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An African contribution to the nuclear weapons debate

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Abstract
The current initiative on the humanitarian consequences of nuclear weapons has offered States the opportunity to reinvigorate the disarmament debate. While Africa has taken this opportunity to engage on nuclear disarmament, the impact of its efforts remains to be seen. The purpose of this article is to recall the value of African engagement, and to identify the important role that South Africa could play in leading the African continent in its call for a world free of nuclear weapons.

Keywords: Africa, nuclear weapons, disarmament, South Africa, Treaty of Pelindaba.

Introduction

The international community has never been as close as it is today to an absolute ban on the use of nuclear weapons. A shift from a pure security discourse to a focus on the humanitarian consequences of these weapons has allowed many States to enter a debate that for decades appeared reserved for powerful and

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wealthy governments. With the strength of fifty-four States and its moral standing as a nuclear weapons-free continent, Africa has the opportunity to contribute to the humanitarian consequences debate and to have a significant impact on the advancement of nuclear disarmament. Yet while African States have long joined the call for a world free of nuclear weapons and have been actively participating in discussions at various multilateral fora, the power of the African voice in influencing and advancing the debate has remained limited. Given the inclusive nature of the humanitarian consequences process and the interest that Africa has expressed on the issue, the continent's limited influence could be ascribed to a lack of leadership. Neither the African Union (AU) nor individual African governments have demonstrated a concrete interest in coordinating an African position or strategy. While this may not be surprising for the most part, it is indeed unexpected with respect to South Africa, the country with the most moral authority worldwide to speak on the topic of nuclear disarmament. South Africa is well known as the first and only country to have voluntarily dismantled its own nuclear weapons programme towards the end of the apartheid regime. It belongs to, and has played an important role in promoting, the African nuclear weapons-free zone. Its commitment to nuclear disarmament has been clearly expressed within the framework of its *Ubuntu* diplomacy,[1] and its own moral authority, Archbishop Desmond Tutu, has long been an advocate for a nuclear ban. This puts South Africa in a strong position to stand as a visible African leader and bridge-builder in the current ongoing process leading to a world free of nuclear weapons. This article argues that the stage has been set for increased African involvement in the nuclear disarmament debate, and considers the leadership role that South Africa could play in this regard.

Africa's role in the debate

The contribution that Africa can make to the nuclear disarmament debate should be seen not as a lofty ideal but rather as an attainable objective that fits within a pattern of engagement by numerous African States on arms control and non-proliferation issues. African States were vocal participants during negotiations for the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, as this was an issue that directly affected many States on the continent.[2] A number of African

1 *Ubuntu* diplomacy can be loosely translated as humanitarian diplomacy. See "2011 White Paper on South Africa's Foreign Policy: Building a Better World, the Diplomacy of Ubuntu", 13 May 2011, available at: www.gov.za/documents/white-paper-south-african-foreign-policy-building-better-world-diplomacy-ubuntu (all internet references were accessed in November 2015). A white paper is a discussion document that serves as a broad statement of government policy. See "How a Law is Made", available at: www.parliament.gov.za/live/content.php?Item_ID=1843. For more on the principle of *Ubuntu*, see below.

2 Sarah J. Swart, "A New Dawn in the Nuclear Weapons Debate: A Role for Africa?", *African Yearbook on International Humanitarian Law*, 2013, p. 17.

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States,[3] most prominently Zambia, were just as vocal during negotiations for the 2008 Convention on Cluster Munitions despite the fact that the continent had not been significantly impacted by these weapons, thereby demonstrating its willingness to involve itself in efforts to prohibit weapons based on their inhumanity.[4] The most recent evidence of such engagement is the negotiation of the Arms Trade Treaty (ATT) regulating the international trade in conventional arms, during which African States demonstrated their staunch support for a strong treaty through common regional positions in the Economic Community of West African States (ECOWAS) and Central Africa, numerous national and sub-regional workshops and promotional events, and an AU common position. Indeed, Africa was pivotal in ensuring that small arms and light weapons, as well as ammunition, were covered by the provisions of the ATT. Given the continent's history of engagement on arms control issues as well as the weight it brings to the disarmament debate, it is not surprising that African States have expressed an interest in more recent initiatives to advance global nuclear disarmament.

As Kwame Nkrumah stated in 1967, "we in Africa wish to live and develop … we are not freeing ourselves from centuries of imperialism and colonialism only to be maimed and destroyed by nuclear weapons".[5] The same argument, used by Nkrumah almost five decades ago, still rings true today – Africa is intrinsic to the nuclear weapons debate. The facts that past nuclear testing has taken place on African soil[6] and that South Africa is the only country in the world to have voluntarily dismantled its nuclear weapons provide historic reasons for the continent's interest in the issue. The existence of major uranium mining operations across the continent demonstrates the current relevance of the nuclear weapons issue to Africa. In 2012, Niger, Namibia, Malawi and South Africa were named among the top twenty global uranium exporters, and uranium

3 For instance, twenty-one African States attended the Wellington Conference in February 2008; thirty-nine African States attended the Vienna Conference in December 2007; seven African States attended the Belgrade Conference for affected States in October 2007; and fourteen African States attended the Lima Conference in May 2007. Gugu Dube, *Negotiating the Convention on Cluster Munitions: The Role of African States*, ISS Paper No. 187, Institute for Security Studies, June 2009, available at: www.issafrica.org/acpst/papers/negotiating-the-convention-on-cluster-munitions-the-role-of-african-states.

4 Sheila N. Mweemba, "The Role of African States", in Arielle Denis (ed.), *Banning Nuclear Weapons: An African Perspective*, International Campaign to Abolish Nuclear Weapons (ICAN), October 2014, p. 8.

5 "Wider Impact and Longer-Term Consequences", International Conference on the Humanitarian Impact of Nuclear Weapons, introductory comments by Ambassador Mxakato-Diseko for Session II, 4 and 5 February 2013, available at: www.regjeringen.no/en/topics/foreign-affairs/humanitarian-efforts/statements_humimpact/id715939/.

6 French atmospheric and underground nuclear tests took place in the Sahara in the early 1960s, resulting in "significant radioactive fallout in several African countries". Helle Winge Laursen, *Africa and Nuclear Weapons: An Introduction to the Issue of Nuclear Weapons in Africa*, International Law and Policy Institute (ILPI) Background Paper No. 1/2012, February 2012, pp. 5–11, available at: http://nwp.ilpi.org/?p=1489#more-1489.

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deposits are said to also exist in Algeria, Botswana, the Central African Republic, the Democratic Republic of the Congo (DRC), Gabon, Guinea, Equatorial Guinea, Mali, Mauritania, Morocco, Nigeria, Tanzania, Zambia and Zimbabwe.[7] The current relevance of the debate to Africa is also evident in light of the aspirations of a number of African States to establish nuclear energy programmes.[8] Although the peaceful use of nuclear material is acknowledged as a right under the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT), there is a need to ensure that this right is exercised in a manner that does not increase the risk of diversion of nuclear material to nuclear weapons programmes. In addition, the continent is unlikely to remain completely unaffected if a nuclear device were to detonate in another part of the world.[9] The use of nuclear weapons anywhere would impact the future of the African continent.

