

**T5-012**  
**A CTBT Implementation Process in Panama to Forge  
Broader Partnerships**

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**Executive Summary**

We argue in this paper that a CTBT implementation able to generate an effective internationalization of its norms, procedures, values and attitudes should be conceived and carried out as a transparent, participatory and deliberative process inclusive of a variety of stakeholders. The assessment of the particular municipal legislation to identify existing laws and regulations that bear on CTBT implementation, as well as consideration of the model law put forward by the CTBTO legal affairs division, allows for identifying areas in which a variety stakeholders –from civil society, government, private sector and academy- could and should be involved in it, providing a unique opportunity to forge broader alliances that would facilitate the longstanding work of the CTBT.

In seeking those alliances, the CTBT, a non-proliferation treaty par excellence, can be seen as an environmental treaty, calling then for inclusion of environmental agencies and organizations; can be seen as an educational treaty, calling for inclusion of ministry of education, universities, research centers, and educational civic associations; can be seen as a developmental tool, calling for the inclusion of several governmental and cooperation agencies; can be seen as a human rights treaty, calling for the inclusion of human rights organizations focus on non-proliferation and peace issues. The CTBT implementation is especially an attempt to build an international regime. For this reason, the CTBT implementation process in Panama is partnering with the Human Rights Center of the University of Minnesota, Law School, and the Instituto de Investigaciones Jurídicas of the Universidad Autónoma de Mexico (UNAM) to include, since the beginning of the process, the insights/challenges from other countries and regions.

A transparent, participatory, and deliberative CTBT implementation would increase the chances of a successful internalization of its norms, and would create better conditions for the development of the appropriate values and attitudes necessary for its effectiveness. A collaborative CTBT implementation would forge partnerships that will contribute to the continuing operation of the RN50 Station of the IMS in the years to come.

**Keywords:** CTBT implementation process, RN50, Human Rights, Civil Society Participation and Treaty Implementation.

## THE IMPLEMENTATION PROCESS

1. We argue in this paper that for a CTBT implementation to generate an effective internalization of the norms, procedures, values and attitudes necessary for its longstanding success, the implementation should be conceived and carried out as a transparent, participatory, and deliberative process inclusive of a variety of stakeholders. This way of implementation is optimal for increasing the chances of compliance with the CTBT norms in a domestic legal order, and, most important, is a way of forging broader partnerships for accomplishing the CTBT goals. To be sure, implementation here is thought out not only as enacting the necessary laws and regulations in a municipal legal order to be in compliance with the CTBT, but also, and most important, as creating the conditions that allow for a development of suitable procedures, values and attitudes ensuring a real and living compliance with those laws and regulations.<sup>1</sup>

2. A CTBT implementation process has naturally a drafting, legal component. This legal component calls for an inventory and assessment of a particular municipal legislation, e.g., treaties, legislation, regulations, that would need to be considered or modified, or strengthened, if any, to implement CTBT obligations.

2.1. For instance, the Panamanian Government has been reporting to the Security Council Committee established pursuant to Resolution 1540 (2004) with regard to weapons of mass destructions that it has been reviewing measures for monitoring and controlling those weapons by, inter alia, signing and ratifying a variety of international instruments, engaging in control and security initiatives, and preparing contingency plans.<sup>2</sup> Some of them are: Convention on the Physical Protection of Nuclear Material, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal. More importantly for purposes of the ban on nuclear testing, Panama also joined early the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), 1967.<sup>3</sup> Contracting States of the Treaty of

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<sup>1</sup> CTBT compliance in general should be seen akin to the notion of nuclear safety culture informing the Convention on Nuclear Safety, defined in the Code of Conduct on the Safety and Security of Radioactive Sources (a non-binding international standard) as “the assembly of characteristics and attitudes in organizations and individuals which establishes that, as an overriding priority, protection and safety issues receive the attention warranted by their significance.” Naturally, the law does not command those values and attitudes to emerge. The law, nonetheless, facilitates the emergence and strengthened of those values and attitudes.

<sup>2</sup> See Letter dated 12 July 2005 from the Permanent Representative of Panama to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004).

