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RELATIONS WITH THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION (CTBTO) AND DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN UNESCO AND THAT ORGANIZATION

SUMMARY

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) at its 26th Session agreed to provide IMS data to Tsunami Warning Centres that are recognized by UNESCO.

For producing tsunami warnings by responsible national Tsunami Warning Centres, real-time and high-quality seismic data are essential. To improve Member States ability to detect tsunamigenic events, instantaneous and at all times appropriate seismic data have to be made available.

The present arrangements between CTBTO and UNESCO/IOC have proven effective in the development phase of the new Tsunami Warning Systems. Approaching full operations, a higher level agreement is required to reinforce the cooperation among UNESCO and CTBTO.

In accordance with Article XI, paragraph 1, of the Constitution of UNESCO, the Director-General submits to the Executive Board for approval a draft memorandum of understanding between CTBTO and UNESCO.

The financial and administrative implications of activities under the proposed memorandum of understanding fall within the parameters of the current C/5 document.

Action expected of the Executive Board: proposed decision in paragraph 4.

1. In response to the tragedy of the Sumatra tsunami of December 26, 2004, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and the Intergovernmental Oceanographic Commission (IOC) of UNESCO agreed to share efforts to facilitate the development and operation of Tsunami Warning Centres. Seismic data on a continuous and instantaneous basis are required to effectively detect and quantify seismic events

that might lead to tsunamis. Subsequently, according to the decision CTBTO/WGB-27/1, UNESCO has to approve/recognize those National Tsunami Warning Centres that have submitted requests to CTBTO to use seismic and other IMS data for purposes of producing tsunami warnings. National Tsunami Warning Centres are officially nominated by Member States to UNESCO/IOC and are national institutions that adhere to the intergovernmental governance of UNESCO. The Provisional Technical Secretariat (PTS) of CTBTO now receives confirmation by UNESCO of “approved/recognized” tsunami warning centres, which will receive IMS data on a provisional basis. Formal agreements between the two organizations are required to implement the decision CTBTO/WGB-27/1. Following the instruction to the IOC Executive Secretary in IOC Res. XXV-13 (iv) to consult with the appropriate seismic networks in view of providing seismic data to regional Tsunami Watch Providers and National Tsunami Warning Centres, and after consultation with the PTS of CTBTO a draft memorandum of understanding has been agreed between the Secretariats.

2. A short information note on CTBTO is contained in Annex I to this document.
3. Following exchanges of working correspondence with CTBTO, the Director-General is submitting to the Executive Board for approval the draft memorandum of understanding contained in Annex II.
4. The Executive Board may, in this connection, wish to approve the following draft decision:

The Executive Board,

1. Having examined document 182 EX/64,
2. Approves the draft memorandum of understanding contained in Annex II to the above-mentioned document;
3. Authorizes the Director-General to sign the memorandum of understanding on behalf of UNESCO.

ANNEX I

PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION (CTBTO)

The Comprehensive Nuclear-Test-Ban Treaty (CTBT) was negotiated in the Conference on Disarmament, the single multilateral disarmament negotiating forum of the United Nations. The text of the Treaty was adopted by the United Nations General Assembly in 1996 (United Nations General Assembly resolution 50/245) and opened for signature the same year by the United Nations Secretary-General as Depositary. Upon entry into force of the Treaty, the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) will be established as an intergovernmental organisation to, *inter alia*, ensure the implementation of the CTBT.

The Preparatory Commission for the CTBTO was established by resolution adopted by States Signatories to the CTBT on 19 November 1996 to, *inter alia*, carry out the necessary preparations for the effective implementation of the Treaty, including establishment and provisional operation of the CTBTO International Monitoring System. The 1996 Resolution provided that the Preparatory Commission shall have standing as an international organization and granted it legal capacity.

The 1996 Resolution, *inter alia*, requested the United Nations Secretary-General to provide the services required to initiate the work of the Preparatory Commission and to convene its First Session, which he did from 20 to 22 November 1996.

The Preparatory Commission entered into formal relationship with the United Nations through the Relationship Agreement concluded by the two organizations in 2000. It entered into force on 30 June 2000 upon approval of the United Nations General Assembly (UNGA resolution A/RES/54/280). By virtue of Article IX of the Relationship Agreement, officials of the Preparatory Commission are entitled, *inter alia*, to use the United Nations laissez-passer.

The status of the Preparatory Commission in respect to the United Nations is very similar to that of the IAEA and the OPCW, both of which are independent international organizations in relation to the United Nations through relationship agreements. The CTBTO Secretariat (located in Vienna, Austria) and its Executive Secretary coordinate and monitor the implementation of CTBTO activities and serve as the channel of communication and linkage between CTBTO and other international organizations.

