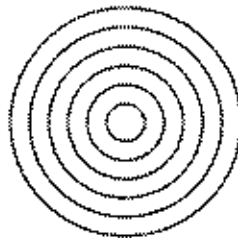


ORGANISMO PARA LA  
PROSCRIPCIÓN DE LAS ARMAS  
NUCLEARES EN LA AMÉRICA LATINA  
Y EL CARIBE



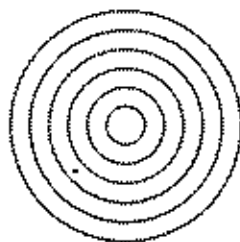
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Secretaría

Este documento se presentó al Consejo del OPANAL en su Sesión Ordinaria 157ª, celebrada el 17 de abril de 1996.



Consejo

## **Informe del Secretario General**

### **Firma del Tratado de la Zona Libre de Armas Nucleares Africana (Tratado de Pelindaba) El Cairo, 11 de abril de 1996**

En cumplimiento de lo dispuesto por el Consejo del OPANAL en su XXIX Reunión Extraordinaria, celebrada el 27 de marzo de 1996, a continuación se presenta el informe correspondiente a la participación del Secretario General del OPANAL en la ceremonia de la firma del Tratado de la Zona Libre de Armas Nucleares Africana, conocido como Tratado de Pelindaba, llevada a cabo en la ciudad de El Cairo, República Árabe de Egipto, el jueves 11 de abril de 1996.

1. En atención a una invitación especial del gobierno de la República Árabe de Egipto transmitida por el Excelentísimo Embajador Amre Moussa, Ministro de Relaciones Exteriores de dicho país, la que a su vez fuera comunicada a esta Secretaría General por la Embajada de Egipto en México, el Secretario General del OPANAL asistió a la ceremonia de la firma del Tratado de Pelindaba, en la ciudad de El Cairo, en calidad de Invitado Especial.
2. La ceremonia, a la que asistieron los Representantes de los Estados africanos, estuvo presidida por el señor Presidente de Egipto Hosny Mubarak. Se realizó en el Centro de Convenciones de El Cairo, asistiendo como Invitados Especiales las siguientes personalidades: Sr. Vladimir Petrosvky, Secretario General Adjunto de las Naciones Unidas para Asuntos de Desarme y Representante Personal del Secretario General de las Naciones Unidas; Dr. Hans Blix, Director General del Organismo Internacional de Energía Atómica; Dr. Esmat Abdel Maguid, Secretario General de la Liga Árabe; Embajador Salim Ahmed Salim, Secretario General de la Organización para la Unidad Africana (OUA); Sr. Kina Bona, Alto Comisionado de Papua Nueva Guinea ante el Reino Unido de Gran Bretaña y Representante del Presidente del Foro del Pacífico Sur; Embajador Olu Adeniji, de Nigeria, Presidente del Comité de Redacción del Tratado de Pelindaba y Embajador Enrique Román-Morey, Secretario General del Organismo para la Proscripción de las Armas Nucleares en la América Latina y el Caribe (OPANAL). Además de los representantes de los países africanos, en su

- mayoría Ministros de Relaciones Exteriores, también asistieron los Representantes de las cinco potencias nucleares y de España, signatarios de los Protocolos I, II, y III Adicionales al Tratado.
3. El Programa Oficial de la ceremonia comenzó con un saludo personal de los Jefes de Delegación al Presidente Mubarak, seguida por una fotografía oficial. La ceremonia fue abierta por el Ministro de Relaciones Exteriores de Egipto, quien cedió la palabra a los siguientes Dignatarios: Presidente de Egipto, Representante del Secretario General de las Naciones Unidas, Secretario General de la OUA y Director General del OIEA, quienes en su discurso de estilo mencionaron repetidamente el ejemplo que los Tratados de Tlatelolco y de Rarotonga habían ofrecido para la creación de otras Zonas Libres de Armas Nucleares, especialmente la Africana.
  4. Luego se procedió a la ceremonia de la Firma del Tratado de Pelindaba. Al ser llamados uno a uno el Tratado fue suscrito por Representantes de 42 naciones, de un total de 54 Estados de la región. Suscribieron el Tratado durante la ceremonia los representante de los siguientes Estados: Argelia, Benin, Burkina Fasso, Burundi, Cabo Verde, República Centro Africana, Comores, Costa de Marfil, Djibuti, Egipto, Eritrea, Etiopía, Gabón, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Libia, Malawi, Malí, Mauritania, Mauricio, Marruecos, Mozambique, Namibia, Níger, Nigeria, Rwanda, Senegal, Sierra Leona, Sudáfrica, Sudán, Swazilandia, Togo, Túnez, Uganda, Tanzania, Zaire, Zambia, y Zimbabwe. Los Protocolos Adicionales fueron suscritos por los Representantes de China, Estados Unidos de América, Francia y Gran Bretaña. Se adjunta al presente informe el texto del Tratado de Pelindaba, sus Anexos y sus Protocolos Adicionales.
  5. Posteriormente por aclamación se adoptó la "Declaración de El Cairo", cuyo texto se acompaña en su versión inglesa. Luego tomo la palabra el Ministro de Relaciones Exteriores de Egipto y finalmente lo hizo el Canciller de Burkina Fasso, a nombre de las Delegaciones participantes, clausurándose la sesión en horas de la tarde.
  6. Resultó obvio el hecho de que doce naciones de la comunidad africana no hubieran suscrito el Tratado de Pelindaba. Informalmente y en pasillos, la Delegación egipcia se preocupó de comunicar que la ausencia de dichas delegaciones se debió básicamente a que no tienen representación diplomática acreditada en El Cairo y que no habían podido asistir por razones económicas. En los menos de los casos algunas delegaciones no acudieron a la cita por problemas en las conexiones de vuelo.
  7. Más obvio resultó aún el hecho de que de las cinco potencias nucleares, la Federación Rusa fue la única que no suscribió los Protocolos Adicionales I y II, aunque si estuvo presente una numerosa Delegación de dicho país. El motivo que circuló, aunque no convincente, fue una dificultad en las credenciales. Sin embargo, posteriormente circuló una nota oficial del Vicecanciller de Rusia mediante la cual afirman que su país "está examinando detenidamente la cuestión de la Firma de los Protocolos Adicionales I y II" declarando que necesitarán algún tiempo para tomar la decisión

correspondiente teniendo especialmente en cuenta la "existencia en la región de bases militares de otras potencias nucleares". Se acompaña copia de dicha nota.

