CHAPTER FIVE

SOUTH AFRICA AND THE AFRICAN NUCLEAR WEAPON FREE ZONE TREATY

1. Introduction

The *African Nuclear Weapon Free Zone Treaty* (hereafter the Pelindaba Treaty or the Treaty of Pelindaba) entered into force on 15 July 2009. The idea of an African Nuclear Weapon Free Zone (ANWFZ) originated in the OAU during the 1960s. After those initial attempts to denuclearise Africa, the diplomatic process lost momentum with the entry into force of the NPT on 5 March 1970. Further impinging factors were the nuclear ambitions of some African states, as well as South Africa's hawkish nuclear posture and nuclear weapons programme.

The Pelindaba Treaty entered into force simultaneously with what has been described as a global "nuclear renaissance", namely the renewed interest in nuclear energy to address energy shortages. This nuclear revival was driven by increased energy demands, the quest for energy security and efforts to mitigate global warming and climate change (Findlay 2011). The uneven distribution of energy resources and increased energy shortages in Africa had contributed to the decision by some African leaders to pursue nuclear energy. Countries in this position include Algeria, Egypt, Morocco, Namibia and Nigeria (Khripunov 2007: 1; Cawthra & Møller 2008: 133-153; Gourley & Stulberg 2009: 22-24; Meshesha 2011). Moreover, as previously discussed, South Africa had also indicated its intention to expand its nuclear energy programme.

The aim of this chapter is to analyse South Africa's nuclear diplomacy with Africa, particularly the country's nuclear diplomacy on to the evolution; entry into force; and implementation of the Pelindaba Treaty. It is argued that since 1990, South Africa has conducted its nuclear diplomacy with African states in a manner to convince the continent of its commitment to nuclear non-proliferation and its support of the continental norm of a denuclearised Africa.

Accordingly, the chapter traces this norm cycle through an analysis of the origins of nuclear weapons free zones (as an expression of the norm of nuclear non-

proliferation), as well as South Africa's involvement in the Pelindaba Treaty process. It also covers the country's nuclear diplomacy with the AU and African states regarding South Africa's compliance with the norms espoused by nuclear weapons free zones, and its identity, roles and interest concerning nuclear weapons and Africa. The chapter concludes with an assessment of the country's diplomatic instruments and achievements.

Three *caveats* apply to this chapter. Firstly, as the Pelindaba Treaty only entered into force in 2009, it is arguably premature to assess the full extent of South Africa's nuclear-related relations in this regard. Secondly, since the African Commission on Nuclear Energy (AFCONE), the Treaty's compliance mechanism was only established in 2010, this prevents a comprehensive analysis of AFCONE and South Africa's nuclear diplomacy.[43] Finally, the chronological scope of the chapter extends beyond the 1990 to 2010 period. As a point of departure and to contextualise the Pelindaba Treaty, the next section covers the origins and meaning of nuclear weapons free zones as an expression of the norms of nuclear non-proliferation, the peaceful use of nuclear energy and nuclear disarmament.

2. Nuclear weapons free zones

The establishment of nuclear weapons free zones (NWFZs) has been one of the most significant post-1945 multilateral efforts to prevent nuclear proliferation. In the context of this study, a NWFZ is deemed to be an international regime (see Chapter 2) since it includes mutually agreed upon norms and operating procedures on nuclear issues (Ruggie 1998; Keohane & Nye 1977; Haas 1980; Young 1980; Krasner 1993). However, NWFZs are not a normative innovation but rather an instrument and innovative expression to prevent nuclear proliferation. The institutionalisation of NWFZs continues well into the 21st century with efforts to also declare the Middle East a NWFZ.

Underpinned by the norm of nuclear non-proliferation, NWFZs exist, in constructivist terms, due to states' intersubjective understanding of the dangers of nuclear weapons proliferation. In fact, NWFZs do not prevent states from developing nuclear

[43] The acronym AFCONE is used throughout this study. Initially, the AU used the acronym ACNE, but changed it subsequently in 2011 to AFCONE. See, in this regard, AU (2011a, 2011b & 2011c) and Minty (2011).

energy for peaceful purposes, based on their "inalienable right" in Article IV of the NPT. Their *raison d'être* is to provide national and regional security. In contrast to NNWS, who deem that the NPT serves to perpetuate certain nuclear inequalities in favour of NWS, NWFZs are perceived as not serving to perpetuate these inequalities and insecurities. More importantly, the existence of NWFZs limits the use and development of nuclear weapons in a specific geographically-defined area and therefore contributes to regional and international security (Reddy 1997: 275-276).

In their analyses of NWFZs in the post-Cold War era, Parrish and Du Preez (2005: 2-3) and Hamel-Green (2007: 6-8) similarly regard NWFZs as effective instruments to express the nuclear non-proliferation norm. They observed that these zones place geographical limitations on the development and proliferation of nuclear weapons; prevent nuclear tests; build confidence and trust among states in an insecure region; and advance regional cooperation on nuclear energy.

As an institution, NWFZs originated in the early days of the Cold War in Europe with Poland acting as a norm entrepreneur. Fearing West Germany's emergence as a nuclear power and the Soviet Union's troop deployment on its territory, Poland, on 2 October 1957, proposed the so-called Rapacki Plan (after Poland's foreign minister, Adam Rapacki) to the UNGA. The Plan called for a NWFZ in Central Europe - comprising of Poland, Czechoslovakia and the Federal Republic of Germany -to prevent nuclear proliferation in the region. As the Cold War intensified, norm leaders failed to socialise other states to become norm followers, the Rapacki Plan had little chance of implementation (Goldblat 1997: 18; Epstein 2001: 155).

Despite this failure of norm cascade, the idea of NWFZs as instruments of the norm of nuclear non-proliferation did not disappear. On the contrary, barely two years after the Rapacki Plan, the Antarctic Treaty, which entered into force in 1959, became the first expression of the norm of nuclear proliferation in the form of a NWFZ. The Cold War delayed further expressions of the norm. However, in 1967 the *Treaty for the Prohibition of Nuclear Weapons in Latin America* (the Treaty of Tlatelolco), declaring Latin America a NWFZ, entered into force. Today, the ideas encapsulated in the Rapacki Plan continue to be recognised as the foundation for all current NWFZs (see *Table 14*). Moreover, the Rapacki Plan is recognised as one of the earliest pre-NPT

expressions of the norm of nuclear non-proliferation; another being the establishment of the IAEA.

Table 14: Major nuclear weapons free zones

Nuclear weapons free zone	Treaty	Short title of Treaty	Entry into force
Antarctica	*Antarctic Treaty*	Antarctic Treaty	1959
Latin America	*Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean* (LANWFZ)	Treaty of Tlatelolco	1967
Outer Space	*Treaty on Principles Governing the Activities of States in the. Exploration and Use of Outer Space*	Outer Space Treaty	1967
Seabed	*Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and Ocean Floor and in the Subsoil Thereof*	Seabed Treaty	1971
Moon	*Agreement governing the Activities of States on the Moon and other Celestial Bodies*	Moon Treaty or Moon Agreement	1979
South Pacific	*South Pacific Nuclear-Free Zone (SPNFZ)*	Treaty of Rarotonga	1995
Southeast Asia	*Southeast Asian Nuclear-Weapon-Free-Zone Treaty (SEANWFZ)*	Bangkok Treaty	1997
Central Asia	*Central Asia Nuclear-Weapon-Free-Zone (CANWZ)*	Treaty of Semipalatinsk	2006
Africa	*African Nuclear-Weapon-Free-Zone Treaty (ANWFZ)*	Pelindaba Treaty	2009

Goldblat (1997: 18-19) & CNS (2011b)

The legacy of the Rapacki Plan is also evident in the NPT, notably Article VII of the NPT that affirmed the right of states to establish NWFZs in their territories “in order

to assure the total absence of nuclear weapons in their respective territories (UN 1968).

Thus, the NPT recognises regional treaties (on which NWFZs are based) as instruments of the norm of nuclear non-proliferation. A similar view on the rationale of socialisation of the norm of nuclear non-proliferation was expressed by the UNGA. In 1974, the UNGA initiated a comprehensive study of NWFZs. Subsequently, the UN encouraged the establishment of NWFZs as regimes expressing the norm of nuclear non-proliferation and in UNGA Resolution 3472B (1974) of 11 December 1974, described NWFZs as the "most effective means for preventing the proliferation, horizontal and vertical, of nuclear weapons" (quoted in Mukai 2005: 80).

In clarifying its position, the UNGA maintained that the objective of a NWFZ is to provide a legally binding instrument between two or more states to establish a specific region as free from nuclear weapons. Moreover, the objective is also to institute a series of verification and compliance mechanisms and negative security guarantees by all NWS (UNGA in Mukai 2005: 80). The NWFZ regime was further entrenched in 1975 when the UNGA adopted several guidelines that states should follow when establishing a NWFZ.[44] The First Special Session of the UNGA on Disarmament in May 1978 also reiterated the importance of NWFZs as a "disarmament measure" (UNGA 1978). However, since the UN first addressed the question of NWFZs in 1974, it took five years for the establishment of the next NWFZ, namely the *Agreement governing the Activities of States on the Moon and other Celestial Bodies* (Moon Agreement). It was only when the Cold War ended that more NWFZs were established with the Treaty of Rarotonga establishing the first post-Cold War NWFZ in the South Pacific (see *Table 14*). One possible explanation for this is that, as Cold War superpowers, the US and the USSR prevented these developments as both had stationed their nuclear weapons in several locations outside their national territories. Therefore, the presence of their nuclear weapons in

[44] These guidelines that were included in a consensus report of the United Nations Disarmament Commission of 1999 stated that NWFZs should emanate exclusively from states in the region and be based on mutually agreed upon legally binding arrangements by all states in the region; it should be recognized by extra-zonal states; NWS should be consulted prior to the ratification of the Nuclear Weapons Free Zone Treaty (NWFZT); state parties can decide on the access of nuclear aircraft, ships or submarines; the NWFZT should have a compliance mechanism; states have the right to develop and use nuclear energy for peaceful purposes; the obligations of the NWFZT should comply with International Law; and international assistance, including UN assistance should be provided to states to establish a NWFZ (Goldblat 2004: 54-55).

a particular region (or zone) was counterfactual to the idea of a nuclear weapons free area. This did not apply to an ANWFZ as forthwith discussed.

