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IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION OF AFRICA

Nuclear capability of South Africa

Report of the Secretary-General

INTRODUCTION

1. On 30 November 1977, the General Assembly adopted resolution 42/34 B, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Takes note of the report of the Secretary-General on South Africa's nuclear capability;

"2. Condemns the massive build-up of South Africa's military machine, in particular its frenzied acquisition of nuclear-weapon capability for repressive and aggressive purposes and as an instrument of blackmail,

"3. Further condemns all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime of South Africa, in particular the decision by some Member States to grant licences to several corporations in their territories to provide equipment and technical and maintenance services for nuclear installations in South Africa;

"4. Reaffirms that the acquisition of nuclear-weapon capability by the racist régime constitutes a very grave danger to international peace and security and, in particular, jeopardizes the security of African States and increases the danger of the proliferation of nuclear weapons;

"5. Expresses its full support for the African States faced with the danger of South Africa's nuclear capability;

"6. Commends the actions taken by those Governments which have taken measures to restrict co-operation with South Africa in nuclear and other fields;

"7. Demands that South Africa and all other foreign interests put an immediate end to the exploration and exploitation of uranium resources in Namibia;

"8. Calls upon all States, corporations, institutions and individuals to refrain forthwith all forms of military and nuclear collaboration with the racist régime;

"9. Requests the Disarmament Commission to consider once again as a matter of priority during its substantive session in 1988 South Africa's nuclear capability, taking into account, inter alia, the findings included in the report of the United Nations Institute for Disarmament Research on South Africa's nuclear capability;

"10. Requests the Secretary-General to provide the necessary assistance that the Organization of African Unity may seek regarding the modalities and elements for the preparation and implementation of the relevant convention or treaty on the denuclearization of Africa;

"11. Commends the adoption by the Security Council of resolutions 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986 on the question of South Africa, with a view to blocking the existing loopholes in the arms embargo so as to render it more effective and prohibiting, in particular, all forms of co-operation and collaboration with the racist régime of South Africa in the nuclear field;

"12. Demands once again that South Africa submit forthwith all its nuclear installations and facilities to inspection by the International Atomic Energy Agency;

"13. Requests the Secretary-General to follow very closely South Africa's evolution in the nuclear field and to report thereon to the General Assembly at its forty-third session."

2, Pursuant to paragraph 13 of the resolution, the Secretary-General has continued to follow very closely South Africa's evolution in the nuclear field. In order to obtain information that would be of assistance in the preparation of his report he has, inter alia, been in contact with the International Atomic Energy Agency (IAEA) and the Organization of African Unity,

3, In response to the inquiry of the Secretary-General, the Director General of IAEA has provided him with the updated information regarding South Africa's nuclear capability. In the view of the Secretary-General, this information is relevant to

the request made by the General Assembly on the same subject and is herewith submitted as for lows :

(a) Note by the Director General of IAEA (see annex I);

(b) Resolution GC(XXXII)/RES/503 ● ntitlod "South Africa's nuclear capabilities", adopted by the IAEA General Conference at its thirty-reañnd regular session on 22 September 1988 (see annex II),

4. Should the Secretary-General receive any further information on the subject, ho will bring it to the attention of the General Assembly without delay.

ANNEX I

Note by the Director General of the International Atomic Energy Agency

1. In resolution GC(XXXI)/RES/485 the General Conference of the International Atomic Energy Agency requested the Director General "to continue to take all possible measures to ensure the full implementation of resolution GC(XXX)/RES/468 and report to the thirty-second regular session of the General Conference in this regard". As requested by the General Conference the resolution was brought to the attention of the Secretary-General of the United Nations.
2. In a letter dated 9 October 1987 to the South African Minister of Economic Affairs and Technology, the Director General referred to State President Botha's statement of 21 September 1987 in which he had said "The Republic of South Africa is prepared to commence negotiations with each of the nuclear weapon States on the possibility of signing the Non-Proliferation Treaty". In that letter the Director General assured the Minister that the secretariat of the Agency was ready for informal discussions about the procedure for concluding and implementing standard safeguards agreements pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons. No such discussions with the secretariat have yet taken place.
3. The Agency continues to apply safeguards in South Africa at the Safari research reactor (INFCIRC/98) and at the Koeberg nuclear power station (INFCIRC/244). As previously reported (para. 10 of annex I of document A/42/649), the facility attachment is in force for the application of safeguards at the hot cell laboratory at Pelindaba whenever it contains safeguarded nuclear material from the two safeguarded facilities mentioned above. There have been no particular problems in the administration of these safeguards.
4. There have been no developments since the thirty-first session of the General Conference as regards the negotiation of a safeguards agreement covering South Africa's semi-commercial enrichment plant (see para. 6 of annex I of document A/42/649), but any safeguards agreement concluded after adherence to the Non-Proliferation Treaty by South Africa would include this plant.
5. On 12 August 1988, at the request of South Africa, discussions took place between representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the three depositary Powers for the Non-Proliferation Treaty) and of South Africa. A message to the Director General from the three Depositary Powers was circulated to member States on 15 August 1988 in document INFCIRC/356 (attachment 1).
6. Subsequently, the Director General received a communication from the resident representative of South Africa to international organisations in Vienna regarding the position of the South African Government with respect to the Non-Proliferation Treaty and to the discussions carried on to that treaty. The communication is contained in document GC(XXXI)848 (attachment 2). The Director General also

