

A BRIEF GUIDE TO THE PELINDABA TREATY

Towards Entry-into-Force of the African Nuclear-Weapon-Free Zone Treaty



Noel Stott, Amelia du Rand & Jean du Preez

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Introduction

This guide briefly outlines the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) and describes the procedures that most African States need to follow in order to ratify or accede to this treaty and to implement its provisions.

In July 1964, the then OAU adopted the Declaration on the Denuclearisation of Africa [AHG/Res.II(I)]. In June 1995, at the 31st Ordinary Session of the OAU held in Addis Ababa, the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) was agreed to. The Treaty declares Africa a zone free of nuclear weapons, [as] an important step towards the strengthening of the non-proliferation regime, the promotion of co-operation in the peaceful uses of nuclear energy, complete disarmament, and the enhancement of regional peace and security. While the application of the African Nuclear-Weapon-Free Zone is without prejudice to the territorial integrity and sovereignty of AU Member States, through the Treaty, Africa seeks to ensure that nuclear weapons are not developed, produced, tested, or otherwise acquired or stationed in any of the countries on the continent.

The African Nuclear-Weapon-Free Zone (ANWFZ) covers the entire African continent as well as 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.

As of 1 October 2008, all 53 members of the African Union (AU) have signed the Treaty (including the territory known as the Sahrawi Arab Democratic Republic) and 26 countries have deposited their instruments of ratification with the AU Commission. The following countries have however not yet ratified the Treaty: Angola, Burundi, Cameroon, Central African Republic, Cape Verde, Chad, Comoros, Congo, Djibouti, Democratic Republic of Congo, Egypt, Eritrea, Ghana, Guinea-Bissau, Liberia, Malawi, Namibia, Niger, Seychelles, Sierra Leone, Somalia, Sao Tome & Principe, Sudan, Tunisia, Uganda and Zambia as well as the Sahrawi Arab Democratic Republic. Morocco, which left the AU's predecessor, the Organisation of African Unity (OAU), signed the Treaty on 11 April 1996, but is not included here as they are not a member of the African Union although they remain involved in African diplomacy and benefit from the services available to all AU states.



The Pelindaba Nuclear Research Facility, Pretoria, South Africa (Picture by Necsa)

Table 1: Time-line of relevant dates

1960	French nuclear testing in the Sahara causes several African states to consider denuclearising Africa.
1961	UNGA Resolution 1652(XVI) of November 1961, entitled "Consideration of Africa as a denuclearized zone" is approved.
1964	Declaration on the Denuclearization of Africa, adopted by the Summit of the Organisation of African Unity (OAU) at its first ordinary session, held in Cairo from 17-21 July.
1965	UNGA endorses the OAU Declaration in resolution 2033(XX) of December
1966	France ceases nuclear testing in Sahara.
1970	South Africa announces capability to enrich uranium.
1970 – 1990	UNGA adopts annual resolutions focusing on obstacles to the achievement of an African ANWFZ.
1979	UNGA adopts Resolution 34/76 B of December 11 mandating a group of experts from France, Nigeria, the Philippines, the former Soviet Union, Sweden and Venezuela to conduct a study on 'South Africa's plan and capability in the nuclear field'.
1989	UNGA Resolution 44/113 B of December commissioned a study on 'South Africa's nuclear-tipped ballistic missile capability'.
1990	South Africa accedes to the NPT and destroys six nuclear devices. UNGA Resolution 45/56 A of 4 December called for the creation of a group of experts.
1991	The 54th Ordinary Session of the Council of Ministers of the OAU held in Abuja, Nigeria, from 27 May to 1st June 1991.
1992	The 56th Ordinary Session of the Council of Ministers of the OAU held in Dakar, Senegal, from 22 to 29 June 1992, affirms that the international situation was conducive to the implementation of the Cairo Declaration. UNGA Resolution 47/76 of 15 December increased the mandate of the group of experts that was established in 1990 to include drafting a treaty or convention on the denuclearisation of Africa.
1993	General Assembly of the United Nations adopts Resolution A/RES/48/86 on 16 December.
1994	Group of Experts held in Windhoek from 16 to 25 March works on draft treaty provisions. Group of Experts held in Addis Ababa from 16 to 25 March continues to work on draft treaty provisions. United Nations General Assembly adopts resolution 49/138, which inter alia requests the Secretary-General of the United Nations, in consultation with the Organisation of African Unity (OAU), to take action to enable the Group of Experts to finalise the drafting of a treaty on a nuclear-weapon-free zone in Africa.
1995	Group of Experts meet to finalise the draft treaty in Pelindaba, South Africa from 29 May to 2 June. The report of the Group of Experts and the draft treaty are considered by the meetings of the OAU Council of Ministers and of the African Heads of State, which took place in Addis Ababa from 21 June to 28 June. The draft Pelindaba Treaty is submitted to the 31st Ordinary Session of the Assembly of Heads of State and Government and is adopted.
1996	The African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) is signed by all OAU members in Cairo, on 11 April 1996.
2008 (October)	Two more ratifications and deposits are needed to bring the Treaty into force.

