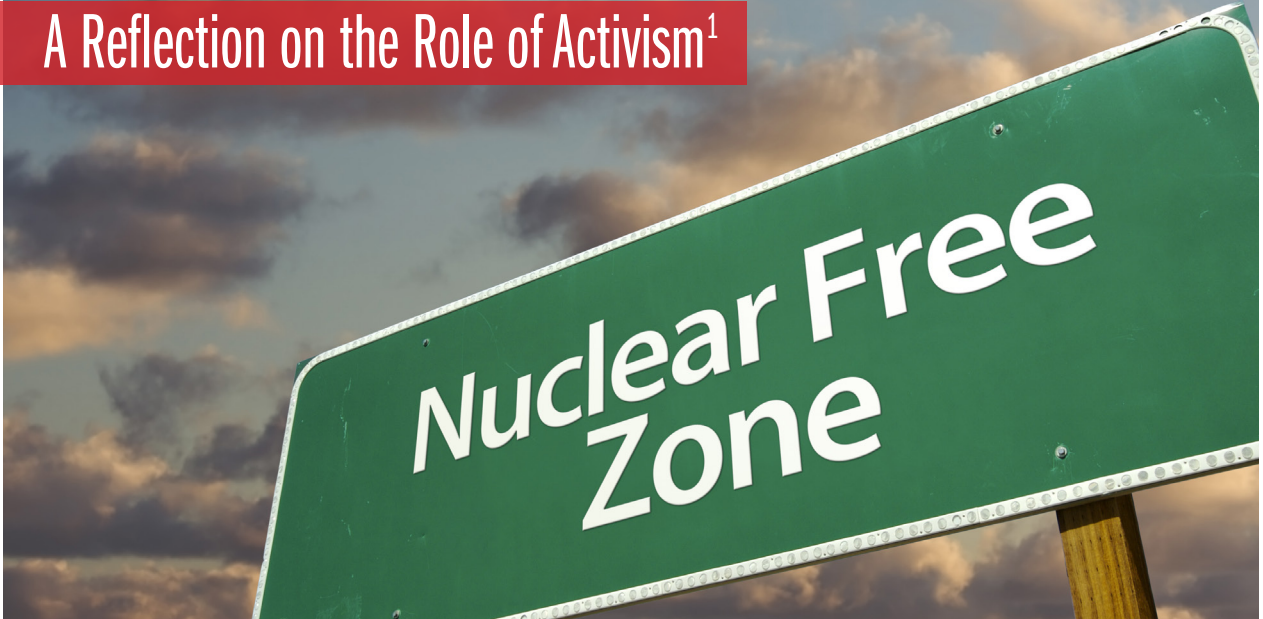


# The African Nuclear-Weapon-Free Zone Treaty: A Reflection on the Role of Activism<sup>1</sup>

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By Noël Stott

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*We in Africa wish to live and develop ... we are not freeing ourselves from centuries of imperialism and colonialism only to be maimed and destroyed by nuclear weapons.*

Kwame Nkrumah.<sup>2</sup>

## Abstract

It took 45 years between when the First Ordinary Session of the then Organisation of African Unity (OAU) [now the African Union] declared Africa a denuclearized zone in July 1964 and when the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) entered-into-force on 15 July 2009. This article briefly describes the provisions of the Treaty and then provides some examples of how activism assisted this process, before concluding on the possible reasons for the long delay for the Treaty of Pelindaba to be inscribed into international law.

## Introduction

The African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) declares Africa and its associated islands<sup>3</sup> a zone free from nuclear weapons;

i.e., nuclear weapons are prohibited from being developed, produced, tested or otherwise acquired or stationed anywhere on the African continent or its associated islands. The Treaty, also and uniquely, prohibits armed attacks on nuclear installations, including nuclear research or power reactors, and promotes the peaceful application of nuclear science and technology. As of July 2024, of the 55 African States, 44 are States Parties, having deposited their instruments of ratification or accession with the African Union (AU). Only 11 States are yet to do so (See Table 1 later in the discussion). Taken together with the other four nuclear-weapon-free zones (Latin America and the Caribbean; South Pacific; Southeast Asia; Central Asia) and the national status of Mongolia as a zone

free of nuclear weapons, 114 UN Member States are party to regional nuclear weapons-free treaties, presenting almost 40% of the world's population (Van Wyk, 2012; Adeniji, 2002; Stott, 2020).

