

# **Towards 2010: The Role of the African Nuclear Weapons Free Zone Treaty in Strengthening the Disarmament Objectives of the Non-Proliferation Treaty (NPT): a Southern African Regional Seminar**

**Co-hosted by the Institute for Security Studies and the James Martin Center for Non-Proliferation Studies  
with the support of the Royal Norwegian Government**

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**ROODE VALLEI COUNTRY LODGE  
Pretoria, South Africa**

## **Summary by the Co-Chairs**

### **Introduction**

1. From 31 March - 1 April 2008, the Institute for Security Studies (ISS) and the James Martin Center for Nonproliferation Studies (CNS) with the financial support of the Royal Government of Norway convened a workshop in Pretoria, South Africa, to discuss the implications of the pending entry-into-force and implementation of the African Nuclear Weapons Free Zone Treaty (Pelindaba Treaty). Since the Preparatory Committee (PrepCom) for the 2010 Review Conference of the Parties to the Nuclear Nonproliferation Treaty (NPT) will be held from 28 April to 9 May 2008 in Geneva, the mutual relationship between the Pelindaba Treaty and the NPT as means to achieve the global elimination of nuclear weapons was also discussed.
2. Over the two days, the workshop brought together a total of 40 participants, including delegates from the governments of following African countries: Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Seychelles South Africa, Zambia and Zimbabwe. Country delegates represented either their Department/Ministries of Multilateral/Foreign Affairs (the national body responsible for international and continental treaties and conventions such as the NPT and the Pelindaba Treaty), and/or the appropriate national entity responsible for implementing safeguards and other measures related to nuclear disarmament and non-proliferation. The South African national focal point of the African Regional Cooperative Agreement for Research Development and Training related to Nuclear Science and Technology (AFRA), the South African Nuclear Energy Corporation (NECSA), the South African National Defence Force (SANDF), and the South African Council for the Non-Proliferation of Weapons of Mass Destruction (NPC) were also represented. Inter-governmental and civil society organizations present

included the United Nations Office of Disarmament Affairs (UNODA), the Organisation for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), the Institute for Security Studies (ISS), the James Martin Center for Nonproliferation Studies (CNS), and the South African Institute for International Affairs (SAIIA).

3. Following the keynote address by H.E. Mr Tor Christian Hildan, of the Royal Norwegian Embassy in South Africa, the following topics were discussed during the workshop: the role of Africa in achieving a World Free of Nuclear Weapons; Africa's role in implementation the NPT; the role of Nuclear-weapon-free zones (NWFZs) as a step toward the global elimination of nuclear weapons; the mutually reinforcing roles of the Pelindaba Treaty and the Comprehensive Nuclear-Test-Ban Treaty (CTBT); lessons learned from the NWFZ in Latin-America and the Caribbean (Treaty of Tlatelolco); the origins, purpose and status of the Pelindaba Treaty;; legal and Institutional Requirements for implementing the Pelindaba Treaty; experiences of Pelindaba ratifying states; challenges and constraints faced by non-ratifying states; the role of extra-territorial states and regional and international organizations in assisting with the implementation; and, the possible roles and functions of the African Commission on Nuclear Energy (AFCONE).
4. In order to enable full and frank exploration of the issues and practical proposals, the workshop was conducted under "Chatham House Rules". This report, prepared by the organisers, provides an overview of the issues, themes and proposals discussed at the workshop, and is in no way reflective of all views. The authors of this report bear sole responsibility for its contents.

## **Discussions**

### ***Nuclear-weapon-free zones***

5. Participants took note that nuclear-weapon-free zones (NWFZs) continue to maintain and enhance global and regional peace and security. NWFZs also have an important role in achieving a world entirely free of nuclear weapons. In fact in 1978, the United Nations General Assembly's first Special Session on Disarmament recognized the establishment of nuclear-weapon-free zones as "an important disarmament measure" – its Final Document described the overall goal as "a world entirely free of nuclear weapons". In this regard NWFZs reinforce the commitments by both non-nuclear weapon states (NNWS) and nuclear weapon states (NWS) to the nuclear disarmament and nuclear non-proliferation objectives of the NPT.

### ***The African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)***

6. Participants recalled that in July 1964, the then organisation for African United (OAU) adopted the Declaration on the Denuclearization of Africa [AHG/Res.II(I)], which was subsequently endorsed by the United Nations general Assembly. Many years later the OAU and the UN established a Joint Group of Experts to draft a treaty creating a nuclear-weapon-free zone (NWFZ) in Africa, which first met in Addis Ababa in April 1991. Thereafter the Group met several times at various African venues: Lomé (1992); Harare (1993); Windhoek and Addis Ababa (1994). At its meetings in Windhoek (March 1994) and in Addis Ababa (May 1994), the experts were able to adopt

the first complete draft text of an African NWFZ Treaty. The final treaty text was completed at a joint meeting of experts in Johannesburg and Pelindaba in May and June 1995, and was approved by African Heads of State on 23 June 1995. The 1995 regular session of the UN General Assembly endorsed the Treaty on 6 November 1995.