Given the above, as well as the establishment of the African continent as a nuclear weapons-free zone through the 1996 African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), it is clear that African States are invested in the nuclear disarmament debate. In light of Africa's past experiences, its lack of direct economic and political stakes in preserving the status quo and its vulnerability as a continent to a nuclear detonation, civil society is calling on Africa to "challenge the moral conscience of the world".[10] This is not a new call – think tanks such as the South Africa-based Institute for Security Studies (ISS) have long been encouraging Africa's active participation in activities related to international nuclear safety, debates with respect to global disarmament and measures to prevent the proliferation of nuclear material for military purposes.[11] It is the current initiative on the humanitarian consequences of nuclear weapons that has provided Africa with the ideal opportunity to answer that call.

7 See World Nuclear Association, "Uranium in Africa", February 2015, available at: www.world-nuclear.org/info/Country-Profiles/Others/Uranium-in-Africa/#.UjrkjKymjQI; Amelia Broodryk and Shaun Edge, "International Nuclear Security: Why Africa Must Make Its Voice Heard", *ISS Today*, 24 March 2013, available at: www.issafrica.org/iss-today/international-nuclear-security-why-africa-must-make-its-voice-heard. See also Amelia Broodryk and Noël Stott (eds), *Progress Towards Securing Africa's Nuclear Resources*, ISS, 2011, p. 31.

8 While there is only one nuclear power station currently operating in Africa (that is, two nuclear reactors units at the Koeberg Nuclear Power Station in South Africa), various African States have expressed interest in producing nuclear energy, including Algeria, the DRC, Egypt, Ghana, Libya, Morocco and Nigeria. See International Atomic Energy Agency (IAEA), *Research Reactors in Africa*, November 2011, available at: www.iaea.org/OurWork/ST/NE/NEFW/Technical_Areas/RRS/documents/RR_in_Africa.pdf.

9 According to the International Court of Justice (ICJ) the effects of a nuclear weapons explosion are not constrained by time or space. See ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, *ICJ Reports 1996*, 8 July 1996, para. 226.

10 S. N. Mweemba, above note 4.

11 The same cannot necessarily be said for South African government institutions: while the South African Council for the Non-Proliferation of Weapons of Mass Destruction is well established, it has arguably played a remarkably backseat role in influencing the government position and in promoting disarmament, at least publicly.

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The current humanitarian consequences initiative

Despite ongoing, and legitimate, concerns that a number of States are either growing their nuclear weapons arsenal or expressing interest in doing so, current unprecedented political momentum for nuclear disarmament has created an exciting level of optimism amongst disarmament proponents. This momentum has arguably been increased by the failure of the recent NPT Review Conference, which took place in New York in April and May 2015. Despite years of preparatory meetings and negotiations, and four weeks of intense deliberations, the Conference failed to agree on a substantive final document setting out recommendations for the next five years until the 2020 Review Conference.[12] According to the Tokyo-based UNU Centre for Policy Research, the 2015 NPT represents "an opportunity squandered" – while it remains the single best existing multilateral platform for State negotiations, the failure of States to agree on a way forward for NPT implementation is a warning that "the discord that surrounds nuclear disarmament will not dissipate".[13] While most of the disagreement admittedly revolved around the issue of a conference for Middle East States to establish a nuclear weapons-free zone, another potential reason for the Conference's failure is the sensitivity around discussions on disarmament, which has been growing since the advent of the humanitarian consequences initiative. This failure arguably adds significance and impetus to the humanitarian consequences initiative.

Until recently, discussions on nuclear weapons were constrained to traditional multilateral fora where negotiations often centred on the deterrent and security benefits of these weapons, and the exception for only a few States to maintain nuclear weapons programmes tended to monopolize disarmament efforts. A recent reframing of the nuclear weapons debate has however been the cause of much cautious excitement for civil society, academics and governments alike. For the first time in many years, States without nuclear weapons feel that they have a legitimate contribution to make to the ongoing debate on the usefulness of these weapons, which accords with the call in Article VI of the NPT for all States Parties to pursue negotiations towards nuclear disarmament. A statement to the Geneva Diplomatic Corps in 2010 by the president of the International Committee of the Red Cross (ICRC) at the time, Jacob Kellenberger, clearly depicts the need for the debate to be broadened from a discussion centred on power politics and military strategy:[14] Kellenberger asserted that "the currency of this debate must ultimately be about human beings, about

12 Andrey Baklitskiy, "The 2015 NPT Review Conference and the Future of the Nonproliferation Regime", *Arms Control Today*, 8 July 2015, available at: https://armscontrol.org/ACT/2015_0708/Features/The-2015-NPT-Review-Conference-and-the-Future-of-the-Nonproliferation-Regime.

13 Wilfred Wan, "Why the 2015 NPT Review Conference Fell Apart", United Nations University Centre for Policy Research, 28 May 2015, available at: http://cpr.unu.edu/why-the-2015-npt-review-conference-fell-apart.html.

14 See Jakob Kellenberger, "Bringing the Era of Nuclear Weapons to an End", statement to the Geneva Diplomatic Corps, 20 April 2010, available at: www.icrc.org/eng/resources/documents/statement/nuclear-weapons-statement-200410.htm. This document is also available in the "Reports and Documents" section of this issue of the *Review*.

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the fundamental rules of international humanitarian law, and about the collective future of humanity".[15] And States heeded this call. The following paragraphs will describe the humanitarian consequences initiative to date, highlighting the potential it has created for African involvement and leadership.

In March 2013 the Norwegian Ministry of Foreign Affairs convened a two-day international conference in Oslo specifically focused on the humanitarian impact of nuclear weapons. The meeting included discussions on the lack of an available humanitarian response in most countries and at the international level in the event of a nuclear weapon detonation, the historical experience from the use and testing of nuclear weapons, and the wide geographical effects that a nuclear detonation would have.[16] State representation at the conference was relatively high, especially considering that it was the first time that States had gathered on the multilateral stage to consider the effects of nuclear weapons from a humanitarian perspective. Indeed, representatives from 128 States, including States known to possess nuclear weapons, as well as more than 150 representatives from interested stakeholders (including the United Nations (UN), the International Red Cross and Red Crescent Movement and the International Campaign to Abolish Nuclear Weapons) attended the conference. This broad representation was remarked on by the then Norwegian minister of foreign affairs, Mr Barth Eide, at the closing session of the conference, when he noted that "it reflects the increasing global concern regarding the effects of nuclear weapons detonations, as well as the recognition that this is an issue of fundamental significance for us all".[17] It is worth pointing out, however, that none of the five NPT nuclear weapons States attended the conference, despite (or perhaps due to) their status as States possessing nuclear weapons.