3. The evolution of the Treaty of Pelindaba

The idea of an ANWFZ was first raised in the 1960s and coincided with the development of South Africa's nuclear programme. This section chronicles the origins of the African nuclear non-proliferation position; the delays and the repeated resumptions of negotiations on a NWFZ treaty; and post-1990 efforts to include South Africa in negotiations on the treaty. It also describes the final phases of negotiating and drafting the treaty on a denuclearised Africa.

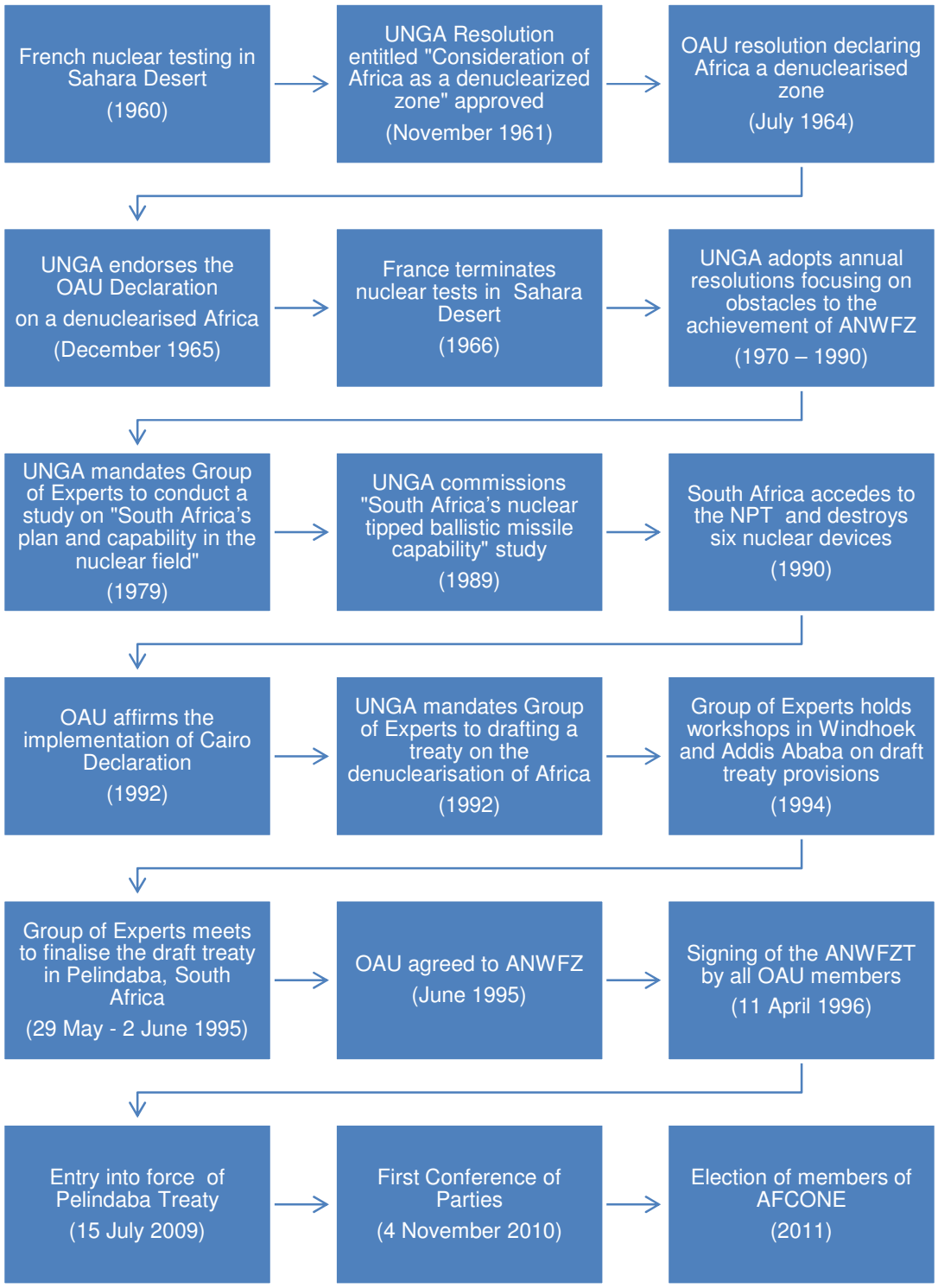
3.1 The origins of Africa's nuclear non-proliferation position

The origins of the Treaty of Pelindaba (see *Figure 12*) reside in the preoccupation of African states with nuclear energy since the dawn of the nuclear era. As a major repository of uranium, Africa has obtained strategic importance to emerging nuclear powers with the discovery of uranium in the former Belgian Congo (the current DRC). Like the Belgian Congo, South Africa's entrance into the nuclear era also resulted from its abundant uranium resources.

The early developments in this regard were confirmed by the South African diplomat, Donald Sole. In May 1944, a meeting took place between South Africa's Prime Minister, General Jan Smuts, and the Danish nuclear scientist Niels Bohr. Sole, serving in London at the time, described the event as the "genesis of South Africa's atomic energy policy" (quoted in Fourie *et al*. 2010: 263). Subsequently, the UK government requested General Smuts in 1945 to conduct a secret survey of the country's uranium reserves. Prior to this request, geological reports on radioactive materials in South Africa had already been released between 1915 and 1923 (Fourie *et al*. 2010: 264).

Towards the end of the 1940s, a uranium processing pilot project began operations in South Africa. The country's uranium production increased significantly with its exploration and extraction of uranium in South West Africa (now Namibia), which South Africa at the time administered as a League of Nations C-Class Mandate.

Figure 12: The evolution of the Treaty of Pelindaba



UNSC (1996); Lamamra (2010); Stott, Du Rand & Du Preez (2010: 5)

As South Africa's isolation increased, South African mining operations in South West Africa were repeatedly criticised as being "the illegal acquisition of Namibian uranium" at IAEA GCs (IAEA 1985 & 1986), and at the UNGA (UN 1994). Apart from Belgium's uranium exploration in the Belgian Congo, France also commenced uranium exploration in Africa and its early operations in Gabon, Niger and the Central African Republic (CAR) continue to this day. As France's nuclear energy and weapons programme developed, the country's uranium exploration in Africa correspondingly increased (Adeniji 2002: 25-26).[45]

The 1960s was a geo-political and nuclear turning point for Africa. Considering that most African states gained independence in the 1960s; that the Cold War had intensified; that the OAU was established; and that France conducted nuclear atmospheric tests in the Sahara Desert in February 1960 (Goldblat 1997: 24; Epstein 2001: 155), African states responded by expressing their opposition to these tests by terminating diplomatic relations (*e.g.* Nigeria); freezing French assets (*e.g.* Ghana); and by sponsoring a 1960 UNGA resolution condemning the French tests. The resolution, however, was not adopted due to a lack of international support.

As more African states became independent and faced new national and continental security threats, Kwame Nkrumah (1961: 231), Ghana's first post-independence president, observed:

> There are two threatening swords of Damocles hanging over the continent, and we must remove them. These are the nuclear tests in the Sahara by the French government and the apartheid policy of the Government of the Union of South Africa.

Nkrumah's government, as indicated, was one of the African governments to freeze French assets in response to French atmospheric nuclear tests in Africa. Moreover, Nkrumah's stature as Africa's first post-independence president added weight to anti-nuclear sentiments on the continent. In 1961, a larger number of African states supported the adoption of UNGA Resolution 1652 (XVI) (1961) on the *Consideration*

[45] Oluyemi Adeniji, a Nigerian diplomat and later Nigerian Minister of Foreign Affairs, served in numerous international positions relating to nuclear non-proliferation. His publication is unique as a first-hand account of the evolution of the Pelindaba Treaty and, *inter alia*, South Africa's role in the diplomatic process which resulted in the entry into force of the Treaty in 2009.

of Africa as a Denuclearized Zone, which declared Africa a nuclear weapon free zone. This resolution also called on UN members to refrain from testing, storing or transporting nuclear weapons in Africa (Epstein 2001: 155-156).

The UN initiative was endorsed by the OAU. At the Inaugural Summit of the OAU from 22-25 May 1963 French nuclear tests in Africa which were eventually terminated in 1966 were discussed under the agenda item of general disarmament. Resulting from this discussion, the summit unanimously adopted a resolution to declare "Africa a denuclearized zone" and to "promote the peaceful uses of nuclear energy" (OAU 1963). At the first Assembly of Heads of States and Governments of the OAU in July 1964, the organisation adopted Resolution AHG/Resolution11(1) (1964) on the *Declaration on the Denuclearization of Africa* (hereafter the Declaration). Moreover, the OAU committed itself to negotiate an international agreement on this matter under the auspices of the UN (OAU 1964a). When the Declaration was submitted to the UNGA in November 1965, the UNGA furthermore endorsed another resolution, Resolution 2033(XX) (1965), on the non-proliferation of nuclear weapons in Africa (UNGA 1965).

Despite these developments in the 1960s and the subsequent formulation of a *Draft Convention for the Denuclearization of the Continent of Africa* by the OAU in 1964 (OAU 1964b), a treaty (the Pelindaba Treaty) on Africa as a nuclear weapon free zone only entered into force in July 2009. Several explanations for this can be offered. As the Cold War intensified, calls for a universal rather than a regional (African) nuclear non-proliferation treaty increased. The resultant treaty, the NPT, only entered into force in March 1970. Several African states participated in the negotiations on the NPT, thus delaying the negotiation of a treaty on an African nuclear weapon free zone, and they eventually became party to the NPT (see Chapter 6). In addition to this and at the same time, South Africa's status as a state with a nuclear weapons capability contradicted the purpose of such an African treaty. In fact, South Africa's nuclear capability was a negation of Africa's aim to keep the continent free from nuclear weapons.

The detection of an underground nuclear test site in the Kalahari and the so-called "double flash" incident left no doubt that South Africa indeed had a nuclear weapons capability (see Chapters 3 and 4). For African states, these incidents confirmed

South Africa's nuclear intentions on the continent (Saxena 1998). Therefore, several African states including Egypt and Nigeria embarked on a global campaign to force the South African government to dismantle its nuclear weapons programme and change its domestic policies. This campaign included diplomatic actions, UN sanctions and OAU resolutions against South Africa. While the majority of African states' rhetoric on a denuclearised Africa and post-apartheid South Africa continued unabated, a small number of African states embarked on the development of their own nuclear capability when Egypt, Libya and Nigeria commenced with nuclear development programmes in the mid-1970s (Oyebade 1998: 97).