7. The Treaty declares Africa a zone free of nuclear weapons, as an important step towards the strengthening of the non-proliferation regime; provides for the promotion of co-operation in the peaceful uses of nuclear energy; requires complete nuclear disarmament; and enhances both regional and global peace and security. Thus, the Pelindaba Treaty seeks to ensure that nuclear weapons are not developed, produced, tested, or otherwise acquired or stationed any where on the African continent or on the following islands: Agalega Island, Bassas da India, Canary Islands, Cape Verde, Cardagos Carajos Shoals, Chagos Archipelago - Diego Garcia, Comoros, Europa, Juan de Nova, Madagascar, Mauritius, Mayotte, Prince Edward & Marion Islands, Sao Tome and Principe, Reunion, Rodrigues Island, Seychelles, Tromelin Island, and Zanzibar & Pemba Islands.
8. Participants noted that as of 31 March 2008, all 53 African states, as well as the territory known as the Sahrawi Arab Democratic Republic have signed the Treaty, and that 23 countries have deposited their instruments of ratification with the African Union Commission (the Treat Depository). The unanimous decision by the Mozambican parliament on 26 March 2008 to ratify the Treaty was welcomed. The following countries have not yet ratified the Treaty: Angola, Benin, Burundi, Cameroon, Central African Rep., Cape Verde, Chad, Comoros, Congo, Djibouti, Democratic Rep. of Congo, Egypt, Eritrea, Ethiopia, Ghana, Guinea-Bissau, Liberia, Malawi, Morocco, Namibia, Niger, Seychelles, Sierra Leone, Somalia, Sao Tome & Principe, Sudan, Tunisia, Uganda and Zambia.
9. It was further recalled that the African Union (AU) regularly passes declarations expressing its members' continued determination "to preserve Africa as a nuclear free zone in conformity with the Pelindaba Treaty" and their "resolve to leave no stone unturned to ensure the early entry into force of this Treaty" (for example, the Lomé Declaration of 2000 and the "Information Note on the African Nuclear-Weapon-Free Zone Treaty", issued by the Peace and Security Council at its 53rd Meeting, 31 May 2006). However, more than 11 years after its adoption, the Zone has yet to come into force.
10. With the Mozambique parliament passing its ratification on 26 March 2008, four more ratifications are still needed to bring the Treaty into force. Participants expressed the hope that Mozambique's recent ratification would act as a catalyst for other non-ratifying states to begin the process of ratification according to their national procedures. Participants noted the intention from delegates from other Southern African countries that have not yet ratified to encourage their governments to implement the ratification process according to their national procedures. Participants also called on other African States that have not yet done so to ratify the Treaty as soon as possible so that it may enter into force without delay, and preferably before the 2010 NPT Review Conference and so promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas. Participants also called on those NWS and extra-territorial states that have not yet ratified the

relevant Protocols attached to the Pelindaba Treaty concerning them to do so as soon as possible.

11. Participants also recognized the important role of the United Nations Secretary-General and the High Representative for Disarmament Affairs in promoting the entry-into-force of the Pelindaba Treaty. A suggestion was made that future regional meetings arranged by the Office of Disarmament Affairs, including those focused on the implementation of Security Council resolution 1540 include as part of their agenda, the entry-into-force and full implementation of the Pelindaba Treaty.
12. It was recalled that under Article 12 (Mechanism for compliance) and after entry-into-force of the Treaty, the Parties agree to establish an African Commission on Nuclear Energy (AFCONE) in order to ensure compliance with their undertakings, and to promote the peaceful use of nuclear science and technology. Participants recognized the need for the African Union, as the Treaty Depository to arrange a Conference of State Parties following the deposit of the 28<sup>th</sup> instrument of ratification at which the composition, location and role and functions of AFCONE should be finalized, and at which such matters as the Commission's budget and the scale of assessment to be paid by the State Parties should be agreed.
13. Participants were also briefed on the status of various proposals relating to regional and multilateral approaches to the nuclear fuel cycle. It was noted that this issue requires further consideration among African states in order to discuss the possibility of any elements of such proposed arrangements being included under a future AFCONE structure.

