

**No. 50572**

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**Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization  
and  
Namibia**

**Agreement between the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Government of the Republic of Namibia on the conduct of activities, including post-certification activities, relating to international monitoring facilities for the Comprehensive Nuclear-Test-Ban Treaty (with appendix). Windhoek, 1 April 2009**

**Entry into force:** *1 April 2009 by signature, in accordance with article 22*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, 4 March 2013*

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**Commission préparatoire de l'Organisation du Traité  
d'interdiction complète des essais nucléaires  
et  
Namibie**

**Accord entre la Commission préparatoire de l'Organisation du Traité d'interdiction complète des essais nucléaires et le Gouvernement de la République de Namibie sur la conduite des activités relatives aux installations de surveillance internationale, y compris les activités postérieures à la certification (avec appendice). Windhoek, 1<sup>er</sup> avril 2009**

**Entrée en vigueur :** *1<sup>er</sup> avril 2009 par signature, conformément à l'article 22*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Commission préparatoire de l'Organisation du Traité d'interdiction complète des essais nucléaires, 4 mars 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**  
**BETWEEN**  
**THE PREPARATORY COMMISSION FOR THE**  
**COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA**  
**ON THE CONDUCT OF ACTIVITIES,**  
**INCLUDING POST-CERTIFICATION ACTIVITIES,**  
**RELATING TO**  
**INTERNATIONAL MONITORING FACILITIES**  
**FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY**

In accordance with paragraph 12(b) of the Text on the Establishment of a Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, as annexed to the Resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (“the Commission”), adopted by the meeting of States Signatories of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) on 19 November 1996 at New York, the Commission and the Government of the Republic of Namibia (“Namibia”), hereinafter “the Parties”, with the goal of facilitating the activities of the Commission in: (a) conducting an inventory of existing monitoring facilities; (b) conducting a site survey; (c) upgrading or establishing monitoring facilities; and/or (d) certifying facilities to International Monitoring System (IMS) standards, and with the goal of facilitating the continued testing, provisional operation, as necessary, and maintenance of the IMS in pursuit of the goal of an effective Treaty, have agreed, pursuant to the provisions of the CTBT, in particular Articles I to IV and Part I of the Protocol, as follows:

### **Article 1**

The Government of Namibia and the Commission shall cooperate to facilitate the implementation of the provisions of this Agreement. The activities to be carried out by or on behalf of the Commission in Namibia are or will be set forth in the Appendix or Appendices to this Agreement. Appendices may be added or removed from time to time by mutual agreement of the Parties.

### **Article 2**

The activities to be carried out on behalf of the Commission pursuant to the provisions of this Agreement shall be performed according to the terms and conditions of a contract or contracts awarded by the Commission in accordance with the provisions of the Financial Regulations and Rules of the Commission.

### **Article 3**

Where activities pursuant to the provisions of this Agreement are to be carried out by the Commission, the activities shall be conducted by the Commission Team, which shall consist of the personnel that shall, after consultations with the Government of Namibia, be designated by the Commission. The Government of Namibia shall be entitled to refuse particular Commission Team members on the understanding that the Commission will be entitled to propose new Team members to replace them. For each activity carried out by the Commission, the Commission shall designate a Team Leader and the Government of Namibia shall designate an Executive Agent to be the points of contact between the Commission and the Government of Namibia.

### **Article 4**

No less than 14 days in advance of the proposed arrival of the Commission Team at the point of entry, the Commission Team Leader and the Executive Agent shall consult for the

purpose of facilitating the conduct of the activities that will be undertaken, including consultations regarding the equipment to be brought into Namibia by the Commission Team for carrying out the activities undertaken in accordance with the provisions of this Agreement. For post-certification activities, such equipment should be in accordance with the relevant IMS Operational Manuals adopted by the Commission without prejudice to Article II, paragraph 26(h), of the CTBT. In the course of these consultations, the Government of Namibia shall inform the Commission of the points of entry and exit through which the Commission Team and equipment will enter and exit the territory of Namibia.

### **Article 5**

During the consultations noted in Article 4 above, the Government of Namibia shall apprise the Commission of information required for Namibia to issue documents to enable the Commission Team to enter and remain on the territory of Namibia for the purpose of carrying out activities consistent with the relevant IMS Operational Manuals adopted by the Commission without prejudice to Article II, paragraph 26(h), of the CTBT and set forth in the Appendix or Appendices to this Agreement/Arrangement. The Commission shall provide that information to the Government of Namibia as soon as possible after the conclusion of those consultations. In accordance with the relevant laws and regulations of Namibia, the Commission Team shall be entitled to enter the territory of Namibia and remain there for the period of time necessary to carry out such activities. The Government of Namibia shall grant or renew as quickly as possible appropriate visas where required for members of the Commission Team.

### **Article 6**

The activities of the Commission Team pursuant to the provisions of this Agreement shall be arranged in cooperation with Namibia so as to ensure, to the greatest degree possible, the timely and effective discharge of its functions, and the least possible inconvenience to Namibia and disturbance to any facility or area at which the Commission Team will carry out its activities.

#### **Article 7**

Namibia shall accord members of the Commission Team present on its territory such protection and amenities as may be necessary to ensure the safety and well-being of each member of the Commission Team. The provisions of the Convention on the Privileges and Immunities of the United Nations shall apply, *mutatis mutandis*, to the activities of the Commission, and its officials and experts in implementing the provisions of this Agreement.

#### **Article 8**

The Government of Namibia shall make all reasonable efforts to ensure that local entities cooperate with the activities undertaken by the Commission Team. The Commission shall take all reasonable steps necessary to ensure that the Executive Agent of Namibia is kept informed of progress or developments in relation to testing, provisional operation, as necessary, and maintenance activities.

#### **Article 9**

The Government of Namibia and the Commission shall prepare in advance a list of equipment to be brought into Namibia by the Commission Team. The Government of Namibia shall have the right to conduct an inspection of equipment brought into Namibia by the Commission Team, as specified during the consultations noted in Article 4 above, in order to ensure that such equipment is necessary and appropriate for carrying out the activities to be performed by the Commission Team. Namibia shall conduct such an inspection without the presence of the Commission Team Leader, unless the Commission Team Leader decides that his or her presence is necessary. Items of equipment that require special handling or storage for safety purposes shall be so designated by the Commission Team Leader and this designation shall be communicated to the Executive Agent prior to the arrival of the Commission Team at the point of entry. The Government of Namibia shall ensure that the Commission Team can store its equipment in a securable workspace. In order to prevent undue delays in transporting equipment,