These African developments further delayed negotiations for a denuclearised Africa. Thus, despite earlier initiatives to declare the continent a NWFZ, Cold War realities and the nuclear ambitions of certain African states contributed to the delay of the establishment of an ANWFZ. A further impediment was the South African government's unwillingness to join other global and continental nuclear non-proliferation efforts. This serves as a further illustration of South Africa's non-compliance (as a founder member of the IAEA) with, for example, the nuclear non-proliferation norms espoused by the IAEA Statute. Moreover, South Africa refused to accede to the NPT.

3.2 The resumption of negotiations on an African nuclear weapon free zone

The ending of the Cold War; the new political era in South Africa; and the legacy of the country's nuclear past and De Klerk's 1993 announcement had several nuclear-related diplomatic consequences. The country returned to the fold of the international community, along with its re-admittance to multilateral organisations and the establishment and re-establishment of new and old diplomatic relations; acceded to the NPT in 1991; and dismantled its nuclear weapons programme as verified by the IAEA, thus paving the way for the resumption of negotiations on an international agreement on the denuclearisation of Africa. Within the framework of UNGA Resolution 2033(XX) (1965) on the *Declaration on the Denuclearization of Africa,* the UN and OAU convened a meeting in Addis Ababa, Ethiopia, in May 1991 to "examine the modalities and elements for the preparation and implementation of a convention or treaty" (Adeniji 2002: 50). Despite its nuclear expertise, South Africa was not invited to this meeting, which was the first in a series of meetings on the

denuclearisation of Africa and included participants from the OAU Secretariat; government officials from Nigeria, Zaire (now the DRC), Algeria, Tanzania and Zimbabwe; representatives of the IAEA Secretariat; and several observers from NFWZs in existence.

Since this meeting was held prior to De Klerk's 1993 announcement and the IAEA's verification, concerns about the nuclear capability, status and position of South Africa were discussed despite the country's absence (see Adeniji 2002: 49-55 for detail). Nonetheless, a working group of the meeting discussed how to deal with South Africa. It was concluded that there was an "absolute need for South Africa to be an integral part of the zone and subjected to its obligations" (Adeniji 2002: 53).

By the time the Secretary-General considered the report on the Addis Ababa meeting, South Africa had already acceded to the NPT and signed a Safeguards Agreement with the IAEA. Upon the recommendation of the Secretary-General and subsequent to a UNGA Resolution 46/43B (1991), a second meeting of the UN/OAU Group of Experts took place in Lomé, Togo, from 28-30 April 1992. Once again, South Africa was excluded from the proceedings. Oluyemi Adeniji of Nigeria was re-elected as the second meeting's chairperson and provided a comprehensive account of the proceedings and decisions of the meeting (Adeniji 2002: 55-60). Once again, South Africa's position was discussed. Some participants (unspecified by Adeniji 2002: 58) proposed that South Africa, as the most advanced nuclear power on the continent, should be required to ratify a continental agreement on denuclearisation before it entered into force. Other participants (also unspecified by Adeniji 2002: 58) viewed this proposal as conferring a veto if not implemented. The issue of the ratification of the agreement, with the inclusion of South Africa, was referred to the drafters of the first draft text of an agreement as envisaged in UNGA Resolution 2033(XX) (1965) and UNGA Resolution 46/43B (1991) for further consideration.

When the OAU Council of Ministers met in Dakar, Senegal, from 22-28 June 1992, to, *inter alia*, consider the report on the Addis Ababa meeting, it decided that the OAU Group of Experts should draw up a draft treaty and distribute comments to OAU members before the Council's meeting of June 1993.[46] Apart from drafting the

[46] The OAU Group of Experts consisted of representatives from Algeria, Cameroon, Egypt, Ethiopia, Mauritius, Namibia, Nigeria, Senegal, Sudan, Togo, Zaire (now the DRC) and Zimbabwe.

treaty, another challenge was the inclusion of South Africa in the treaty-making process, despite the opposition to this (Adeniji 2002: 58).

3.3 Efforts to include South Africa in negotiations

South Africa's exclusion from the initial negotiations was justified by the OAU negotiators on the basis that the country was still governed by the minority NP and not by an all-inclusive majority government. However, the reports of the Group of Experts emphasised the importance of South Africa's inclusion in the ANWFZ. Parallel to this was President De Klerk's diplomatic strategy to embark on official visits to about 33 African states by mid-1992 in an effort to improve South Africa's relations with the continent (Du Pisani 1994: 60; Oyebade 1998: 104-106). According to De Klerk (1993) these visits, amongst others, took place in an effort to reach agreement on the use of medical isotopes and training programmes. Despite these developments, some scepticism about the South African government's nuclear and domestic intentions remained.

As constitutional negotiations progressed in South Africa, De Klerk (1993) repeated his government's commitment to the ANWFZ in Parliament in March 1993. It also became clear that the ANC would continue with its historical anti-nuclear stance despite some ANC support for the continuation of a nuclear weapons programme for South Africa (Muller 1996: 39; Oyebade 1998: 107, 115; Mackerdhuj 1999: 7). As an ANC-led government posed no threat to African security and Nelson Mandela (in Oyebade 1998: 107) publicly expressed support for an ANWFZ, continental attitudes towards South Africa on nuclear issues began to change.

In an early effort to include South Africa in the negotiations on the continent's nuclear future, the Programme for the Promotion of Nuclear Non-Proliferation (PPNN) (an NGO) acted as a broker between African and the South African government. The PPNN's facilitation included regional meetings promoting nuclear non-proliferation. Amongst others, it scheduled a meeting from 1-4 April 1993 in Harare, Zimbabwe, in collaboration with the University of Zimbabwe. De Klerk's 1993 announcement prompted the PPNN to invite South Africa to this meeting. Waldo Stumpf, the CEO of the AEC, was invited to address the meeting. In his presentation Stumpf emphasised South Africa's "determination to be transparent and its acceptance in principle of a

NWFZ for the continent" and expressed South Africa's willingness to assist African states with the peaceful uses of nuclear technology (Adeniji 2002: 61).

Two important consequences of South Africa's participation in this meeting of the PPNN were the emergence of African confidence in the country's commitment to nuclear non-proliferation on the continent and an invitation to South Africa participate as an observer in the negotiations to draft an African nuclear weapons free treaty (Adeniji 2002: 62). An additional consequence was that the country's continental nuclear diplomacy gradually expanded. For example, South Africa joined the *African Regional Cooperation Agreement for Research, Development, and Training related to Nuclear Science and Technology* (AFRA) (De Klerk 1993). As an organisation that operates under the auspices of the IAEA, AFRA coordinates peaceful nuclear energy projects in Africa and nuclear-related cooperation among African states. Immediately after it joined, relations with AFRA developed to such an extent that South Africa indicated its support of two AFRA projects on the continent; that it was designated as the host country for the 1995 AFRA annual meeting; and that it offered its assistance for AFRA and IAEA training programmes (Muller 1993: 39).

South Africa's inclusion in the negotiations of what became known as the Pelindaba Treaty was the result of a combination of factors, including domestic changes and the country's nuclear diplomacy such as the country's accession to the NPT and the conclusion of a Safeguards Agreement with the IAEA. More importantly, several African efforts were made to include South Africa notwithstanding the fact that when the OAU resumed its efforts to draft a treaty on the denuclearisation of Africa which coincided with De Klerk's reforms the OAU's official position was not to engage with the South African government. Therefore, calls to include South Africa in the treaty-making process were indicative of a changing continental position on South Africa.

3.4 Negotiating and drafting the treaty on a denuclearised Africa

The PPNN meeting was immediately followed by a meeting of the proposed treaty's negotiating group in Harare from 5-8 April 1993 to negotiate the draft text of the treaty. By now the negotiating group consisted of representatives of Mauritius, Egypt, Nigeria, Tanzania, Zimbabwe and Senegal; two representatives of the OAU; and a representative of the UN. In contrast to the previous inter-governmental meetings

which excluded South Africa, the country attended the Harare meeting as an invited observer and was represented by a troika consisting of representatives of the NP-led government, and representatives of the ANC and the Pan Africanist Congress of Azania (PAC).

The negotiations at the second Harare meeting focussed on the title of the instrument; the geographical application of the NWFZ; the declaration, dismantling and destruction of nuclear weapons facilities; peaceful nuclear activities; the mechanism of implementation; safeguards; the complaints procedure; the role of non-African states; and the physical protection of nuclear materials, which were included in the so-called Harare Report to the UN Secretary-General. At this meeting, the title of the instrument (the name of the treaty) was, for the first time, presented as *The African Nuclear-Free-Zone Treaty*. Until then declarations, documents and resolutions on the treaty referred to the denuclearization of the continent. Despite its observer status at this meeting, South Africa's nuclear weapons experience was often cited and resulted in several innovations to NWFZs in general. One example of this is the inclusion of an article on the declaration, dismantling, destruction or conversion of nuclear explosive devices and facilities operational prior to the entry into force of the NWFZ treaty. On the question of peaceful nuclear activities, one of the South African observers emphasised the contribution that nuclear energy could make to Africa's socio-economic development (Adeniji 2002: 64-69); an issue Abdul Minty referred to during his election campaign for the IAEA Director General (see Chapter 4).

Subsequent to the second meeting in Harare in 1993, the UNGA requested the Secretary-General to arrange a follow-up meeting of the Group of Experts in 1994. Accordingly, meetings took place in Windhoek (March 1994) and in Addis Ababa (May 1994) (Adeniji 2002: 71-155). Commenting on the ANC-government's position on nuclear non-proliferation Stumpf (1995b: 7), an observer in the above-mentioned meetings, commented that South Africa in the period subsequent to the ANC's election victory and Nelson Mandela's presidential inauguration "on numerous occasions committed itself to a policy of transparency" on the non-proliferation of WMDs. Examples of this are the Cabinet decision of 31 August 1994 and Mandela's statement in 1994 at the OAU Heads of State Summit to this effect.

At the Harare meeting (1993), the definitions of "African Nuclear-Weapon-Free Zone" and 'territory' caused considerable debate, especially as the definition of the zone affects the territories of some NWS and a non-African state such as Spain. Three of Spain's territories, namely the Canary Islands and two coastal enclaves in Morocco, Ceuta and Melilla, fall within the territory specified by the Pelindaba Treaty.

