

PROTOCOLS I AND II TO THE AFRICAN  
NUCLEAR-WEAPON-FREE ZONE TREATY

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

PROTOCOLS I AND II TO THE AFRICAN NUCLEAR-WEAPON-FREE  
ZONE TREATY, SIGNED ON BEHALF OF THE UNITED STATES AT  
CAIRO, EGYPT, ON APRIL 11, 1996, INCLUDING A THIRD PRO-  
TOCOL RELATED TO THE TREATY



MAY 2, 2011.—Treaty was read the first time, and together with the  
accompanying papers, referred to the Committee on Foreign Relations  
and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE



## LETTER OF TRANSMITTAL

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THE WHITE HOUSE, *May 2, 2011.*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty (“the Treaty”), signed on behalf of the United States at Cairo, Egypt, on April 11, 1996. I also transmit for the information of the Senate the Treaty to which these Protocols relate, a third Protocol to the Treaty, and the Department of State’s Overview of the Protocols, which includes a detailed article-by-article analysis of both the Protocols and the Treaty.

I am convinced that it is in the best interest of the United States to ratify Protocols I and II to the Treaty. This step will strengthen our relations with our African friends and allies, enhance U.S. security by furthering our global nonproliferation and arms control objectives, demonstrate our commitment to the decisions taken at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and contribute significantly to the realization of the African Nuclear-Weapon-Free Zone in all its aspects. As the Department of State’s Overview of the Protocols explains, entry into force of Protocols I and II for the United States would require no changes in U.S. law, policy, or practice.

I recommend that the Senate give early and favorable consideration to Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty, and give its advice and consent to their ratification, subject to the statements contained in the Department of State’s Overview of the Protocols.

BARACK OBAMA.



## LETTER OF SUBMITTAL

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DEPARTMENT OF STATE,  
*Washington, August 16, 2010.*

THE PRESIDENT,  
*The White House.*

THE PRESIDENT: I have the honor to submit to you, with a view to their transmittal to the Senate for advice and consent to ratification, subject to certain statements, Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty ("the Treaty"), also known as the Treaty of Pelindaba, which were signed on behalf of the United States at Cairo, Egypt, on April 11, 1996. Also enclosed is an Overview of the Protocols, which includes a detailed article-by-article analysis of both the Protocols and the Treaty to which the Protocols relate.

These Protocols are consistent with U.S. military practices and require no changes in U.S. military operations, strategy, or policy. Ratification of Protocols I and II by the United States would fully support U.S. nonproliferation policy and goals and demonstrate the seriousness of the U.S. commitment to the global nuclear non-proliferation regime.

The Departments of Defense and Energy join in recommending that Protocols I and II of the Treaty be submitted to the Senate at an early date for its advice and consent to ratification, subject to the recommended statements set forth in the attached Overview of the Protocols.

Respectfully submitted,

HILLARY RODHAM CLINTON.

Enclosure: As stated.



# THE AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY AND PROTOCOLS

## OVERVIEW

### *Introduction*

The African Nuclear-Weapon-Free Zone Treaty (“the Treaty”), also known as the Treaty of Pelindaba, was the product of a 32-year effort seeking a nuclear weapon-free Africa. In 1964, at its first Summit in Cairo, Egypt, the Organization of African Unity (OAU) formally stated its desire for a Treaty ensuring the denuclearization of Africa. The United States has supported the denuclearization of Africa since the first United Nations General Assembly resolution on this issue in 1965 and played an active role in the formulation of the final text of the Treaty and its Protocols.

The Treaty and Protocols were negotiated under the auspices of the OAU and the United Nations. The Treaty was adopted by the OAU at Pelindaba, South Africa, on June 2, 1995, at the site where the South African Government constructed its first nuclear device. It was opened for signature to the fifty-three states of Africa in Cairo, Egypt, on April 11, 1996. It entered into force on July 15, 2009, when Burundi became the 28th State to deposit its instrument of ratification. The Protocols entered into force at the same time for those Protocol signatories that had deposited their instruments of ratification. Shortly thereafter Tunisia followed suit to bring the total number of Parties to 29. The Treaty refers to certain functions (depositary, referring compliance issues to the UN Security Council) being performed by the OAU, but the OAU was superseded by the African Union in 2002. The analysis below retains the Treaty terminology.

The Treaty prohibits research, development, manufacture, stockpiling, acquisition, testing, possession, control, or stationing of nuclear explosive devices by Parties to the Treaty, as well as assistance to others in such activities, or seeking or receiving assistance in such activities. The Treaty also prohibits Parties from assisting or encouraging the dumping of radioactive wastes and other radioactive matter within the African zone, and requires each Party to implement or use as guidelines the provisions of the Bamako Convention with respect to the handling of radioactive waste. The Treaty prohibits any armed attack against nuclear installations in the zone by Treaty Parties. It requires Parties to maintain the highest standards of physical protection of nuclear material, facilities, and equipment. The Treaty requires all Parties to apply full-scope International Atomic Energy Agency (IAEA) safeguards to all of their peaceful nuclear activities. The Treaty creates the African Commission on Nuclear Energy to monitor compliance and promote the peaceful use of nuclear energy. The Treaty affirms the right of each Party to decide for itself whether to allow visits by foreign

ships and aircraft to its ports and airfields, explicitly upholds the freedom of the seas, and does not affect rights to passage, guaranteed by international law, through territorial waters.

The Treaty has three Protocols. Under Protocol I, which is open for signature by the United States, China, France, Russia, and the United Kingdom, the Protocol Parties undertake not to use or threaten to use a nuclear explosive device against any Party to the Treaty or against territories within the zone of Parties to Protocol III. Protocol I Parties also undertake not to contribute to a violation of the Treaty or Protocol I. Under Protocol II, which is open for signature by the United States, China, France, Russia, and the United Kingdom, the Protocol Parties undertake not to test or assist or encourage the testing of any nuclear explosive device anywhere within the zone or to contribute to any violation of the Treaty or Protocol II. Under Protocol III, which is open for signature only by France and Spain, the Protocol Parties agree to apply certain of the Treaty's substantive provisions "in respect of the territories for which [they are] internationally responsible" within the zone. The United States is not one of the states identified as eligible to sign this Protocol, as the United States is not internationally responsible for any territory within the African zone. Diego Garcia, where the United States maintains a significant military installation, is within the geographic area described in Article 2 and Annex I and is subject to a territorial claim by Mauritius, a Party to the Treaty. However, Diego Garcia is under the sovereign control of the United Kingdom of Great Britain and Northern Ireland as part of the British Indian Ocean Territories and is not part of the "territory" of the Zone as defined in the Treaty; therefore, neither the Treaty nor its Protocols applies to U.S. operations there. The activities of the U.S. Armed Forces on Diego Garcia would not be impeded by U.S. ratification of Protocols I and II to the Treaty.

