

## CHAPTER SIX

### SOUTH AFRICA AND THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

#### 1. Introduction

The *Treaty on the Non-Proliferation of Nuclear Weapons* (hereafter NPT) entered into force on 5 March 1970 and rests on three major pillars or principles, namely nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy and technology (NPT 1970). In order to achieve the objectives and obligations set out in the NPT, the IAEA is regarded as its “implementation agency”. It took South Africa 21 years to accede to the NPT since the Treaty entered into force in 1970. This remains one of the major legacies of President FW de Klerk.

The aim of this chapter is two-fold. Firstly, the chapter analyses South Africa’s nuclear diplomacy in the context of the NPT in terms of South African involvement in various RevCons and PrepComs since 1991, the year South Africa acceded to the NPT.<sup>51</sup> South Africa’s participation in the 1995 REC and subsequent conferences in 2000 and 2005 have previously received scant attention. Secondly, this chapter analyses specific events preceding and surrounding each of these NPT conferences which, apart from the content of the Treaty, significantly influenced not only South Africa’s nuclear diplomacy, but also the negotiations at these conferences. The chapter therefore traces South Africa’s construction of its identity, roles and interest in terms of the NPT, and the country’s norm construction and involvement in related conferences and events. In conclusion, an assessment is made of South Africa’s use of diplomatic instruments and its achievements.

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<sup>51</sup> Pursuant to the NPT, parties to the Treaty meet every five years at a RevCon, usually held in New York, to assess the status and implementation of the Treaty’s main pillars. In the three preceding years a RevCon, a Preparatory Committee Conference (PrepCom) is held in preparation of the RevCon. For the 2010 RevCon, for example, three PrepComs were held in Vienna (2007), Geneva (2008) and New York (2009).

## 2. The origins and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons

The origins of the NPT coincided with the onset of the Cold War (Fischer 1993; Joyner 2011; Lodgaard 2011). The idea to consolidate the norm of nuclear non-proliferation in an international agreement (later the NPT) was first proposed by Ireland. As a norm entrepreneur, Ireland brought the issue of nuclear proliferation to the UN in 1959 and requested action to prevent the existing nuclear weapons states from supplying nuclear weapons to non-nuclear states. Subsequently, in 1961, the UNGA adopted the “Irish Resolution” which called for limitations on the transfer of nuclear weapons, as well as limitations on the acquisition of nuclear weapons by non-nuclear as well as nuclear states. Negotiations to consolidate the “Irish Resolution” into a treaty stalled for some years. A breakthrough came with the adoption of UNGA Resolution 2028 (1965) and the tabling of a joint US-Soviet draft treaty on 11 March 1968. Following further amendments, a further draft was submitted to the UNGA on 12 June 1968 which was signed by most members of the UN on 1 July 1968. The NPT formally entered into force on 5 March 1970, with Ireland and Norway as the first signatories (Joyner 2011: 13-20). Since its inception, the NPT has been regarded as the basic global normative framework for nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

Consisting of a mere eleven articles, the core of the NPT corresponds with the substantive structure of the Treaty text in that it rests on three pillars or norms, namely, nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy (see *Table 17*).

Article VIII of the NPT provides for a five-yearly review process to determine whether the purpose and provision of the Treaty are being realised, and to review the operation of the Treaty. In addition to this review provision, Article X of the Treaty provides for an additional review of the Treaty by providing for a review conference 25 years after the entry into force of the NPT (thus 1995) to decide whether the Treaty will continue indefinitely or be “extended for an additional fixed period or periods” (NPT 1970).

**Table 17: The core provisions of the NPT**

Norm (Pillar)	Article	Provision
Non-proliferation	I	NWS undertake not to transfer nuclear weapons or to grant any other state control over them.
	II	NNWS may not receive nuclear weapons or control nuclear weapons.
	III	NNWS undertake to conclude safeguard agreements with the IAEA. This is intended to prevent peaceful nuclear energy programmes from being misused for military purposes.
Peaceful uses of nuclear energy	IV	The NPT should not affect the right of all parties to develop, research, and use nuclear energy for peaceful purposes in conformity with Articles I and II. State Parties are encouraged to facilitate the fullest possible exchange of equipment, material, and information for the peaceful uses of nuclear energy.
	V	Each state party (on this matter the Preamble reads: NWS) to the NPT have to share the potential benefits from any peaceful application of nuclear explosions available to NNWS in a non-discriminatory way.
Disarmament	VI	All parties to the NPT commit themselves to pursuing negotiations in good faith on effective measures to end the nuclear arms race at an early date and to nuclear disarmament, and to a treaty on general and complete disarmament under strict and effective international control.
Procedural	X	Any state party can withdraw from the NPT giving three months' notice and with reference to extraordinary events jeopardising its supreme interests.

NPT (1970) & Joyner (2011: 26)

The NPT reflects the Cold War power relations at the time of its negotiation, and hence contains several contradictory, even discriminatory, provisions (Joyner 2011). Firstly, the Treaty distinguishes between two classes of state parties, that is, NWS and NNWS. A further distinction is made, based on the technological capabilities, status and privileges of the state parties. A NWS is defined in Article IX as a state which has “manufactured and exploded a nuclear weapon or other nuclear explosive

device” before 1 January 1967 (NPT 1970). States not in this category are defined as NNWS.

Secondly, the Treaty distinguishes between states on the grounds of the status and privileges afforded to NWS but not to NNWS. Thirdly, the Treaty distinguishes on the grounds of states’ obligations. For example, in terms of Article III, NNWS are obliged to enter into a safeguards agreement with the IAEA “for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty” (NPT 1970). Article V requires states to share the benefits of nuclear energy with NNWS. These divergent obligations contribute to the *quid pro quo* nature of the obligations in the NPT, which has often resulted in major disputes in proceedings related to the NPT.

Essentially, as Joyner (2011: 33-35) observes, the NPT is a three-pillared compromise agreement between two classes of state parties with different sets of obligations. Unique to the NPT are the *quid pro quo* elements on benefit sharing. In addition to this, Joyner (2011: 35) maintains that the NPT is essentially concerned with the regulation and application of the dual-use nature of nuclear energy and not only, as its title suggests, with nuclear weapons.

When the NPT opened for signature on 1 July 1968, South Africa had already established a nuclear-related Research and Development Programme which, *inter alia*, prioritised the implementation of nuclear power in the country. The Programme resulted in the establishment of a Nuclear Power Committee which included members of the AEB, Eskom, and representatives from the industrial and mining sectors. It was upon the recommendation of the Nuclear Power Committee that the South African government decided to construct two nuclear power reactors at Koeberg (Steyn, Van der Walt & Van Loggerenberg 2003: 32).

Barely two months before the NPT’s opening for signature, the AEB (1968: 2), in May 1968, published a feasibility study, *Report on the investigation into the possible introduction of nuclear power in the Republic of South Africa*. The report resulted from a request by the Minister of Mines and Planning, JFW Haak, in June 1965 to investigate the possible application of nuclear power in South Africa. Although this report focused on the possible use of nuclear energy for electricity generation, it

paved the way for South Africa's nuclear weapons programme and the "nuclear devices" FW de Klerk (1993) referred to.

Moreover, in terms of the NPT at the time of its opening for signature and entry into force, South Africa was categorised as a NNWS. In addition to this, South Africa was also benefitting from assistance provided by NWS, most notably France and the UK (AEB 1968: 2), in the development of South Africa's nuclear capability. More pertinent to this study, South Africa also refused to sign and ratify the Treaty. Ironically, as is the case today, South Africa then argued, that the Treaty is inherently discriminatory, albeit on different grounds.

As a point of departure it is necessary to provide a historical background to South Africa's post-1990 nuclear diplomacy. Accordingly, before proceeding to South Africa's nuclear diplomacy pertaining to the NPT, the next section provides a brief overview on South Africa's position on the NPT prior to its ratification of the Treaty.

### **3. South Africa's pre-1991 nuclear diplomacy on the Treaty on the Non-Proliferation of Nuclear Weapons**

As the South African government's apartheid policies increased in scope and the country ignored international objections to it, the international community increasingly became concerned not only with the secrecy surrounding South Africa's nuclear programme but also with the South African government's rationale for the programme. Suspicions about South Africa's nuclear weapons capability, according to the *New York Times* (27 September 1987), increased when South Africa repeatedly refused to sign and ratify the NPT.

South Africa explained and justified its refusal to join the NPT on a number of occasions. When, for example, South Africa was pressurised by the IAEA in 1970 over its reluctance to ratify the NPT, South Africa's Ambassador to Austria and the country's permanent representative at the IAEA, Ampie Roux (1970) explained that the country was reluctant to "surrender, almost irrevocably, long-held sovereign rights without having precise details of all the implications".

South Africa's refusal to ratify the NPT meant that none of the country's nuclear research, facilities and activities was covered by IAEA safeguards and inspections.

In contrast, South Africa eagerly informed the Agency of its nuclear development activities. In 1972, for example, Ambassador Roux (1972) informed the IAEA GC that the construction of South Africa's small-scale enrichment plant was progressing well and that South African advances in nuclear science had "far exceeded expectations". By 1975, Ambassador Roux (1975) announced that "apart from developing its enrichment capability, South Africa was constantly intensifying its prospecting activities". The South African government also informed the Agency that the first phase of the country's pilot enrichment plant was successfully commissioned and that feasibility studies for the construction of a "full-scale commercial plant" was completed 'satisfactorily' (South Africa 1975). Despite its unwillingness to ratify the NPT, South Africa continued to regularly report to the international community on its nuclear-related activities.