The December 2004 Sumatra earthquake and the tsunami caused unprecedented disasters in the Indian Ocean region. This event made the world aware that worldwide tsunami warning systems are needed, and various actions are now taken at national, regional and international levels for this purpose, with strong leadership from UNESCO. In January 2005 the Secretariats of the Commission and UNESCO identified the potential of using data from the IMS monitoring system, composed of 337 facilities, for the purpose of producing tsunami warnings.

The CTBTO in March 2005, decided to conduct technical experiments to assess the benefit of the use of CTBTO/IMS data for reducing tsunami disasters. More recently, at its 26th session CTBTO agreed to provide IMS data to Tsunami Warning Centres that are recognized by UNESCO. As a result of technical tests performed by the Japanese Meteorological Agency (JMA) on request by the IOC, we do know that CTBTO/IMS data availability is much higher than other seismic data sources transmitted through the Internet. As well, that CTBTO/IMS data can be received much earlier than other data.

For the above reasons, tsunami warning centres can only benefit from having formal access to CTBTO/IMS data for tsunami warning purposes to improve precision and timeliness of detecting seismic events of tsunamigenic potential.

ANNEX II

DRAFT

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

**PREPARATORY COMMISSION FOR THE COMPREHENSIVE
NUCLEAR-TEST-BAN TREATY ORGANIZATION
(CTBTO)**

AND THE

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION
(UNESCO)**

WHEREAS the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (hereinafter the "Commission") was established for the purpose of carrying out the necessary preparations for the effective implementation of the Comprehensive Nuclear-Test-Ban Treaty, including its verification regime that includes the establishment of the International Monitoring System (IMS) of 337 facilities to detect the signs of a nuclear explosion underground, in the atmosphere or in the oceans;

WHEREAS the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (hereinafter "UNESCO") as a body with functional autonomy within the United National Educational, Scientific and Cultural Organization (UNESCO) as stated in Article 1 of its Statutes was established to promote international and inter-agency cooperation and to coordinate programmes in research, sustainable development, protection and capacity-building in improved management of the marine environment, including development of tsunami early warning and mitigation systems;

WHEREAS IMS data received by the Commission has a variety of civil and scientific applications which could contribute to sustainable development, human welfare and research on ocean processes and marine life;

WHEREAS the Commission and UNESCO recognize the necessity for achieving, where applicable, effective coordination of activities and services of the Commission, and UNESCO, with a view to avoiding unnecessary duplication of such activities and services, agree to cooperate closely on matters of mutual interest;

WHEREAS the Commission and UNESCO recognize similarities in some of their products and services in the area of capacity-building in developing States, and resulting from decisions taken by the Parties of this MoU following the tsunamigenic earthquake off Sumatra in the Indian Ocean on 26 December 2004;

WHEREAS the Commission recognizes the mandate given by the 26th session of the Preparatory Commission to provide IMS data to Tsunami Warning National Centres recognized by UNESCO;

WHEREAS this offer was in response to a request from the Intergovernmental Oceanographic Commission (IOC) of UNESCO;

WHEREAS the Commission and UNESCO seek to derive further benefits for their user communities which may result from similarities in some of the products and services offered by the two Parties, or from some overlaps in the user communities of the two Parties;

WHEREAS the Preparatory Commission and UNESCO are each participating in the initiative for the institutions of the United Nations system to deliver as one;

NOW, THEREFORE, the Commission and UNESCO have decided to conclude an agreement for cooperation and have agreed as follows:

Article I – Cooperation and consultation

1. The Commission and UNESCO agree that with a view to facilitating the effective attainment of the objectives set forth in their respective constitutional instruments and decisions of their respective governing bodies, will act in close cooperation with each other and will consult each other regularly in regard to matters of common interest.
2. The Commission and UNESCO agree to coordinate, where appropriate, their activities under any of the topics set out in Article IV below.
3. In all cases where either organization proposes to initiate a programme or activity on a topic in which the other organization has or may have a substantial interest, the first Party shall consult the other before finalizing the scope of the programme or initiating the activity.

Article II – Reciprocal representation

1. Representatives of UNESCO shall be invited to attend the sessions of the Commission and to participate without vote in the deliberations of that body and, where appropriate, of its working groups, with respect to items on their agenda in which UNESCO has an interest.
2. Representatives of the Commission shall be invited to attend sessions of the Assembly of IOC of UNESCO and to participate without vote in the deliberations of that body, and where appropriate, of its subsidiary bodies, with respect to items on their agenda in which the Commission has an interest.
3. Appropriate arrangements shall be made by agreement from time to time for the reciprocal representation of the Commission and UNESCO at other meetings, workshops, training courses and the like, convened under their respective auspices, which consider matters in which the other organization has or may have an interest.