The Treaty and Protocols meet all seven criteria that the United States has established for supporting any proposed nuclear-weapon-free zone. The criteria are as follows:

- the initiative for the creation of the zone should come from the States in the region concerned;
- all States whose participation is deemed important should participate;
- the zone arrangement should provide for adequate verification of compliance with its provisions;
- the establishment of the zone should not disturb existing security arrangements to the detriment of regional and international security or otherwise abridge the inherent right of individual or collective self-defense guaranteed in the Charter of the United Nations;
- the zone arrangement should effectively prohibit its Parties from developing or otherwise possessing any nuclear device for whatever purpose;—the establishment of the zone should not affect the existing rights of its Parties under international law to grant or deny other States transit privileges within their respective land territory, internal waters and airspace to nuclear powered and nuclear capable ships and aircraft of non-party nations, including port calls and overflights; and



- the zone arrangement should not seek to impose restrictions on the exercise of rights recognized under international law, particularly the high seas freedoms of navigation and overflight, the right of innocent passage of territorial and archipelagic seas, the right of transit passage of international straits, and the right of archipelagic sea lanes passage of archipelagic waters.

The end of the Cold War, the dissolution of the Soviet Union, dramatic reductions in the number of nuclear weapons and their delivery systems, and the indefinite extension in 1995 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) have created an environment in which adherence to the Protocols of the African Nuclear-Weapon-Free Zone Treaty has become advantageous to the United States. Meanwhile, the ratification of Protocols I and II by China, France, and the United Kingdom, and U.S. support for the Comprehensive Nuclear-Test-Ban Treaty, have removed any hesitation to agree to the Treaty's prohibition on testing within the zone. Concerns about the weapons of mass destruction programs in Libya have been alleviated in the wake of its renunciation of its weapons of mass destruction programs. Finally, the cooperation of nuclear-weapon States in nuclear-weapon-free zones is important to many Parties to the NPT. Thus, many former concerns regarding the Treaty Protocols have been resolved, and the benefits of ratifying these Protocols have been enhanced.

#### ARTICLE-BY-ARTICLE ANALYSIS

##### *Protocol I*

Under Article 1, each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against (1) any Treaty Party or (2) any territory within the zone for which a Protocol III Party is internationally responsible (France is currently the only party to Protocol III; Spain is the only other country eligible to become a party).

In connection with this obligation, I recommend that the United States include the following statement in its instrument of ratification:

With respect to Article 1 of Protocol I, the United States of America will not use or threaten to use nuclear weapons against any Party to the Treaty that is a non-nuclear weapons State Party to the Nuclear Non-Proliferation Treaty (NPT) and in compliance with its nuclear non-proliferation obligations.

Under Article 2, each Party undertakes not to contribute to any act that constitutes a violation of the Treaty or Protocol I. This provision does not require the United States to comply with all provisions of the Treaty; rather, it requires the United States not to contribute to a Treaty Party committing its own violation of the Treaty or a Protocol I Party committing its own violation of Protocol I.

Article 3 provides that each Party must indicate through written notification to the Depositary its acceptance or rejection of any alteration to its Protocol I obligations that may come about as a result of amendment of the Treaty. Thus, the United States will not

be bound by any alteration to its obligations that it does not expressly accept.

Article 4 states that the Protocol is open to signature by the United States, the United Kingdom, the Russian Federation, the People's Republic of China, and France. The United States signed Protocol I on April 11, 1996, at a ceremony in Cairo, Egypt, at which the Treaty itself was opened for signature. Article 5 provides that the Protocol is subject to ratification.

Article 6 provides that the Protocol will remain in force indefinitely. It further provides that a Protocol Party may withdraw from the Protocol "if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests." In such an event, a Protocol Party must notify the Depositary and provide a statement explaining why its supreme interests have been jeopardized, twelve months in advance of its withdrawal from the Protocol.

Article 7 states that the Protocol will enter into force for each signatory upon either the date when it deposits its instrument of ratification with the Depositary or the date of entry into force of the Treaty itself, whichever occurs later. Accordingly, this Protocol entered into force for China, France, and the United Kingdom (the states that had deposited instruments of ratification) on July 15, 2009, when the Treaty entered into force.

### *Protocol II*

Under Article 1, each Party to this Protocol is obligated "not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone." The zone, as defined in Article 1(a) of the Treaty, means the "territory" of the African continent, island States members of the OAU, and all islands considered by the OAU in its resolutions to be part of Africa. "Territory" is defined in Article 1(b) of the Treaty to mean the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath. Thus, this prohibition not to test is not limited to the land territory of the Treaty Parties, but applies to all of these areas included in the zone.

Under Article 2, each Party to the Protocol undertakes not to contribute to any act that is a violation of the Treaty or Protocol II.

Article 3 regarding acceptance or rejection of amendments/alterations in the underlying Treaty obligations is identical to the corresponding provision in Protocol I.

Article 4 states that Protocol II is open for signature by the United States, the United Kingdom, the Russian Federation, the People's Republic of China, and France. The United States signed Protocol II on April 11, 1996. Article 5 provides that the Protocol is subject to ratification.

Article 6 (duration and withdrawal) and Article 7 (entry into force) are identical to the corresponding provisions in Protocol I. As with Protocol I, Protocol II entered into force for China, France, and the United Kingdom (the states that had deposited instruments of ratification) on July 15, 2009, when the Treaty entered into force.

### Protocol III

As previously noted, the United States is not one of the states identified as eligible to sign this Protocol because it is not internationally responsible for any territory within the African zone.

Under Article 1, each Party to Protocol III 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 of many Articles of the Treaty itself. Protocol III entered into force for France (which had deposited its instrument of ratification) on July 15, 2009, when the Treaty entered into force.

Entry into force of Protocols I and II for the United States subject to the recommended statements discussed herein would require no changes in U.S. law, policy, or practice. To make clear that no changes are necessary to bring the United States into compliance with its obligations under the Protocols, and that the Treaty Parties need take no action with respect to the United States in order to comply with their Treaty obligations, I recommend that the United States include the following statement in its instrument of ratification:

The United States of America declares that its policies and practices are already consistent with the African Nuclear-Weapon-Free Zone Treaty and Protocols, and that its ratification of the Protocols in no way affects the United States position with regard to other nuclear-weapon-free zone treaties.

### THE TREATY

The terms of the Treaty are relevant to the obligations of the United States in that, as previously noted, under Protocols I and II, the United States would undertake not to contribute to any act that constitutes a violation of the Treaty.

#### *Article 1: Definition/Usage of Terms*

Article 1 defines certain terms used in the Treaty and its Protocols.