Time-line

A time-line of relevant dates is given in **Table 1**.

More than 10 years after its adoption, two more ratifications are needed to bring the Treaty into force. In a strongly worded statement the African Union's Peace and Security Council at its 53rd Meeting on 31 May 2006, in Addis Ababa, Ethiopia stated:

“It is a matter of concern that, 10 years after the Treaty was first opened for ratification, it has not yet come into force. The Pelindaba Treaty is an important part of the overall peace and security architecture of the African Union: is indeed one of the building blocks of the Common African Defence and Security Policy (CADSP) as articulated in the Solemn Declaration adopted by the Second Extraordinary Session of the Assembly of Head of States and Government, held in Sirte, Libya, on 28 February 2004. In a world that is threatened by nuclear proliferation and weapons of mass destruction, in which it is important that Africa play its part in strengthening the nuclear weapon-free regime and contribute to disarmament and nuclear non-proliferation processes, the Treaty takes on an added global resonance. It is equally important to strengthen collective action and solidarity to protect the continent against the threat of dumping of radioactive wastes and other radioactive matter in the African Nuclear-Weapon-Free Zone. Thus, the continent should redouble its efforts to conclude the ratification process, in order to bring the Treaty into force.”

The Solemn Declaration on a Common African Defence and Security Policy declares that external challenges to Africa's continental security include:

The accumulation, stockpiling, proliferation and manufacturing of weapons of mass destruction, particularly nuclear weapons, chemical and biological weapons, unconventional long-range and ballistic missiles. ⁽¹⁾

First Committee Resolutions

The United Nations General Assembly's First Committee on Disarmament and International Security currently considers the African Nuclear-Weapon-Free Zone Treaty on a biennial basis and passes a resolution calling upon the remaining African States to ratify the Treaty and on the relevant parties to adhere to its attached Protocols. It also calls on African states to conclude comprehensive safeguards agreements with the IAEA. Since 1996, South Africa has usually drafted and consulted on the text of the resolution, which is then put forward (frequently by Nigeria) on behalf of the Group of African States. The latest text [UNGA 62/15 (L.26)] of December 2007 remains unchanged from the previous time it was introduced in 2005.

⁽¹⁾ Solemn Declaration on a Common African Defence and Security Policy, 28 February 2004.

Signature

The Treaty opened for signature on 11 April 1996 in Cairo, Egypt and will remain open until its entry-into-force – which will occur on the date of deposit of the twenty-eighth instrument of ratification. States which have already signed the treaty must not take any action that would undermine its object and purpose. States which do not sign the treaty before entry-into-force may no longer do so. They may, however, accede to it directly.

