

**No. 50573\***

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

**Agreement between the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the Government of the Republic of Uganda on the conduct of activities, including post-certification activities, relating to international monitoring facilities for the Comprehensive Nuclear-Test-Ban Treaty (with appendix). Vienna, 15 June 2012**

**Entry into force:** *15 June 2012 by signature, in accordance with article 22*

**Authentic text:** *English*

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**Commission préparatoire pour l'Organisation du Traité  
d'interdiction complète des essais nucléaires  
et  
Ouganda**

**Accord entre la Commission préparatoire de l'Organisation du Traité d'interdiction complète des essais nucléaires et le Gouvernement de la République de l'Ouganda sur la conduite des activités relatives aux installations de surveillance internationale, y compris les activités postérieures à la certification dans le cadre du traité d'interdiction complète des essais nucléaires (avec annexe). Vienne, 15 juin 2012**

**Entrée en vigueur :** *15 juin 2012 par signature, conformément à l'article 22*

**Texte authentique :** *anglais*

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

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**  
**BETWEEN**  
**THE PREPARATORY COMMISSION FOR THE**  
**COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION**  
**AND THE GOVERNMENT OF THE REPUBLIC OF UGANDA**  
**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 Republic of Uganda (hereinafter “the Government of Uganda”), hereinafter jointly referred to as “the Parties”:

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, adopted by the meeting of States Signatories of the Comprehensive Nuclear-Test-Ban Treaty (“CTBT”) on 19 November 1996 at New York, ; 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 Uganda 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 Uganda are set forth in the Appendix to this Agreement.

**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 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 Uganda, be designated by the Commission. The Government of Uganda 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 Uganda shall designate an Executive Agent who shall be the point of contact between the Commission and the Government of Uganda.

**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 Uganda 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 Uganda 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 Uganda.

#### **Article 5**

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

#### **Article 6**

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

**Article 7**

Uganda 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, its officials and experts in implementing the provisions of this Agreement.

**Article 8**

The Government of Uganda 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 Uganda is kept informed of progress or developments in relation to testing, provisional operating, as necessary, and maintenance activities.

**Article 9**

The Government of Uganda and the Commission shall prepare in advance a list of equipment to be brought into Uganda by the Commission Team. The Government of Uganda shall have the right to conduct an inspection of equipment brought into Uganda by the Commission Team as specified during the consultation 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. Uganda shall conduct such 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 communicated to the Executive Agent prior to the arrival of the Commission Team at the point of entry. The Government of Uganda shall ensure that the Commission Team can store its equipment in a securable work space. In order to prevent undue delays in transporting equipment, the

Government of Uganda shall assist the Commission Team in meeting the internal rules and regulations of Uganda for importing such equipment into Uganda, and, where appropriate, exporting such equipment out of Uganda.

**Article 10**

The equipment and other property of the Commission brought into Uganda 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 Uganda for permanent installation in monitoring facilities in accordance with the provision of this Agreement shall immediately pass to the Government of Uganda upon entry into the jurisdiction of Uganda.

**Article 11**

The Commission, its assets, income and other property shall be exempt from all direct taxes in Uganda. The Government of Uganda shall make appropriate administrative arrangements for the remission or return of any duty or tax which forms part of the price paid by the Commission in making purchases and in contracting for services pursuant to the provisions of this Agreement.

**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 station shall commence upon completion of the following two requirements:

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

#### Article 14

For post-certification activities:

- (i) The facilities shall also be tested, provisionally operated, as necessary, and maintained by the Government of Uganda in accordance with procedures and arrangements agreed between the Parties. In order to ensure that the International Data Centre (“IDC”) receives high quality data with a high degree of reliability, these procedures should be consistent with IMS Operational Manuals as adopted by the Commission without prejudice to Article II paragraph 26(h) of the CTBT.
- (ii) The Government of Uganda shall provide all appropriate utilities, consistent with IMS Operational Manuals as adopted by the Commission without prejudice to Article II paragraph 26(h) of the CTBT, for the testing, provisional operation, as necessary, and maintenance of the facilities in accordance with relevant laws and regulations at Uganda, with costs to be met by the Commission in accordance with Article IV paragraphs 19–21 of the CTBT, and relevant budgetary decisions of the Commission.
- (iii) The Government of Uganda shall ensure that, upon request, suitable frequencies required for the necessary communications links are made available in accordance with national laws, regulations and the national frequency usage plan.
- (iv) The Government of Uganda shall transmit data recorded or acquired by any facility to the IDC using the formats and protocols to be specified in the operational manual of the



facility. Such transmission of data shall be by the most direct and cost efficient means available directly from the relevant station. All communications of data to the Commission shall be free of fees and any other charges of the Government or any competent authority in Uganda, except for charges directly related to the cost of providing a service, which shall not exceed the lowest rates accorded to governmental agencies in Uganda.