It took thirty-one years between when the First Ordinary Session of the then Organisation of African Unity (OAU) [now the African Union] declared Africa a denuclearized zone, in July 1964, and when the final draft of the text of the Treaty of Pelindaba was adopted during the Thirty-First Ordinary Session of the OAU Summit, on 23 June 1995. It then took another 13 years before the Treaty was signed by all African States in 1996 in Cairo, Egypt. It entered into force on 15 July 2009, after Burundi's ratification on 22 June 2009.<sup>4</sup> It thus took 45 years (from 1964 to 2009) to be inscribed into international law.

The declaration of Africa as a denuclearized zone, and the subsequent entry-into-force of the Treaty of Pelindaba was a result of different actors, each of whom came from diverse points of view: Africa's unwillingness to be party to the [nuclear] arms race during the Cold War; the struggle against imperialism and colonialism; the French nuclear tests in the Sahara desert in the 1960s;<sup>5</sup> the need to prevent the continent from being used for storing or transporting nuclear weapons; and, the (then suspected) South African nuclear weapons programme. Each actor and their activism to ensure that Africa was nuclear weapon-free and that the Treaty of Pelindaba entered into force reflected their slightly different perspectives or starting points: nuclear imperialism and colonialism; the economic and social cost of both the development and explosions of nuclear weapons; ethical and moral (religious) concerns; international and continental security; and the quest for a world without nuclear weapons.

This article describes and reflects on examples of these actors and their activism in the context of their starting perspectives. It should be noted that in the case of the Treaty of Pelindaba, it was not only civil society groups that attempted to bring about political or social change through activities such as campaigns, fasts, boycotts, petitions, marches, and sit-ins; it was also applied policy research institutes, religious groupings, political organisations and academics that attempted to influence policies and legislation and recommend

how best, in their view, implement such policies and regulations. Equally, politicians, government officials and diplomats can—and often do—engage in 'activism' and interact with activists and civil society organisations.

### **Activism and the Treaty of Pelindaba**

#### ***Early Campaigns Against the French Tests and Nuclear Weapons***

Ghana's independence in 1957 marked the beginning of Africa's efforts to pursue the goal of disarmament and a world free of nuclear weapons (Saxena, 1998). The April 1958 conference of independent African states that was held in Ghana was one of the first attempts for state representatives and civil society actors to deliberate on nuclear weapons. Convened by Ghana's first Prime Minister and President, Kwame Nkrumah, participants included anti-colonialism movements and supporters of African non-alignment and nuclear disarmament.

The conference's mission statement included the pledge "to persuade the Great Powers to discontinue the production and testing of nuclear and thermonuclear weapons" (Conference of Independent States, 1958). However, in July 1959, France announced that it would conduct nuclear weapons testing in the Sahara, resulting in public demonstrations between December 1959 and April 1960. The Sahara Protest Team, which was established in 1959 and tried to raise awareness internationally about the dangers of nuclear testing and to pressure the French government to stop the tests, organised public demonstrations in Africa, Europe and the United States and offered a "direct link" with the African struggle for independence (Bennett, 2003: 231). Individuals such as Pierre Martin and Hilary Arinze held a fast outside the French Embassy in Accra and the French Consulate in Lagos respectively; pickets were held at French government buildings in London, New York and Hamburg, while rallies were held in Tunisia, Libya and Morocco. In Paris, 500 African students were arrested (Lacovsky, 2023).

The Sahara Protest Team also enhanced co-operation between European anti-nuclear groups, African liberation forces, and the United States' (US) Civil Rights Movement, with the support of the government of Ghana (International Team

Campaigns Against Nuclear Testing in Africa, n.d.; Ghana: Workers Protest at French Nuclear Tests in Pacific, n.d.). In December 1959, Michael Scott, a French member of War Resisters International, Pierre Martin, and US peace campaigner and civil rights activist, Bayard Rustin, as well as veteran US pacifist A.J. Muste and others, attempted to access the military base at Reggane in Algeria, the site of the impending French nuclear weapons tests (Skinner, 2015). Then, in the early 1960s, the government of Ghana sponsored a series of anti-nuclear conferences, after which eight African states proposed to the United Nations (UN) that a nuclear-weapon-free zone (NWFZ) be established in Africa (Allman, 2008).

