STATEMENT BY

THE REPUBLIC OF SOUTH AFRICA

ON THE ISSUE OF SECURITY ASSURANCES

(NEW YORK, APRIL/MAY 2004)

(CHECK AGAINST DELIVERY)
Mr Chairperson,

We have already had an interesting, if un-substantive, debate on the issue of security assurances at this meeting of the Preparatory Committee (PrepCom). While fruitless, the debate that we had on the "Timetable of Work" certainly resulted in some unexpected consequences. The attention of this PrepCom was focused on the issue more effectively than would have been achieved in the normal debates or exchanges of statements that characterize our work. The attention of all States Parties was also clearly focused on the consensus agreements on the security assurances issues that were achieved at the 2000 Review Conference, namely that:

- "The Conference reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons."
- "The Conference agrees that legally binding security assurances by the five nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) strengthen the nuclear non-proliferation regime."
- "The Conference calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue."

The 2000 consensus decisions follow on Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament, which states that:

"Noting United Nations Security Council resolution 980(95), which was adopted unanimously on 11 April 1995, concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument."

Mr Chairperson,

These agreements were achieved after careful consideration and deliberation between the States Parties at the NPT’s highest forum. These agreements were achieved after careful negotiation, and they were reached by consensus. Before any of the States Parties attempt to devery these agreements or attempt to negate their validity, they should be urged to carefully consider the potentially negative consequences for other agreements reached in a similar way. The NPT is too valuable an instrument for it to be treated in a haphazard fashion. All of the States Parties have the right to expect that agreements reached in the context of the Treaty -- no matter to which aspect it applies -- be it nuclear non-proliferation, nuclear disarmament, safeguards, peaceful uses or security assurances -- are agreements that are solemnly undertaken and that can be relied upon. If we do not do this, then we run the risk of undermining the Treaty regime itself. If we do not do this, then what is the utility of PrepCom meetings or Review Conferences or the intensive (and sometimes difficult) negotiations that we undertake? Undertakings seriously reached should be seriously implemented.
It is an incontrovertible fact that the issue of security assurances was considered at the 1995 NPT Review and Extension Conference and at the 2000 NPT Review Conference. It is an incontrovertible fact that in the 1995 Principles and Objectives and in the 2000 Final Document the prospect was held forth for the negotiation of an internationally legally binding instrument on security assurances between the States Parties to the Treaty. This PrepCom was consequently clearly and unambiguously tasked to make recommendations to the 2005 Review Conference on this issue. This is a task that should and must be undertaken.

Mr Chairperson,

The South African delegation has already made it clear at this PrepCom that we do not expect that it will be possible for the States Parties to reach full agreement on security assurances at this PrepCom. There unfortunately remain differences of opinion and the time that has been allocated to our work is unlikely to be sufficient to conclude any serious consideration. It would also appear to be apparent – especially if past experience is taken into account and given the way that delegations approach their work – that any possibility of agreement on the substantive elements that would need to be considered and agreed upon could only be possible at the Review Conference itself.

It is on these premises that South Africa believes that it would only be possible for us to attempt to reach a common understanding on how we would need to approach the work on security assurances at the Review Conference so as to avoid the type of future, fruitless and frustrating difficulties that we experienced in the first period of our work at this PrepCom. South Africa consequently associates itself with the positions that have been articulated by the Non-Aligned Movement and Other States as well as the New Agenda Coalition at this meeting. We join in the call for this PrepCom to comply with the tasking that has been imposed upon it by the Review Conference to make recommendations to the 2005 Review Conference on this issue. In this context, South Africa agrees that the PrepCom should recommend that a subsidiary body should be established at the 2005 Review Conference to consider the issue of security assurances. We believe that this approach would ensure that we comply with the tasking that has been set for the PrepCom and that we also do this in a way that does not preclude either the nature, content or outcome of the deliberations that would take place at the Review Conference.

Mr Chairperson.

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming Parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty Parties and would be seen as an incentive to those who remain outside the NPT.
Security assurances rightfully belong to those who have given up the nuclear-weapons option, as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

It would, however, be incorrect to view the issue of security assurances in a simplistic fashion. The issue is complex and would need to be addressed in a fashion that recognizes and addresses these complexities. To this end, the New Agenda Coalition submitted a Working Paper (NPT/CONF.2005/PCII/12) dated 1 May 2004 at the second session of the Preparatory Committee which does not only attempt to put forward the rationale for security assurances, but which also contains an analysis of the complexities that need to be addressed. Included in this analysis is:

- The identification of the States providing security assurances;
- The identification of the beneficiaries of security assurances;
- The nature and scope of the security assurances being provided;
- The elements that would need to be included in an internationally legally binding instrument on security assurances; and,
- The format in which security assurances would be provided.

A draft “Protocol” or “Agreement” on the Prohibition of the Use or Threat of Use of Nuclear Weapons against Non-Nuclear-Weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons” is also appended to the Working Paper. South Africa would commend this Working Paper to other States Parties in the belief that it makes a genuine attempt to address all concerns – the concerns of the non-nuclear weapon States Parties as well as the concerns of the nuclear weapon States.

Mr Chairperson,

The concerns of non-nuclear weapon States about their vulnerability from the use or threat of use of nuclear weapons are not new. These concerns are exacerbated in an era of increasing insecurity in the international community, and at a time when we all see ever increasing threats involving weapons of mass destruction. The time has surely come for the States Parties to desist from the practice of dividing the concerns of others. Surely the time has come for us to seriously approach serious issues.

Mr Chairperson, I thank you.