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(GC(40)/1)

AN AFRICAN NUCLEAR-WEAPON-FREE ZONE (NWFZ)

Report by the Director General to the General Conference

1. In resolution GC(39)/RES/4 on this subject, the General Conference last year:

commended the African States "for their united efforts directed towards the establishment of an African Nuclear-Weapon-Free Zone" and requested the Director General "to continue to assist them in this regard".

In the latter connection the resolution also requested the Director General:

"to report on the implementation of this resolution to the General Conference at its fortieth regular session under an agenda item entitled 'An African Nuclear-Weapon-Free Zone'."

This report is pursuant to that request.

2. In resolution GC(39)/RES/4, the General Conference welcomed the progress made towards the conclusion of a treaty on an African Nuclear-Weapon-Free Zone on the basis of the Declaration on the Denuclearization of Africa, adopted by the Summit of the Organization of African Unity (OAU) at its first ordinary session, held in Cairo from 17-21 July 1964, and of resolution A/RES/49/138 adopted on 19 December 1994 by the General Assembly of the United Nations. In that respect, it may be recalled that, in 1993, the United Nations had requested the Agency to help the Group of Experts designated by the United Nations in co-operation with the OAU by preparing draft treaty provisions relevant to verification requirements in a future NWFZ in Africa. The Agency did so. Last year's report to the General Conference (document GC(39)/14) explained the Agency's activities in this regard.

3. At their Joint Meeting held at Johannesburg (South Africa) from 29 May to 2 June 1995, the OAU/United Nations Group of Experts and the Intergovernmental Group of Experts of the OAU adopted the Pelindaba text of the African Nuclear-Weapon-Free Zone Treaty. The Pelindaba text was submitted to the OAU Council of Ministers at its Sixty-second Ordinary Session held at Addis Ababa from 21 to 23 June 1995. The OAU Council of Ministers adopted the text of the Treaty, as amended by resolution OAU CM/Res. 1592 (LXII)/Rev.1. Subsequently, the African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty) was adopted by the thirty-first ordinary session of the OAU Assembly of Heads of State and Governments held in Addis Ababa from 26 to 28 June 1995. (A copy of the Pelindaba Treaty is attached to this report.)

4. In resolution A/RES/50/78, the General Assembly, inter alia:

welcomed "with special satisfaction the adoption by the African leaders of the final text of the African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty)", invited "the African States to sign and ratify the Pelindaba Treaty" and called upon "all States to respect the continent of Africa as a nuclear-weapon-free zone".

The resolution also expressed gratitude to the Secretary-General of the United Nations, to the Secretary-General of the OAU and the Director General of the IAEA for the assistance rendered by them to the Group of Experts to prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone.

5. The signing ceremony of the Pelindaba Treaty took place in Cairo on 11 April 1996. According to the information provided to the Agency by the OAU as depositary of the Treaty, as of 22 July 1996, 48 States have signed the Treaty which will enter into force upon ratification by 28 States. The relevant Protocols to the Treaty were signed by the majority of the nuclear-weapon States. On the occasion of the signature of the Pelindaba Treaty, the African States signatories to the Treaty adopted the Cairo Declaration (INFCIRC/512) which, inter alia:

decided "that the first session of the Conference of States Parties to the Treaty shall be held not later than one year after its entry into force" and endorsed "the establishment of the headquarters of the African Commission on Nuclear Energy in South Africa".

6. At the invitation of the Government of the Arab Republic of Egypt, the Director General attended and addressed the signing ceremony of the Pelindaba Treaty. (A copy of the statement by the Director General at the signing ceremony is attached to this report.) The Director General also briefed African delegations about the basic features of the Agency's safeguards system as relevant to the verification of compliance with the Pelindaba Treaty.

He also provided information on the Agency's activities in the field of peaceful uses of nuclear energy in general and in Africa in particular.

7. On 12 April 1996 the President of the Security Council of the United Nations made a statement on behalf of the Council in which the Security Council, inter alia:

considered that the "signature of the African Nuclear-Weapon-Free Zone Treaty constitutes an important contribution by the African countries to the maintenance of international peace and security". The Council also seized this occasion "to encourage such regional efforts" and "to support efforts on the international and regional level aimed at the universality of the nuclear non-proliferation regime".

8. There are currently fifty-one States members of the OAU which are already party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and which have thereby undertaken to use nuclear energy exclusively for peaceful purposes and accepted IAEA safeguards to verify compliance with this commitment. The Agency applies safeguards pursuant to comprehensive safeguards agreements and facility-specific agreements in six of these States.

