

AFRICAN NUCLEAR-WEAPON-FREE ZONE (PELINDABA TREATY)

Opened for signature: 11 April 1996

Entered into Force: 15 July 2009

Membership

Number of Ratifications: 31 states.

Depositary: The Commission of the [African Union](#)

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 otherwise 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

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1996, and the Russian Federation in November 1996. China (6 September 1996), France (31 July 1997), the UK (27 February 2001) and the Russian Federation (11 March 2011) ratified the Treaty. On May 3 2010, U.S. Secretary of State Hillary Clinton announced at the 2010 NPT Review Conference that the U.S. administration was preparing to submit the treaty protocols to the U.S. Senate for ratification. On 3 May 2011, U.S. Administration submitted Protocols I and II for Senate ratification.

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), the United Kingdom (27 February 2001) and the Russian Federation (11 March 2011) ratified the Protocol. U.S. ratification is pending, but Protocols I and II were submitted to the U.S. Senate for ratification in May 2011.

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 (ACNE) for the purpose of ensuring compliance with the obligations under the Treaty. ACNE shall have a Bureau consisting of the Chairman, the Vice-Chairman, and the Executive Secretary and meet in ordinary session once a year. ACNE is responsible for: (1) collating reports and the exchange of information; (2) arranging consultations; (3) convening conferences; (4) reviewing the application to peaceful nuclear activities of safeguards by the IAEA; (5) the complaints procedure; (6) encouraging regional and sub-regional cooperation programs for peaceful uses of nuclear science and technology; and (7) promoting international cooperation. The Commission is to meet once a year although an extraordinary session may be required to settle disputes. The headquarters and membership of ACNE were decided at the first Treaty conference in November 2010. South Africa was selected to host the commission headquarters.

Compliance: A Party with grounds for a 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 offending Party and shall allow the latter 30 days to provide the former with an explanation to resolve the matter. If the matter is not resolved, the complaining Party may bring its concerns before ACNE, which may request that the IAEA conduct an inspection as soon as possible. ACNE may also designate its representatives to accompany the Agency's inspection team. If ACNE 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 African Union. The African Union may, if necessary, refer the matter to the United Nations Security Council.

Developments:

2011: On 11 March Russia's State Duma ratified Protocols I and II of the African Nuclear Weapon-Free Zone Treaty. Russian Deputy Foreign Minister Sergei Ryabkov asserted, however, that the State Duma's endorsement of the treaty came with several reservations. These stipulate that Russia reserves the right to use nuclear weapons against African states which may hold allied commitments to other nuclear states, which may participate in military actions using nuclear weapons against Russia, or which are part of coalitions seeking to do so. Deputy Foreign Minister Ryabkov also affirmed the reservation that Russia's signing of the treaty does not apply to the U.S. base of Diego Garcia, which is located on an island of the Chagos Archipelago in the Indian Ocean.

On May 3, President Obama [submitted](#) Protocols I and II to the U.S. Senate for advice and consent to ratification.

2010: On April 30, the Second Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia was held in New York. The conference adopted the [Outcome Document](#) which reiterated the final declaration of the 2005 Conference and welcomed the entry into force of the African and Central Asian NWFZs as well as the efforts of Mongolia to institutionalize its nuclear weapons free status. It further called on the nuclear-weapons states to sign all relevant protocols and withdraw existing reservations.

On 3 May, U.S. Secretary of State Hillary Clinton announced at the opening of the [NPT](#) Review Con-

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ference in New York that the United States would submit the protocols to the Treaties of Pelindaba and [Rarotonga](#) to the U.S. Senate for ratification.

On 28 June, Zambia ratified the Treaty of Pelindaba and deposited its instrument of ratification on 18 August, becoming the 30th state party to the treaty.

On 28 September, Cameroon deposited its instrument of ratification (ratified on 6 June 2009), becoming the 31st state party to the treaty.