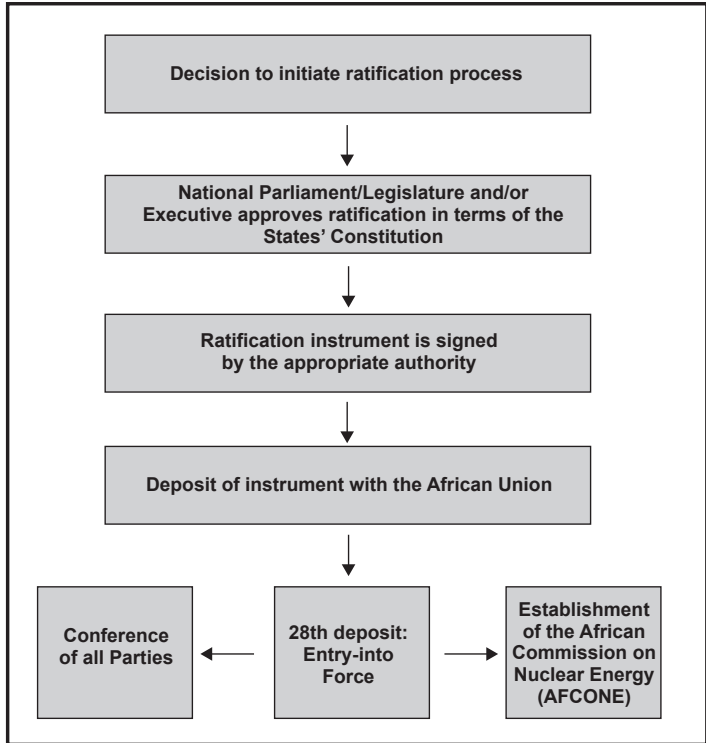
Ratification and Accession

A State which has signed the Treaty must formally declare its consent to be bound by it in accordance with its national constitutional procedures for adherence to international agreements. This generally requires domestic action (ratification, acceptance or approval, depending on national practice) by the country's parliament or the executive of a State, or both.

Non-signatory States may also become bound by the Treaty, without signing it, through a one-step procedure known as accession. Similar to the process described above, accession usually also requires action by the national parliament.

The instrument of ratification must be signed either by the Head of State or Government or the Minister for Foreign Affairs or by an official with full powers to sign the instrument. This signature validates the instrument of ratification. The instrument of ratification must indicate the title of the person who has signed it and its date and place of issue as well as the name of the Treaty. It should contain an unambiguous expression of the will of the Government, acting on behalf of the State, to recognize itself as being bound by the Treaty and to implement its provisions.

Once the formal decision to be bound has been taken in accordance with national



procedures, the State must deposit an instrument of ratification, acceptance, approval or accession with the Secretary-General of AU, who is designated as Depositary of the Treaty. The Depositary shall: Receive instruments of ratification; Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations; Transmit certified copies of the Treaty and its Protocols to all States in the African nuclear-weapon-free zone and to all States eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols. The filing of this instrument is the action that gives legal force to the State's commitments under the Treaty. It also creates treaty relations, including rights and obligations, with respect to other parties.

Ratification Process

Under the terms of the Treaty, African States pledge the following:

- renunciation of nuclear explosive devices;
- prevention of the stationing of nuclear explosive devices;
- prohibition of the testing of nuclear explosive devices;
- declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture;
- prohibition of dumping of radioactive wastes;
- promotion of peaceful nuclear activities and verification of their peaceful uses;
- physical protection of nuclear materials and facilities and prohibition of armed attacks on nuclear installations;
- establishment of an African Commission on Nuclear Energy as a mechanism for compliance;
- reporting and exchanges of information on nuclear activities.

In terms of the Treaty, research into nuclear explosive devices by any means anywhere is banned. It also requires the destruction of any nuclear explosive device that a Party might possess.

The Pelindaba Treaty prohibits the dumping of radioactive wastes and other radioactive matter anywhere within the African Nuclear-Weapon-Free Zone and prohibits armed attack by conventional or other means against nuclear installations in the African Nuclear-Weapon-Free Zone.

The Treaty is of unlimited duration and withdrawal requires 12 months prior notification. It prohibits acquiring, manufacturing, testing or developing of nuclear weapons by state parties. Each state decides independently whether the transit of such weapons through its territories is allowed.

There are three attached Protocols to the Treaty to ensure respect of the Treaty by non-state parties:

- a) Protocol I calls on Nuclear Weapon States (NWS) not to use or threaten to use a nuclear weapon against any Party to the Treaty and against any territory within the zone. It has been signed by all the NWS and ratified by France, China and the UK.
- b) Protocol II calls on the NWS not to participate or assist in or encourage the testing of

a nuclear explosive device on the continent. It has been signed by all the NWS and ratified by France, China and the UK.