8. Igualmente obvio fue la no firma del Protocolo Adicional III por parte de España, aunque su Embajador en El Cairo estuvo presente. El motivo manifestado por el propio Representante español fue que sus credenciales estaban suscritas por el Gobierno anterior de su país y no por el Gobierno Provisional actual o el futuro Gobierno que llegue a formarse. Sin embargo, el Ministro de Asuntos Exteriores de España envió una comunicación en la que al alabar el Tratado de Pelindaba afirma que su país "está llevando a cabo actualmente un análisis sobre los contenidos y alcances del Protocolo III, el que permitirá, en su momento, que el Gobierno de España considere positivamente su firma". Se acompaña copia de dicha nota.
9. En el caso de las potencias nucleares que suscribieron los Protocolos, los Gobiernos de China, Estados Unidos y Gran Bretaña presentaron textos de sus declaraciones e interpretaciones a los Protocolos I y II. Se acompañan los textos de dichas Declaraciones.
10. El Presidente del Foro del Pacífico Sur y Primer Ministro de Papua Guinea, honorable Sir Julius Chan, disculpo su presencia en la reunión pero designó al Alto Comisionado de su país ante el Reino Unido de Gran Bretaña para que lo represente. Se adjunta al presente la copia de dicha comunicación.
11. También se distribuyó a los participantes el texto del mensaje que dirigió el Excmo. Sr. Leonid Kuchma, Presidente de Ucrania y el texto de un mensaje presentado por 17 organizaciones no gubernamentales de la Organización de Solidaridad con los Pueblo Afroasiáticos, cuyo texto también se adjunta.
12. En cuanto al mandato expreso que recibió el Secretario general del OPANAL de coordinar acciones con otras Zonas Libres de Armas Nucleares, se cumple con informar las siguientes actividades oficiales:
  - a) Reunión con el señor Embajador Amre Moussa, Ministro de Relaciones Exteriores de Egipto, a fin de agradecerle la invitación y hacerle entrega del texto de la Resolución del Consejo del OPANAL.
  - b) Reunión con el señor Embajador Salim Ahmed Salim, Secretario General de la Organización para la Unidad Africana, única Depositaria del Tratado de Pelindaba y quien en atención al propio Tratado, deberá designar al Secretario General de la AFCONE (Comisión Africana de Energía Nuclear), así como la sede de la Institución. Con nota cuya copia acompaño se le hizo entrega de la Resolución del Consejo del OPANAL.

- c) Reunión con el Embajador Kina Bona, Alto Comisionado de Papua Nueva Guinea y Representante del Foro del Pacífico Sur y de los Estados Miembros del Tratado de Rarotonga, a quien se le entregó el texto de la Resolución del OPANAL.
13. En todos los casos, el Secretario General del OPANAL fue recibido con beneplácito y en principio se aceptó la posibilidad de suscribir acuerdos de cooperación tanto con la Zona Africana Libre de Armas Nucleares y la Zona Libre de Armas Nucleares del Pacífico Sur, estableciéndose un contacto personal de suma utilidad e iniciándose una relación inter-institucional que deberá completarse posteriormente mediante sendas comunicaciones oficiales. Asimismo, la idea de realizar un evento internacional que congregue a las cuatro Zonas Libres de Armas Nucleares en nuestra región, ya aprobada en el presupuesto del OPANAL, fue recibida con sumo interés y fue considerada como necesaria para el éxito común de nuestras gestiones dentro del régimen de no proliferación nuclear, aceptándose de antemano el hecho de que sea el OPANAL quien la promueva, en su calidad de Organismo Decano en esta materia.
  14. Aprovechando la estada del Secretario General en El Cairo se sugirió la posibilidad de dictar una conferencia sobre el Tratado de Tlatelolco y el OPANAL y su influencia en la creación de Zonas Libres de Armas Nucleares, en el Instituto de Estudios Diplomáticos de Egipto. La Conferencia se llevó a cabo el domingo 14 en el local de dicho instituto con la presencia y participación de los alumnos de dicho alto centro de estudios, autoridades de la Cancillería Egipcia, alumnos becarios de dicho instituto procedentes principalmente de las naciones de la Federación de Estados Independientes y algunos invitados del Cuerpo Diplomático.
  15. Finalmente, el Secretario General del OPANAL fue invitado a un almuerzo para el Cuerpo Diplomático del GRULAC, acreditado en El Cairo, habiéndose tenido la oportunidad de compartir con los Jefes de Misión de nuestra región.
  16. Frente a estos hechos, se considera la presencia y participación del Secretario General del OPANAL en la histórica ceremonia de la Firma del Tratado de Pelindaba como un hecho positivo y de gran utilidad para las relaciones que a partir de ahora deberá tener el OPANAL con otras Zonas Libres de Armas Nucleares.
  17. La Secretaria General del OPANAL viene realizando un estudio analítico y comparativo del Tratado de Pelindaba frente al Tratado de Tlatelolco que presentará al Consejo en su próxima sesión.