- (v) When requested by the Commission, samples from radionuclide monitoring stations shall be transmitted to the laboratory or analytical facilities specified by the Commission. The Government of Uganda shall store data and samples for at least 7 days, as approved by the Commission.
- (vi) The Government of Uganda shall maintain physical security of the facilities and equipment associated with any facility, including data lines and field equipment and sensor, with costs allocated in accordance with Article IV, paragraph 19 –21 of the CTBT, and relevant budgetary decisions of the Commission.
- (vii) The Government of Uganda shall ensure that the instruments at any facility are calibrated in accordance with IMS Operational Manuals as adopted by the Commission without prejudice to Article II paragraph 26(h) of the CTBT.
- (viii) The Government of Uganda shall notify the Commission when a problem occurs, informing the IDC of the nature of the problem and an estimate of the expected time to fix the problem. The Government of Uganda shall also notify the Commission when an abnormal event occurs that affects the quality of the data originating from any facility.
- (ix) The Commission shall consult with the Government of Uganda on procedures for the Commission to access a facility for checking equipment and communications links, and to make necessary changes in the equipment and other operational procedures, unless the Government of Uganda takes responsibility for making the necessary changes. The Commission shall have access to the facility in accordance with such procedures.

**Article 15**

The Government of Uganda shall ensure that its station monitoring staff respond as soon as practicable to inquiries originating from the Commission and which are related to the testing and provisional operation, as necessary, of any facility, or to the transmission of data to the IDC. These responses shall be made in the format specified in the operational manuals of the relevant facility.

**Article 16**

Confidentiality regarding the implementation of this Agreement shall be dealt with in accordance with the CTBT and the relevant decisions of the Commission.

**Article 17**

The costs for the activities to implement this Agreement shall be arranged in accordance with relevant budgetary decisions adopted by the Commission. In particular, the costs associated with the testing, provisional operation, as necessary, and maintenance of any facility, including physical security, if appropriate, the application of agreed data authentication procedures, the transmission of samples where appropriate, and the transmission of data from any facility to the IDC shall be met as set forth in Article IV, paragraphs 19-21 of the CTBT and in accordance with relevant budgetary decisions of the Commission.

**Article 18**

Following completion of each of the activities set forth in the Appendix, the Commission shall provide Uganda with such appropriate technical assistance as the Commission deems required for the proper functioning of any facility as part of the International Monitoring System. The Commission shall also provide technical assistance in, and support for, the provisional operation, as necessary, and maintenance of any monitoring facility and respective

communications means, where such assistance is requested by Uganda and within approved budgetary resources.

**Article 19**

In the case of any disagreement or dispute arising between the Parties relating to the implementation of this Agreement, the Parties shall consult with a view to the expeditious settlement of the disagreement or dispute. In case of failure to resolve the disagreement or dispute, either Party may raise the issue with a plenary session of the Commission for its advice and assistance.

**Article 20**

Changes to this Agreement shall be made by written agreement of the Parties. The Parties may enter into supplemental Agreements as they mutually determine to be necessary.

**Article 21**

The Appendix to this Agreement form an integral part of the Agreement and any reference to this Agreement includes a reference to the Appendix. In the event that there is an inconsistency between any provision in an Appendix and in the body of this Agreement, the latter provision prevails.

**Article 22**

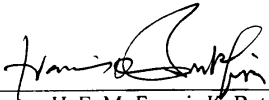
This Agreement shall enter into effect upon signature by the Parties. This Agreement shall remain in force until conclusion of a new facility agreement between the Government of Uganda and the Comprehensive Nuclear-Test-Ban Treaty Organization after the entry into force of the CTBT.

Signed at Vienna on the 15 day of June 2012.

For the Preparatory Commission  
for the Comprehensive Nuclear-Test-  
Ban Treaty Organization:

  
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H.E. Mr Tibor Tóth  
Executive Secretary

For the Government of the  
Republic of Uganda:

  
\_\_\_\_\_  
H. E. Mr Francis K. Butagira  
Ambassador, Permanent Representative

**Appendix**  
to the Agreement between the Preparatory Commission for the  
Comprehensive Nuclear-Test-Ban Treaty Organization  
and the Government of the Republic of Uganda  
on the Conduct of Activities, Including Post-Certification Activities,  
Relating to International Monitoring Facilities  
for the Comprehensive Nuclear-Test-Ban Treaty

**MONITORING FACILITY OF THE INTERNATIONAL MONITORING SYSTEM  
HOSTED BY THE REPUBLIC OF UGANDA**

Any or all of the following operations may be required at the international monitoring facility listed below:

- Inventory
- Site Survey
- Installation
- Upgrade
- Testing and Evaluation
- Certification
- Post-Certification activities

- |           |                             |          |
|-----------|-----------------------------|----------|
| <b>1.</b> | <b>Mbarara</b>              | MBAR     |
|           | Seismological Station AS103 | Type 3-C |