countries. But it has not yet entered into force because, regrettably, many of the key parties in the negotiations have not ratified the treaty so far. They should join the club without delay. We appreciate the current de facto moratorium on nuclear tests, but it is not enough. The objective must be a treaty-based ban on nuclear-weapon explosions."



LAILA FREVALDS, FOREIGN MINISTER OF SWEDEN; GEORGE A. PAPANDREOU, FORMER FOREIGN MINISTER OF GREECE AND ERKKI TUOMIOJA, FOREIGN MINISTER OF FINLAND; PUBLISHED IN: INTERNATIONAL HERALD TRIBUNE, JANUARY 26, 2004