México, D.F. a 17 de abril de 1996

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

# 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 1*

#### **DEFINITION/USAGE OF TERMS**

For the purpose of this Treaty and its Protocols:

(a) "African Nuclear-Weapon-Free Zone" means the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa;



(b) "Territory" means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;

(c) "Nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "Stationing" means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;

(e) "Nuclear installation" means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh 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 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*

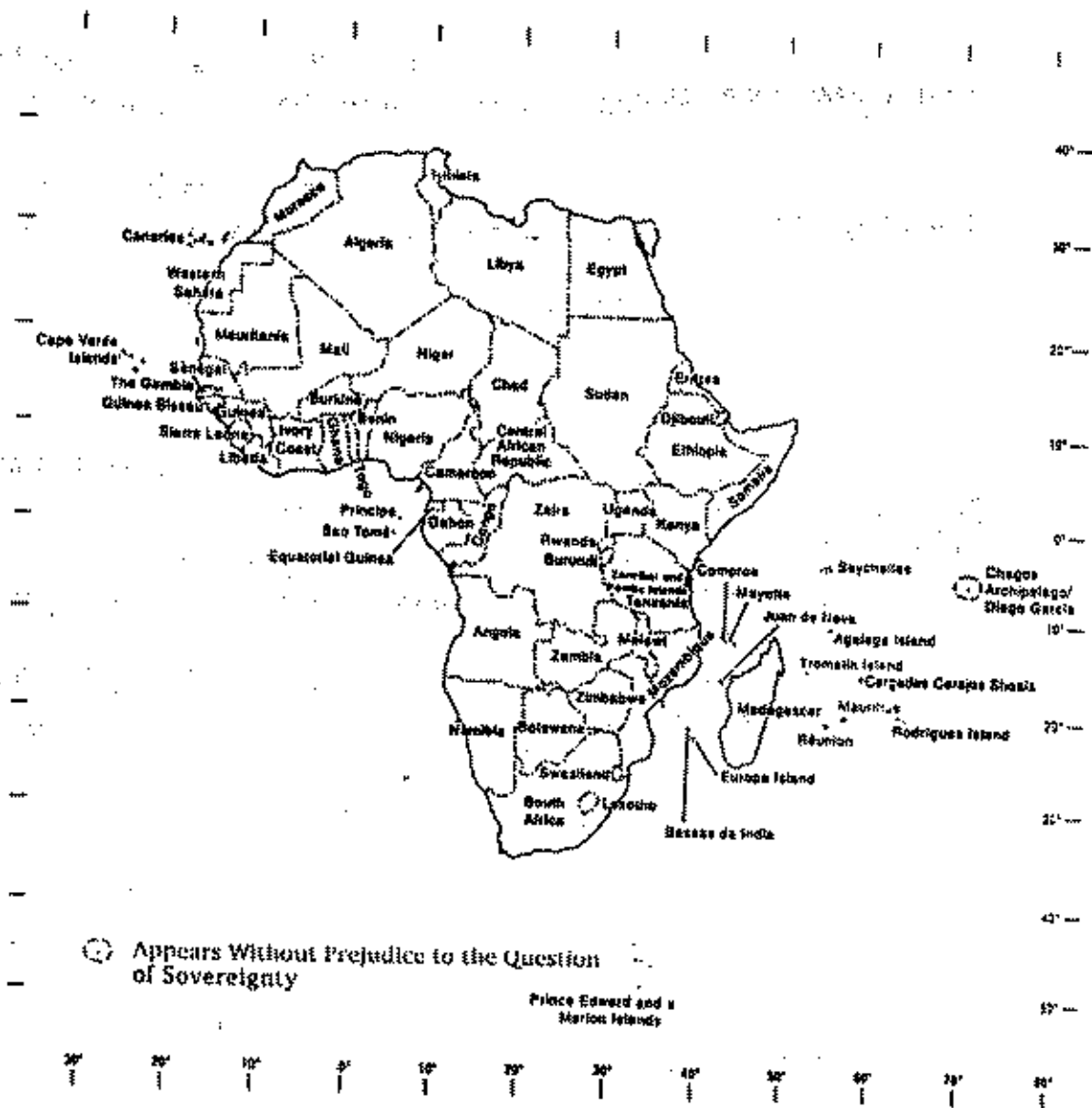
#### **STATUS OF THE ANNEXES**

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 11<sup>th</sup> day of April 1996

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



*ANNEX II*

**SAFEGUARDS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A Party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with 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(1)) of 1964, resolutions CM/Res.1342 (LIV) of 1991 and CM/Res. 1395 (LVI) / Rev. 1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

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

*Have agreed* as follows :

#### *Article 1*

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African Nuclear-Weapon-Free-Zone, the provisions contained in articles 3, 4, 5, 6, 7, 8, 9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

#### *Article 2*

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

*Article 3*

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 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.

**THE CAIRO DECLARATION**  
**Adopted on the Occasion of the Signature of the**  
**African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba)**

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*The African states signatories of the African Nuclear-Weapon Free-Zone Treaty (The Treaty of Pelindaba), meeting in Cairo, Egypt, on 11 April 1996,*

*Recalling the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session held in Cairo in 1964,*

*Recalling also the adoption by the Assembly of Heads of State and government of the organization of African Unity at its thirty-first ordinary session, held at Addis Ababa from 26 to 28 June 1995, of the final text of the Treaty,*

*Recalling further United Nations General Assembly Resolution 50/78 of 12 December 1995, by which the Assembly welcomed the Adoption by the African leaders of the final text of the Treaty,*

*Recognizing the valuable contribution that the establishment of nuclear weapon free zones in Latin America and the Caribbean, South Pacific and South East Asia have made to the process of nuclear non-proliferation,*

*Stressing the importance of promoting regional and international cooperation for the development of Nuclear Energy for peaceful purposes in the interest of sustainable social and economic development of the African Continent,*

**Solemnly declare that the signing of the Treaty further consolidates global efforts towards the non-proliferation of nuclear weapons including the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and is a highly significant contribution to the enhancement of international peace and security;**

**Invite the African states to ratify the Treaty as soon as possible so that it can enter into force without delay;**

**Call upon the Nuclear-Weapon States as well as the States contemplated in Protocol III to sign and ratify the relevant Protocols to the Treaty as soon as possible;**

**Emphasize that the establishment of nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, on the basis of arrangements freely arrived at among the States of the regions concerned, enhances global and regional peace and security;**

**Call upon all those States who have not yet done so to adhere to the NPT;**

**Call upon the Nuclear Weapon States to actively pursue the goal of a nuclear- weapon-free world as embodied in Article VI of the NPT, through the urgent negotiation of agreements with effective measures of verification towards the complete elimination of nuclear weapons at the earliest possible time;**

**Decide that the first session of the Conference of the States Parties to the Treaty shall be held not later than one year after its entry into force, and endorse the establishment of the headquarters of the African Commission on Nuclear Energy in South Africa;**

**Request the Secretary-General of the United Nations, in accordance with resolution 50/78, adopted by the United Nations General Assembly on 12 December 1995, to provide the necessary assistance in 1996 in order to achieve the aims of the present declaration.**

**Cairo, April 11, 1996**

The Embassy of the Russian Federation in Cairo presents its compliments to the Ministry of Foreign Affairs of The Arab Republic of Egypt (Assistant Foreign Minister H.E. Amb. Sayed El-Masry), and has the honour to enclose herewith the text of speech of the head of the Russian Delegation at the Signing Ceremony of the African Nuclear-Weapon Free Zone Treaty, Deputy Foreign Minister H.E. Dr. Victor Fossouvalioug, which he is authorised to present at the Ceremony.