- c) Protocol III calls upon parties which are de jure or de facto in control of territories situated within the zone (namely France and Spain) to apply the principles of the Treaty to the territories under their control. France has signed and ratified it but Spain has not signed. ⁽²⁾

The Pelindaba Treaty supports the use of nuclear science and technology for peaceful purposes and in this respect each Party undertakes to conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures; to provide assurance of exclusively peaceful use; to conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance; and, not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

According to Hans Blix , Director General of the International Atomic Energy Agency, speaking at the conference for the Signing of the African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty), Cairo, 11 April 1996:

“Unlike the [Non-Proliferation Treaty] NPT, it prohibits the stationing and testing of any nuclear explosive device in the territories of its parties; it also commits its parties to apply the highest standards of security and physical protection of nuclear material, facilities and equipment to prevent theft and unauthorized use; it prohibits armed attack against nuclear installations in the zone; and it prohibits the dumping of any radioactive waste. These are important undertakings supplementary to those already assumed by the parties under the NPT. They will help to advance the cause of horizontal and vertical non-proliferation and to prevent illegal trafficking in or other unauthorized uses of nuclear material. They will help to shield nuclear facilities from possible armed attacks and consequent radiological releases during conflicts; and they will require management of radioactive waste to be in accordance with accepted international safety standards.”

He ended his talk by stating that:

“... In addition to the establishment of nuclear-weapon-free zones, other nuclear arms control measures need to be taken urgently to move the world progressively towards nuclear disarmament. High on the list are the conclusion of a comprehensive nuclear test ban treaty; a universal convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and most importantly, as provided for in the consensus decision of the NPT Review and Extension Conference,

⁽²⁾ http://www.nti.org/e_research/official_docs/inventory/pdfs/anwfz.pdf

“a determined pursuit by the Nuclear Weapon States of systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating those weapons”.

The African Commission on Nuclear Energy (AFCONE)

Under Article 12 (Mechanism for compliance) and after entry-into-force the Parties agree to establish an African Commission on Nuclear Energy (AFCONE) in order to ensure compliance with their undertakings. The Commission will be responsible inter alia for:

- a) Collating reports and the exchange of information as provided for in Article 13;
- b) Arranging consultations as provided for in Annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
- c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in Annex II;
- d) Bringing into effect the complaints procedure elaborated in Annex IV;
- e) Encouraging regional and sub-regional programmes for cooperation in the peaceful uses of nuclear science and technology;
- f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.

The Commission will meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in Annex IV and in a shared arrangement with the IAEA. ⁽³⁾

Conference of Parties

Under Article 14, a Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty in order to, inter alia, elect members of the AFCONE and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12. The Conference of all Parties to the Treaty will adopt the Commission’s budget and a scale of assessment to be paid by the State Parties.



A Nuclear Research Laboratory (Picture by PictureNET Africa)

⁽³⁾ UNIDIR, “Coming To Terms With Security”, 2003/22 p. 86.

National Implementation

While not specifically provided for in the Treaty, States are, by definition, required to take appropriate legal, administrative and other measures to prevent and punish any prohibited activity (a) by persons under its jurisdiction or control and (b) on territory under its jurisdiction or control. Such measures may include the imposition of penal sanctions for such activities. Administrative measures, including changes in military doctrine and operating procedures and the notification of organisations involved in the development, production and transfer of arms may also be needed to ensure that violations do not occur.

Beyond the prevention and punishment of violations, States need to consider a range of positive measures to ensure implementation of the Treaty.

These include:

- Development and implementation of plans for the destruction of stockpiled nuclear weapon material;
- Action to prohibit in its territory the testing of any nuclear explosive device;
- To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
- To discourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone;
- To maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorised use and handling and to conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures;
- To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance;
- Preparation and submission of reports to the African Commission on Nuclear Energy [to be] established under Article 12 of the Treaty.

