

# 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## **Implementation of the conclusions and recommendations for follow-on actions agreed to during the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

### **Report submitted by South Africa**

#### **1. Introduction**

1. As an integral part of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in which the continued validity of the decisions of the 1995 and 2000 Review Conferences was recognized, it was agreed in action 20 that:

States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”, and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996

#### **2. Report**

2. Since becoming a State party to the Non-Proliferation Treaty in 1991, South Africa has committed itself to the full implementation of all Treaty provisions. In this regard, South Africa has adopted domestic legislation, including the Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993, and the Nuclear Energy Act, No. 46 of 1999, both of which provide domestic effect to South Africa’s obligations under the Treaty regarding the non-proliferation of nuclear weapons and the application of nuclear energy for exclusively peaceful purposes, aimed at the achievement and maintenance of a world without nuclear weapons.



### **3. Nuclear disarmament (actions 1–22)**

3. In terms of the measures and practical steps agreed to in the Final Documents of the 1995, 2000 and 2010 Review Conferences, South Africa has implemented the following measures:

#### **3.1. Comprehensive Nuclear Test-Ban Treaty**

3.1.1. The Republic of South Africa is a State party to the Comprehensive Nuclear-Test-Ban Treaty, a multilateral treaty under which States Parties agree to ban all nuclear explosions in all environments, for military or civilian purposes. South Africa signed the Treaty on 24 September 1996 and ratified it on 30 March 1999. In terms of the treaty obligations, under article 1, each State party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control. Moreover, the State parties undertake to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

3.1.2. South Africa has worked on a continuous basis, both in its national capacity and in the context of the political, regional and other groupings in which it participates, to promote the Comprehensive Nuclear-Test-Ban Treaty in general and also its entry into force through the early signature and ratification of the Treaty, especially by those States whose ratification is required for its entry into force. It is therefore deeply regrettable that the ratifications by a small number of States whose ratification is required for the entry into force of the Treaty remain outstanding, despite positive pronouncements made to that effect by some States. The continued failure by these States to ratify the Treaty weakens the non-proliferation regime, brings into question their commitment to the implementation of agreements reached during consecutive Review Conferences and raises questions as to the credibility of the step-by-step approach towards nuclear disarmament.

3.1.3. Despite the non-entry into force of the Treaty, South Africa has hosted a number of training courses for Member States in preparation for its eventual entry into force. The latest of these training courses was the On-Site Advanced Inspection Course of the Third Training Cycle, held in the Western Cape from 7 to 26 October 2018.

#### **3.2. Test moratorium**

3.2.1. While the moratorium on nuclear testing was adopted by the nuclear-weapon States, South Africa has, nationally and in cooperation with other groupings, worked actively to promote the continued maintenance of this moratorium pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

## 3.2.2. The legislative framework is as follows:

<i>Framework</i>	<i>Enforcement</i>
<ul style="list-style-type: none"> <li>The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993)</li> </ul>	
Section 2: Determination of policy	Determination of policy
<ul style="list-style-type: none"> <li>Section 2 (f) and (g) gives effect that the Minister of Trade and Industry may, by notice in the Gazette, determine the general policy to be followed with a view to, inter alia, imposing a prohibition on all nuclear explosions and tests and discouraging other States to proceed with such nuclear explosions and tests.</li> </ul>	<p>Policy approved in principle by the South African Cabinet on 31 August 1994.</p> <p>Section 4 provides for the establishment of the South African Council for the Non-Proliferation of Weapons of Mass Destruction, which, according to Section 6 (1), shall on behalf of the State protect the interests, carry out the responsibilities and fulfil the obligations of the Republic with regard to non-proliferation. Therefore, in order to enforce Section 2 (f), the Minister may, on the recommendation of the Council, whenever he/she deems it necessary or expedient in the public interest, by notice in the Gazette declare goods which may contribute to the design, development, production, deployment, maintenance or use of weapons of mass destruction, to be controlled goods. Such goods are regulated and may be prohibited, limited, and make their manufacture, import, export, re-export or transit subject to a permit and end-use requirements.</p> <p>The Council is the national authority in terms of the Comprehensive Nuclear-Test-Ban Treaty and oversees the implementation of the Treaty including the functioning of the national data centres and the functioning of the waveform and radionuclide stations.</p>