In April 1960, a Conference of African States was called to discuss the French nuclear tests, which it called “the new form of colonialism and its attempt to Balkanize the continent and destroy African unity” (Skinner, 2015: 418-419). At this event, Nkrumah stated: “We in Africa wish to live and develop ... we are not freeing ourselves from centuries of imperialism and colonialism only to be maimed and destroyed by nuclear weapons” (Al Jazeera, 27 October 2020). In 1961, 14 African states formally proposed to the UN General Assembly, a resolution for preventing the extension of the nuclear arms race to Africa and for making Africa a ‘denuclearised zone’ (Epstein, 1987). This resolution was approved and called on all UN Member States to refrain from conducting nuclear tests in Africa, or to use the area for storing or transporting nuclear weapons (Epstein, 1987). In 1962, the Accra Assembly on ‘The World Without the Bomb’ was held. After the conference, a small organisation was established in Ghana, headed by a government official, Frank Boateng, to continue disarmament efforts (Skinner, n.d.). In 1963, the annual Aldermaston CND march in the UK included national delegations from forty African and Asian states.

According to Skinner (2015: 418), the struggle for nuclear disarmament in Africa and more generally was linked to questions of racial discrimination and liberation from colonialism and tied to the reduction of military spending to “saving resources for [economic] development.” Interestingly, this argument continues to be utilised by states from the Global South at various United Nations nuclear disarmament and non-proliferation fora, such as meetings of States Parties to the Treaty on the

Non-Proliferation of Nuclear Weapons (NPT) and the Treaty on the Prohibition of Nuclear Weapons (TNPW).

### **Programme for the Promotion of Nuclear Non-Proliferation**

The Programme for Promoting Nuclear Non-Proliferation (PPNN), was founded in 1986 by Ben Sanders, a former senior UN official, and Professor John Simpson at the University of Southampton (UK), in order provide a platform for diplomats who enter the field to find a one-stop-shop of information about the NPT and meet their counterparts from other countries (Onderco, 2020: 815). The PPNN organised a series of conferences in advance of the 1995 NPT Review Conference, to bring diplomats from numerous countries up to date with matters related to the forthcoming conference.

PPNN also played a key role in getting South Africa included in the negotiations and drafting of the text of the Treaty of Pelindaba and in acting “as an agent of confidence-building between the rest of Africa and South Africa” (Adeniji, 2002: 60). Fortuitously, the PPNN had scheduled a meeting from 1–4 April 1993 in Harare, Zimbabwe. South African President F.W. de Klerk’s March 1993 announcement of the existence and termination of South Africa’s limited nuclear deterrent programme provided the PPNN with an opportunity to issue an invitation to the Chief Executive Officer of the Atomic Energy Commission of South Africa (AEC), Dr Waldo E. Stumpf, to address the meeting. Stumpf accepted and subsequently emphasised South Africa’s “determination to be transparent and its acceptance in principle of a NWFZ for the continent” (Africa and Nuclear Non-Proliferation, 1993; Adeniji, 2002). Participants of this meeting included the OAU/UN expert team mandated “to draw up a draft treaty or convention on the denuclearization of Africa”. South African representatives from government as well as the two main liberation movements—the African National Congress (ANC) and the Pan-Africanist Congress of Azania (PAC)—attended. However, South Africa only became a fully-fledged participant in the Group of Experts meeting in Johannesburg and Pelindaba from 29 May to 2 June 1995, where the finalised text for submission to the OAU Council of Ministers’ Sixty-second Ordinary Session, to be held in Addis Ababa from 21 to 23 June 1995, was

drafted. At the meeting in Johannesburg, South Africa's then Director-General of the Department of Foreign Affairs, delivered the keynote address. When the meeting relocated to the Pelindaba site for the closing session, both the Chairman of the AEC, Dr J.W.L. de Villiers and its Chief Executive, Dr Stumpf—key players in the development of South Africa's nuclear weapons programme and its subsequent dismantlement, made statements.