MODEL INSTRUMENTS OF RATIFICATION, ACCEPTANCE OR APPROVAL ⁽⁴⁾

MODEL A: For States Signatories

Model Instrument of RATIFICATION [acceptance or approval] of the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)

WHEREAS the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) was adopted in June 1995, at the 31st Ordinary Session of the OAU held in Addis Ababa, and opened for signature on 11 April 1996 in Cairo, Egypt,

WHEREAS the said Treaty has been signed on behalf of the Government of

_____ on _____.

NOW THEREFORE I, [name and title of the head of State, head of Government or minister of foreign affairs], declare that the Government of _____, having considered the above-mentioned Treaty, ratifies [accepts, approves] the same Treaty and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of [ratification, acceptance, approval] at

_____ on _____.

[signature] + [seal]

MODEL B: For non-signatory States (after entry-into-force)

Model Instrument of ACCESSION to the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)

WHEREAS the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) was adopted in June 1995, at the 31st Ordinary Session of the OAU held in Addis Ababa, and opened for signature on 11 April 1996 in Cairo, Egypt,

NOW THEREFORE I, [name and title of the head of State, head of Government or minister of foreign affairs], declare that the Government of _____, having considered the above-mentioned Treaty, accedes to the same Treaty and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession at

_____ on _____.

[signature] + [seal]

⁽⁴⁾ These have been compiled using various model instruments drafted by the International Committee of the Red Cross (ICRC) in relation to other international conventions.

How to Conclude a Comprehensive Safeguards Agreement with an Additional Protocol (based on INFCIRC/153 (Corr.) and INFCIRC/540 (Corr.))

Concluding safeguards agreements with the IAEA generally requires two or three steps:

1. The State notifies the Agency of its intention to conclude a safeguards agreement and/or an additional protocol, and asks the Agency to submit the draft text(s) to the IAEA Board of Governors for the Board to authorise the Director General to sign and implement it. The notification should contain information on the applicable entry into force procedure (see step 3 below). The text(s) will then be submitted to the Board of Governors, which needs to authorise the Director General to sign, and subsequently implement the agreement or protocol. The Board meets five times per year, generally in March, June, September (twice) and November. After this, the documents are open for signature. Model letters are provided below.
2. A representative of the State and the Director General sign the text(s). This may be done by the Head of State, Head of Government or Minister for Foreign Affairs or by any other Government official — such as the Resident Representative to the Agency — with full powers to sign.
3. The State has two options to bring into force its safeguards agreement/protocol: either upon signature or on the date the Agency receives from the State written confirmation that its domestic requirements for entry into force have been met. If the latter option is applied, the third step required is for the State to provide such a notification to the Agency. A model letter is provided below.



The Koeberg Nuclear Power Station, near Cape Town, South Africa

Model Notification Letter Concluding a Safeguards Agreement and an Additional Protocol

(date)

I refer to your letter of (date), and have the honour to inform you that the Government of (State) has decided to conclude a safeguards agreement between (State) and the International Atomic Energy Agency for to the application of safeguards in connection with the NPT and an additional protocol on the basis of the model approved by the IAEA Board of Governors in May 1997.

Accordingly, I would request that the Secretariat submit the drafts, as contained in the letter of (date), to the Board of Governors for its consideration [at its (mm, yy) session].

Entry into force will take place [on the date on which the Agency receives from (State) written notification that (State)'s statutory and/or constitutions requirements for entry into force have been met]

[upon signature by the representatives of (State) and the Agency].

(Signed)

Government Representative



Danger: Radiation

Model Notification Letter (Entry into force of a safeguards agreement and/or an additional protocol)

(date)

The [Permanent Mission][Ministry for Foreign Affairs] of (State) presents its compliments to the Secretariat of the International Atomic Energy Agency and has the honour to notify it that the constitutional and statutory requirements for entry into force of the [protocol additional to the] comprehensive safeguards agreement between (State) and the International Atomic Energy Agency [and the protocol additional thereto] have been met.

The [Permanent Mission][Ministry for Foreign Affairs] of (State) avails itself of this opportunity to renew to the Secretariat of the International Atomic Energy Agency the assurances of its highest consideration.



The International Atomic Energy Agency in Vienna (Picture by PictureNET Africa)

ANNEXURE A:

List of Countries Which Have Signed and Ratified the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba) as at 01/10/2008

Adopted and opened for signature in July 1995.

