

April 3, 1995

**Abdul Minty et al, 'South Africa's Position on the
Extension of the Nuclear Non-Proliferation Treaty
(NPT)'**

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Summary:

South Africa supports the indefinite extension of the NPT.

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CLASSIFICATION : CONFIDENTIAL
TO : THE MINISTER, ROUTE MINR
: THE DEPUTY MINISTER, ROUTE ADJM
: THE DIRECTOR-GENERAL, ROUTE DIRG
FROM : MR ABDUL MINTY
: MR TF WHEELER, ROUTE HDSO
: MR FH LAND, ROUTE HDPA
: MR P GOOSEN, GENEVA
: MR JP DU PREEZ, ROUTE MA80
DATE : 3 APRIL 1994
STATUS : FOR URGENT ATTENTION

SUBJECT : SOUTH AFRICA'S POSITION ON THE EXTENSION
OF THE NUCLEAR NON-PROLIFERATION TREATY (NPT)

Documentation:

- a.✓ A Non-Paper on South Africa's position on the extension of the Nuclear Non-Proliferation Treaty (NPT).
- b.✓ A draft letter from Deputy President Thabo Mbeki to Vice President Al Gore.
- c.✓ A draft letter to SADC Foreign Ministers or Heads of Government.
- d.✓ A document entitled "Issues to be taken into account when considering the proposal for Principles for Nuclear Non-Proliferation and Disarmament".

1. SUMMARY

- 1.1 At a meeting at the Department of Foreign Affairs Guest House on 1 April 1994 it was decided that South Africa would support the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) at the forthcoming NPT Review and Extension Conference. It was further decided that South Africa would propose that a set of "Principles" should be adopted as a mechanism to strengthen the NPT's Review process, and also to address the concerns of those countries which are critical of the implementation of the Treaty. It was decided that the proposal for a set of "Principles" was not a condition for our support for indefinite extension of the Treaty.
- 1.2 The meeting was attended by Deputy President Thabo Mbeki, Minister Alfred Nzo, Deputy Minister Aziz Pahad, Director-General LH Evans, Mr Abdul Minty and officials from the Deputy President's Office as well as the Department of Foreign Affairs.
- 1.3 The Department of Foreign Affairs was instructed to prepare a statement of policy which would reflect the decisions which were taken at the meeting.

2. ACTION

- 2.1 For urgent attention, please find enclosed the abovementioned documentation.
- 2.2 Also included in this Memorandum for approval is a strategy which outlines how the policy which was approved can be implemented. This strategy was developed at a meeting at the Guest House on 2 April 1995 which was attended by Mr Abdul Minty, Mr TF Wheeler (HDSO), Mr FH Land (HDP), Mr P Goosen (Geneva) and Mr JP du Preez (MA80).

3. BACKGROUND

- 3.1 The following strategy has been developed to obtain support for South Africa's position that the NPT should be extended indefinitely, and that the Treaty's Review process should be strengthened by the adoption of a set of principles so as to address the concerns of those States Parties which are critical of its implementation:

- 3.1.1 Deputy President Thabo Mbeki should write a letter to Vice-President Al Gore outlining South Africa's support for indefinite extension and requesting his views on the suggestion that the Review process should be strengthened so as to address the concerns of those States' Parties which are critical of the NPT's implementation. The letter should make it clear that the suggestions for strengthening the Review process are not to be seen as conditions for the extension of the Treaty. This letter can possibly be followed up by telephone conversation with Vice-President Gore.
- 3.1.2 The President of Tunisia, who is also the President of the OAU, should be requested to support this position during his visit to South Africa.
- 3.1.3 Minister Nzo or perhaps President Mandela should write a letter to all SADC member countries outlining South Africa's position and requesting their support. This letter can possibly be followed up by telephone conversation.
- 3.1.4 Deputy President Thabo Mbeki should consider discussing South Africa's position on these issues with other Government leaders (the Netherlands, the United Kingdom, etc) with whom he has already had discussions on the matter of the NPT and its extension.
- 3.1.5 Minister Alfred Nzo should also request Non-Aligned Movement support for this position during the NAM meeting in Bandung. He could also consider discussing the matter telephonically with the Nigerian Foreign Minister.
- 3.1.6 Deputy President Mbeki and Deputy Minister Pahad

should request the support of the countries attending the forthcoming Organization for African Unity Central Organ meeting in Tunisia.