Article 1(a) defines “African Nuclear-Weapon-Free Zone” to mean “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.” The first part of this definition covers continental Africa, and the second covers such states as Madagascar and Mauritius. The third part includes islands for which non-African states are *de jure* or *de facto* responsible. The reference to OAU resolutions includes OAU resolution AHG/Res 99(XVII) of 1980, which gave formal OAU support to Mauritius’ claim to the island of Diego Garcia, currently under United Kingdom sovereign control and home to significant naval and air installations of the United States and the United Kingdom. Diego Garcia is in the Chagos Archipelago. During the negotiation of the Treaty, Mauritian representatives insisted that their claim be given recognition in the definition of the zone. The map at Annex I of the Treaty shows the Chagos Archipelago surrounded by a broken line and refers the reader to a footnote, which states

that the depiction of the Chagos Archipelago/Diego Garcia “appears without prejudice to the question of sovereignty” of the island. As described further in connection with Annex I, the activities of the U.S. Armed Forces on Diego Garcia would not be impeded by U.S. ratification of the Protocols to the Treaty.

Article 1(b) defines “territory” as “the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath.”

Article 1(c) defines “nuclear explosive device” (used in Articles 2–6) to mean “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 un-assembled 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.” This definition includes so-called “peaceful nuclear devices.”

Article 1(d) defines “stationing” as “implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment.” As discussed below, the prohibition on “stationing” in Article 4(1) does not alter the sovereign right of Treaty Parties 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.” “Stationing” does not include transit through territorial waters or airspace, or port visits, by vessels carrying nuclear explosive devices, not covered by the rights of innocent passage, archipelagic sea lane passage, or transit passage of straits.

Article 1(e) defines “nuclear installation” to mean “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 or irradiated nuclear material or significant quantities of radioactive materials are present.” This term is used in Article 11, “Prohibition of Armed Attack on Nuclear Installations.”

Article 1(f) defines “nuclear material” as source material or special fissionable material, as defined by the Statute of the International Atomic Energy Agency (IAEA) and as may be amended by the IAEA.

## *Article 2: Application of the Treaty*

Article 2(1) provides that, except where otherwise specified, the Treaty and its Protocols apply to “territory” (defined in Article 1(b) above) within the African Nuclear-Weapon-Free Zone, as illustrated in the map in Annex I. Significant exceptions are specified in Article 3(a) (“Renunciation of Nuclear Explosive Devices”) and Article 5(c) (“Prohibition of Testing of Nuclear Explosive Devices”), whose prohibitions apply “anywhere.” Similarly, exceptions are specified in Article 7(b) (“Prohibition of Dumping of Radioactive Wastes”) and Article 1 of Protocol II (nuclear testing), whose prohibitions apply “anywhere within the African nuclear-weapon-free zone.” Although Diego Garcia is within the geographic area defined

in Article 2(1), the “territory” of Diego Garcia is not under the sovereign control of a Party to the Treaty and is not part of the “territory” of the Zone as defined in the Treaty. Rather, it is under the sovereign control of a State (the United Kingdom) that is not eligible to become a Party to the Treaty or to Protocol III of the Treaty, and neither the Treaty nor its Protocols applies to U.S. operations there (*see* further discussion in connection with Annex I).

Article 2(2) states that nothing in the Treaty prejudices or in any way affects the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas. Article 4(2), discussed below, complements Article 2(2) in that it recognizes the right of a State Party to decide for itself whether to permit transit or visits by foreign vessels and aircraft within its territory.

#### *Article 3: Renunciation of Nuclear Explosive Devices*

Under Article 3(a), each Party undertakes not to conduct research on, develop, manufacture, stockpile, or otherwise acquire, possess, or have control over any nuclear explosive device “by any means anywhere.” These obligations constitute the core commitments made by Parties to the Treaty. They are not limited to the territory of a Party or even to the African nuclear-weapon-free zone; rather, they are global commitments undertaken by each State Party upon ratification of the Treaty.

Under Article 3(b), each Party undertakes not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device. Article 3(c) requires Treaty Parties not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device. A new element in the Treaty is that “research” and “development” of nuclear explosive devices are specifically identified as Treaty violations.

#### *Article 4: Prevention of Stationing of Nuclear Explosive Devices*

Article 4(1) proscribes the stationing of any nuclear explosive device in the territory of any Party. As noted earlier, “stationing” is defined in Article 1(d) of the Treaty as implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation, and deployment. The term “inland waters” does not have an accepted meaning in international law. To ensure that U.S. rights are not adversely affected, I recommend that the United States include the following statements in its instrument of ratification:

The United States of America understands the term “inland waters” as used in the African Nuclear-Weapon-Free Zone Treaty to exclude waters used in connection with maritime navigation.

The United States of America understands the term “stationing” as used in the African Nuclear-Weapon-Free Zone Treaty not to include the temporary off-load or transshipment of nuclear weapons.

Article 4(2) states that each Party 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. Thus, in addition to reinforcing the statement in Article 2(2) that the Treaty does not prejudice rights regarding freedom of the seas, this statement confirms that any State Party could choose to accept a visit from U.S. vessels or aircraft on which the presence of nuclear explosive devices had been neither confirmed nor denied. There would be no basis in the Treaty or Protocols for another State Party to object to such a visit.

Ratification of Protocols I and II by the United States will not affect existing rights under international law permitting nuclear-powered vessels and vessels carrying nuclear weapons to transit the zone and permitting aircraft carrying nuclear weapons to overfly the zone. However, because the Treaty does not expressly state this point, I recommend that the United States include the following statement in its instrument of ratification:

The United States of America understands that nothing in the ANWFZ Treaty and its Protocols affects rights under international law of a State adhering to the Protocols regarding the exercise of the freedom of the seas, including passage through or over waters subject to the sovereignty of a State, as reflected in the 1982 United Nations Convention on the Law of the Sea.

*Article 5: Prohibition of Testing of Nuclear Explosive Devices*

Article 5(a) prohibits the testing of any nuclear explosive device by a Party. Article 5(b) requires each Treaty Party to prohibit any testing of any nuclear explosive device within its territory. Article 5(c) prohibits Treaty Parties from assisting or encouraging 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*

Article 6(a) requires each Treaty Party to declare any capability for the manufacture of nuclear explosive devices. Article 6(b) requires each Treaty Party to dismantle and destroy any nuclear explosive device that it manufactured prior to the entry into force of the Treaty. Article 6(c) requires Treaty Parties to destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses. Article 6(d) obligates Treaty Parties to permit the IAEA and the Commission established by 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.

The Treaty of Tlatelolco and the Treaty of Rarotonga do not have provisions corresponding to Article 6. This article was drafted in the wake of revelations by South Africa in March 1993 that it had developed and dismantled six nuclear explosive devices. The drafting group took the view that the Treaty must have a mechanism to verify that South Africa's nuclear program had been effectively terminated, given that the African nuclear-weapon-free zone would be the first nuclear-weapon-free zone to integrate a state that for-

merly possessed nuclear weapons. (South Africa participated fully in the drafting group.) Article 6 recognizes and reinforces the role of the IAEA to verify the denuclearization of Treaty Parties affected by this article and grants the Parties to the Treaty the authority to confirm denuclearization independently under the aegis of the African Commission on Nuclear Energy (created by a subsequent article).