South Africa signed the Treaty on 11 April 1996 and deposited its instrument of ratification on 27 March 1998. Today, South Africa is host to the African Commission on Nuclear Energy (AFCONE), the body responsible for ensuring that the Treaty of Pelindaba is complied with under Article 12(I) and that its provisions are implemented; including, but not limited to, ensuring that each States Party enacts legislation prohibiting the research, development, manufacture, acquisition, stationing and testing of nuclear explosive devices. AFCONE is also mandated to ensure that non-African States Parties to the Protocols attached to the Treaty comply with their obligations regarding the prohibition of the use of, or threat to use, nuclear weapons against African States Parties to the Treaty; the testing, assisting or encouraging of the testing of nuclear explosive devices in the Zone; as well as, the obligations of these States that are *de jure* or *de facto* internationally responsible for territories within the Zone.

### **World Council of Churches**

Since its establishment, the World Council of Churches (WCC) has considered its promotion of peace as inseparable from international, regional, and national measures for disarmament. The WCC raises ecumenical concerns and advocates at various levels of national and international governance for nuclear disarmament, control of the spread of other Weapons of Mass Destruction (WMDs), accountability under the international rule of law, and fulfilment of treaty obligations (World Council of Churches - What We Do, n.d.).

While the WCC member churches have been united in their opposition to nuclear arms for more than 60 years, the initiative on the Treaty of Pelindaba started in 2006 with a WCC Assembly recommendation to support Nuclear-Weapon-Free Zones (Frerichs, 2009). A programme for nuclear disarmament was established with a

member of the Evangelical Lutheran Church in America, Jonathan Frerichs, as the programme's executive. The programme included visits by WCC delegations to a number of African States, including to Namibia in 2008 to urge ratification of the Pelindaba Treaty, and significantly to Burundi in March 2009. The visit to Burundi helped to spur its ratification and thus, the entry-into-force of the treaty (Africa Nuclear Weapon Free Zone, n.d.; African Nuclear Treaty is as Step toward a Safer World, n.d.).

On 1 September 2009, the WCC Central Committee adopted a Statement of Hope in a Year of Opportunity, which contained the following prayer:

*God of all times and seasons, You have presented us with a season of hope and a time of opportunity for a nuclear-weapon-free world. May we not squander this opportunity but find ways of working together to make a difference for the whole global family. Fill us with the vision of your kingdom, where the lion lies down with the lamb, and weapons are turned into farming tools. Empower us to declare that authentic security is found in enhancing our human interdependence in your one creation. Enable us to live this declaration in our relationships with neighbours, near and far, and to You be all glory and praise, now and forever (WCC, 2009).*

### **The Role of the Institute for Security Studies (ISS)**

In 2007, with funding from the Royal Norwegian Government, the South African-based Institute for Security Studies (ISS) started a project, 'Africa's Development and the Threat of Weapons of Mass Destruction' (WMD), under the leadership of the author and Amelia Broodryk. The project was geared towards strengthening the engagement of Africa in international efforts to prevent the spread of WMDs and to bring about disarmament, especially prioritising that the Treaty of Pelindaba enter into force prior to the 2010 NPT Review Conference. It was felt that this would contribute positively to global disarmament and international non-proliferation efforts. Another important aim

of the WMD project was to provide a platform whereby relevant stakeholders can begin to discuss the establishment of the African Commission on Nuclear Energy (AFCONe), as specified under Article 12 (Mechanism for Compliance).

