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IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION OF AFRICA

Nuclear capability of South Africa

Report of the Secretary-General

1. On 3 December 1986, the General Assembly adopted resolution 41/55 B, the operative part of which reads as follows:

"The General Assembly,

"...

"1. Condemns the massive buildup 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;

"2. 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;

"3. 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;

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

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

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

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

"8. Requests the Disarmament Commission to consider as a matter of priority during its session in 1987 South Africa's nuclear capability, taking into account, inter alia, the findings of the report of the United Nations Institute for Disarmament Research on South Africa's nuclear capability;

"9. Requests the Security Council to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421 (1977) concerning 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;

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

"11. 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-second session".

2. Pursuant to paragraph 11 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 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 follows:

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

(b) Pursuant to paragraph 12 of resolution GC(XXX)/RES/468 of the IAEA General Conference, the Board of Governors discussed the question of South Africa's nuclear capabilities at its meetings in June 1987 and on 12 June adopted a resolution the text of which is attached as annex II;

(c) The question of South Africa's nuclear capability was on the agenda of the thirty-first regular session of the IAEA General Conference, held from 21 to 25 September 1987. At that session a statement issued by the South African State

President announcing South Africa's readiness to commence negotiations with each of the nuclear-weapon States on the possibility of signing the Treaty on the Non-Proliferation of Nuclear Weapons and to consider including in these negotiations safeguards on its installations subject to NPT conditions was circulated as an official document of the General Conference (GC(XXXI)/819) (see annex III). On 25 September, the General Conference adopted resolution GC(XXXI)/RES/485 entitled "South Africa's nuclear capabilities" (see annex IV).

4. Should the Secretary-General receive any further information on the subject, he 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. On 23 September 1986, the Board of Governors decided to transmit to the General Conference the report prepared by the secretariat pursuant to a request by the Board.
2. The General Conference considered the above report as submitted to it on 3 October 1986 and adopted resolution GC(XXX)/RES/468 on South Africa's nuclear capabilities.
3. The information is herewith supplemented by information covering developments since the adoption of the above-mentioned resolution.

The General Assembly of the United Nations

4. At its forty-first regular session, the General Assembly adopted several resolutions and a decision related to South Africa's nuclear capability:

(a) In resolution 41/35 B, entitled "Comprehensive and mandatory sanctions against the racist régime of South Africa", the Assembly called on Member States to "exclude the South African régime from all organizations within the United Nations system where this has not already been done";

(b) In resolution 41/35 C, entitled "Relations between Israel and South Africa", the Assembly again strongly condemned "the continuing and increasing collaboration of Israel with the racist régime of South Africa, especially in the economic, military and nuclear fields", and demanded that Israel "desist from and terminate forthwith all forms of collaboration with South Africa, particularly in the economic, military and nuclear fields, and abide scrupulously by the relevant resolutions of the General Assembly and the Security Council". It called upon "all Governments and organizations in a position to do so to exert their influence to persuade Israel to desist from such collaboration";

(c) In resolution 41/41 B, entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", the Assembly strongly condemned "all collaboration, particularly in the nuclear and military fields, with the Government of South Africa and calls upon the States concerned to cease forthwith all such collaboration";

(d) In resolution 41/14, entitled "Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa", the Assembly, condemning "the investment of foreign capital in the production of uranium and the collaboration by certain Western and other countries with the racist minority

régime of South Africa in the nuclear field, which, by providing that régime with nuclear equipment and technology, enable it to develop nuclear and military capabilities and to become a nuclear Power", called upon all Governments "to refrain from supplying that régime, directly or indirectly, with installations, equipment or material that might enable it to produce uranium, plutonium and other nuclear materials, reactors or military equipment";