The Embassy kindly request the esteemed Ministry to convey the abovementioned text-according to the previously reached understanding - to the Chairman of the Ceremony, H.E. Minister of Foreign Affairs of the A.R.E. and to render assistance in distributing the text among the ceremony participants as the official document of the ceremony.

The Embassy avails itself of this opportunity to renew to the Ministry assurances of its highest consideration.

April 10, 1996

MINISTRY OF FOREIGN AFFAIRS  
OF THE ARAB REPUBLIC OF EGYPT

OFFICE OF ASSISTANT FOREIGN MINISTER  
H.E. AMB. SAYED EL-MASRY

COPY: DISARMMENT DEPARTMENT



Dear Mr. Mubarak,

Excellencies,

Ladies and Gentlemen,

On behalf of the Russian Federation, I'd like to wholeheartedly congratulate all African states on the solemn occasion of signing of the African Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty). This historic event will undoubtedly open a new chapter in the history of African Continent, the chapter of considerably enhanced security of the continent free from all nuclear weapons.

One may recall that from the very outset my country actively supported the idea of establishing a Nuclear Weapon Free Zone in Africa-even when certain countries were at least skeptical about it. We fully shared the willingness of the African states to establish such a zone in Africa in a firm belief that it will become an important element of strengthening international peace and security, significantly complimenting the nuclear non - proliferation regime on a regional basis.

So naturally in a radically changed international situation Russia actively supported the UN General Assembly Resolution 50/78 of 12 December 1995, by which the Assembly approved the Pelindaba text of the Treaty on an African Nuclear Weapon Free Zone.

Establishment of a Nuclear Weapon Free Zone in Africa after entry into force of Tlatelolco and Rarotonga Treaties and signature of the Treaty on a Nuclear Weapon Free Zone in South-East Asia should be seen in a broad context of a plausible tendency, which has gained momentum recently, that is of widening the scope of nuclear weapon free zones, which promote world-wide and regional disarmament processes. Today we may note with satisfaction that mankind made a remarkable step towards achieving this goal by narrowing the geographical scope of military nuclear preparedness which is particularly important in the light of the decision adopted by the review and extension conference of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995.

We share the ideas of the Cairo Declaration of the African states on the occasion of this signing ceremony.

One can't help supporting the call of the Foreign Ministers of African States - signatories of the African Nuclear Weapon Free Zone Treaty upon all those States who have not yet don so to adhere to the NPT.

Let me assure this audience that Russia is prepared to cooperate actively with all interested African states in order to guarantee their security and prevent any use of nuclear weapons against them. conscious of the importance to the African States to have relevant pledges from the nuclear-weapon states, we are thoroughly examining the question of signing the Protocols I and II to the Pelindaba Treaty. Obviously, we'll need sometime to take the corresponding decisions bearing in mind their multifaceted and long-term implications for my country and in particular given the on-going existence in the region of military bases of other nuclear powers.

Today it would be quite appropriate to pay well-merited tribute to all those who have made the Treaty on the African Nuclear Weapon-Free Zone a reality. Dramatic importance had the decision of the government of the Republic of South Africa.

On this special occasion it gives me great pleasure to hail enormous personal political effort of the President of the Arab Republic of Egypt H. E. Mr. Hosni Mubarak to promote the idea of nuclear non - proliferation in Africa as well as in the Middle East.

We regard today's ceremony as a starting point in implementing the entire range of provisions laid down in the Pelindaba Treaty and its Protocle. We sincerely wish the African States all the best to make this process successful, meaningful and fruitful. Russia will certainly help the African States in this worthy endeavour.

Thank you.



Embajada de España

H.E. MR. AMRE MOUSSA  
MINISTER OF FOREIGN AFFAIRS  
CAIRO

MR. MINISTER,

I SINCERELY REGRET THAT I SHALL BE UNABLE TO ATTEND THE OPENING FOR SIGNATURE OF THE TREATY OF PELINDABA, BUT NEVERTHELESS I SEND YOU MY BEST AND WARMEST WISHES FOR ITS SUCCESSFUL OUTCOME.

SPAIN SUPPORTS THE OBJECTIVES OF THE PELINDABA TREATY BECAUSE SHE STRONGLY BELIEVES THAT THE ESTABLISHMENT OF INTERNATIONALLY RECOGNIZED NUCLEAR-WEAPON-FREE ZONES -ON THE BASIS OF ARRANGEMENTS FREELY ARRIVED AT AMONG THE STATES OF THE REGION CONCERNED, AND INCORPORATING THE SPECIFIC CHARACTERISTICS OF EACH REGION- ENHANCES GLOBAL AND REGIONAL PEACE AND SECURITY.

MOREOVER, MY COUNTRY IS FIRMLY CONVINCED OF THE NEED TO CONTINUE MAKING SYSTEMATIC AND PROGRESSIVE EFFORTS IN ORDER TO GLOBALLY REDUCE NUCLEAR WEAPONS, WITH THE ULTIMATE GOAL OF ELIMINATING THEM.

IN THIS SENSE, THE SPANISH GOVERNMENT BELIEVES THAT THE PELINDABA TREATY IS AN IMPORTANT STEP FORWARD IN THIS DIRECTION.

I THEREFORE HOPE THAT THE OUTCOME OF THE ANALYSIS THAT WE ARE CURRENTLY CONDUCTING ON THE CONTENTS AND SCOPE OF PROTOCOL III WILL, IN DUE TIME, ALLOW THE SPANISH GOVERNMENT TO CONSIDER POSITIVELY ITS SIGNATURE.