As some issues remained unresolved at the Harare meeting such as a map of the zone and certain functions of the AFCONE, the UNGA proposed a follow-up meeting in 1995 to finalise the drafting of the ANWFZ treaty for UNGA's consideration by its 50th Session in 1995. This provided South Africa with a unique opportunity considering that the UNGA recommended the final meeting be held in Johannesburg, South Africa, from 29 May to 2 June 1995 (Adeniji 2002: 71). By now South Africa was a full participant in the negotiations (and no longer an observer) and the country's GNU had been governing for approximately a year since the elections of April 1994. The meeting's location (South Africa) was symbolic as it indicated the OAU's acceptance of the country as being committed to nuclear non-proliferation on the continent. Moreover, South Africa at the time was most recent OAU member and the choice of venue also signalled the acceptance of the country as a full OAU member.

Both the Harare and Windhoek meetings were of significance to South Africa. Both drafts of the treaty negotiated at these meetings included an article on the establishment of a continental commission on nuclear energy which South Africa in a subsequent OAU meeting proposed to host; a proposal which was accepted by the OAU (1996). Moreover, the Johannesburg meeting agreed on the short title of the treaty, namely the Pelindaba Treaty. Suggested by a South African representative, the name of the treaty refers to the headquarters of South Africa's AEC, Pelindaba, west of Pretoria. Moreover, South Africa's involvement in the denuclearisation concluded a drawn-out process. Apart from this, the word 'Pelindaba' is derived from two Zulu words "pelile indaba", which means "the matter is settled" or "the discussion is closed". Another diplomatic kudo for South Africa which resulted from the Johannesburg meeting was the proposal to host the formal adoption of the final draft text at the AEC headquarters at Pelindaba. The final adoption at Pelindaba on 2

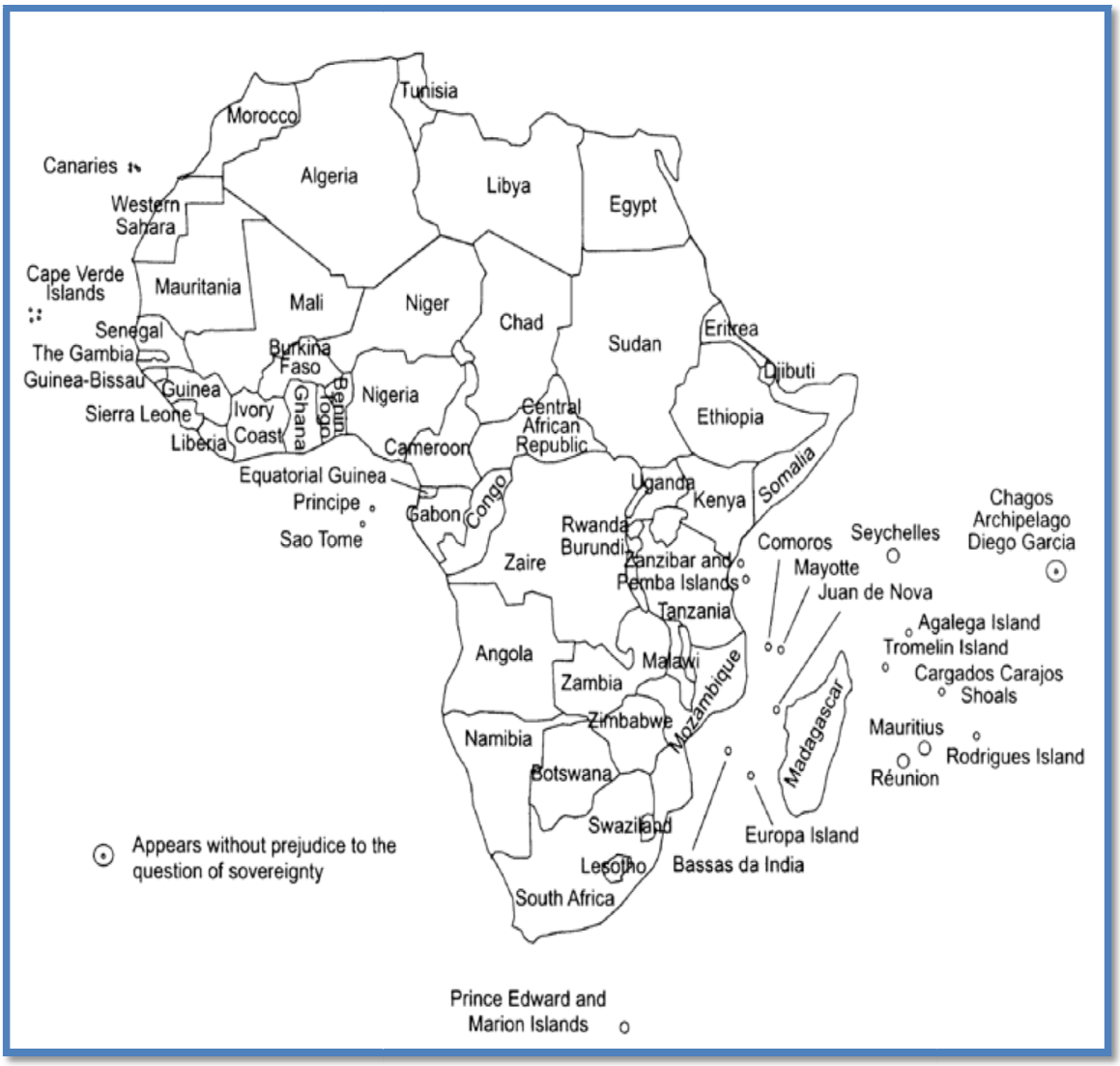
June 1995 was attended by the chairman of the AEC, JWL de Villiers, and Waldo Stumpf (Adeniji 2002: 154-155).

The 62nd Ordinary Session of the OAU Council of Ministers in June 1995 considered the final draft treaty. This meeting recommended that the draft treaty should be adopted at the 31st Ordinary Session of the Heads of State of the OAU. The Council also endorsed Egypt's proposal to host the treaty's signing ceremony and South Africa's proposal to host the headquarters of the AFCONE. These three proposals were approved by the 31st Ordinary Session on 23 June 1995 and by the UNGA on 6 November 1995 (CNS 2011d: 1).

On 11 April 1996, OAU member states signed the Pelindaba Treaty in Cairo, Egypt, and adopted the *Cairo Declaration* (OAU 1996). As indicated previously, the OAU had adopted its first resolution on the denuclearisation of Africa in Cairo in 1964. In the 1996 *Cairo Declaration*, members of the OAU recognised the "valuable contribution" of NWFZs to nuclear non-proliferation. In addition to this, OAU members called on all NWS to ratify the Pelindaba Treaty's Protocols and to pursue the "complete elimination" of nuclear weapons (OAU 1996). Despite the initial positive reaction by African states to the Pelindaba Treaty (47 of the 53 OAU members signed it on 11 April 1996) and the adoption of the *Cairo Declaration*, most states delayed the ratification and deposit of the Treaty with the AU.

A decade later, in 2006, the AU Peace and Security Council (AUPSC) expressed concerns about the long delay in the entry into force of the Pelindaba Treaty since it was signed in 1996. At the time and after ten years, only 20 of the 28 required states had deposited their instruments of ratification with the AU (AUPSC 2006: 1). The Pelindaba Treaty entered into force on 15 July 2009 when the required 28th state deposited its ratification of the Pelindaba Treaty. This formalised the territory covered by the ANWFZ. Annex I in the Pelindaba Treaty includes a map of the ANWFZ (see *Figure 13*) which "extends across the entire continent of mainland Africa" and several islands, including the Agalega Island, Bassas da India, the Canary Islands, Cape Verde, the Cardagos Carajos Shoals, the Chagos Archipelago - Diego Garcia, Comoros, Europa, Juan de Nova, Madagascar, Mauritius, Mayotte, Prince Edward and Marion Islands, Reunion, Rodrigues Island, São Tomé and Principe, Seychelles, Tomelin Island, and Zanzibar and Pemba Islands.

Figure 13: The territory covered by the Pelindaba Treaty



Pelindaba Treaty (Annex I)

The provisions of the Pelindaba Treaty (2009) require signatory states to undertake the following:

- renounce nuclear weapons (Article 3);
- prevent the stationing of nuclear explosive devices (Article 4);
- prohibit the testing of nuclear explosive devices (Article 5);
- declare, dismantle, destruct or convert nuclear explosive devices and facilities for their peaceful development (Article 6);
- prohibit the dumping and storage of radioactive waste (Article 7);

- promote peaceful nuclear uses and verification of these peaceful uses (Articles 8 and 9);
- provide physical protection of nuclear facilities and materials, and prohibit armed attacks on nuclear installations (Articles 10 and 11);
- establish the AFCONE (Article 12); and
- Report and exchange information on nuclear activities (Article 13).

The Pelindaba Treaty is an innovative development of NWFZs and the norm of nuclear non-proliferation. The AU (2006:3) identifies five innovations in the Pelindaba Treaty as a NWFZ treaty. Firstly, it bans research into nuclear explosive devices by any means in the zone's territory (Articles 3, 4 and 5). Secondly, it requires the destruction of nuclear devices that a state may have had prior to the Treaty's entry into force (Article 6). Thirdly, it prohibits the dumping of radioactive waste and other radioactive matter anywhere in the ANWFZ (Article 7). The fourth innovation is that armed attacks by conventional and other means against nuclear installations in the ANWFZ are prohibited (Articles 10 and 11). Finally, the Treaty supports the states' use of nuclear science and technology for peaceful purposes (Article 8).

4. South Africa and the Treaty of Pelindaba

Since the idea of an ANWFZ was first mooted, South Africa practically held the African continent to ransom until 1991 when it acceded to the NPT. It was only after the IAEA verified the completion of South Africa's nuclear dismantlement in 1993 that the country was invited, albeit at first as an observer, to participate in African efforts to establish an ANWFZ. Characterised by a combination of partnership and cooperation as diplomatic strategies, South Africa's post-1990 nuclear diplomacy on the entry into force of the Pelindaba Treaty is a major departure from its pre-1990 strategy of confrontation with Africa. South Africa's nuclear diplomacy on the Pelindaba Treaty resulted in several symbolic achievements. The country successfully used its identity as a country that had dismantled its nuclear weapons programme to host the final draft conference in Johannesburg, as well as name the ANWFZ treaty after the country's nuclear headquarters. Both these achievements illustrated post-1990 South Africa's commitment to nuclear non-proliferation and its acceptance on the continent.

