



PARLIAMENT OF UGANDA

**REPORT OF THE COMMITTEE ON FOREIGN AFFAIRS
ON
THE MOTION FOR A RESOLUTION OF PARLIAMENT URGING
GOVERNMENT TO SIGN AND RATIFY
THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS**

**Office of the Clerk to Parliament
Parliamentary Buildings
KAMPALA**

AUGUST, 2023

REPORT OF THE COMMITTEE ON FOREIGN AFFAIRS ON A MOTION FOR A RESOLUTION OF PARLIAMENT URGING GOVERNMENT TO SIGN AND RATIFY THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

1.0. INTRODUCTION

On 26th October 2021, Hon. Martin Ojara Mapenduzi, Member of Parliament for Gulu City (Bardege-Layibi Division) moved a Motion for a Resolution of Parliament urging Government to sign and ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW). The Motion was referred to the Committee on Foreign Affairs for scrutiny and report back within 45 days, as required by the Rules of Procedure of Parliament.

The Committee could not complete its report within the stipulated time, because it lacked substantive input of the Ministry of Defence and Veteran Affairs, under which the subject matter of the Treaty falls. However, the Minister appeared before the Committee on 11th November 2021 and informed the Committee that:

- i. The motion seeks to urge Government, hence the Executive to sign and ratify the Treaty. In performance of such a duty, the Executive is advised by one of its organs, which is "*the National Security Council*", which advises on matters of National Security; and
- ii. The Ministry of Defence and Veteran Affairs operates in a framework which requires that matters relating to National Security are discussed by the High Command and the Defence Forces Council before taking a stand as provided by Sections 3 of the National Security Council Act; and Sections 14 and 15 of the Uganda People's Defence Forces (UPDF) Act.

Rt. Hon. Speaker, you will recall that upon the expiry of the 45 days, the Committee requested for extra time in accordance with Rule 218 (2) of the Rules of Procedure of Parliament and you granted the request.

Thereafter, the Committee made several attempts to get a position from the Ministry of Defence and Veteran Affairs before presenting this report to this August House; but the attempts have been in vain. *(Copies of the correspondences are hereby attached.)*

Following the engagements which the Committee held with several other stakeholders, the Committee now presents its report as follows.

2.0 MANDATE OF THE COMMITTEE

Rule 187(k) of the Rules of Procedure of Parliament establishes the Committee on Foreign Affairs; and mandates it to cover:

- i. Missions abroad; and
- ii. Bilateral, multi-lateral and inter-governmental relations.

The same Rules of Procedure, under Rule 40 (2) mandates the Committee to examine Treaties, Protocols or International Agreements

- i. The Treaty on the Prohibition of Nuclear Weapons (TPNW) was the first legally binding international agreement to comprehensively prohibit nuclear weapons;
- ii. Uganda actively participated in the negotiations leading to the formulation of the Treaty and was among the 122 States that approved the idea to prohibit and eliminate nuclear weapons;
- iii. The delay by Uganda to sign and ratify the TPNW diminishes Uganda's standing on the International stage, where Uganda is recognized as a model country in handling matters of international concern; and is celebrated as a country that has served the international community with dedication in maintaining international peace and security, as well as standing

- iv. The TPNW assures durable world peace, prohibits nuclear arms race between countries and safeguards mankind by prohibiting State parties from developing, testing, producing, manufacturing, acquiring, stockpiling, stationing, installing, deploying, transferring or receiving nuclear weapons or any other nuclear explosive;
- v. Signing and ratification of TPNW would enable Uganda to access assistance including environmental remediation from the State parties that test or use nuclear weapons; and
- vi. The first historical meeting of the State parties to the Treaty on the Prohibition of Nuclear Weapons was scheduled for 22nd March 2022 in New York and for Uganda to be represented at that meeting it ought to have signed, ratified and deposited the ratification instrument at the United Nations in New York by 22nd December 2021.