<sup>3</sup> See Treaty of Tlatelolco, OPANAL, Welcome Friends, <http://www.opanal.org/welcome/Welcome.htm>. See generally Frequently Asked Questions <http://www.opanal.org/opanal/about/about-i.htm> (Pointing out that as a result of other countries joining in the Latin America and the Caribbean Nuclear-Weapon-Free Zone Movement, “today 115 countries throughout the world have taken the political and moral decision to never possess nuclear weapons by declaring Nuclear-Weapon-Free Zones in densely populated areas.”). See also Bart van der Sijde, Nuclear Weapons Free Zones in 1998, Published on *Transnational Institute*,

Tlatelolco must use nuclear materials and facilities under their jurisdiction only for peaceful purposes. The obligation of not carrying out any nuclear weapon test or any other nuclear explosion set forth in the CTBT complements and reinforces the obligation undertaken by Panama of banning and preventing the testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons pursuant to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) signed in 1967 and ratified by Panama in 1971, which establishes a Nuclear-Weapons-Free Zone (NWFZ). The Tlatelolco Treaty, however, allows for conducting nuclear test explosions for peaceful purposes following a special procedure.<sup>4</sup>

2.2. Similarly, to advance on fulfilling its CTBT obligations, the Panamanian government must evaluate its penal and administrative legislation to determine if the apposite legal instruments suffice to attain the dissuasive and preventive effects for the conducts that must be prohibited. The Panamanian Constitution incorporates as part of the domestic, constitutional order the recognized norms of international law. Therefore, international general norms, multilateral and bilateral international treaties are part of the municipal order by constitutional mandate. In fact, the Panamanian Penal Code already incorporates all the treaties, conventions and principles of human rights ratified by the Republic of Panama. Also, it foresees extraterritorial application for those crimes committed outside of the territory against Humanity, against the Public Health, and the National Economy, among others. Specifically, art. 293 of the Panama Penal Code order a punishment of 20 to 30 years of imprisonment for those persons involve in a terrorist act using, among others, radioactive materials; art. 294 of the Panama Penal Code order a punishment of 25 to 30 years imprisonment for those persons financing and supporting the commission of those terrorists acts; and art. 295 of the Panama Penal Code order the punishment with 5 to 10 years of imprisonment for those

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<http://www.tni.org/article/nuclear-weapons-free-zones-1998> (arguing that the formally oldest NWFZ in inhabited territories came to be really effective politically when in 1994 “Argentina and Brazil signed an agreement to the effect of the foundation of an Agency for mutual control, and Argentina finally ratified the treaty.”). See Treaty between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy, 1991 for peaceful purposes. The parties submitted all activities, materials under the common system of accounting and control of nuclear materials to ensure that it is not diverted. It establishes a joint agency, Agency for Accounting and Control of Nuclear Materials (ABACC) for ensuring compliances with the obligations under the Treaty, including inspections. <http://www.abacc.org/engl/index.asp>.

<sup>4</sup> See art. 18 Treaty of Tlatelolco, <http://www.opanal.org/opanal/Tlatelolco/P-Tlatelolco-i.htm>. Concluded at a time in which there was the belief that nuclear explosions could be use for civil works, construction and other peaceful purposes, the Tlatelolco Treaty allows for it. In general, it is considered that this part of the Tlatelolco Treaty has been superseded by the CTBT. Notice, however, that in the Conference of Party States foreseen in Article VII CTBT to review the operation and efficacy of the CTBT ten years after its entering into force taking into account the scientific and technological advancements on topics related to the CTBT allows explicitly for any member of that Conference to bring up a petition to that Conference to consider the possibility of allowing for underground nuclear explosions for peaceful purposes. If that Conference decides by consensus that those underground peaceful explosions should be permitted, then it should immediately began procedures to elaborate a modification of the CTBT pursuant to its Article VII to avoid that military benefits could be obtained from those explosions.

persons using the Internet to teach bomb making and to recruit persons to conduct terrorist acts. And, unsurprisingly, given the significance of the Panama Canal for the national economy, art. 302 of the Panama Penal Code orders a punishment of 10 to 15 years of imprisonment for those persons committing any act that would put in danger the operation of the Panama Canal and with 20 to 30 years imprisonment if from those acts the transit for the Panama Canal would be hampered. Likewise, the Panama Penal Code has a chapter focusing on crimes against the environment, which includes a 4 to 8 years imprisonment for those persons who without authorization import or export, manage, generate, emit, deposit, commercialize, transport, or dispose of radioactive materials. If those wastes cause illness or cancer or alter the genetics of people, cause damage to the waters, atmosphere, or endanger species, the punishment would be higher.

