NUCLEAR CAPABILITY OF SOUTH AFRICA

Working paper presented by Mauritius on behalf of the African States members of the Disarmament Commission

CONCLUSIONS AND RECOMMENDATIONS ON AGENDA ITEM 6

1. Against the background of the purposes and principles enshrined in the Charter of the United Nations, in particular the sovereign right of all peoples to self-determination and independence, the establishment and perpetuation of a racist minority régime in South Africa over the majority of the population represent not only a violation of the relevant principles of international law but also criminal conduct.

2. South Africa's adoption of apartheid, an institutionalized form of racial discrimination, as an instrument of policy runs counter to the human rights provisions of the Charter of the United Nations and its objective of universality of membership through decolonization. As a result South Africa's policy of apartheid has been and remains condemned as a crime against humanity by the overwhelming majority of States and a challenge to international conscience by the Security Council itself.

3. It has become clear that in its isolation and desperation as an international pariah, the Pretoria régime has resorted to a frenzied pursuit of a military option as an instrument of internal oppression and external aggression. The pursuit of its military capability in the direction of increased sophistication and ominous dimensions placed emphasis on the development and acquisition of nuclear weaponry, which has been made possible through the active nuclear collaboration with it by certain Western countries, Israel as well as transnational corporations.

4. In the event, the issue of South Africa's nuclear capability has been brought to international attention by resolution 34/76 B and included in the agenda of the Disarmament Commission since its first substantive session in 1979 at the instance of the Chairman of the Special Committee against Apartheid (A/CN.10/4) following the conclusion of the United Nations seminar on nuclear collaboration with South Africa held in London in February 1979 (S/13157).
5. In consideration of the item, the Commission affirms the conviction already established by consensus in the Final Document of the first special session devoted to disarmament that the massive accumulation of armaments and the acquisition of armaments technology by racist régimes, as well as possible acquisition by them of nuclear weapons, present a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm. It is therefore essential for purposes of disarmament to prevent any further acquisition of arms or arms technology by such régimes, especially through strict adherence by all States to the relevant decisions of the Security Council.

6. The Commission is of the firm view that nuclear weapons in the possession of racist régimes can become an instrument of policy for State terrorism, aggression and blackmail and thus increase the danger to international peace and security. It therefore notes with grave concern the danger and serious threat which the established technical capability of South Africa to produce nuclear weapons and the necessary means of delivery pose to the security of African States as well as to international peace and security. This concern is further increased by the reported development by South Africa of a cruise missile, a neutron bomb and various delivery systems in collaboration with Israel.

7. The Commission notes that the discovery of a reported nuclear-weapon-test site in the Kalahari Desert in 1977, the 22 September 1979 event in the South Atlantic in particular and other data, including the report of the Secretary-General on South Africa’s plan and capability in the nuclear field (A/35/402 and Corr.1), have caused legitimate and particular concern to the African States and the international community in general, the more so since this nuclear capability has been put at the service of the abhorrent policy of apartheid.

8. The Commission, in fulfilment of its mandate, considers it its responsibility to alert the General Assembly, and through it the Security Council, to the deleterious consequences of South Africa’s capability to produce nuclear weapons and its possession of nuclear weapons and their implications on the security perception of African States, international peace and security, the proliferation of nuclear weapons and the collective decision of the African States regarding the denuclearization of Africa.

9. The Commission considers it at variance with the declared principles of international law relating to the development of friendly relations and co-operation among States to allow, enable and assist directly or indirectly South Africa to continue its policy of aggression and destabilization against the countries of the African continent through the development of a nuclear-weapon capability which has been achieved mainly through collaboration in the military and nuclear fields with certain Western countries, Israel and transnational corporations.

10. The Commission holds the view that the current exploitation of Namibian uranium by South Africa and transnational corporations violates the principle of international law which recognizes a people's permanent sovereignty over its natural resources for the benefit of its socio-economic development. It further holds the view that South Africa should not be allowed to continue its illegal exploitation of Namibian uranium - made possible through its illegal occupation of Namibia - which strengthens its nuclear base and hence reinforces its policy of apartheid.
11. Given the very nature of the racist régime of South Africa, the Disarmament Commission believes that it is the responsibility of the international community to ensure that effective and concrete measures are taken to stop the development of South Africa's nuclear-weapon programme. To this end, the Commission recommends the following.

(a) It is an urgent necessity that the intolerable policy of apartheid be terminated. In this connection, all States have the duty and responsibility to contribute to the strengthening of United Nations efforts for the attainment of this goal. States which still have relations with South Africa have a particular obligation towards the achievement of this objective by availing themselves of all the means at their disposal to prevail upon South Africa to adopt a conduct in conformity with the Charter of the United Nations, international law and the relevant resolutions and decisions of the United Nations.

(b) Considering that no decision has been taken by the Security Council since 1978 to give effect to the provisions contained in paragraph 12 of the Final Document of the first special session devoted to disarmament adopted by consensus (see para. 5 above), the Disarmament Commission recommends to the General Assembly to request the Security Council, in assuming its full responsibility, to take urgent and appropriate measures in this regard by, inter alia, enforcing and extending its arms embargo against South Africa to cover the nuclear aspects.

(c) In the interest of global peace and security and the security and stability of Africa in particular, the Commission recommends that all States should respect their obligations contained in the Charter of the United Nations and desist from any co-operation with South Africa which would strengthen the already established technical capability of South Africa to produce nuclear weapons or other nuclear explosive devices. States which collaborate with South Africa in nuclear and military fields must accept joint responsibility with that country for endangering the peace and security of the region and the world.

(d) The Commission recommends that all States should consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone, in accordance with General Assembly resolution 2033 (XX) of 3 December 1965 which endorsed the Declaration on the Denuclearization of Africa adopted in 1964 by the Assembly of Heads of State and Government of the Organization of African Unity. To this end, the Commission recommends that the General Assembly should request the Security Council to take appropriate effective steps whenever necessary to prevent the frustration of this objective.

(e) Given the military and nuclear aspects of the criminal policy and the aggressive practices of the South African racist régime, which endanger regional and international peace and security and stability, the Disarmament Commission recommends that Israel and those Western industrialized States which have assisted and/or are assisting South Africa in establishing its nuclear capability should now prevail upon her to comply with the relevant resolutions and decisions of the General Assembly and the Security Council, particularly those regarding acceptance of a binding nuclear non-proliferation commitment and the placement of all its nuclear facilities and installations under International Atomic Energy Agency safeguards. Those States should seek to adopt and/or endorse specific, practical, time-limited, individual and collective measures that would enhance implementation.

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(f) The Commission recommends further that the Secretary-General should follow closely South Africa's evolution in the nuclear field and report regularly to the General Assembly on the progress of these recommendations and on all new developments which would require the attention of the international community.