At the conclusion of the Norwegian conference, the government of Mexico announced that it would host a follow-up meeting on 13–14 February 2014 in Nayarit. This announcement was welcomed as a means of ensuring that the issue would remain on the agenda of the international community. The Nayarit conference focused on the long-term humanitarian consequences of the use of nuclear weapons, including new research and technological tools that make it possible to predict and better understand the long-term effects of nuclear weapons on global public health, population displacement and the world economy.[18] State participation increased at this second conference: delegations representing 146 States were present, which meant an additional eighteen governments more than the Norwegian conference. The chair of the conference commented that "the broad and active participation of States and civil society reflects the global concern regarding the effects of nuclear weapons, as well as the

15 *Ibid.*

16 "Conference: Humanitarian Impact of Nuclear Weapons", 4–5 March 2013, available at: www.regjeringen.no/en/topics/foreign-affairs/humanitarian-efforts/humimpact_2013/id708603/.

17 *Ibid.*

18 Christine Beerli, "Nuclear Weapons Must Be Prohibited and Eliminated Once and for All", statement at the Second Conference on the Humanitarian Impact of Nuclear Weapons, 13–14 February 2014, available at: www.icrc.org/eng/resources/documents/statement/2014/02-13-nuclear-weapons-statement.htm.

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increasing recognition that this is an issue of the utmost importance to all peoples in the world".[19] The UN, the International Red Cross and Red Crescent Movement and civil society organizations were also in attendance. While none of the five Permanent Members of the UN Security Council were present in Mexico, the chair did suggest that awareness of the humanitarian impact of nuclear weapons was already changing the hearts and minds worldwide of those engaging in discussions concerning nuclear weapons.[20]

Austria was the next government to take up the baton, offering to host the Third Conference on the Humanitarian Impact of Nuclear Weapons (Vienna Conference) on 8–9 December 2014 at the Hofburg Palace in Vienna. The Vienna Conference further focused on the humanitarian consequences of nuclear weapons, including "effects on human health, the environment, agriculture and food security, migration and the economy, as well as the risks and likelihood of the authorized or unauthorized use of nuclear weapons, international response capabilities and the applicable normative framework".[21] This conference saw a further increase in State participation, with 158 governments present, representing twelve States more than the conference in Mexico. Interestingly, the invitation to NPT nuclear-weapon States and to those States not party to the NPT had been reiterated by the Austrian government in the run-up to the conference; it appears that this was a useful step, as the United States and the United Kingdom attended the conference, thereby engaging in the humanitarian consequences discussion for the first time. In a pledge issued following the conference, the Austrian government undertook to continue cooperation with all relevant stakeholders in an effort to "stigmatize, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks".[22] Although more than 122 countries have already endorsed the Austrian pledge,[23] no State has yet confirmed its intention to host a follow-up conference.

African involvement in the above-mentioned conferences has been impressive. Thirty-five African States were present in Oslo, forty-six African States participated in Nayarit and forty-five African States attended the conference in Vienna. It is notable that in total, fifty-three African States participated throughout the various conferences.[24] While these numbers are encouraging, participation alone is clearly not enough; an active and substantive contribution from African States is a clearer measure of interest and support. At the third and

19 ICAN, *Nayarit – A Point of No Return: Mexico Conference 2014*, April 2014, p. 7.
20 *Ibid.*
21 "Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 8 to 9 December 2014: Report and Summary of Findings of the Conference", available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Chair_s_Summary.pdf.
22 Pledge presented at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons by Austrian Deputy Foreign Minister Michael Linhart (Austrian pledge), available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Austrian_Pledge.pdf.
23 ICAN, "Humanitarian Pledge: Stigmatize, Prohibit and Eliminate Nuclear Weapons", 10 February 2016, available at: www.icanw.org/pledge/.
24 Only Mauritania and Western Sahara have not participated, whereas Morocco attended all three conferences.

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most recent conference in Vienna, African States circulated a joint statement expressing their deep concern at the lack of meaningful progress towards the goal of a nuclear weapons-free world and calling on the conference to continue to build a better understanding of the humanitarian consequences of nuclear weapons. The statement also mentions the waste of resources in the sustaining and building of these weapons, which could be better used to achieve the Millennium Development Goals. It concludes by submitting that "the current state of affairs on nuclear disarmament remains … unsustainable and wholly unacceptable".[25] It is worth noting that this statement was one of only four joint country statements circulated in Vienna.[26] It also represents the first joint statement made by the African continent during the humanitarian consequences process.

In addition to the joint statement, numerous African States[27] made country statements, accounting for more than one fifth of all statements made at the conference. Many of these statements constituted a strong call for action. Malawi in particular called on the international community to act in order to realize "that long-awaited legal instrument to prohibit nuclear weapons and live in a world free of nuclear weapons".[28] Kenya shared its position that "the very adverse humanitarian consequences of nuclear weapons can help de-legitimize nuclear weapons … we therefore reiterate that it is time for States to start working on a legal ban on nuclear weapons".[29] In Zimbabwe's statement, the government noted that "there can never be any moral justification for possessing nuclear arsenals that threaten humanity that it purportedly seeks to safeguard and protect", and called for the realization of "concrete measures on how the legally binding international instrument that outlaws the use, production, deployment, stockpiling and transfer of nuclear weapons can be realised".[30]

According to Patricia Lewis of Chatham House London, leaving the issue of nuclear disarmament to the domain of the "experts" has not taken the international community very far to date, and the myth that the ordinary layperson does not have a right to talk about nuclear weapons is now finally being debunked.[31] By initiating the humanitarian consequences process, it seems that space has been created for

25 See #HINW14vienna Statements, available at: www.bmeia.gv.at/en/european-foreign-policy/disarmament/weapons-of-mass-destruction/nuclear-weapons-and-nuclear-terrorism/vienna-conference-on-the-humanitarian-impact-of-nuclear-weapons/statements/.

26 Other joint country statements were issued by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, by the Non-Aligned Movement, and by the Association of South-East Asian Nations. See *ibid*.

27 Niger, Uganda, Djibouti, Lesotho, Zambia, Libya, Malawi, Guinea-Bissau, Senegal, Ghana, Kenya, Congo, Togo, Algeria, Mali, South Africa, Nigeria, Zimbabwe, Chad and Comoros. See *ibid*.

28 Malawi Statement by Aubrey Kabisala, Delegate, Foreign Service Office (Political Affairs), Ministry of Foreign Affairs and International Cooperation, Vienna, 9 December 2014. See *ibid*.

29 Statement by Michael A. O. Oyugi during the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 8–9 December 2014. See *ibid*.

30 Statement delivered by the Ambassador/Permanent Representative of the Republic of Zimbabwe, His Excellency G. T. Mutandiro, on the occasion of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 8–9 December 2014. See *ibid*.

31 Patricia Lewis, "The Humanitarian Impact of Nuclear Weapons: A Workshop for Humanitarian Organizations", Institute for Security Studies and Chatham House London in South Africa workshop, presentation on file with author, October 2013.

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Africa to increase its engagement. It is important to note, however, that the establishment of the humanitarian consequences initiative has not led to the development of an enhanced African position on nuclear disarmament; it has merely given Africa an international platform from which to voice its position and exert its influence. While in the past the role that African countries could play in discussions on the future of global nuclear weapons was questioned, it is today clearer, thanks to the humanitarian consequences initiative, that it is not only possession of nuclear weapons that gives a State the necessary credibility to add its voice to the debate. The ISS has reiterated that given the involvement of African States in various global disarmament efforts, the African continent is well placed and has the necessary experience to try to convince States that possess nuclear weapons to engage in the discussions from a humanitarian perspective.[32] This article now turns to examine the extent to which African States are engaging in the debate and the impact that South Africa in particular can have on the advancement of global nuclear disarmament.