9. It is to be noted, however, that the Pelindaba Treaty contains a series of undertakings supplementary to those already assumed by the States parties to the NPT. Unlike the NPT, the Pelindaba Treaty prohibits the stationing and testing of any nuclear explosive device in the territories of the 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 attacks against nuclear installations in the zone; and it prohibits the dumping of any radioactive waste.

10. In addition, the Pelindaba Treaty is not limited to assuring the exclusively peaceful use of nuclear energy. Its parties commit themselves "to promote individually and collectively the use of nuclear science and technology for economic and social development"; they are "encouraged to make use of the programme of assistance available in the IAEA and, in this connection, to strengthen co-operation under the African Regional Co-operation Agreement for Research, Training and Development Related to Nuclear Science and Technology" (Article 8 of the Treaty).

11. Under the Pelindaba Treaty the IAEA is entrusted with the obligation of verifying, through its safeguards system (Article 9(b) and Annex II of the Treaty), and in accordance with the complaints procedure provided for in the Treaty (Annex IV of the Treaty), compliance by the States parties with their commitment to use nuclear energy exclusively for peaceful purposes. The Treaty also specifies (in Annex II) that the safeguards agreement to

be negotiated and concluded with the IAEA shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the NPT, and that a "party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement".

12. For the purpose of ensuring compliance with the provisions of the Pelindaba Treaty, Article 12 of the Treaty provides for the establishment of an African Commission on Nuclear Energy. The Commission will, inter alia, be responsible for collating the reports and the exchange of information required by the Treaty and for reviewing the application of safeguards by the IAEA to peaceful nuclear activities in Africa. It would also encourage regional and sub-regional programmes for co-operation in the peaceful uses of nuclear science and technology and be responsible for promoting international co-operation with extra-zonal States for the peaceful uses in the aforementioned field.

**PELINDABA TEXT OF THE AFRICAN NUCLEAR-WEAPON-FREE
ZONE TREATY^{2/}**

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(1)), 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 29 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 recognising 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,

^{2/} Reproduced from UN General Assembly document A/50/426.

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 application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa 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

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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.

Article 2

Application of the Treaty

1. 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.
2. 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 regards 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

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights

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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.

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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

1. Nothing in this Treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
2. 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, subregional and regional levels.
3. 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;

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- (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 to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

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

1. 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.
2. The Commission shall be responsible inter alia for:
 - (a) Collating the reports and the exchange of information as provided for in article 13;

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- (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.
3. 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

1. 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.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14

Conference of Parties

1. 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.
2. 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.

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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

1. This Treaty shall be open for signature by any State in the African nuclear-weapon-free zone. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
3. 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

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.

2. 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.
3. 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

1. 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.
2. 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 Depositary. The Depositary shall circulate such notice to all other parties.

Article 21

Depositary functions

1. 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 Depositary of the Treaty.
2. The Depositary shall:
 - (a) Receive instruments of ratification;
 - (b) Register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations;
 - (c) 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.

