

INTERVIEW

Portugal and the CTBTO: Going forward together

The importance of putting facility agreements in place



Portugal's Secretary of State João Gomes Cravinho (left) and Tibor Tóth, Executive Secretary of the CTBTO, after signing the facility agreement, Vienna, Austria, 17 February 2011. Photo: Pablo Mehlhorn

On 17 February 2011, Portugal became the 40th State to conclude a facility agreement with the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

After signing the agreement on behalf of the Government of Portugal, Secretary of State for Foreign Affairs and Cooperation, João Gomes Cravinho, spoke to Lisa Tabassi and Fanny Tonos Paniagua from the CTBTO Legal Services.

Could you describe Portugal's participation in the activities of the CTBTO?

Portugal has always been a strong supporter of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and has been very active within the CTBTO. It is a member of the Conference on Disarmament, where the Treaty was negotiated. It has three stations in its territory, all of them located in Azores, thus making Portugal one of the few Member States hosting International

Monitoring System (IMS) facilities in the middle of the North Atlantic. Portugal always participates in the meetings of different groups of the CTBTO, including, at present, the Advisory Group¹. Portugal is represented at the CTBTO by highly qualified professionals who act entirely independently. We are always available to cooperate with the CTBTO, as our participation in different workshops has proved. Moreover, being a Member of the European Union we are also responsible for the approval of significant voluntary contributions to the CTBTO.

How do you think the conclusion of this facility agreement will further improve collaboration between Portugal and the CTBTO?

From the very beginning, we have been in favour of this kind of agreement which facilitates the development of good relations between Portugal and the

[1] The Advisory Group advises the CTBTO and its subsidiary bodies on financial, budgetary and associated administrative issues.

CTBTO. With the agreement we have now signed, numerous problems that could have arisen in the development of the post-certification activities of the stations, namely bureaucratic ones, will be waived. We consider that there is still a long way to go regarding the remaining 49 States that have not yet signed a facility agreement and we commend the CTBTO for its work so far and fully endorse its continuation. With this agreement, relations between Portugal and the CTBTO, which were already excellent, will be sustained and developed. The facility agreement will ensure that our National Data Centre (NDC) will be able to accomplish its task as well, namely sending monitoring data to the International Data Centre (IDC) in Vienna and receiving data and analyses from the IDC.

There has been remarkable progress in the build-up of the IMS since the Treaty opened for signature in September 1996. Of the planned 337 IMS facilities, 264 are already operational and sending data to the IDC. At the same time, however, challenges remain.



FACILITY AGREEMENTS



WHAT IS A FACILITY AGREEMENT?

- A legal arrangement between the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and each Member State that hosts an International Monitoring System (IMS) facility. The IMS is a global network of facilities being established by the CTBTO to monitor underground, the oceans and the atmosphere for evidence of a nuclear explosion.
- By signing facility agreements, Member States agree to cooperate with the CTBTO in establishing, testing, operating, upgrading and maintaining IMS facilities, even before the Comprehensive Nuclear-Test-Ban Treaty (CTBT) has entered into force.

WHY ARE THEY IMPORTANT?

Facility agreements help to address the following issues:

- **Political aspects:**
By representing the formal commitment of a Member State to host the facility and cooperate with the CTBTO during the preparatory phase, the facility agreement helps to secure the collaboration of all relevant institutions at the national level for the installation and operation of the stations.
- **Legal aspects:**
The CTBT stipulates that while IMS stations are owned and operated by the hosting State, they are under the authority of the CTBTO (meaning that they must adhere to regulations laid out in the CTBT and developed further by the CTBTO). Issues such as ownership transfer, the conclusion of subsidiary arrangements with local operators, and granting the necessary privileges and immunities to the CTBTO and its officials are provided for in facility agreements.
- **Technological aspects:**
In order for the IMS to operate reliably, all facilities have to work in accordance with the requirements and procedures agreed on by the Treaty negotiators for the respective verification technologies (seismology, infrasound, hydroacoustics and radionuclide monitoring). Under facility agreements the host State undertakes to test, operate and maintain the facility, as well as to provide utilities and transmit monitoring data to the International Data Centre (IDC) at the CTBTO's headquarters in Vienna, in accordance with requirements and procedures.
- **Operational aspects:**
Facility agreements help ensure coordination between the CTBTO and countries hosting IMS facilities with regard to technical visits by CTBTO staff, access to the station, the cooperation of local entities, assistance with imports and exports, notification and solving of problems, and the physical security of the facility.

HOW MANY FACILITY AGREEMENTS NEED TO BE SIGNED?

A facility agreement needs to be concluded with each of the 89 States hosting IMS facilities.

