

of the meeting of states parties to the CTBT. Moreover, the states parties to the CTBT that established the Preparatory Commission were not all ratifying states, and therefore the legal mandate to create a separate international organization (for instance, the CTBTO) does not exist. There are no provisions for signature, ratification, or EIF for the Preparatory Commission resolution.

However, the Preparatory Commission was given the responsibility to “carry out the necessary preparations for the effective implementation” of the CTBT. In addition, the Preparatory Commission was given the right to stand as an international organization, and to enter into agreements with states parties¹⁶ in order to permit the implementation of the CTBT. Rather than creating a separate legal entity, giving this official responsibility to the Preparatory Commission was necessary in order to allow the Commission to enter into formal agreements with states parties to set up the verification and monitoring network required for the CTBTO.

The Preparatory Commission’s legal application with states parties involve two components. The first are “facility agreements,” which allow for the construction of International Monitoring System (IMS) stations, or the delegation of existing stations to be co-located for IMS activities. The other legal component involves the “exchange of letters” between the Preparatory Commission and states parties to endorse the IMS activities on state territory.¹⁷ These legal mechanisms are unquestionably necessary for the effective agreement between states parties and the Preparatory Commission.

On the legal issue, then, the Preparatory Commission *necessarily* has legal standing in order to provide for the effective construction of an international network of test ban verification stations. States parties to the CTBT in 1996 gave the Preparatory Commission the necessary legal tools to prepare for the implementation of the Treaty with EIF. This legal autonomy to act as a purposeful international organization is one of the most legitimizing aspects of the Preparatory Commission, and for the CTBT more generally. As one legal expert argued, non-EIF is “not seen as an obstacle” for the Preparatory Commission, given its prerogative to enter into legal arrangements with states parties. However, the application of provisions between the CTBTO Preparatory Commission and states parties “still needs to be codified in international

¹⁶http://www.ctbto.org/reference/legal_resources/prepcom_resolution.pdf

¹⁷Interview, Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization, Vienna, Austria, 15 July 2002.