When the project started in May 2007, only 22 African States had ratified the Treaty, and it was clear that the Treaty had fallen off Africa's (and the AU's) agenda. At the time, despite 'political' pronouncements, the AU Secretariat seemed to have had no plans to galvanise its members to ratify and thus facilitate Pelindaba's entry-into-force. The UN Regional Centre for Peace and Disarmament in Africa (UNREC) also did not have a programme on the Treaty of Pelindaba, although its stated aims were to advance the cause of nuclear, chemical and biological disarmament. The WMD Project thus developed an intensive research and engagement strategy with African governments who had not yet ratified the Treaty of Pelindaba, as well as with the AU's Peace and Security Council. This strategy entailed:

- Developing partnerships with, *inter alia*, the James Martin Center for Nonproliferation Studies, based in Monterey; Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP); the WCC; and the International Campaign to Abolish Nuclear Weapons (ICAN).
- Establishing a 'Friends of the Pelindaba Working Group,' which included Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), a non-partisan forum for parliamentarians nationally and internationally, to develop co-operative strategies, including on nuclear non-proliferation and disarmament issues.
- Producing English and French guides to the Treaty (Stott, Du Rand and Du Preez, 2008), and distributing these Guides extensively in New York, Geneva and Vienna as well as in national capitals and at international and regional conferences.
- Meetings with the Africa Group in New York.
- Field trips to a number of African countries.
- Presentations at international conferences, and
- Publishing numerous articles and briefing documents through ISS and in other media outlets.<sup>6</sup>

After the announcement that Burundi ratified the Treaty on 22 June 2009 and had deposited its

ratification instrument with the AU on 15 July 2009, the ISS staff immediately set themselves the task of getting the news out to the press, international organisations, embassies and diplomatic missions in order to explain the significance of the event and the Treaty itself. It was felt that the entry-into-force of the Treaty of Pelindaba was both long overdue and timely, as it sent a clear message ahead of the NPT Review Conference, that Africa is totally committed to nuclear disarmament and non-proliferation both globally and on the African continent. The Statement elicited numerous queries and requests for information and interviews, as well as many congratulatory messages.

ISS continued to publish articles and speak at conferences on the Treaty after entry-into-force (Broodryk and Stott, April 2010; Foy, Broodryk and Stott, June 2010; Stott, July 2010; Stott, Du Rand and Du Preez, March 2010; Stott, June 2011; Stott, October 2011; Stott, March 2011; Stott et al., June 2012; Stott, May 2012; Stott and Broodryk, May 2012; Broodryk and Stott, n.d.; Horovitz, 2009).

As stated by the Centre for International Governance Innovation, "the Treaty of Pelindaba was a long time in the making; a process that was kept alive at least in part by persistent civil society attention. The South African Institute for Security Studies and the Monterey Center for Nonproliferation Studies maintained a continuing watch on and encouraged the Treaty's slow progress" (Centre for International Governance Innovation, n.d.).

### **Lalit de Klas [The Class Struggle]**

The Indian Ocean island Diego Garcia, falls within the territory of the Treaty of Pelindaba. It is a British possession used by the United States as a major military base but is claimed by Mauritius. Between 1814 and 1965, it was in fact a territory of Mauritius. It then became part of the Chagos Archipelago, which belonged to the newly created British Indian Ocean Territory. In 1970, the island was leased to the United States, and developed as a joint U.S.-UK air and naval support station during the Cold War. During the 1991 Persian Gulf War, and during Operation Desert Fox, it served as a base for B-52 bombers, which on 17 December 1998 launched nearly 100 long-range cruise missiles aimed at Iraq. In 2001, the United States again used Diego Garcia when it launched B-2 and B-52 bombers in attacks against Afghanistan. It was also used, according

to Sand, during the American-led war against Iraq (Sand, 2009).

The Mauritian political party *Lalit de Klas* [The Class Struggle] has been campaigning to: a) close the US military base on the Chagos Archipelago; b) return displaced Chagossians to their home; and c) for Mauritius to regain sovereignty over Diego Garcia and the rest of Chagos (Collen, 2009). *Lalit* unites three struggles: the right to return, sovereignty, and closure of the US base. They regard these struggles as intertwined and to be pursued together. They promote decolonization, oppose militarism, support environmental and ecological issues, and the gender struggle (women have been at the forefront of this struggle in Mauritius for decades), the anti-war movement, the ‘No Bases’ movement, anti-imperialism, and, of course, they are anti-nuclear (Vine and Jefferey, 2009; Vine, 2006).