African engagement and impact

As evidenced above, African countries are interested in the humanitarian consequences of nuclear weapons, and most are actively engaging in the process. While this article focuses on the current humanitarian consequences process, it would be remiss not to mention the efforts that African States have been making outside of the humanitarian consequences process to express their position on nuclear disarmament. One platform for disarmament discourse is the UN General Assembly First Committee on Disarmament and International Security (First Committee). The First Committee covers threats to peace that affect the international community and challenges to the international security regime. Kenya and Algeria both took the opportunity provided by the general debate of the First Committee during its 69th session in 2014 to share their positions. Kenya stated:

> People are beginning to stand up. Very soon they will say "enough". Every citizen of the world community has the right and duty to oppose the existence of nuclear weapons. Naturally, the talk of banning nuclear weapons is the next logical step. It should not cause anxiety.[33]

Algeria, meanwhile, noted that "nuclear disarmament remains its highest priority and expresse[d] its serious concern over the danger to humanity posed by the

32 Noël Stott, "2014: The Year to Negotiate an International Ban on Nuclear Weapons?", *ISS Today*, 22 January 2014, available at: www.issafrica.org/iss-today/2014-the-year-to-negotiate-an-international-ban-on-nuclear-weapons.

33 Anthony Andanje, Deputy Permanent Representative of the Republic of Kenya to the UN in Geneva, statement during the General Debate of the First Committee on all Disarmament and International Security Agenda Items (Items 87–104), 69th Session of the UN General Assembly on Disarmament and International Security, 13 October 2014, available at: https://unoda-web.s3.amazonaws.com/wp-content/uploads/assets/special/meetings/firstcommittee/69/pdfs/GD_13_Oct_Kenya.pdf.

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existence of nuclear weapons and of their possible use or threat of use".[34] African States have also contributed to the First Committee debates through group statements. Since 2012 a number of States have together issued a joint statement on the humanitarian consequences of nuclear weapons. While it initially started as a statement on behalf of sixteen States expressing their deep concern about the catastrophic humanitarian consequences of nuclear weapons, in 2014 New Zealand delivered the joint statement on behalf of over 150 countries.[35] In the 2015 First Committee deliberations, South Africa tabled a resolution entitled "Ethical Imperatives for a Nuclear-Weapon-Free World", which was adopted by 124 votes in favour and thirty-five votes against.[36]

Another platform for the disarmament debate is the Conference on Disarmament (CD), which is viewed as the world's only multilateral disarmament negotiating forum. It holds three sessions a year, and operates according to a permanent agenda. It has a limited membership of sixty-five States, which includes twelve African States: Algeria, Cameroon, the DRC, Egypt, Ethiopia, Kenya, Morocco, Nigeria, Senegal, South Africa, Tunisia and Zimbabwe. Africa therefore represents less than one fifth of the CD membership. According to its Rules of Procedure, UN member States have the option of observing the work of the CD and, as of 2011, the following African States have taken part as observers: Ghana, Libya, Mauritius, Mozambique and Sudan.[37] The CD has faced criticism, however, for not further expanding its membership. Ghana and Libya have previously requested membership but have been refused, while Tanzania has taken to expressing its frustration at the UN First Committee:

> [P]erhaps the tranquil spirit that my delegation brings to these forums could be a positive factor in the Conference on Disarmament. In this regard, it is very appropriate that we also consider the expansion of the machinery to give it a better multilateral appearance.[38]

While the CD has been deadlocked in its programme of action for many years,[39] it is important to note Africa's interest in participation and its willingness to pursue representation.

34 Sabri Boukadoum, Ambassador, Permanent Representative of Algeria, statement to the UN at the thematic debate of the First Committee on Nuclear Weapons, 69th Session of the UN General Assembly on Disarmament and International Security, 20 October 2014, available at: https://unoda-web.s3.amazonaws.com/wp-content/uploads/assets/special/meetings/firstcommittee/69/pdfs/TD_NW_21_Oct_Algeria.pdf.

35 "Rejecting Calls for 'Wholesale' Approaches to Disarmament, United States Speaker Tells First Committee Achievable Results Will Not Be Realized Overnight", UN General Assembly Meetings Coverage, 20 October 2014, available at: www.un.org/press/en/2014/gadis3506.doc.htm.

36 ICAN, "UNGA First Committee Adopts Resolutions Demanding Action on Humanitarian and Ethical Concerns about Nuclear Weapons", 11 November 2015, available at: www.icanw.org/campaign-news/unga-first-committee-adopts-resolutions-demanding-action-on-humanitarian-and-ethical-concerns-about-nuclear-weapons/.

37 H. W. Laursen, above note 6.

38 *Ibid.*

39 Nuclear Threat Initiative, "Conference on Disarmament (CD)", 23 October 2015, available at: www.nti.org/treaties-and-regimes/conference-on-disarmament/.

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In addition, while there may be an appearance of apathy from most African countries, where weapons of mass destruction-related issues seem to remain a low priority, there are a number of strong and vocal countries that are contributing to the promotion of nuclear disarmament, notably South Africa, Egypt, Nigeria and Algeria.[40] Egypt, as a leading country in the Arab League of States and a vocal member of the Non-Aligned Movement (NAM) and New Agenda Coalition (NAC), has played a particularly important role in nuclear disarmament discussions.[41] It also fills an interesting bridge-building position between the Arab region and Africa. Although the Treaty of Pelindaba was adopted in South Africa, the signing ceremony took place in Cairo. According to the International Law and Policy Institute, Egypt is also a central player in promoting the establishment of a weapons of mass destruction-free zone in the Middle East.[42] Nigeria was heavily involved in the development of the nuclear weapons-free zone in Africa as it formed part of the joint group of experts which was responsible for drafting the Treaty of Pelindaba. It is also a member of the De-alerting Group, which since 2007 has been calling for a reduction in the number of nuclear weapons on high alert.[43]

Despite this active engagement, however, the impact of the African voice is perceived as limited. While the AU, together with its Commission, has expressed its continued commitment to realizing a word without nuclear weapons, and has a role as the depository for the Treaty of Pelindaba to mobilize African States as entrepreneurs of international nuclear norms, AU participation during the humanitarian consequences process has been limited.[44] The reasons for such limited participation are unclear, but could once again be linked to an issue of competing priorities. While many African States have attended the various NPT Review Conferences, most, with the exception of South Africa, have not been largely involved in pushing for new policies.[45] While most African States have attended and made valuable statements at the various conferences on the humanitarian consequences of nuclear weapons, there is still room for a more coordinated and focused continental position. A possible reason for this limited impact could be the lack of a common position on the humanitarian impact of nuclear weapons, which could play an important role in current nuclear disarmament negotiations. The value of a coordinated or common African

40 H. W. Laursen, above note 6.
41 *Ibid.*
42 *Ibid.*
43 Georgina te Heuheu, "De-alerting Group General Debate Statement: 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 3–28 May 2010", in New Zealand Ministry of Foreign Affairs and Trade, *Statements and Speeches 2010*, 4 May 2010, available at: www.mfat.govt.nz/assets/_securedfiles/Peace-Rights-and-Security/De-alerting-Group-General-Debate-Statement-2010-NPT-Review-Conference.pdf.
44 Noël Stott, "Africa and the Humanitarian Consequences of Nuclear Weapons", *ISS Today*, 1 March 2013, available at: www.issafrica.org/iss-today/africa-and-the-humanitarian-consequences-of-nuclear-weapons; Noël Stott, "Nuclear Weapons and their Consequences: The Relevance of International Humanitarian Law", *ISS Today*, 24 May 2012, available at: www.issafrica.org/iss-today/nuclear-weapons-and-their-consequences-the-relevance-of-international-humanitarian-law.
45 H. W. Laursen, above note 6.