MADRID, 11TH APRIL, 1996.

*C. Westendorp*

CARLOS WESTENDORP  
MINISTER OF FOREIGN AFFAIRS

**SPEECH BY HIS EXCELLENCY LI ZHAOXING  
VICE FOREIGN MINISTER OF THE PEOPLE'S REPUBLIC OF CHINA**

**AT THE SIGNING CEREMONY OF THE  
AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY**

**CAIRO, APRIL 11, 1996**

Mr. President,

It is a great honor for me to sign today, on behalf of the government of the People's Republic of China, Protocol I and Protocol II to the African Nuclear-Weapon-Free Zone Treaty, which are subject to ratification. Please allow me to convey the hearty congratulations of the Chinese government on the convening of the signing ceremony, and our sincere gratitude to the Egyptian government for inviting the Chinese government representative here for this grand historical gathering.

The conclusion of the African Nuclear-Weapon-Free Zone Treaty, a major objective attained by African states through years of unremitting efforts, is a great contribution to the realization of mankind's common ideal - a world free of nuclear weapons. The Chinese government has always respected and supported the establishment of nuclear-weapon-free zones by non-nuclear-weapon states through consultations and agreements among themselves on a voluntary basis, and in light of the actual circumstances of their respective regions. China holds that nuclear-weapon states should respect the status of nuclear-weapon-free zones and undertake corresponding obligations. Proceeding from this stand, China has signed and ratified the relevant Protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, and to the South Pacific Nuclear Free Zone Treaty, and has accordingly undertaken the corresponding obligations. China supports also the effort to set up a zone in the Middle East which is free from nuclear weapons and other weapons of mass destruction. In April 1995 the Chinese government solemnly reaffirmed in its National Statement

that at no time and under no circumstances will it be the first to use nuclear weapons, nor will it ever use or threaten or use nuclear weapons against non-nuclear-weapon states and nuclear-weapon-free zones.

China's signing of Protocol I and Protocol II to the African Nuclear Weapon-Free Zone Treaty testifies to the consistent support of the Chinese government for the just cause of Africa and the sincere friendship between the Chinese and African peoples and serves the common long-term interest of China and the African states. China enjoys long standing solidarity with Africa, and it is ready to work tirelessly with the African and all the peace-loving states for the maintenance of peace and security in Africa and the rest of the world, and for the ultimate realization of the complete prohibition and thorough destruction of nuclear weapons throughout the world.

Thank you.

**U.S. ADHERENCE TO AFRICA NUCLEAR WEAPON FREE  
ZONE PROTOCOLS**

**TEXT OF DECLARATIONS AND UNDERSTANDINGS**

(A) THE UNITED STATES GOVERNMENT UNDERSTANDS THE TERM "DUMPING" AS USED IN THE ANWFZ TREATY TO BE IDENTICAL TO THAT TERM AS DEFINED IN THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA;

(B) THE UNITED STATES GOVERNMENT UNDERSTANDS THE TERM "INLAND WATERS" AS USED IN THE ANWFZ TREATY TO EXCLUDE WATERS USED IN CONNECTION WITH MARITIME NAVIGATION;

(C) THE UNITED STATES GOVERNMENT UNDERSTANDS THAT NOTHING IN THE ANWFZ TREATY AFFECTS RIGHTS UNDER INTERNATIONAL LAW OF A STATE ADHERING TO THE PROTOCOLS REGARDING THE EXERCISE OF THE FREEDOM OF THE SEAS OR REGARDING PASSAGE THROUGH OR OVER WATERS SUBJECT TO THE SOVEREIGNTY OF A STATE, AS REFLECTED IN THE 1982 LAW OF THE SEA CONVENTION

(D) WITH RESPECT TO PROTOCOL II, THE UNITED STATES GOVERNMENT DECLARES THAT IT WOULD CONSIDER THAT AN INVASION OR ANY OTHER ATTACK ON THE UNITED STATES, ITS TERRITORIES, ITS ARMED FORCES OR OTHER TROOPS, ITS ALLIES OR ON A STATE TOWARD WHICH IT HAS A SECURITY COMMITMENT, CARRIED OUT OR SUSTAINED BY A TREATY PARTY IN ASSOCIATION OR ALLIANCE WITH A NUCLEAR WEAPON STATE, WOULD BE INCOMPATIBLE WITH THE TREATY PARTY'S CORRESPONDING OBLIGATIONS UNDER THE TREATY;

(E) THE UNITED STATES GOVERNMENT DECLARES THAT ITS POLICIES AND PRACTICES ARE ALREADY CONSISTENT WITH THE ANWFZ TREATY AND PROTOCOLS, AND THAT ITS DECISION TO SIGN AND SEEK ADVICE AND CONSENT TO RATIFICATION OF THE ANWFZ PROTOCOLS IN NO WAY AFFECTS THE UNITED STATES POSITION WITH REGARD TO OTHER NUCLEAR WEAPON FREE ZONE TREATIES; AND,

(F) THE UNITED STATES 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 APPLY 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 UNITE STATES ARMED FORCES OPERATIONS IN DIEGO GARCIA AND ELSEWHERE IN THE BRITISH INDIA OCEAN TERRITORIES.





BRITISH EMBASSY  
CAIRO

11 April 1996

His Excellency  
Mr Amre Moussa  
Minister of Foreign Affairs  
Cairo

*Yas Excellency*

I enclose a copy of my letter of today's date to His Excellency Salim Ahmed Salim, Secretary-General of the Organisation of African Unity, which constitutes a formal statement by my Government on signature of Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty. I have requested that the Secretariat of the Organisation, as depositary, should make the text available to other Treaty signatories, and informed him that the British Government would have no objection should the Secretariat wish to publish it.

Please accept, Excellency, the assurance of my highest consideration.

*Yours sincerely*  
*David Blatherwick*

D E B Blatherwick  
HM Ambassador



BRITISH EMBASSY,  
CAIRO.

11 April 1996

His Excellency  
Mr Salim Ahmed Salim  
Secretary-General  
Organisation of African Unity

Your Excellency,

I have the honour, on proceeding this day to sign Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty, to make the following statement on instructions from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs:

a) Generally

The Government of the United Kingdom believe that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security.