The Pelindaba Treaty introduced a new phase in South Africa's nuclear diplomacy on the African continent, also considering that the Treaty outlines specific obligations regarding the First COP and the establishment of a mechanism of compliance.

4.1 First Conference of Parties to the Treaty of Pelindaba (November 2010)

The First COP to the Pelindaba Treaty took place in Addis Ababa, Ethiopia, on 4 November 2010 in accordance with Articles 12 and 14 of the Treaty. Article 14 prescribes that a COP should be convened once the Treaty entered into force to establish and elect the members of AFCONE and to determine its headquarters (AU 2010a: 1). In this respect, the Pelindaba Treaty is unique among NWFZ treaties in that it provides for the establishment of a continental nuclear energy commission as the Treaty's mechanism of compliance. In the opening address of the First COP on 4 November 2010, Ramtane Lamamra (2010), Commissioner for Peace and Security of the AU, reiterated the "important role" that the AFCONE has to play in Africa's "collective security and development". Lamamra (2010) also indicated that the AFCONE would undertake four main tasks. These are to serve as an "African mechanism" to ensure African states' compliance of their obligations under the non-proliferation requirements; to ensure Africa's protection from nuclear testing and dumping of nuclear materials; to promote the peaceful uses of nuclear science and technology in Africa; and to develop outreach activities to states eligible to ratify the Treaty.

In essence, one of the AFCONE's major tasks is to assist African states to comply with their nuclear non-proliferation obligations in terms of the Pelindaba Treaty and the NPT. More specifically, the Commission's purpose and objectives outlined in Article 12 ("Mechanism of compliance") and Annex III ("African Commission of Nuclear Energy") of the Treaty include collating reports and the exchange of information; arranging consultations; convening conferences; reviewing the application to peaceful nuclear activities of safeguards by the IAEA; administering a complaints procedure; encouraging regional and sub-regional cooperation programmes for peaceful uses of nuclear science and technology; and promoting international cooperation (Pelindaba Treaty 2009). The composition and term of the AFCONE are also contained in Annex III. Accordingly, the AFCONE consists of 12 members, each elected for a period of three years. The composition of the

Commission will also be 'equitable' and geographically representative, and include African states with "advanced nuclear programmes" (Pelindaba Treaty 2009).

According to the AU (2010b: 2), the First COP was attended by a wide variety of representatives of African countries, international observers, NWS and international organisations, including AU member states parties to the Treaty (Algeria, Botswana, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Gabon, The Gambia, Kenya, Lesotho, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Swaziland, Tanzania, Togo, Tunisia, Zambia and Zimbabwe); AU states not yet party to the Treaty (Egypt, the DRC, Djibouti, Ghana, Namibia, the Sahrawi Arab Democratic Republic, Sudan and Uganda); Parties to Protocols I, II and III of the Treaty are expected to become parties to these instruments (China, France, the Russian Federation, Spain and the UK); AFRA; the IAEA; the PrepCom for the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO); and the UN.

The First COP elected Mali (Chairperson); Rwanda (1st Vice Chairperson); Algeria (2nd Vice Chairperson); Cameroon (3rd Vice Chairperson); and Zambia (*Rapporteur*) as the Bureau to conduct the Conference's proceedings (AU 2010b: 2). The COP discussions focused on the "promotion of safe, secure and peaceful use of nuclear energy; nuclear security and combating of illicit trafficking; and the prohibition of testing of nuclear explosive devices" (AU 2010b: 4). Apart from these issues, the structure and budget of the AFCONE were also discussed. Final decisions on these matters were referred to the next meeting of the AFCONE.

The First COP also elected the members or Commissioners of the AFCONE (see *Table 15*). The 12 elected AFCONE Commissioners included several individuals who were already involved with or held positions in AFRA and the IAEA; several career scientists, some of whom rose through the ranks of various government departments; a career diplomat (who served in India and in Pakistan) and a military man. Only Abdul Minty of South Africa and Togo's Lieutenant-Colonel Manzi Pidalatan appear to have had extensive background experience of WMDs or nuclear non-proliferation (see *Appendix 1*).

For South Africa, the First COP produced some diplomatic success. The COP endorsed South Africa as the host country of the AFCONE. This endorsement was preceded by "considerable debate" on the issue (DIRCO 2010d: 5) despite the fact that the AU in the *Cairo Declaration* of 11 April 1996 agreed that South Africa would host the AFCONE. Some countries, unspecified by DIRCO (2010d), questioned the earlier decision that South Africa should host the AFCONE by referring to Article 14 of the Pelindaba Treaty which prescribes that the First COP should determine the Commission's headquarters. South Africa's position on the issue resulted in confrontation with some conference delegates. Senegal, amongst others, indicated that it sent a *Note Verbale* to the AUC on its offer to host the AFCONE. The AUC indicated that it did not receive Senegal's *Note Verbale*.

Table 15: Members of the AFCONE (2010)

Country elected to AFCONE	Commissioner representing country
Algeria	Messaoud Baaliouamer
Burkina Faso	Badiori Outtara
Cameroon	Augustin Simo
Ethiopia	Atnatiwos Zeleke Meshesha
Kenya	Shaukat Abdurazak
Libya	Bulgasem Hammouda Ali El-Fawaris
Mali	Tezana Coulibaly
Mauritius	Anund P Neewor
Senegal	Christian Sina Diatta
South Africa	Abdul Samad Minty
Togo	Manzi Pidalatan
Tunisia	Mourad Telmini

AU (2010b: 4); CNS (2011d: 3) & Stott (2011: 3-4)

South Africa reiterated that the AU in the *Cairo Declaration* (11 April 1996) endorsed South Africa as the host of the AFCONE. For South Africa, the 1996 AU decision was taken two years into the ANC-led government. Furthermore, the decision also symbolised the continent's confidence in South Africa's nuclear non-proliferation commitments. Subsequent to further debate on the matter, the conference finally proceeded to endorse South Africa as the AFCONE's host as originally intended. According to DIRCO (2010d: 5), South Africa received "strong support" from Algeria and "most countries in the SADC region", with Zimbabwe trying to "avoid endorsement" on a 'technicality' to host the AFCONE. Zimbabwe and Gabon also 'insisted' that Commission members should be re-elected after three years and that the AU principle of regional rotation should apply. This is prescribed by Annex III of the Pelindaba Treaty which also requires that Commission members should meet specific criteria.

Another diplomatic success for the country was its election as one of the Commissioners of the AFCONE. Abdul Minty, who failed to be elected as the Director General of the IAEA, became South Africa's Commissioner on the AFCONE. Irrespective of these successes, some continental opposition was evident. During the tenure of President Mbeki (1999-2008), South Africa promoted the idea of an African Renaissance and an African Agenda in its foreign policy. This may have strengthened perceptions that South Africa was too ambitious and dominant in continental affairs. By the time the First COP took place, President Zuma had been in office since May 2009. Like President Mbeki, he is also a strong promoter of the African Agenda in South Africa's foreign policy. The establishment of the AFCONE did not mean that the Commission was operational. In order to achieve this, a First Ordinary Session of the AFCONE was scheduled for May 2011, which was attended by South Africa.

4.2 First Ordinary Session of the AFCONE (May 2011)

Prior to the First Ordinary Session of the AFCONE in Addis Ababa, Ethiopia, on 4 May 2011, the AU (2011b: 1) announced that it intended to "intensify its efforts" to achieve the "early operationalization" of the AFCONE. The main objective of the Session was to address matters relating to the operation of the Commission (AU 2011a:3). This included the finalisation of the AFCONE's Rules of Procedure; the

programme of work for 2011-2013; its structure, as well as the position of the AFCONE's Executive Secretary (AU 2011c: 1-4). The AFCONE session was attended by representatives of its member states and, as observers, representatives of AFRA; the IAEA; the CTBTO; and the Forum of Nuclear Regulatory Bodies (FNBRA). Kenya, Libya and Togo, a quarter of the AFCONE's elected members, failed to attend the Session (AU 2011d).

In the opening address of the Session, Ramtane Lamamra (2011: 2), Commissioner for Peace and Security of the AU, reiterated its purpose, namely to operationalise the AFCONE in order to assist state parties to the Pelindaba Treaty to comply with their treaty obligations. More specifically, the Session's deliberations focused on several operational matters and procedures, including the election of the chairperson and vice-chairperson of the Board of Representatives of the AFCONE; the adoption of the roles of procedures of the AFCONE Board; the structuring of the AFCONE and the terms of reference of the Executive Secretary of the AFCONE Board; the programme of work of the AFCONE; and the scale of assessment and the Commission's budget (AU 2011a: 3).

At this point it is important to take note of the Executive Secretary's responsibilities. H/she is tasked to collaborate with the Chairperson and Vice-Chairperson of the AFCONE and report on nuclear-related developments in Africa; lead the implementation of the strategic goals and objectives of the AFCONE; serve the AFCONE's Commissioners and Conference of State Parties and provide reports and information on the activities of the Secretariat and the AFCONE; resolve issues arising from the implementation of the Pelindaba Treaty and recommend a course of action to Commissioners; liaise with States, intergovernmental organizations, specialized agencies and energy-related industries on matters concerning the peaceful, safe and secure application of nuclear science and technology as well as nuclear non-proliferation; solicit and receive suggestions from State Parties, organizations, agencies and industries regarding the activities of the AFCONE; mobilize technical and financial support required to assist in the work of the AFCONE and negotiate partnership agreements; promote greater understanding and support for the Treaty of Pelindaba and the work of the AFCONE; commission consultants to advise on special matters related to the work of the AFCONE or

conduct expert studies when such work cannot be undertaken by the Secretariat; ensure and protect the confidentiality of the work of the AFCONE; inform State Parties of their share of contribution to the scale of assessment of the AFCONE's annual budget, and report thereon to the Commissioners on a regular basis; ensure the efficient management of human and financial resources of the Secretariat; prepare the draft budget and other financial reports of the AFCONE, as well as periodic reports on the implementation of the Programme of Work; and carry out any other tasks as may be assigned by the Commissioners (AU 2011c: 1-4). The secrecy clause of the Executive Secretary ("ensure and protect the confidentiality of the work of AFCONE") is a disturbing inclusion as it may compromise the transparency of nuclear development in Africa.