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position has been evident in the past. Although the draft AU Common Position on the Arms Trade Treaty was not endorsed before the final ATT negotiations, the document served as a valuable tool in unifying the African voice. An African common position on nuclear disarmament could serve both to consolidate African support for the humanitarian consequences process and to prepare the ground for possible negotiations on a nuclear ban treaty. Indeed, in Malawi's country statement at the 2014 Vienna Conference, it suggested that "we need to take this into the agenda of the highest political fora for our regional multilateral organizations such as the African Union in readiness for a diplomatic negotiation process for a legally binding instrument".[46]

Yet despite the catalyst effect that such a common position could have, no such document has been drafted to date. One reason could be that the right time for such a common position has simply not yet arrived. African States may have been waiting to assess the outcome of the 2015 NPT Review Conference before deciding whether such a common African position would be necessary and significant. However, there has been no evidence of steps to draft a common position following the perceived failure of the Review Conference. A second and more pessimistic explanation could be a question of priority: the AU Commission undoubtedly has a number of competing priorities, and nuclear weapons may simply not be one of them. The third and arguably most probable reason, however, is that no single African State has demonstrated its willingness to lead the process within the AU. Identifying a focal point for coordinating African participation during multilateral negotiations is often an essential and defining step.[47] In previous African disarmament success stories, there has frequently been a single State championing the cause and leading the African response – Zambia played such a role during the drafting of the Convention on Cluster Munitions,[48] and Nigeria arguably played a similar role during the more recent ATT negotiations.[49] The role of a champion State could be to introduce the topic at an AU summit, to draft essential elements for a common position to share with the AU Commission, or to host sub-regional and regional expert meetings in preparation for multilateral negotiations.

And so the question arises: which African State would be best placed to play such a role? Which African State has demonstrated its diplomatic and financial support for African multilateral affairs and negotiations, has highlighted that

46 A. Kabisala, above note 28.

47 S. N. Mweemba, above note 4.

48 In 2008 Zambia hosted a continental conference to draft a joint declaration in anticipation of upcoming treaty negotiations. Borrie refers to the African bloc as a force during the Dublin negotiations due to those countries' coordination by Zambia as well as their unity following the 2008 continental conference. See John Borrie, *Unacceptable Harm: A History of How the Treaty to Ban Cluster Munitions Was Won*, United Nations Institute for Disarmament Research (UNIDIR), New York and Geneva, 2009, p. 258.

49 Nigeria has been recognized for coordinating the African group throughout the process of negotiation of the treaty, as well as for being the first African State to ratify the treaty. See "Nigeria Becomes First African Country to Ratify Arms Trade Treaty", *Premium Times*, 13 August 2013, available at: www.premiumtimesng.com/news/142705-nigeria-becomes-first-african-country-to-ratify-arms-trade-treaty.html.

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nuclear disarmament fits squarely within its foreign policy aspirations, and has past experience of initiating thematic discussions at the continental level? Considering these qualifications, it is inevitable that the focus turns to South Africa.

Expectations on South Africa

> We must ask the question, which might sound naive to those who have elaborated sophisticated arguments to justify their refusal to eliminate these terrible and terrifying weapons of mass destruction – why do they need them anyway![50]
>
> Nelson Mandela, 21 September 1998

The present author has previously observed that if there are expectations on Africa to further engage on this issue, perhaps the most predominant candidate to play a leading role is South Africa. The reasons for this are numerous, and relatively obvious. Firstly, South Africa remains the only country to have ever voluntarily relinquished its status as a nuclear power.[51] According to former South African president F. W. de Klerk, "South Africa has illustrated that long-term security can be far better assured by the abrogation of nuclear weapons than by their retention. … The international community must take concrete steps to control, and finally eliminate, nuclear weapons as a thinkable option."[52] Secondly, South Africa is a member of and has actively promoted adherence to the continental nuclear weapons-free zone, which provides it with a legitimate reason for calling for global nuclear disarmament. Thirdly, South Africa is a key player with a strong voice in both the sub-region and the continent. Indeed, due to its unique position but also to its prominent leadership role, "South Africa has an opportunity to steer the direction of the nuclear industry and the global nonproliferation regime in a positive direction. It should take it."[53]

However, it is not only the role that South Africa can play as *leader* but also the role it can play as *bridge-builder* that is forcing it into the limelight:

> Taking advantage of an unusual nuclear history; an innovative, domestic nuclear power industry; and strong ties with other strategic countries, South Africa is emerging as a crucial bridge between developed and developing

50 Cited in ICAN, "Celebrating 20 years of South African Democracy and Nuclear Disarmament: South Africa Considers Follow-Up to the Vienna Conference", 20 May 2014, available at: www.icanw.org/campaign-news/south-africa-considers-follow-up-to-the-vienna-conference/.

51 While a number of other States have dismantled their nuclear programmes, South Africa remains the only State to ever voluntarily dismantle its entire nuclear weapons arsenal. For more information on the disarmament process in South Africa, see Nic von Wielligh, *The Bomb: South Africa's Nuclear Weapons Programme*, Litera Publications, Pretoria, 2015.

52 S. J. Swart, above note 2, p. 22.

53 Jack Boureston and Jennifer Lacey, "Shoring Up a Crucial Bridge: South Africa's Pressing Nuclear Choices", *Arms Control Today*, 1 January 2007, available at: www.armscontrol.org/print/2293.

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> countries on nuclear issues. South Africa's outspoken support for "all" country's [*sic*] rights to develop nuclear technologies for peaceful purposes and its renewed interest in developing its own nuclear fuel cycle puts it at center stage in non-proliferation debates. At the same time, its record as the only country to develop its own nuclear weapons and then renounce them has allowed it to challenge the nuclear-weapon States to meet their disarmament commitments under the nuclear Nonproliferation Treaty.[54]

Whether South Africa will take advantage of its unique position or not remains the question. This section attempts to examine the above-mentioned reasons for such high expectations on the country, and to suggest whether these expectations are realistic.