It shall enter into force on the date of deposit of the twenty-eighth (28th) instrument of ratification.

of African States 53 – excluding Morocco (which is not a member of the African Union) and including the territory known as the Sahrawi Arab Democratic Republic (SADR) or Western Sahara

of Signatures 51 (both Madagascar and Equatorial Guinea did not sign but have subsequently ratified)

of Ratifications 26

of Deposits 26

	Country	Signature Date	Ratification Date	Deposit Date
1.	Algeria	11/04/1996	23/12/1997	11/02/1998
2.	Angola	11/04/1996		
3.	Benin	11/04/1996	17/07/2007	04/09/2007
4.	Botswana	09/06/1998	04/02/1999	16/06/1999
5.	Burkina Faso	11/04/1996	12/05/1998	27/08/1998
6.	Burundi	11/04/1996		
7.	Cameroon	11/04/1996		
8.	Cape Verde	11/04/1996		
9.	Central African Rep.	11/04/1996		
10.	Chad	11/04/1996		
11.	Comoros	11/04/1996		
12.	Congo	27/01/1997		
13.	Côte d'Ivoire	11/04/1996	20/05/1999	28/07/1999
14.	Democratic Rep. of Congo	11/04/1996		
15.	Djibouti	11/04/1996		
16.	Egypt	11/04/1996		
17.	Equatorial Guinea	-	20/12/2002	19/02/2003
18.	Eritrea	11/04/1996		
19.	Ethiopia	11/04/1996	18/02/2008	13/03/2008
20.	Gabon	11/04/1996	18/05/2007	12/06/2007

21.	Gambia	11/04/1996	03/09/1996	16/10/1996
22.	Ghana	11/04/1996		
23.	Guinea	11/04/1996	26/05/1999	21/01/2000
24.	Guinea-Bissau	11/04/1996		
25.	Kenya	11/04/1996	15/11/2000	09/01/2001
26.	Lesotho	11/04/1996	06/03/2002	14/03/2002
27.	Liberia	09/07/1996		
28.	Libya	11/04/1996	12/02/2005	11/05/2005
29.	Madagascar	-	12/12/2003	23/12/2003
30.	Malawi	11/04/1996		
31.	Mali	11/04/1996	27/05/1999	22/07/1999
32.	Mauritania	11/04/1996	10/01/1998	24/02/1998
33.	Mauritius	11/04/1996	19/04/1996	24/04/1996
34.	Mozambique	11/04/1996	29/07/2008	28/08/2008
35.	Namibia	11/04/1996		
36.	Niger	11/04/1996		
37.	Nigeria	11/04/1996	20/04/2000	18/06/2001
38.	Rwanda	11/04/1996	23/01/2007	01/02/2007
39.	Sahrawi Arab Democratic Republic	20/06/2006		
40.	Sao Tome & Principe	09/07/1996		
41.	Senegal	11/04/1996	20/09/2006	25/10/2006
42.	Seychelles	09/07/1996		
43.	Sierra Leone	11/04/1996		
44.	Somalia	23/02/2006		
45.	South Africa	11/04/1996	13/03/1998	27/03/1998
46.	Sudan	11/04/1996		
47.	Swaziland	11/04/1996	13/11/1996	17/07/2000
48.	Tanzania	11/04/1996	27/05/1998	19/06/1998
49.	Togo	11/04/1996	28/06/2000	18/07/2000
50.	Tunisia	11/04/1996		
51.	Uganda	11/04/1996		
52.	Zambia	11/04/1996		
53.	Zimbabwe	11/04/1996	09/02/1998	06/04/1998

ANNEXURE B:

African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)

The Parties to this Treaty,

Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/Res. 11(I)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifty-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively (CM/Res.1342 (LIV) and CM/Res.1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration, as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognizing that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical ap-

plication of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the African continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

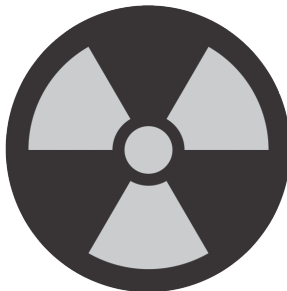
Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have decided by this treaty to establish the African NWFZ and hereby agree as follows:

ARTICLE 1: DEFINITION/USAGE OF TERMS

For the purpose of this Treaty and its Protocols:

- a) “African nuclear-weapon-free zone” means the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa;
- b) “Territory” means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;
- c) “Nuclear explosive device” means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- d) “Stationing” means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;
- e) “Nuclear installation” means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present;
- f) “Nuclear material” means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.