Despite diplomatic efforts to influence South Africa to accede to the NPT, existing international concerns about South Africa's nuclear ambitions and intentions during the late 1970s escalated with the Soviet Union's detection of a nuclear test site in the Kalahari Desert in August 1977, and the detection by the US of a "double flash" towards the end of the 1970s in the South Atlantic Ocean. The latter, which was regarded as a possible nuclear test, raised international concerns about South Africa's nuclear intentions and resulted in the country's increased international isolation. By then, calls for South Africa's suspension from the IAEA increased, and emanated predominantly from African states. Western governments such as the US and the UK, however, increasingly pressurised South Africa to ratify the NPT arguing that South Africa's suspension from the IAEA would undermine the Agency's efforts to engage South Africa on the termination of the country's nuclear weapons programme which, by then, was widely accepted to exist. Parallel to these international developments, the international community increased its efforts to isolate South Africa through a series of embargoes and sanctions. Increasingly, South Africa began to feel the pressures which paved the way for some nuclear disarmament initiatives by the South African government (see Chapters 3, 4 and 5 for a detailed discussion on these developments).

State President PW Botha announced on 21 September 1987 that the South African government "hopes that it will soon be able to sign the NPT and has decided to open

discussions with others to this end” (South Africa 1990: 1). This was the first sign of political and nuclear-related changes afoot in South Africa. Subsequent to Botha’s announcement, diplomatic efforts focused on influencing the South African government to accede to the NPT. From August 1988, several meetings between South African officials and their counterparts of the NPT depository countries, namely the US, the Soviet Union and the UK, took place at the IAEA headquarters in Vienna. Led by Pik Botha in his dual capacity as Minister of Foreign Affairs, and the Minister of Energy and Minerals Affairs, the South African delegation was mainly concerned with “clarifying the cost and benefits of adherence” as well as the responsibilities under the IAEA safeguards agreement (UN 1991: 11). This view was later repeated when the South African Prime Minister explained to the South African Parliament that South Africa was willing to accept IAEA safeguards if these safeguards “did not allow commercial espionage or hinder South African civilian nuclear research” (UN 1991: 11). These commercial - rather than security and military - concerns date back to 1968 when South Africa explained to the UNGA that it would not submit to IAEA safeguards as the country was concerned about commercial espionage (see Chapter 4).

The *New York Times* (15 July 1988) reported that the South African government requested negotiations with the UK, the USSR and the US to discuss “renouncing nuclear weapons and opening all its atomic establishments to international inspection” and signing the NPT (*New York Times* 14 August 1988). Fearing expulsion from the IAEA, South Africa approached these NWS to acquire assurances that these countries would not support motions to suspend South Africa from the Agency.

A major implication of South Africa’s ratification of the NPT was that it would have to negotiate an agreement with the IAEA to allow Agency officials to visit all of South Africa’s nuclear plants, and declare and place under safeguard any stocks of HEU it may have acquired in the past (*New York Times* 15 July 1988). At the time, Pik Botha articulated some of Pretoria’s concerns about the NPT. He maintained that his government required assurances on whether the NPT’s provisions “would be applied to us [South Africa] in a non-discriminatory manner if we [South Africa] are to consider joining it” (*New York Times* 14 August 1988) and that there would be no



interference with South Africa's "research and development programme in producing products for peaceful purposes" (Botha in Papenfus 2010: 732); a position and requirement dating back to the 1970s as indicated earlier. The July 1988 negotiations produced some preliminary results.

Ending years of speculation on these issues, Pik Botha admitted in August 1988 that South Africa had the capability to produce nuclear weapons. As *The Citizen* (22 September 1988) reported at the time, Botha refused to admit that South Africa had produced nuclear weapons. However, Botha (in Papenfus 2010: 732) admitted that he knew of the existence of South Africa's nuclear weapons programme since his appointment as Minister of Mineral and Energy Affairs and had accompanied PW Botha to one of the facilities where South Africa's six atomic bombs were kept.<sup>52</sup> Subsequent to Pik Botha's public denial, US diplomat Herman (Hank) Cohen "kept up the pressure" on South Africa to sign the NPT (Botha in Papenfus 2010: 733). By the end of September 1988, the international community once again appealed to South Africa to sign the NPT.

The next round of negotiations between the South African government and the depository countries took place in Vienna in December 1989. This time the South African delegation, composed of pro- and anti-NPT delegates, was concerned about the practicalities of acceding to the NPT. The talks concluded with the South African delegation indicating that domestic concerns about South Africa's accession to the NPT should first be addressed before the country would accede to the Treaty. However, it took almost a year to address these domestic concerns as the country was by now preoccupied with the release of Nelson Mandela; the unbanning of liberation movements; and the initial negotiations on the country's future constitutional dispensation.

By September 1990, a written statement issued by Pik Botha was circulated at the 34<sup>th</sup> Regular Session of the IAEA GC. In the statement Botha indicated that South Africa was 'prepared' to accede to the NPT, but with a *caveat* "in the context of an equal commitment by the other states in the Southern African region" (South Africa

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<sup>52</sup> Unlike De Klerk (1993) and Stumpf's (1995a & 1995b) references to "nuclear devices", Pik Botha referred to "atomic bombs" (Papenfus 2010: 733). Steyn, Van der Walt and Van Loggerenberg (2003) refer to "nuclear weapons" and "nuclear devices".



1990: 2). Moreover, Botha also indicated that his government intended to commence talks with the IAEA on concluding a Safeguards Agreement with the Agency (South Africa 1990: 2). The South African diplomatic effort paid off: the IAEA Director General indicated that the Agency was ready to commence talks with South Africa “without delay” (UN 1991: 11).

In June 1991, Pik Botha announced that the South Africa government intended to reverse its years of opposition to the NPT and sign the Treaty. At the time, the *New York Times* (21 March 1990) reported that the development that “appears to have swung South Africa around in favour of signing the treaty, officials say” was an assurance from the US, the UK and the USSR that “for procedural reasons” the IAEA:

would not be in a position to start inspecting South Africa's plants for about two years after it signed. Britain also assured South Africa that if it signed the treaty, European countries were likely to lift their ban on nuclear cooperation with South Africa.

On 8 July 1991, the *New York Times* (9 July 1991) reported that Pik Botha had signed South Africa's accession to the NPT at a ceremony in Pretoria. This was later confirmed by the South African government and the IAEA.

South Africa's signing of the NPT coincided with major political developments in the country. Moreover, the signing of the NPT paved the way for the IAEA's verification process in the country, which was successfully concluded by 1993. With this completed, South Africa was recognised as a unique case of nuclear roll-back. As previously indicated, this bestowed the country with significant moral and normative power and a unique nuclear identity as a state that terminated its nuclear weapons programme. Important in terms of its signature of the NPT, South Africa as a state party to the NPT could now participate in the conferences on the NPT such as the RevCons and PrepComs. Ironically, South Africa's attendance of its first NPT-related conference in 1995, the REC, coincided with the 25 year review conference of the NPT as prescribed in Article X of the Treaty. The latter had to determine the future life-span of the very Treaty South Africa had been repeatedly called upon to sign since 1968.

Thus, South Africa's accession to the NPT in 1991 illustrated a departure from its pre-1990 nuclear diplomacy. Since the 1970s South Africa has followed a policy of deliberate nuclear opacity.<sup>53</sup> The latter refers to a situation where the existence of a nuclear weapons programme "has not been acknowledged by a state's leaders, but where the evidence for the existence of such a programme is enough to influence of [*sic*] other nation's perceptions and actions" (Cohen in Abraham 2009: 117). In this respect, the notion of nuclear opacity sheds light on South Africa's position on the NPT as the country never confirmed the existence of its programme despite the existence of its programme at the time.

South Africa's accession to the NPT also indicated the country's acceptance by the international community due to its commitment to nuclear non-proliferation. South Africa's first opportunity to attend an NPT conference occurred in 1995, which is the focus of the next section.

#### **4. The 1995 Review and Extension Conference**

The 1995 REC of the NPT was significant for a number of reasons. In pursuance of Article VIII of the NPT, it had to review the Treaty. More importantly, in pursuance of Article X of the NPT, the 1995 conference took place 25 years after the entry into force of the Treaty and, in addition, had the task of deciding whether the NPT will continue indefinitely or be extended for an additional fixed period or periods (NPT 1970). For South Africa, due to its absence from earlier NPT conferences, this meant that considerable preparation would be required. Not only was a new government in power in South Africa, but the South African diplomatic corps also had no experience of participation in NPT conferences. In an effort to prepare for the REC, South African officials participated in a series of PrepComs prior to the REC.

##### **4.1 South Africa's participation in the Preparatory Committee Conferences**

The PrepCom for the 1995 REC held four sessions, respectively in New York (May 1993 and January 1994), in Geneva (September 1994) and again in New York (January 1995). South Africa was able to attend all of these sessions (UN 1995b: 1),

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<sup>53</sup> The concept of nuclear opacity is preferred to the concept nuclear ambiguity. The latter refers to the uncertainty of the presence of a nuclear weapons programme, or the indecision by decision-makers in respect of the utility, efficacy and morality of nuclear weapons (Abraham 2009: 117).

with the session in New York from 10-14 May 1993 being the country's first-ever attendance of the proceedings of an NPT conference. In fact, South Africa contributed 0.28 percent, thus more than any other African state, to the cost of these PrepComs (UN 1995b: 17-24). South Africa's participation in these PrepComs was relatively low-key, which could be explained by the country's inexperience. Moreover, its participation in the first session of the PrepCom took place a few weeks after President De Klerk's 1993 announcement which caused considerable international interest. South Africa's participation also coincided with the IAEA's final verification of the dismantling of the country's nuclear weapons programme.