#### *Article 7: Prohibition of Dumping of Radioactive Wastes*

Article 7(a) requires each Treaty Party to either implement 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,” or to use the measures contained in that Convention as guidelines for their activities regarding such wastes. The Bamako Convention obligates its Parties to take appropriate measures within the areas under their jurisdiction to prohibit the importation into Africa of all hazardous wastes by non-Contracting Parties and regulates the trans-boundary movement of such wastes in Africa. Article 7(b) further obligates Treaty Parties not to assist or encourage the dumping of radioactive waste “and other radioactive matter” anywhere within the zone. To ensure clarity and consistency with existing international legal obligations of the United States (e.g., under the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter), I recommend that the United States include the following statement in its instrument of ratification:

The United States of America understands the term “dumping” as used in the ANWFZ Treaty with respect to the maritime domain to be identical to that term as defined in the 1982 United Nations Convention on the Law of the Sea.

#### *Article 8: Peaceful Nuclear Activities*

Article 8 declares that nothing in the Treaty may be interpreted as preventing the use of nuclear science and technology for peaceful purposes. Treaty Parties undertake to promote the peaceful use of nuclear energy and to establish and strengthen mechanisms for cooperation. They are encouraged to make use of the IAEA’s program of assistance and to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development Related to Nuclear Science and Technology.

#### *Article 9: Verification of Peaceful Uses*

Each Treaty Party undertakes to conduct all of its nuclear activities “under strict non-proliferation measures to provide assurance of exclusively peaceful uses” and to conclude a comprehensive safeguards agreement with the IAEA to this end. The Treaty Parties further undertake not to provide source or special fissionable material, or equipment or material relevant to the processing, use or production of special fissionable material to any non-nuclear-weapon state unless such items are subject to a comprehensive IAEA safeguards agreement. The requirement of full-scope safeguards for nuclear trade is more stringent than that in the NPT and rein-

forces a long-held policy of the United States, adopted by the Nuclear Suppliers Group, of requiring full-scope safeguards as a condition of nuclear supply. Article 9 would not prohibit the export of such items for peaceful uses in any of the five nuclear weapon states in the absence of such an agreement.

*Article 10: Physical Protection of Nuclear Materials and Facilities*

Each Treaty Party is obligated 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.” Each Treaty Party must apply measures of physical protection equivalent to those in the Convention on Physical Protection of Nuclear Material and included in the recommendations and guidelines developed by the IAEA for physical protection. The threat of theft or sabotage of nuclear materials poses a global proliferation risk and a potential danger to public health and safety. The most effective means of preventing the illicit trafficking of nuclear materials is at the source. Thus, the physical protection of nuclear materials has been recognized as a key element of international strategies to prevent the unauthorized use of nuclear materials.

*Article 11: Prohibition of Armed Attack on Nuclear Installations*

Treaty Parties undertake not to take any action, or assist or encourage any action, aimed at an armed attack “by conventional or other means” against nuclear installations in the zone. The drafting group explained that its chief concern was attacks against nuclear reactors or other significant nuclear facilities that could spread radiation across borders. As noted earlier, the definition of “nuclear installations” is sufficiently broad to include nearly any facility or site which contains “significant quantities” of radioactive materials. The Treaty does not further define “significant quantities,” but the term is defined and used in IAEA practice. This prohibition applies only to Treaty Parties. There is no corresponding obligation under any of the Protocols.

*Article 12: Mechanism for Compliance*

Article 12 creates the African Commission on Nuclear Energy (AFCONe), also referred to as the Commission) as specified in Annex III. The Commission is responsible for: collating and distributing reports related to the purposes of the Treaty; convening meetings of the Treaty Parties; reviewing the application of safeguards; bringing into effect the complaints procedure (Annex IV); and encouraging international, regional, and sub-regional cooperation in the peaceful uses of nuclear energy.

*Article 13: Report and Exchanges of Information*

Each Treaty Party must submit an annual report to the Commission on its nuclear activities and other matters relating to the Treaty, as well as report promptly any “significant event” affecting the implementation of the Treaty. The Commission shall also request the IAEA to provide it with an annual report on the activities of the African Regional Cooperation Agreement for Research,



Training and Development Related to Nuclear Science and Technology (AFRA).

*Article 14: Conference of Parties*

The Depositary shall convene a conference of all Treaty Parties as soon as possible after the entry into force of the Treaty to elect members of the Commission and determine the location of its headquarters. Subsequent conferences are to be held at least every two years.

*Article 15: Interpretation of the Treaty*

Disputes arising from interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission, or through another procedure agreed to by the Treaty Parties, which may include an arbitral panel or referral to the International Court of Justice.

*Article 16: Reservations*

No Treaty Party may take a reservation to the Treaty (or to the Annexes, which according to Article 22 form an integral part of the Treaty).

*Article 17: Duration*

The Treaty is of unlimited duration and shall remain in force indefinitely once its entry-into-force provisions are fulfilled.

*Article 18: Signature, Ratification and Entry Into Force*

Any State within the African zone is eligible to sign the Treaty. This article provides that the treaty enters into force upon the date of deposit of the 28th instrument of ratification, which occurred on July 15, 2009. For a signatory that now ratifies the Treaty, the Treaty will enter into force for that State on the date of deposit of its instrument of ratification.

*Article 19: Amendments*

An amendment to the Treaty must first be submitted to the Commission for circulation to all Treaty Parties. The amendment will be adopted by the assent of a two-thirds majority of the Treaty Parties, effected either by written communication to the Commission or through the proceedings of a conference convened for that purpose. The conference itself can be convened through the concurrence of a simple majority of Treaty Parties.

An amendment so adopted will enter into force for *all* Parties after a majority of Treaty Parties have formally deposited their instruments of ratification to the amendment. In other words, Treaty Parties that have not assented to or ratified the amendment in question would nevertheless be legally bound by it. This Article does not apply to non-parties to the Treaty. As previously noted, the Protocols specify that any amendment to the Treaty that affects the obligations of Protocol Parties would not be binding upon those Protocol Parties unless and until they formally give their assent to the amendment.

#### Article 20: Withdrawal

A Treaty Party can withdraw from the Treaty “if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.” Withdrawal is effected by giving notice to the Depositary twelve months in advance of withdrawal, along with a statement detailing the “extraordinary events” that require such withdrawal. Treaty obligations are still in effect during this twelve-month period.

#### Article 21: Depositary Functions

The Depositary of the Treaty is the Secretary-General of the OAU (now the African Union), who is empowered to receive instruments of ratification, register the Treaty and its Protocols with the United Nations, and transmit certified copies of the Treaty and Protocols to all States eligible to become Parties to the Treaty or Protocols, keeping them informed of signatures and ratifications to both.