The dismantling of the apartheid-era nuclear weapons programme

Despite long-standing suspicion that South Africa had developed a nuclear weapons arsenal, it was only with the announcement of former president F. W. de Klerk on 24 March 1993 before a special joint session of Parliament that these suspicions were confirmed. De Klerk admitted that South Africa had developed six nuclear fission devices and was halfway towards developing another, but noted that in early 1990 the decision was taken to destroy these weapons. According to Adams, this announcement "shocked the world".[55] South Africa became the first country worldwide to voluntarily disband its nuclear weapons programme and destroy its nuclear weapons,[56] and in doing so provided the international community with a step-by-step manual for nuclear disarmament. It is useful to briefly consider the motivations behind the programme, as well as the nuclear strategy adopted by the apartheid government, in order to better understand the reasons for its dismantling.

The nuclear programme in South Africa started with the discovery of uranium deposits in the country in the 1940s, and at its peak in the late 1980s saw the development of six nuclear devices, with enough highly enriched uranium available to produce a seventh.[57] Former president de Klerk has strongly asserted that the Apartheid government never intended to detonate these devices, but instead saw their nuclear arsenal from the outset as a valuable deterrent.[58] This was due to the pressure the government was under at the time, notably the instability in Angola and Mozambique, the presence of Cuban forces in the region, the threat of a "black uprising" and, according to de Klerk, "South

54 *Ibid.*

55 Isaac Adams, "Limited Capability: A History and Review of South Africa's Nuclear Weapons Programme", *The Monitor: Journal of International Studies*, Vol. 8, No. 1, 2001.

56 It is worth pointing out that other countries have abandoned their nuclear weapons programmes, but unlike South Africa they did so before developing nuclear weapons capability. These include Argentina and South Korea. See David Albright, "South Africa's Nuclear Weapons Program", Institute for Science and International Security, 14 March 2001, available at: http://web.mit.edu/ssp/seminars/wed_archives01spring/albright.htm.

57 *Ibid.*

58 I. Adams, above note 55.

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Africa's growing international isolation and the fact that it could not rely on outside assistance in case of an attack".[59] Indeed, South Africa's nuclear strategy appears to support de Klerk's claims. Albright notes that the country's nuclear strategy had three phases: to perpetuate strategic uncertainty regarding the country's nuclear arsenal; if necessary, to secretly acknowledge the existence of its nuclear weapons programme to certain Western powers in a bid to force their intervention; and finally, a demonstration of its nuclear power through public announcement or even testing.[60] This strategy, together with the limited number of nuclear devices in its arsenal, suggests that South Africa's nuclear weapons programme was genuinely built with deterrence in mind. Regardless of the real motivation behind the nuclear weapons programme in apartheid South Africa, the current South African government's position is that possessing nuclear weapons will not confer greater security for any State; that nuclear weapons represent a risk to humanity; and that deterrence is not a sufficient reason to build nuclear weapons.[61] This is a position shared by many States worldwide.

Just as many reasons have been put forward for why South Africa established a nuclear weapons programme, many reasons for the disarmament of South Africa's nuclear weapons have been suggested. These include the departure of Cuban forces from Angola, the independence of Namibia, the decline of the Soviet Union, and a desire within the country to regain some standing in the international community.[62] Adams adds that South Africa's threats to test its nuclear powers were empty, as nuclear testing would have further strained its relationship with the United States, and that the prospect of a new black government with access to nuclear weapons was a clear motivation for the dismantling of the programme.[63] Again, what is important to note is that despite its reasons for disarming and despite criticism against the apartheid government for selfish motives in dismantling its nuclear weapons programme, the fact remains that the government of South Africa *did* choose to dismantle its programme, *did* join the NPT regime, *did* allow the International Atomic Energy Agency (IAEA) unprecedented access for verification purposes, and *continues* to call for nuclear non-proliferation and disarmament. Regardless of its motivations for dismantling the programme, the South African government views the country today as more secure than the South Africa that possessed a nuclear weapons arsenal. The current South African government's strong commitment to nuclear disarmament reflects its belief that possession of nuclear weapons makes a State a threat to international peace and security rather than a responsible world

59 F. W. de Klerk "South Africa, the Nation that Gave Up Its Nukes", *Los Angeles Times*, 22 December 2013, available at: www.latimes.com/opinion/op-ed/la-oe-deklerk-south-africa-nukes-20131222-story.html.
60 D. Albright, above note 56.
61 See, e.g., "Media Statement by Deputy Minister Ebrahim on International Relations Issues", 9 April 2013, available at: http://www.dfa.gov.za/docs/speeches/2013/ebra0409.html.
62 D. Albright, above note 56.
63 I. Adams, above note 55.

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citizen.[64] Although South Africa still possesses sufficient highly enriched uranium to build nuclear weapons, the country has not reversed its decision to dismantle. Van Wyk argues that this demonstrates South Africa's commitment to taking the moral high ground generally, but especially in the area of nuclear disarmament.[65]

It is worth highlighting the statement that South Africa made during the Vienna Conference, in which it linked the dismantling of its nuclear weapons programme to a moral responsibility with which the State must now comply:

> As the only country to have developed and then voluntarily destroyed its nuclear weapons, South Africa has always viewed humanitarian imperatives as the very centre of our efforts. Our position evolved from and was shaped by our experiences during South Africa's struggle for freedom. We know all too well the devastation associated with the nuclear tests conducted in and around the African continent and the constant danger of the apartheid regime's nuclear weapons, which loomed large in our lives and those of our neighbours. We have noted the appeals of some States for practical and realistic measures, yet by our own actions we have illustrated what indeed can and must be done. We therefore not only have a legal obligation, but also a moral responsibility to contribute to the humanitarian initiative.[66]

The Treaty of Pelindaba

The 1996 African Nuclear-Weapon-Free Zone Treaty, more commonly known as the Treaty of Pelindaba, prohibits African States from manufacturing, acquiring, stockpiling, testing or possessing nuclear weapons. The Treaty, which was adopted in June 1995 at the 31st Ordinary Session of the Organisation of African Unity (OAU), is augmented by two protocols directed at the five nuclear weapon-possessing States, requiring them to respect the status of the zone and not to use or threaten to use nuclear weapons in any African country. The Treaty of Pelindaba entered into force in 2009 and to date has been ratified or acceded to by forty States, including the most recent ratification of Angola in June 2014.[67] The continental nuclear weapons-free zone created under the Treaty of Pelindaba is joined by similar nuclear weapons-free zones in the South Pacific, Central Asia, Latin America and the Caribbean, and South-East Asia.[68] According to Stott,

64 Ambassador Abdul Samad Minty, Permanent Representative of the Republic of South Africa to the Conference on Disarmament, statement, 1 September 2011, available at: www.dfa.gov.za/docs/speeches/2011/mint0901.html.

65 Jo-Ansie van Wyk, "South Africa's Nuclear Diplomacy since the Termination of the Nuclear Weapons Programme", *South African Journal of Military Studies*, Vol. 42, No. 1, 2014, p. 84.

66 Statement by South Africa at the Third International Conference on the Humanitarian Impact of Nuclear Weapons, Vienna, 9 December 2014, available at: www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/Statements/HINW14_Statement_South_Africa.pdf.