At the PrepComs for the 1995 REC, South Africa's position on the NPT built on the ANC's historical position on the Treaty. This was maintained by ANC activist Denis Goldberg (1994: 217; 218, 228) when he spoke at the conference on *Nuclear Policy for a Democratic South Africa* convened by the ANC in Cape Town in February 1994, and he pointed out that the Treaty "perpetuates the historically imposed inequalities" between NWS and NNWS, and that the ANC is in favour of the extension of the Treaty for a "shorter or longer period" (see Chapter 1). At the third session of the REC's PrepCom, South Africa's delegation, led by Riaan Eksteen, reminded delegates that the GNU had been in power only for a few months and that the country required more time to formulate a position on the extension of the Treaty (Masiza & Landsberg 1996: 21). However, the position which South Africa seemed to have favoured at the time was close to the NAM's position, which was to support a fixed extension of the Treaty. In the period leading up to the REC, the US as a NWS, indicated that it preferred an unconditional indefinite extension of the NPT (Taylor 2006: 166), which was contrary to the position of the NNWS and the NAM in particular. Against the background of Eksteen's observations, the South African government commenced with its preparations for the REC.

#### **4.2 South Africa's preparation for the Review and Extension Conference**

Prior to various PrepComs for the 1995 REC, through South African diplomat Peter Goosen (1995: 2), who was a member of the South African delegation at the 1995 REC, South Africa applied certain diplomatic strategies and instruments in preparation of the country's participation in the PrepComs and the REC. Goosen (1995: 2) explained that South Africa 'consulted' with OAU members, the NAM and

other states in an effort to “understand the perspectives of other countries and to analyse what might happen at the Conference [the REC]”. He also indicated that South Africa considered various extension options and their implications prior to the various PrepComs and the REC. Subsequent to these consultations the high-level meeting (also referred to by Markram 2004: 24) took place. According to Goosen (1995: 2), the high-level meeting concluded that South Africa realised that the NPT provides security guarantees to the country and that the NPT “has been successful” in achieving some level of nuclear disarmament.

“Thus, we concluded”, Goosen (1995: 3) indicated, that the NPT was in “South Africa’s national security interests, and that the best way to retain the Treaty would be by supporting indefinite extension in principle”. The question that now emerged was: How to achieve an extension without threatening the NPT? Goosen (1995: 3) explained that, in order not to jeopardise the NPT, South African diplomats and principals in Pretoria formulated a series of principles as a political - rather than as a legal - instrument because the Treaty could not be easily amended. It was against this background that the South Africa government attended the 1995 REC.

### **4.3 South Africa’s nuclear diplomacy at the Review and Extension Conference**

South Africa attended the 1995 REC in New York from 17 April to 12 May 1995. Apart from reviewing the implementation of the NPT, the REC had to decide whether to extend the NPT for one or more periods or indefinitely. More importantly, the 1995 REC had to address the several unresolved issues of the previous RevCon in 1990. Since the 1990 RevCon NNWS maintained that some security assurances were not kept by NWS; that NWS did not implement the Treaty’s provisions; and that an indefinite extension of the Treaty should be approved by the majority of the parties to the Treaty. The NNWS, mostly composed of members of the NAM, maintained that they constituted the majority of State Parties to the NPT and therefore preferred a limited extension of the NPT.

The 1990 RevCon could not reach an agreement on these matters and therefore carried these debates over to the 1995 REC. Although the 1990 RevCon produced no substantial results, several developments concerning nuclear disarmament were

apparent. In the wake of the collapse of the USSR, the future of the former USSR's nuclear arsenal at the time was questioned since it was based in newly-independent states not party to the NPT. This resulted in a process whereby 38 countries, mainly former Soviet Union republics, France, China and South Africa, amongst others, acceded to the NPT between 1990 and the 1995 REC. Moreover, concerns about the intentions of NWS remained despite the end of the Cold War. The NNWS were of the opinion that NWS did not comply with Article VI of the Treaty, which requires all state parties to the Treaty to negotiate on the "cessation of the nuclear arms race" and nuclear disarmament (NPT 1970).

By the time of the 1995 REC, the ANC had been elected into power (albeit in a GNU with the NP) subsequent to South Africa's 1994 election. This meant that the country enjoyed considerable international goodwill, a position it put to good use in the negotiations at the REC. In fact, in the opening statement of the President of the REC, later recalled by South Africa's Minister of Foreign Affairs, Alfred Nzo (1995), the Conference President referred to South Africa's unique position as the "first country to have unilaterally and voluntarily" dismantled its nuclear weapons programme and devices.

Intense debates, most notably on the provisions on disarmament (Article VI), safeguards (Article III) and the peaceful uses of nuclear energy (Article IV), followed the opening of the REC. Divergences of opinion between developing and developed NNWS emerged on the need for NWS disarmament in terms of Article VI. Although the NWS stated that the nuclear arms race had ended and that they had reduced their arsenals, the NNWS forming part of the NAM in particular were not convinced and demanded more security assurances (Reaching Critical Will 2011).<sup>54</sup> Despite these debates insufficient time was devoted to issues concerning the review of the Treaty as more time was devoted to debates on the extension of the NPT, which was preferred by most states. However, divergent views also emerged on the nature of the extension, a provision of Article X of the Treaty. These divergent views were contained in three draft texts submitted by Mexico, Canada (on behalf of 102 states)

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<sup>54</sup> Two types of security assurances exist. A negative security assurance is a guarantee by a NWS that it will not use or threaten to use nuclear weapons against a NNWS. A positive security assurance is a guarantee by a NWS that it will come to the aid of a NNWS if it is attacked by another state with nuclear weapons (Reaching Critical Will 2012).

and a group of non-aligned, predominantly developing states. Some NNWS preferred an extension for a fixed period of 25 years with a subsequent review of the NPT's continuance in an effort to curb NWS. Contrary to this position the NWS preferred an indefinite extension of the Treaty.

South Africa's position on the extension of the NPT, as expressed by its Foreign Minister, put the country in a diplomatic quandary. Whereas South Africa's position at the PrepCom corresponded with that of the NAM, its position at the REC resembled that of the US. This risked South Africa's alienation from the NAM, an organisation which had supported the liberation struggle in South Africa and to whom the ANC owed considerable political debt. Moreover, as the largest grouping of NNWS (compared to only five NWS), the NAM yielded considerable influence at NPT conferences.

South Africa's amended stance on the extension of the Treaty since its position at the PrepCom is ascribed to the intense diplomatic pressure of the US during the period between the PrepCom and the 1995 REC. The US warned of the danger to "mutual interests" if South Africa took a position contrary to that of the US (Taylor 2006: 167). South African diplomat Thomas Markram (2004: 24) who was part of the country's delegation to the 1995 REC provided the following first-hand account of how these changes occurred. According to him, South Africa's "strategies and tactics" for the REC were finalised two weeks prior to the start of the Conference in New York in a meeting at the Diplomatic Guest House in Pretoria:

Thabo Mbeki, then Deputy President of South Africa guided the discussions that concluded that the Treaty was too valuable for nuclear disarmament and non-proliferation to put into jeopardy by only permitting a limited extension of time and that South Africa consequently had no other option but to support the indefinite extension of the Treaty. It was, however, agreed that such an extension should not be agreed to without the reciprocal agreements on the accomplishment of the provisions of the Treaty. The task of giving definition to these broad directives was handed to the Department of Foreign Affairs and to officials working on these issues. Based on the proposal from the Foreign Affairs officials Deputy President Mbeki subsequently wrote a letter to [US]

Vice President Al Gore of the United States setting out the position that would be adopted by South Africa at the Conference.

Although not mentioned by Markram (2004), Taylor (2006: 167) states that Gore “personally lobbied” Mbeki and that US President Bill Clinton wrote to President Mandela “demanding support” for the US position as South Africa was seen to have influence over the NAM and African countries. Eager to attract US goodwill and investment, South Africa adopted the US position but offered some solutions to break the impasse between NWS and NNWS on key issues.

South Africa used various strategies and instruments to conduct its nuclear diplomacy at the REC. Initially, South Africa preferred a limited extension of the NPT, as explained by Goldberg (1994). In this, the country cooperated with some NNWS. At the PrepComs for the 1995 REC, South Africa developed a new position, resulting in confrontation with some of the countries of the developing world and some NNWS. It cooperated with the NWS, most notably with the US, in achieving the indefinite extension of the NPT.

South Africa’s proposals on a mechanism for strengthening the review process were developed in consultation with other countries. The first draft of this document was compiled in Pretoria and finalised prior to the REC in New York. Goosen (1995: 3) explained that the “ideas in the original South African draft on the review mechanism were not this of South Africa alone, as was the case with the draft on principles”.

On 19 April 1995, two days into the conference, South Africa’s Minister of Foreign Affairs, Alfred Nzo, addressed the REC. According to Nzo (1995), South Africa played an “active part” in the PrepCom meetings and had, in compliance with a Nigerian-sponsored UNGA resolution, provided legal analysis of the extension options to the Treaty’s future. Nzo (1995) also stressed South Africa’s position that the NPT should not be jeopardised and that the Treaty should be strengthened and not weakened. He reiterated that the NPT is the “only international instrument on nuclear disarmament” which binds all five NWS. Referring to the “inequalities inherent” in the Treaty, Nzo stated that it should be dealt with in such a manner as not to threaten the security provided by the NPT. More importantly, he confirmed that



South Africa “in principle supports the view that the NPT should be extended indefinitely. The termination of the treaty is not an acceptable option”.

