

Viewpoint

Accelerate the Ratification of the Pelindaba Treaty

SOLA OGUNBANWO

Dr. Sola Ogunbanwo, Chief Expert Advisor on the African Nuclear-Weapon-Free Zone, was a delegate of Nigeria to the 2000 Review Conference of the Treaty on the Nonproliferation of Nuclear Weapons.

Representatives of African states met in Cairo, Egypt on April 11, 1996, to participate in the historic signing ceremony for the treaty establishing the African Nuclear-Weapon-Free Zone (ANWFZ)—also known as the Treaty of Pelindaba. The treaty was named for Pelindaba, the headquarters of the South African Atomic Energy Corporation and the place where the negotiators finalized the drafting of the treaty. The signing of the Pelindaba Treaty concluded 35 years of negotiations; the first interest in establishing such a zone was expressed by African states in 1960. There is broad agreement that the Pelindaba Treaty will bring significant benefits for African security and development. Its provisions regarding physical protection of nuclear material, nuclear safeguards, transparency, and verification mark real progress toward establishing a comprehensive nuclear security regime on the African continent. However, for these benefits to be realized, the treaty must be ratified by 28 of the African states and enter into force. To date, however, the ratification process has been disappointingly slow. So far 17 African States have ratified the treaty.

This viewpoint will argue that it is essential for both Africa and the international nonproliferation regime to speed up the ratification process and bring the Treaty of Pelindaba into force. For African states, the entry-into-force of the treaty will help realize the peaceful benefits of nuclear technology in medicine, agriculture, and industry. It will also provide them with important security benefits, including negative security assurances and improved verification and confidence-building measures. In the wake of the 9/11 terrorist attacks, it has become increasingly crucial to strengthen the international nonproliferation regime. The entry into force of the Pelindaba Treaty can contribute to this objective in a number of ways. The treaty will strengthen the physical protection of nuclear materials in Africa, helping thwart terrorist access to these materials. It also will improve nuclear safeguards, and better regulate nuclear commerce involving African states, again reducing proliferation risks.

With such clear benefits, one could reasonably wonder why the Treaty of Pelindaba has not yet entered into

force. Why have more African states not ratified the treaty? There are a number of explanations for the slow rate of ratifications. Historically, African states have a record of slowly ratifying international agreements, and the Pelindaba Treaty is no exception in this regard. Many African states, while supporting the treaty in principle, have been preoccupied with other priorities and have not taken the practical steps necessary for ratification. The African Union (previously the Organization of African Unity), the regional organization that could have played a leading role in fostering the ratification of the Pelindaba Treaty, has also supported the treaty in principle, but failed to take concrete steps to facilitate its entry into force.

This viewpoint will examine the potential benefits of the entry into force of the Pelindaba Treaty for Africa and the international nonproliferation regime. After discussing the background of the treaty, it will examine its benefits for Africa, and will then turn to the benefits for the international nonproliferation regime, with particular emphasis on the potential benefits for the post-9/11 struggle against international terrorism. It will also explore why only a small number of African states have so far ratified the Pelindaba Treaty. The viewpoint will conclude with recommendations for speeding up the ratification process and bringing the treaty into force as soon as possible.

BENEFITS FOR AFRICAN SECURITY AND DEVELOPMENT

The Pelindaba Treaty is important because it will bring significant economic and security benefits to Africa. Although not widely recognized, one important aspect of the treaty is its potential contribution to the development needs of Africa. The implementation of the treaty and the establishment of the African Commission on Nuclear Energy (AFCONE) called for by its provisions will provide stimulus for cooperation among African nations in the various peaceful uses of nuclear energy and technology. These peaceful applications of nuclear technology could potentially transform Africa's socio-economic development, providing significant benefits in key areas such as health care and nutrition, industry and research, soil fertility, irrigation and crop production, plant breeding, animal production and health, insect and pest control, agrochemicals and residues, and food preservation and sterilization.

On the environmental front, the Pelindaba Treaty will also have a positive effect. The treaty serves as a tool for

environmental protection by prohibiting the dumping of radioactive wastes in the ANWFZ. This provision of the treaty is significant at a time when some countries in other parts of the world are actively seeking to become storage sites for imported nuclear waste. As a result of these countries' actions, an international market in nuclear waste storage may well emerge. The Pelindaba Treaty, however, will prevent Africa from becoming involved in this trade.