For South Africa, the First Session produced some diplomatic successes. Firstly, South Africa's Abdul Minty was unanimously elected as the chairperson of the AFCONE (AU 2011d). For South Africa, both the hosting of the AFCONE's headquarters and Minty's chairmanship advanced its national interests and strengthened its identity as a leader in nuclear diplomacy and as a responsible and committed supporter of nuclear non-proliferation. Moreover, Minty's chairmanship offers some diplomatic reward after South Africa's failure to head the IAEA. In addition to this, South Africa's Home Affairs Minister (and a former Minister of Foreign Affairs), Nkosazana Dlamini-Zuma faced a fierce behind-the-scenes battle for the Presidency of the AU Commission in 2012, the body that will oversee the Pelindaba Treaty and thus the AFCONE. Dlamini-Zuma won the contest against the incumbent Jean Ping in July 2012.

In addition, undercurrents are increasing over South African dominance in atomic development and its political role on the continent, irrespective of Abdul Minty's election as the AFCONE chair and despite his country's well-developed atomic expertise. Obviously, this may pose a threat to the implementation of the AFCONE. When the Pelindaba Treaty opened in 1996, it was intended that the AFCONE would "supervise the implementation of the (Pelindaba) treaty, with headquarters in South Africa" (AU 1996). However, more African states including Egypt, Kenya, Namibia and Nigeria are increasingly vying for prestige and leadership in Africa's nuclear sector. This appears to be a spin-off from the extent to which the IAEA has become

integrated with African states in various collaborative projects that have escalated in number over the past 20 years.

Secondly, South Africa's attendance of the First COP and its election to and leadership of the AFCONE realised some of the country's foreign policy objectives outlined as "Key Priority Area 1: Enhanced African Agenda and Sustainable Development" in DIRCO's *Strategic Plan 2011-2014* (DIRCO 2011c: 29, 31). The *Strategic Plan* outlined the objective to 'strengthen' the ANWFZ; utilise South Africa's membership of the AFCONE to contribute to nuclear non-proliferation and the peaceful uses of nuclear energy; and prepare for hosting the headquarters of the AFCONE. In this respect, South Africa's position is similar to that of the AU during the NPT RevCon meeting that was held from 3-28 May 2010 at the UN headquarters in New York (see Chapter 6).

Despite the decision of the AFCONE's First Session to meet again in July 2011 to discuss the next steps to speed up activities (AU 2011e), no record of this meeting or its cancellation could be found. Instead, on 8 July 2011, another AU statement after the 17th Ordinary Session of the AU Assembly held in Equatorial Guinea, again urged remaining African states as well as Protocol countries to ratify the Pelindaba Treaty without delay. The AU also called on its members to provide the AFCONE with the necessary support, alluding to possible reasons for the AFCONE's second meeting being skipped (AU 2011d). Consequently, indications are that the AFCONE already lacks sufficient backing, not only for reasons stated by the AU, but also due to political tensions among and the different agendas of its member states. The nature of contentious issues that were raised between its members remains undisclosed. Additionally, the issue of the AFCONE's funding remains unclear. Overall, the prognosis for a fully operational AFCONE is unclear and not positive.

The First Ordinary Session of the AFCONE did not address all the outstanding matters pertaining to the operation of the Commission. The election of Abdul Minty as the AFCONE chairperson points to some success of South Africa's nuclear diplomacy. Similar to his election to other leadership positions, Minty's election yet again enhanced the country's status and prestige, and with the hosting of the headquarters of the AFCONE, will bring some material benefit for the country.

Despite these successes, an in-depth analysis of South Africa's nuclear diplomacy with Africa in the context of the Pelindaba Treaty is required.

5. An assessment of South Africa's nuclear diplomacy in Africa

Several *caveats* to South Africa's nuclear diplomacy with Africa in terms of the Pelindaba Treaty were stated at the outset of this chapter. Against this background, this section assesses aspects of South Africa's nuclear diplomacy in terms of its African Agenda; its niche diplomacy in Africa; its state identity and power on nuclear issues in Africa; and the performative aspects of its nuclear diplomacy in Africa.

5.1 South Africa's African Agenda

South Africa's nuclear diplomacy with its African counterparts is conducted against the background of its post-1994 foreign policy, which places Africa high on the foreign policy agenda. This Africanist turn has accelerated the country's integration in continental affairs and decision-making. Moreover, South Africa - especially during the presidency of Thabo Mbeki - has positioned itself as the 'voice' of Africa and the global South (Hamill 2006: 118-140; Serrão & Bischoff 2009: 363-380; Becker 2010: 133-146). This posture is complemented with that of an emergent middle power (Schoeman 2000 & 2003) and a good international citizen (Serrão & Bischoff 2009). South African foreign policy and diplomacy also displayed some characteristics of transformational diplomacy that signifies a return to the use of the traditional instruments of diplomacy, partnership and the idea that norms matter more than material power (Landsberg 2010:12-13).

South Africa's diplomatic relations with other African countries on nuclear issues show all the signs of transformational diplomacy. In Africa, South Africa's nuclear diplomacy is aimed at undoing the legacies of its nuclear weapons programme and at convincing Africa that the country remains committed to nuclear non-proliferation. Moreover, South Africa also attempted to undo existing global nuclear-related power structures by working towards a denuclearised African continent. In addition to this, South Africa's state identity as a domestic reformer proved to be useful in a diplomatic sense by advocating and supporting African and global nuclear-related reforms. Thus, the country achieved some of the objectives of its African Agenda.

5.2 South Africa's niche diplomacy in Africa

A major implication of South Africa's diplomatic niche is that it has some advantage over other African countries due to its nuclear past. This advantage has been locational, traditional or consensual. It has been locational to the extent that South Africa is one of a few African states to have acquired and given up nuclear weapons. Moreover, the country maintains a globally-competitive nuclear science capability. The traditional advantage of South Africa is that the country has a nuclear history and its consensual advantage resides therein that its non-proliferation commitment is reflective of post-apartheid commitments.

South Africa's ability to "generate return worth having", implies that it wants to achieve non-material objectives with its niche diplomacy in Africa. This in turn generates African prestige, status, material benefit, soft power and moral authority. With the dismantling of its nuclear weapons programme and nuclear weapons, South Africa has accrued unprecedented moral authority and legitimacy for a former nuclear weapons state. These non-material incentives are of particular importance to convince the rest of Africa of South Africa's intentions to use nuclear energy for peaceful purposes.

South Africa has constructed a new identity and interests on nuclear matters post-1990. Typically, states practicing niche diplomacy focus on a selected issue, organisation or activity. By focusing on an issue, a country therefore constitutes its identity and interests. South Africa is no exception in this regard. The sources of South Africa's niche diplomacy in Africa are located in the tenets of middle power diplomatic behaviour, which has a strong normative foundation and of emphasising "entrepreneurial flair and technical competence" (Cooper 1997: 6, 9). Other key features of South Africa's niche diplomacy in Africa are its focus on consensus and coalition building and its willingness to cooperate on nuclear issues. As a result, South Africa plays the roles of bridge-builder between Africa and NWS; mediator between African states on, for example, the headquarters of the AFCONE; facilitator of African gatherings on nuclear issues such as the Johannesburg meeting referred to earlier; and as a catalyst by changing its nuclear posture on African nuclear issues. The latter involved South Africa's planning, convening, and hosting meetings, prioritising for future meetings on a particular issue, and drawing up declarations and

manifestos. Thus, South Africa's constructed identity since 1990 has resulted in its norm compliance on continental nuclear non-proliferation and in the promotion of niche diplomacy as a particular type of diplomacy in Africa.

5.3 South Africa's state identity and power on nuclear issues in Africa

An actor's conduct and practice of nuclear diplomacy is an expression of its identity and its interests. Therefore, the main purpose of South Africa's nuclear diplomacy in Africa has been to achieve objectives aligned with its construction of self/national interests, its particular identity and the nuclear-related norms it maintains and complies with. Moreover, according to Serrão and Bischoff (2009: 370), South Africa has attempted to construct a "new conception" of its foreign policy identity, with the 'other' being its apartheid past, rather than other international actors. In this sense, South Africa has managed to construct a nuclear identity in Africa through "positive approximation", that is, by associating or identifying with the positive nuclear norms and identities of other African states. This nuclear identity has also been achieved through "negative approximation", namely by distancing the country from its historical nuclear conduct, capabilities and posture.

South Africa's improved status can be ascribed to several factors, including its soft power and influence. Its departure from "power as resources" to "relational power" reiterates the social - rather than the material - construction of power. Accordingly, several dimensions of power can be applied to South Africa's nuclear diplomacy with Africa. In terms of the scope of its power, South Africa's power varied from one issue to another within the context of the Pelindaba Treaty. Although South Africa had little influence in the initial establishment of the AFCONE it wielded considerable influence by re-asserting its niche role as the host of the AFCONE.

In terms of the number of actors under its influence, South Africa attempted on several occasions to re-direct the focus of the Pelindaba Treaty and the AFCONE away from nuclear safety and security - which it regards as imperative - to the peaceful uses of nuclear energy to contribute to the continent's development. This emanated from the country's broader African foreign policy agenda and its role in the establishment of the New Partnership for Africa's Development (NEPAD) at the time of the negotiation of the Pelindaba Treaty.

In terms of the weight of its power, South Africa succeeded in naming the ANWFZ Treaty to a South African installation; to lead the AFCONE; and to host the Commission. Finally, in terms of the means to exercise, South Africa has been able to exercise its power and influence through diplomacy.

The implications of South Africa's nuclear diplomacy in Africa have been wide-ranging. Not only did it contribute to the entry into force of the Pelindaba Treaty but it enhanced the country's status and prestige. South Africa, which no longer has power in the form of nuclear weapons, continues to wield considerable soft or normative power on the continent. Checkel (2008: 80) refers to the 'compulsive' and "multi-faceted face of power", thus to broader conceptions of power to capture the institutional and productive dimensions of power. Moreover, as the leading country in the AFCONE, South Africa assumes the responsibility to lead the continent in applying and enforcing norms on the development and application of nuclear science and technology for peaceful purposes. A more significant implication of South Africa's nuclear diplomacy in Africa is that it is an instrument of power and authority.