Post entry-into-force, *Lalit* continues to advocate for nuclear disarmament in the context of the military base on the Chagos Archipelago. When the Treaty entered into force in 2009, they met with the then Minister of Foreign Affairs, as part of an initiative to get the International Atomic Energy Agency (IAEA) to inspect Diego Garcia (Lalit Calls For Action To Respect Nuclear Arms Treaty On Diego Garcia, 3 December 2009; Sand, 2019: 323-47; Sand 2021; Sand, 2009; Lutz, 2009). They wanted Diego Garcia to be “inspected for illegal stocks of nuclear materials as ... failure to do so may cause Mauritius to be in contravention of a binding Treaty. The UK and USA are, we believe, right now in contravention of the Pelindaba Treaty” (Lalit

Calls For Action To Respect Nuclear Arms Treaty On Diego Garcia, 3 December 2009). The Minister of Foreign Affairs obliged by agitating for a nuclear inspection of the island in 2010, with the then President Cassam Uteem issuing an open letter to AFCONE, which called for an IAEA investigation on Diego Garcia, based on Annex IV [Prevention of Stationing of Nuclear Explosive Devices] of the treaty (Mpofu-Walsh, 2020).

In 2016, following the Second International Conference on Diego Garcia held on 1 and 2 October, the 160 participants, representing civil society organisations in Mauritius, and including the Chagos Refugees Group, sent another request to AFCONE, “for an investigation on Diego Garcia [under the Pelindaba Treaty for a Nuclear Arms Free Africa].” They stated their belief that “nuclear materials are being stored on Diego Garcia, that nuclear submarines are serviced there, and that nuclear arms may be stocked there... in violation of this Treaty” (Diego Garcia: First-Ever Call for Inspections under Pelindaba Treaty for Nuclear Arms Free Africa, 2016). According to a UK statement in 2010, their general policy is to “allow the United States to store only what we ourselves would store” (Hansard: 2010).

**Possible Reasons for Why It Took So Long for the Treaty of Pelindaba to Enter-Into-Force**

Table 1 shows the number of deposits of instruments of ratification or accession to the Treaty of Pelindaba per year, 1996 – 2024.

**Table 1: Ratification or Accession to the Treaty of Pelindaba, 1996-2024**

Year	Number of deposits	Country
1996	2	Mauritius; Gambia
1997	–	–
1998	6	Mauritania; South Africa; Burkina Faso; Algeria; Tanzania; Zimbabwe
1999	3	Botswana; Mali; Côte d’Ivoire
2000	3	Guinea; Eswatini; Togo
2001	2	Nigeria; Kenya

Year	Number of deposits	Country
2002	1	Lesotho
2003	2	Equatorial Guinea; Madagascar
2004	-	-
2005	1	Libya
2006	1	Senegal
2007	3	Rwanda; Benin; Gabon
2008	2	Ethiopia; Mozambique
2009	3	Malawi; Burundi; Tunisia
2010	2	Zambia; Cameroon
2011	1	Ghana
2012	4	Namibia; Chad; Guinea-Bissau; Comoros
2013	1	Congo (Republic of)
2014	3	Sahrawi Arab Democratic Republic; Seychelles; Angola
2015	-	-
2016	-	-
2017	1	Niger
2018	-	-
2019	-	-
2020	1	Cape Verde
2021	-	-
2022	2	Democratic Republic of the Congo; Morocco
2023	-	-
2024 (January – March)	-	-

During workshops hosted by the ISS and CNS, and from the literature more generally, the following were identified as factors that may have been (at the time) hindering entry-into-force of the Treaty of Pelindaba—some may still be applicable today in terms of its universalisation. These include:

- A lack of awareness of the Treaty itself.
- A lack of political will.
- Preoccupation with the proliferation of landmines, small arms and light weapons and other priorities such as intra-state conflict, poverty, the provision of health and educational facilities, etc.
- The different domestic bureaucratic and political procedures required for completing Treaty ratification or accession processes.
- Perceived financial implications of being a States Party.
- A lack of knowledge of the socio-economic and other benefits of being a States Party.
- Lack of expertise, capacity and infrastructure to implement its provisions, including to ‘domesticate’ Treaties into national legislation.
- The multiplicity of treaties to implement and report on, which causes human resource constraints within the relevant department(s) responsible for continental and international treaties and ‘reporting fatigue’.
- The perception of the threat from nuclear weapons being a ‘Northern’ problem and (another) example of a Northern-driven agenda [non-proliferation vs disarmament].
- The lack of assurance from nuclear armed states that they will not threaten any African country with a nuclear device.
- Controversies relating to non-African states having *de jure* or *de facto* international responsibility for a territory situated within the Zone—the Canary Islands, Ceuta, and Melilla as well as Chagos Archipelago (Diego Garcia), and,
- The linkage to the quest for a Middle East Nuclear-Free Zone or, more accurately, a Middle East free of WMDs. One example here, is Egypt’s position that it will not ratify the Treaty of Pelindaba until its concerns about Israel’s nuclear status and Iran’s nuclear intentions are addressed (Einhorn, 2004: 43-82).