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 obligations in respect of that Territory by their adherence to Protocols I and II.

b) Re: Protocols I and II, first preambular paragraph

The Government of the United Kingdom understand the obligations referred to in the context of the provisions of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968.

c) Re: Protocol I, Article 1

~~The Government of the United Kingdom will not be bound by their undertaking under Article 1 of Protocol I:-~~

i) in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or a State towards which it has a security commitment, carried out or sustained by a party to the Treaty in association or alliance with a Nuclear-Weapon State,

or,

ii) if any party to the Treaty is in material breach of its own non-proliferation obligations under the Treaty.



d) Re: Protocols I and II, Article 2

The Government of the United Kingdom accept this obligation on the understanding that it means that each party undertakes not to contribute to any act of a party to the Treaty which constitutes a violation of the Treaty, or to any act of another party to a Protocol which constitutes a violation of that Protocol.

e) Re: Protocols I and II, Article 6

The Government of the United Kingdom reserve the right to withdraw from these Protocols under the conditions specified on giving notice of withdrawal to the Depository three months in advance.

I avail myself of the opportunity to renew to Your Excellency the assurance of my highest consideration.

*David Blatherwick*

D E S Blatherwick  
HM Ambassador

**Agency for the Prohibition  
of Nuclear Weapons in Latin America  
and the Caribbean**

Cairo, April 11, 1996

Excellency;

I have the honor to address myself to Your Excellency to extend, on behalf of the Agency of the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and following the special requirement from its Council, our warmest congratulations and best wishes of success to the Organization of African Unity (OAU), and the signatories States of the Pelindaba Treaty, which establishes the Nuclear Weapons Free Zone in Africa, the fourth of its kind in the world.

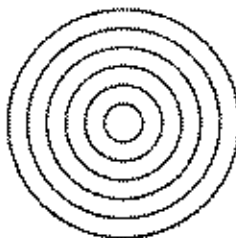
For the Member States and Signatories of the Treaty of Tlatelolco, the final success accomplished by the African States through the signing today of the Treaty of Pelindaba is an historical and very especial occasion. Nuclear Weapons Free Zones idea and spirit included in both Treaties, Tlatelolco and Pelindaba were born almost 30 years ago, for the benefit of mankind, international peace and development of its people. On February 14, 1997 the Tlatelolco Treaty and OPANAL will be celebrating three decades of some times difficult but very rewarding accomplishments. Allow me, Your Excellency, to wish the Organizations of African Unity as Depository of the Treaty of Pelindaba, the best of its success in the accomplishment of its tasks.

In this opportunity I am highly honor to present to Your Excellency the Resolution C/E/27, approve by the Council of OPANAL last March 27, 1996, which endeavors the will of Latin America and the Caribbean to have close relationship with the Treaty of Pelindaba organization and its Africans Member States.

I avail myself of this opportunity to renew Your Excellency the assurances of my highest and most distinguished consideration.

  
Enrique Román-Morey  
Ambassador  
Secretary General

His Excellency  
Salim Ahmed Salim  
Secretary General  
Organization of African Unity



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COUNCIL

**RESOLUTION C/E/Res. 27**

**COOPERATION WITH OTHER NUCLEAR WEAPON FREE ZONES**

The Council,

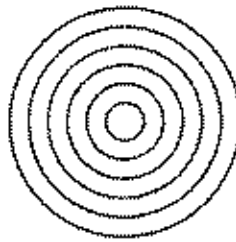
**Recalling** that since 1967, with the purpose to contribute towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness, Latin America and the Caribbean governments signed the Treaty of Tlatelolco which had been taken as a model for the establishment of other nuclear weapon free zones in different regions of the world;

**Considering** that the establishment of nuclear weapon free zones contributes significantly to the strengthening of international peace and security, through the reduction of conflict areas;

**Recalling** in particular Resolution 14 (E-IV) of 22 October 1985, by which the General Conference welcomed with satisfaction the signature of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga);

**Bearing in mind** that on 15 December, 1995, the Heads of State of the Association of Southeast Asia Nations (ASEAN) signed in Bangkok the Treaty on the Southeast Asia Nuclear Weapon-Free Zone;

**Observing with satisfaction** that on 11 April 1996, the Treaty on Nuclear Weapon Free Zone in Africa (Treaty of Pelindaba) will be opened for signature in Cairo, Egypt;



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CONSEIL

## RÉSOLUTION C/E/Res.27

### COOPÉRATION AVEC D'AUTRES ZONES LIBRES D'ARMES NUCLÉAIRES

Le Conseil,

En rappelant que depuis 1967, pour contribuer à mettre un terme à la course aux armements, notamment aux armements nucléaires, et à consolider une paix mondiale fondée sur l'égalité souveraine des États, le respect mutuel et les relations de bon voisinage, les gouvernements de l'Amérique Latine et du Caraïbe ont signé le Traité de Tlatelolco, qui s'est constitué comme le modèle pour l'établissement d'autres zones libres d'armes nucléaires dans de différentes régions du monde;

En considérant que l'établissement des zones libres d'armes nucléaires contribue en grande partie à la consolidation de la paix et sécurité internationale au moyen de la réduction de sphères de conflit;

En rappelant, en particulier, la Résolution 14 (E-IV) du 22 octobre de 1985, au moyen de laquelle la Conférence Générale a accueilli avec plaisir la signature du Traité de la Zone Libre d'Armes Nucléaires du Pacifique du Sud (Traité de Rarotonga);

Sans oublier que le 15 décembre de 1995 les chefs d'État de l'Association des Nations de l'Asie du Sud ont signé à Bangkok le Traité qui établit la Zone Libre d'Armes Nucléaires de l'Asie du Sud-Est;

En observant avec satisfaction que le 11 avril au Caire, Egypte, sera signé le Traité d'une Zone Libre d'Armes Nucléaires en Afrique (Traité de Pélingaba);