## 3.2.3. The following are the national projects under the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization:

<i>Project number</i>	<i>Project title</i>	<i>Institution</i>
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization project RN62	Establishment of infrastructure, installation support, liaison and other support services for the radionuclide particulate station (RN62) in Cape Town	Nuclear Energy Corporation of South Africa
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization project RL14	The accreditation of the NECSA Radioanalysis Laboratory (RL14) by the Preparatory Commission, to form part of the International Monitoring System for verification of filters collected from radionuclide stations.	Nuclear Energy Corporation of South Africa

### **3.3. Negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices**

3.3.1. South Africa – like many other States – has been disappointed by the continuing failure of the Conference on Disarmament to commence negotiations on a fissile material cut-off treaty. To achieve this goal, South Africa has adopted a flexible attitude on the negotiations for a programme of work in the Conference, and it continues to call on the other Conference Members to adopt a similar approach. South Africa believes that the narrow national and unilateralist objectives that have to date underpinned the Conference's failure should not be permitted to frustrate the objectives of the international community as a whole. The failures of the Conference, which is financed by all the Members of the United Nations through the payment of their assessed contributions to the United Nations, will in the longer term undermine the validity of the Conference's claim to be the single multilateral disarmament negotiating forum of the international community.

3.3.2. South Africa has nevertheless taken or participated in a number of initiatives to move the fissile material cut-off treaty forward. In this regard, South Africa has:

- (a) Submitted to the United Nations Secretary-General its views on the possible scope and requirements of a fissile material cut-off treaty during 2013;
- (b) Participated actively in the Group of Governmental Experts established pursuant to United Nations General Assembly resolution [67/53](#);
- (c) Co-sponsored and supported resolutions during the Assembly that urge the Conference on Disarmament to agree on a programme of work, which includes the immediate commencement of negotiations on a fissile material cut-off treaty;
- (d) Hosted the United Nations Office for Disarmament Affairs-United Nations Regional Centre for Peace and Disarmament in Africa, fissile material cut-off treaty regional workshop for Southern and Eastern Africa, on 22 and 23 May 2019 in Pretoria.

### **3.4. Nuclear disarmament in the Conference on Disarmament**

3.4.1. South Africa continues to support respective efforts by the Presidents of the Conference on Disarmament aimed at revitalizing the work of the Conference. The persistent failure of the Conference to agree on a programme of work has greatly hampered further efforts related to nuclear disarmament, despite the fact that general agreement exists that the question of nuclear disarmament concerns the entire international community. In this regard, South Africa will continue to maintain a flexible attitude towards negotiations for a programme of work in the Conference.

3.4.2. South Africa remains concerned over the large number of nuclear weapons that are deployed and stockpiled around the world and the possibility that these destructive weapons could be used. South Africa therefore believes that the Conference should not further delay the establishment of a subsidiary body to deal with nuclear disarmament, as also agreed to in action 6 of the Final Document of the 2010 Review Conference.

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3.4.4. As the only country to date to have voluntarily and unilaterally destroyed its nuclear weapons capability, South Africa remains convinced that the possession of these weapons – or the pursuit thereof by certain States – does not enhance international peace and security. South Africa will therefore continue its efforts towards nuclear disarmament in order to achieve a world free from the scourge of nuclear weapons.

### **3.5. Irreversibility**

3.5.1. The practical step of irreversibility forms an essential component of the arms control process, particularly insofar as reductions in the number of nuclear weapons are concerned. In this regard, South Africa holds the view that further reductions of nuclear weapons would underpin the international community's endeavours to achieve nuclear disarmament and also strengthen international peace, stability and security.

3.5.2. Reductions and the elimination of non-strategic nuclear weapons should be included as an integral part of the nuclear arms reduction and disarmament process, while such reductions should be carried out in a transparent, verifiable and irreversible manner. South Africa has consistently called upon the nuclear-weapon States to implement their disarmament obligations and commitments in a transparent, irreversible and verifiable manner.