The lack of assurance from nuclear armed states that they will not threaten any African country with a nuclear device, is also an important factor.

For example, when the Russian Federation ratified Protocols I and II of the Treaty, it made the following statement:

... the Russian Federation finds it necessary to state the following: In accordance with the Article 1 of the Treaty ‘African Nuclear-Weapon-Free Zone’ means the territory of the continent of Africa, island States-members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa. Meanwhile until [sic] the military base of the nuclear State is situated on the Chagos archipelago islands they cannot be regarded [as] meeting the requirements put forward by the Treaty for the nuclear-weapon-free territories. Besides, from the statements made during the signing of the Protocols [it] follows that certain territories, including in particular the mentioned islands, cannot be regarded [as] meeting the requirements put forward by the Treaty for the nuclear-weapon-free territories and that the States, which made these statements, consider themselves to be free from the obligations under Protocols to the Treaty regarding the aforesaid territories. Proceeding from this, the Russian Federation cannot consider itself to be bound by the obligations under Protocol I in respect of the aforesaid territories. Obligations under Article 1 of Protocol I to the Treaty will be interpreted by the Russian Federation in the following way: the Russian Federation will not use nuclear weapons against a State which is a party to the African Nuclear-Weapon-Free Zone Treaty excluding the cases of invasion or any other armed attack on the Russian Federation, its territory, its armed forces or other troops, its allies or a State towards which it has a security commitment, carried out or sustained by a non-nuclear-weapons State party to the Treaty in association or alliance with a nuclear-weapon State (Letter from the Russian Ambassador to the Secretary-General of the Organization of African Unity, 5 November 1996).

The US, while having ratified two of the Protocols, has held back from the third, noting that the Treaty “will not limit options available to the United



States in response to an attack by an ANFZ party using weapons of mass destruction ... or restrict [its] freedom of the sea or other navigation and overflight rights guaranteed under international law” (Press Briefing by Robert Bell, 11 April 1996).

In its statement attached to its ratification instrument, the United Kingdom made it clear that it “does not accept any legal obligations in respect of that Territory by their adherence to Protocols I and II” (Statement made by the United Kingdom and attached to its ratification instrument, 19 March 2001).

Regarding the controversies relating to the non-African States having *de jure* or *de facto* international responsibility for a territory situated within the NWFZ: Spain regards the Canary Islands, Ceuta, and Melilla (coastal cities in North Africa) as an integral part of the European Union (EU) and part of their territory. Therefore, Spain insists that these three territories should not be included within the African Nuclear Weapons-Free Zone.<sup>7</sup> The continued existence of the two enclaves has been an issue of contention between Spain and Morocco. Morocco claimed them and brought the issue before the UN Decolonization Committee in 1975. The situation regarding Diego Garcia is described above.

Another important reason may have been the perceived economic benefits of *not* ratifying by uranium producing countries. Article 9(c) [Verification of Peaceful Uses] requires parties 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 the IAEA. This requirement was the first legally binding obligation for nuclear exporters to require from their customers comprehensive or

full-scope IAEA safeguards on all nuclear activities as a condition of supply (Muller, 1996). Hence, African states are not able to supply non-NPT countries such as India (or those who have not yet concluded safeguards agreements with the IAEA) with fissile material. It should be remembered that when the Treaty of Pelindaba was drafted, it was envisaged that by the time it entered into force, universality of the NPT and comprehensive safeguards agreements would have been achieved. This has not yet happened. However, it is also true that India has in fact now brought into force its own specific safeguards agreement with the IAEA.<sup>8</sup> The question is whether this specific and perhaps unique safeguards agreement satisfies the legal requirements of the Pelindaba Treaty, and in particular Article 9c.