5.4 The performative aspects of South Africa's nuclear diplomacy in Africa

Apart from understanding what South Africa's nuclear diplomacy *means* it is also instructive to determine what the country's nuclear diplomacy *does*, namely to determine the performative aspects of South Africa's nuclear diplomacy. These performative aspects are the following:

Firstly, South Africa maintained official representation at bi- and/or multilateral conferences, meetings and negotiations on nuclear-related issues. South Africa's foreign policy identity has informed the conduct of its nuclear diplomacy on the continent. South Africa employed various diplomatic strategies in Africa, ranging from confrontation to cooperation. Engaging predominantly in multilateral diplomacy in Africa (Lee, Taylor & Williams 2006), South Africa initially employed non-governmental representatives such as Waldo Stumpf, the CEO of the AEC, and representatives of the chief negotiating political parties and liberation movements. As South Africa's influence, identity and status as a state committed to a denuclearised Africa improved, the status of its diplomatic representation and representatives also

changed from observer to official diplomatic representatives. This included having career diplomats at negotiations and institutions such as the AFCONE.

Secondly, South Africa established and maintained additional nuclear-related relations with African states through its membership of AFRA and the signing of bilateral agreements on nuclear energy with France, the US and the UK. Thus, South Africa regards this as an additional framework for cooperation.

Thirdly, South Africa initiated and supported ideas on the use of nuclear technology. Closely related to this performative aspect is a fourth aspect, namely the intersubjective understandings of the "nuclear taboo" and the peaceful uses of nuclear power. At the First COP of the Pelindaba Treaty, for example, South Africa emphasised the importance and utility of the peaceful uses of nuclear energy for Africa's development.

Finally, South Africa engaged in socialisation with other African states in order to entrench nuclear-related norms in international relations. This socialisation also included scientific cooperation, as indicated by President De Klerk (1993) and by the country's involvement in African organisations such as AFRA and the FRNBA. South Africa has also socialised with African states at AU and NPT gatherings and at the UN, the NAM and the IAEA where African states often meet to discuss common positions on particular nuclear-related issues. Despite the early positive indications of South Africa's niche diplomacy in Africa, the country's nuclear diplomacy continues to face several challenges.

6. South Africa's nuclear diplomacy challenges in Africa

As the host and chairperson of the AFCONE, South Africa is confronted with several challenges in Africa. Firstly, with regard to foreign policy South Africa's African Agenda has resulted in what Hamill (2006: 119) refers to as "continental overstretch". Whereas Presidents Mandela and Mbeki had a clearly defined African Agenda, President Zuma simply builds on the foundations of his predecessors' agenda. Mbeki's erstwhile African Renaissance rhetoric seems to have disappeared since his departure from office. Moreover, South Africa's self-acclaimed role as the 'voice' of Africa has been met with distrust elsewhere on the continent.

Secondly, the authority and operation of the AFCONE are problematic in its early stages. The Commission is already experiencing budget constraints, which will affect its operation and, therefore, its contribution to nuclear non-proliferation. Moreover, tension is emerging between the Commission and certain African states. Nigeria, for example, which is not a member of the AFCONE, has called on the AU in September 2011 to "fast track" the implementation of the Pelindaba Treaty by operationalising the AFCONE to "ensure nuclear security in the continent" (*Daily Champion* 19 September 2011). Nigeria's Science and Technology Minister, Ita Okon Bassey Ewa, called for a 'stronger' IAEA and cited the "uncoordinated desire for political control" as being among the disturbing dangers that seem to be propelling nuclear non-proliferation in Africa. He also made a strong case for the Nigerian Defence Academy's involvement in the AFCONE's nuclear security agencies in the first explicit link between the use of military power and atomic development in Africa. Ewa implied that Nigeria hoped to counter the perceived interference from AFRICOM, the US African Command. Discontent is rife over AFRICOM's role in the North Atlantic Treaty Organisation-led (NATO) military intervention in Libya in 2011, and there is further discontent over the manner in which African developmental objectives are coupled with sovereignty issues and the viability of Africans "doing it for themselves". Without divulging details, Minister Ewa also spoke of unsecured HEU stockpiles in Africa; of "anti-social activities involving the use of nuclear materials"; of "misdirected technological diffusion"; and of anticipated dangers in nuclear proliferation propelled by the "uncoordinated desire for political control". Nigeria's anxiety, in part, stems from an emerging nuclear envy among African states vying for prominence in African politics and Africa's atomic development. Ewa's statements followed the announcement by Nigerian President Goodluck Jonathan in September 2011 that his country had revived its Atomic Energy Commission to push ahead with plans to develop its own nuclear power (*Reuters* 16 September 2011).

In the third instance, nuclear security on the continent remains a concern. For example, illicit nuclear trafficking and thus nuclear proliferation on the continent predates the entry into force of the Pelindaba Treaty. The most notable cases are South Africa and Libya's previous nuclear weapons programmes. The implication is that these two countries' nuclear facilities and material can still be used in proliferation activities. Since the signing of the Pelindaba Treaty some African

countries were implicated in the Khan nuclear proliferation ring, including South Africa and Libya, among others (IISS 2007). Since nuclear security in Africa continues to attract global attention, the IAEA and the US remain involved in the continent. However, in 2010 President Obama invited only five African states to the NSS in Washington, US, to address the question of nuclear security. Broader African participation was required for Obama's second NSS held in Seoul, South Korea, in 2012 to strengthen commitment to nuclear security in Africa if the continent intends to further develop its peaceful nuclear programmes without endangering its citizens. For South Africa, as host and leader of the AFCONE, the question of nuclear security will have to be addressed at the continental level.

In the fourth instance, South Africa faces the challenge of improving treaty compliance among African states. Africa's new sovereignty regime, described by Geldenhuys (2006b: 1-29), offers the continent and South Africa the opportunity to hold African leaders and states accountable to their commitments to the AU and the AFCONE decisions.[47] Notwithstanding this new regime, some African states are notorious for non-compliance with international agreements. In this regard, Dye (2008) refers to African states' poor performance in the submission of the reports required by UNSC Resolution 1540. The resolution adopted in 2004 came in the wake of 9/11 and was intended to prohibit states providing support to non-state actors from acquiring WMDs, and provides for the development and maintenance of measures and controls over WMDs, related materials and delivery systems. By 2008, only 19 African states had submitted reports, most of which were incomplete. All 53 AU-recognised states have either signed and ratified, or acceded to the NPT that came into force in 1970. Unlike their commitment to the NPT, African states' signature or ratification of the Pelindaba Treaty is less convincing. By January 2012, the AU confirmed that it logged 33 deposited ratifications and 51 signatories. Equatorial Guinea and Madagascar have still not signed the Treaty, but both have ratified it. However, 20 of these signatory African states are yet to deposit their instruments of ratification with the AU as the Treaty depository, indicating some progress (AU 2012). In this respect, South Africa's nuclear diplomacy could promote treaty compliance through such instructive methods as reminding states of their

[47] This sovereignty regime refers to the AU's departure from the OAU's position on the non-intervention in African states.

treaty-related interests and socialising states to adhere to the fundamental International Law norm of obedience to treaties. However, non-compliance in terms of the International Law principle of obedience to treaties is often a result of ambiguities in the Treaty, a lack of capacity to comply and time constraints, so South Africa needs to pre-empt these issues in an appropriate manner.

In the fifth instance, the Pelindaba Treaty in Article 8 does not prohibit the "peaceful use of nuclear science and technology for peaceful purposes". The Article also requires states to "promote individually and collectively the use of nuclear science and technology for economic and social development" (Pelindaba Treaty 2009). These provisions may pose some challenges to nuclear security. Several African states have already declared their intention to develop nuclear energy. According to the Interim Secretary of the FNRBA and member of the AFCONE, Atnatiwos Zeleke Meshesha (2011) they are Algeria, Egypt, Ghana, Kenya, Libya, Morocco, Namibia, Nigeria, Senegal, Sudan, Tanzania, Tunisia, Uganda and eight unspecified African countries. South Africa has also indicated its intention to expand its existing nuclear energy facilities. Article 8 of the Treaty also requires states to "establish and strengthen mechanisms for cooperation" and therefore stresses that it is imperative for states to cooperate. However, increased competition among African states and foreign investors to gain access to Africa's nuclear market may compromise these provisions. In terms of verification, Article 9 makes it clear that all states who undertake activities for peaceful purposes shall conclude a Safeguards Agreement with the IAEA to verify compliance and shall not provide any material which may be used for the construction of a nuclear device (Pelindaba Treaty 2009).

In the sixth instance, South Africa will be required to coordinate relations and cooperation between AFRA, the African Energy Commission (AFREC), the FNRBA and the AFCONE. Established in 1990 by the IAEA and African states, AFRA predates the AFCONE by more than two decades and has already achieved some successes (Edwerd 2009: 53-56). South Africa will have to address African states' entrenched interests in AFRA in order to establish an equal role for both organisations. With only 12 members, the AFCONE is a much smaller organisation than the more influential AFRA which has 39 partnered African member states, up

from 32 in 2005. This is more than the ratified members of the Pelindaba Treaty.[48] The intended role for AFRA, which entered into force on 4 April 1990, may pose difficulties and cause it and other recently established atomic organisations such as the FNRBA to compete with rather than complement the AFCONE. This scenario may arise irrespective of the fact that both AFRA and IAEA officials have been elected as AFCONE Commissioners. Article 12 of the Pelindaba Treaty intended that the AFCONE should exert greater control over the development of nuclear projects on the continent and work closely with AFRA and the FNRBA to ensure greater security of radioactive materials (Pelindaba Treaty 2009). AFRA's purpose is to maximize the use of infrastructure and skills present in Africa and help countries to move towards self-sufficiency by using peaceful applications of nuclear techniques.

AFREC was created during the 37th Conference of AU Heads of State in July 2001 to devise policies, strategies and plans for energy development in Africa, and is also likely to jump into the fray and consider nuclear options. The FNRBA, which was created in 2009 due to the increasing use of radioactive materials for peaceful applications of nuclear energy in the areas of health, agriculture and energy production, is a network of regulatory bodies which promote nuclear safety and security in Africa (IAEA 2012b). FNRBA membership is "open to all national nuclear regulatory bodies in Africa on a voluntary basis" and it collaborates with the US Nuclear Regulatory Commission (NRC), the IAEA and other state regulatory bodies (Meshesha 2011). By September 2011, the FNBRA's members included 31 African member states.[49] The General Deputy Director of the IAEA, Tomihiro Taniguchi, regards it as important to strengthen nuclear safety and security in Africa.