2.3. Likewise, there are already in Panama a variety of regulated initiatives in place that could contribute to the framework of compliance with CTBT obligations. The Container Security Initiative requires having X-ray equipment to inspect containers in the ports aiming to prevent terrorists from using international trade to transport weapons of mass destruction.<sup>5</sup> Panama and the United States signed the Proliferation Security Initiative to allow, with prior approval of the Panamanian Government, that Panamanian flagships may be boarded under the suspicion of transporting illicit cargoes of weapons of mass destructions, including their delivery systems and related materials.<sup>6</sup> Similarly, Panama has the Transshipment Country Export Control Initiative for implementing export controls on dual-use materials.<sup>7</sup> Likewise, given the fact that Panama enjoys large maritime merchant ships and that it has control over the ships transiting through the Panama Canal, Panama should assess if the legal instruments in force on those areas sufficed to comply with the CTBT obligations. The obligation of prohibiting and preventing within its jurisdiction or control includes not only the jurisdiction *de iure* – territory, territorial sea, airspace- but also the *facto*, any other area or location in which the State has control over. States do not have jurisdiction or necessarily control on high seas –oceans, seas-, but the ships that navigate on high seas are considered to be under the jurisdiction of the flag state in which they are registered. Panama has a large number of registered ships. To register, those ships must comply with a variety of international and national safety standards. The Republic of Panama has also adopted the International Code for the Security of Ships and Port Facilities (ISPS Code), pursuant to the amendments to the International Convention for the Safety of Life at Sea (SOLAS), which adopted the IAEA standard for the transport of dangerous goods, including fissile materials.<sup>8</sup> The

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<sup>5</sup> See generally, CBP.gov., CSI: Container Security Initiative, [http://www.cbp.gov/xp/cgov/trade/cargo\\_security/csi/](http://www.cbp.gov/xp/cgov/trade/cargo_security/csi/).

<sup>6</sup> See U.S. Department of State, Proliferation Security Initiative, <http://www.state.gov/t/isn/c10390.htm>.

<sup>7</sup> See Remarks by Kenneth I. Juster, Under Secretary of Commerce, United States Government at the Annual Meeting of the Panama, Chapter of the U.S.-Panama Business Council, Panama City, Panama July 22, 2004, [http://www.bis.doc.gov/news/2004/uspanama7\\_22.htm](http://www.bis.doc.gov/news/2004/uspanama7_22.htm).

<sup>8</sup> For the transport of nuclear material by sea, the International Maritime Organization's (IMO) International Maritime Dangerous Goods (IMDG) Code is the applicable legal instrument. The implementation of the IMDG is mandatory together with the adoption of the International Convention for the Safety of Life at Sea (SOLAS)

ISPS Code entered into force in Panama on 1 July 2004 and mechanisms have been implemented to strengthen national and, consequently, international, maritime security.<sup>9</sup>

2.4. CTBT implementation then calls for a through and through inventory and assessment of the existing laws, regulations, agreements and initiatives in place that are part of the legal framework of security on nuclear matters. Via this inventory and assessment, questions about the possible role of the CTBT National Authority would be answered: Should then the CTBT National Authority to receive and report about the compliance of those ships with the compliance of applicable standards? Is it advisable that the CTBT National Authority participates in any way in the process of verification of those requirements? The same is valid for the safety standards of the transit of fissile materials through the Panama Canal, which it is under the Panama control, although it is subject to an international regime. Can the CTBT National Authority contribute meaningfully to the objectives of maritime agencies and the Panama Canal Authority?

3. In the CTBT implementation, we could, and should, considered the implementation experiences in other countries, or most important, we should consider what the CTBT organization itself has prepared under the so-called legislation package expressing the standardized needs of the CTBT international regime, including a model law.<sup>10</sup> At this stage, however, the legal implementation process calls above all for 'national readings' of the CTBT in order to identify the common areas of understanding and those areas of regional and national concerns. For instance, there is the reading of the US Department of State, CTBT, in which the understanding of the US and concerns are expressed.<sup>11</sup>

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as well as with the International Convention for the Prevention of Pollution from Ships (MARPOL). The IMDG Code 2008 is the current edition, which entered into force in January 1, 2010. Also, via SOLAS, the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code) became mandatory since 2001. An example of the mandatory incorporation of the IAEA Regulations for the Safe Transport of Radioactive Material via a municipal regulatory act is the transport of nuclear materials via the Panama Canal. The Panama Canal Authority is the authority empowered constitutionally for establishing conditions for the transport of shipments via the Panama Canal. The Panama Canal Authority via Agreement No. 13 of June 3, 1999, "Reglamento Para la Navegación en Aguas del Canal de Panamá" ("RENAC") regulates in chapter IX the transit of dangerous good, excluding military ships. RENAC adopts directly the international standards of dangerous goods as set forth in the *International Maritime Dangerous Goods Code*, which adopted the classification and standards of the IAEA Regulations for the Safe Transport of Radioactive Material.

