

No. 50761

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

Agreement between the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Government of the United Mexican States on the conduct of activities, including post-certification activities, relating to international monitoring facilities for the Comprehensive Nuclear-Test-Ban Treaty (with appendix). Vienna, 20 October 2011

Entry into force: *20 October 2011 by signature, in accordance with article 22*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, 1 May 2013*

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

Accord entre la Commission préparatoire de l'Organisation du Traité d'interdiction complète des essais nucléaires et le Gouvernement des États-Unis du Mexique sur la conduite des activités relatives aux installations de surveillance internationale, y compris les activités postérieures à la certification (avec appendice). Vienne, 20 octobre 2011

Entrée en vigueur : *20 octobre 2011 par signature, conformément à l'article 22*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Commission préparatoire de l'Organisation du Traité d'interdiction complète des essais nucléaires, 1^{er} mai 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (hereinafter “the Commission”) and the Government of the United Mexican States (hereinafter “the Government of Mexico”), hereinafter jointly referred to as “the Parties”;

TAKING into account 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, adopted by the meeting of States Signatories of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) on 19 November 1996 at New York;

WHEREAS, “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 as follows:

Article 1

“The Parties” 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 Mexico are set forth in the Appendix or Appendices to this Agreement. Appendices may be added or removed 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, as applicable, be performed either: (a) according to the terms and conditions of contracts awarded by “the Commission” in accordance with the provisions of the Financial Regulations of “the Commission”; or (b) by “the Government of Mexico” at its own expense on the basis of a proposal to be submitted by “the Government of Mexico” for the approval of “the Commission”.

Article 3

The activities carried out by “the Commission” pursuant to this Agreement shall be conducted by the Commission Team, which shall consist of the personnel that shall, after consultations with the “Government of Mexico”, be designated by “the Commission”. “The Government of Mexico” 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 Mexico” shall designate an Executive Agent to be the points of contact between “the Commission” and “the Government of Mexico”.

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 Mexico by the Commission Team for carrying out the activities undertaken in accordance with the provisions of this Agreement. For such purpose, a list of equipment shall be provided to the Executive Agent in order to allow for timely submission to the competent custom authorities. For post-certification activities, such equipment shall 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 Mexico” shall inform “the Commission” of the points of entry and exit through which the Commission Team and equipment will enter and exit the national territory.

Article 5

During the consultations referred to in Article 4 above, “the Government of Mexico” shall apprise “the Commission” of information required for Mexico to issue documents to enable the Commission Team to enter and remain on the territory of Mexico, including visa or immigration requirements where necessary, 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.

“The Commission” shall provide that information to “the Government of Mexico” as soon as possible after the conclusion of those consultations. In accordance with the relevant laws and regulations of Mexico, the Commission Team shall be entitled to enter the national territory and remain there for the period of time necessary to carry out such activities, subject to holding the required documentation. “The Government of Mexico” shall grant 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 carried out in cooperation with “the Government of Mexico” so as to ensure, to the greatest degree possible, the timely and effective discharge of its functions, and the least possible inconvenience to Mexico and to prevent unnecessary disturbance to any facility or area at which the Commission Team carries out its activities.

Article 7

“The Government of Mexico” shall apply to “the Commission”, its personnel and the activities carried out pursuant to this Agreement, *mutatis mutandis*, the provisions of the Convention on the Privileges and Immunities of the United Nations adopted in New York on 13 February 1946. “The Government of Mexico” 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.

Article 8

“The Government of Mexico” shall make all reasonable efforts to ensure that local entities cooperate with the activities undertaken by the Commission Team, respecting the guidelines and decisions of the Local Authority, without prejudice to the application of the provisions of this Agreement. “The Commission” shall take all reasonable steps necessary to ensure that the Executive Agent of Mexico is kept informed of progress or developments in relation to testing, provisional operation, as necessary, and maintenance activities.

Article 9

“The Government of Mexico” shall have the right to conduct an inspection of equipment brought into Mexico 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, 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 Mexico” shall ensure that the Commission Team can store its equipment in a securable workspace. In order to prevent undue delays in transporting equipment, “the Government of Mexico” shall assist the Commission Team in meeting the internal rules and regulations of “the Government of Mexico” for importing such equipment into and, where appropriate, exporting it out of Mexico.

Article 10

The equipment and other property of “the Commission” brought into Mexico in order to implement the provisions of this Agreement shall be exempt from customs duties. The Executive Agent shall facilitate the customs clearance of any such equipment or property. Title to any equipment transferred by “the Commission” to Mexico for permanent installation in monitoring facilities in accordance with the provisions of this Agreement shall immediately pass to the “Government of Mexico” upon entry of this equipment into the territory of Mexico.

Article 11

“The Commission” and its assets, income and other property shall be exempt from all direct taxes in the territory of Mexico.

Article 12

Any data and any official reports prepared by either Party with respect to the activities undertaken in accordance with the provisions of this Agreement shall be made available to the other Party.

Article 13

For the purposes of this Agreement, post-certification activities for an IMS facility shall commence upon completion of the following two requirements:

- (i) Certification of the IMS facility by “the Commission” in accordance with relevant certification manuals or procedures;
- (ii) Adoption of the budget, including detailed financial arrangements, if any, for the operation and maintenance of the IMS facility by “the Commission”.

Article 14

For post-certification activities:

- (i) Facilities shall also be tested, provisionally operated, as necessary, and maintained by “the Government of Mexico” in accordance with procedures and arrangements agreed