67 African Union, "List of Countries which Have Signed, Ratified/Acceded to the African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba)", 28 January 2014, available at: www.au.int/en/treaties/african-nuclear-weapon-free-zone-treaty-pelindaba-treaty.

68 UN Office for Disarmament Affairs, "Nuclear-Weapon-Free-Zones", available at: http://www.un.org/disarmament/WMD/Nuclear/NWFZ.shtml.

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> the Treaty … plays an important role in preventing nuclear proliferation, reducing the role of nuclear weapons in a region, providing guarantees that nuclear weapons will not be used against States in the region, and building the cooperative mechanisms for security that will help achieve a nuclear-weapons-free world.[69]

Stott argues that the Treaty of Pelindaba strengthens the objectives of the NPT and that it is an important African initiative led by Africans and for Africans.[70]

While the adoption of the Treaty of Pelindaba is an accomplishment that Africa can be proud of, it must be recalled that South Africa's domestic position delayed the drafting of the Treaty for many years. The UN General Assembly adopted a resolution in 1961 calling for a zone in Africa free from nuclear weapons, but it wasn't until 1991, the same year that South Africa joined the NPT, that the OAU (now the African Union) established a joint group of experts to begin drafting a treaty. Some say that South Africa "practically held the continent at ransom until 1991".[71] On the other hand, the South African decision to renounce and completely dismantle its nuclear weapons programme can be seen as a vital catalyst in the Treaty of Pelindaba negotiations: with its decision to dismantle, South Africa demonstrated that a nuclear weapons-free zone in Africa could indeed exist. According to Adeniji, "once the Cold War ended and the South African Government was seen to have begun the dismantlement of apartheid and adhesion to the NPT, it was possible to move forward with the denuclearization of Africa".[72] South Africa's support for the drafting of the Treaty of Pelindaba became clear in the ensuing years: the Treaty was eventually adopted in Pelindaba, near Pretoria, which was the site of the then Atomic Energy Corporation of South Africa, symbolizing a change in South Africa's domestic policy but also signifying its support for a strong African position on nuclear disarmament.

Since the adoption of the Treaty of Pelindaba, South Africa has continued to demonstrate the value it places on the African nuclear weapons-free zone. Firstly, at the first Conference of Parties in 2010, South Africa was endorsed as host of the African Commission on Nuclear Energy (AFCONE), an office envisaged under the provisions of the Treaty.[73] The role of AFCONE is to act as a mechanism of compliance, ensuring the proper implementation of the Treaty across the continent. Secondly, a prominent and experienced South African, Ambassador Minty, was nominated as one of the first AFCONE commissioners, as well as the first chairperson of the Commission. His election not only highlights the success of South Africa's diplomatic efforts on the continent but also a genuine

69 Noël Stott, "Nuclear Weapons: The Treaty of Pelindaba and Current Debates", presentation on file with author, 16 August 2012.

70 Noël Stott, "The Treaty of Pelindaba: Towards the Full Implementation of the African NWFZ Treaty", *ISS Guide*, 2011.

71 Jo-Ansie van Wyk, "No Nukes in Africa: South Africa, the Denuclearisation of Africa and the Pelindaba Treaty", *Historia*, Vol. 57, No. 2, 2012.

72 Oluyemi Adeniji, *The Treaty of Pelindaba on the African Nuclear Weapons-Free Zone*, UNIDIR/2002/16, UNIDIR, 2002.

73 African Nuclear-Weapon-Free-Zone (ANWFZ) Treaty (Treaty of Pelindaba), 20 October 2015 (entered into force 15 July 2009), available at: www.nti.org/treaties-and-regimes/african-nuclear-weapon-free-zone-anwfz-treaty-pelindaba-treaty/.

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commitment from the South African government to the advancement of nuclear disarmament and to the implementation of the Treaty of Pelindaba. Thirdly, South African civil society has mirrored government efforts to promote the Treaty: think tanks such as ISS have proactively encouraged African adherence through the organization and hosting of promotional events and the provision of expert advice and briefings to African governments.[74]

While South Africa's domestic policy of apartheid prevented the country from supporting initial efforts to draft a treaty providing for a continental nuclear weapons-free zone, South Africa's diplomatic and financial efforts to promote and implement the Treaty of Pelindaba since its own new political dispensation have revealed a strong and genuine interest in nuclear disarmament.

South Africa's position on arms control

South Africa has often demonstrated its willingness to take a stand for nuclear disarmament, in both the domestic and international arenas. On the domestic level, South Africa has recognized the need to prohibit nuclear weapons through the Non-Proliferation of Weapons of Mass Destruction Act, which provides a control regime for weapons of mass destruction, including nuclear weapons. The Act also establishes the South African Council for the Non-Proliferation of Weapons of Mass Destruction, which controls and manages matters relating to the proliferation of such weapons.[75] The Weapons of Mass Destruction Act was used in 2007 to prosecute a German engineer based in South Africa for his involvement in a global black market for nuclear weapons technology.[76] According to the facts of the case, the engineer, Gerhard Wisser, played a part in the activities of the infamous Abdul Qadeer Khan network, which was involved in the irresponsible sharing of nuclear technology. Ambassador Minty, senior South African envoy to the IAEA at the time, welcomed Wisser's conviction and noted that such domestic prosecutions were important in order to eradicate the illicit trade in nuclear technology.[77]

On the international level, South Africa frequently expresses its strong national support for nuclear disarmament. South Africa's concern and disappointment at the lack of substantive work and an agreed programme of action at the CD,[78] as well as its clear position on nuclear weapons as a source of

74 See, e.g., N. Stott, above note 70.

75 Non-Proliferation of Weapons of Mass Destruction Act No. 87, 1993, available at: www.thedti.gov.za/nonproliferation/legislation.htm.

76 See South Africa Transvaal Provincial Division, *The State v. Daniel Geiges and Gerhard Wisser*, Case No. CC332/2005, Indictment, July 2006, available at: www.isis-online.org/peddlingperil/southafrica.

77 South African Government, "A Minty Welcomes Conviction of G Wisser", press release, 5 September 2007, available at: www.gov.za/minty-welcomes-conviction-g-wisser.

78 UN Office at Geneva, "Conference on Disarmament Considers Issues relating to Rules of Procedure: Considers Proposal on Civil Society Participation", 4 February 2015, available at: www.unog.ch/80256EDD006B9C2E/%28http://NewsByYear_en%29/2B4FCBBF5CCFE069C1257DE2006163C4?OpenDocument.