Nzo (1995) also proposed that a mechanism must be found to address these concerns in order to fully implement the NPT. In order to achieve this, Nzo proposed the adoption of a set of *Principles for Nuclear Non-Proliferation and Disarmament* (hereafter Principles) to be taken into account when the implementation of the NPT is reviewed. He made it clear that these Principles were not intended to amend the Treaty but were intended to consider the current international environment, which differs from time to time. Nzo also proposed that these Principles should be renewed at every RevCon. He did not identify these proposed Principles but referred to issues which should be considered when formulating these Principles. These were:

- a restatement on the commitment to the non-proliferation of nuclear weapons;
- the strengthening of and full compliance with the IAEA safeguard agreements;
- access to nuclear material and technology for peaceful purposes;
- progress in the Cut-Off Convention negotiations;
- progress in the reduction of nuclear arsenals;
- progress in the negotiations for the CTBT;
- a commitment to the establishment of regional NWFZs; and
- Enforcing binding security assurances for NNWS (Nzo 1995).

Nzo also proposed a strengthened review process by recommending the establishment of a committee to study the review process, which should make recommendations to strengthen the NPT and its implementation. These recommendations, Nzo (1995) proposed, should be considered by the PrepComs for the 2000 RevCon.

South Africa's proposals served as the basis for the package of decisions presented by the President of the Conference, Ambassador Jayantha Dhanapala from Sri Lanka. According to Thomas Markram (2006: 24), the package of decisions “provided a way for all State Parties to support the indefinite extension” and the means for achieving progress on nuclear disarmament. The final decisions adopted by the REC reflected South Africa's initial proposals. Two of the REC's three major decisions, Decision I (*Strengthening the Review Process of the Treaty*) and Decision

II (*Principles and Objectives for Nuclear Disarmament*) were based on South Africa's proposals presented by Minister Nzo.

#### **4.4 An assessment of South Africa's nuclear diplomacy at the 1995 Review and Extension Conference**

In its nuclear diplomacy at the REC, South Africa developed a niche role to achieve its objectives. Constructing its identity as a state with a unique nuclear identity which bestowed on it a certain normative power, South Africa was able to play the role of a norm entrepreneur by facilitating the socialisation of certain non-proliferation norms by other states. South Africa identified and filled specific niche areas, as described by Cooper (1997: 5), pertaining to the NPT. It deliberately focused on the "elements of the NPT", according to Goosen (1995: 3), to "identify the various issues which could be addressed". South Africa's behaviour in this case was typical of middle powers whose behaviour, as explained by Keohane (in Cooper 1997: 8), was that of a state "whose leaders consider that it cannot act alone effectively, but may be able to have a systemic impact in a small group or through international institutions".

For South Africa, the norms espoused by the NPT formed the foundation of its diplomatic practice prior to and at the REC. South Africa's "entrepreneurial flair and technical competence" (Cooper 1997: 6, 9) are evident in its decision to focus on the "elements of the NPT" and to consult with other actors such as the OAU, the NAM and other countries (Goosen 1995: 1-3). Furthermore, South Africa's "entrepreneurial flair" was also recognised by the President of the REC, Ambassador Jayantha Dhanapala (1995: 2) of Sri Lanka when he referred to South Africa's "very imaginative proposal of having a statement of principles and a strengthening of the review process" which "led to the other two parallel decisions that were taken together with the decision on the extension". South Africa's diplomacy, therefore, was based on consensus and coalition building, and cooperation with other states on two specific issues (the indefinite extension of the Treaty and a review of the Treaty). In this South Africa adopted the roles typical of middle powers practicing niche diplomacy as identified by Cooper (1997: 9), namely bridge-builder, mediator, facilitator and catalyst. The latter involved South Africa's planning; convening and hosting of consultations on the NPT; and drawing up an initial statement which it amended after more consultations at the REC in New York.

Some critics, most notably Masiza and Landsberg (1996), and Taylor (2006) referred to South Africa's 'betrayal' of the "non-aligned position". Masiza and Landsberg (1996: 25), for example, questioned South African diplomats' consultation with non-aligned countries as having been too time-consuming. However, Masiza and Landsberg (1996: 25) and Taylor (2006: 170) maintain that there was no "common non-aligned position". Although the 1995 REC achieved some consensus on the review of the Treaty and its extension, it could not reach a decision on the implementation of Article VI; an issue which was carried over to the 2000 RevCon and which confirmed the historical gap that exists between NWS and NNWS on nuclear disarmament.

South Africa's nuclear diplomacy at its first NPT conference produced significant diplomatic results for the country. It produced non-material rewards such as status and prestige. Moreover, it also signalled the country's compliance with the norms espoused in the NPT. It is against this background that South Africa prepared for the NPT's 2000 RevCon.

## **5. The 2000 Review Conference**

Several events pre-empted the 2000 NPT RevCon, which ultimately affected the goodwill generated at the 1995 REC. Moreover, it required South Africa to react to these events which impacted on its nuclear diplomacy at the NPT.

### **5.1 Events preceding the 2000 Review Conference**

In the wake of the 1995 REC, the French President, Jacques Chirac, announced on 13 June 1995 that France had decided to resume its nuclear weapon testing programme in the South Pacific. In response to this, the South African government employed several diplomatic strategies. Along with several other NNWS, South Africa expressed its regret at the decision in the strongest terms. France's decision was not the only one made by a NWS in the wake of the 1995 REC. China also conducted nuclear tests on 15 May 1995 (CNS 1998), a mere three days after the REC.

From South Africa's perspective, France and China's decisions "seriously undermine the decisions" and "contradicts the spirit of the decisions" taken at the REC (DFA 1995). Moreover, the South African government stated that France and China participated in the consensus decision which approved and adopted the *Statement of Principles and Objectives for Nuclear Non-Proliferation and Disarmament*, as a result of proposals made by South Africa's Foreign Minister, Alfred Nzo. With regard to nuclear testing, South Africa indicated that the *Statement of Principles and Objectives* states that:

4. The achievement of the following measures is important in the full realisation and effective implementation of article VI, including the programme of actions listed below:

I. The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear Test Ban Treaty no later than 1996. Pending the entry into force of a CTBT the nuclear-weapon States should exercise utmost restraint (DFA 1995).

For South Africa, the French and Chinese decisions remained matters of concern. Firstly, France and China are NWS that gave certain undertakings at the 1995 REC, which included exercising restraint in nuclear tests pending the entry into force of the CTBT. Secondly, the French announcement coincided with what South Africa regarded as "sensitive negotiations" for the CTBT (DFA 1995). In response to the French announcement, the South African government 'urged' the French government to 'reconsider' its decision (DFA 1995). These views were expressed directly to the French government at meetings with the French *Charge d'Affaires* in Pretoria subsequent to the announcement in June 1995. At the time, the South African government also indicated its intention to "use further diplomatic measures" through its mission in Paris and "other important capitals abroad to impress upon the Government of France its opposition to any further nuclear tests" (DFA 1995).

One positive development in the run-up to the 2000 RevCon, in contrast to the French and Chinese tests, was the UNGA's adoption of the CTBT. South Africa's reaction to the Chinese and French tests emanated, *inter alia*, from South Africa's commitment to the CTBT. The CTBT originated from an *ad hoc* committee of the CD

in Geneva, which commenced with negotiations on the text for a CTBT in January 1994. At the 1995 REC, state parties of the NPT undertook to complete negotiations on the CTBT “no later than 1996”. The CTBT was adopted on 10 September 1996. The most important provision of the CTBT is contained in Article 1. In terms of this, each State Party to the CTBT undertakes not:

to carry out any nuclear-weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control (DFA 1999).

South Africa, along with 70 other states, signed the CTBT on 24 September 1996 (Taylor 2006: 175). Subsequent to this, the South African Parliament approved its ratification and, on 30 March 1999, South Africa deposited its *Instrument of Ratification* of the CTBT with the UN Secretary-General in New York. South Africa was one of the members of the core group of states that facilitated the process of the resolution on the CTBT adopted in New York in September 1996. According to the South African government, two of the items of the CTBT text could be “attributed to South African proposals”, namely those addressing funding the International Monitoring System and the levels of explosions (DFA 1999). In addition to this, the then Director-General of the South African Department of Foreign Affairs, Jackie Selebi, while serving as South Africa's Ambassador to the UN in Geneva, was elected to serve as the first chairperson of the PrepCom of the CTBTO in recognition of South Africa's role in the CTBT.

Another development in the run-up to the 2000 RevCon resulted from indications that NWS were not delivering on their commitments agreed to at the 1995 REC. Prior to the RevCon, South Africa, in 1998, became one of the founder-members of a new grouping of NNWS states, namely the New Agenda Coalition (NAC) (see Chapter 3). This grouping shared the NNWS frustrations with the NWS on the matter. Moreover, nuclear tests by India and Pakistan raised further concerns about the future of commitments to nuclear disarmament and nuclear non-proliferation. Apart from South Africa, the NAC mainly consisted of middle powers or emerging middle powers including Brazil, Egypt, Ireland, New Zealand, Mexico and Sweden.