(e) In resolution 41/55 A, entitled "Implementation of the Declaration on the Denuclearization of Africa", the Assembly, noting "the actions taken recently by those Governments which have taken measures to restrict co-operation with South Africa in nuclear and other fields" and expressing regret that "the Disarmament Commission has, once again, in 1986, failed to reach a consensus on this important item on its agenda", condemned "South Africa's continued pursuit of a nuclear capability and all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime", appealed "to all States that have the means to do so to monitor South Africa's research on and development and production of nuclear weapons, and to publicize any information in that regard", and demanded once again "that South Africa submit forthwith all its nuclear installations and facilities to inspection by the International Atomic Energy Agency";

(f) In resolution 41/55 B, entitled "Nuclear capability of South Africa", the Assembly, noting with regret the non-implementation by South Africa of resolution GC(XXIX)/RES/442, adopted on 27 September 1985 by the General Conference of the International Atomic Energy Agency and expressing alarm "that South Africa's unsafeguarded nuclear facilities enable it to develop and acquire the capability of producing fissionable material for nuclear weapons", condemned "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", expressed its full support "for the African States faced with the danger of South Africa's nuclear capability", demanded "that South Africa and all other foreign interests put an immediate end to the exploration for and exploitation of uranium resources in Namibia", and demanded once again "that South Africa submit forthwith all its nuclear installations and facilities to inspection by the International Atomic Energy Agency";

(g) In resolution 41/95, entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa", the Assembly requested the Security Council "urgently to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist régime of South Africa", in particular, the cessation of all collaboration with South Africa in the nuclear field;

(h) In decision 41/405, entitled "Military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", the General Assembly declared "that the colonial

Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction".

Action by the Director General

5. As reported in his oral statement to the Board of Governors at its February 1987 session, the Director General brought resolution GC(XXX)/RES/468 to the attention of the Secretary-General of the United Nations and the Chairman of the Special Committee against Apartheid.

6. In the same oral statement the Director General also reported on consultations and correspondence with the South African authorities on the resumption of negotiations on the application of safeguards to South Africa's semi-commercial enrichment plant and on an invitation from the South African Government to him to visit South Africa.

Developments since the session of the Board of Governors in February 1987

A. Safeguards at the semi-commercial enrichment plant

7. On 25 February 1987, the South African Mission transmitted to the Director General a communication from the South African authorities. The Director General's initial reactions were communicated to the South African Mission in an Aide-mémoire dated 4 March 1987. On 31 March 1987, a response was communicated orally by the Resident Representative of South Africa on the basis of a speaking note. (Copies of these communications appear as attachments 1, 2 and 3.)

B. Safeguards at other facilities

8. Safeguards are being applied at the Safari research reactor (under the safeguards agreement reproduced in document INFCIRC/98) and at the Koeberg nuclear power plant (under the safeguards agreement reproduced in document INFCIRC/244).

9. Negotiations with South Africa for the conclusion of the facility attachment for the hot cell laboratory at Valindaba took place from 30 March to 3 April 1987. The negotiations proceeded satisfactorily and the facility attachment was agreed ad referendum.

10. On 1 September 1987, the facility attachment for the hot cell laboratory at Valindaba entered into force. The effect of this is to bring this facility under safeguards whenever it contains safeguarded nuclear material from the Safari research reactor and the Koeberg nuclear power station. It has been agreed that, although this facility is a research development facility, it will be considered, for safeguards purposes, as a principal nuclear facility.

11. In the communication from the South African authorities dated 25 February 1987, South Africa informed the Director General of the voluntary submission to safeguards of a radioactive waste repository under construction at Vaalputs (600 km north of Cape Town), the site of which is intended to be used also for the interim storage of spent fuel elements.

Developments since the June 1987 meetings of the Board of Governors

12. On 16 July 1987, Mr. D. Steyn, South African Minister of Economic Affairs and Technology, visited the Director General. Their discussions covered the general position of South Africa in the Agency, the negotiation of a safeguards agreement and technical arrangements for applying safeguards to South Africa's semi-commercial enrichment plant, the possibility and implications of South Africa's becoming a party to the Treaty on the Non-Proliferation of Nuclear Weapons, and South Africa's adherence to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

13. On 10 August 1987, South Africa signed and deposited instruments of ratification of the two aforementioned nuclear safety conventions. Member States have been informed of this in the normal way by means of a note dated 1 September 1987 and addressed to all States.

