

AFRICAN NUCLEAR-WEAPON-FREE ZONE (Pelindaba Treaty)

Case Study: History and applicable lessons

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Vision

*“Deeply concerned with the effects resulting from the dissemination of nuclear weapons”
SOLEMNLY DECLARE their readiness to undertake in an International Treaty to be concluded under the auspices of the United Nations not to manufacture or acquire control of nuclear weapons”*

• Declaration on the Denuclearisation of Africa, OAU, 17-21 July 1964, Cairo

Delay implementing Declaration

- 1963 Partial Test Ban Treaty
- 1966 France stops tests in Sahara
- 1968 Conclusion negotiations NPT – Article VII on NWFZs
- Cold War intensification, growing nuclear arms race despite NPT
- Apartheid South Africa
 - Cold War influence
 - Direct regional threat, superior conventional strength, aggressive instability projection among neighbours
 - Role of nuclear programme decisive
 - Secret enrichment begun 1961 and in 1970 announced developed new process uranium enrichment
 - Suspicion secretly developing nuclear military capability

Moving forward

- UN General Assembly resolution 45/56A
- 1st Meeting experts jointly organized by OAU and UN, Addis Ababa, May 1991
- 2nd Meeting UN/OAU experts, Lome, Togo, April 1992
- *President de Klerk disclosed 24 March 1993 that South Africa built 6-7 nuclear weapons*
- 3rd Meeting, Harare, Zimbabwe, 5-8 April 1993

Drafting and finalizing

- 1994 Windhoek, Namibia, and Addis Ababa
- 1995 draft finalized in Johannesburg, South Africa and adopted at Pelindaba, site of SA Atomic Energy Agency
- Signed in Cairo, 11 April 1996
- Entered into force 15 July 2009 and currently 38 States parties



Elements and later Articles

- Title, treaty to conform to existing NWFZs
- Definition area of AFNWFZ
- Prohibits testing
- Declaration, Dismantling and Destruction
Weapon Facilities
- Peaceful Nuclear Activities
- Mechanism for Implementation
- Safeguards/Complaints/Settlement Disputes
- Dumping radioactive waste
- Physical Protection of Nuclear Materials -
prohibition armed
- Protocols

Applicable lessons

- Unique to region-specific security interests
- Several articles not in other previous zones and some could be applied to new zones
- Prior possession nuclear military capability should not be a barrier
- Avoided inclusion large seas so as to respect freedom navigation
- Consultation with nuclear-weapon States and others on all areas of interest – productive approach

Thank you



NWFZ LEGAL FOUNDATION

- **UN CHARTER:** ... regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations. (Art. 52)
- **NPT:** *Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.* (Art. VII)
 - Also stressed at 1995 & 2000 NPT Review Conferences
- **SSOD-I:** *an important disarmament measure* (Para 60)

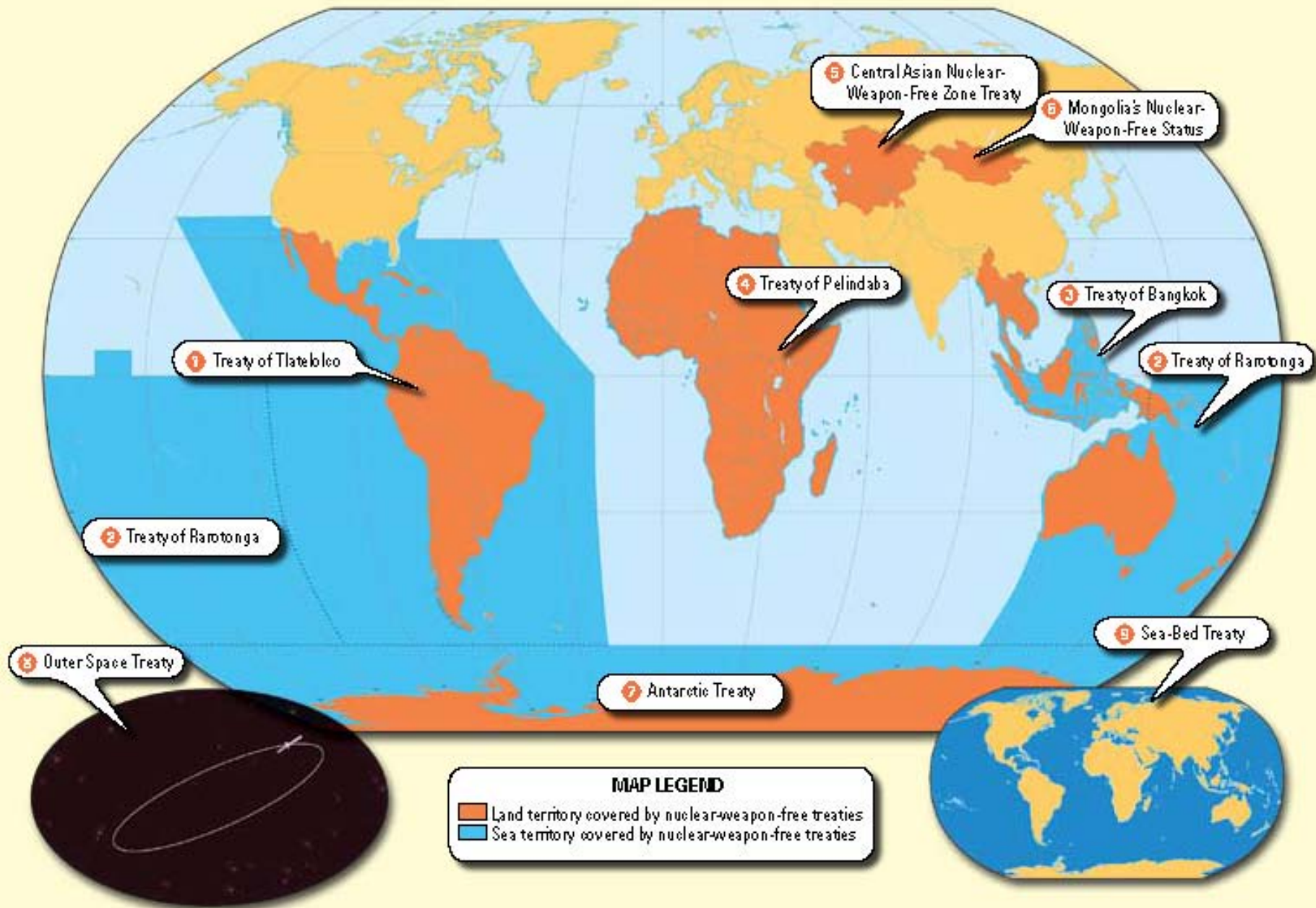
NWFZ TREATIES: OVERVIEW

TREATY	YEAR	MEMBERS
Tlatelolco	1967	33
Rarotonga	1985	13
Bangkok	1995	10
Pelindaba	1996	51
Central Asia	2006	5
TOTAL		112



NUCLEAR-WEAPON-FREE AREAS

Demarcation of nuclear-weapon-free zones, nuclear-weapon-free status and nuclear-weapon-free geographical regions



NWFZ PRINCIPLES (UNDC, 1999)

1. Prohibit development, manufacturing, control, possession, testing, stationing or transporting of any type of nuclear-explosive device, for any purpose – within a defined geographical entity
2. “Effective verification” -- IAEA full-scope safeguards
3. “Freely arrived at” among the States of the region concerned
4. Status respected by NWS and states with territories in the region; consultation with NWS in negotiations
5. NWS binding commitment not to use or threaten use of NW
6. Conformity with international law & law of the sea
7. Should not prevent, and could also promote, peaceful uses