In other aspects of international nuclear trade, the Pelindaba Treaty will provide a framework to accelerate cooperation. For example, Africa possesses large reserves of uranium—the essential raw material for nuclear energy. AFCONE could be the vehicle for promoting in tra-African cooperation in the peaceful uses of uranium. Effective cooperation and monitoring of nuclear commerce is especially important under the current international circumstances, when charges have been made about attempts to illegally procure uranium in an African state. Although these particular charges now appear to have been false,¹ they underline the benefits of establishing mechanisms to monitor and coordinate uranium mining in Africa, so that the benefits of peaceful nuclear commerce can be obtained without risking proliferation. Along these same lines, once the Pelindaba Treaty enters into force, AFCONE will be able to serve as a clearing-house for African expertise, which could become a valuable source for developing peaceful uses of nuclear technology.

The Pelindaba Treaty will also improve security and stability on the African continent. First and foremost, it will prevent a nuclear arms race in Africa. It will also help prevent either African or extraregional states from introducing nuclear weapons into Africa. Through the Treaty, African States Parties will be provided with negative security assurances that the nuclear weapon states will not use or threaten to use nuclear weapons against them. In addition, under the treaty, the NWS will pledge not to use any area in the ANWFZ for testing and/or storage of nuclear weapons. These pledges would also apply to territories within the ANWFZ for which non-African states are de jure or de facto internationally responsible.

When the security benefits are combined with the development gains, the Treaty of Pelindaba will represent an important contribution to a holistic approach to African security that includes both traditional "hard" security considerations as well as "soft" security issues. In this connection, it should be pointed out that African leaders are currently engaged in promoting African security and

development through the New Partnership for Africa's Development (NEPAD). Therefore, the Treaty of Pelindaba, IAEA Safeguards Agreements, and ongoing efforts to curb the proliferation and illicit trafficking in small arms should be seen in the context of the peace and security basket of NEPAD and the Peace and Security Council of the African Union.

INTERNATIONAL BENEFITS

After 9/11, the strengthening of the global nonproliferation regime has assumed a new urgency. There is broad international agreement that a primary challenge is to prevent terrorists from gaining access to weapons and materials of mass destruction, including both nuclear and radiological materials. Although Africa is not commonly regarded as a likely source of such materials, in an age of global terrorism, security measures to protect these materials must also be global. In 1998, for example, Italian police seized a uranium fuel rod that had been stolen from a research reactor in the Democratic Republic of the Congo (formerly Zaire).² The entry into force of the Treaty of Pelindaba will contribute to the strengthening of the nonproliferation regime in several ways analyzed below. A number of the contributions made by the treaty will bear directly on reducing the risks of nuclear and radiological terrorism.

First, the Pelindaba Treaty will require African states to conclude comprehensive IAEA Safeguards Agreements. This provision will reduce the chance that nuclear material from African facilities could be diverted or stolen by terrorists, as periodic IAEA safeguards inspections will provide inventory information about the location and disposition of nuclear materials in Africa.

Even more important in light of increased concerns about terrorism, the Pelindaba Treaty requires African states to upgrade the physical protection of nuclear materials, facilities, and equipment to meet the standards set down in INFCIRC/225, issued by the IAEA. The physical protection of nuclear materials is a crucial line of defense against terrorist access to these materials. While many nuclear facilities are well secured, others are not, and concerns have increased since 9/11 that terrorists might try to obtain nuclear material by exploiting inadequate security at some nuclear facilities. Currently, there are no binding international standards for physical protection of nuclear materials; decisions about the necessary level of security are left to the discretion of individual national governments.³ The IAEA standards established by INFCIRC/225 are only recommendations and are not

binding for states with nuclear materials. As a result, the requirement in the Pelindaba Treaty that African states meet the INFCIRC/225 standards will lead to improved security at many nuclear facilities in Africa.

