

GLOBAL ENTERPRISE TO STRENGTHEN NONPROLIFERATION AND DISARMAMENT

**DISCUSSION PAPER:
THE TREATY OF PELINDABA AND THE ROLE OF AFRICAN ORGANIZATIONS
IN NONPROLIFERATION AND DISARMAMENT**

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I. INTRODUCTION

For decades, Africa has had a long-standing role in nonproliferation, disarmament and nuclear security efforts. The Treaty of Pelindaba, which was adopted in 1996 in Cairo and came into effect in 2009, has been a key contribution to the continent's support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which marked its 50th anniversary in 2020. The Treaty of Pelindaba established Africa as a nuclear-weapon-free-zone (NWFZ) and is based on the NPT's three core pillars – preventing the spread of nuclear weapons; promoting cooperation in the peaceful uses of nuclear energy; and furthering the goal of achieving nuclear disarmament. Despite the success of the Treaty of Pelindaba, many African states – like many non-nuclear weapon states (NNWS) worldwide – believe the international community should do more to pressure the nuclear weapon states (NWS) to disarm.

This paper examines how African states and related organizations have contributed to the success of the NPT, and how they can continue to work together to achieve the NPT's goal of a world without nuclear weapons.

II. THE DEVELOPMENT AND PROVISIONS OF THE TREATY OF PELINDABA

The initiative by African leaders to preserve the continent as a NWFZ in the 1960s remains a remarkable achievement to strengthen global nonproliferation and disarmament. The effort began with adoption of AHG/Resolution 1(1) by African leaders at a meeting held in July 1964 pertaining to African disarmament – against the backdrop of the nuclear weapons development program in apartheid South Africa. They also declared their determination to save humankind from the scourge of nuclear weapons and thus adopted the Solemn Declaration for African states to contribute to general disarmament by committing not to manufacture or acquire nuclear weapons and calling upon all nations to adhere to the same undertaking and to respect and abide by the Declaration.

African leaders invited the 19th session of the United Nations General Assembly (UNGA) to approve the Declaration and to convene an international conference with a view to adopt an international treaty. This led to the creation of the Treaty of Pelindaba.

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In Zulu, the word “pelindaba” means “end of story.” Aptly, the Pelindaba Treaty became the critical means for achieving the end of nuclear weapons programs in Africa. The treaty was adopted in 1996 and came into force in 2009 upon ratification by the 28th state party, which solidified the commitment by African leaders to disarmament. This was actualized through the creation of the African Commission on Nuclear Energy (AFCONE) for purposes of ensuring information sharing, best practices, training and skills development and compliance to the obligations of the treaty.

Forty states are members of the Pelindaba Treaty and thirty-five have ratified it. The recent ratifications by Botswana, Cape Verde, Lesotho, Mozambique and Nigeria between February and August 2020 were a significant milestone. AFCONE and the IAEA continue to play a major role in encouraging states parties to accede to the treaty.

The treaty’s effectiveness is strengthened by Protocols I, II and III. Protocol I calls upon NPT NWS not to use or threaten to use a nuclear explosive device against any party to the treaty or on any territory within the NWFZ. Protocol II calls for NWS not to test, participate in or facilitate the testing of nuclear explosive devices on the African continent. (Protocols I and II have been signed by all NPT NWS, though not all have yet ratified them). Protocol III calls on parties with de jure or de facto international responsibility and situated within the NWFZ to apply the provisions of the treaty.

III. THE FUTURE OF AFCONE AND THE TREATY OF PELINDABA

On March 4-5, 2020, the Nuclear Threat Initiative (NTI) and the African Center for Science and International Security (AFRICISIS) organized a regional workshop in Accra, Ghana to discuss priorities for the 2021 NPT Review Conference and beyond. Approximately 30 government officials and non-governmental experts from 16 countries across Africa took part in the workshop.

At the meeting, participants discussed the important role of AFCONE in facilitating the responsible use of nuclear energy in Africa while avoiding the dangers of dual-use technologies. Other participants noted that AFCONE could work in the future to build additional support for its work across the continent. This could be done by engaging various stakeholders – such as the public, national governments and non-profit organizations – in its work and priority activities. AFCONE could also play a key role in raising awareness about African nuclear technology and nonproliferation issues.

Workshop participants also discussed the future of the Treaty of Pelindaba. There was widespread recognition that the treaty has been a success thus far. However, participants suggested that states parties to the treaty should consider a review process to examine progress in its implementation and ratification of its protocols. For example, this review process could be used to strengthen the legal regime to ensure compliance and implementation of the treaty. Furthermore, specific programs could be developed to address the needs of states that have not yet ratified the Protocols to the treaty or have ratified with reservation clauses. This process could also be used to discuss obstacles to universalization of the treaty.

IV. THE ROLE OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

With the assistance of the IAEA, the European Union, and the International Science and Technology Center (ISTC), the Southern African Development Community (SADC), which is composed of 16 member states, has set up a Nuclear Regulators Network. Its main objective is to discuss nuclear

security and safeguards as they affect the sub-region. Appropriately, South Africa, which possessed nuclear weapons during the apartheid era, is part of the group.

Many of the countries in the region have large deposits of uranium and export the material, which is critical for nuclear energy but also nuclear weapons. Because many SADC countries face electricity deficits, some argue that their uranium could be used for nuclear energy generation. It could also be used for various technologies related to health and agricultural production. As such, it is imperative that SADC develops policy and legal frameworks pertaining to nuclear material security and safeguards relevant to mining, transportation and export of uranium. These actions, taken as IAEA obligations, would strengthen commitments to nonproliferation and disarmament as enshrined by the Treaty of Pelindaba.

V. CONCLUSION

The Treaty of Pelindaba remains a monumental achievement for regional and global nonproliferation and disarmament. African organizations – such as AFCONE and the SADC – can play a major role in strengthening Africa’s commitment to the treaty and its core values. Overall, African states will need to craft balanced solutions that address the unique challenges and pressures arising from the Africa’s electricity deficit, the potential for uranium enrichment, and sustaining Africa’s commitment to the three pillars of the NPT.