#### Article 22: Status of the Annexes

As previously noted, the Annexes form an integral part of the Treaty, and any reference to the Treaty includes the Annexes.

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

Annex I is the authoritative map of the zone, as recognized in Article 2. All the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them, as well as the sea bed and subsoil beneath of the zone depicted on the map are included in the zone, including the island territories of France and Spain. It is worth noting that Article 2 of the Treaty states that the Treaty and its Protocols shall, except where otherwise stated, apply to territory within the zone. Hence, as a general matter, the obligations of the Parties to the Treaty or its Protocols do not extend to the high seas or to any State’s exclusive economic zone within the zone.

As previously discussed, the Chagos Archipelago and Diego Garcia appear on the map with the declaration that they “[appear] without prejudice to the question of sovereignty.” The United Kingdom ratified Protocols I and II with the following declaration:

The Government of the United Kingdom have no doubt as to their sovereignty over the British Indian Ocean Territory and do not accept the inclusion of that Territory within the African nuclear-weapon-free zone without their consent. The Government of the United Kingdom do not accept any legal obligation in respect of that Territory by their adherence to Protocols I and II.

The United Kingdom is not eligible to become a Party to either the Treaty or Protocol III (which applies certain Treaty provisions to territories within the zone over which France and Spain exercise *de jure* or *de facto* international responsibility). In light of British sovereignty and the British declaration, Diego Garcia is not part of the “territory” of the Zone as defined in the Treaty. Thus, as long as the United Kingdom maintains the current situation, neither

the Treaty nor Protocol III will apply to U.S. operations on Diego Garcia.

To avoid any misunderstanding on this point, I recommend that the United States include the following statement in its instrument of ratification:

The United States of America notes that Diego Garcia, part of the chain of archipelagic islands in the Indian Ocean known as the British Indian Ocean Territories and under the sovereign authority of the United Kingdom of Great Britain and Northern Ireland, appears on the map of the zone of the Treaty, as set forth in Annex I, "without prejudice to the question of sovereignty." The United States notes further that the United Kingdom of Great Britain and Northern Ireland is not eligible to become a Party either to the Treaty or to Protocol III. Thus, neither the Treaty nor Protocol III applies to the activities of the United Kingdom, the United States, or any other State not Party to the Treaty on the island of Diego Garcia or elsewhere in the British Indian Ocean Territories. Accordingly, no change is required in U.S. Armed Forces operations in Diego Garcia and elsewhere in the British Indian Ocean Territories.

#### *Annex II: Safeguards of the International Atomic Energy Agency*

This Annex obligates Treaty Parties to conclude a comprehensive safeguards agreement with the IAEA "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." This agreement shall be equivalent in scope and effect to the standard full-scope agreement (INFCIRC/153 corrected), currently required for all non-nuclear-weapon-state Parties to the NPT, and must be in force for each Treaty Party not later than eighteen months after the entry into force of the Treaty for that Party. Each Treaty Party must also include in its annual report to the African Commission on Nuclear Energy a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities within the territory of the Treaty Party. Of the 29 States Parties to the Treaty, 22 States have already met this requirement by bringing into force comprehensive safeguards agreements with the IAEA pursuant to NPT Article III. The entry into force of the Treaty in 2009 should give further impetus to the remaining 17 African States to conclude such agreements.

#### *Annex III: African Commission on Nuclear Energy*

Annex III specifies the composition and terms of membership in the financing of the Commission created under Article 12.

#### *Annex IV: Complaints Procedure and Settlement of Disputes*

Annex IV specifies in detail the procedure whereby a Treaty Party may bring a complaint against another Treaty Party or a Party to Protocol III (Spain or France) for breach of its respective obligations. The complainant must bring the substance of its complaint to the attention of the Party that is the subject of the complaint and give that Party 30 days to provide an explanation and

resolve the matter. If the matter is not resolved, the complainant may bring the complaint before the Commission, which will afford the other Party 45 days to provide an explanation.

The Commission may then decide to request an inspection by the IAEA of the territory of the Party complained of, to be conducted as soon as possible. The Commission may also designate representatives to accompany the Agency's inspection team. The Party complained of must give the inspection team "full and free access to all information and places" within its territory that the inspectors deem relevant to their inspection. That Party is allowed to have its representatives accompany the inspection team provided that the inspectors are not delayed or otherwise impeded. The IAEA shall report its findings to the Commission as quickly as possible; the Commission will then inform all Treaty Parties of its decision as to whether the inspected Party is in breach of its obligations.

If the Commission decides that the inspected Party is in breach of its obligations or that it failed to comply with the inspection procedures, the Treaty Parties shall meet in extraordinary session to discuss the matter and may make recommendations to the Party in breach and to the OAU. The OAU may refer the matter to the United Nations Security Council.

Costs involved in carrying out the complaint procedures will be borne by the Commission. In the case of abuse (*e.g.*, making complaints without merit), the Commission shall decide whether the complaining Party should bear any costs.

Finally, Annex IV empowers the Commission to establish its own inspection mechanisms.

ORGANIZAÇÃO DA  
AFRICA UNITÁRIA

ORGANIZAÇÃO DA  
AFRICA UNITÁRIA



ORGANISATION OF  
L'UNITÉ AFRICAINE

منظمة الوحدة الإفريقية

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THE AFRICAN  
NUCLEAR-WEAPON-FREE ZONE  
TREATY

(THE TREATY OF PELINDABA)

CERTIFIED COPY

A handwritten signature in dark ink, appearing to be 'R. B. M.', is written over a horizontal dashed line.

Signature  
Ag. Head, Legal Division  
OAU

## THE AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY

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 28 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 recognizing 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,

*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 African continent,

*Determined* to keep Africa free of environmental pollution by radioactive wastes and other radioactive matters,

*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 I*

#### 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 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 regard 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 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.

#### *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 matters 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;

(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;

(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 subregional 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.

*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.

#### *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 Cairo, EGYPT, on the 11th day of April 1996



[illegible]

## 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 article 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.

*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 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 1.

*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 19 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.

*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.



## 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 19 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.

*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.

## 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(I)) 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 19 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.