In addition, with regard to nuclear material, the Pelindaba Treaty took into account the need to fit African exporters of uranium into the system of transparency and monitoring of uranium movements. Therefore, the treaty will permit uranium exports only to countries that have comprehensive IAEA Safeguards Agreements in force. This provision will help prevent incidents such as the recent false allegations of illicit attempts to purchase uranium in Africa.

When the Pelindaba Treaty enters into force, it will, along with the Antarctic Treaty, the Treaty of Tlatelolco, the Rarotonga Treaty, and the Treaty of Bangkok, transform most of the Southern Hemisphere into a zone free of nuclear weapons. The example of the Pelindaba Treaty entering into force may encourage other regions of the world to follow suit and ban nuclear weapons. For example, the draft text of a treaty establishing a Central Asian Nuclear-Weapon-Free Zone was finalized in September 2002, and is now awaiting signature by the five Central Asian States—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

Pessimists sometimes say that all the regions of the world where nuclear-weapon-free zones can easily be established have already been covered, and that further progress in this direction will be difficult. Article 6 of the Pelindaba Treaty, which relates to the dismantling and destruction of nuclear weapon capability, can provide a valuable lesson learned from the African experience. This part of the treaty could serve as a precedent for proposed nuclear-weapon-free zones in other regions, where nuclear programs of the so-called "threshold states" or de facto nuclear powers could complicate or be regarded as a hindrance to the negotiations for the establishment of such zones. Such regions include South Asia, the Middle East, and the Korean Peninsula. Proposals have long been made to establish nuclear-weapon-free zones in these regions. Article 6 of the Pelindaba Treaty is the first of its kind and there is no similar provision in either the Tlatelolco, Rarotonga, or Bangkok Treaties. These unique provisions of the treaty were prompted by the fact that for the first time in the history of the development of nuclear-weapon-free zones, a state that had been nuclear-weapon capable in the past (i.e., South Africa) agreed to be included in a nuclear-weapon-free zone (i.e., the African Nuclear-Weapon-Free Zone).

THE DELAY IN RATIFICATION

Simply because to date only 17 African states (out of the possible 53 members of the African Union) have ratified the Pelindaba Treaty, one should not conclude that there is lack of interest among these states in the treaty. Indeed, as was evident from the statements of African leaders during the 2001 Lusaka OAU Summit, African states appreciate and value the essence of the treaty as a vehicle for promoting African security, development cooperation, and confidence-building.

Rather than lack of interest, the delay in ratifying the treaty could be attributed to various factors, including those listed below.

- In general, the historical record of African states in bringing treaties into force shows a pattern of delay in completing the ratification process. The Treaty of Pelindaba is, unfortunately, no exception.
- A number of African governments are preoccupied with other priorities, causing delay in taking action on the ratification of the Pelindaba Treaty. For example, there are ongoing civil conflicts in some African states, which have diverted the attention of those states.
- The inadequate role played by the OAU has also contributed to the delay. The OAU is the designated depository of the treaty. On several occasions since 1996, the organization has adopted resolutions calling for the ratification and entry into force of the Pelindaba Treaty. However, these resolutions have lacked any specific followup mechanisms, and they have not been accompanied by determined efforts to ensure their implementation. The OAU has now been transformed into the African Union, which has very ambitious mandates. There is reason to believe that the new African Union will develop followup mechanisms for the effective implementation of its resolutions, including those relating to the ratification of the Treaty of Pelindaba.

In this regard, the chances of avoiding delay in securing the necessary number of ratifications might have improved if, after the treaty was signed in Cairo in 1996, the signatories had created an interim mechanism to perform various functions, including mobilizing support for securing the required 28 ratifications. The establishment of such a mechanism could have led to the

early entry into force of the Pelindaba Treaty. Such an interim mechanism or body could be similar to that created in the case of the Comprehensive Nuclear Test Ban Treaty (CTBT). The signatories of the CTBT decided to establish a Technical Secretariat for the Preparatory Commission for the CTBT. While the CTBT also has not yet entered into force, the CTBT Technical Secretariat has made significant progress in preparing for its implementation.