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insecurity rather than security,[79] are evidence of this support. When the Democratic People's Republic of Korea carried out a nuclear test in 2014, South Africa responded by labelling the test as a threat to peace, stability and security.[80] Statements that South Africa makes at the international level are consistent with the country's strong domestic position, including country statements as well as statements within groupings such as the NAM and the six-State NAC. South Africa has also made strong statements within the humanitarian consequences process – at the most recent conference in Vienna, South Africa noted that

> [t]he only way to guarantee the security that we all seek, is through the total elimination of nuclear weapons and their prohibition. It is indeed an anomaly that nuclear weapons remain the only weapons of mass destruction that have yet to be subjected to a comprehensive, global prohibition. South Africa has no doubt that conferences like these offer the international community an inclusive platform and will contribute towards the establishment of higher norms against nuclear weapons.[81]

It is also important to highlight that South Africa's foreign policy is built on the diplomacy of *Ubuntu*. *Ubuntu* reflects the concept of humanity, and refers to the idea that we affirm our humanity when we affirm the humanity of others.[82] South Africa recognizes interconnectedness and interdependency as important aspects of its diplomacy, and aspires to act as a champion for collaboration, cooperation and partnership rather than conflict. Such commitment to and interest in the advancement of multilateral issues can be seen in South Africa's hosting of a number of multilateral bodies – namely the New Partnership for Africa's Development, the African Peer Review Mechanism, AFCONE and the Pan African Parliament – as well in its nomination of Nkosazana Dlamini-Zuma as the current chairperson of the AU Commission[83] and the more recent successful nomination of Dumisani Dladla as interim head of the ATT Secretariat.[84] It is in the framework of such foreign policy ambitions that South Africa's commitment to disarmament, non-proliferation and arms control, as well as its continued support for Africa as a nuclear weapons-free zone, is entrenched.[85]

79 South Africa, statement during the thematic debate on nuclear weapons, 69th Session of the UN General Assembly on Disarmament and International Security, 20 October 2014, available at: https://unoda-web.s3.amazonaws.com/wp-content/uploads/assets/special/meetings/firstcommittee/69/pdfs/TD_NW_20_Oct_SouthAfrica.pdf.

80 "SA, Russia Condemn DPRK Nuclear Test", South African Government News Agency, 12 February 2013, available at: www.sanews.gov.za/world/sa-russia-condemn-dprk-nuclear-test.

81 Statement by South Africa, above note 66.

82 "2011 White Paper on South Africa's Foreign Policy", above note 1.

83 Elissa Jobson, "African Union chooses first female leader", *The Guardian*, 16 July 2012, available at: http://www.theguardian.com/world/2012/jul/16/african-union-first-female-leader.

84 Jefferson Morley, "ATT Parties Hold First Conference", *Arms Control Today*, 3 September 2015, available at: https://www.armscontrol.org/ACT/2015_09/News/ATT-Parties-Hold-First-Conference.

85 "2011 White Paper on South Africa's Foreign Policy", above note 1.

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Realistic expectations

Given the above, it is understandable that there are expectations for South Africa to enhance its leadership role on the issue of nuclear disarmament. South Africa has not been averse to playing such a role in the past: in the lead-up to the NPT preparatory committee meeting in 2013, South Africa invited all parties to the treaty to endorse a two-page statement expressing deep concern about the catastrophic humanitarian consequences of nuclear weapons. Eighty States supported the statement, which was coordinated and led by South Africa. While Australia did not endorse the statement, a diplomatic cable sent from Australia's Permanent Mission in Geneva to officials in Canberra noted that "South Africa has made a good faith effort here [to craft a statement that would be acceptable to a wide range of States] and we consider that if not for the reference to the 2011 ICRC [*sic*] Council of Delegates resolution … we could recommend joining".[86] It seems that South Africa had intentionally chosen language that would broaden support for the statement, and even a country that decided against endorsing the statement recognized the role South Africa was playing in garnering support. It is not only through its coordination of country statements that South Africa has demonstrated its willingness to stand as a leading State in the global nuclear arena, however; even the most recent campaign for Ambassador Minty's election as director-general of the IAEA illustrated these ambitions.[87] His nomination demonstrates the South African government's regard for the IAEA, as well as its undertaking to contribute to the IAEA'S objective of promoting only the peaceful use of nuclear material.

South Africa also finds itself in the delicate but potentially powerful position of bridge-builder, able to bridge the gap between the North and the South, to represent the growing number of "middle power" States and to interact with both nuclear weapons-possessing States and members of nuclear weapons-free zones. In some regards, South Africa has already played this role; for example, it has been hailed for its "deadlock-breaking diplomatic efforts during the 1995 Review Conference of the NPT", at which it participated for the first time as a State Party. South Africa's membership of the BRICS (Brazil, Russia, India, China and South Africa) group of countries, NAM and NAC arguably provides it with the necessary footing to engage in mediation and bridge-building efforts. Strong ties forged between South Africa and India within the framework of BRICS, for example, have resulted in the two countries wielding considerable power on nuclear issues as members of the IAEA Board of Governors.[88]

In light of the relevance of the debate to South Africa, and evidence of the country's existing willingness to carve out a role for itself in advancing nuclear disarmament, there appear to be no obstacles to prevent South Africa from

86 Tim Wright, "Australia's Opposition to a Ban on Nuclear Weapons", ICAN Briefing Paper, 28 August 2013.
87 J. A. van Wyk, above note 65, p. 95.
88 J. Boureston and J. Lacey, above note 53.

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playing an increased leadership role in the future. In its statement at the Vienna Conference, South Africa noted that it was "currently considering options, including our role in any follow-on activities and meetings".[89] At an event during the conference in Oslo, Norway, on 12–13 May 2014, the acting chief director at the South African Department of International Relations and Cooperation, Ms Titi Molaba, minister counsellor to the South African Permanent Mission to the UN, stated that South Africa is "considering the possibility of hosting a fourth conference" to follow up on the Vienna Conference on the Humanitarian Impact of Nuclear Weapons.[90] With statements such as these, expectations are understandably high that South Africa will soon step into a visible leadership position on the continent.

Conclusion

Archbishop Desmond Tutu has called for the abolishment of nuclear weapons through "an irrepressible domestic groundswell of popular opposition … and intense and sustained pressure from the international community".[91] In the framework of increased space, past successes and a receptive climate, Africa provides the ideal stage for Tutu's call to be realized.[92] As argued above, past disarmament efforts have proven that the impact of African engagement is highest when it is led by a specific State or group of States. In the framework of nuclear disarmament, South Africa presents itself as a logical choice to provide such leadership. Not only is South Africa the only State to have dismantled a nuclear weapons programme on its own volition, notably at a time when security was volatile, but since dismantling it has consistently made strong statements in favour of global nuclear disarmament and non-proliferation. South Africa has established itself as a moral authority on the issue, and many are looking to it as the State most ideally positioned to lead African efforts in the advancement of complete nuclear disarmament. To date, South Africa does appear to be encouraging the continent through existing African multilateral fora as well as through direct engagement within the confines of the diplomatic process. Whether South Africa will play a more active and visible role in the future is still to be determined, but should the country announce its intention to host an international or continental conference, this would be a clear step towards a stronger position of leadership on the issue of the humanitarian consequences of nuclear weapons. Without leadership from an African State or group of States, the interest and concern expressed by the African continent to date may amount to little. It is hoped that South Africa will embrace the position in which it finds itself to help further advance Africa's call for a world free of nuclear weapons.

89 Statement by South Africa, above note 66.
90 ICAN, above note 50.
91 S. N. Mweemba, above note 4, p. 4.
92 *Ibid.*, p. 2.

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