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Article 22

Status of the annexes

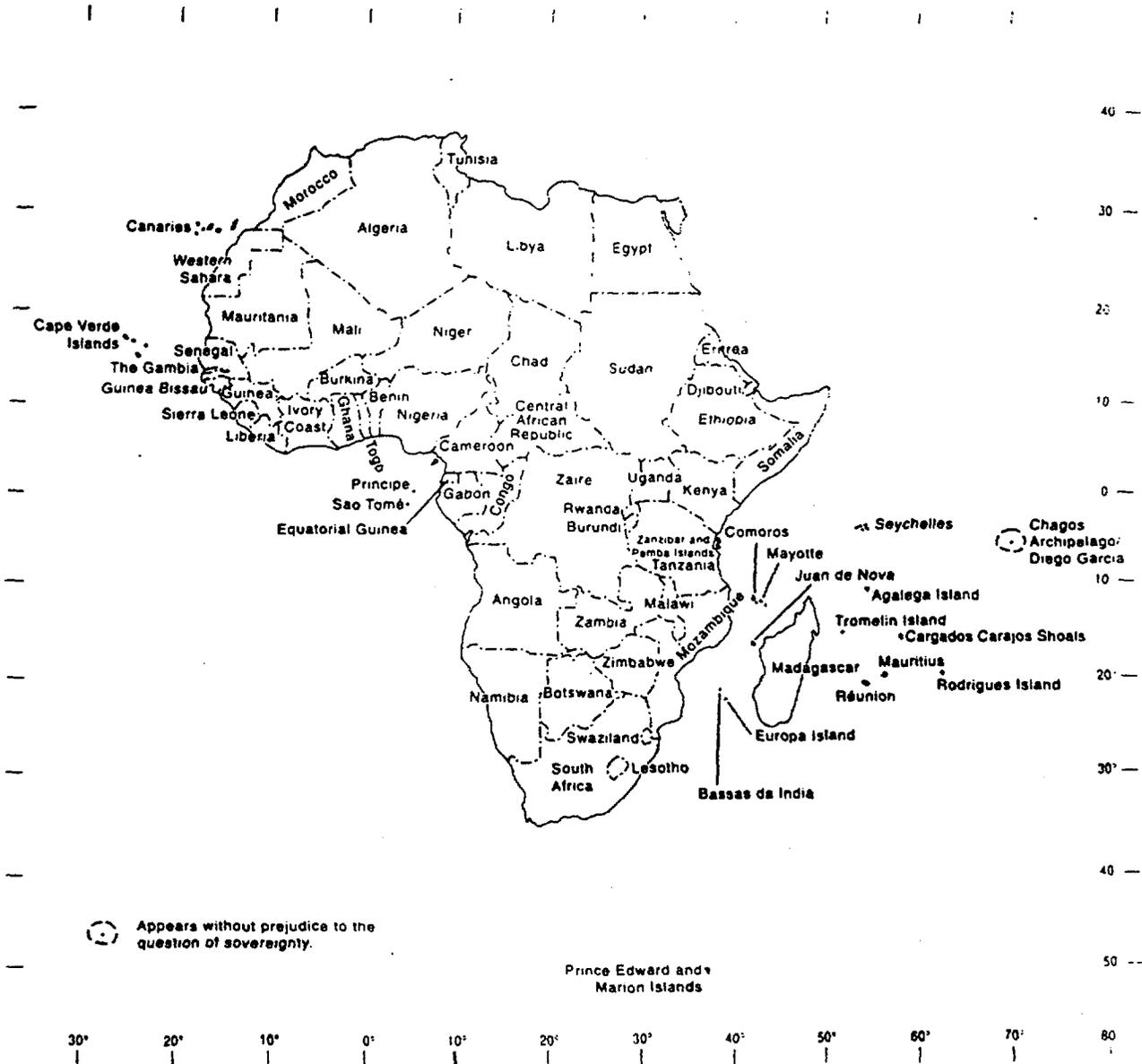
The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

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

Done at _____

ANNEX I

Annex I - Map of an African Nuclear-Weapon-Free Zone



ANNEX II

Safeguards of the International Atomic Energy Agency

1. 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.
2. 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.
3. 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.
4. Each Party shall include in its annual report to the Commission, in conformity with art. 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.

ANNEX III

African Commission on Nuclear Energy

1. 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.
2. 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.
3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.
4. (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;

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ANNEX IV

Complaints procedure and settlement of disputes

1. 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.
2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.
3. 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.
4. 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.
 - (a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;
 - (b) 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;
 - (c) 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;
 - (d) 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;
 - (e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out

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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;

- (f) 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;
 - (g) 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;
 - (h) 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.
5. The Commission may also establish its own inspection mechanisms.

PROTOCOL I

The Parties to this Protocol,

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,

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(1)) 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,

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 I.

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 20 of the Treaty.

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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.

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

Done at _____

PROTOCOL II

The Parties to this Protocol,

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,

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(1)) 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,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

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 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 20 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.

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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.

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

Done at _____

PROTOCOL III

The Parties to this Protocol,

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,

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(1)) 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,

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 20 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.

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

Done at _____

*Conference for the Signing of the African Nuclear-Weapon-Free Zone Treaty
(the Pelindaba Treaty)*

Speech by the Director General of the IAEA, Dr. Hans Blix

Cairo, 11 April 1996

It is deeply gratifying to witness today the signing of the African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty). The conclusion of this Treaty bears testimony to the untiring efforts of the countries of this continent in nuclear arms control and disarmament. It is also the fruit of a fundamental change in the international political environment - the movement towards detente.

The vision of the African leaders and their commitment to spare Africa the nuclear arms race was expressed as early as 1964 at the first Organization of African Unity summit meeting in Cairo, in the Declaration on the Denuclearization of Africa. It took three decades, however, to transform that vision and commitment into a reality. The transformation had to await both the end of the cold war, which had cast its shadow on the African continent, and the end of apartheid, which ushered in a new era in South Africa. Indeed, it was South Africa's decision in 1990 to rid itself of nuclear weapons, to join the Treaty on the Non-Proliferation of Nuclear Weapons and to accept IAEA safeguards on all its nuclear activities, that removed the last barrier to African efforts to keep this continent free from nuclear weapons.