International Symbol for Radiation

ARTICLE 2: APPLICATION OF THE TREATY

- a) Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in annex I.
- b) Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

ARTICLE 3: RENUNCIATION OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

- a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;
- b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;
- c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

ARTICLE 4: PREVENTION OF STATIONING OF NUCLEAR EXPLOSIVE DEVICES

- a) Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
- b) Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

ARTICLE 5: PROHIBITION OF TESTING OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

- a) Not to test any nuclear explosive device;
- b) To prohibit in its territory the testing of any nuclear explosive device;
- c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

ARTICLE 6: DECLARATION, DISMANTLING, DESTRUCTION OR CONVERSION OF NUCLEAR EXPLOSIVE DEVICES AND THE FACILITIES FOR THEIR MANUFACTURE

Each Party undertakes:

- a) To declare any capability for the manufacture of nuclear explosive devices;
- b) To dismantle and destroy any nuclear explosive device that it has manufactured prior to the coming into force of this Treaty;
- c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 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.

ARTICLE 7: PROHIBITION OF DUMPING OF RADIOACTIVE WASTES

Each Party undertakes:

- a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
- b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

ARTICLE 8: PEACEFUL NUCLEAR ACTIVITIES

- a) Nothing in this Treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
- b) As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, sub-regional and regional levels.
- c) Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development Related to Nuclear Science and Technology (hereinafter referred to as AFRA).

ARTICLE 9: VERIFICATION OF PEACEFUL USES

Each Party undertakes:

- a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
- b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes of any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.



Nuclear Waste (Picture by PictureNET Africa)

ARTICLE 10: PHYSICAL PROTECTION OF NUCLEAR MATERIALS AND FACILITIES

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, inter alia, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

ARTICLE 11: PROHIBITION OF ARMED ATTACK ON NUCLEAR INSTALLATIONS

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

ARTICLE 12: MECHANISM FOR COMPLIANCE

- a) For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission on Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.
- b) The Commission shall be responsible inter alia for: (1) Collating the reports and the exchange of information as provided for in article 13; (2) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty; (3) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II; (4) Bringing into effect the complaints procedure elaborated in annex IV; (5) Encouraging regional and subregional programmes for cooperation in the peaceful uses of nuclear science and technology; (6) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
- c) The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

ARTICLE 13: REPORT AND EXCHANGES OF INFORMATION

- a) Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
- b) Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
- c) The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

ARTICLE 14: CONFERENCE OF PARTIES

- a) A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, inter alia, elect members of the commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
- b) The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

ARTICLE 15: INTERPRETATION OF THE TREATY

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

ARTICLE 16: RESERVATIONS

This Treaty shall not be subject to reservations.

ARTICLE 17: DURATION

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

ARTICLE 18: SIGNATURE, RATIFICATION AND ENTRY INTO FORCE

- a) This Treaty shall be open for signature by any State in the African nuclear-weapon-free zone. It shall be subject to ratification.
- b) It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
- c) For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

ARTICLE 19: AMENDMENTS

- a) Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
- b) Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.
- c) An amendment so adopted shall enter into force for all Parties after receipt by the Depositary of the instrument of ratification by the majority of Parties.

ARTICLE 20: WITHDRAWAL

- a) Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.
- b) Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other Parties.

ARTICLE 21: DEPOSITARY FUNCTIONS

- a) This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depository of the Treaty.
- b) The Depository shall: (1) Receive instruments of ratification; (2) Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations; (3) Transmit certified copies of the Treaty and its Protocols to all States in the African nuclear-weapon-free zone and to all States eligible to become Party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

ARTICLE 22: STATUS OF THE ANNEXES

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

In witness whereof the undersigned, being duly authorized by their Governments, have signed this Treaty.

ANNEXURE I:

Map of an African Nuclear-Weapon-Free Zone

The African Nuclear-Weapon-Free Zone extends across the entire continent of mainland Africa, and 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, Reunion, Rodrigues Island, Sao Tome and Principe, Seychelles, Tomelin Island, Zanzibar & Pemba Islands.