Article III – Exchange of information and documents

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the Provisional Technical Secretariat of the Commission and the Secretariat of UNESCO shall keep each other fully informed concerning all projected activities and all programmes of work which may be of interest to the other Party.
2. The Commission and UNESCO recognize that they may find it necessary to apply certain limitations for the safeguarding of confidential information furnished to them. They therefore agree that nothing in this Agreement shall be construed as requiring either of them to furnish such information as would, in the judgement of the Party possessing the information, constitute a violation of the confidence of any of its Members or anyone from whom it has received such information or otherwise interfere with the orderly conduct of its operations.

Article IV – Scientific cooperation and exchange of data

1. Both Parties shall keep the other Party informed of its plans for any technical training courses including regional technical training courses in which there is an overlap in the technical subject matter to be offered and in the target geographic region with a view to agreeing to joint venues and training programmes where this is in accordance with the missions of the

Parties. When a joint venue is agreed upon, the Parties shall take measures to jointly plan the schedule and technical programme for those parts where there is technical overlap.

2. Both Parties shall keep the other Party informed of its plans for the development of technical training materials, including e-learning technical training material, in which there is an overlap in the technical subject matter to be offered by the other Party. The Parties shall take measures to prepare joint technical training material where this is in accordance with the respective missions of the Parties.
3. Both Parties shall keep the other Party informed of its plans for capacity-building in developing States in which there is an overlap in the technical field and the target geographic region between the two Parties. The Parties shall take measures to integrate the approach to capacity-building where there is substantial overlap in the technical field and target geographical region.
4. Both Parties shall discuss possible technical modalities for potential future developments in the transmission of near-real-time seismic and other waveform data relevant to their work.
5. Both Parties shall exchange information on issues raised by the variety of formats and protocols for the exchange of seismic and other waveform data in their respective areas of activity and advise their user communities of measures which may be taken to improve interoperability.
6. Both Parties shall endeavour to ensure the appropriate international visibility for the Parties of their contribution to the tsunami warning effort. Each Party shall keep the other Party informed of plans for any meeting or similar event which may come to its attention and which are relevant to Article IV, paragraphs 1 to 5 above. In appropriate circumstances the Parties may agree that one may represent the other at a technical level at such a meeting, in which case the representing Party shall give visibility to the work of both Parties as appropriate.

Article V – Costs

1. Activities conducted under the terms of this Agreement by each Party shall be funded by that Party.
2. The allocation of costs for joint venues and/or training programmes shall be decided by mutual agreement.
3. If any cooperation would involve the assistance from one party to the other under the terms of this Agreement, and compliance with such a request would involve substantial expenditure for the Party complying with the request, consultation shall take place with a view to determining the most equitable manner of meeting such expenditure.

Article VI – Proposal of agenda items

After such preliminary consultations as may be necessary, UNESCO shall consider for inclusion on the provisional agenda of sessions of its IOC Assembly or its subsidiary bodies items proposed to it by the Commission. Similarly, the Commission shall consider for inclusion on its provisional agenda or those of its subsidiary bodies items proposed by UNESCO. An explanatory information document shall accompany items submitted by either party for consideration by the other.

Article VII – Cooperation between secretariats

The Provisional Technical Secretariat of the Commission and the Secretariat of UNESCO shall maintain a close working relationship in accordance with such arrangements as may have been

agreed upon from time to time by the Executive Secretary of the Commission and the Executive Secretary of IOC of UNESCO.

Article VIII – Implementation of the Agreement

The Executive Secretary of the Commission and the Executive Secretary of IOC of UNESCO may enter into such arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

Article IX – Settlement of Disputes

Any dispute, controversy or claim arising out of or relating to the interpretation, application or performance of this agreement, including its existence, validity or termination, shall be settled through amicable negotiation between the Parties. If such negotiations fail to resolve the dispute, it shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration Involving International Organizations and States, as in effect on the date of this agreement.

Article X – Revision and termination

1. On six months' notice given by either party, this Agreement shall be subject to revision by agreement between the Commission and UNESCO.
2. Either Party may terminate this Agreement, in whole or in part, upon thirty (30) days written notice to the other.
3. Upon the succession of either party, the successor organization shall notify the other party of its succession in respect of this Agreement.

Article XI – Entry into force

This Agreement shall enter into force upon signature by both parties on the date of signature or, if signed consecutively, on the date of the last signature.

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Koïchiro Matsuura
Director-General (UNESCO)

Date

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Tibor Tóth
Executive Secretary of CTBTO

Date