

March 2, 1995

**J. duPreez, 'Nuclear Non-Proliferation Treaty (NPT):
South African Position and Preparations for the NPT
Review and Extension Conference'**

Citation:

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Summary:

The memo notes suggests that a series of successive extensions should be used. DuPreez also says that South Africa must continue to participate in the NPT.

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TO : THE MINISTER, MINR
THROUGH : THE DEPUTY-MINISTER, ADJM
THE DIRECTOR-GENERAL, DIRG
MR TF WHEELER, HDSO
MR FH LAND, HDPA
FROM : MR JP DU PREEZ, MA80
DATE : 2 MARCH 1995
STATUS : FOR CONSIDERATION
SUBJECT : NUCLEAR NON-PROLIFERATION TREATY (NPT) :
SOUTH AFRICAN POSITION AND PREPARATIONS
FOR THE NPT REVIEW AND EXTENSION
CONFERENCE

1. With reference to the Department's recommendation with regard to South Africa's position on the Nuclear Non-Proliferation Treaty (NPT), the Sub-Directorate Non-Proliferation Affairs wishes to clarify the position as recommended in the memorandum to the Minister (950227MAa dated 27 February 1995).
2. The Department did not recommend that South Africa should support the indefinite extension of the NPT or that we should be in support of the position as held by the developing countries. These countries argue that the NPT is the cornerstone of the international nuclear non-proliferation regime and that the security and economic interests of all states will be best served if the NPT is extended indefinitely in 1995. South Africa should share the concern of the developing countries that the nuclear weapon states have not met their disarmament obligations under the Treaty. However, care should be taken not to allow the debate on the extension of the Treaty to endanger the existence of the Treaty.
3. South Africa became a State Party to the NPT in 1991 in support of the ongoing international concern about the spread of weapons of mass destruction and especially nuclear weapons. In this regard, it should also be noted that 48 African countries are State Parties to the Treaty.
4. Very few African countries have adopted a clear position on the NPT extension, although all are in favour of its extension. As a member of the OAU and the NAM, South Africa is in a unique position due to the fact that we possess all the advanced technologies which could be used in the manufacture of weapons of mass destruction and that the Government of National Unity adopted a clear policy on non-proliferation (31 August

1994). South Africa is regarded as leader in the area of non-proliferation in Africa with the effect that the majority African countries are waiting for South Africa to take a leading role with regard to the extension of the NPT.

5. Due to a growing international concern that the vast differences of positions regarding the extension of the Treaty could seriously threaten the Treaty, the Department developed a position which is in broad terms in line with that of the OAU and the NAM, but which could also get the broad support from the majority State Parties. This position was outlined in a legal opinion which was presented during January 1995 to the 4th PrepCom for the NPT Extension and Review Conference held in New York.
6. In view of the growing support for this position from developed and developing countries, the Department therefore recommends that South Africa seek support for an extension option which is based on a rolling extension of successive fixed periods which would extend the Treaty, but where a positive vote would be required between each of the succeeding periods to initiate the start of the following period. A "positive" mechanism is one where the parties will have a say in the continuation of the NPT at the end of each of the fixed periods. The NPT will only continue to the next fixed period if the majority of the parties so decided. The "positive" mechanism is also consistent with the idea of constant review of the NPT and with the idea contained in Article X(2) that the parties can "...decide whether the Treaty shall continue in force...", in other words a positive decision.
7. South Africa's position on the extension of the Treaty should be focussed on the rolling extension of successive fixed periods and should maintain its flexibility on the length of each period. The criticism expressed against the fixed periods option is based on the fact that its supporters focus on the length of the fixed periods (5-25 years) and not on the mechanism which will ensure that the NPT will extend automatically to the next fixed period. This flexibility will allow South Africa to act as broker during the Extension Conference. South Africa could then possibly propose "a number for the years" for the duration of the individual periods.
8. This option could be an acceptable solution for the potential conflict which could arise between State Parties during the final decision on the extension of the Treaty. Any decision which is taken by a "50% plus 1" majority is bound to weaken the Treaty. It would

undermine the commitment to the NPT of those who are left on the outside. Any decision would need to be taken by a significant majority which in all likelihood will need to include key countries especially from within the NAM. To ignore and exclude a country such as Iran which has the potential of becoming a "threshold state" would be a mistake. It would also be a mistake not to include other countries such as Indonesia, Mexico, Nigeria, etc all of whom have been very critical of the functioning of the Treaty. In disarmament circles there is an understanding for the critical position of Egypt vis-a-vis the Israeli position as an acknowledged nuclear threshold state. A "no" vote by Egypt will therefore be understood in the Middle East context and will not be seen as a vote against the Treaty.

9. Because South Africa has proven capabilities in all of the dual-use technologies (which can be used for peaceful purposes, but also in the manufacture of weapons of mass destruction), the Government of National Unity adopted a clear policy on non-proliferation (a copy of the extracted section of the minutes of the Cabinet meeting which was held on 31 August 1994 is attached). Since the adoption of this policy, the Government has on numerous occasions committed South Africa to non-proliferation of weapons of mass destruction. It should be noted that South Africa's policy is in line with that of other countries with similar capabilities. In terms of the policy, South Africa will:

- continue implementing a policy of non-proliferation and be an active participant in the various non-proliferation regimes and suppliers groups;
- adopt positions supporting the non-proliferation of weapons of mass destruction;
- utilises its position as a member of the suppliers regime and of the Africa Group?NAM to promote the importance of non-proliferation and to ensure that these control do not become the means whereby the developing countries are prevented from obtaining access to the advanced technologies which they require for development;
- Continue in its objective to become a member of all the non-proliferation regimes and suppliers groups;
- at all times protect its own best interests with regard to the use of technology in nuclear, chemical, biological and missile spheres for civil and peaceful purposes.