معاهدة افريقيا

منطقة خالية من الأسلحة النووية

AFRICAN NUCLEAR WEAPON  
FREE ZONE TREATY

TRAITE SUR LA ZONE EXEMPTÉ  
D'ARMES NUCLEAIRES EN AFRIQUE

TRATADO SOBRE UMA ZONA LIVRE  
DE ARMAS NUCLEARES NA AFRICA

عن/ جمهورية الجزائر الشعبية الديمقراطية

For PEOPLE'S DEMOCRATIC  
REPUBLIC OF ALGERIA

Pour REPUBLIQUE DEMOCRATIQUE  
POPULAIRE D'ALGERIE

Para REPUBLICA DEMOCRATICA  
POPULAR DA ARGELIA

عن/ جمهورية أنجولا

For REPUBLIC OF ANGOLA

Pour REPUBLIQUE D'ANGOLA

Para REPUBLICA DE ANGOLA

عن/ جمهورية بنين

For REPUBLIC OF BENIN

Pour REPUBLIQUE DU BENIN

Para REPUBLICA DE BENIN

عن / جمهورية بوتسوانا

For REPUBLIC OF BOTSWANA

Pour REPUBLIQUE DU BOTSWANA

Para REPUBLICA DE BOTSWANA

عن / بوركينا فاسو

For BURKINA FASO

Pour BURKINA FASO

Para BURQUINA FASO

عن / جمهورية بروندي

For REPUBLIC OF BURUNDI

Pour REPUBLIQUE DU BURUNDI

Para REPUBLICA DO BURUNDI

عن / جمهورية الكاميرون

For REPUBLIC OF CAMEROON

Pour REPUBLIQUE DU CAMEROUN

Para REPUBLICA DOS CAMARQUES

عن / جمهورية الرأس الأخضر

For REPUBLIC OF CAPE VERDE

Pour REPUBLIQUE DE CAP VERT

عن/ جمهورية أفريقيا الوسطى

For CENTRAL AFRICAN REPUBLIC  
Pour REPUBLIQUE CENTR'AFICAINE  
Para REPUBLICA CENTRO-AFRICANA



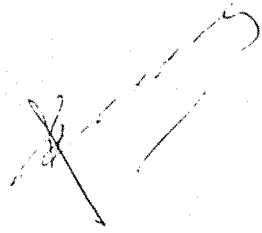
عن/ جمهورية تشاد

For REPUBLIC OF CHAD  
Pour REPUBLIQUE DU TCHAD  
Para REPUBLICA DE CHADE



عن/ جمهورية جزر القمر الإسلامية الفيدرالية

For ISLAMIC FEDERAL REPUBLIC  
OF THE COMOROS  
Pour REPUBLIQUE ISLAMIQUE  
FEDERALE DES COMORES  
Para REPUBLICA ISLAMICA  
FEDERAL DE COMOROS



عن/ جمهورية الكونغو

For REPUBLIC OF THE CONGO  
Pour REPUBLIQUE DU CONGO  
Para REPUBLICA DO CONGO



عن/ جمهورية كوت ديفوار (ساحل العاج)

For REPUBLIC OF COTE D'IVOIRE

Pour REPUBLIQUE DE COTE D'IVOIRE

Para REPUBLICA DA COTE D'IVOIRE

عن/ جمهورية جيبوتي

For REPUBLIC OF DJIBOUTI

Pour REPUBLIQUE DE DJIBOUTI

Para REPUBLICA DO DJIBOUTI

عن/ جمهورية مصر العربية

For ARAB REPUBLIC OF EGYPT

Pour REPUBLIQUE ARABE D'EGYPTE

Para REPUBLICA ARABE DO EGITO

عن/ جمهورية غينيا الاستوائية

For REPUBLIC OF EQUATORIAL  
GUINEA

Pour REPUBLIQUE DE GUINEE  
EQUATORIALE

Para REPUBLICA DA GUINE  
EQUATORIALE

عن/ اريتريا

For ERITREA

Pour ERYTHREE

Para ERITREA

*gros balon*

عن/ جمهورية اثيوبيا الديمقراطية الفيدرالية

For FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

Pour REPUBLIQUE FEDERALE DEMOCRATIQUE D'ETHIOPIE

Para REPUBLIC FEDERAL DEMOCRATICA DA ETHIOPIA

*Amir  
Seyoum*

عن/ الجمهورية الجابونية

For GABONESE REPUBLIC

Pour REPUBLIQUE GABONAISE

Para REPUBLICA DO GABAO

*gros balon*

عن/ جمهورية جامبيا

For REPUBLIC OF THE GAMBIA

Pour REPUBLIQUE DE GAMIE

Para REPUBLICA DO GAMBIA

*gros balon*

عن/ جمهورية غانا

For REPUBLIC OF GHANA

Pour REPUBLIQUE DU GHANA

Para REPUBLICA DE GANA

*gros balon*

عن / جمهورية غينيا

For REPUBLIC OF GUINEA  
Pour REPUBLIQUE DE GUINEE  
Para REPUBLICA DA GUINE

عن / جمهورية غينيا بيساو

For REPUBLIC OF GUINEA-BISSAU  
Pour REPUBLIQUE DE GUINEE-BISSAU  
Para REPUBLICA DA GUINE-BISSAU

عن / جمهورية كينيا

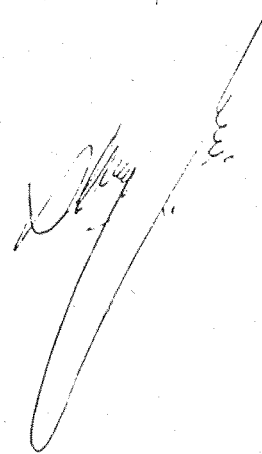
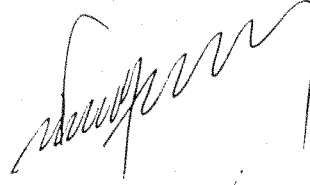
For REPUBLIC OF KENYA  
Pour REPUBLIQUE DU KENYA  
Para REPUBLICA DO QUENIA

