

AFRICAN NUCLEAR-WEAPON-FREE ZONE (PELINDABA TREATY)

Opened for signature: 11 April 1996.

Entered into Force: The treaty has not yet entered into force. Its entry into force requires 28 ratifications.

Number of signatories: 52 States.

Number of ratifications: 17 States.

Duration: The Treaty is of a permanent nature and shall remain in force indefinitely.

Treaty Text

Background: In 1961, the [UN General Assembly \(UNGA\)](#) first adopted a resolution, which called upon Member States to consider and respect the continent of Africa as a de-nuclearized zone. In 1964, the [Organization of African Unity \(OAU\)](#) issued the Declaration on the De-nuclearization of Africa, which was subsequently endorsed by the UNGA.

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 UNGA approved the Treaty on 6 November (A/C.1/50/L.23).

The ANWFZ Treaty — the Treaty of Pelindaba — was signed in Cairo on 11 April 1996 by 47 of the continent's 53 States. The protocols were signed at the same time by the nuclear-weapon States (NWS) except for Russia, which sought clarification on the status of the Indian Ocean island of Diego Garcia (controlled by the United Kingdom and formerly used as a base for nuclear weapons by the United States). The UN Security Council issued a statement on 12 April commending the ANWFZ.

Obligations: The Parties undertake not to conduct research on, develop, manufacture, stockpile or oth-

erwise acquire, possess, or have control over any nuclear explosive device by any means anywhere; not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device; and not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device. The Parties also undertake to prohibit, in their territory, the stationing of any nuclear explosive device. However, they are allowed to decide whether to allow visits by foreign ships and aircraft to their ports and airfields, transit of their airspace by foreign aircraft, and navigation by foreign ships in their territorial seas or archipelago waters. The Treaty further prohibits the Parties from testing or allowing testing in their territory, or assisting or encouraging the testing of any nuclear explosive device; as well as the dumping of radioactive waste. The Parties undertake to declare any capability for the manufacture of nuclear explosive devices; dismantle and destroy any nuclear explosive device that they have manufactured prior to the coming into force of this Treaty; destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses; and to permit the [International Atomic Energy Agency \(IAEA\)](#) to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production. The Treaty allows the Parties to engage in peaceful nuclear activities and obligates them to conclude full-scope safeguard agreements with the IAEA to verify the peaceful character of such activities. The Parties also undertake not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the Treaty's zone of application.

Protocol I calls on the NWS not to use or threaten to use a nuclear explosive device against any Party to the Treaty and any territory within the Pelindaba NWFZ. Protocol I was signed by China, France, the United Kingdom, and the United States in April 1996, and the Russian Federation in November 1996. China (6 September 1996), France (31 July 1997) and the UK (27 February 2001) ratified the Treaty. US and Russian ratifications of Protocol I are still pending.

Protocol II calls on the NWS not to test or assist or encourage the testing of any nuclear explosive device anywhere within the Pelindaba NWFZ. Protocol II was signed by China, France, the United Kingdom, and the United States in April 1996, and the Russian Federation in November 1996. China (6 September 1996), France (31 July 1997) and the United Kingdom (27 February 2001) ratified the Treaty. US and Russian ratifications of Protocol II are still pending.

Protocol III calls on each Party, with respect to the territories for which it is de jure or de facto internationally responsible and situated within the Pelindaba NWFZ, to apply the provisions of the Treaty. Protocol III was signed by France on 11 April 1996 and ratified on 31 July 1997. Spain neither signed nor ratified Protocol III.

Verification and Compliance: *Verification:* Upon entry into force, the Treaty provides for the establishment of the African Commission on Nuclear Energy for the purpose of ensuring compliance with undertakings under the Treaty. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman, and the Executive Secretary and shall meet in ordinary session once a year. The Commission shall be responsible for collecting reports on Member States' nuclear activities as well as other matters relating to the Treaty; arranging consultations as well as convening conferences of Parties on any matter arising from the implementation of the Treaty and reviewing the application of IAEA safeguards to peaceful nuclear activities.

Compliance: A Party with grounds complaint that another Party to the Treaty or to Protocol II is in breach of its obligations shall bring the subject matter of the complaint to the attention of the Party complained of and shall allow the latter 30 days to provide it with an explanation and to resolve the matter. If the matter is not resolved, the complaining Party may bring its complaint to the Commission, which may request the IAEA to conduct an inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team. If the Commission decides that the Party complained of is in breach of its obligations under this Treaty, States Parties to the Treaty shall meet in extraordinary session to discuss the matter. The States Parties convened in extraordinary session may make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council.

Developments:

2002: On 6 March 2002, Lesotho ratified the Pelindaba Treaty. As a result, the Treaty now has 17 ratifications, but still requires 11 more ratifications for its entry into force.

2001: On 18 October 2001, the UN First Committee adopted Resolution A/56/RES/17 entitled "African Nuclear-Weapon-Free Zone Treaty," which called on African States that had not yet ratified the Treaty to do so as soon as possible to allow its entry into force, on the NWS that had not yet ratified Protocols I and II to do so at the earliest possible date, and on States concerned by Protocol III to take all measures needed for the application of the Treaty in the territories they are responsible for. This is a resolution biannually adopted.

1999: On 1 December 1999, the UNGA adopted, without a vote, Resolution 54/48, introduced by Burkina Faso. The Resolution called upon African States that had not yet done so to ratify the Treaty as soon as possible, and to conclude comprehensive safeguards agreements with the IAEA, as required by the Treaty, and conclude additional protocols to their safeguards agreements on the basis of the 1997 Model Protocol. The Resolution called upon the NWS that had not yet done so to ratify the Protocols as soon as possible.

1998: By November 1998, only eight States – Algeria, Burkina Faso, Gambia, Mauritania, Mauritius, South Africa, Tanzania, and Zimbabwe – had ratified the Treaty.

1997: In December 1997, during the 52nd session of the UNGA, Kenya introduced Resolution 52/46, which was subsequently adopted by the UNGA without a vote, calling on all States that had not done so to sign and ratify the Treaty of Pelindaba as soon as possible. The Resolution expressed appreciation to NWS that had signed the Protocols that concern them and called upon those that have not yet ratified the Protocols to do so as soon as possible. The resolution also called upon those African States Parties to the [Non-Proliferation Treaty \(NPT\)](#) that had not yet concluded comprehensive safeguard agreements with the IAEA to do so as soon as possible.

1996: The Treaty was opened for signature on 11 April 1996 in Cairo, Egypt to all African States eligible to become parties to the Treaty. Shortly after the Protocols were signed, US officials undercut the intent and meaning of Protocol I, saying that it would not limit its options in the case of an attack on the United States by a party to the Treaty using weapons of mass destruction.