- 3.1.7 Consideration should be given to appoint Mr Abdul Minty as an emissary to travel to the following countries so as to discuss and explain South Africa's position. The countries which have been proposed are the United Kingdom, The Netherlands, the Nordic countries, Indonesia, India, Pakistan and Australia.
- 3.1.8 The Ambassadors from the European Union countries in South Africa should be called in by either the Minister, the Deputy Minister or the Director-General to explain and request support for South Africa's position.
- 3.1.9 Consideration should be given to a senior South African Government spokesman (President Nelson Mandela was suggested) releasing South Africa's position to the media at a decisive moment during the NPT Review and Extension Conference. The delegation attending the Conference would advise on the timing. This interview should be set up in such a manner that it does not expose the spokesperson to aggressive/critical questioning. The opportunity should be used to make an announcement and should not be a cross-examination situation.
- 3.1.10 The question which has been posed to Minister Nzo by a National Party representative should be answered in general terms so as to avoid publicly exposing South Africa's position at too early a date. The Foreign Minister could indicate that South Africa does support the extension of the NPT, that we are consulting with our SADC partners as well as with other important countries, and he could consider making available a copy of the South African legal opinion on the issue.
- 3.1.11 In view of time constraints and Cabinet procedure it is unlikely that a Cabinet Memorandum on this matter can be prepared in time for discussion by the Cabinet. It is, however, recommended that the Deputy President, the Minister and the Deputy Minister raise this issue with President Mandela, Deputy President de Klerk and other colleagues so as to gain their support for this position.

NON-PAPER

The South African Government of National Unity is committed to a policy of non-proliferation and arms control which covers all weapons of mass destruction and extends to our concerns about the proliferation of conventional weapons. In terms of this policy, it is South Africa's goal to be seen as a responsible possessor of advanced technologies. South Africa sees its non-proliferation and arms control policy as being integral to its commitment to democracy, human rights, sustainable development, social justice and environmental protection.

South Africa supports the belief that the continued existence of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) should not be placed in jeopardy, and that the forthcoming review and extension process should strengthen, not weaken the nuclear non-proliferation regime. The national security of individual countries and of the international community as a whole will be severely damaged if the NPT is weakened.

South Africa took the decision to destroy its nuclear weapons and to become a States Party to the NPT because we saw our security being guaranteed by its provisions. It is for this reason also that South Africa became an active sponsor of an African Nuclear Weapon Free Zone (ANWFZ) Treaty. Despite the criticisms which have been focused on the NPT it has been successful in achieving its primary objective, namely, preventing the spread of nuclear weapons. Since the entry into force of the NPT, for example, the number of threshold states have diminished. Countries like South Africa, Argentina and Brazil, which previously fell into this category, have drawn back from the nuclear weapons option and have become a part of the nuclear non-proliferation regime.

It remains the only international instrument on nuclear disarmament to which all five nuclear weapon states are committed. The continued existence of the Treaty will ensure that this commitment by nuclear weapon states to disarmament also remains. We believe that inequalities inherent in the Treaty as well as the criticism of its disarmament, peaceful uses and other provisions of the Treaty should not be dealt with in such a fashion that they threaten the security that the NPT provides. South Africa therefore supports the view that the NPT should be extended indefinitely.

The linkage of the Treaty to certain conditions raises the question of what would happen if, for one or other reason, the conditions were not met. Would the Treaty automatically terminate? The termination of the Treaty - whether this comes about by placing conditions on its future existence or by extending it only for a fixed period - is not an acceptable option for South Africa.

South Africa, because of its view that the review and extension process should not damage the Treaty, believes that any decision on extension should only be taken after every effort has been made to achieve the broadest possible support. Any decision

which is taken by a "50% plus 1" majority would in our view weaken the Treaty. It would undermine the commitment to the NPT of those who are left on the outside. Any decision if it could be reached by consensus would be ideal, but we still believe that it would need to be taken by a significant majority. This would in all likelihood need to include key countries, especially from within the Non-Aligned Movement (NAM).

Many countries have, however, with good reason been critical about the failures and delays to:

- fully implement the disarmament provisions of the Treaty by totally eliminating the arsenals of the nuclear weapon states,
- provide the non-nuclear weapon states with effective security assurances,
- ensure the unencumbered transfer of peaceful nuclear technology, etc.

Many countries are of the view that it is necessary to maintain the leverage which the Treaty provides. South Africa therefore firmly believes that a mechanism must be found to address these concerns about the implementation of the Treaty.

So as not to draw these issues into the debate about the continued existence of the Treaty, South Africa believes that it is essential that the review process provided for by Article VIII(3) must be strengthened. We believe that this can be done by the adoption of a set of "Principles for Nuclear Non-Proliferation and Disarmament" which would be taken into account when the implementation of the Treaty is reviewed. These Principles would, as was the case in the Preamble of the Treaty, set out the general obligations and goals which States Parties would strive for taking into account the current international environment, which is very different from that which existed when the Treaty was negotiated. These Principles would not be an amendment of the Treaty, they would rather be a lodestar which would be renewed at every Review so as to ensure that they are dynamic and that they adapt to changing international circumstances. They would not be conditions which could lead to the termination of the Treaty, they would be the yardstick by which all the States Parties can measure their non-proliferation and disarmament achievements.