Prohibitions

- i. Developing, testing, producing, manufacturing, acquiring, possessing or stockpiling nuclear weapons or other nuclear explosive devices;
- ii. Transferring to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly;
- iii. Receiving the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly;
- iv. Using or threatening to use nuclear weapons or other nuclear explosive devices;
- v. Assisting, encouraging or inducing, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;
- vi. Seeking or receiving any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty; and
- vii. Allowing any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.

The Treaty requires a State Party to:

- i. Declare whether it owned, possessed or controlled nuclear weapons or nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities, prior to the entry into force of this Treaty for that State Party;
- ii. Notwithstanding Article 1 (a), declare whether it owns, possesses or controls any nuclear weapons or other nuclear explosive devices; and

vi. Seeking or receiving any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty; and

vii. Allowing any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.

Obligations

The Treaty requires a State Party to:

- Declare whether it owned, possessed or controlled nuclear weapons or nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities, prior to the entry into force of this Treaty for that State Party;
- Notwithstanding Article 1 (a), declare whether it owns, possesses or controls any nuclear weapons or other nuclear explosive devices; and

- iii. Notwithstanding Article 1 (g), declare whether there are any nuclear weapons or other nuclear explosive devices in its territory or in any place under its jurisdiction or control that are owned, possessed or controlled by another State;
- iv. Take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Treaty undertaken by persons or on territory under its jurisdiction or control;
- v. Provide victim assistance to individuals under its jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and human rights law;
- vi. adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion;
- vii. Take necessary and appropriate measures towards the environmental remediation of areas so contaminated.
- viii. Maintain its International Atomic Energy Agency safeguards obligations in force at the time of entry into force of this Treaty, without prejudice to any additional relevant instruments that it may adopt in the future, among others.

It is imperative to note that Article 16 of the Treaty provides that 'the Articles of this Treaty shall not be subject to reservations.'

6.0 FINDINGS AND OBSERVATIONS ON THE TREATY

6.1. Mandate of the Committee

While the Committee is mandated to cover bilateral, multi-lateral and inter-governmental relations, its role with regard to examination of the said Treaties, Protocol and International Agreements is limited because the role of Parliament is restricted to Agreements signed, concluded and laid on Table as required by law.

6.2. Ratification of Treaties

Whereas the Motion seeks for a Resolution of Parliament urging Government to sign and ratify the TPNW; the Committee observes as follows:

- i. the duty to make Treaties, Conventions, Agreements or other arrangements between Uganda and any other country, or between Uganda and any International Organization or body, in respect of any matter, lies within the mandate of the President or a person authorized by the President as provided by Art. 123 of the Constitution of the Republic of Uganda;
- ii. the duty to ratify this particular treaty (TPNW) lies within the mandate of Parliament as provided by Section 2 of the Ratification of Treaties Act; and
- iii. although the Ratification of Treaties Act provides that Parliament shall ratify Treaties relating to armistice, neutrality or peace; or in the case of a treaty, in respect of which the Attorney General has

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The Committee further observed that Uganda is already party to the following Treaties, which could help to address some of the concerns arising from fear of nuclear weapons:

- Uganda is a signatory to IAEA, which was accepted on 30th August 1967. IAEA seeks to promote peaceful use of nuclear energy and to inhibit the use of nuclear material for any military purpose, including nuclear weapons. Through its framework, Uganda receives technical support in all areas of peaceful uses of nuclear energy for cancer management, industrial applications, nuclear power infrastructure development, and research among others.

- c) Comprehensive Nuclear-Test-Ban Treaty (CTBT)

CTBT is a multilateral Treaty that bans all nuclear explosions, for both civilian and military purposes, in all environments. It was adopted by the United Nations General Assembly on 10th September 1996, but it hasn't yet entered into force because eight specific States haven't ratified it. Uganda signed it on 7th November 1996 and ratified it on 14th March 2001. The Treaty will enter into force 180 days after the 44 States that participated in the CTBT's negotiations between 1994 and 1996 have ratified it.