3.5.3. It has long been South Africa's view that disarmament and non-proliferation are inextricably linked, and that real and irreversible movement on nuclear disarmament would reinforce the irreversibility of non-proliferation. South Africa therefore views with concern any development that would disturb this balance and that would undermine the goal of achieving a world free of nuclear weapons. The decision by the Democratic People's Republic of North Korea to withdraw from the Non-Proliferation Treaty remains a matter of concern, and South Africa continuously calls on the Democratic People's Republic of Korea to rejoin the Treaty without further delay. In this context, South Africa also continues to call on India, Israel and Pakistan to forego the nuclear weapons option and become parties to the Treaty.

### **3.6. Unequivocal undertaking**

3.6.1. South Africa welcomed the unequivocal undertaking by the States parties, including the nuclear-weapon States, at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals. This was one of the most significant decisions that has been taken in the history of the Non-Proliferation Treaty.

3.6.2. It should be recognized that the decision to make this unequivocal commitment by the nuclear-weapon States, which actually possess these weapons with such destructive power, was a decision based on their own recognition of their legal and moral obligation to rid the world of these weapons that have unspeakable capacity to cause suffering and destruction. For this reason, South Africa is concerned about the lack of progress by the nuclear-weapon States that would be a demonstration of their commitment to the unequivocal undertaking. While South Africa welcomes the progress made towards the reduction in the number of nuclear weapons, it remains concerned about qualitative improvements to existing weapons and the development of new weapons which contradicts the solemn undertaking made by the nuclear-weapon States.

### **3.7. Strategic Arms Reduction Treaty and the Treaty on the Limitation of Anti-Ballistic Missile Systems**

3.7.1. On the issue of START, New START and the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty), South Africa recalls that the abrogation

of the ABM Treaty has brought about an additional element of uncertainty. South Africa has warned that this could also have grave consequences for the future of global security and create apparent rationales for action based solely on unilateral concerns. Any action, including the development of missile defence systems, which could impact negatively on nuclear disarmament and nuclear non-proliferation, is of concern to the international community, and South Africa likewise remains concerned about the risk of a new arms race on earth and in outer space. South Africa welcomes the implementation of the New START, which was renewed in February 2021, and progress made in this regard, but notes with concern that the Russian Federation and the United States have yet to commence discussions on deeper cuts, as agreed in 2010.

### **3.8. Trilateral Initiative**

3.8.1. South Africa believes that the Trilateral Initiative between the United States, the Russian Federation and the International Atomic Energy Agency (IAEA), which sought to reduce the level of weapons-grade material in the two countries and place the resulting material under IAEA control, would have significantly contributed to nuclear disarmament efforts. South Africa reiterates its call for the implementation of the commitments made at the 2000 Review Conference and the resumption of the Trilateral Initiative.

### **3.9. Steps by the nuclear-weapon States**

3.9.1. South Africa continues to express concern over the lack of progress in the steps to be taken by the nuclear-weapon States leading to nuclear disarmament in a way that promotes international security and stability, and based on the principle of undiminished security for all. The various elements of the steps to be taken by the nuclear-weapon States have consistently been supported by South Africa, such as the need for increased transparency, the further reduction of non-strategic nuclear weapons, and the engagement of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons. South Africa has on numerous occasions, and in various disarmament forums, called for progress in the pursuit of these steps and will continue to do so.

### **3.10. Arrangements by nuclear-weapon States for verification of non-military fissile material**

3.10.1. South Africa continues to support the placing by all the nuclear-weapon States of fissile material no longer required for military purposes under international verification. In this regard and consistent with the Final Documents of the Review Conferences, the New Agenda Coalition's annual resolution at the General Assembly calls upon all nuclear-weapon States to make arrangements for the placing, as soon as possible, of fissile material no longer required for military purposes under IAEA or other relevant international verification and to make arrangements for the utilization of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes. The New Agenda Coalition also submitted a working paper to the first session of the Preparatory Committee for the 2015 Review Conference in 2012 on the issue of verification of nuclear disarmament measures, recalling past agreements.