عن / مملكة ليسوتو

For KINGDOM OF LESOTHO  
Pour ROYAUME DU LESOTHO  
Para REINADO DE LESOTÓ

عن / جمهورية ليبيريا

For REPUBLIC OF LIBERIA  
Pour REPUBLIQUE DU LIBERIA  
Para REPUBLICA DA LIBERIA



عن / الجماهيرية العربية الليبية  
الشعبية الاشتراكية

For SOCIALIST PEOPLES LIBYAN  
ARAB JAMAHIRIYA

Pour JAMAHIRIYA ARABE  
LIBYENNE SOCIALISTE POPULAIRE

Para JAMAHIRIYA ARABE SOCIALISTA  
POPULAR DA LIBIA

عن / جمهورية مدغشقر

For REPUBLIC OF MADAGASCAR

Pour REPUBLIQUE DE MADAGASCAR

Para REPUBLICA DE MADAGASCAR

عن / جمهورية مالاوي

For REPUBLIC OF MALAWI

Pour REPUBLIQUE DE MALAWI

Para REPUBLICA DO MALAWI

عن / جمهورية مالي

For REPUBLIC OF MALI

Pour REPUBLIQUE DU MALI

Para REPUBLICA DO MALI

Prof. Alfred

Paul

Palmer

عن / جمهورية ناميبيا

For REPUBLIC OF NAMIBIA

Pour REPUBLIQUE DE NAMIBIE

Para REPUBLICA DA NAMIBIA

عن / جمهورية النيجر

For REPUBLIC OF THE NIGER

Pour REPUBLIQUE DU NIGER

Para REPUBLICA DO NIGER

عن / جمهورية نيجيريا الفيدرالية

For FEDERAL REPUBLIC OF NIGERIA

Pour REPUBLIQUE FEDERALE DU  
NIGERIA

Para REPUBLICA FEDERAL DA NIGERIA

عن / الجمهورية الرواندية

For RWANDESE REPUBLIC

Pour REPUBLIQUE RWANDAISE

Para REPUBLICA DE RWANDA

عن/ جمهورية ساوتومي وبرنسيب الديمقراطية

For DEMOCRATIC REPUBLIC OF  
SAO TOME AND PRINCIPE

Pour REPUBLIQUE DEMOCRATIQUE  
DE SAO TOME ET PRINCIPE

Para REPUBLICA DEMOCRATICA  
DE SAO TOME E PRINCIPE

عن/ جمهورية السنغال

For REPUBLIC OF SENEGAL

Pour REPUBLIQUE DU SENEGAL

Para REPUBLICA DO SENEGAL

عن/ جمهورية سيشيل

For REPUBLIC OF SEYCHELLES

Pour REPUBLIQUE DES SECHELLES

Para REPUBLICA DE SEYCHELLES

عن/ جمهورية سيراليون

For REPUBLIC OF SIERRA LEONE

Pour REPUBLIQUE DU SIERRA LEONE

Para REPUBLICA DE SIERRA LEOA

عن/ جمهورية الصومال الديمقراطية

For SOMALI DEMOCRATIC REPUBLIC

Pour REPUBLIQUE DEMOCRATIQUE  
SOMALIENNE

Para REPUBLICA DEMOCRATICA DA SOMALIA

عن/ جمهورية جنوب افريقيا

For REPUBLIC OF SOUTH AFRICA

Pour REPUBLIQUE D'AFRIQUE DU SUD

Para REPUBLICA DA AFRICA DO SUL

عن/ جمهورية السودان

For REPUBLIC OF THE SUDAN

Pour REPUBLIQUE DU SOUDAN

Para REPUBLICA DO SUDAO

عن/ مملكة سوازيلاند

For KINGDOM OF SWAZILAND

Pour ROYAUME DU SWAZILAND

Para REINADO DE SWAZILAND

عن/ الجمهورية التوجولية

For TOGOLESE REPUBLIC

Pour REPUBLIQUE TOGOLAISE

Para REPUBLICA DO TOGO



عن/ الجمهورية التونسية

For REPUBLIC OF TUNISIA

Pour REPUBLIQUE DE TUNISIE

Para REPUBLICA DA TUNISIA

عن/ جمهورية أوغندا

For REPUBLIC OF UGANDA

Pour REPUBLIQUE D'UGANDA

Para REPUBLICA DE UGANDA

عن/ جمهورية تنزانيا المتحدة

For UNITED REPUBLIC OF TANZANIA

Pour REPUBLIQUE UNIE DE TANZANIE

Para REPUBLICA UNIDA DA TANZANIA

عن/ جمهورية زائير

For REPUBLIC OF ZAIRE

Pour REPUBLIQUE DU ZAIRE

Para REPUBLICA DO ZAIRE

عن/ جمهورية زامبيا

For REPUBLIC OF ZAMBIA

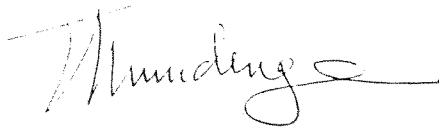
Pour REPUBLIQUE DE ZAMBIE

عن جمهورية زيمبابوي

For REPUBLIC OF ZIMBABWE

Pour REPUBLIQUE DU ZIMBABWE

Para REPUBLICA DO ZIMBABWE

A handwritten signature in black ink, appearing to read 'Mundira', is written over the signature line.

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بروتوكول ١

لمعاهدة أفريقيا

منطقة خالية من الأسلحة النووية

PROTOCOL I  
OF  
AFRICAN NUCLEAR WEAPON  
FREE ZONE TREATY

PROTOCOLE I  
DU  
TRAITE SUR LA ZONE EXEMPTÉ  
D'ARMES NUCLEAIRES EN AFRIQUE

PROTOCOLO I  
DE  
TRATADO SOBRE UMA ZONA LIVRE  
DE ARMAS NUCLEARES NA AFRICA

المحرر بالقاهرة في ١١ أبريل ١٩٩٦

Done at Cairo, Egypt, on 11 April 1996

Fait au Caire, Egypte, le 11 Avril 1996

Assinado no Cairo, Egito, 11 de Abril de 1996

عن/ جمهورية الصين الشعبية

For: PEOPLE'S REPUBLIC OF CHINA

Pour: LA REPUBLIQUE  
POPULAIRE DE CHINE

Para: REPUBLICA POPULAR DA CHINA

عن/ فرنسا

For: FRANCE

Pour: LA FRANCE

Para: FRANÇA

عن/ روسيا الاتحادية

For: RUSSIAN FEDERATION

Pour: LA FEDERATION DE RUSSIE

Para: FEDERAÇÃO DA RUSSA

عن/ المملكة المتحدة لبريطانيا العظمى  
وأيرلندا الشمالية

For: UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND



Pour: LE ROYAUME-UNI DE GRANDE  
BRETAGNE ET D'IRLANDE DU NORD

Para: REINO UNIDO DA INGLATERRA E IRLANDA  
DO NORTE

عن/ الولايات المتحدة الأمريكية

For: UNITED STATES OF AMERICA

Pour: LES ETATS-UNIS D'AMERIQUE  
Para: ESTADOS UNIDOS  
DA AMERICA



بروتوكول ٢  
لمعاهدة إفريقيا  
منطقة خالية من الأسلحة النووية

PROTOCOL II  
OF  
AFRICAN NUCLEAR WEAPON  
FREE ZONE TREATY

PROTOCOLE II  
DU  
TRAITE SUR LA ZONE EXEMPTÉ  
D'ARMES NUCLEAIRES EN AFRIQUE

PROTOCOLO II  
DE  
TRATADO SOBRE UMA ZONA LIVRE  
DE ARMAS NUCLEARES NA AFRICA

المحرر بالقاهرة في ١١ أبريل ١٩٩٦  
Done at Cairo, Egypt, on 11 April 1996  
Fait au Caire, Egypte, le 11 Avril 1996  
Assinado no Cairo, Egito, 11 de Abril de 1996

عن/ جمهورية الصين الشعبية  
For: PEOPLE'S REPUBLIC OF CHINA

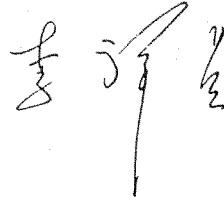
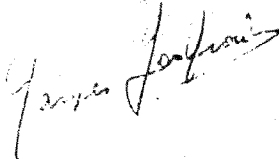
Pour: LA REPUBLIQUE  
POPULAIRE DE CHINE