- d) The Pelindaba Treaty (African Nuclear Weapons Free Zones) Treaty.

Uganda signed this Treaty with African Union Commission on 11th April 1996. It obligates Parties not to develop, manufacture, acquire, or possess any nuclear explosive device. Parties may engage in peaceful nuclear activities and must conclude 'safeguards agreements' with IAEA.

This Treaty established Africa as a nuclear-weapon-free zone. As a signatory to this Treaty, Uganda has already undertaken to refrain from acts that will defeat the purpose and object of the Treaty.

The TPNW only complements and reinforces the earlier treaties. By signing and ratifying the TPNW, Uganda would only convey its total and universal rejection of nuclear weapons and help to transform

the regional norms of the Treaty of Pelindaba into global norms; but the TPNW would not impose any significant new obligations on Uganda, as Uganda already maintains policies and practices that are compliant with all of the prohibitions in Article 1 of the TPNW.

e) Comprehensive Safeguards Agreements (CSAs)

All non-nuclear-weapon States Parties to NPT, as well as States Parties to the regional nuclear-weapon-free zone Treaties are required to conclude comprehensive safeguards agreements with IAEA. **Safeguards agreements ensure that all nuclear activity which a State undertakes, are for peaceful purposes and that a State is not engaging in illicit nuclear activities.** These agreements allow States to exercise their right under the NPT to peaceful nuclear energy without causing concern that may actually be developing nuclear weapons in violation of the Treaty. A CSA also gives the IAEA the authority to independently verify that all nuclear materials in the territory of a State is not diverted for nuclear weapons or explosive purposes and that nuclear facilities aren't misused.

- f) Existence of safeguards on atomic energy - It is important to further note that Uganda already has in place a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) and therefore would not be required to take any further action under Article 3 of the TPNW.

6.7. Nuclear Weapon versus Nuclear Energy

The Committee observed that a nuclear weapon is an explosive device whose destructive force results from either nuclear fission chain reactions, or combined nuclear fission and fusion reactions.

Nuclear weapons whose explosion force results exclusively from fission reactions are commonly referred to as atomic bombs, while those that derive much or most of their energy in nuclear fusion reactions are termed as thermonuclear weapons.

It is imperative to note that a nuclear weapon is at times confused with nuclear energy. However, nuclear energy is generated over a period of time and is usually used for useful purposes.

6.8. Positive effects of Nuclear Energy

The Committee observed that the TPNW doesn't limit the ability of a State Party to pursue Nuclear Energy or Nuclear Technology for "peaceful uses" and non-military purposes. This is stipulated in the preamble of the TPNW that "*nothing in this Treaty shall be interpreted as affecting the inalienable right of its State Parties to develop Research, Production and use of Nuclear Energy for peaceful purposes without discrimination*"

6.8.1. **Medical Positive Nuclear Energy Applications**

- a) The Ministry of Health in Uganda is currently engaged in peaceful application of Nuclear Medicine, in which radioactive materials (radiopharmaceuticals) are used to detect and treat various diseases.

These radiopharmaceuticals are administered into the body by injection, ingestion, or inhalation. They then accumulate in the area of interest while emitting gamma rays, which are detected using special equipment to create images of those body parts under examination.

- b) Furthermore, radiotherapy, a modality used at Uganda Cancer Institute, uses nuclear energy from radioactive sources like Cobalt to treat Cancers, yet the same cobalt can be used as a raw material for the production of nuclear weapons; hence the need to carefully consider the effects that would arise from prohibition of nuclear materials.