ATTACHMENT 1

Letter dated 25 February 1987 from the Alternate 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 refer to your letter of 9 January 1987 regarding a possible visit by you to South Africa.

In reply, the relevant South African authorities requested me to convey the following:

"South Africa has on many occasions clearly stated its nuclear policy and its position with regard to the Non-Proliferation Treaty and Safeguards, notably on 31 January 1984 in a press release by the then Executive Chairman of the South African Atomic Energy Corporation.

"Specifically, the South African Government has given the undertaking that it will conduct and administer its nuclear affairs in a manner which is in line with the spirit, principles and goals of the Non-Proliferation Treaty and the Nuclear Suppliers' Group Guidelines (INFCIRC/254).

"Furthermore, South Africa has stated its willingness to resume discussions on safeguards with the IAEA, with respect to its semi-commercial enrichment plant, but that it could not agree to safeguards before greater clarity has been reached on what would be expected of it under a safeguards agreement. The South African Government has also declared that it remains willing to consider accession to the NPT, provided its basic requirements could be met. Under the present international situation where punitive sanctions and boycotts are being imposed on South Africa by the international community, its basic requirements are certainly threatened.

"Nonetheless, the negotiations on a safeguards agreement on the semi-commercial enrichment plant were viewed by South Africa as a first step in its consideration of accession to NPT, provided an equitable safeguards agreement could be negotiated. To this end and in good faith, South Africa presented a draft safeguards agreement to the IAEA according to which its basic requirements could be satisfied, even in the present international situation. This agreement is, according to our interpretation, within the requirements of the statutes of the IAEA. It was, therefore, noted with regret that the draft agreement was not presented for due consideration to the Board of Governors. South Africa, however, is aware that other non-NPT members of the IAEA share its position with regard to the voluntary submission to safeguards of nuclear installations erected without outside assistance.

"Apart from the semi-commercial enrichment plant, South Africa has also voluntarily submitted two other installations to safeguards, viz., the hot cell facility and the Vaalputs radioactive waste repository.

"With regard to the IAEA's demands that South Africa accepts full-scope safeguards on all its nuclear facilities, South Africa maintains its position that the IAEA has no right under its statutes to make demands on any of its member States other than to demand that as members, they will uphold the statutes of the IAEA and honour all obligations assumed under any agreement, such as safeguards agreements, concluded with the IAEA.

"The South African Government, as a founder member of the IAEA, wishes to reaffirm that it has always, on its part, upheld the statutes and goals of the IAEA and categorically rejects any allegations to the contrary. Furthermore, South Africa as a sovereign State cannot, and will not, accede to unconstitutional and unreasonable demands by the IAEA. The South African Government also wishes to reiterate that it believes in the universality of membership of the IAEA and equitable participation in the IAEA's activities by all members.

"The IAEA's actions in the past, whereby South Africa has been excluded from participating on a non-discriminatory basis in the activities of the IAEA, and to exercise its full rights as a member, are strongly deplored.

"In the circumstances outlined above, and in view of the prevailing intransigent attitude towards South Africa, the South African Government regretfully is inclined to agree with the Director General's decision that no useful purpose could be served by further negotiations on the basis of South Africa's Craft agreement. It must be emphasized that the essence of the South African proposal is to confirm the non-production of nuclear explosive devices, and this purpose is now frustrated by the decision which derives from the general attitude to South Africa which prevails in the policy-making bodies of the IAEA. As long as South Africa's special concerns and bona fides are not recognized, the usefulness of negotiations remains questionable.

"The reluctance of the Director General to accept the South African Government's invitation to visit South Africa to discuss these issues is noted with regret."