Para: REPUBLICA POPULAR DA CHINA

عن/ فرنسا

For: FRANCE  
Pour: LA FRANCE

Para: FRANÇA

عن/ روسيا الاتحادية

For: RUSSIAN FEDERATION

Pour: LA FEDERATION DE RUSSIE

Para: FEDERAÇÃO DA RUSSA

عن /لمملكة المتحدة لبريطانيا العظمى  
وأيرلندا الشمالية

For: UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND

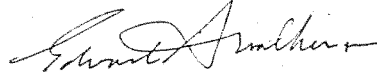


Pour: LE ROYAUME-UNI DE GRANDE  
BRETAGNE ET D'IRLANDE DU NORD

Para: REINO UNIDO DA INGLATERRA E IRLANDA  
DO NORTE

عن/ الولايات المتحدة الأمريكية

For: UNITED STATES OF AMERICA



Pour: LES ETATS-UNIS D'AMERIQUE

Para: ESTADOS UNIDOS  
DA AMERICA

بروتوكول ٣  
لمعاهدة إفريقيا  
منطقة خالية من الأسلحة النووية

PROTOCOL III  
OF  
AFRICAN NUCLEAR WEAPON  
FREE ZONE TREATY

PROTOCOLE III  
DU  
TRAITE SUR LA ZONE EXEMPTÉ  
D'ARMES NUCLEAIRES EN AFRIQUE

PROTOCOLO III  
DE  
TRATADO SOBRE UMA ZONA LIVRE  
DE ARMAS NUCLEARES NA AFRICA

المحرر بالقاهرة في ١١ أبريل ١٩٩٦

Done at Cairo, Egypt, on 11 April 1996

Fait au Caire, Egypte, le 11 Avril 1996

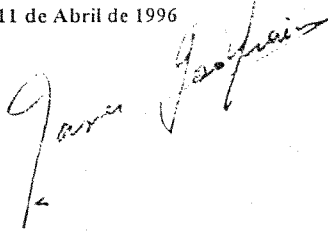
Assinado no Cairo, Egito, 11 de Abril de 1996

عن/ فرنسا

For: FRANCE

Pour: LA FRANCE

Para: FRANCA



عن/ إسبانيا

For: SPAIN

Pour: ESPAGNE

Para: ESPANHA

ORGANIZATION OF  
AFRICAN UNITY

ORGANIZAÇÃO DA  
UNIDADE AFRICANA



ORGANISATION DE  
L'UNITÉ AFRICAINE

منظمة الوحدة الأفريقية

Addis Ababa - Ethiopia - Box 3243 Tel. 51 77 00 Telex 21046 Fax (2511) 51 78 44

**THE AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY**  
( THE TREATY OF PELINDABA )

**TRAITE SUR LA ZONE EXEMPTÉ D'ARMES NUCLEAIRES EN AFRIQUE**  
( TRAITE DE PELINDABA )

REF.CAB/LEG/2 .11

NO.	COUNTRY / PAYS	DATE OF/DE SIGNATURE	DATE OF/DE RATIFICATION/ ADHESION	DATE DEPOSIT / DATE DE DEPOT
1.	Algeria	11/04/96		
2.	Angola	"		
3.	Benin	"		
4.	Botswana			
5.	Burkina Faso	11/04/96		
6.	Burundi	"		
7.	Cameroun	"		
8.	Cape Verde	"		
9.	Central African Republic	"		
10.	Chad	"		
11.	Comoros	"		
12.	Congo			
13.	Côte d'Ivoire	11/04/96		
14.	Djibouti	"		
15.	Egypt	"		
16.	Equatorial Guinea			
17.	Eritrea	11/04/96		
18.	Ethiopia	"		
19.	Gabon	"		
20.	Gambia	"		
21.	Ghana	"		
22.	Guinea	"		
23.	Guinea-Bissau	"		
24.	Kenya	"		
25.	Lesotho	"		
26.	Liberia			
27.	Libya	11/04/96		
28.	Madagascar			



## THE AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY, ( THE TREATY OF PELINDABA )

NO.	COUNTRY / PAYS	DATE OF/DE SIGNATURE	DATE OF / DE RATIFICATION/ ADHESION	DATE DEPOSITED DATE DE DEPOT
29.	Malawi	11/04/96		
30.	Mali	"		
31.	Mauritania	"		
32.	Mauritius	"	19/04/96	24/04/96
33.	Morocco	"		
34.	Mozambique	"		
35.	Namibia	"		
36.	Niger	"		
37.	Nigeria	"		
38.	Rwanda	"		
39.	Sao Tome & Principe			
40.	Senegal	11/04/96		
41.	Seychelles			
42.	Sierra Leone	11/04/96		
43.	Somalia			
44.	South Africa	11/04/96		
45.	Sudan	"		
46.	Swaziland	"		
47.	Tanzania	"		
48.	Togo	"		
49.	Tunisia	"		
50.	Uganda	"		
51.	Zaire	"		
52.	Zambia	"		
53.	Zimbabwe	"		

"This Treaty shall be open for signature by any State in the African Nuclear-Weapon-Free Zone. It shall be subject to ratification.

It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.

- 3 -

PROTOCOL I  
THE AFRICAN NUCLEAR WEAPON FREE ZONE TREATY

PROTOCOLE I  
TRAITE SUR LA ZONE EXEMPTÉ D'ARMES NUCLEAIRES EN AFRIQUE

REF: CAB/LEG/24.11

NO.	COUNTRY / PAYS	DATE OF/DE SIGNATURE	DATE OF / DE RATIFICATION/ ADHESION	DATE DEPOSITED DATE DE DEPOT
1.	China	11/04/96		
2.	France	"		
3.	Russian Federation			
4.	United Kingdom of Great Britain & Northern Ireland	11/04/96		
5.	United States of America	"		

PROTOCOL II  
THE AFRICAN NUCLEAR WEAPON FREE ZONE TREATY

PROTOCOLE II  
TRAITE SUR LA ZONE EXEMPTÉ D'ARMES NUCLEAIRES EN AFRIQUE

NO.	COUNTRY / PAYS	DATE OF/DE SIGNATURE	DATE OF / DE RATIFICATION/ ADHESION	DATE DEPOSITED DATE DE DEPOT
1.	China	11/04/96		
2.	France	"		
3.	Russian Federation			
4.	United Kingdom of Great Britain & Northern Ireland	11/04/96		
5.	United States of America	"		

PROTOCOL III  
THE AFRICAN NUCLEAR WEAPON FREE ZONE TREATY

PROTOCOLE III  
TRAITE SUR LA ZONE EXEMPTÉ D'ARMES NUCLEAIRES EN AFRIQUE

No.	COUNTRY / PAYS	DATE OF / DE SIGNATURE	DATE OF / DE RATIFICATION	DATE DEPOSITED DATE DE DEPOT
1.	France	11/04/96		
2.	Spain			