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Africa's Development and the Threat of Weapons of Mass Destruction

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This Background Paper provides a brief overview of international efforts to strengthen disarmament and non-proliferation through a number of conventions, protocols and agreements and addresses some of the capacity and resource constraints within the African context preventing their full implementation. A number of specific recommendations to States – both African and global - in a position to offer technical implementation assistance and who are able to build co-operative partnerships and political support towards full African universality of the various conventions are made. These conventions and agreements include the:

- Treaty on the Non-Proliferation of Nuclear Weapons (NPT);
- African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba);
- Comprehensive Nuclear Test Ban Treaty;
- Biological and Toxin Weapons Convention;
- Chemical Weapons Convention; and,
- United Nations Security Council Resolutions 1540.

The Background Paper has been compiled as a result of research undertaken by the Norwegian-funded ISS' "Africa's Development and the Threat of Weapons of Mass Destruction Project" since May 2007.¹ This ISS project aims to identify and strengthen Africa's role in these international efforts in the context of the continent's developmental imperatives.²

¹ The opinions expressed do not necessarily reflect those of the Institute, its trustees, members of the Council or donors.

² See for example, Dominique Dye, "African Perspectives on Countering Weapons of Mass Destruction", ISS Paper 167, September 2008; Noel Stott, Amelia du Rand and Jean du Preez, "A Brief Guide to the Pelindaba Treaty: Towards Entry-into-Force of the African Nuclear-Weapon-Free Zone Treaty", ISS, October 2008; Amelia du Rand, "Ship Without Sails: Chemical and Biological Weapons Control in Africa", ISS Paper 171, November 2008.

Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was opened for signature on 1 July 1968. The NPT is regarded as the cornerstone of the global nuclear non-proliferation regime. Based on three pillars, the NPT is designed to: prevent the spread of nuclear weapons and weapons technology; further the goal of nuclear disarmament; and, promote co-operation in the peaceful uses of nuclear energy.

Under the treaty, there are two categories of States Parties to the NPT — nuclear weapon states (NWS) and non-nuclear weapon states (NNWS). NWS are defined as the five states that detonated a nuclear device before January 1967 (United States of America, Soviet Union [now the Russian Federation], United Kingdom, France, and China). All African states are party to the NPT as NNWS, with Egypt, Libya and South Africa abandoning their nuclear ambitions.

All too often, African states are perceived as marginal to discussions on progress made in implementing the NPT given that Africa has declared itself a nuclear-weapon free zone. While most African states attend NPT conferences, their active involvement has been minor as the continent strives to cope with what may be regarded as more pressing and immediate concerns, namely: the alleviation of poverty, the provision of educational facilities and health care, and the illicit trade in small arms and light weapons. The NPT is, however, of vital importance given the developmental and security imperatives facing Africa and African countries need to engage positively and effectively in the NPT's Review cycles and in particular the forthcoming 2010 Review Conference, in order to:

- Ensure their access to nuclear technologies for peaceful purposes;
- Ensure that nuclear materials and enrichment and reprocessing equipment are not diverted for military purposes;
- Contribute to the ultimate goal of a world free of nuclear weapons in partnership with the international community.

Comprehensive Test-Ban Treaty (CTBT)

The related treaty – the CTBT - that was adopted in 1996 has not yet entered into force to ensure testing of nuclear weapons is permanently prohibited. Given the nuclear renaissance, the CTBT offers a very visible

barrier between the peaceful and legitimate use of nuclear energy, and its use for military purposes.

As of 1 May 2009, 51 African states had signed the CTBT and 36 have ratified it. Mauritius and Somalia have not signed. Twenty-four African states host CTBT international monitoring stations designed to collect seismological, hydroacoustic, infrasound and radionuclide data as part of the CTBT International Monitoring System (IMS) designed to enable CTBT member states to assess whether a nuclear explosion has occurred. The data obtained through the IMS is freely available to all CTBT states signatories and the Preparatory Commission for the CTBTO offers a range of technical and legal support for implementation, including assistance with establishing a National Data Centre.

African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)

In July 1964, the then Organisation of African Unity (OAU) adopted the Declaration on the Denuclearization of Africa [AHG/Res.II(I)]. The final text of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) was completed at a meeting of experts in South Africa in 1995, and was approved by African Heads of State on 23 June 1995.

The Treaty declares Africa a zone free of nuclear weapons. As an important step towards strengthening the non-proliferation regime, it provides for the promotion of co-operation in the peaceful uses of nuclear energy; requires complete nuclear disarmament by African states; and enhances both regional and global peace and security. Thus, the Pelindaba Treaty seeks to ensure that nuclear weapons are not developed, produced, tested, or otherwise acquired or stationed anywhere on the African continent or its associated islands.

Twenty-eight ratifications and deposits are needed to bring the Treaty of Pelindaba into force. As of 1 May 2009, all 53 African states, as well as the territory known as the Sahrawi Arab Democratic Republic have signed the Treaty, and 27 countries have deposited their instruments of ratification with the African Union Commission / Authority (the Treaty Depository).