(Signed by the Alternate Resident Representative)

ATTACHMENT 2

Aide-mémoire dated 4 March 1987 from the Director General of
the International Atomic Energy Agency to the Permanent
Mission of South Africa to the Agency

1. The Director General has, upon his return to the office on 27 February 1987, read Mr. Scholtz' letter of 25 February 1987 and the communication from the South African authorities contained therein.

2. The Director General's initial reactions to specific points made in the letter are as follows:

(a) He notes with interest South Africa's willingness to resume discussions on the application of safeguards to its semi-commercial enrichment plant and its wish for greater clarity on what would be expected of South Africa under a safeguards agreement;

(b) He welcomes South Africa's declaration that it remains willing to consider adherence to the Non-Proliferation Treaty, provided that its basic requirements could be met;

(c) He notes that South Africa viewed the negotiation of the safeguards agreement on the semi-commercial enrichment plant as a first step in its consideration of accession to the Non-Proliferation Treaty;

(d) From the proposals made by South Africa in its draft of the safeguards agreement of August 1986, the Director General understands South Africa's "basic requirements" to comprise:

- (i) The right to withdraw nuclear material under safeguards for use for non-explosive military purposes;
- (ii) The right to terminate the agreement in the event of South Africa deciding that extraordinary events related to the agreement have jeopardized its supreme interests, or by reason of curtailment etc. of any privilege or right of membership of the Agency to which South Africa is entitled.

3. With regard to the reactions set out in paragraphs 2 (a) to (d) above, the Director General wishes to make the following observations:

(a) South Africa's right, as a member of the Agency, to propose a safeguards agreement on the basis of its draft of August 1986 is not in dispute. None the less all safeguards agreements, as is known, require the approval of the Agency's Board of Governors before the Director General can sign them and the secretariat implement them. The Director General has the responsibility to inform South Africa if, after informal consultations with members of the Board, the agreement on the basis proposed by South Africa would not secure the approval of the Board as a whole, as was the case in this instance.

There are, however, still a number of outstanding matters pertaining to the safeguards agreement on the semi-commercial enrichment plant, in addition to the question of the basic requirements raised by South Africa. In his letters to the Resident Representative dated 25 November 1986 and 9 January 1987 the Director General referred to these and, in particular to the strong reasons for reaching agreement on the outstanding technical aspects in advance of entry of the plant into operation. The Director General suggests that it would still be desirable to resume the technical discussions quickly, separately from pursuing further discussion of the draft of the agreement itself. The secretariat is ready to do this straightaway;

(b) However, if South Africa were to adhere to the NPT and by doing so accept safeguards on all nuclear material used in its peaceful nuclear activities, the ensuing safeguards agreement would cover, inter alia, its semi-commercial enrichment plant; it would also appear to achieve two of South Africa's basic requirements, viz. to have the right to withdraw nuclear material under safeguards for non-proscribed (non-explosive) military purposes (in accordance with para. 14 of INFCIRC/153) and to withdraw from the Treaty (and in consequence from the agreement) if South Africa's supreme national interests are jeopardized (in accordance with article X of the Treaty). In such an event the application of safeguards under existing agreements would be reactivated. The third requirement relating to rights and privileges of membership would still be unlikely to secure approval of the Board of Governors since it would appear to derogate from the Statute of the Agency.

4. More generally, concerning the conditions of participation of South Africa in the Agency, if it were to join the NPT, this is not within the hands of the Director General. Principally it would be a matter for South Africa to pursue with individual member States and for member States to consider in consultation with each other. The Director General could, if this were desirable, use his good offices for consultations.

5. In addition the Director General suggests that early ratification by South Africa of the two Conventions on Early Notification and Emergency Assistance in the Event of a Nuclear Accident would be regarded as a positive step forward. Both these Conventions have now entered into force.

6. He asks whether Dr. de Villiers, perhaps together with a senior official from the Ministry of Foreign Affairs, might wish to visit Vienna again. If so, the Director General would be very glad to see them.