If there is further delay in the entry into force of the Pelindaba Treaty, Africa also risks falling behind other regions of the world in the ongoing process of establishing nuclear-weapon-free zones. The five Central Asian states—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—announced in September 2002 that they have agreed on the text of a treaty establishing a Central Asian Nuclear-Weapon-Free Zone Treaty, and plan to sign it soon.⁴ The other existing zones—in South America and the Caribbean, the South Pacific, and Southeast Asia—all entered into force within a year or two of being opened for signature. The Treaty of Pelindaba has already taken three times as long as this historical average. The Pelindaba Treaty was hailed as an advance in nonproliferation when it was opened for signature, but to maintain that leadership, African countries must act promptly to bring the treaty into force.

NEXT STEPS TO MOVE THE TREATY FOREWARD

African states and their leaders must give urgent and priority attention to the ratification of the Pelindaba Treaty to enable it to enter into force. In the wake of the seventh anniversary of the treaty's signature, which took place on April 11, 2003, the parties and signatories should convene a special meeting to discuss facilitating the ratification of the treaty. The suggested agenda would include the establishment of a small Secretariat for the Preparatory African Commission on Nuclear Energy, which would perform specific functions, including mobilization of support for securing the required 28 ratifications leading to early entry into force of the Pelindaba Treaty.

CONCLUSION

It is long past time for the Pelindaba Treaty to enter into force. It has been seven years since the treaty was opened for signature. Especially in the wake of the 9/11 terrorist attacks and the corresponding need to strengthen the glo-

bal nonproliferation regime, the benefits of the Pelindaba Treaty for both Africa and the international community are substantial. These benefits can be realized if another 11 African states ratify the treaty and bring it into force.

For Africa, the continuing failure of the treaty to enter into force constitutes an obstacle to the realization of the goals and the objectives of the treaty. While the treaty remains unratified by the necessary number of states, opportunities will be lost to improve regional security through confidence-building measures and efforts to further growth in intra-African cooperation in the peaceful uses of nuclear energy and technology, especially in the area of electricity generation by nuclear power, will be hampered. For the international community, the benefits of the Pelindaba Treaty entering into force will also be substantial, including improved safeguards and physical security for nuclear installations and nuclear materials, reducing the threat of nuclear terrorism. In light of

these benefits, the political effort needed to encourage additional African states to ratify the Pelindaba Treaty would be worthwhile, and both African states and the international community should step forward to meet the challenge.

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CONCLUSION

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bal nonproliferation regime, the benefits of the Pelindaba Treaty for both Africa and the international community are substantial. These benefits can be realized if another 11 African states ratify the treaty and bring it into force.

For Africa, the continuing failure of the treaty to enter into force constitutes an obstacle to the realization of the goals and the objectives of the treaty. While the treaty remains unratified by the necessary number of states, opportunities will be lost to improve regional security through confidence-building measures and efforts to further growth in intra-African cooperation in the peaceful uses of nuclear energy and technology, especially in the area of electricity generation by nuclear power, will be hampered. For the international community, the benefits of the Pelindaba Treaty entering into force will also be substantial, including improved safeguards and physical security for nuclear installations and nuclear materials, reducing the threat of nuclear terrorism. In light of

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This viewpoint will argue that it is essential for both Africa and the international nonproliferation regime to speed up the ratification process and bring the Treaty of Pelindaba into force. For African states, the entry-into-force of the treaty will help realize the peaceful benefits of nuclear technology in medicine, agriculture, and industry. It will also provide them with important security benefits, including negative security assurances and improved verification and confidence-building measures. In the wake of the 9/11 terrorist attacks, it has become increasingly crucial to strengthen the international nonproliferation regime. The entry into force of the Pelindaba Treaty can contribute to this objective in a number of ways. The treaty will strengthen the physical protection of nuclear materials in Africa, helping thwart terrorist access to these materials. It also will improve nuclear safeguards, and better regulate nuclear commerce involving African states, again reducing proliferation risks.

With such clear benefits, one could reasonably wonder why the Treaty of Pelindaba has not yet entered into

force. Why have more African states not ratified the treaty? There are a number of explanations for the slow rate of ratifications. Historically, African states have a record of slowly ratifying international agreements, and the Pelindaba Treaty is no exception in this regard. Many African states, while supporting the treaty in principle, have been preoccupied with other priorities and have not taken the practical steps necessary for ratification. The African Union (previously the Organization of African Unity), the regional organization that could have played a leading role in fostering the ratification of the Pelindaba Treaty, has also supported the treaty in principle, but failed to take concrete steps to facilitate its entry into force.