<sup>9</sup> The mechanisms include the establishment of the Port Protection Committee, new requirements for the issuance of shipping licenses and the development of merchant marine vessel registration databases.

<sup>10</sup> See generally CTBTO, Legal and External Relations Division Legal Services Section, Article III of the CTBT: National Implementation Measures, Legislation Package, Jul. 2003,

[http://www.ctbto.org/fileadmin/content/reference/legal\\_resources/legislation\\_package\\_english.pdf](http://www.ctbto.org/fileadmin/content/reference/legal_resources/legislation_package_english.pdf); Legislation package, Model Law,

[http://www.ctbto.org/fileadmin/content/reference/legal\\_resources/Chapter\\_V\\_model\\_law.pdf](http://www.ctbto.org/fileadmin/content/reference/legal_resources/Chapter_V_model_law.pdf).

<sup>11</sup> See U.S. Department of State, Comprehensive Nuclear Test-Ban Treaty, Bureau of Arms Control, Verification and Compliance, Article-by-Article Analysis of the Comprehensive Nuclear Test-Ban Treaty (CTBT), <http://www.state.gov/t/avc/trty/16522.htm>.

4. Certainly, all the above needs to be done as part of the CTBT implementation process to have sound draft(s) of bill(s) submitted for the consideration of the legislators. In this process, there are and are going to be an identification of areas in which a variety of stakeholders –from civil society, government, private sector, and academy- could and should be involved in the CTBT implementation process. At that stage, in our experience, there are at least two ways to proceed: experts work the needed legislation (law(s) and regulation(s)) and submit drafts of bills and regulations to legislators and other authorities so they can begin to become familiar with them. Ideally, they would interested in engaging in a dialogue with the authors of the draft(s) and receptive to the advisability of adopting them, either based on international obligations arguments, on national benefits arguments, and on the authority lend by the expert advise. In this scenario, the stakeholders, including the legislators and the executive authorities, are presented with a ready-made product to be accepted or not with or without modification. They are seen as passive members of the process. This way of implementation process, depending on a number of factors -from how sound and authoritative is the work-product, to the weight of the political clout of the promoters of the legislation- could be faster in bringing results. The laws and the regulations are going to be adopted and in place as soon as the legislators are convinced that they are well drafted, that the President of the Republic raises no objection, and the laws and regulations do not have on its face any constitutional objections, and, most important, that the new laws and regulations, including a CTBT National Authority, does not imply risks for their personal or political agenda. The legislators and the executive in general may be even welcoming of the new laws and regulations as a political trophy of a government sensitive to an international audience. The shortcomings of this approach, however, we believe, are many. The CTBT implementation would remain an expert product with no real appeal to important stakeholders that are important for a continuing compliance with those laws and regulations. Most importantly, that approach would miss an opportunity of using the CTBT implementation process for improving other areas or sectors of a particular government and society that should be modernized for ensuring a continuing, not personality-dependent, modern CTBT implemented system.

5. For this reason, we believe that since the inception, the CTBT implementation process would be well advised in doing an effort to identify those stakeholders that should be at the table for preparing the legislation necessary for CTBT implementation. Except for the initial necessary basic information on CTBT matters, the representative of those stakeholders should not be presented with ready-made laws or regulations, but with an initial agenda for discussing what are the minimal aspects that should be considered for the CTBT implementation and why and how we expect them to contribute in the process. To be sure, we are not saying that the legal component is not necessary. Of course it is. We are saying that the way we come to the result of having the laws and regulations in place, including the creation of the National Authority, is crucial for its adoption and provides a unique opportunity to forge alliances that would facilitate the work of the

CTBT in the years to come. In the search for those allies, the CTBT, a non-proliferation Treaty per excellence, can be also 'read' in several ways:

6. The CTBT can be seen as an environmental treaty.

The CTBT preamble already highlights that the devastating impact of nuclear testing on the environment and on the population cannot be contained necessarily within the border of one state. As a result, if a State is not bound over by the Treaty and conducts nuclear testing, then the contribution of banning nuclear testing to the protection of the environment would be limited, if not nugatory. Also, the Panama Constitution mandates that the government must ensure a clean environment for the health of its population.