### **3.11. General and complete disarmament**

3.11.1. Regarding general and complete disarmament, South Africa has for many years maintained its commitment to a policy of non-proliferation, disarmament and arms control that covers all weapons of mass destruction and extends to concerns relating to the proliferation of conventional weapons.

3.11.2. This policy forms an integral part of its commitment to democracy, human rights, sustainable development, social justice and environmental protection. South Africa will endeavour to continue playing an active role in all arms control and disarmament issues, including in the areas of nuclear, biological and chemical weapons, landmines, small arms and light weapons, missiles and other conventional weapons deemed to be excessively injurious or to have indiscriminate effects. Nuclear disarmament remains an indispensable step towards the achievement of an agreement on general and complete disarmament.

### **3.12. Treaty on the Prohibition of Nuclear Weapons**

3.12.1. South Africa signed the Treaty on the Prohibition of Nuclear Weapons on 20 September 2017 and ratified it on 25 February 2019. The Treaty is the first international instrument to comprehensively prohibit nuclear weapons. It is also the culmination of the humanitarian initiative on nuclear weapons, launched in 2010, of which South Africa was one of the leading role players. The Treaty is a strategic intervention in response to the lack of progress on nuclear disarmament and the protracted impasse in multilateral nuclear disarmament negotiations.

3.12.2. In accordance with article II of the Treaty on the Prohibition of Nuclear Weapons, under which States parties must make factual declarations regarding their past nuclear weapons programmes within 30 days of the Treaty's entry into force, South Africa submitted its declaration to the United Nations Secretary-General, as depositary of the Treaty, on 18 February 2021. The Treaty has been domesticated through the Non-Proliferation of Weapons of Mass Destruction Act, and the domestic implementation authority is the South African Council for the Non-Proliferation of Weapons of Mass Destruction. The Treaty therefore did not require new legislation for its domestication.

3.12.3. Under the Treaty, it is prohibited to develop, test, produce, manufacture, acquire, possess or stockpile nuclear weapons or other nuclear explosive devices. The Treaty also prohibits the transfer and receipt of nuclear weapons or control over such weapons directly or indirectly. The use or threat of use of nuclear weapons is explicitly prohibited.

3.12.4. In addition, the Treaty prohibits State parties from assisting, encouraging or inducing anyone, as well as to seek or receive assistance from anyone, to engage in activities prohibited under the Treaty. The Treaty furthermore prohibits the stationing, installation or deployment of nuclear weapons on the territory of a State party or any place under its control. These prohibitions are consistent with the prohibitions contained in the Treaty establishing the African Nuclear-Weapon-Free Zone (the Pelindaba Treaty), and reinforce and complement the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty.

### **3.13. National implementation of measures on the prevention of stationing of nuclear explosive devices**

3.13.1. Since South Africa voluntarily abandoned its nuclear weapons programme and joined the Non-Proliferation Treaty as a non-nuclear-weapon State, no other nuclear explosives have ever been manufactured, stationed or tested in the South African territory. Furthermore, South Africa is a State party to the Pelindaba Treaty, which established the African Nuclear-Weapon-Free Zone. The Pelindaba Treaty prohibits the stationing, installation or deployment of nuclear weapons on the territory of a State party or any place under its control.

### 3.14. The African Nuclear-Weapon-Free Zone Treaty

3.14.1. The African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty) was approved by African leaders in June 1995, signed in Cairo in 1996 and entered into force on 15 July 2009. The Treaty seeks to enhance regional peace and security through the prohibition of the possession and the stationing of nuclear weapons throughout Africa, and encourages the peaceful use of nuclear science and technology. The Treaty provides for the establishment of an African Commission on Nuclear Energy to ensure compliance with the undertakings in the Treaty. At its first Conference of States Parties, held on 4 November 2010, South Africa was endorsed as the host country for the Commission. The first ordinary session of the Commission was held on 4 May 2011, and South Africa was elected as its first Chair. South Africa again assumed the Chair of the Commission in 2018 for a three-year term until 2021. Fifty-three members of the African Union have signed the Treaty, the eleventh anniversary of which was commemorated in July 2020.

