STATEMENT
BY
THE REPUBLIC OF SOUTH AFRICA

ON THE
ISSUES OF SAFEGUARDS, NON-PROLIFERATION
AND NUCLEAR-WEAPON-FREE ZONES
(MAIN COMMITTEE II)

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Chairperson,

First of all, may I congratulate you and your two Vice Chairs on the assumption of your important positions. I wish to assure you of my delegation’s full co-operation and support during our important deliberations.

South Africa recognises and supports the legitimate right of all States to utilise the atom for peaceful purposes. At the same time, we are of the view that the ownership of the capability that could also be utilised to develop nuclear weapons places a special responsibility on the States concerned to build confidence with the international community that would remove any concerns about nuclear weapon proliferation. South Africa believes that such States need to ensure that the International Atomic Energy Agency is able to verify that these capabilities are being used for peaceful purposes only, including through the mechanisms available under the Additional Protocol for strengthened safeguards.

In our view, the Additional Protocol remains an important instrument to build confidence and to provide assurances regarding the continued peaceful application of nuclear energy.

Chairperson,

South Africa strongly supports universal adherence to IAEA Safeguards Agreements. South Africa was not only the first country to voluntary and unilaterally destroy its nuclear explosive devices and to close down its dedicated facilities, but also gave the IAEA free access to information, materials, facilities and staff on the basis of “any time, any place”, which is more than what is legally required under the Additional Protocol. South Africa further participated in the scheme approved by the IAEA Board in 1993 for the voluntary reporting of the export and import of specified equipment and non-nuclear material, similar to that in Annex II of the Additional Protocol.

The Additional Protocol signed by South Africa on 13 September 2002 has indeed placed an extra burden on South Africa in terms of comprehensive information to be submitted and kept up to date in terms of Articles 2 and 3 of the Protocol. Agency Inspectors also have greater (“complementary”) access to sites, facilities and activities as foreseen in Articles 4 to 8. However, South Africa believes that this additional burden is by far outweighed by the advantages in terms of strengthening our goals of nuclear disarmament and nuclear non-proliferation. For many developing countries, particularly those with very limited or no nuclear facilities, the additional burden of implementing a protocol additional to their safeguards agreements is indeed a complicating factor that needs to be carefully considered by this Main Committee.

Chairperson,

It has long been South Africa’s view that disarmament and non-proliferation are inextricably linked, and that real and irreversible progress on nuclear disarmament would reinforce the irreversibility of nuclear non-proliferation. The principle of irreversibility, which was agreed to as Step 5 of the 13 practical steps for the systematic and progressive efforts to implement the agreed to unequivocal commitment to our nuclear disarmament obligation, should therefore also apply to non-proliferation.

South Africa’s legislative and regulatory framework stipulates that the transfer of nuclear material, equipment and technology can only occur for peaceful purposes. Any applications for such exports, where there is a suspicion that they may be used for the development of weapons of mass destruction, are consequently denied. The guarantees of access to technologies for peaceful
purposes that are contained in the relevant treaty regimes are an important element of the implicit bargain contained in the treaties for States that have given up the aspiration to these weapons.

Chairperson,

South Africa recognizes that the recent developments in and experiences of the illicit network in nuclear technology to manufacture nuclear weapons presents a serious challenge to the NPT. South Africa believes that it is important to review and improve controls over nuclear material, technologies and equipment to prevent nuclear weapons proliferation and illicit trafficking. It is for this reason, Mr. Chairperson that the South African government in co-operation with other countries, as well as the IAEA, undertook a thorough and urgent investigation into the illicit network. In this context, South Africa has focussed its investigation on the contravention of relevant South African non-proliferation legislation and is in the process of prosecuting a Swiss and a German national resident in South Africa that are allegedly involved in these illicit activities. This is yet another demonstration of South Africa’s commitment to the Treaty’s non-proliferation provisions.

My delegation has taken note of the statement made on behalf of the European Union on the issue of illicit trafficking. We have noted that a number of key European countries in which the illicit network operated were not mentioned. We may make a separate statement on this issue during the course of the Conference. South Africa will continue to closely co-operate with these and others involved in the investigations into the international illicit network and efforts to ensure its elimination.

Experience has, therefore, shown that no control regime, no matter how comprehensive, can fully guarantee against abuse. In South Africa’s view, the challenge does not lie with access to the technologies for peaceful purposes, but rather with ensuring the effective regulation of the technologies and the denial of any transfers that are suspected to be for weapons purposes. South Africa believes that it is equally important to review and improve controls over nuclear materials, technologies and equipment to prevent nuclear weapons proliferation. Furthermore, the success of such controls remain dependent on effective information-sharing and co-operation among the relevant parties and the central role the IAEA can - if allowed - play in addressing this illicit trade. South Africa wishes to take this opportunity to again thank the IAEA for the important role that it is playing in the investigation of the network that has led to the prosecution of those involved in contravening South Africa’s non-proliferation legislation.

Chairperson,

In this context, my delegation should like to reiterate that the IAEA remains the internationally recognised competent authority responsible for verifying and assuring compliance with the safeguards agreements of States Parties concluded in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the IAEA in this regard. Any concerns regarding non-compliance with safeguards agreements under the Treaty should be directed to the IAEA for consideration of any actions that may be required in accordance with the IAEA’s mandate.

We also welcome the central role played by the IAEA with regard to Iran’s peaceful nuclear programme. We are pleased that the Agency has so far not found any diversion to military purposes.

Chairperson,
Turning now to the issue of nuclear-weapon-free zones, States Parties will recall that the 2000 NPT Review Conference in its Final Document, \textit{inter alia}, reaffirmed the conviction that the establishment of nuclear-weapon-free zones "enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realising the objectives of nuclear disarmament". Nuclear-weapons-free zones, as envisaged in Article VII of the NPT, as well as the issue of safeguards, particularly as it relates to Article III and preambular paragraphs 4 and 5 of the Treaty, remain important aspects of the nuclear disarmament and nuclear non-proliferation process.

In this regard, Chairperson, Libya’s decision, as announced on 19 December 2003, to eliminate materials, equipment and programmes for the production of weapons of mass destruction and to abandon any nuclear weapons related programmes and activities, was indeed a welcome development. In South Africa’s view, this decision by Libya has greatly contributed to the creation of conditions for Africa to achieve its vision of a continent free of weapons of mass destruction, in line with the policies of the African Union and, in particular, the objectives of the Pelindaba Treaty. In this context, my delegation also wishes to emphasise, as stated in the Pelindaba Treaty, “that the establishment of other nuclear weapon free zones, especially in the Middle East, would enhance the security of States Parties to the African Nuclear Weapon Free Zone”.

Countries in Africa are rightfully proud of the Treaty of Pelindaba as an African success story, especially at a time when our Continent continues to suffer the tragic and destructive effects of conflict. We would, therefore, invite our fellow African States that have not yet done so, to sign and/or ratify the Pelindaba Treaty as soon as possible in order to ensure its entry into force. Given South Africa’s belief that nuclear-weapon-free zones play an important role within the context of the nuclear disarmament and nuclear non-proliferation, my delegation welcomes all endeavours aimed at the establishment of nuclear-weapon-free zones in other regions around the world. We also welcome the convening by the Government of Mexico of the Conference of States Parties that have established nuclear weapon free zones, as a commitment by the non-nuclear weapon states in the goal of eliminating nuclear weapons.

I thank you.