received a communication from the resident representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America presenting the text of their joint statement on the subject. The communication is contained in document GC(XXXII)/855 (attachment 3). These documents were circulated to all delegations at the General Conference,

7. On 23 September 1988, the thirty-second session of the General Conference adopted resolution GC(XXXII)/RES/503 entitled "South Africa's nuclear capabilities" (see annex II).

ATTACHMENT 1

Letter dated 13 August 1988 from representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the depositary Powers for the Treaty on the Non-Proliferation of Nuclear Weapons, to the Director-General

We are taking this opportunity to advise you of certain developments of interest to the International Atomic Energy Agency and its member States.

On 12 August, at the request of South Africa, representatives of our three Governments, which are designated the depositary Powers for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), met jointly with representatives of the Republic of South Africa to discuss issues arising from that Government's consideration of acceding to the Treaty.

United Kingdom, Soviet Union and United States representatives recalled the unanimous appeal by participants in the 1985 NPT Review Conference to all States which have not yet done so to adhere to the Treaty at the earliest possible date and urged South African accession to the NPT,

During these talks, a wide range of issues was discussed, including the obligations arising from various provisions of the NPT. The South African delegation has stated that it will report back to the Government and consideration will be given, as soon as possible, to the full implications of the accession to the NPT.

The depositaries stated that they would be available to respond to any further questions by South Africa,

We shall be pleased to advise you of any relevant future developments regarding this matter. We would appreciate it if this letter could be circulated to all member States for their information.

(Signed by the representatives of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America)

ATTACHMENT 2

Letter dated 16 September 1988 from the Resident Representative
of the Permanent Mission of South Africa to the International
Atomic Energy Agency addressed to the Director-General

I have the honour to enclose for your information a document setting out the official position of the South African Government with regard to the Nuclear Non-Proliferation Treaty and to its negotiations on accession to the said treaty.

**“POSITION OF THE SOUTH AFRICAN GOVERNMENT WITH REGARD TO THE
NUCLEAR NON-PROLIFERATION TREATY (NPT): NEGOTIATIONS ON
ACCESSION TO THE TREATY**

"1. On 31 September 1987 State President P. W. Botha • ♦♦♦♦ that:

'The Republic of South Africa is prepared to commence negotiations with each of the nuclear weapon States on the possibility of signing the Non-Proliferation Treaty. At the same time the Republic of South Africa will consider including in these negotiations safeguards on its installations subject to the NPT conditions. The nature of these negotiations will depend on the outcome of the 31st General Conference of the IAEA to be held in Vienna from 21 September 1987.

'South Africa hopes that it will soon be able to sign the NPT and has decided to open discussions with others to this end. Any safeguards agreement which might subsequently be negotiated with the IAEA would naturally be along the same lines as, and in conformity with, agreements with other NPT signatories.'

"2. South Africa has since been actively engaged in studying and seeking clarification on the obligations, rights and conditions attaching to and flowing from a possible accession to the NPT.

"3. South Africa is an important uranium exporting country, and has also a well developed nuclear programme and capability. For these and other reasons consideration of accession to the NPT is a complex matter requiring in-depth study and consultation.

"4. During the course of the investigation into this matter a number of aspects of particular concern to South Africa have emerged. These include!

"4.1 Rights and privileges in terms of article IV of the Treaty, particularly as they relate to the exchange of equipment, materials and technology

"4.2 The ability of South Africa, should it accede to the NPT, to market its nuclear source materials (uranium) commercially like all other producers subject only to Agency or equivalent safeguards;

"4.3 Discriminatory domestic legislation currently existing in a number of NPT signatory countries that is contrary to the principles and spirit embodied in several articles of the NPT;

"4.4 Existing United Nations resolutions which call for a complete ban on nuclear co-operation with South Africa;

"4.5 Challenges to South Africa's credentials at International Atomic Energy Agency (IAEA) General Conference and NPT Review Conference

"4.6 The discriminatory nature of the NPT insofar as it distinguishes between nuclear weapon States and non-nuclear weapon States.