6.8.2. **Non-Medical Positive Nuclear Energy Applications.**

- a) Nuclear power is another peaceful application that was integrated in the Energy Policy for Uganda-2030, as the set target to have a functioning Nuclear Power Plant. This would go a long way in promoting Industrialization in our country.
- b) *Low-cost energy.* Although building nuclear power plants has a high initial cost, in the long run, it is relatively cheap to produce energy from them with low operating costs.
- c) Nuclear energy assures **reliable power generation for sustainable systems**. As such, it can produce energy for 2 to 3 years continuously, without necessarily refueling the plant. This high energy density has the ability to power the industrialization of an economy.
- d) *Impact on the environment* - Nuclear energy has zero carbon emissions with no smoke, making it environmentally friendly.

6.9. **NEGATIVE EFFECTS OF NUCLEAR WEAPONS**

6.9.1. **Security concerns**

- a) A nuclear weapon detonation in or near a populated area would as a result of the blast wave, intense heat, radiation and radioactive fallout cause massive death and destruction.

The effects of nuclear weapons on human life are well documented especially following the Hiroshima and Nagasaki bombings of 1945, in which an estimated 140,000 people

were killed in Hiroshima and 74,000 people were killed in Nagasaki.

- b) Detonated nuclear weapons may trigger large scale displacement and cause long term harm to human health and wellbeing, as well as long term damage to the environment, infrastructure, socioeconomic development and social order. These effects violate human rights in regard to the rights to life, to humane treatment, to a healthy and clean environment.
- c) According to the Union of Concerned Scientists, roughly 9,000 nuclear weapons are hidden away in bunkers and missile silos in warehouses, at airfields and naval bases, and carried by dozens of submarines across the world. A single war head can demolish a city center and fully-fledged nuclear war would threaten life.
- d) There is fear that the number of countries proliferated or possessing nuclear weapons may grow from the current nine countries which are USA, Britain, Russia, China, Pakistan, India, Israel, North Korea and France. There are chances that the weapons may be fired in anger or they may accidentally explode in a way that prompts a nuclear exchange.

6.9.2. Obstacle to right to health

The International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes *'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'*. This implies a clear set of legal obligations on states to ensure appropriate conditions for the enjoyment of health of all people without discrimination. Radiations from nuclear weapons however have congenital effects on the human body which may affect the health of those directly impacted as well as children born to them.

6.9.3 Obstacle to right to life

The Universal Declaration of Human Rights provides that everyone has a right to life, liberty and security; while the International Convention on Civil and Political Rights provides for protection of lives, Nuclear weapons are indiscriminate in nature and their existence therefore would violate the aforementioned provisions.

6.9.4 Obstacle to a clean and healthy environment

Nuclear weapons have a potential to destroy the entire ecosystem of the planet- agriculture, natural resources, food and marine ecosystems. States have an obligation to take reasonable measures to prevent pollution and ecological degradation which cannot be achieved where nuclear weapons are used.

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Besides shock, blast and heat, nuclear bombs generate high intensity flux of radiation in form of gamma-rays, x-rays and neutrons as well as large abundances of short and long-lived radioactive nuclei which contaminate the entire area of the explosion and are distributed by atmospheric winds worldwide.

6.9.5. Effects from the testing of nuclear weapons

Testing can only be done in the atmosphere or underground, the latter being the only method used at the present time. Atmospheric nuclear test cause hazards to personnel participating in the testing, the environment and the general population.

8.0. GENERAL OBSERVATIONS

The Committee observes that some of the areas of concern under the TPNW are already covered under other Treaties and Agreements, to which Uganda is a State Party.

8.1. Useful application of nuclear energy - The Committee observed that the discovery of radiation and radionuclides' use in medicine is a peaceful application of Nuclear Energy. This however is not to state that there are no risks for non-peaceful application which could be perpetrated by wrong agents.

8.2. Declaration- In accordance with Article 2 of the TPNW, if Uganda was to ratify the Treaty, it would be required to submit a declaration that it has never owned, possessed, or controlled nuclear weapons or nuclear explosive devices. However, the TPNW does not contain any provision regarding ongoing reporting obligations for states parties that do not possess or host nuclear weapons.