Pelindaba has an important role in strengthening the objectives of the NPT. The Treaty not only commits African countries to not manufacture, acquire, test, or possess nuclear weapons but also facilitates the use of

nuclear energy for peaceful purposes on the continent. Like other Nuclear-Weapon-Free Zones (NWFZ) treaties, the Treaty of Pelindaba, includes a protocol for the five NWS to sign and ratify and therefore to respect the status of the zone and to provide “negative security assurances”. To date, the United Kingdom, France and China have signed and ratified this Protocol; however, the United States and Russia have not ratified as yet.

As a NWFZ, Africa has reinforced the commitments by both NNWS and NWS states to the nuclear disarmament and nuclear non-proliferation objectives of the NPT. In addition, the CTBT and the Treaty of Pelindaba (given its test ban provisions and Protocol I) are mutually reinforcing. Given that the impact and effects of any nuclear test, use or accidents involving nuclear weapons cannot be contained within national boundaries or even continents, the rapid entry-into-force of the CTBT and the Treaty of Pelindaba is therefore of regional and global importance.

The Biological and Toxin Weapons Convention

The Biological and Toxin Weapons Convention (BTWC) entered into force in 1975. It prohibits the development, production, acquisition, transfer, retention and stockpiling of biological and toxin weapons. As of April 2009, 35 African countries are States Parties and eight are signatories. Ten African countries have neither signed nor ratified.

Biological weapons control does not feature prominently on national, regional and continental African agenda as biological weapons are not considered a primary threat on the continent. Any discussion about biosafety and biosecurity in the African context needs to be informed by the fact that scientific research and diagnostic facilities remain under-resourced and under-developed on the continent. While no comprehensive audit has been conducted to determine the number of laboratories in Africa, the laboratories that do exist often have insufficient biosafety measures. Improvement of biosafety procedures, rather than sophisticated and expensive biosecurity-related infrastructure, is a pressing priority for the continent. In general, Africa’s primary concern is not the intentional misuse of science to cause harm, but rather, the risk from natural disease outbreaks. There is recognition of the need to develop and strengthen the capacity, both human and infrastructural, for life sciences research and diagnosis and to improve the safety practices at laboratories across the continent through the formulation of policy

and legislation.

Notwithstanding this, many African scientists once aware of potential security problems, recognise the importance of measures to reduce the risk associated with dual-use research and express their support for the development of appropriate oversight mechanisms. However, continued effort must be made to educate and sensitise policy makers, regulators, scientists and technical workers.

The Chemical Weapons Convention

The Chemical Weapons Convention (CWC) came into force on 29 April 1997. It represents the world’s first multilateral disarmament agreement providing for the elimination of an entire category of weapons of mass destruction within a fixed timeframe. The CWC obliges States Parties not to develop, produce, acquire, stockpile, transfer, use or prepare to use chemical weapons. The convention also requires the destruction of all chemical weapons and chemical weapons production facilities owned or controlled by a State Party, as well as the destruction of chemical weapons abandoned by a State Party on the territory of another State Party.

There are currently 50 African countries that are States Parties and three (Angola, Egypt and Somalia) that are non-signatory states to the CWC. This near universalisation is largely due to the numerous co-ordinating activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) and more specifically as a result of the Memorandum of Understanding on Co-operation between the Technical Secretariat and the Commission of the African Union. The Memorandum seeks to enhance co-operation between the two Organisations to implement the CWC and to achieve universality in Africa, in accordance with the decision adopted by the Heads of State and Government of the African Union at Durban, South Africa in July 2002 (Decision AHG/Dec.182 (XXXVIII)).

The creation of an OPCW ‘African Group’ and a specific Programme for Africa has also enabled African states to plan regular meetings on the continent on topics that are relevant to them.

United Nations Security Council Resolution 1540

In an effort to strengthen the existing international non-proliferation regime, the United Nations Security Council adopted Resolution 1540 in April 2004. The

resolution, which is legally binding on all UN member states and therefore on all African states, aims to prohibit states from providing any form of support to non-state actors (NSA) who attempt to acquire or produce weapons of mass destruction (WMD). It compels states to implement and enforce effective measures in their national legislation to prevent NSAs from being able to develop, acquire, manufacture, possess, transport, transfer or use any type of WMD and/or related materials.

While many African countries have expressed support for 1540, as of 1 May 2009, only 21 African states have submitted required reports to the 1540 Committee on progress made in implementing the provisions of the resolution. Only six African countries have provided further information. Most of the reports do not contain much detail also suggesting that implementing the resolution is not a high priority in Africa. Almost every African country that has submitted a report has stated that they do not possess any type of WMD and therefore cannot provide any form of assistance to non-state actors in acquiring them. Countries have also listed existing national legislation that broadly pertains to 1540 requirements, however much of the legislation listed is outdated and insufficient to effectively deal with more recent WMD threats.