ANNEXURE II:

Safeguards of the International Atomic Energy Agency

- a) The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
- b) The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A Party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
- c) For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.
- d) Each Party shall include in its annual report to the Commission, in conformity with article 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

ANNEXURE III:

African Commission on Nuclear Energy

- a) The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to include Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.
- b) The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the organization of African Unity, at the request of Parties to the Treaty and in consultation with the chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the commission. The Commission shall adopt its rules of procedure at that meeting.
- c) The Commission shall develop a format for reporting by States as required under articles 12 and 13.
- d) (a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties; (b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty.

ANNEXURE IV:

Complaints Procedure and Settlement of Disputes

- a) A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol III is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.
- b) If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.
- c) The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.
- d) If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a Party to Protocol III, the Commission may request the International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.
 - (1) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;
 - (2) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;
 - (3) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;
 - (4) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;
 - (5) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;
 - (6) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

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- (7) The States Parties convened in extraordinary session may as necessary, 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;
 - (8) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.
- e) The Commission may also establish its own inspection mechanisms.

PROTOCOL I

The Parties to this Protocol,

- a) Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,
 - b) Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(l)) of 1964, resolutions CM/Res.1342 (LIV) of 1991 and CM/Res.1395 (LVI) Rev.1 of 1992 of the Council of Ministers of the organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,
 - c) Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,
- Have agreed as follows:

ARTICLE 1: Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against: (a) Any Party to the Treaty; or (b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex 1.

ARTICLE 2: Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

ARTICLE 3: Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

ARTICLE 4: This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

ARTICLE 5: This Protocol shall be subject to ratification.

ARTICLE 6: This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 7: This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

d) In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

PROTOCOL II

The Parties to this Protocol,

- a) Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,
- b) Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(l)) of 1964, resolutions CM/Res.1342 (LIV) of 1991 and CM/Res.1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,
- c) Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,
- d) Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

ARTICLE 1: Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

ARTICLE 2: Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

ARTICLE 3: Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

ARTICLE 4: This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

ARTICLE 5: This Protocol shall be subject to ratification.

ARTICLE 6: This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 7: This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

- e) In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

PROTOCOL III

The Parties to this Protocol,

- a) Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,
 - b) Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(I)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI)/Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,
 - c) Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,
- Have agreed as follows:

ARTICLE 1: Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3, 4, 5, 6, 7, 8, 9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

ARTICLE 2: Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

ARTICLE 3: Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

ARTICLE 4: This Protocol shall be open for signature by France and Spain.

ARTICLE 5: This Protocol shall be subject to ratification.

ARTICLE 6: This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 7: This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

- d) In witness whereof the undersigned, being duly authorized by their Governments have signed this Protocol.

References

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The Institute for Security Studies' Africa's Development and the Threat of Weapons of Mass Destruction Project

The Institute for Security Studies' (ISS) "Africa's Development and the Threat of Weapons of Mass Destruction" project aims to identify and strengthen Africa's role in international efforts to strengthen disarmament and non-proliferation as they relate to WMD in the context of Africa's developmental imperatives.

Thematically the project engages the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and other related Conventions such as the 1980 Convention on the Physical Protection of Nuclear Material and the Comprehensive Nuclear Test Ban Treaty; the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba); the Biological and Toxin Weapons Convention; the Chemical Weapons Convention; and relevant United Nations Security Council resolutions such as UNSCR 1540. The project is funded by the Royal Norwegian Government.

Project objectives include:

- To identify and report on African attitudes and interests in the international debate on nuclear, chemical and biological disarmament and non-proliferation.
- To build African capacity to engage positively and effectively in international disarmament and non-proliferation forums.
- To strengthen global security by reducing the risk of use, and preventing the spread of, nuclear, biological and chemical weapons in Africa.
- To increase the quality and accessibility of information about threats and dual-use concerns in relation to nuclear, biological and chemical weapons.
- To engage members of the scientific community and industry in discussion and debate about the risks, rules and their responsibilities in relation to dual-use issues.
- To stimulate discussion and dialogue about how Africa can positively balance its development needs with non-proliferation concerns.

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