8.3. Costs - The TPNW does not impose any financial burden on states parties that don't possess nuclear weapons beyond the usual costs of participation in meetings of states parties and circulation of declarations by the UN Secretary General. These costs will be calculated in accordance with the UN scale of assessment adjusted appropriately to ensure that the financial burden is divided fairly among states according to their capacity to pay. Costs related to the verified dismantlement of nuclear weapons will be borne by the states possessing such weapons. This doesn't apply to Uganda because Uganda don't possess nuclear weapons unless advised otherwise.

8.4. Health risks associated with nuclear materials- Despite the benefits of the use of nuclear energy, the Committee observed that there is catastrophic damage to human health caused by nuclear material especially when used in non-peaceful applications. This risk arises from the ionizing radiation of nuclear weapons, which kills cells of the body and can also damage the genetic composition of the exposed survivors. Risk assessment of nuclear weapons shows that exposure to very high levels of radiation, such as being close to an atomic bomb, can cause acute health effects such as skin burns and radiation syndrome also called "*radiation sickness*".

Given that nuclear weapons cause uncontrolled emissions and also contaminate the environment they lead to long-term health consequences, including cancers, cardiovascular disease, and genetic damage that manifest in generations to come.

The risks of nuclear weapons, when detonated in an area cause massive deaths and destruction on life and the environment. They trigger large-scale displacement and cause long-term harm to health and settlement. The cost of restoring that environment back to normalcy is so exorbitant. This is in addition to the long-term damage to the environment, infrastructure, socioeconomic development and political disruption requiring decades to reconstruct the infrastructure and regenerate economic activities, trade, communications, health-care facilities and schools.

Uganda has a nuclear regulator, the Atomic Energy Council, established under the Atomic Energy Act, 2008. The Council has an inventory of all nuclear material that comes into the country.

The Committee further observed that there are nuclear material depositories at Mulago and Lacor Hospitals in Gulu. These are heavily guarded because some of those nuclear materials could also be used to develop nuclear weapons. The cobolt machines in use in Mulago and Lacor Hospitals are also under tight security.

8.5. Limitation on use of Uranium- Uganda has substantial deposits of Uranium, but its reserve estimates are yet to be known since the mineral is yet to be explored. Signing of the TPNW may limit Uganda on how far it could use its Uranium for useful purposes; and yet Uranium is now being used to power commercial nuclear reactors that produce electricity and to produce isotopes used for medical, industrial and defense purposes.

8.6. Interruption in nuclear technology developments – Uganda is said to have signed an Inter-Governmental Agreement (IGA) with Russia to help it to build capacity to exploit nuclear technology for energy, medical and other peaceful purposes. Russia is also expected to help Uganda with development of nuclear infrastructure and production and application of radioisotopes for industrial, healthcare and agricultural use.

Likewise, in May 2020, Uganda is said to have signed a Memorandum of Understanding with China National Nuclear Corporation (CNNC) to help Uganda to build capacity in the use of atomic energy for peaceful purposes.

9.0. COMMITTEE'S RECOMMENDATIONS

Signing and ratification of the TPNW

While the mover of the Motion Urges Government to sign and ratify the TPNW, and considering that Government can only sign an

International Agreement, Treaty or Convention after careful study of the same, and is satisfied that the signature and ratification is of relevance to Uganda as indicated by the Attorney General; the Committee recommends that the Executive should understudy the matter and make an appropriate decision in accordance with the Constitution of the Republic of Uganda.

That notwithstanding, following a comprehensive study of the subject matter, the Committee makes the following additional recommendations:

9.1. Amendment of the Atomic Energy Act, 2008- This Act should be amended to provide for nuclear safety, security, safeguards and liability.