### Conclusion

The Treaty of Pelindaba took some 45 years (from 1964 to 2009) to be inscribed in international law. The examples of activism in relation to the Treaty of Pelindaba described above each came from slightly different perspectives or starting points—the Cold War and the nuclear arms race, nuclear imperialism and colonialism, proliferation concerns, the financial and economic costs of such weapons and the lack of resources for socio-economic development in Africa, ethical and moral (religious) imperatives; the struggle for international and continental security and ultimately, the quest for a world without nuclear weapons.

Going forward, there are perhaps many lessons that could and should be learned from the experience of establishing Africa as a nuclear-weapon-free zone and for how activism in its many different forms is best organised, if we are to influence international and continental policies and national legislation, especially in the quest for a world without nuclear weapons.

## Endnotes

The author wish to acknowledge funding from the University of Johannesburg and Open University for the article processing fees.

- <sup>1</sup> This article is an edited version of presentation made at the Conference on Anti-Nuclear Activism in Africa, Johannesburg Institute for Advanced Studies (JIAS), University of Johannesburg, 3 - 4 April 2023. The article expresses the personal views of the author and do not necessarily reflect the views of VERTIC, its Board of Trustees, or its donors.
- <sup>2</sup> From the Positive Action Conference for Peace and Security in Africa, Accra, Ghana, 7 - 10 April 1960.
- <sup>3</sup> The Treaty of Pelindaba covers the entire African continent as well as the following islands: Agalega Islands, Bassas da India, British Indian Ocean Territory (commonly referred to as the Chagos Archipelago, including Diego Garcia), Canary Islands, Cape Verde, Cardagos Carajos Shoals, Comoros, Europa Island, Juan de Nova, Madagascar, Mauritius, Mayotte, Prince Edward and Marion Islands, Réunion, Rodrigues Island, Sao Tome and Principe, Seychelles, Tromelin Island and the Zanzibar Archipelago.
- <sup>4</sup> In accordance with the provisions of Article 18(2), the Treaty “shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.”
- <sup>5</sup> From 1960 to 1966, France conducted 13 underground tests in the Hoggar mountains in Ekker and four atmospheric nuclear tests 50 km South-West of the city of Reggane in the Sahara Desert Highlands in Algeria.
- <sup>6</sup> See: The Role of the African Nuclear Weapons Free Zone Treaty in Strengthening the Disarmament Objectives of the non-Proliferation Treaty (NPT): A Southern African Regional Seminar: Summary by the Co-Chairs, Pretoria, South Africa, 31 March-April 2008; Jean du Preez, The Race Towards Entry Into Force of the Pelindaba Treaty: Mozambique Leading the Charge, CNS Feature Story, 31 March 2008; African Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty) Resources, James Martin Center for Nonproliferation Studies, International Organizations and Nonproliferation Program (IONP); Jean du Preez, The Potential Role and Functions of the African Commission on Nuclear Energy: Assessing the Benefits for Africa, James Martin Center for Nonproliferation Studies website; Noel Stott, Entry-Into-Force of the Treaty of Pelindaba: Establishing the African Commission on Nuclear Energy (AFCONE), Presentation at the Nuclear Proliferation and Nuclear Energy Forum, Aman, Jordan, 22 June 2009.
- <sup>7</sup> The Canary Islands form an archipelago made up by seven main islands, located in the Atlantic Ocean, near the African coast of Western Sahara. The Canary Islands have been an integral part of Spain for more than 500 years, and form an ‘Autonomous Community’ within the Kingdom of Spain. Ceuta and Melilla are two small Spanish-ruled enclaves on the north coast of Morocco, the last remnants of Spain’s 600-year-old African empire. Administratively, they are part of the autonomous government of Andalusia.
- <sup>8</sup> For the text of the agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities, see: <https://www.iaea.org/publications/documents/infcircs/agreement-between-government-india-and-international-atomic-energy-agency-application-safeguards-civilian-nuclear-facilities>

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