Therefore, in the CTBT implementation process the following actors should be involved in some capacity: The National Agency for Environmental Protection (ANAM); Environmental Research Institute and Centers of Universities and the Smithsonian Tropical Research Institute, and foundations and associations focusing on environmental issues.

7. The CTBT can be seen as an educational Treaty.

The installment and operation of a fully functional and certified radionuclide station with noble-gas-detection capability (Station RN-50) in Panama had required adoption of standards, trained staff, and awareness of the latest technological development and uses for continuing improving the functioning of the station and in general of its management systems in that particular context. In this sense, whatever is needed to have a functional station should be seen as an educational opportunity for exposing future technicians and scientists in Panama on topics related to this issue. In the case of Panama, whose station is hosted at a University, it seems ideal for using the Station RN50 for training and educational opportunities for national and international students. The CTBT implementation process could be aware that –together with the Ministry of Education, the National Counsel of Presidents of Universities, and Civic Associations focusing on education and peace initiatives- that National Authority could become a catalyst for engaging the next generation toward the Nuclear Zero Movement that is beginning to take hold.<sup>12</sup> The CTBT implementation process could also include a component for developing together with the relevant agencies and associations and institutions programs and curricula for the teaching and researching of the knowledge produce by the work of the IMS and the National Authority: from the management of data, the underlying of the physics of nuclear energy and the others techniques of the IMS.

It is not difficult to argue that the following actors should be involved in CTBT implementation in some capacity: Universities; SENACYT; Civic Associations focus on peace education; global Zero movement; local media (newspapers, TV stations, educational TV).

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<sup>12</sup> See Global Zero, A World without Nuclear Weapons, <http://www.globalzero.org/en/about-campaign>, ("More than 400,000 people from every country in the world have signed the Global Zero declaration and joined the movement. Students are getting involved, starting over 70 Global Zero chapters on college campuses worldwide.").

8. The CTBT can be seen as a developmental tool.

The CTBT implementation and continuing compliance and improvement implies as well tasks of prevention. This means, for instance, making sure that the export-import control of dangerous goods is in fact taking place effectively. Ideally, the CTBT implementation should mean that the government has a comprehensive nuclear policy, including the use of nuclear energy for peaceful purposes and its role in compliance with other international commitments such as the Security Council Resolution 1540. In the case of Panama, it means also that it would be advisable exploring if and how the operation of the Station RN-50 and the National Authority may contribute to the monitoring of transport of fissile materials through the Panama Canal, despite the fact that Panama already has the regulations in place that comply with international standards on the subject matter.

Arguably, the following entities should be involved in the CTBT implementation process: Foreign Ministry, Maritime Agency; Security Ministry; Energy Agency, Panama Canal Authority.

9. The CTBT can be read as a human rights treaty.

The non-use of nuclear weapons, toward which the ban on testing plays a crucial role, can be seen as contributing to strengthened the protection of human rights at many levels, including the right a healthy and safe environment, but particularly to the right to life.<sup>13</sup> As it is well known, the International Court of Justice (ICJ) addressed the issue of the use of nuclear weapons in the July 8, 1996 advisory opinion on the Legality of the Threat or Use of Nuclear Weapons.<sup>14</sup> The ICJ concluded, inter alia, that in an armed conflict “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.”<sup>15</sup> Nonetheless, under the state of international law at that time, the Court could not “conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a State would be at stake.”<sup>16</sup> Most important for our purposes, the ICJ concluded that states have “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.”<sup>17</sup>

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<sup>13</sup> See generally ICAN, Australia, Nuclear Weapons and the Right to Life, Australia’s Compliance with Article 6 of the *International Covenant on Civil and Political Rights* in respect of Nuclear Weapons, (Oct. 28, 2008), at 6, (stating that “In 1983, the UN General Assembly adopted a resolution denouncing nuclear war as ‘a violation of the foremost human right — the right to life’.” *Id.*).

<sup>14</sup> ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1. C.J. Reports 1996, p. 226.

<sup>15</sup> *Id.* at 266.

<sup>16</sup> *Id.* See generally Achilles Skordas, *Epilegomena to a Silence: Nuclear Weapons, Terrorism and the Moment of Concern*, 6 JOURNAL OF CONFLICT AND SECURITY LAW 191 ff. (2001) (analyzing the implications of the ICJ restrain in declining to advance criteria for the legality or not of threatening or using nuclear weapons when state survival is at play).