9.2. The Government of Uganda should also interest itself in the following Conventions and Treaties which are critical for safe nuclear power development:

- *Convention on Nuclear Safety, 1996*
- *Convention on Early Notification of a Nuclear Accident, 1986*
- *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1987*
- *Joint Convention on Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, 2001.*
- *Vienna Convention on Civil Liability for Nuclear Damage, 1977*
- *Convention on Supplementary Compensation for Nuclear Damage, 1997.*

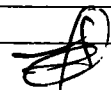
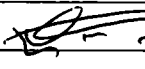
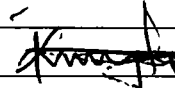
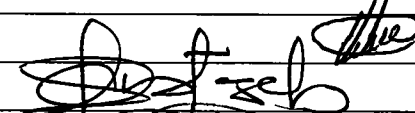
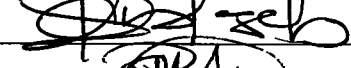

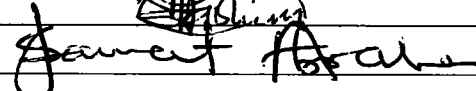


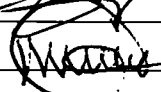
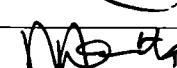

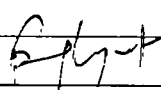

9.3. The capacity of the Atomic Energy Council of Uganda should be built and enhanced to ensure compliance with legal and regulatory requirements.

9.4. Border control measures- The Ministry of Internal Affairs should strengthen cross border cooperation and coordination to ensure adequate border control measures so as to avoid infiltration of illegal firearms which may include nuclear weapons.

9.5. Secure health nuclear materials - Uganda, guided by experts in security matters, decided to vote in favor of adoption of the Treaty on the Prohibition of Nuclear Weapons; therefore, Uganda should ensure that the Nuclear Material in health practices is secured so that it does not end up in the wrong hands that could use it for Non-Peaceful Applications.

Rt. Hon. Speaker, I beg to move that this report be adopted.

**MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS WHO
CONSENTED TO THE REPORT ON THE MOTION FOR A RESOLUTION
OF PARLIAMENT URGING GOVERNMENT TO SIGN AND RATIFY THE
TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS**

| | NAME | SIGNATURE |
|-----|---------------------------------|--|
| 1. | Hon. Bigirwa Norah Nyendwoha |  |
| 2. | Hon. Opolot Fred |  |
| 3. | Hon. Achan Judith Peace |  |
| 4. | Hon. Aciro Paska Menya | |
| 5. | Hon. Akello Lucy | |
| 6. | Hon. Atima Jackson Lee Buti |  |
| 7. | Hon. Atugonza Allan |  |
| 8. | Hon. Hashim Sulaiman |  |
| 9. | Hon. Isamat Abraham |  |
| 10. | Hon. Kayogera Yona | |
| 11. | Hon. Kisa Stephen | |
| 12. | Hon. Komakech Christopher |  |
| 13. | Hon. Lumu Richard Kizito |  |
| 14. | Hon. Maneno Zumura |  |
| 15. | Hon. Muheesi Jennifer Abaho | |
| 16. | Hon. Mutebi Noah Wanzala |  |
| 17. | Hon. Mutono Patrick Lodoi (Dr.) | |
| 18. | Hon. Muwuma Milton |  |
| 19. | Hon. Mwesigwa Robert Rukaari | |
| 20. | Hon. Natukunda Midius | |
| 21. | Hon. Nkunyingi Muwada | |
| 22. | Hon. Ocen Peter | |
| 23. | Hon. Okae Bob | |
| 24. | Hon. Okin P. P. Ojara | |
| 25. | Hon. Okot Boniface Henry |  |
| 26. | Hon. Okot Ogong Felix | |
| 27. | Hon. Shartsi Musherure Kuteesa | |
| 28. | Hon. Sserubula Stephen |  |
| 29. | Hon. Ssewanyana Allan | |