This viewpoint will examine the potential benefits of the entry into force of the Pelindaba Treaty for Africa and the international nonproliferation regime. After discussing the background of the treaty, it will examine its benefits for Africa, and will then turn to the benefits for the international nonproliferation regime, with particular emphasis on the potential benefits for the post-9/11 struggle against international terrorism. It will also explore why only a small number of African states have so far ratified the Pelindaba Treaty. The viewpoint will conclude with recommendations for speeding up the ratification process and bringing the treaty into force as soon as possible.

BENEFITS FOR AFRICAN SECURITY AND DEVELOPMENT

The Pelindaba Treaty is important because it will bring significant economic and security benefits to Africa. Although not widely recognized, one important aspect of the treaty is its potential contribution to the development needs of Africa. The implementation of the treaty and the establishment of the African Commission on Nuclear Energy (AFCONE) called for by its provisions will provide stimulus for cooperation among African nations in the various peaceful uses of nuclear energy and technology. These peaceful applications of nuclear technology could potentially transform Africa's socio-economic development, providing significant benefits in key areas such as health care and nutrition, industry and research, soil fertility, irrigation and crop production, plant breeding, animal production and health, insect and pest control, agrochemicals and residues, and food preservation and sterilization.

On the environmental front, the Pelindaba Treaty will also have a positive effect. The treaty serves as a tool for

environmental protection by prohibiting the dumping of radioactive wastes in the ANWFZ. This provision of the treaty is significant at a time when some countries in other parts of the world are actively seeking to become storage sites for imported nuclear waste. As a result of these countries' actions, an international market in nuclear waste storage may well emerge. The Pelindaba Treaty, however, will prevent Africa from becoming involved in this trade.

In other aspects of international nuclear trade, the Pelindaba Treaty will provide a framework to accelerate cooperation. For example, Africa possesses large reserves of uranium—the essential raw material for nuclear energy. AFCONE could be the vehicle for promoting in tra-African cooperation in the peaceful uses of uranium. Effective cooperation and monitoring of nuclear commerce is especially important under the current international circumstances, when charges have been made about attempts to illegally procure uranium in an African state. Although these particular charges now appear to have been false,¹ they underline the benefits of establishing mechanisms to monitor and coordinate uranium mining in Africa, so that the benefits of peaceful nuclear commerce can be obtained without risking proliferation. Along these same lines, once the Pelindaba Treaty enters into force, AFCONE will be able to serve as a clearing-house for African expertise, which could become a valuable source for developing peaceful uses of nuclear technology.

The Pelindaba Treaty will also improve security and stability on the African continent. First and foremost, it will prevent a nuclear arms race in Africa. It will also help prevent either African or extraregional states from introducing nuclear weapons into Africa. Through the Treaty, African States Parties will be provided with negative security assurances that the nuclear weapon states will not use or threaten to use nuclear weapons against them. In addition, under the treaty, the NWS will pledge not to use any area in the ANWFZ for testing and/or storage of nuclear weapons. These pledges would also apply to territories within the ANWFZ for which non-African states are de jure or de facto internationally responsible.

When the security benefits are combined with the development gains, the Treaty of Pelindaba will represent an important contribution to a holistic approach to African security that includes both traditional "hard" security considerations as well as "soft" security issues. In this connection, it should be pointed out that African leaders are currently engaged in promoting African security and

development through the New Partnership for Africa's Development (NEPAD). Therefore, the Treaty of Pelindaba, IAEA Safeguards Agreements, and ongoing efforts to curb the proliferation and illicit trafficking in small arms should be seen in the context of the peace and security basket of NEPAD and the Peace and Security Council of the African Union.