**En prenant note de la Résolution 50/66 de l'Assemblée Générale de l'ONU du 12 décembre de 1995, qui invite les Parties directement intéressées à étudier la possibilité de prendre des mesures pour l'exécution de la proposition de créer une zone libre d'armes nucléaires dans la région du Proche Orient;**

**En reconnaissant que la création des zones libres d'armes nucléaires constitue une mesure importante pour atteindre le but d'un monde complètement libre d'armes nucléaires;**

**En estimant que jusqu'à la réalisation du but en question il est indispensable que tous les États qui possèdent des armes nucléaires, s'engagent à respecter les zones libres d'armes nucléaires établies par des accords signés entre les États de la région intéressée,**

**Décide:**

- 1. Accueillir avec plaisir l'établissement des Zones Libres d'Armes Nucléaires en Asie du Sud-Est et Afrique.**
- 2. Charger le Secrétaire Général d'appuyer, au nom du Conseil et en consultant l'Organe, un échange d'information sur l'expérience que l'Organisme pour la Interdiction des Armes Nucléaires en Amérique Latine et le Caraïbe (OPANAL) a accumulée pendant quasi 30 ans de son existence.**
- 3. Demander au Secrétaire Général d'élaborer un rapport des possibilités d'établir des accords de coopération avec les zones libres d'armes nucléaires du Pacifique du Sud, de l'Asie du Sud-Est et de l'Afrique à fin d'unifier les positions en ce qui concerne le désarmement aux forums de l'ONU.**
- 4. Examiner le rapport du Secrétaire Général à fin de prendre les mesures appropriées.**

**(Approuver a la Session Extraordinaire du Conseil  
du 27 mars de 1996)**



CONSEIL

**RÉSOLUTION C/E/Res.27**

**COOPÉRATION AVEC D'AUTRES ZONES LIBRES D'ARMES NUCLÉAIRES**

Le Conseil,

En rappelant que depuis 1967, pour contribuer à mettre un terme à la course aux armements, notamment aux armements nucléaires, et à consolider une paix mondiale fondée sur l'égalité souveraine des États, le respect mutuel et les relations de bon voisinage, les gouvernements de l'Amérique Latine et du Caraïbe ont signé le Traité de Tlatelolco, qui s'est constitué comme le modèle pour l'établissement d'autres zones libres d'armes nucléaires dans de différentes régions du monde;

En considérant que l'établissement des zones libres d'armes nucléaires contribue en grande partie à la consolidation de la paix et sécurité internationale au moyen de la réduction de sphères de conflit;

En rappelant, en particulier, la Résolution 14 (E-IV) du 22 octobre de 1985, au moyen de laquelle la Conférence Générale a accueilli avec plaisir la signature du Traité de la Zone Libre d'Armes Nucléaires du Pacifique du Sud (Traité de Rarotonga);

Sans oublier que le 15 décembre de 1995 les chefs d'État de l'Association des Nations de l'Asie du Sud ont signé à Bangkok le Traité qui établit la Zone Libre d'Armes Nucléaires de l'Asie du Sud-Est;

En observant avec satisfaction que le 11 avril au Caire, Égypte, sera signé le Traité d'une Zone Libre d'Armes Nucléaires en Afrique (Traité de Pélingaba);



**En prenant note de la Résolution 50/66 de l'Assemblée Générale de l'ONU du 12 décembre de 1995, qui invite les Parties directement intéressées à étudier la possibilité de prendre des mesures pour l'exécution de la proposition de créer une zone libre d'armes nucléaires dans la région du Proche Orient;**

**En reconnaissant que la création des zones libres d'armes nucléaires constitue une mesure importante pour atteindre le but d'un monde complètement libre d'armes nucléaires;**

**En estimant que jusqu'à la réalisation du but en question il est indispensable que tous les États qui possèdent des armes nucléaires, s'engagent à respecter les zones libres d'armes nucléaires établies par des accords signés entre les États de la région intéressée,**

**Décide:**

- 1. Accueillir avec plaisir l'établissement des Zones Libres d'Armes Nucléaires en Asie du Sud-Est et Afrique.**
- 2. Charger le Secrétaire Général d'appuyer, au nom du Conseil et en consultant l'Organe, un échange d'information sur l'expérience que l'Organisme pour la Interdiction des Armes Nucléaires en Amérique Latine et le Caraïbe (OPANAL) a accumulée pendant quasi 30 ans de son existence.**
- 3. Demander au Secrétaire Général d'élaborer un rapport des possibilités d'établir des accords de coopération avec les zones libres d'armes nucléaires du Pacifique du Sud, de l'Asie du Sud-Est et de l'Afrique à fin d'unifier les positions en ce qui concerne le désarmement aux forums de l'ONU.**
- 4. Examiner le rapport du Secrétaire Général à fin de prendre les mesures appropriées.**

**(Approuver a la Session Extraordinaire du Conseil  
du 27 mars de 1996)**



THE HIGH COMMISSIONER

## PAPUA NEW GUINEA HIGH COMMISSION

14 Waverley Place  
London SW9Y 4AR  
Tel: 0171 930 0922/24  
Fax: 0171 930 0828

9 April 1996

Excellency,

I have the honour to inform Your Excellency that the Chairman of the South Pacific Forum and Prime Minister of Papua New Guinea, the Rt. Hon. Sir Julius Chan, GCMG, KBE, wishes to convey through your Minister for Foreign Affairs, His Excellency Amr-Moussa the following message to his counterpart, His Excellency, Mr Meles Zenawi, President of Ethiopia and Chairman of the Organisation of African Unity on the occasion of the signing of the Pelindaba Treaty establishing a Nuclear Weapon Free Zone in Africa.