Reports also indicated that sufficient border controls are in place. Generally, border controls on the continent are notoriously weak and porous, however, and it is unlikely that these controls (which were put in place largely to curtail the illicit trafficking of small arms and other illegal substances) are sufficient for preventing the proliferation of chemical, biological or nuclear weapons, or their agents/components.

More focus on implementing 1540 is needed in Africa particularly as a number of countries are actively considering nuclear energy programmes and will need to develop effective control systems over raw and processed nuclear materials. Furthermore, the development of more effective border controls to this end could further contribute towards curbing the illicit arms and drug trade.

Policy Recommendations

- The international donor community should offer

resources in the form of legal expertise to assist in drafting reports and appropriate legislation and on the technical aspects of implementing the provisions of the NPT; the Treaty of Pelindaba; CTBT; the BTWC; CWC and, UNSC Resolution 1540 either through appropriate NGOs or via government-to-government projects.

- The African Union should be engaged in relation to WMD issues in general so as to promote more 'buy-in' into what is largely perceived to be a concern of the developed world.
- Programmes should urgently be developed to assist African states to fully participate in the debates in the period leading up to, and during, the 2010 NPT Review Conference.
- Other countries should encourage African States to attend and participate more actively in international non-proliferation and disarmament fora in general, including annual BTWC and CWC Meetings of States Parties and/or Meeting of Experts.
- An audit of African disarmament, arms control and non-proliferation training facilities for diplomats, officials and NGOs should be undertaken to identify gaps and needs.
- Those African states that have not yet ratified the Treaty of Pelindaba, as well as the territory known as the Sahrawi Arab Democratic Republic, should be encouraged to do so urgently.
- The United States and Russia should be encouraged to ratify the relevant Protocol of the Treaty of Pelindaba that would prevent them from either using or threatening to use nuclear weapons against any African country.
- African states should be encouraged to ratify the CTBT as soon as possible, not only to ensure that the testing of nuclear weapons is permanently prohibited, but also to allow them to take advantage of the data generated by the international monitoring stations and the range of technical and legal support offered by the Preparatory Commission for the CTBTO.
- Regional meetings should be organised in order to provide African states with the opportunity to engage on issues of relevance for the continent with respect to the NPT, BTWC and the CWC.
- An audit of the number of laboratories with insufficient biosafety measures should be drawn up and an action plan to correct this devised,
- Easily accessible educational programmes and materials on the CWC, BTWC, the NPT and Resolution 1540 should be developed specifically for African government officials and scientists in order for them to better understand their obligations.
- Greater political support is needed to help place the NPT, the Treaty of Pelindaba, Resolution 1540, the CWC and the BTWC into an African developmental context and to highlight the socio-economic benefits of full implementation of these agreements.
- States should be approached bilaterally for discussions on UNSC 1540 and the significance of implementing its provisions. A particular focus should be placed on states that are considering developing nuclear power programmes, as well as those who possess extensive uranium deposits. Focus should be placed on those states that have not yet submitted an initial report.

African Status: Ratifications and 1540 Reports

African State	Treaty of Pelindaba	NPT	CTBT	BTWC	CWC	1540 Reports
Algeria	X	X	X	X	X	X
Angola		X				X
Benin	X	X	X	X	X	X
Botswana	X	X	X	X	X	
Burkina Faso	X	X	X	X	X	X
Burundi		X	X		X	
Cameroon		X	X	X	X	X
Cape Verde		X	X	X	X	
Central African Republic		X			X	
Chad		X			X	
Comoros		X			X	
Congo (Republic of)		X		X	X	
Côte d'Ivoire	X	X	X		X	
Djibouti		X	X		X	X
Democratic Republic of Congo (DRC)		X	X	X	X	
Egypt		X				X
Equatorial Guinea	X	X		X	X	
Eritrea		X	X		X	X
Ethiopia	X	X	X	X	X	
Gabon	X	X	X	X	X	
Gambia	X	X		X	X	
Ghana		X		X	X	X
Guinea	X	X			X	
Guinea-Bissau		X		X	X	
Kenya	X	X	X	X	X	X
Lesotho	X	X	X	X	X	

Liberia		X			X	
Libya	X	X	X	X	X	X
Madagascar	X	X	X	X	X	
Malawi	X	X	X		X	
Mali	X	X	X	X	X	
Mauritania	X	X	X		X	
Mauritius	X	X		X	X	X
Morocco		X	X	X	X	X
Mozambique	X	X	X		X	
Namibia		X	X		X	X
Niger		X	X	X	X	
Nigeria	X	X	X	X	X	X
Rwanda	X	X	X	X	X	
Sao Tome & Principe		X		X	X	
Senegal	X	X	X	X	X	X
Seychelles		X	X	X	X	
Sierra Leone		X	X	X	X	X
Somalia						
South Africa	X	X	X	X	X	X
Sudan		X	X	X	X	
Swaziland	X	X		X	X	
Tanzania (United Republic of)	X	X	X		X	X
Togo	X	X	X	X	X	
Tunisia		X	X	X	X	X
Uganda		X	X	X	X	X
Zambia		X	X	X	X	
Zimbabwe	X	X		X	X	