Amidst these international developments, South Africa also experienced certain changes which ultimately affected the country's nuclear diplomacy. The presidential term of Nelson Mandela ended and Thabo Mbeki was inaugurated as the country's second post-apartheid President in 1999. Widely regarded as a "foreign policy President", a reference to his years as an ANC official serving on the ANC's international relations desk, Mbeki's tenure had significant implications for South Africa's diplomacy. He also appointed a new Minister of Foreign Affairs, Nkosazana Dlamini-Zuma. At a bureaucratic level, the Ministry of Foreign Affairs also underwent changes and restructuring to reflect the country's foreign policy direction. It was against these domestic and international developments that South Africa joined other state parties to the NPT for the 2000 RevCon.

## **5.2 South Africa's nuclear diplomacy at the 2000 Review Conference**

The 2000 RevCon followed a series of PrepComs in 1997, 1998 and 1999. South Africa and Canada took an active role in PrepCom II prior to the 2000 RevCon from 14 April to 19 May 2000. Following South Africa's proposal at the 1995 REC on the establishment of committees to review the implementation of the NPT, the PrepCom meetings for the 2000 RevCon agreed that the business of the RevCon should be organised into three main committees:

- Main Committee I to address issues relating to Article VI.
- Main Committee II to address issues relating to the IAEA and regional issues. The addition of regional issues emanated from a proposal by the NAM to address nuclear issues relating to the Middle East and nuclear disarmament.
- Main Committee III to address the peaceful uses of nuclear energy.

The recently-established NAC's major objective at the 2000 RevCon was to convince the NWS to commit to the elimination of nuclear weapons. In their joint declaration, *Towards a nuclear free world: the need for a new agenda*, members of the NAC (1998) maintained that the "indefinite possession" of nuclear weapons by NWS and nuclear-weapons-capable states pose a "continued threat to humanity". The 2000 RevCon was the NAC's first attendance of a RevCon. According to DIRCO (the erstwhile South African Department of Foreign Affairs), South Africa and other members of the NAC's focus at the 2000 RevCon was to negotiate agreements on "a

series of practical steps for the systematic and progressive efforts” to implement the provisions on nuclear disarmament of Article VI of the NPT (South Africa undated). The NAC also required an “unequivocal undertaking” by the NWS to eliminate their nuclear arsenals. By now, the NAC incorporated members of the NAM and began to articulate common positions on behalf of the organisation. However, as NWS realised that the NAC is becoming increasingly influential in the RevCon, the US requested a meeting with the NAC on 13 May 2000. Prior to the RevCon, according to US Ambassador Norman Wulf (2000) who led the US delegation during PrepComs and at the RevCon, the US held several meetings with individual members of the NAC.

In presenting South Africa’s case at the RevCon, Abdul Minty (2000) reminded delegates of the undertakings agreed to at the 1995 REC. Expressing concerns over the status of the NPT and the implementation of nuclear disarmament by NWS, he reminded delegates of South Africa’s experience whereby the possession of nuclear weapons does not guarantee a state’s security but rather results in an arms race due to other states’ insecurity. Minty also referred to several unresolved issues and developments since 1995 which contradict and are counter-productive to the achievement of the NPT’s objectives. These issues were:

- NWS continued reliance on nuclear weapons in their strategic doctrines;
- compliance issues with the NPT in the case of Iraq and North Korea;
- nuclear tests in South Asia;
- delays in implementing START II and the commencement of START III;
- the repercussions of modifying the Anti-Ballistic Missile (ABM) Treaty;
- delays in the entry into force of the CTBT; and
- Delays in the CD negotiations on a Fissile Material Treaty (FMT) (Minty 2000).

Minty’s (2000) criticism was not limited to the NWS inability to present an “unequivocal undertaking to nuclear disarmament and the elimination of nuclear weapons”. He also proposed steps which should be taken by the NNWS in compliance with the NPT. Minty referred to states such as Israel, India and Pakistan who were not complying with the Treaty’s provisions or who had not acceded to the Treaty or intended as a matter of urgency. Minty also called upon states to accede to the CTBT in order for this Treaty to enter into force.



Unlike the 1995 REC, South Africa's position at the 2000 RevCon was much more critical of the NWS due to the fact that South Africa shifted its position from a reformist to a revisionist middle power (Leith & Pretorius 2009). At the 1995 REC, South Africa was criticised for abandoning the NNWS position in favour of that of the NWS. Now, South Africa's position was much more aligned to that of the NNWS as, for example, South Africa's efforts at the REC to commit the NWS to terminate nuclear testing proved to be a failure due to the series of nuclear tests by NWS subsequent to the REC.

According to the South African Department of Foreign Affairs, the country has "played an active role" at the 2000 RevCon that adopted a *Final Document* (South Africa undated). Praising itself as part of the NAC, the South African government maintained that the "successful achievement of these objectives was instrumental in ensuring the success" of the 2000 RevCon (South Africa undated).

Despite initial major differences, the 2000 RevCon produced a final consensus document, the first in the history of the NPT. In the three-volume *Final Document of the RevCon*, states undertook to implement 13 agreed steps. These were to:

- sign the CTBT to secure the entry into force of the Treaty;
- terminate nuclear weapons testing pending the entry into force of the CTBT;
- negotiate a FMB Treaty;
- continue within the CD to achieve nuclear disarmament;
- implement the principle of irreversibility of nuclear disarmament;
- procure an unequivocal undertaking by the NWS to totally eliminate their nuclear arsenals;
- ensure NWS compliance with existing treaties such as START II and the commencement with START III;
- introduce a step-by-step approach by NWS to nuclear disarmament;
- put excess fissile material under the control of the IAEA;
- achieve the objective of general and complete disarmament;
- all states to report regularly on the implementation of the NPT; and
- Improve the verification process to assure compliance with the NPT (UN 2000).

Similar to the 1995 REC, South Africa's nuclear diplomacy produced results which confirmed the country's identity and its diplomatic role.

### **5.3 An assessment of South Africa's nuclear diplomacy at the 2000 Review Conference**

South African diplomatic strategies for the 2000 RevCon included confrontation (with the NWS) and cooperation (with the NNWS). South Africa's membership of the NAC, as Geldenhuys (2006: 93,103) concluded, is illustrative of the country's norm-related activities since 1994. These norm-related activities, which constitute an identity as a norm entrepreneur, include the upholding; advocating; and formulating of internationally-acceptable norms and behaviour. This identity and role as a norm entrepreneur, which advocated and maintained the norms espoused by the NPT, illustrates the country's identification and pursuit of opportunities. This "opportunity niche", as Geldenhuys (2006a: 93) refers to it, subsequently resulted in South Africa gaining niche diplomacy on nuclear matters.

## **6. The 2005 Review Conference**

Like its predecessors, the 2005 RevCon was preceded by three PrepComs (in 2002, 2003 and 2004). Moreover, like previous RevCons, a series of international events set the scene for the 2005 RevCon. These events provided several opportunities for South Africa's nuclear diplomacy.

### **6.1 Events preceding the 2005 Review Conference**

On 11 September 2001, Al-Qaeda attacked the US in what became known as 9/11. Subsequent to these attacks the US and its allies invaded Afghanistan (2001) and Iraq (2003). In his State of the Union Address in January 2003, President George W Bush referred to a "War on Terrorism" in which the US was engaged. Unable to persuade the UNSC to intervene in Iraq the US increasingly considered unilateral options in this regard. One of the justifications for the US threats of an impending invasion of Iraq was the claim that Iraq's Saddam Hussein had developed and maintained WMD. This was not only in contravention of a series of UN resolutions and the NPT, but also posed a real risk to US national security.

A series of diplomatic efforts ensued to address the Iraqi issue after 9/11 until the US-led invasion in 2003. Apart from UN efforts, President Mbeki offered South Africa's assistance to resolve the matter which posed a major threat to the provisions of the NPT; also considering that as Iraq was a NNWS and the US a NWS. In February 2003, Mbeki requested seven South African disarmament experts to visit Iraq in an effort to avert a US-led invasion (see *Table 18*).

**Table 18: Members of the South African delegation to Iraq (2003)**

Member of delegation	Position
<b>Aziz Pahad</b>	Leader of delegation and South African Deputy Minister of Foreign Affairs
<b>Colonel Ben Steyn</b>	Chemical and biological advisor to the Surgeon-General of the South African National Defence Force and advisor to the NPC
<b>Dr Philip Coleman</b>	Technical advisor to the Chemical Weapons Convention
<b>Daan van Beek</b>	Director of Non-Proliferation and Space, South African Department of Trade and Industry
<b>Deon Smit</b>	General Manager of Procurements, Armscor
<b>Super Moloji</b>	Member of the Presidential Support Unit
<b>Pieter Goosen</b>	Chief Director of Peace and Security, South African Department of Foreign Affairs
<b>Thomas Markram</b>	Director of Peace and Security, South African Department of Foreign Affairs

Markram (2006: 105)

South African diplomat Thomas Markram (2004: 105-106) outlined some of the elements of South Africa's nuclear diplomacy pertaining to the country's norm construction and maintenance, and its identity construction in this matter:

The experts were tasked to impart the manner in which South Africa had undergone its own disarmament process through co-operation and transparency with the international community, and the manner in which it had

developed policy and gained the world's confidence as a responsible producer, trader and possessor of advanced technologies. It was hoped that Iraq could be persuaded to open themselves to full co-operation with UN weapons inspectors and thereby remove the basis for intervention as a perceived 'imminent' threat to international security due to their possession of weapons of mass destruction.