Abdul Minty (2011b: 2) pinpointed the Pelindaba Treaty's unique nature by describing it as the "only nuclear weapon free zone having a strong developmental focus" which thus "offer(s) many opportunities for cooperation with AFRA and the IAEA to enhance ongoing efforts to address development needs and challenges" in

[48] In December 2011 AFRA's National Liaison Officers in Africa included Algeria, Angola, Burundi, Benin, Botswana, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, the DRC, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Tunisia, Uganda, Tanzania, Zambia and Zimbabwe.

[49] These are Algeria, Angola, Botswana, Burkina Faso, Cameroon, Côte d'Ivoire, the DRC, Egypt, Ethiopia, Gabon, Ghana, Kenya, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Senegal, Seychelles, South Africa, Sudan, Tanzania, Tunisia, Uganda and Zimbabwe (Meshesha 2011).

Africa. Speaking at the IAEA Technical Assistance and Cooperation Committee (TACC) in November 2011, Minty (2011b: 3) repeated the developmental focus of these bodies. Minty encouraged the Agency to "consider ways of collaborating with the African Commission of Nuclear Energy (AFCONE), to complement its support activities for the Region". By working together (and with the IAEA) the AFCONE, AFRA and the FNRBA are supposed to avoid redundant activities in order to strengthen Africa's commitments on disarmament and non-proliferation, and to find a balance between the needs of security and development in Africa.

In the seventh place, South Africa's nuclear diplomacy within the AFCONE context may be challenged on the contentious issue of the geographical area subject to denuclearisation in terms of Article 1 of the Pelindaba Treaty. The issue of the geographical territory of the ANWFZ is not unique as a similar problem is experienced with the Southeast Asian NWFZ in terms of the Bangkok Treaty (Chin 1998: 175-190). This issue is aggravated by various territorial claims. The UK 'detached' the Chagos Islands from Mauritius in 1965 to establish the British Indian Ocean Territory (BIOT). However, Mauritius still claims Chagos and Diego Garcia; a claim supported by the AU, but denied by the US and the UK (Harvey 2009). In addition to this, Diego Garcia (a UK possession) and the Chagos Archipelago both host US naval bases in accordance with several US-UK bilateral agreements (Sand 2009; Rosen 1997). The US military base on Diego Garcia, according to Harris (2011: 498), is 'subverting' non-proliferation and the anti-nuclear weapons regime as envisaged by the Pelindaba Treaty.

In the eighth instance and related to the previous issue, South Africa will have to ensure that extra-zonal states comply with security assurances. Three Protocols to the Pelindaba Treaty require extra-zonal states to comply with the Treaty's provisions (see *Table 16*). The AU has repeatedly indicated that the failure of non-African countries and NWS to ratify the Treaty's Protocols has hindered some African states from ratifying it. This weakens the Treaty and poses a challenge to global non-proliferation. On 8 July 2011, the AU supported by the US and the UN repeated calls on non-member African states to ratify the Pelindaba Treaty and for NWS and Spain to ratify its Protocols as prescribed without further delay (AU 2011b). The AU issued this call despite welcoming the long-awaited Russian

Federation's ratification of the Treaty's Protocol I and II on 11 March 2011, albeit conditional and thus contrary to the text of the Pelindaba Treaty.

On 8 July 2011, the AU also welcomed President Obama's undertaking of 2 May 2011 to seek consent for Protocol I and II from the US Senate, reversing a long-standing reluctance on the part of the US to ratify them. Obama expressed the belief that it is in the interest of the US to ratify Protocols I and II to strengthen US relations with African allies. This would improve the security of the US by serving the overall objective of non-proliferation and arms control; demonstrate US commitment to the decisions taken at the 1995 REC of the NPT; and contribute to the achievement of an ANWFZ (Mukhatzhanova & Pomper 2011). China has ratified Protocol I and II, while France has ratified Protocols I, II and III. The UK and Russia have ratified Protocols I and II but with provisos. The UK objected to the inclusion of the Chagos Archipelago in the Treaty as an infringement of the UK's sovereignty, whereas Russia objected to the military base of the US, a NWS, on Diego Garcia. For Russia, the presence of a NWS in an area subject to denuclearisation is counter to the objective of the Treaty (Goldblat 2002: 211). Spain has neither signed nor ratified Protocol III. However, it remains equally disturbing that the AU has not called on the world's risky atomic weapons states in Asia and the Middle East, namely India, Iran, Israel, North Korea and Pakistan, to ratify the Pelindaba Treaty.

In the ninth instance, the regime changes brought about by the so-called "Arab Spring" since 2011 in North Africa may pose the challenge of nuclear reversal to South Africa's nuclear diplomacy in Africa. Nuclear reversal, according to Levite (2002: 61 & 67), can be described as the process whereby states embark on an officially-sanctioned nuclear weapons programme, then reverse the programme without necessarily abandoning their nuclear ambitions. This is closely related to Levite's (2002: 69) conceptualisation of nuclear hedging, which refers to a "national strategy of maintaining, or at least appearing to maintain, a viable option for the relatively rapid acquisition of nuclear weapons" based on a domestic technical capability (such as nuclear fuel-cycle facilities and nuclear scientists) to produce these weapons in a relatively short period. Both Libya and Egypt, for example, have not yet stabilised since the removal of Colonel Muammar Al-Qaddafi and President

Hosni Mubarak respectively.[50] Middle Eastern and North African countries such as Saudi Arabia, the United Arab Emirates (UAE), Jordan and Egypt have also expressed their intention in September 2011 to initiate nuclear construction and operation projects amounting to US$ 400 billion (*Your Nuclear News,* 6 September 2011). Egypt may be described as a potential nuclear hedger. Its nuclear ambitions can be ascribed to, amongst others, its perception of Israel as a threat; the ambition to lead the Arab world technologically and politically; and strong historical domestic support for a national nuclear capability (Levite 2002: 63).

Table 16: Protocols of the Pelindaba Treaty

Protocol	Obligations	Open for ratification by	Signed	Ratified
I	NWS not to use or threaten to use a nuclear weapon against any Party to the Treaty and against any territory within the ANWFZ	By all NWS	By all NWS	France China UK
II	NWS not to participate or assist in or encourage the testing of a nuclear explosive device in the ANWFZ			
III	Parties *de jure* or *de facto* in control of territories within the zone (France & Spain) to apply the Treaty's principles in the territories under their control	France Spain	France Spain	France

Pelindaba Treaty (2009)

Finally, South Africa may face challenges posed by efforts to establish a Middle East NWFZ. Briefing Parliament on the Pelindaba Treaty in 2002, Deputy Foreign Minister

[50] The spelling of Qaddafi is in line with the spelling in documents of the Qaddafi-led Libyan government. See Libya (undated).

Aziz Pahad (2002) stated that one of the reasons for the delay in the entry into force of the Pelindaba Treaty was the campaign by North African states to establish a NWFZ in the Middle East. This resulted in the low priority given to the Pelindaba Treaty. South Africa may be required to promote the establishment of a Middle East NWFZ. To this end, South Africa has, for example, participated in the IAEA *Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East* in Vienna, Austria, from 21 to 22 November 2011. In addition to this, Ambassador Lamamra (2010), Commissioner for Peace and Security of the AU, referred to a NWFZ in the Middle East in his opening address to the First COP of the Pelindaba Treaty. Lamamra raised an expectation of African involvement in the establishment of the Middle East zone by stating that the AU "strongly believes" that the establishment of a NWFZ, in the Middle East would enhance African security.

South Africa's hosting and leadership of the AFCONE will test the country's normative power. South Africa's maintenance of its normative power on nuclear non-proliferation on the continent and elsewhere is dependent on the legitimacy of the country's nuclear diplomacy. On its part, this legitimacy is dependent on the country's persuasive actions to promote nuclear non-proliferation on the continent and on the AFCONE's activities. More importantly, South Africa's normative power will be determined by the impact and consequences of the country's socialisation of the norms espoused by the AFCONE.

7. Conclusion

This chapter analysed South Africa's nuclear diplomacy with Africa, particularly the country's nuclear diplomacy pertaining to the Pelindaba Treaty. The Pelindaba Treaty made an innovative contribution to the institutionalisation of NWFZs as functional regimes by, for example, providing for a mechanism of compliance through the establishment of a continental commission, the AFCONE, with clearly defined tasks.

Since 1990, South Africa has conducted its nuclear diplomacy with African states in such a manner as to convince the continent of its commitment to nuclear non-

proliferation. By ascribing to the continental norm of a denuclearised Africa, South Africa constructed its identity accordingly to serve its national interests.

It is concluded that NWFZs are an effective instrument to express nuclear non-proliferation as a norm. Africa's interest in this normative instrument has originated in the 1960s. However, despite this early commitment to the norm and the African acceptance of an ANWFZ, the Pelindaba Treaty only entered into force in 2009. One of the reasons for the delay was the unwillingness of the pre-1989 South African government to join the continent's nuclear non-proliferation efforts. By the time continental efforts to resume negotiations on the ANWFZ treaty commenced in 1991, changes in South Africa's nuclear position had changed. Initial continental negotiations on the treaty excluded South Africa. Once the IAEA verification process was completed, South Africa was invited to join the continental and international efforts to draft a treaty.

Throughout this treaty-making process, South Africa's nuclear diplomacy followed two main strategies, namely cooperation and partnership. Its identity as a country with nuclear expertise and a former nuclear proliferator-turned-norm-complier resulted in the country being able to fulfil a particular role in these deliberations. Several diplomatic successes resulted from this. South Africa was endorsed as the host of the AFCONE; it was elected to serve on the AFCONE; and a South African was elected to lead the AFCONE.

Efforts to denuclearise Africa slowed down once the NPT entered into force in 1970. By 1990, political changes in South Africa included exposing the country's nuclear past. Once the continent accepted South Africa's nuclear non-proliferation commitments, it invited the country to deliberations on the ANWFZ treaty. This marked the beginning of South Africa's integration into the continent's nuclear affairs. Subsequently, South Africa played a significant role in the final draft of the Treaty and was elected as the leader and host of the Treaty's mechanism of compliance, the AFCONE.

South Africa's post-1990 nuclear diplomacy in Africa has undergone several changes. Most notably, the country has ascribed to the continental norm of nuclear non-proliferation. It has acquired a niche role in nuclear diplomacy on the continent

and has constructed a new identity as a state complying with the norm of nuclear non-proliferation as expressed, *inter alia*, through the continent's nuclear weapons free zone. South Africa's involvement in the Pelindaba Treaty coincided with the country's accession to the NPT in 1991. Hence the need to consider the country's nuclear diplomacy in respect of the NPT.