On 15 October 2010, Russia announced, during the [UN First Committee](#) session in New York, that it had started the procedures for ratification of Protocol I of the Treaty of Pelindaba.

On 4 November, the African Union Commission convened the First Conference of State Parties to the African Nuclear-Weapon-Free Zone, to determine the headquarters and membership of the ACNE. Twelve countries selected to be members of ACNE were: Algeria, Burkina Faso, Cameroon, Ethiopia, Kenya, Libya, Mali, Mauritius, Senegal, South Africa, Togo and Tunisia. State Parties also agreed to establish ACNE headquarters in South Africa. Another meeting will be held in the next 6 months to establish the ACNE budget, structure and activities,

2009: On 23 April, Malawi became the 27th state to deposit its instrument of ratification with the African Union, following its ratification on 6 March.

The Treaty entered into force on 15 July when Burundi became the 28th state to deposit its instrument of ratification or accession.

Article 12 of the Treaty establishes a compliance and verification mechanism, the African Commission on Nuclear Energy (ACNE). Article 14 requires the African Union to convene a Conference of all Parties to the Treaty as soon as possible to elect the members of ACNE, determine its headquarters, and adopt its budget.

Tunisia deposited its instrument of ratification on 7 October, becoming the 29th Party to the Treaty.

2008: On 18 February, Ethiopia ratified the Pelindaba Treaty and deposited its instrument of ratification on 13 March. On 26 March, Mozambique ratified the Treaty and deposited its instrument of ratification on 28 August.

2007: Rwanda ratified the Treaty on 23 January and deposited its instrument of ratification on 1 February. Gabon ratified the Treaty on 18 May and deposited its instrument of ratification on 12 June. Benin ratified the Treaty on 17 July and deposited its instrument of ratification on 4 September.

2006: On 20 September, Senegal ratified the Treaty and deposited its instrument of ratification on 25 October.

The 60th session of the UN General Assembly adopted Resolution 60/49 entitled “[African Nuclear-Weapon-Free Zone Treaty](#).” As in past years, the resolution again 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 for which they are responsible.

2005: On 26-28 April, the Conference of States Parties and Signatories of Treaties that establish Nuclear-Weapon-Free Zones was held in Tlatelolco, Mexico. The Conference adopted a [declaration](#), reaffirming that nuclear weapons constitute a threat to humanity, urging nuclear weapons states to adopt negative security assurances, and stressing the importance of the right to peaceful uses of nuclear energy.

Following the announcement by Libya in December 2003 that it would abandon its WMD programs, and the ratification of both the Comprehensive Test-Ban Treaty (CTBT) and the Chemical Weapons Convention (CWC) in January 2004, Libya deposited its instrument of ratification for the Pelindaba Treaty with the African Union on 11 May.

2003: Equatorial Guinea deposited its instrument of ratification on 19 February. Madagascar did so on 23 December.

The 58th session of the UN General Assembly adopted Resolution 58/30 entitled “[African Nuclear-Weapon-Free Zone Treaty](#).” As in the case of previous resolutions adopted by the General Assembly, the resolution 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 for which they are responsible.

2002: On 6 March, Lesotho ratified the Treaty and deposited its instrument of ratification on 14 March.

2001: On 9 January, Kenya deposited its Instrument of Ratification. Nigeria did so on 18 June. By the end of this year 16 countries had concluded their ratification process.

The 56th session of the UN General Assembly adopted Resolution 56/17 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.

States by a party to the Treaty using weapons of mass destruction.

2000: On 21 January, Guinea deposited its instrument of ratification. On 17 July Swaziland, four years after its ratification, deposited its instrument of ratification. On 18 July, Togo followed.

1999: On 1 December, 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, to conclude comprehensive safeguards agreements with the IAEA, as required by the Treaty, and to 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.

During this year, Botswana, Côte d’Ivoire, and Mali ratified the Treaty, bringing the number of ratifications to eleven.

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

1997: In December, 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 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, stating that it would not limit its options in the case of an attack on the United