INTERNATIONAL BENEFITS

After 9/11, the strengthening of the global nonproliferation regime has assumed a new urgency. There is broad international agreement that a primary challenge is to prevent terrorists from gaining access to weapons and materials of mass destruction, including both nuclear and radiological materials. Although Africa is not commonly regarded as a likely source of such materials, in an age of global terrorism, security measures to protect these materials must also be global. In 1998, for example, Italian police seized a uranium fuel rod that had been stolen from a research reactor in the Democratic Republic of the Congo (formerly Zaire).² The entry into force of the Treaty of Pelindaba will contribute to the strengthening of the nonproliferation regime in several ways analyzed below. A number of the contributions made by the treaty will bear directly on reducing the risks of nuclear and radiological terrorism.

First, the Pelindaba Treaty will require African states to conclude comprehensive IAEA Safeguards Agreements. This provision will reduce the chance that nuclear material from African facilities could be diverted or stolen by terrorists, as periodic IAEA safeguards inspections will provide inventory information about the location and disposition of nuclear materials in Africa.

Even more important in light of increased concerns about terrorism, the Pelindaba Treaty requires African states to upgrade the physical protection of nuclear materials, facilities, and equipment to meet the standards set down in INFCIRC/225, issued by the IAEA. The physical protection of nuclear materials is a crucial line of defense against terrorist access to these materials. While many nuclear facilities are well secured, others are not, and concerns have increased since 9/11 that terrorists might try to obtain nuclear material by exploiting inadequate security at some nuclear facilities. Currently, there are no binding international standards for physical protection of nuclear materials; decisions about the necessary level of security are left to the discretion of individual national governments.³ The IAEA standards established by INFCIRC/225 are only recommendations and are not

binding for states with nuclear materials. As a result, the requirement in the Pelindaba Treaty that African states meet the INFCIRC/225 standards will lead to improved security at many nuclear facilities in Africa.

In addition, with regard to nuclear material, the Pelindaba Treaty took into account the need to fit African exporters of uranium into the system of transparency and monitoring of uranium movements. Therefore, the treaty will permit uranium exports only to countries that have comprehensive IAEA Safeguards Agreements in force. This provision will help prevent incidents such as the recent false allegations of illicit attempts to purchase uranium in Africa.

When the Pelindaba Treaty enters into force, it will, along with the Antarctic Treaty, the Treaty of Tlatelolco, the Rarotonga Treaty, and the Treaty of Bangkok, transform most of the Southern Hemisphere into a zone free of nuclear weapons. The example of the Pelindaba Treaty entering into force may encourage other regions of the world to follow suit and ban nuclear weapons. For example, the draft text of a treaty establishing a Central Asian Nuclear-Weapon-Free Zone was finalized in September 2002, and is now awaiting signature by the five Central Asian States—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

Pessimists sometimes say that all the regions of the world where nuclear-weapon-free zones can easily be established have already been covered, and that further progress in this direction will be difficult. Article 6 of the Pelindaba Treaty, which relates to the dismantling and destruction of nuclear weapon capability, can provide a valuable lesson learned from the African experience. This part of the treaty could serve as a precedent for proposed nuclear-weapon-free zones in other regions, where nuclear programs of the so-called "threshold states" or de facto nuclear powers could complicate or be regarded as a hindrance to the negotiations for the establishment of such zones. Such regions include South Asia, the Middle East, and the Korean Peninsula. Proposals have long been made to establish nuclear-weapon-free zones in these regions. Article 6 of the Pelindaba Treaty is the first of its kind and there is no similar provision in either the Tlatelolco, Rarotonga, or Bangkok Treaties. These unique provisions of the treaty were prompted by the fact that for the first time in the history of the development of nuclear-weapon-free zones, a state that had been nuclear-weapon capable in the past (i.e., South Africa) agreed to be included in a nuclear-weapon-free zone (i.e., the African Nuclear-Weapon-Free Zone).

THE DELAY IN RATIFICATION

Simply because to date only 17 African states (out of the possible 53 members of the African Union) have ratified the Pelindaba Treaty, one should not conclude that there is lack of interest among these states in the treaty. Indeed, as was evident from the statements of African leaders during the 2001 Lusaka OAU Summit, African states appreciate and value the essence of the treaty as a vehicle for promoting African security, development cooperation, and confidence-building.

Rather than lack of interest, the delay in ratifying the treaty could be attributed to various factors, including those listed below.