3.14.2. The legislative framework is as follows:

<i>Framework</i>	<i>Enforcement</i>
Activities undertaken with national institutions	
The Nuclear Energy Act, Chapter 3, Nuclear Non-Proliferation	Inspections for the purpose of compliance with the Nuclear Energy Act
Sections 34 and 35 of the Act provide for the implementation of measures to control matters of proliferation of such nuclear explosive devices in the Republic through:	Sections 37, 38 and 39 provide for the appointment of suitably qualified inspectors to enforce compliance with the requirements of Sections 34 and 35 of the Nuclear Energy Act (Act 46 of 1999) for the purpose of verification.
Authorizations required by any person, institution or organization from the Minister for acquisition, usage or possession of, import, transport, export and certain activities relating to, nuclear material, restricted material and nuclear-related equipment and material.	Also outlines the responsibility, powers of inspectors.
(a) The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993)	
Section 13: Controlled goods, permits and registration	Section 12: Inspectors
<ul style="list-style-type: none"> <li>Subsection 13 (1): The Minister may, on the recommendation of the Council, whenever he/she deems it necessary or expedient in the public interest, by notice in the Gazette declare goods which may contribute to the design, development, production, deployment, maintenance or use of weapons of mass destruction, to be controlled goods</li> </ul>	<ul style="list-style-type: none"> <li>Subsection 12 (1): The Chairperson of the Council may from time to time in writing appoint as many inspectors as he may deem necessary to ensure that the provisions of this Act are complied with.</li> </ul>



*Framework**Enforcement*

- Subsection 13 (2): The Minister may prohibit, limit or require declarations with regards to controlled goods, and/or make procurement in any manner, use, operation, stockpiling, maintenance, transport, import, export, transit or re-export or transit of controlled goods subject to a permit and end-use requirements
- Subsection 13 (3): Any person who is in control of any activity with regard to controlled goods or who has in his possession or custody or under his control controlled goods, shall register with the Council in the prescribed manner

### 3.15. International Atomic Energy Agency

3.15.1. In accordance with article II of its statute, the IAEA mandate is to accelerate and promote the use of atomic energy for peaceful purposes throughout the world. The Agency assists its Member States and ensures that its assistance is not used in such a way that could further military purposes. South Africa is one of the 81 founding members of IAEA, which was established in October 1956, and, as the most advanced country in the nuclear field in Africa, South Africa was a “designated” member of the Agency’s 35-member Board of Governors until 1977, when the country lost its seat to Egypt due to its Apartheid policies.

3.15.2. Following the dismantling of its nuclear weapons and the conclusion of a comprehensive safeguards agreement with IAEA, at the meeting of the Board in June 1995 South Africa was designated to resume a seat on the Board as the designated member for the African region. South Africa holds the designated seat for the African region on the Board and plays a significant role in guiding the work of IAEA.

3.15.3. In 2011, South Africa made a formal offer to IAEA in support of specific efforts to improve veterinary laboratory capacities in sub-Saharan African countries. South Africa has pledged approximately €1.5 million to support such activities, i.e. to enhance the diagnostic capacity of laboratories in countries lacking such facilities through the provision of basic equipment to perform nuclear and nuclear-related serological and molecular diagnostic technologies; to provide individual training in performing nuclear and nuclear-related diagnostic tests; and to create regional centre of excellence/reference centre capabilities in sub-Saharan African regions.

3.15.4. In 2016, South Africa was elected to chair the IAEA Board of Governors for the period 2016 to 2017 and used the opportunity to promote peaceful uses of nuclear energy. South Africa has consistently supported the IAEA safeguards system designed to ensure that no diversion of nuclear materials from peaceful to military purposes takes place.

