



AFRICA'S POLICY IMPERATIVES

Arms Management Programme

AFRICA'S DEVELOPMENT AND WEAPONS OF MASS DESTRUCTION PROJECT

Issue 2: June 2010

Africa's Development and the Threat of Weapons of Mass Destruction: Update 1

Noel Stott, Amelia du Rand and Dominique Dye

This update to 'Africa's Policy Imperatives' Issue 1 published in May 2009, 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.ⁱ This ISS project aims to identify and strengthen Africa's role in these international efforts in the context of the continent's developmental imperatives.ⁱⁱ

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. African States make up almost a third of all NPT States Parties.

While most African states attend NPT conferences, their active involvement has, in the past, 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.

All too often then, 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. However, African States played a significant role in the recently concluded May 2010 Review Conference, both individually and as members of regional groupings such as the Africa Group, the Arab Group and the Non-Aligned Movement (NAM), and, in the case of Egypt, as Chair of NAM. Attended by virtually all African Union members, the following African States made opening statements to the NPT Review Conference, in which they set out their positions, including: Algeria, Botswana, Burkina Faso, Cameroon (on behalf of the Africa Group), Congo, Egypt, The Gambia, Ghana, Kenya, Libya, Morocco, Mozambique, Namibia, Nigeria, Senegal, South Africa, Sudan, Tanzania, Tunisia, Uganda, Zambia, and Zimbabwe. More active African support for a world without nuclear weapons, which has gained significant momentum globally, may, in part, be as a result of the July 2009 entry-into-force of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba).

The Africa Group reaffirmed the urgent need for commitment of the Nuclear Weapon States to all the 13 Practical Stepsⁱⁱⁱ including the necessity to diminish the role of nuclear weapons in their security policies and the early entry into force of the CTBT as a meaningful step in the realisation of a systematic process to achieve nuclear disarmament.^{iv}

The adoption of a Final Document, while not meeting all of Africa's expectations, was seen by many African States as a significant achievement in maintaining the vision of a world without nuclear weapons. The final document also reaffirms NNWS inalienable right to pursue peaceful uses of nuclear energy in terms of Article IV of the Treaty. Most importantly for Africa is that the final document states that developing states should be given preferential treatment in this area.

Comprehensive Test-Ban Treaty (CTBT)

The Comprehensive Test Ban Treaty (CTBT) was adopted in 1996 but 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. In addition, The Treaty of Pelindaba and the CTBT are mutually reinforcing. The CTBT not only reinforces the Treaty of Pelindaba's 'no-test' obligation but also has an important focus on the use of its verification technologies for civil and scientific applications (Tsunami warning, volcanic and seismic monitoring, etc).

As of 1 June 2010, 51 African states had signed the CTBT and but less than 40 have ratified it – the latest being the Central African Republic on 26 May 2010. Mauritius and Somalia have not signed. Egypt remains the only African State, whose signature and ratification is required for the Treaty to enter into force.

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 were needed to bring the Treaty of Pelindaba into force, which occurred in July 2009. As of 1 June 2010, all 53 African states, as well as the territory known as the Sahrawi Arab Democratic Republic have signed the Treaty, and 29 countries have deposited their instruments of ratification with the African Union Commission / Authority (the Treaty Depository).

Under Articles 12 and 14, the African Union, as the Treaty Depository, is now mandated to arrange a first Conference of Parties at which the composition, location and role and functions of African Commission on Nuclear Energy (AFCONE) should be finalised, and at which such matters as the Commission's budget and the scale of assessment to be paid by the State Parties should be agreed. AFCONE is due to be located in South Africa.