- In general, the historical record of African states in bringing treaties into force shows a pattern of delay in completing the ratification process. The Treaty of Pelindaba is, unfortunately, no exception.
- A number of African governments are preoccupied with other priorities, causing delay in taking action on the ratification of the Pelindaba Treaty. For example, there are ongoing civil conflicts in some African states, which have diverted the attention of those states.
- The inadequate role played by the OAU has also contributed to the delay. The OAU is the designated depository of the treaty. On several occasions since 1996, the organization has adopted resolutions calling for the ratification and entry into force of the Pelindaba Treaty. However, these resolutions have lacked any specific followup mechanisms, and they have not been accompanied by determined efforts to ensure their implementation. The OAU has now been transformed into the African Union, which has very ambitious mandates. There is reason to believe that the new African Union will develop followup mechanisms for the effective implementation of its resolutions, including those relating to the ratification of the Treaty of Pelindaba.

In this regard, the chances of avoiding delay in securing the necessary number of ratifications might have improved if, after the treaty was signed in Cairo in 1996, the signatories had created an interim mechanism to perform various functions, including mobilizing support for securing the required 28 ratifications. The establishment of such a mechanism could have led to the

early entry into force of the Pelindaba Treaty. Such an interim mechanism or body could be similar to that created in the case of the Comprehensive Nuclear Test Ban Treaty (CTBT). The signatories of the CTBT decided to establish a Technical Secretariat for the Preparatory Commission for the CTBT. While the CTBT also has not yet entered into force, the CTBT Technical Secretariat has made significant progress in preparing for its implementation.

If there is further delay in the entry into force of the Pelindaba Treaty, Africa also risks falling behind other regions of the world in the ongoing process of establishing nuclear-weapon-free zones. The five Central Asian states—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—announced in September 2002 that they have agreed on the text of a treaty establishing a Central Asian Nuclear-Weapon-Free Zone Treaty, and plan to sign it soon.⁴ The other existing zones—in South America and the Caribbean, the South Pacific, and Southeast Asia—all entered into force within a year or two of being opened for signature. The Treaty of Pelindaba has already taken three times as long as this historical average. The Pelindaba Treaty was hailed as an advance in nonproliferation when it was opened for signature, but to maintain that leadership, African countries must act promptly to bring the treaty into force.

NEXT STEPS TO MOVE THE TREATY FOREWARD

African states and their leaders must give urgent and priority attention to the ratification of the Pelindaba Treaty to enable it to enter into force. In the wake of the seventh anniversary of the treaty's signature, which took place on April 11, 2003, the parties and signatories should convene a special meeting to discuss facilitating the ratification of the treaty. The suggested agenda would include the establishment of a small Secretariat for the Preparatory African Commission on Nuclear Energy, which would perform specific functions, including mobilization of support for securing the required 28 ratifications leading to early entry into force of the Pelindaba Treaty.

CONCLUSION

It is long past time for the Pelindaba Treaty to enter into force. It has been seven years since the treaty was opened for signature. Especially in the wake of the 9/11 terrorist attacks and the corresponding need to strengthen the glo-

bal nonproliferation regime, the benefits of the Pelindaba Treaty for both Africa and the international community are substantial. These benefits can be realized if another 11 African states ratify the treaty and bring it into force.

For Africa, the continuing failure of the treaty to enter into force constitutes an obstacle to the realization of the goals and the objectives of the treaty. While the treaty remains unratified by the necessary number of states, opportunities will be lost to improve regional security through confidence-building measures and efforts to further growth in intra-African cooperation in the peaceful uses of nuclear energy and technology, especially in the area of electricity generation by nuclear power, will be hampered. For the international community, the benefits of the Pelindaba Treaty entering into force will also be substantial, including improved safeguards and physical security for nuclear installations and nuclear materials, reducing the threat of nuclear terrorism. In light of

these benefits, the political effort needed to encourage additional African states to ratify the Pelindaba Treaty would be worthwhile, and both African states and the international community should step forward to meet the challenge.

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Viewpoint

Accelerate the Ratification of the Pelindaba Treaty

SOLA OGUNBANWO

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