According to Markram (2006: 105), the South African delegation visited Iraq with some diplomatic clout and "with the full support" of Kofi Annan, the UN Secretary-General, and a "tacit positive nod" from the UK Prime Minister Tony Blair and the George W Bush Administration. Not mandated to act as weapons inspectors, the delegation had access to Iraq's Deputy President, Tariq Aziz, and individuals involved in the country's weapons programme. The South African delegation visited destroyed WMD sites. However, as Markram (2006: 105) observed, the Iraqis had been 'negligent' in their documentation of the destruction processes. However, interviews on the extent of the destruction could be conducted. The South African delegation succeeded in at least one instance. Once the South African delegation left Iraq, it became known that the Iraqi government had commenced with the dismantling and destruction of its missiles; an issue in respect of which, according to Markram (2006: 105), the South African delegation "had tried to persuade the Iraqis".

Once back in South Africa the delegation prepared a report for President Mbeki, a copy of which was also delivered to Kofi Annan. Markram (2006: 106) summarises the findings of the South African delegation, which concluded that "Iraq had undergone a considerable disarmament process and conceivably did not possess any weapons of mass destruction that posed a threat to international security". However, the report acknowledged that Iraq continued to have some of the resources required to produce WMDs but that its general ability has been severely limited by international actions against the country.

Markram's (2006: 106) observations on the diplomatic significance of the South African delegation's visit to and findings on Iraq had a direct bearing on South Africa's nuclear diplomacy and its international standing and identity on nuclear issues. Moreover, it confirmed Geldenhuys' (2006) observations on South Africa's role and identity as a norm entrepreneur. Markram (2006: 106) reiterated this by

referring to the confidence in South Africa, its acknowledgement by the international community, its identity, role and technical capabilities:

The pre-emptive and preventative action on Iraq underlines the confidence South Africa has acquired in dealing with its inherited past and the ability to utilise this experience to contribute to international peace and security. The acceptance by key players that South Africa has the technical capacity and political standing to play a peace role and encouragement to do so emphasises the country's status and reputation as an influential, credible and honest broker in an area traditionally reserved for major powers.

Despite the efforts of South Africa and the international community, a US-led coalition invaded Iraq in March 2003.

Libya's announcement on 19 December 2003 on its decision to terminate its nuclear weapons programme was a welcome and positive development in terms of the NPT. However, by 2004 the world, including South Africa, discovered the nuclear proliferation activities of the Khan network, which spanned Libya and several continents. In addition to this, was North Korea's nuclear brinkmanship through its non-compliance with the NPT and its eventual withdrawal from the Treaty in 2004. In an effort to reiterate South Africa's commitment to nuclear non-proliferation against the background of the *Wisser Affaire* and multilateralism (see Chapter 3), President Mbeki (2004b) stated in the South African Parliament on 21 May 2004 that South Africa "will intensify" its preparations to participate in the 2005 RevCon. Mbeki joined other world leaders in signing the UN *International Convention for the Suppression of Acts of Nuclear Terrorism* in New York on 14 September 2005 (DFA 2005). It was against this background that South Africa attended the 2005 RevCon.

## **6.2 South Africa's nuclear diplomacy at the 2005 Review Conference**

Despite these events and efforts prior to the 2005 RevCon, it commenced with major differences between the NWS and the NNWS, and without an agreed agenda, which was only adopted on the ninth day of the conference. The US refused to acknowledge the outcome of the 2000 RevCon contained in its *Final Document*, which was reached by consensus and espoused in the *Thirteen Practical Steps*

referred to earlier. The US also refused to accept these outcomes as a basis for the 2005 agenda. It also maintained that global conditions changed dramatically since 2000 and that the RevCon should reflect that. The US also demanded that Iran and North Korea should receive more attention at the RevCon, whereas Egypt, Iran and the NAM, for example, demanded feedback on progress made on previous commitments (Johnson 2005).

Opposing the US position, the NAC and other delegates refused to accept any agenda which did not take the 2005 decisions into account. The US refusal to accept the outcomes of the 2000 RevCon resulted in significant delays in debates on substantive issues. Procedural differences resulted in the RevCon's failure to achieve results on substantial issues for which as little as four days were left and failure to force NWS to comply with the Treaty (Johnson 2005).

Most participating states maintained that the CTBT's entry into force, a prerequisite required by previous RevCons, was too slow. Here, NWS like the US and China ended in a stand-off with NNWS. Both the US and China have not ratified the CTBT and opposed the RevCon's emphasis on the CTBT. On the banning of fissile materials, controversy erupted on the CD's failure to proceed with negotiations on the decisions taken at the 1995 REC. Reminding delegates of this decision, the NAM continued to call for a "non-discriminatory, multilateral and internationally and effectively verifiable treaty" (Johnson 2005), whereas the NWS and their allies preferred not to delve too deeply into the matter.

The issue of North Korea's withdrawal from the NPT and Iran's nuclear ambitions also resulted in considerable debate. A number of states and the EU urged Iran to suspend its enrichment programme to which Iran's Minister of Foreign Affairs, Kamal Kharrazi (quoted in Johnson 2005), responded that his country is "determined to pursue all legal areas of nuclear technology, including enrichment, exclusively for peaceful purposes". The universality of the NPT drew little debate, except for calls on India and Pakistan to comply with the NPT and to ratify the CTBT as a confidence-building measure.

Whereas the issue of NWFZs received considerable attention at previous RevCons, the issue received very little attention in 2005, except for a reference to the Middle

East and Central Asia where NWFZs could greatly contribute to peace and stability as these regions have several states outside the NPT with nuclear weapons capabilities (Johnson 2005).

In the wake of 9/11, the US-led invasion of Iraq and the exposure of the Khan network, considerable attention was paid to the changed security environment and the risks that terrorism were perceived to pose. Some delegates from the US, the UK and France raised concerns about the risks of terrorists acquiring nuclear technology despite existing global efforts such as UNSC Resolution 1540 (2004) to counter these. Despite its concerns about terrorism, South Africa was one of the few states who warned against the over-legislation of terrorism since this could affect other treaty commitments. South Africa also expressed concerns about a “savings clause” on terrorist activities in other multilateral agreements and its definitions, which could undermine the NPT (Johnson 2005).

Whereas the NAC played an important role during the 2000 RevCon, it lost momentum at the 2005 RevCon. Apart from submitting a report on its activities in compliance with the NPT since 2000, the Coalition allowed it to be subjugated by procedural debates. Another factor which undermined the effectiveness of the NAC was rivalry between two NAC members, South Africa and Egypt. This rivalry was partly due to these countries’ competition for a non-permanent seat on the UNSC (Müller 2005a: 12). In addition to this, other NAC members, most notably Sweden, New Zealand and Brazil, were involved in the RevCon’s proceedings by serving as chairpersons, which also resulted in the Coalition’s inability to perform optimally as it had lost its most experienced diplomats (Müller 2005a: 12).

Egypt’s strong stance enabled the NAM to remain unified. The NAM maintained its position that the 1995 and 2000 decisions and undertakings should be honoured. In this, the NAM targeted the US as a NWS for its non-compliance with the NPT (Müller 2005a: 13).

In presenting South Africa’s position during the General Debate of the 2005 RevCon, Abdul Minty (2005) reminded delegates of the state of the NPT and proposed that the Conference adopt a “constructive and positive approach”. Referring to the challenges previous conferences had faced in trying to achieve consensus, Minty



(2005) also called on delegates to reach “consensus agreements on the obligations, commitments and undertakings” that are “implementable and achievable in the period before 2010”. Minty then proceeded to identify 12 measures which, if agreed upon by consensus, could form the foundation for the NPT-related work to be undertaken until 2010 (the date of the next RevCon). These were:

1. The necessity for all States to spare no efforts to achieve universal adherence to the NPT, and the early entry into force of the CTBT;
2. Measures to address the proliferation threat posed by non-State actors;
3. Further reinforcing the IAEA safeguards norm as a means to prevent proliferation;
4. The special responsibility of States owning the capability that could be used to develop nuclear weapons to build confidence with the international community that would remove any concerns about nuclear weapons proliferation;
5. The requirement that all States must fully comply with commitments made to nuclear disarmament and nuclear non-proliferation and not to act in any way that may be detrimental to nuclear disarmament and non-proliferation or that may lead to a new nuclear arms race;
6. The necessity to accelerate the implementation of the 13 practical steps for the systematic and progressive efforts to achieve nuclear disarmament agreed to at the 2000 Review Conference;
7. The need for the nuclear-weapon States to take further steps to reduce their non-strategic nuclear arsenals, and not to develop new types of nuclear weapons in accordance with their commitment to diminish the role of nuclear weapons in their security policies;
8. The completion and implementation of arrangements by all nuclear-weapon States to place fissile material no longer required for military purposes under international verification;

9. The need to resume in the Conference on Disarmament negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable fissile material treaty taking into account both nuclear disarmament and nuclear non-proliferation objectives;
10. The establishment of an appropriate subsidiary body in the Conference on Disarmament to deal with nuclear disarmament;
11. The imperative of the principles of irreversibility and transparency for all nuclear disarmament measures, and the need to develop further adequate and efficient verification capabilities; and
12. The negotiation of legally binding security assurances by NWS to NNWS.

Despite these proposed measures, the 2005 RevCon failed for several reasons which be discussed below.

### **6.3 The failure of the 2005 Review Conference**

The 2005 RevCon failed to adopt a final document due to a lack of consensus. This had much to do with the prevailing political climate at the time of the conference (see section 6.1). Moreover, the 2005 RevCon highlighted historical positions on the NPT. The so-called “Grand Bargain” bestowed the NWS at the time of the entry into force of the Treaty with privileged rights. This institutionalised discrimination has resulted in a perception of insecurity on the part of the NNWS.

