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IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION
OF AFRICA

Letter dated 15 October 1991 from the Permanent Representative
of Nigeria to the United Nations addressed to the
Secretary-General

I have the honour, on behalf of the Chairman of the Organization of African Unity (OAU), to transmit to you herewith the report of the experts who met at the General Secretariat of the OAU in Addis Ababa, Ethiopia, from 6 to 10 May 1991 to examine the modalities and elements for the preparation of a convention or treaty on the denuclearization of Africa, pursuant to paragraph 9 of General Assembly resolution 45/56 of 4 December 1990 on the denuclearization of Africa.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly.

(Signed) Ibrahim A. GAMBARI
Ambassador
Permanent Representative of Nigeria
to the United Nations

Annex

REPORT OF THE MEETING OF EXPERTS TO EXAMINE THE MODALITIES
AND ELEMENTS FOR THE PREPARATION AND IMPLEMENTATION OF A
CONVENTION OR TREATY ON THE DENUCLEARIZATION OF AFRICA

Introduction

1. By its resolution 45/56 A of 4 December 1990, the General Assembly inter alia requested the Secretary-General "to provide all necessary assistance that the Organization of African Unity may seek regarding the convening, at Addis Ababa during 1991, of a meeting of experts to examine the modalities and elements for the preparation and implementation of a convention or treaty on the denuclearization of Africa".

2. A meeting of experts was organized by the Department for Disarmament Affairs, in cooperation with the OAU, which took place in Addis Ababa from 6 to 10 May 1991. In the absence of the OAU Secretary-General, the Assistant Secretary-General for Political Affairs, Ambassador Yilma Tadesse, opened the meeting. Statements were made by Ambassador Tadesse and Mr. Sola Ogunbanwo, the Senior Coordinator of the Disarmament Department's Fellowship, Training and Advisory Services Programme, at the opening meeting.

3. The following experts took part in the meeting: Dr. Hamed Ben Yamina, Director, Strategic Planning Department, Ministry of Foreign Affairs, Algiers, Algeria; Ambassador Oluyemi Adeniji, Deputy Director General (Regions), Ministry of External Affairs, Abuja, Nigeria; Mrs. Liberata Mulamula, First Secretary, Permanent Mission of the United Republic of Tanzania to the United Nations, New York; Ambassador Bagbeni Adeito Nzengeya, Permanent Representative of Zaire to the United Nations, New York; Dr. Gift Punungwe, Director, Africa Department, Ministry of Foreign Affairs, Harare, Zimbabwe; Ambassador Ibrahim Sy, Executive Secretary, OAU, New York; Colonel Gustave Zoula, Chief, Section for Defence and Security, OAU, Addis Ababa, Ethiopia; and Alhaji Ahmadu Niang, Political Officer, Section for Defence and Security, OAU, Addis Ababa, Ethiopia.

4. Representatives of the following countries attended as observers: Algeria, Cameroon, Egypt, Ethiopia, Côte d'Ivoire, Mali, Nigeria, Senegal, United Republic of Tanzania and Zimbabwe.

5. Ms. Martine Letts, Alternate Representative, Australian Delegation to the Conference on Disarmament, Geneva, Switzerland, and Dr. Odette Jankowisch, Legal Division, International Atomic Energy Agency, Vienna, Austria, attended the meeting as expert-observers.

Election of officers

6. The meeting elected the following officers:

Chairmen: Ambassador Olu Adeniji
Ambassador Ibrahim Sy

Vice-Chairmen: Ambassador Bagbeni Adeito Nzengeya
Mr. Sola Ogunbanwo

Rapporteur: Dr. Ahmed Ben Yamina

Report of the meeting of experts

7. Following the election of officers, the experts considered that their meeting to "examine the modalities and elements for the preparation and implementation of a convention or treaty on the denuclearization of Africa" pursuant to resolution 45/56 A was being held at an opportune time. More than 25 years after the adoption of the Declaration on the Denuclearization of Africa by the Assembly of African Heads of State and Government in Cairo in July 1964, it was necessary to undertake initiatives leading to an implementation of the objective of the denuclearization of Africa.