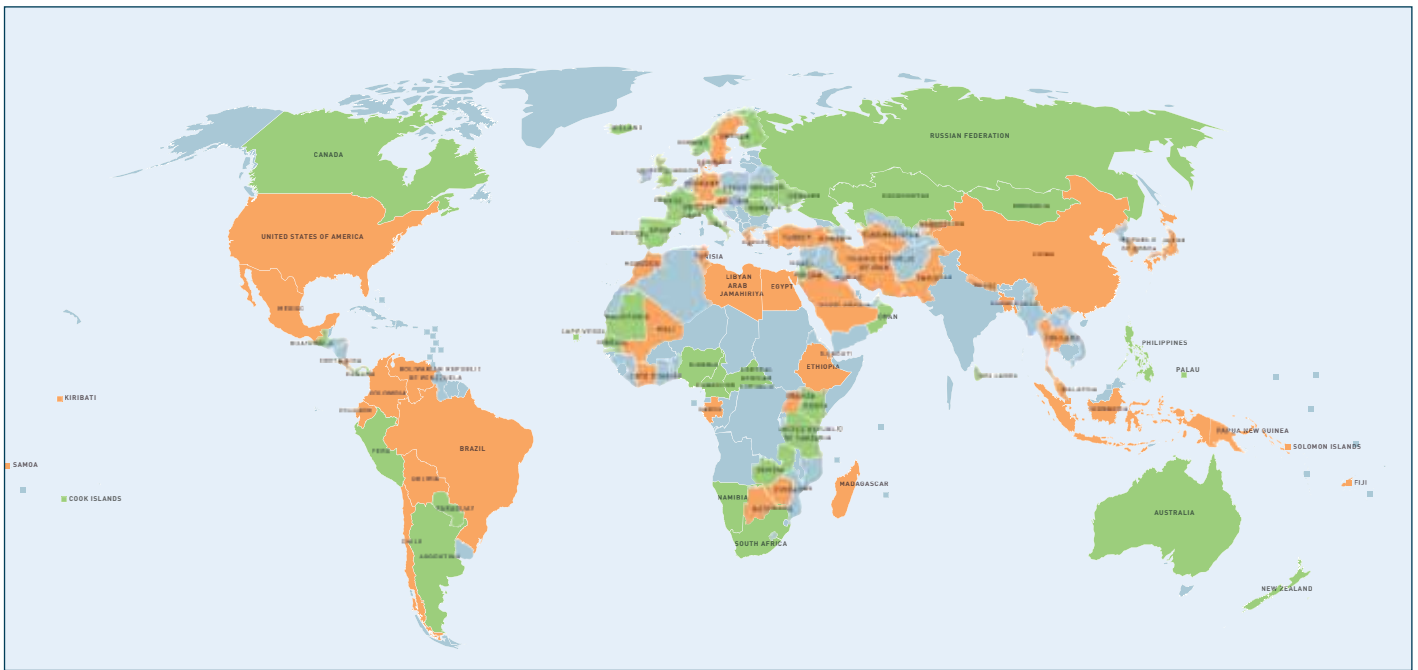
»The facility agreements are one of the best tools to make sure that States comply with their legal, administrative and technical obligations regarding the stations.«

Do you consider that further progress in the conclusion of facility agreements with other hosting States would support the work of the CTBTO in building up the verification regime and preparing for entry into force of the CTBT?

Undoubtedly. The facility agreements are one of the best tools to make sure that States comply with their legal, administrative and technical obligations regarding the stations. However, that does not mean they will be enough to solve every problem. The reference to the operational manuals in the facility agreements reflects a successful attempt to make all of the principles and measures stated in the Treaty a coherent and efficient system for the implementation of the Treaty.

What are your Government's views on the role of the CTBT and its verification regime for the maintenance of international peace and security?

The verification regime of the CTBT is an extremely important element to make sure that the world can react in time to an event that may endanger



The 40 countries in green indicate those that have signed a facility agreement with the CTBTO. The 49 countries in orange indicate those that have yet to sign facility agreements (as of May 2011).

international peace and security. We must always bear in mind that the system has four components: the IMS, a consultation and clarification process, on-site inspections and confidence-building measures – which are equally important and they all deserve the same attention by the CTBTO. In the case of facility agreements, we consider that, apart from the advantages for the IMS, they are also a confidence-building measure, both for the State that signs it and for other Member States, as they

serve as an example and clearly define rules and procedures. It is, however, mandatory that States fulfill their obligations arising from both the CTBT and the facility agreement.

Is there a role for Portugal in the Portuguese speaking world to encourage States that have signed but not ratified the Treaty to take the next step?

The CPLP – Comunidade de Países de Língua Portuguesa – is an organization

that has been enlarging its scope because of the very good relations between its members. Defense is nowadays an area that also concerns CPLP. Within this context, but also bilaterally with its members, Portugal has always been supportive of all measures to enhance peace and security. We shall make extra efforts to help those States that have not finalized the procedures for Treaty ratification and we offer our collaboration to the CTBTO to accomplish this goal.

BIOGRAPHICAL NOTES

JOÃO GOMES CRAVINHO

has been the Secretary of State for Foreign Affairs and Cooperation of Portugal since 2009. Prior to this he served as Assistant Professor at the Faculty of Economy, Coimbra University, Portugal. He has published extensively in Portuguese and foreign journals. Dr Cravinho has also worked in the area of Development Cooperation. He has served as President of the Institute for Portuguese Cooperation and as a consultant to national and international institutions (European Commission and World Bank).

LISA TABASSI

joined Legal Services at the CTBTO in 2007 and was appointed Chief in 2010. Prior to this, she worked for 14 years in the Office of the Legal Adviser of the Organisation for the Prohibition of Chemical Weapons. She has also worked for law firms in the United States and Iran and for the Iran-United States Claims Tribunal in The Hague, the Netherlands.

FANNY TONOS PANIAGUA

has worked for Legal Services at the CTBTO since September 2010. Prior to this, she worked for 10 years in the diplomatic service of the Dominican Republic where she specialized in public international law and national implementation of multilateral treaties.