### ***The Nuclear Non-proliferation Treaty (NPT)***

14. Participants recalled that the NPT, the cornerstone of the global nuclear non-proliferation and nuclear disarmament regime, is designed to further the goal of complete nuclear disarmament, to prevent the spread of nuclear weapons and to promote co-operation in the peaceful uses of nuclear energy. There is, however, an urgent need to both maintain and strengthen the integrity of the NPT's three pillars. The PrepCom for the 2010 Review Conference of the Parties to the NPT, which will hold its second session from 28 April to 9 May 2008 at the United Nations Office in Geneva, is expected to consider substantive ways to accomplish this goal. The third session of the PrepCom, will be required to make recommendations to the 2010 Review Conference. It was also noted that Ambassador Boniface Chidyausiku, Zimbabwe's Permanent Representative to the United Nations, has been nominated by the Non-Aligned Movement to chair the 2009 PrepCom session.
15. African States parties to the NPT that have not yet done so were encouraged to conclude comprehensive safeguards agreements with the International Atomic Energy Agency (IAEA) as required under Article 3 of the NPT.
16. Participants expressed concern that the use or threat of use of nuclear weapons continues to be one of the most fundamental threats to global human and environmental security. NWS were called upon to fully implement their NPT nuclear disarmament obligations under Article 6 as well as the agreements reached at the 1995 and 2000 Review Conferences. NWS were also called upon to immediately change their nuclear doctrines, especially

given that as some still maintain doctrines that allow for the potential use of nuclear weapons against NNWS, including members of the African NWFZ.

### ***Comprehensive Nuclear Test Ban Treaty (CTBT)***

17. Participants noted that given the nuclear renaissance, more states are likely to master critical elements of the nuclear fuel cycle making the differentiation between permitted and prohibited nuclear activities an increasing challenge. Given that a nuclear test provides undeniable proof of a state's nuclear weapon intentions, the CTBT offers a very visible barrier between the peaceful and legitimate use of nuclear energy, and the use of the atom for military purposes. In this regard, it was recalled that the CTBT seeks to constrain the development and qualitative improvement of nuclear weapons as well as the development of advanced new types of nuclear weapons by requiring its state parties "not to carry out carry nuclear weapons test explosions and all other nuclear explosions, and to prohibit and prevent any, nuclear explosion at any place under its jurisdiction or control" (Article 1).
18. It was also noted that the CTBT and the Pelindaba Treaty (given its test ban provisions and Protocol I) are mutually reinforcing. As such both treaties make a significant contribution toward global nuclear disarmament. Given that the impact and effects of any nuclear test, use or accidents involving nuclear weapons cannot be contained within national boundaries or even continents, global nuclear disarmament is therefore of regional and local importance to all States, including to the members of the African NWFZ.
19. Participants were informed that as of 31 March 2008, 51 African states had signed the CTBT and 33 have ratified it. Mauritius and Somalia have not signed and Angola, Burundi, Central African Republic, Chad, Comoros, Congo, Egypt, Equatorial Guinea, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Malawi, Mauritius, Mozambique, Sao Tome and Principe, Somalia, Swaziland and Zimbabwe have not yet ratified. Participants also noted that the following 24 African states are hosting CTBT international monitoring stations designed to collect seismological, hydroacoustic, infrasound and radionuclide data as part of the CTBT International Monitoring System (IMS) designed to enable CTBT member states to assess whether a nuclear explosion has occurred: Botswana, Cameroon, Cape Verde, Central African Republic, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Gabon, Kenya, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Morocco, Namibia, Niger, Senegal, South Africa, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. The data obtained through the IMS is freely available to all CTBT states signatories and the Preparatory Commission for the CTBTO offers a range of technical and legal support for implementation, including assistance with establishing a National Data Centre.

### ***The Way Forward***

20. Participants expressed their appreciation to the organisers as well as to their fellow participants for the valuable information received and the knowledge shared. The organisers were encouraged to continue with their initiative to promote the entry-into-force of the Treaty, and to also assist countries in their endeavours to ratify and/or implement the provisions of the Pelindaba Treaty, e.g. in drafting model legislation and providing advice on the implementation of legal requirements including comprehensive safeguards.

21. Participants welcomed the intention of Mozambique to assist other Portuguese speaking African states (Angola, Cape Verde, Guinea Bissau, and Sao Tome & Principe) to ratify the treaty. In this regard, participants noted an offer by one of the organisers to facilitate a more accurate translation of the Treaty into Portuguese.
22. Participants noted the hope expressed by the workshop organisers that:
  - i. A number of other Southern African countries would ratify the Pelindaba Treaty within the following few months;
  - ii. By the 2009 NPT PrepCom a critical mass of Pelindaba ratifying and signatory states can work together to promote the importance of both nuclear disarmament and their right to the peaceful use of nuclear energy;
  - iii. If not at an earlier date, the First Conference of State Parties of the Pelindaba Treaty be convened prior to the 2010 Review Conference at which African nations should prepare for both the establishment of AFCONE and the successful conclusion of the 2010 Review Conference; and,
  - iv. African states alongside members of other NWFZs, actively work towards the global elimination of nuclear weapons.