3.15.5. In 2017, South Africa was elected President of the sixth Review Meeting of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

3.15.6. As a member of the fourth extension of the African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and

Technology, South Africa participates in most of the technical cooperation projects under the Agreement, acknowledging that the Agency's assistance in this area also contributes towards assisting African countries to implement the Sustainable Development Goals, as well as the New Partnership for Africa's Development. South Africa chaired the Agreement from 2019 to 2020. South Africa was instrumental in establishing the Forum of Nuclear Regulatory Bodies in Africa in 2009 and, through the South African National Nuclear Regulator, participates actively in its deliberations.

3.15.7. In cooperation with IAEA, the Nuclear Energy Corporation of South Africa developed the so-called mobile hot cell facility, providing developing countries with a specialized facility to safely and securely store high-activity radioactive sources after being used in medical applications or to secure orphan sources.

3.15.8. Under a past technical cooperation project, IAEA assisted South Africa in the downblending of highly enriched uranium to low enriched uranium at the SAFARI-1 research reactor, thereby making it the first research reactor in the world using low enriched uranium targets in its radioisotope production. The Nuclear Energy Corporation of South Africa subsidiary, NTP Radioisotopes, is one of the world's leading suppliers of low enriched uranium-based molybdenum-99.

3.15.9. South Africa is a party to the Convention on the Physical Protection of Nuclear Material and is in the process of ratifying its Amendment. The Convention is the only legally binding international instrument in the area of physical protection of nuclear material and is one of 13 counter-terrorism instruments. South Africa has also acceded to the Code of Conduct on the Safety and Security of Radioactive Sources.

3.15.10. South Africa has argued that nuclear security should be placed within the overall framework of both nuclear disarmament and nuclear non-proliferation objectives, as only the verifiable and irreversible elimination of nuclear weapons will ultimately prevent the use of such weapons.

### **3.16. Reporting**

3.16.1. On the practical step of reporting, South Africa strongly supports the principle of regular reporting, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision entitled "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

3.16.2. As a State party to the Pelindaba Treaty, South Africa also submits its annual reports to the African Commission on Nuclear Energy, in accordance with article 13 of the Treaty.

3.16.3. South Africa further submits occasional reports to the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization on activities undertaken by signatory and ratifying States under measure 9 (k) of the Final Declaration of the 2015 Conference on Facilitating the Entry into Force of the Treaty.

3.16.4. In accordance with article II of the Treaty on the Prohibition of Nuclear Weapons, which requires that States parties must make factual declarations regarding their past nuclear weapons programmes within 30 days of the Treaty's entry into force, South Africa submitted its declaration to the United Nations Secretary-General as depositary of the Treaty on 18 February 2021.

3.16.5. Pursuant to paragraph 3 of resolution [73/57](#) entitled "Universal Declaration on the Achievement of a Nuclear-Weapon-Free World", adopted by the United Nations General Assembly on 5 December 2018, and in terms of which the

Secretary-General would seek the views of Member States on the efforts they have made and measures they have taken with respect to the implementation of the Declaration, South Africa submitted its Universal Declaration on 10 May 2021.

### **3.17. Development of verification capabilities**

3.17.1. The issue of verification lies at the heart of the disarmament and arms control process and, in South Africa's view, forms a critical element of that process. South Africa has continued to support activities aimed at strengthening and developing verification capabilities to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world. It will also be recalled that in previous New Agenda Coalition papers the view was expressed that IAEA was the most relevant international body to develop verification mechanisms or a verification mechanism for a world free of nuclear weapons. South Africa remains of this view.

## **4. Nuclear non-proliferation (actions 23–46)**

### **4.1. Universal adherence to the Nuclear Non-Proliferation Treaty**

4.1.1. South Africa believes that States currently outside the Non-Proliferation Treaty should accede to the Treaty as non-nuclear-weapon States without conditions.

### **4.2. Safeguards**

4.2.1. South Africa is committed to the highest level of safeguards, i.e. integrated safeguards. South Africa implements the agreement for the application of safeguards of 16 September 1991, between itself and IAEA, in connection with the Non-Proliferation Treaty. South Africa also concluded and implements an additional protocol signed on 13 September 2002. South Africa is working towards the optimum combination of these agreements.