8. In this light, the Meeting of Experts at Addis Ababa from 6 to 10 May 1991 represented a significant first step. A follow-up of this process should be encouraged, particularly at a time when Africa was involved in a number of undertakings aimed at strengthening its stability and security and the economic integration of the continent through the establishment of an African Economic Community.

9. The Experts stated that an effective process of denuclearizing the continent should be incorporated into a world-wide disarmament effort and should also take into account international trends in the fields of disarmament and security. In this respect, they also pointed out that the implementation of the Declaration on the Denuclearization of Africa had for a long time been impeded by the prevailing global and regional armaments race, including the nuclear-arms race, and South Africa's nuclear-weapon capability. At present, Africa should endeavour to take advantage of the progress made in the field of disarmament, including nuclear disarmament, the lessening of East-West tensions and the development of the situation in South Africa.

10. They noted that since the adoption of the Declaration on the Denuclearization of Africa the concept of a nuclear-weapon-free zone had been further developed and implemented in Latin America (Treaty of Tlatelolco) and in the South Pacific (Treaty of Rarotonga) and that efforts were being made to transform other regions, including the Middle East, into nuclear-weapon-free zones. Moreover, studies conducted by the United Nations had further refined the concept and defined the principles and modalities of its implementation.

Africa could therefore examine the existing treaties establishing nuclear-weapon-free zones in order to draw from them the elements useful for the specific case of the African continent.

11. Having studied resolution AHG/Res.11(I) of the Cairo Summit declaring Africa a nuclear-weapon-free zone, the experts considered that it constituted the basic political reference to be used in the process of denuclearizing Africa. However, they also pointed out that some of its elements should be revised, for example, paragraph 4 of the document, in which the United Nations General Assembly was called on to approve the declaration at its nineteenth regular session and to take all the measures necessary to convene an international conference to conclude an international treaty. The experts were of the opinion that while the United Nations might provide technical assistance in the implementation of the Declaration it would be for the OAU to convene such a conference.

12. With respect to the political conditions required for the holding of such a conference, the experts emphasized that it should be left to the Governments to determine the advisability of the conference. They felt that it was important to take advantage of the favourable international trend prevailing at present to implement the 1964 Declaration. Of course, such a conference should be adequately prepared in order to ensure its success.

13. The experts considered the question of whether the legal form of the agreement establishing Africa's denuclearized status should be that of a treaty or convention. They noted that while resolution AHG/Res.11(I) referred to a treaty, the only existing draft legal instrument on the subject was a draft convention for the denuclearization of Africa. However, it was pointed out that both Latin America and the South Pacific had been established as nuclear-weapon-free zones by treaties, rather than conventions. It was considered, however, that the question could be resolved once the content of the legal instrument had been determined and completed.

14. Broaching the question of the geographical zone to which the continental denuclearization status would apply, the experts considered that it should apply to the whole continent including the adjacent islands and recalled in this connection resolution CM/Res.676(XXXI) on "the territorial integrity of Africa and the islands surrounding the African continent". They also agreed that the convention on the Law of the Sea would be a helpful reference in defining the maritime zone.

15. The experts stressed the necessity for foreign Powers exercising trusteeship responsibilities in territories or islands forming a part of Africa to commit themselves to respecting their denuclearized status, in the sense that the denuclearized status of Africa would apply fully to those islands and territories, and that they would sign a protocol specifically so stating.

16. The experts underscored the absolute need for South Africa to be subjected to the obligations deriving from Africa's status as a nuclear-weapon-free zone. In this connection, they noted that there was an essential difference between Africa on the one hand and Latin America and the South Pacific on the other in that there was a State in Africa - South Africa - which already possessed a military nuclear capability. It was therefore necessary not only to ensure that no nuclear weapons were introduced but also that those in South Africa's possession were destroyed. To that end, the experts considered that South Africa must comply with the establishment of a nuclear-weapon-free zone and the decisions relating to it, in particular, by signing the non-proliferation Treaty and by submitting all its nuclear activities to full IAEA safeguards.

17. The experts also stressed the importance they attributed to the process of implementing the Declaration on the Denuclearization of Africa. In that regard, they underscored the legitimate concerns some African, including North African, countries, might have, and stressed the importance of the establishment of a nuclear-weapon-free zone in the Middle East.