This perception was further entrenched by the slow compliance of the NWS with Article VI of the NPT’s provision to disarm their nuclear arsenals, and by the nuclear ambitions of certain NNWS which are prohibited by Article II of the NPT. By 2005, the NPT had resulted in some success regarding non-proliferation. Complete disarmament remained an unfulfilled objective as treaty compliance, according to the NNWS, was only adhered to by them. However, the coherence of the normative non-proliferation regime established in terms of the Treaty was increasingly compromised (Müller 2005b: 36-41).

The failure of some states such as the NWS to implement the provisions of the NPT had considerable consequences for international security by contributing to the acceleration of nuclear weapons programmes and tests in some countries. Finally, the disintegration of the NAC (which played such a critical role at the 2000 RevCon by introducing the *Thirteen Practical Steps*) due to the reasons outlined above, affected the diplomatic process and the achievement of consensus (Johnson 2005). In 2000 the NAC's role as a bridge between the NWS and the NNWS proved to be critical in achieving a final document based on consensus and, as concerns this study, for South Africa's nuclear diplomacy.

The failed RevCon had two implications. Firstly, the 2005 RevCon did not contribute to a greater sense of international security. Instead it deepened divisions on nuclear disarmament, the peaceful uses of nuclear energy and nuclear non-proliferation. Secondly, it strengthened the already privileged position of the NWS by a failure to get the NWS to comply with the provisions of the NPT. Instead, the NWS selected compliance with the provisions of the NPT undermined the NNWS sense of security. Brazilian career-diplomat and unanimously elected President of the 2005 RevCon, Sergio Duarte (2005), referred to the deepening divisions between the NWS and the NNWS. Duarte observed: "There seems to exist a much deeper gulf between the aims and interests of those who possess atomic weapons and of those who took the decision to forgo the nuclear military option". According to him, some states maintained that the NPT could no longer provide security assurances.

For Duarte (2005), this position was already evident in his "round of consultations in several capitals prior to the opening of the Conference" where he noted a "high level of mistrust" in the RevCon's ability to achieve an outcome based on consensus. In his assessment of the 2005 RevCon, Duarte (2005) observed: "The result (or lack thereof), of the 2005 Review Conference indicates that the international community has reached a crossroads with regard to nuclear disarmament and proliferation". Kofi Annan, the UN Secretary General, described the RevCon as a failure which "sent a terrible signal - of waning respect for the Treaty's authority, and a dangerous rift on a leading threat to peace and prosperity" (*UN News* 21 June 2006), which did not bode well for the PrepComs for the 2010 RevCon and the 2010 Conference itself.

## **6.4 An assessment of South Africa's nuclear diplomacy at the 2005 Review Conference**

Unlike previous RevCons, South Africa took an opposing stance on disarmament to NWS at the 2005 RevCon and publicly associated itself with the activist views of the NAM and the NAC (South Africa 2005d: 2). In this, South Africa's diplomatic strategy included confrontation (with NWS) and partnership (with the NAM and the NAC).

Egypt's activist role at the RevCon affected South Africa's position at the Conference. Egypt was successful in its efforts to put its national and regional interests on the agenda. This resulted, amongst other things, in South Africa's "unusual passivity" (Johnson 2005) so as not to alienate its fellow members of the NAM. Moreover, South Africa never presented any statement on behalf of the NAM at the RevCon. These statements were presented by Malaysia or Egypt. Thus, for South Africa's nuclear diplomacy, the 2005 RevCon could easily be described as one of its failures. The failure of the 2005 RevCon put an additional burden on South Africa's preparations for and participation in the 2010 RevCon.

## **7. The 2010 Review Conference**

By the time South Africa prepared for the 2010 RevCon, some internal and international developments had occurred which set the scene for the Conference. Moreover, the failure of the 2005 RevCon loomed large over the preparations for the 2010 RevCon.

### **7.1 Events preceding the 2010 Review Conference**

For South Africa, the most notable event was the "soft coup" in September 2008 which removed Thabo Mbeki from office and replaced him with Kgalema Motlanthe whose presidential tenure was very brief. By May 2009 and following the national elections, Jacob Zuma was inaugurated as South Africa's President. Zuma's former wife, Nkosazana Dlamini-Zuma, who served as Mbeki's Foreign Minister, was replaced by career diplomat Maite Nkoana-Mashabane. In addition to this, a South African campaign to get Abdul Minty elected as the Director General of the IAEA commenced (see Chapter 4).

As the date for the 2010 RevCon neared, renewed concerns were expressed about the outcome of the Conference. Two events prior to the RevCon raised expectations about a softer approach by the NWS to the Conference. The first event was President Obama's speech in Prague, the Czech Republic, on 5 April 2009. Unlike his predecessors, Obama outlined new directions in the US disarmament and non-proliferation agenda. Obama (2009) referred to "America's commitment to seek the peace and security of a world without nuclear weapons". He also outlined how his administration intended to achieve this. The US intended to reduce the role of nuclear weapons in its national security strategy; to commence with the reduction of its nuclear arsenal; to negotiate a new Strategic Arms Reduction Treaty (START) with Russia in 2009; to "immediately and aggressively pursue" the US ratification of the CTBT; to commence with negotiations on a new treaty that "verifiably ends" the production of fissile materials for use in nuclear weapons; and to 'strengthen' the NPT as a basis for cooperation on nuclear disarmament and non-proliferation. These commitments outlined in Prague were complemented with the publication of the *Nuclear Posture Review* of the Obama administration, which enhanced expectations on the outcome of the 2010 RevCon.

The second event which paved the way for greater expectations of the 2010 RevCon was President Obama's hosting of the NSS from 12 to 13 April 2010 in Washington, US. South Africa was one of more than 40 states invited to the NSS as a precursor to resolve tensions which may arise at the 2010 RevCon.<sup>55</sup> At the NSS, South Africa and Kazakhstan were commended for the termination of their nuclear weapons programmes. Obama met separately with President Zuma and Kazakh President Nursultan Nazarbayev prior to the NSS. Obama commented that South Africa "has special standing in being a moral leader" on nuclear issues and that the country:

is singular in having had a nuclear weapon program; had moved forward on it, and then decided this was not the right path; dismantled it; and has been a

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<sup>55</sup> The following countries participated in the NSS: Algeria, Argentina, Armenia, Australia, Belgium, Brazil, Canada, Chile, China, the Czech Republic, Egypt, the European Union (EU), Finland, France, Georgia, Germany, India, Indonesia, the IAEA, Israel, Italy, Japan, Jordan, Kazakhstan, South Korea, Malaysia, Mexico, Morocco, The Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Russia, Saudi Arabia, Singapore, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, the UAE, the UK, the UN, the US and Vietnam (US 2010a).

strong, effective leader in the international community around nonproliferation issues.

Obama also mentioned that South Africa could assist in guiding other countries “down a similar direction of nonproliferation” (US 2010b). Against the background of these developments, South Africa prepared to participate in the 2010 RevCon. The country’s diplomatic successes in the 1995 REC and 2000 RevCons were overshadowed by the 2005 RevCon which failed to reach any consensus.

## **7.2 South Africa’s pre-2010 Review Conference nuclear diplomacy**

Reflecting on the 2010 RevCon, Abdul Minty (2010b) admitted that South Africa’s approach to the RevCon was to “convey a kind of consensus approach” to the proceedings of the Conference. He also admitted that South Africa attended the RevCon realising that the country would face several challenges at the Conference, that, for South Africa, the NPT was at a crossroads and that the RevCon was regarded as a “critical litmus test” (Minty 2010b). Another challenge concerned the opposition of some states to the strengthening of the NPT and the inalienable right in the NPT of all states to develop nuclear energy for peaceful purposes. Minty (2010b) referred to the historical “North-South polarisation” on this issue but admitted that President Obama adopted a more conciliatory approach which reduced the polarisation at the RevCon.

Minty (2010b) provided valuable insight into the diplomatic negotiations around the 2010 RevCon by describing the diplomatic process as a series of diplomatic interactions, which included several diplomatic actors:

- Prior to the 2010 RevCon, the P5 (the five permanent members of the UNSC) engaged with South Africa. At the time, South Africa served its first term as a non-permanent member of the UNSC.
- South Africa was invited to and participated in President Obama’s NSS.
- South Africa met on the margins of meetings with representatives such as the New Zealand Minister of Disarmament. Like South Africa, New Zealand is a member of the NAC.
- South Africa had bilateral discussions with the US representatives in Pretoria when a delegation of 30-40 US government officials visited South Africa.

Apart from this delegation, the Obama Administration dispatched Special Envoy Susan Burk to Pretoria in February 2010 for consultations with Minty. According to Burk, South Africa's relinquishment of its nuclear weapons put it in "a special position to advance the goals of the upcoming [2010 NPT] conference" (*Global Security Newswire* 23 February 2010). Burk also observed that states party to the NPT, including South Africa, "have been frustrated by the slow pace" at which NWS eliminate their nuclear arsenals (*Global Security Newswire* 23 February 2010). In response to President Obama's speech in Prague in 2009, Minty welcomed the US commitment to multilateralism with regard to the NPT but warned against raising expectations and not meeting them (*Global Security Newswire* 23 February 2010).

- South Africa held bilateral discussions with Russia.
- During the RevCon informal dinners were held with the delegates of other states.
- Regular consultations were held with Pretoria on major decisions and positions.