4.2.2. South Africa has consistently supported the conclusion and application of safeguards agreements by all States parties to the Treaty. It is promising that a growing number of States are concluding an additional protocol with the Agency. This indicates the continued commitment of non-nuclear-weapon States to their non-proliferation obligations under article III of the Treaty.

### **4.3. Transfer and physical protection of nuclear material**

4.3.1. South African policy is guided by the Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993 and the Nuclear Energy Act, No. 46 of 1999. Under the terms of Act No. 87 of 1993, the Non-Proliferation Council of South Africa was established to control and manage matters relating to the proliferation of such weapons.

4.3.2. The legislation additionally links efforts to promote non-proliferation by stating that South Africa may determine general policy with a view to the encouragement of bilateral and multilateral efforts to eliminate weapons of mass destruction. Under Act No. 46 of 1999, the peaceful application of nuclear energy, including the safety and physical protection of nuclear material and facilities, as well as rules regarding the transfer of material outside the Republic of South Africa, are dealt with comprehensively. This includes the commitment to ensure that no transfer would contribute to any nuclear weapons programme, whether this relates to transfers to a nuclear-weapon State or non-nuclear-weapon State.

## **5. Peaceful uses of nuclear energy (actions 47–64)**

### **5.1. Peaceful nuclear cooperation**

5.1.1. The Non-Proliferation Treaty emphasizes peaceful nuclear cooperation and access to the benefits of the peaceful uses of nuclear energy as one of its core objectives. Under the Treaty, States parties have agreed to undertake, facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful use of nuclear energy.

5.1.2. South Africa believes that it is critical that States honour their obligations under article IV of the Non-Proliferation Treaty, without attempts to reinterpret or restrict its terms. South Africa implements its obligations under the Treaty through support for the IAEA Technical Cooperation Programme. South Africa further participates in the African Regional Cooperative Agreement, which establishes regional cooperation in the field of nuclear science and technology in Africa.

5.1.3. South Africa has made extrabudgetary contributions through its African Renaissance Fund to improve veterinary laboratory capacities in sub-Saharan Africa for the early and rapid diagnosis and control of various transboundary animal diseases. This project has also benefited from the Peaceful Uses Initiative and will significantly contribute to food security and poverty reduction on the African continent, in line with South Africa's commitment to achieving the Sustainable Development Goals.

### **5.2. Appropriate and effective levels of safety and security**

5.2.1. Nuclear activities in South Africa are regulated by the National Nuclear Regulator established under the National Nuclear Regulator Act, No. 47 of 1999, which includes the provision of safety standards and regulatory practices for protection of persons, property and the environment against nuclear damage. The National Nuclear Regulator is responsible for fulfilling national obligations in respect of international legal instruments concerning nuclear safety.

### **5.3. Relevant nuclear conventions**

5.3.1. South Africa is a signatory to the Convention on the Physical Protection of Nuclear Material, the Convention on Nuclear Safety, the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and the African Regional Cooperative Agreement.

5.3.2. The process of acceding to the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material is in progress.

## **6. Conclusion**

6.1. South Africa's commitment to the full implementation of the decisions of Review Conferences through concrete national measures under the three Treaty pillars provides evidence of its continued commitment towards fulfilling the central goal of the Non-Proliferation Treaty, namely the achievement of a world without nuclear weapons.

6.2. As a non-nuclear-weapon State, South Africa remains deeply concerned about the lack of commitment shown by the nuclear-weapon States in fulfilling their side of

the Non-Proliferation Treaty bargain. The inaction and resistance by the nuclear-weapon States towards the implementation of their nuclear disarmament obligations and the policy pronouncements aimed at justifying the continued possession of these weapons weaken the non-proliferation regime and encourage proliferation.

6.3. While South Africa will continue to focus on promoting nuclear disarmament, ensuring that its non-proliferation obligations are met and encouraging other States to do the same, it will also continue to support and protect the inalienable right of States to develop, use and access nuclear energy for peaceful purposes, consistent with their developmental goals.

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