18. It was also considered essential by the experts that, as a consequence of their commitment to safeguard the continent against the introduction of nuclear weapons, the States possessing such weapons should agree in a satisfactory and consistent manner not to use nuclear weapons against any African country, and to fully respect the nuclear-weapon-free status of the continent. Their adherence to the Protocols drawn up for that purpose was therefore essential. The experts noted in that connection that it was in the Mediterranean, off the coast of North Africa, that the world's greatest concentration of arms, including nuclear arms, was to be found.

19. With respect to the future convention or treaty, the experts agreed that its aim would be to prohibit nuclear weapons, not the use of nuclear technology for peaceful purposes. In this connection they emphasized the legitimate right of African States to freely obtain control of nuclear technology exclusively for peaceful purposes and encouraged the African States to develop their expertise and their cooperation in this area.

20. The experts then turned to a comparative study of the process of establishing nuclear-weapon-free zones in Latin America and the South Pacific. In that connection they heard a comprehensive exposition of the Treaty of Rarotonga. Attention was drawn to the fact that some nuclear Powers had not signed the Protocols submitted to them within the framework of the Treaty of Tlatelolco and the Treaty of Rarotonga. In that context, they also stressed the need to evaluate realistically the nuclear Powers' political willingness to cooperate and to support and respect the denuclearized status of Africa.

21. Examining the elements to be included in the prohibitions and obligations covered by the future treaty or convention, the experts identified the following items which should be the object of further study:

- Development;
- Production;
- Stockpiling;
- Acquisition;
- Transfer;
- Use;
- Testing of nuclear weapons;
- Destruction of existing nuclear weapons in case of possession, as by South Africa;
- Transportation;
- Dumping.

22. With regard to dumping, the experts agreed to consider the questions of both the disposal of nuclear wastes at sea and the disposal of radioactive wastes in the territory of the States parties.

23. The experts considered that the question of the use of nuclear energy for peaceful purposes constituted an important aspect of the treaty or convention and should therefore be given special attention, particularly with respect to the following principles:

- Positive affirmation of the need for the African States to commit themselves firmly to mastering nuclear technology for the purposes of economic and social development;
- The need for the African States to establish and strengthen mutual cooperation at the regional and subregional level in the use of nuclear energy for peaceful purposes;
- The right to apply for and obtain from the developed countries and from the IAEA assistance in the various aspects of the use of nuclear energy for peaceful purposes.

24. The experts also recognized the importance for African countries of making full use of the possibilities of cooperation and assistance offered to them by the IAEA. They noted that in the past many African countries had been unable to assess the opportunities offered them by cooperation with the IAEA in this domain. Following the example of the Latin American countries, African countries could maintain a more active presence in the IAEA.

The experts believed that Africa should have a particular interest in techniques for the development of nuclear energy for peaceful purposes as the

continent harboured large reserves of uranium, which could only be used for the development of nuclear energy. The African States should also make better use of AFRA, the African Atomic Energy Agency.

25. The question of nuclear explosions for peaceful purposes was not examined in depth. It was noted that the Treaty of Tlatelolco, unlike that of Rarotonga, authorized so-called peaceful nuclear explosions. The experts agreed that the perception of that question has changed greatly and that it should be the object of further study.

26. Examining the obligations of nuclear-weapon States with respect to the denuclearized zone, the experts concluded that it was essential that they provide adequate guarantees of non-use of nuclear weapons against an African State (negative guarantees) and that they should take all appropriate measures to prevent any possible threat of nuclear-weapons use against a State within the zone. A discussion in depth took place with respect to the difficulties encountered by the Conference on Disarmament in achieving a common formula acceptable to all nuclear-weapon States. They also questioned the effectiveness of a denuclearized zone in Africa in the absence of satisfactory negative and positive guarantees by the nuclear-weapon States. In that context they agreed on the usefulness of undertaking individual consultations with those States in order to assess their flexibility and to explore the possibilities for an acceptable formula.

27. The experts agreed that a future treaty or convention should be submitted after its approval by the African States for adoption by the United Nations General Assembly so that the States Members of the United Nations would be obliged to respect the denuclearized status of Africa.