<sup>17</sup> ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, *supra* note 14, at 267. See also International Association of Lawyers Against Nuclear Arms & International Human Rights Clinic, Human Rights Program, Harvard Law School, Good Faith Negotiations Leading to the Total Elimination of Nuclear Weapons, Request for an Advisory Opinion from the International Court of Justice, 2009 (arguing that the International

The non-use of nuclear weapons and a policy of disarmament should be seen as main goals for protecting human rights as well. In this sense, CTBT implementation should include and make the links to the human rights values explicitly. To explore how to couple the human rights framework with the ban on nuclear testing as a way of strengthening that ban seems important, we feel that, in some cases, linking different international regimes – for example, the nuclear non-proliferation and the human rights regime – can mutually benefit and strengthen each regime (for example, reinforcing the nuclear test ban via international human rights norms, values, and practices). The interconnection of international regimes to reinforce one another is now new. NAFTA was used as a way of introducing environmental and labor standards into the domestic orders of their contracting parties, and Tax Information Exchange Agreements (TIEAs) are used to introduce corporate governance transparency. In fact, the Panamanian Penal Code already incorporates all the treaties, conventions and principles of human rights ratified by the Republic of Panama. Also, it foresees extraterritorial application for those crimes committed outside of the territory against Humanity, against the Public Health, and the National Economy, among others. So, the CTBT implementation and vice-versa human rights treaty implementation can be an opportunity to strengthen their respective goals. It is desirable then to develop and integrate human rights standards and practices into an effective CTBT implementation process. The linkage between human rights (e.g. right to life, right to a safe and healthy environment) and the ban on nuclear testing should be brought into the foreground as a way of strengthening the CTBT implementation. In a way, the authorities responsible for the control of airborne pollution (particles and gases), and responsible for early alerts of tsunamis, the national network of earthquakes to rise the maps of regional risks, or all information coming from the others techniques, should integrate the IDC to contribute in the observance of the right to life and the right to have a safe and healthy environment. Arguably, certain organizations and associations focusing on certain human rights should be then on the table as well in a CTBT implementation.

10. The CTBT is above all an attempt to build an international regime. It follows that the domestic process for attending the domestic needs of a legal order should be coordinate and attune with the needs of that international regime. Instead of working nationally in the implementation, we believe that international coordination would be improved if since its inception in the implementation process—in addition to coordinate with the Legal Division Affairs of the CTBT-foreign, international institutions with the relevant expertise participate as well. For this reason, in the implementation process in Panama we are partnering with the Human Rights Center of the University of Minnesota, Law School, and the Instituto de Investigaciones Jurídicas of the Universidad Autónoma de México (UNAM) as a way of incorporation since the beginning of the process an international perspective and other insights/challenges from other countries and regions.

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Court of Justice “should be called upon to articulate much-needed legal guidance resolving current controversies over how to implement the [nuclear disarmament] obligation” based on Article VI of Treaty on the Non-Proliferation of Nuclear Weapons (NPT)., *Id.* at 4.).

11. If we prepare the basic materials identifying and articulating the incentives that those potential stakeholders may have in a highly functional CTBT station and a first-rate implementation CTBT- then their representatives should be invited to participate in the making of the legislation and the regulations necessary for the implementation of the CTBT. At the same time, from this group should come about an advocacy plan for submitting the laws and regulations to the legislature and other relevant authorities, including a public campaign highlighting the benefits of having a first-rate implementation of the CTBT to the public at large.

12. A CTBT implementation merely “on the books” would be not only insufficient, but rather dangerous: it would put the reliability of the whole CTBT monitoring system into question. So, on CTBT matters, effectiveness of the national laws, regulations, and practices is paramount. The chances for reaching that level of effectiveness increase when the CTBT implementation process opens up to the participation of an array of relevant stakeholders from civil society, government, academy, and private sector. It is expected that as a result of collaborative, long-term participation in the CTBT implementation process, institutional partnerships will be established, contributing thereby to the continuing operation of the RN50 Station of the IMS in the years to come.

13. When the legislature approves the law implementing the CTBT obligations, including the appointment of the National Authority, all the actors involved should know and feel that they ‘owned’ the CTBT system brought to life. They will rest assured that no personal or political agenda played a role because they have contributed to a transparent, participative and deliberative process. They should take pride in knowing that without them the implementation process would have been less effective. From this way of carrying out the CTBT implementation process is also to expect that if a government would feel compelled based on national political considerations of disengaging itself from the CTBT obligations, that government will find an informed civil society and an educated citizenry on non-proliferation issues ready to stand for the best interest of humankind as expressed in the ban of nuclear testing: The CTBT.