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. At the May 2010 NPT Review Conference, the USA delegation announced that it would submit these protocols to its Senate. "Upon ratification, parties to those agreements will have a legally binding assurance that the United States will not use or threaten to use nuclear weapons against them, and will fully respect the nuclear-weapons-free status of the zones".^v

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 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, 1 June 2010, 35 African countries are States Parties and eight are signatories: Burundi, Central African Republic, Côte d'Ivoire, Egypt, Liberia, Malawi, Somalia and the United Republic of Tanzania Ten African countries have neither signed nor ratified: Angola, Cameroon, Chad, Comoros, Djibouti, Eritrea, Guinea, Mauritania, Mozambique and Namibia.

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. At the same time, 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.

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 June 2010, only 27 African states have submitted required reports to the 1540 Committee on progress made in implementing the provisions of the resolution. Most of the reports do not contain much detail also suggesting either that implementing the resolution is not a high priority in Africa or that some African States do not have the capacity to fill in complicated forms or that there is simply "reporting fatigue". Many of the African States that have submitted a report state that they do not possess any type of WMD and therefore could not 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.

Generally, border controls on the continent are notoriously weak and porous, and while some reports indicate that sufficient border controls are in place, 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 small 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.
- Additional programmes, including sponsorship arrangements, should be developed to assist African states to fully participate in, for example, the conferences of the BTWC and the CWC so that they may actively participate in international non-proliferation and disarmament fora.

- 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.
- 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.
- The donor community should assist the African Union in hosting the First Meeting of States Parties to the Treaty of Pelindaba where the its compliance body, the African Commission on Nuclear Energy, will be established.
- Countries such as Ghana, Zimbabwe, Swaziland, Angola and Equatorial Guinea should be encouraged to ratify the CTBT as this will contribute to the momentum towards entry-into-force of the CTBT and 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 non-proliferation 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. A focus should be placed on those states that have not yet submitted an initial report.

African Status: Ratifications and Submission of 1540 Reports (as at 1 June 2010)

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		X	
Cameroon		X	X		X	X
Cape Verde		X	X	X	X	
Central African Republic		X	X		X	
Chad		X			X	
Comoros		X			X	
Congo (Republic of)		X		X	X	
Côte d'Ivoire	X	X	X		X	X
Djibouti		X	X		X	X

Democratic Republic of Congo (DRC)		X	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		X	
Libya	X	X	X	X	X	X
Madagascar	X	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	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	X

Sierra Leone		X	X	X	X	X
Somalia						
South Africa	X	X	X	X	X	X
Sudan		X	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	X
Uganda		X	X	X	X	X
Zambia		X	X	X	X	
Zimbabwe	X	X		X	X	

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

ⁱⁱ 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; Amelia Broodryk and Noel Stott, "Africa and the Nuclear Non-Proliferation Treaty 2010 Review Conference: a Consolidated Report of Three Preparatory African Workshops", ISS, April 2010; Noel Stott, Amelia du Rand and Gugu Dube, "African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba): establishing the African Commission on Nuclear Energy (AFCONE): a Background Paper", March 2010; Noel Stott, Amelia du Rand & Jean du Preez, "The Treaty of Pelindaba: Beyond Entry-into-Force of the African Nuclear-Weapon-Free Zone Treaty", ISS, March 2010; Noel Stott, Hubert Foy and Patricia Lewis, "Beyond Entry-into-Force of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba): an Experts Workshop on Establishing the African Commission on Nuclear Energy (AFCONE): Co-hosted by the Institute for Security Studies (ISS) and the James Martin Center for Nonproliferation Studies (CNS), 18 – 19 March 2010, Kievits Kroon, Plot 41, Reier Road, Kameeldrift-East, Pretoria, South Africa.

ⁱⁱⁱ At the 2000 Review Conference, the 13 Practical Steps for the systematic and progressive efforts to achieve complete disarmament were agreed to by all NPT States Parties.

^{iv} Statement by H.E. Tommo Monthe, Ambassador and Permanent Representative of the Republic of Cameroon on behalf of the African Group States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 5 May 2010.

^v Statement by Secretary of State, Hillary Rodham Clinton to the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, General Debate, New York, 3 May 2010.