Begin:

*His Excellency, Mr Meles Zenawi,  
President of Ethiopia and Chairman of the  
Organisation of African Unity  
P O Box 3243  
Addis Abbaba  
Ethiopia*

Your Excellency,

*I am pleased to take this opportunity to extend on behalf of the South Pacific Forum our good wishes and congratulations to the Organisation of African Unity (OAU), and the signatories of the Pelindaba Treaty establishing a Nuclear Weapon Free Zone in Africa, on this auspicious occasion, the signing ceremony for the Treaty.*

*The conclusion of the Pelindaba Treaty is a most encouraging and welcomed development for the cause of global peace and nuclear disarmament. The countries of the South Pacific Forum and OAU have cooperated effectively to promote our mutual interests in this area in many international fora.*

*Recently, we in the South Pacific were particularly grateful at the wholehearted support we received from so many OAU members over the outrageous decision by one of the nuclear powers to resume nuclear testing in our region.*

In the Pacific, we have of course our own Nuclear Free Zone, established under the Treaty of Rarotonga, signed in 1985. As Chairman of the Forum, I am pleased to report that just last month on the 25th March, three (3) of the Nuclear States, France, the United Kingdom and the United States signed the Protocols to the Rarotonga Treaty, signifying their acceptance and commitment to respect the Nuclear Free Zone in the South Pacific.

With the conclusion of the Pelindaba Treaty, there now exists an effective institutional framework in both regions to set up cooperation to meet the challenges of nuclear disarmament which still lie ahead.

We look forward to the opportunity to work together to promote our common concerns.

I take the occasion to extend to Your Excellency my best wishes and highest consideration.

Yours sincerely,

(signed)

Julius Chan

Ends

The Chairman of the South Pacific Forum, who is invited by the Minister of Foreign Affairs of Egypt to attend and witness the signing ceremony profoundly regrets that he is unable to attend due to prior heavy commitments and has appointed me to represent him at this occasion. I will depart for Cairo, this afternoon (9.4.96) to witness the signing on 11th April, 1996, and return on 12th April.

I would be grateful if Your Excellency could transmit the Chairman's message to the appropriate authorities in Cairo.

Please accept Your Excellency, the assurances of my highest consideration.



Sir Kina Bona, KBE  
High Commissioner

His Excellency Dr. Mohamed I. Shaker  
Ambassador  
Embassy of the Arab Republic of Egypt  
26 South Street  
London W1V 6DH

**Address**  
**on the occasion of signing of**  
**the African Nuclear-Weapon-Free Zone Treaty**

Dear Participants of the solemn ceremony dedicated to the signing of the African Nuclear-Weapon-Free Zone Treaty,

It is generally recognized that solving the problem of nuclear arms non-proliferation is one of the most urgent issues of nowadays. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), to which Ukraine acceded as a full member in 1994, is an important instrument of the non-proliferation regime.

The first 25 years of the NPT in force have demonstrated vividly that the ideas on which it is based have found an extensive support of the majority of the countries of the world. Though the NPT is not an ideal document in the direct meaning of this word, it plays the role of an important starting point from which the nuclear disarmament process has begun. That is why, assessing the international non-proliferation regime as a system which has justified itself in principle, it is necessary to continue efforts aimed at improving and developing specific mechanisms for practical implementation of norms placed in it.

Among such mechanisms, which strengthen the non-proliferation regime and which are of utmost importance for realization of Article VII of the NPT, are regional measures, and, in particular, the establishment of the Nuclear-Weapon-Free Zones in Latin America (Tlatelolco Treaty of 1967), in the South Pacific region (Rarotonga Treaty of 1985) and in South East Asia (Treaty of 1995).

Signing of one more international legally binding document on the creation of the Nuclear-Weapon-Free Zone on the African continent is, certainly, a new tangible contribution to the process of strengthening the nuclear non-proliferation regime and of supporting strategic stability in the world.

Highly appreciating peaceful efforts of the African countries, I sincerely welcome on behalf of Ukraine, a state which voluntarily renounced the third largest military nuclear potential in the world, the leaders of all the states that are signing today this important document. Along with the other treaties on the Nuclear-Weapon-Free Zones, it will further reduce nuclear programmes through banning deployment, testing and use of nuclear weapons on the considerable part of our planet.

Signing the African Nuclear-Weapon-Free Zone Treaty should prompt the other states, and first of all nuclear states, to intensify cooperation in the elaboration and conclusion of new agreements concerning this problem, and in particular, of the Comprehensive Test Ban Treaty and of a Convention on the prohibition of production of fissile materials for military purposes.

We are convinced that a universal international cooperation aimed at protecting our fragile world from a threat of nuclear catastrophe will bring desirable results.

**Leonid Kuchma**

**President of Ukraine**

## **Message to The African Meeting on NWFZ**

The under-signed non-governmental organizations, (NGOs) at convened on the 8th of April at the Head Quarters of the Afro-Asian Peoples Solidarity Organization, welcome the forthcoming signing of the treaty on African Nuclear Free Zone.

They fully agree with the stipulation by the Treaty that the establishment of the Zone constitute an important step towards promoting general and complete disarmament and enhancing regional and international peace and security. The Treaty will also contribute to NGOs efforts to eliminate all nuclear weapons worldwide.

Of paramount importance is the fact that the African- Nuclear-Weapon-Free Zone has been established in a continent where a de facto nuclear weapon state has relinquished its nuclear weapon's, an example which could be repeated in the other regions and continents, especially in the Middle East where Israel, the de facto nuclear weapon state, is located.

The under-signed NGOs agree with the parties to the Treaty that " the establishment of other NWFZs, specially in the Middle East, would enhance the security of the States Parties to the African NWFZ." and look forward to the full implementation of the treaty and, pledge to extend their firm support for the efforts of African states to promote peace, security and complete disarmament.

- |   |   |
|---|---|
| 1) Afro-Asian Peoples' Solidarity Organization' | 12) Centre for Political Researches and studies<br>(Faculty of Economy and Political Sciences, Cairo<br>University) |
| 2) African Society                              | 13) Coordination centre among Arab Peace Or-<br>ganization  |
| 3) African Journalists Union                    | 14) Arab Research Centre  |
| 4) Association of African Farmers               | 15) Egyptian Solidarity Committee   |
| 5) Writers Federation of Asian and Africa       | 16) The Egyptian Committee for Peace and<br>Disarmament   |
| 6) Arab Lawyers Union                           | 17) Central Cooperative agricultural Union  |
| 7) Alliance for Arab Woman                      |   |
| 8) Arab Journalists Union                       |   |
| 9) Arab Organization for Human Rights           |   |
| 10) Peace Studies Unit ( Peace Messenger)       |   |
| 11) National Centre for Middle East Studies     |   |