28. In the case of the Security Council, the experts agreed that it was important for that organ to take a decision guaranteeing Africa and the African States assistance in the case of threats of use of nuclear weapons in order to pre-empt the possibility of any such threat. The Security Council was also the appropriate organ for the submission of any complaint regarding such a threat in order to enable it to take immediate and effective action.

29. The experts agreed that the Treaty's verification machinery should be carefully worked out and applied so as to ensure that none of the activities prohibited by the Treaty were carried out and that nuclear energy was utilized only for the purposes of economic and social development. The procedures should be even more stringent in the case of South Africa in order to ensure the destruction of its nuclear-weapon stockpile. For that purpose, South Africa should be required to declare not only its stockpiles of weapons but of fissionable material and its capacity to produce them. The destruction procedures should involve the OAU, the Security Council, the nuclear-weapon States and the IAEA.

30. In order to ensure adequate verification and strengthen mutual confidence, all the States should declare their nuclear programmes and agree to subject them to verification procedures to be carried out within the framework of the Treaty by the OAU in cooperation with the IAEA.

31. Appropriate machinery should also be provided for complaints concerning non-compliance with the prohibitions established by the Treaty. The Treaty of Tlatelolco might serve as a model. Consideration might also be given to resort in the first instance to the OAU, which could then in turn decide to recommend action by the Security Council. The OAU could also submit the complaint to the IAEA in conformity with the verification procedures established by the Treaty.

32. The experts agreed that the system of verification to be established by the Treaty would depend on the nature and scope of the prohibitions established by the Treaty. They also considered that it would be for the parties to decide on the verification system they considered safest and most appropriate to guarantee Africa's denuclearized status. In any case, every State party to the treaty or convention should enter into a full safeguards agreement with the IAEA. The verification systems might also combine regional, subregional or continental elements. It would be for the parties to decide on concluding the kind of regional or subregional arrangement with the IAEA which would enable the IAEA, in conjunction with the OAU or pursuant to subregional agreements, to carry out the inspection and verification functions agreed on. However, while emphasizing the importance of verification, the experts also stressed that of State sovereignty, which would be the determining factor in establishing the procedures for verification and inspection.

33. The experts considered that, as a proof of their sincerity and a confidence-building measure, States could submit regular periodic reports to the designated authority on their compliance with the obligations of the Treaty in their nuclear activities.

34. In the case of a violation of the Treaty by a nuclear-weapon State, the procedure might be the submission of the matter to the Council of Ministers of the OAU, which would in turn submit it to the United Nations Security Council or the General Assembly.

35. In considering the institutions which might be established within the framework of the Treaty, the experts drew attention to their financial implications. It was accordingly agreed that the machinery to be established should be within the framework of the OAU. That machinery should be designed not only to supervise and verify compliance with the obligations established by the Treaty but to encourage and assist in the development of nuclear energy for peaceful purposes.

36. A suggestion, which could be further pursued, was made to establish a committee to supervise the implementation of the Treaty. The committee would be made up of 12 members elected on a regional basis and would receive periodic reports from States and subregional groupings.

37. In concluding its work at this meeting, the group of experts wished to emphasize that, owing to a lack of time, it had been unable to complete its consideration of the following questions:

- Relations with other international agreements and similar zones;
- Technical clauses such as ratification, entry into force, duration, reservations and withdrawal.

Recommendations

38. The group of experts agreed to recommend that the Council of Ministers in considering the action to be taken on this report should take into account the following suggestions:

1. To bear in mind that the development of the international situation is favourable for the initiation of a process of implementation of the Declaration on the Denuclearization of Africa (1964) and the relevant provisions of the OAU declaration on security, disarmament and development (1985);
2. To decide to establish an intergovernmental group of African experts to consider this report in depth;
3. To request the Secretary-General of the United Nations, in consultation with the Secretary-General of the OAU, to convene a second meeting of the group of experts appointed by the United Nations in consultation with the OAU;
4. To decide to hold a joint meeting of the two groups of experts in conjunction with the second meeting of the group of experts appointed by the United Nations;
5. To decide to include in the agenda of the fifty-sixth session of the Council an item entitled "Implementation of the Declaration on the Denuclearization of Africa and Development of Nuclear Energy for Peaceful Purposes".