"5. In an effort to clarify these concerns a South African delegation which included the Minister of Foreign Affairs and the Minister of Economic Affairs and Technology held talks in Vienna with representatives of the three depositary Governments of the NPT, i.e. the Soviet Union, the United States of America and the United Kingdom, on 11 and 12 August 1988. Clarity on a number of matters of concern to South Africa was obtained. However, on a number of key issues there was no conformity of view amongst the depositary representatives.

"6. Accordingly, from the period commencing 5 September 1988 South Africa has held wide-ranging discussions with representatives of some thirty countries,

"7. South Africa wants to contribute to peace and regional security in southern Africa. The South African Government trusts, however, that the international community will appreciate that South Africa cannot afford to exercise its sovereign right of accession to such an important treaty before having completed a thorough examination of all surrounding issues. South Africa remains firmly committed to the spirit, principles and goals of the NPT. It is South Africa's objective and desire to accede to the NPT if South Africa could be satisfied that its concerns would be met."

(Signed by the Resident Representative)

ATTACHMENT 3

Letter dated 20 September 1988 from the resident representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the President of the thirty-second General Conference of the International Atomic Energy Agency

On behalf of *our* respective delegations to the thirty-second **General Conference of the International Atomic Energy Agency**, we would like to submit the attached **statement relating to the issue of South Africa which will be taken up later in the General Conference**. We would hope that this **statement could be circulated to all delegations at the General Conference**.

“STATEMENT BY THE DEPOSITARIES OF THE TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS

"In mid-August, **representatives of the depositary Governments met with the delegation from the Republic of South Africa to discuss that country's position concerning possible accession to the Treaty on the Non-Proliferation of Nuclear Weapons**. The depositary **Governments reported to the Director General of the International Atomic Energy Agency on those conversations in the letter of 13 August 1988, which has been circulated to members of the IAEA,**

"Since that **time**, the depositary **Governmentr** have been **advised** that South African authorities **have been in contact with a substantial number of other nations in Vienna and some other European capitals**.

"**Several statements have been made recently by different Governmentr on that problem which is of crucial importance to the IAEA**.

"In light of **these developments and to be certain that the position of the three NPT depositary Governments is clear, they would like to express the following views:**

"The **depositories take a firm and consistent position that South Africa should adhere to the NPT as soon as possible**.

"We understand that the **issue of South Africa's accession to NPT remains under consideration by the Government of the Republic of South Africa,**

"The **depository Governmenta are resolved to press South Africa further to accede to the NPT. Such accession we strongly believe is in the best interest of all countries of the region, and of the world as a whole**. "

(Signed by the Resident Representatives)

ANNEX II

Resolution on South Africa's nuclear capabilities adopted by the General Conference of the International Atomic Energy Agency at its 312th plenary meeting, on 23 September 1988 (GC(XXXII)/RES/503)

The General Conference,

(a) **Recalling** the recommendation of the Board of Governort to rurpend South Africa from the ● ☒ ℓ □ ℓ) × ☉ □ of the privileges and rights of membership as contained in its report GC(XXXI)/807 pursuant to the General Conference Besolution GC(XXX)/RES/468,

(b) **Having considered** the annual report of the Agency for 1987 contained in document GC(XXXII)/835, the report by the Director General contained in document GC(XXXII)/844 and the report of the Board of Governors on South Africa's nuclear capabilities contained in document GC(:XXI)/807,

(c) **Stressing** that, despite the requests of the General Conference and the international community, South Africa ha8 persistently violated international law 88 wrll a8 the purroses and principle8 of the United Nations, upon which the IAEA's activit' . . are based in accordance with Articles III.B.1 and IV.B of the Statute, and

(d) **Stressing** that the acquisition of nuclear weapon8 capability by the raoirt régime of South Africa constitutes a very grave danger to international peace and security and in particular jeopardizes the security of African State8 and increases the danger of the proliferation of nuclear weapons,

1. **Vehemently condemns** South Africa for its persistant refusal to comply with successive resolutions of the United Nation8 General Assembly and the General Conference of the IAEA, a8 well a8 it8 refusal to adhere to the principle8 and purposes of the United Nations Charter and the Statute of the IAEA;

2. **Resolves** to consider and take a decision on the recommendation of the Board of Governors contained in its report GC(XXXI)/807 to suspend South Africa from the exercise of the privileges and rights of membership in accordance with Article XIX.B of the Statute at the thirty-third regular session of the General Conference;

3. **Requests** the Director General to continue to take all possible measures to ensure the full implementation of resolution GC(XXX)/RES/468 and report to the thirty-third regular session of the General Conference in this regard;

4. **Requests** the Director General to bring this resolution to the **attention** of the Secretary-General **of the United Nations; and**

5. **Decides** to include **in** the agenda of the thirty-third regular *session* of the **General Conference** an item entitled "South Africa's nuclear capabilities",