The commitment of African States to nuclear non-proliferation and nuclear disarmament is deep and long-standing. Fifty-one States members of the OAU are already party to the Non-Proliferation Treaty and have thereby undertaken to use nuclear energy exclusively for peaceful purposes and to accept IAEA verification on all their nuclear activities. The Pelindaba Treaty, however, goes further than the Non-Proliferation Treaty. Unlike the 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.

Under the Pelindaba Treaty the IAEA is entrusted with the obligation of verifying, through its safeguards system and in accordance with the complaint procedure provided for in the Treaty, compliance by the parties with their commitment to use nuclear energy exclusively for peaceful purposes. We are grateful for the trust shown in the verification system of the IAEA by the Treaty's reliance on it. I am confident that the Agency's Policy-Making-Organs will authorize the Secretariat to undertake these responsibilities in the service of peace and prosperity. The IAEA currently applies safeguards to twenty-six nuclear facilities in five African States party to the Non-Proliferation Treaty, namely Egypt, Ghana, Libyan Arab Jamahiriya, South Africa and Zaire, and in one State, Algeria, pursuant to facility-specific agreements. I should add that a safeguards agreement with Algeria linked to Algeria's adherence to the NPT has recently been signed and may be expected soon to come into force.

As you may be aware, the lessons learned in Iraq are leading the IAEA to strengthen its safeguards system with a view to improving its capability to verify the peaceful nature of declared nuclear activities and - even more importantly - to detect possible undeclared activities. This will be achieved through increased access to information, including the use of new verification techniques such as environmental sampling, and increased physical access to sites and locations. The IAEA Board of Governors has already endorsed a first set of measures to strengthen the safeguards system and is currently considering additional measures. I am confident that, with a strengthened safeguards system, the IAEA will be able to provide a high degree of assurance regarding both the non-diversion of declared nuclear activities to non-peaceful purposes and the absence of clandestine nuclear activities.

* * * * *

I note that the Pelindaba Treaty is not limited to assuring the exclusively peaceful use of nuclear energy. It demonstrates confidence in the potential use of nuclear energy for sustainable economic and social development. The parties commit themselves "to promote individually and collectively the use of nuclear science and technology for economic and social development". To this end, they will make use of the programme of technical assistance available through the IAEA and, in particular, strengthen co-operation under the African Regional Co-operation Agreement for Research, Training and Development related to Nuclear Science and Technology (AFRA).

In this connection, let me point out that although the use of nuclear energy for power generation is perhaps the most widely known and discussed application of nuclear energy, it is by no means the only application. For many developing countries the use of radioisotopes in agriculture, medicine, hydrology and industry is important. Nuclear power for the desalination of sea-water could become important in the future to provide clean fresh drinking water to several big African cities. As the UN system organization entrusted with fostering international co-operation for the safe and peaceful use of nuclear energy for sustainable development, the IAEA pursues a major programme of technical assistance through which nuclear technology for peaceful applications is transferred to developing countries.

Let me report to you that the Agency's technical assistance programme to Africa is currently around US 20 million dollars per annum. The programme contributes, for example, to increasing agricultural productivity in many African Member States; to developing genetically improved varieties of seeds, grains and légumes; to ensuring optimum

use of soil, water and chemicals, and to improving farm animal reproduction and nutrition. In the field of human health the Agency programme in Africa is focusing on the application of nuclear techniques, primarily for medical diagnosis and the treatment of cancer. The programme also assists African Member States in the use of isotope techniques to assess ground water resources in arid and semi-arid zones. The Agency has also been using a radioisotope technique - the so-called sterile insect technique - to control and possibly eradicate pests such as the tsetse fly and the Mediterranean fruit fly which cause severe economic losses in many African countries.

During the past decade, regional activities in the field of nuclear science and technology have assumed greater importance in Africa. Activities being carried out through the regional co-operative agreement AFRA cover areas such as nuclear medicine, agriculture, maintenance of scientific and medical instruments, radiation protection and waste management. This inter-governmental arrangement has now a membership of 21 countries. AFRA has proved to be an important mechanism to promote regional co-operation and to co-ordinate intellectual and physical resources.

In the quest for nuclear disarmament nuclear-weapon-free zones are important vehicles. I note the recognition in the preamble to the Pelindaba Treaty that "the establishment of other nuclear-weapon-free zones, especially in the Middle East, would enhance the security of States Party to the African Nuclear-Weapon-Free Zone". You may be aware that the IAEA General Conference has supported the concept of a nuclear-weapon-free zone in the Middle East with full verification and requested me to consult States of the region to facilitate the early application of comprehensive Agency safeguards to all nuclear activities in the region. For several years I have been consulting States of the Middle East on questions of verification which will one day be before them and in which they should be enabled to draw on the advice and experience of the IAEA.

Let me end by noting 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, "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".