ATTACHMENT 3

Notes for discussion communicated orally on 31 March 1987 by the
Resident Representative of the Permanent Mission of South Africa
to the International Atomic Energy Agency

1. The invitation to Director General Blix to visit South Africa is still valid and he is very welcome to visit South Africa in his personal capacity or otherwise.
2. The South African position has been clearly stated in recent communications to the IAEA.
3. However, in case a certain point is not yet clear to the IAEA, it should be mentioned that South Africa's recent indication that it remains willing to consider accession to the NPT, provided its basic requirements could be met, referred to South Africa's January 1984 policy statement.
4. It is the view of the South African Government that the negotiations on a safeguards agreement on the semi-commercial enrichment plant were broken off by the IAEA.
5. In these circumstances and until agreement can be reached on the revised South African text, there is no point in proceeding with the technical discussions.
6. It remains South Africa's point of view that the successful conclusion of a safeguards agreement on the semi-commercial enrichment plant would be seen by South Africa as a first step in its consideration of accession to the NPT.

ANNEX II

Resolution adopted by the Board of Governors on 12 June 1987

The Board of Governors,

(a) Having considered the note by the Director General contained in document GOV/INF/523 and his oral statements at the February 1987 and June 1987 meetings of the Board of Governors on South Africa's nuclear capabilities,

(b) Recalling United Nations General Assembly resolution 41/55 A and B on the declaration on the Denuclearization of Africa and the nuclear capability of South Africa,

(c) Stressing that the acquisition of nuclear weapons capability by the racist régime of South Africa 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,

(1) Takes note of United Nations General Assembly resolutions 41/55 A and B, 41/95, 41/14, 41/35 B and 41/405 and the report of the Board of Governors on South Africa's nuclear capabilities contained in document GC(XXX)/785;

(2) Takes note with regret and disappointment of the Director General's report contained in document GOV/INF/523, which confirms that South Africa has persistently refused to comply with General Conference resolutions, in particular resolution GC(XXX)/RNS/468, and has frustrated the continuous efforts of the Director General to reach agreement on safeguards at its nuclear facilities;

(3) Considers that continuation of South Africa's policies in disregard and in violation of the purposes and principles of the United Nations, upon which, in accordance with articles III.B and IV.B of the Statute, the Agency's activities are based, constitutes a persistent violation of the provisions of the Statute within the meaning of article XIX.B;

(4) Recommends to the General Conference the suspension of South Africa from the exercise of the privileges and rights of membership in accordance with article XIX.B of the Statute until it complies with the relevant General Conference resolutions and conducts itself in accordance with the purposes and principles of the Charter of the United Nations.

ANNEX III

Statement issued on 21 September 1987 by the South African State President which was circulated at the thirty-first regular session of the General Conference of the International Atomic Energy Agency (GC(XXXI)/819)

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 thirty-first General Conference of the IAEA which is being held in Vienna as from 21 September.

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.

ANNEX IV

Resolution on South Africa's nuclear capabilities adopted by
the General Conference of the International Atomic Energy
Agency at its 302nd plenary meeting, on 25 September 1987
(GC(XXXI)/RES/485)

The General Conference,

(a) Recalling the recommendation of the Board of Governors to suspend South Africa from the exercise of the privileges and rights of membership as contained in its report GC(XXXI)/807 pursuant to the General Conference resolution GC(XXX)/RES/468,

(b) Having considered the annual report of the Agency for 1986 contained in document GC(XXXI)/800 and the report of the Board of Governors on South Africa's nuclear capabilities contained in document GC(XXXI)/807,

(c) Stressing that, despite the requests of the General Conference and the international community, South Africa has persistently violated international law as well as the purposes and principles of the United Nations, upon which the IAEA's activities are based in accordance with articles III.B.1 and IV.B of the Statute, and

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

(1) 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-second regular session of the General Conference;

(2) 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-second regular session of the General Conference in this regard;

(3) Requests the Director General to bring this resolution to the attention of the Secretary-General of the United Nations;

(4) Decides to include in the agenda of the thirty-second regular session of the General Conference an item entitled "South Africa's nuclear capabilities".
