

advanced system of NACD regime verification, with a network of 321 monitoring stations that can register shock waves emanating from a nuclear explosion underground, in the high seas, and in the air. The system can also detect radioactive debris released into the atmosphere.¹³ The IDC's responsibilities will include providing specific and standardized reports for States Parties, as well as assisting with technical analysis of IMS data. On-site inspections (OSI) are not expected to generate the same emphasis in the CTBTO, as most of the verification work will be completed by the joint IMS-IDC interface.¹⁴

Apart from the legal issues surrounding the EIF of the CTBT, the verification aspects of the CTBT Preparatory Commission specify a different legal nature. The resolution which established the Preparatory Commission was agreed to by states parties that are signatories to the CTBT in 1996. The resolution calls on the Preparatory Commission of the CTBT to establish verification and monitoring facilities necessary to carry out the terms of the CTBT. The resolution, furthermore, stipulates that the Preparatory Commission should establish a regime such that "pending formal commission, provisional operation" would be available.¹⁵ The Preparatory Commission agreement outlines the need for a formal international structure to house the Commission – the CTBTO – which would only be achievable through the EIF of the CTBT. Hence, an important issue of legitimacy arises: if the Preparatory Commission mandate is to set up a verification regime with the capability of "provisional" activity, but the Commission is to be accommodated in the CTBTO (which requires EIF to come into effect), then what role does CTBT verification have with no EIF?

There are two responses to this question. First, on a strictly legal basis, it is not altogether clear that the Preparatory Commission would have a binding mandate – either in customary or treaty law – to conduct its verification and monitoring activities. The Preparatory Commission is not specifically created by a separate treaty which might be binding to states parties, and has been created as a result of a resolution

¹³<http://www.ctbto.org/verification/facilities/mapfacilities.html>

¹⁴OSI is a topic of immense controversy at the CTBTO right now, as some signatory states, such as Russia and the United States, would like to see less emphasis placed on on-site verification. Furthermore, it is not altogether clear how OSI will interface with the IMS/IDC network; OSI is seen as "very independent" of IMS/IDC. However, despite no agreement on confidentiality agreements regarding OSI, it is nonetheless anticipated that OSI will report to the IDC. Interview, official, Preparatory Commission for the Comprehensive Test Ban Treaty Organization, Vienna, Austria, 15 July 2002.

¹⁵http://www.ctbto.org/reference/legal_resources/prepcom_resolution.pdf