Minty (2010b) also described South Africa's diplomatic strategies to the NPT. These included diplomatic engagements with states on:

- common doctrines pertaining to the pillars of the NPT;
- their deterrence mindset by delegitimizing nuclear weapons as a source of security;
- states' security concerns; and
- How to terminate nuclear weapons programmes and give up nuclear weapons.

Against the background of South Africa's preparation for the 2010 RevCon, it is evident that South Africa wanted the conference to achieve a consensus outcome. Moreover, the conference also preceded Ambassador Minty's election campaign for the position of the IAEA Director General and thus wanted to make a good diplomatic impression.



### 7.3 South Africa's nuclear diplomacy at the 2010 Review Conference

The first session of the PrepCom took place in Vienna in May 2007. In his address to the PrepCom, Abdul Minty (2007b: 2) observed that the NPT was 'tested' during the preceding years, but that South Africa maintained that the NPT "has and can continue to make a significant contribution to international peace and security" and that the NPT "remains as relevant as ever". He also reiterated South Africa's position on the "complete elimination" of nuclear weapons. Minty also took issue with the selective compliance to the provisions of the NPT, most notably Article VI, by some NWS and reminded delegates of the agreements reached at the 2000 RevCon which should be adhered to by all.

Similar to previous statements at NPT-related gatherings, Minty (2007b: 2) also reminded delegates of South Africa's unique identity as a state that has destroyed its nuclear weapons. He also referred to the discriminatory nature of the NPT, an issue which South Africa regards as "incompatible with our common objective" of a nuclear weapon free world and with the obligations of the NPT. Minty also called on all NNWS states with nuclear weapons programmes, or with intentions of having similar programmes, to adhere "unconditionally and without delay" to the NPT. He also called on states that have ratified the CTBT to do so as a matter of urgency.

During the RevCon Minty (2010c) contributed a number of important points outlining South Africa's position on the NPT and its agenda on non-proliferation. These included an emphasis upon:

- the continued relevance of the NPT due to the positive recent developments in disarmament and non-proliferation;
- the need for step-by-step processes to eliminate nuclear weapons;
- hope for renewed interest and an undertaking by NWS to dismantle their nuclear arsenals, as outlined in Article VI of the NPT;
- support for the IAEA as the only competent and internationally-recognised authority responsible for verifying and assuring compliance to the Treaty;
- the recognition of the potential of the currently voluntary Additional Protocol as an indispensable instrument of the new strengthening of IAEA safeguards; and

- Support for the peaceful uses of nuclear energy (Minty 2010c).

In its practice of niche diplomacy in the NPT context, South Africa employed various diplomatic strategies, including cooperation and confrontation. For example, South Africa often quoted Article IV of the NPT which provides for the “inalienable right of all State Parties to nuclear technology for peaceful purposes” to explain its support of Iran. South Africa’s resort to nuclear sovereignty has often resulted in some form of conflict with certain NWS such as the US and the UK. During the proceedings of Main Committee I (on nuclear disarmament) state parties called on the NWS to respect their commitments under Article VI and to work towards the total elimination of nuclear weapons. While South Africa stressed the need for the NWS to engage in accelerated negotiations in this regard, both the Ukraine and South Africa - countries which unilaterally dismantled their nuclear weapons programmes - called on the NWS to ensure that the disarmament process is irreversible and verifiable.

During the Main Committee I debate on a “time bound framework” for implementing disarmament commitments most delegates at the RevCon supported it. During the 2010 RevCon, South Africa (a member of the NAM) supported Egypt who, on behalf of the NAM (2010), submitted a working paper. This paper, *Elements for a plan of action for the elimination of nuclear weapons*, proposed a three-phased approach to eliminate nuclear weapons within a specified timeframe (see *Table 19*).

**Table 19: The Non-Aligned Movement’s timeframe for nuclear disarmament**

2010-2015	2015-2020	2020-2025 and beyond
Reducing the nuclear threat and nuclear disarmament	Reducing nuclear arsenals and promoting confidence between States	Consolidation of a nuclear free world

NAM (2010: 2-4)

In response to the NAM proposals, South Africa’s Ambassador to the UN in Geneva, Jerry Matjila (2010) stated that the provisions of the NPT; the 1995 Principles and Objectives; and the practical steps for nuclear disarmament agreed to in 2000 provide “a blueprint for a step-by-step process that would reduce the threat of nuclear weapons, de-emphasize their importance and lead to their elimination”. In an

oblique reference to the British decision to build new submarines for a future generation of nuclear weapons, Matijla warned that such a move would be interpreted as a clear signal that some NWS are determined to maintain nuclear weapons indefinitely.

France, a NWS, argued that setting a timeline would undermine the non-proliferation regime since timelines have not been adhered to before and, therefore, such time limits should not be imposed as they risk the chances of not being met again. France, a major investor in South Africa's nuclear industry, was backed by the US and Russian delegates on this issue but faced strong opposition from Brazil, Iran, South Africa, Indonesia, Mexico, Libya, Cuba and Canada. New Zealand pointed out that France's proposal was unacceptable. South Africa argued that there was a sense of desperation on the part of the NNWS because of the lack of progress on Article VI by the NWS (Institute of Peace and Conflict Studies 2010).

Although a comprehensive discussion on the issue of nuclear terrorism was expected during the 2010 RevCon, the topic was not on the primary agenda. Out of 78 working papers presented during 2007 PrepCom for the 2010 RevCon, only one paper was dedicated to nuclear terrorism. In the wake of President Obama's NSS in April 2010 where nuclear terrorism was a major concern, much was expected on this issue at the RevCon, as addressed in UNSC Resolutions 1540 (2004), 1673 (2006) and 1810 (2008). The issue of nuclear terrorism was also absent from the draft reports of Main Committee II and Main Committee III. In the first draft report of Main Committee II, paragraph 50 welcomed the establishment of the *Global Initiative to Combat Nuclear Terrorism*. To the disappointment of many states, the final draft did not make any reference to the *Global Initiative to Combat Nuclear Terrorism*. Speaking at the first session of the PrepCom for the RevCon in May 2007, Minty (2007b: 5) reiterated that South Africa "remains concerned" about the operations of "illicit clandestine nuclear networks" which poses a serious threat to the NPT:

It is imperative that all countries that have been affected by the network closely co-operate to eliminate this threat. Our own experiences with the illicit network for the transfer of and trade in nuclear material, equipment and technology have clearly shown that States need to provide their pro-active and full support to the Agency in its verification obligation.

Iran, which is avidly developing its nuclear capability, if not an arsenal, was one of the prescient issues addressed at the May 2010 RevCon. During the proceedings, Iranian President Mahmoud Ahmadinejad reiterated the country's position on nuclear weapons proliferation. He also charged the NWS with the non-compliance of their treaty obligations. During RevCon, much emphasis was put on Iran and the security threat posed by its suspected nuclear weapons programme. Apart from differences on disarmament, the issue of Iran's uranium enrichment programme also caused divisions. The NWS demanded that Iran and all other NNWS surrender their right to produce HEU, which can be applied in the peaceful uses of nuclear power and the manufacture of nuclear weapons. At the time, India, Pakistan and North Korea, as the NNWS in terms of the NPT, admitted their manufacturing of nuclear weapons contrary to the provisions of the NPT. South Africa defended Iran's right to develop nuclear energy for peaceful purposes (*Independent Online* 4 May 2005).

While South Africa stood firm in its commitment to nuclear non-proliferation *vis-à-vis* Iran's weapons capability, it supported the sharing of knowledge and development of nuclear capability for the peaceful uses of nuclear energy. Yet the former issue took centre stage at RevCon 2010. Thus, as part of the NAC, at RevCon 2010 South Africa affirmed its commitment to the NPT and non-proliferation, supporting Egyptian Ambassador Hisham Badr's (2010) statement on behalf of the NAC that the NAC "firmly wished to reiterate their belief in the NPT and its tenants of global disarmament and non-proliferation, and 40 years after the entry into force of the Treaty", and felt that "all nations should fulfil their Treaty commitments and obligations". Moreover, the NAC reaffirmed the belief that under Article VI all the NWS states should comply with disarmament commitments, so as to achieve the NPT universally.

Similarly, as a member of the African Group, South Africa emphasised the statements made by Ambassador Tommo Monthe (2010) of Cameroon on behalf of the African Group that Africa calls for the "total, universal, verifiable and irreversible elimination of nuclear weapons as provided by" the NPT, and that the continent believes in the three pillars of the NPT, namely nuclear disarmament; nuclear non-proliferation; and the peaceful uses of nuclear energy. The African Group also reaffirmed the need for a renewed commitment of NWS to all *Thirteen Practical*

*Steps*, including the necessity to diminish the role of nuclear weapons outlined in their security policies. This would secure the non-use of these weapons during the time pending their complete elimination, precisely reflecting South Africa's policy. Against the background of these deliberations, the next section assesses South Africa's nuclear diplomacy at the 2010 RevCon.

#### **7.4 An assessment of South Africa's nuclear diplomacy at the 2010 Review Conference**

For South Africa, according to Abdul Minty (2010b), the outcome of the 2010 RevCon was 'satisfactory' and achieved in a much better atmosphere than before. Several explanations for this can be offered.

Firstly, Conference President, Ambassador Libran Cabactulan of the Philippines, convened a Focus Group very early during the RevCon, which served as the main arena for debating contentious issues before presenting them to the RevCon for reaching agreement. Consisting of 16 states including the five NWS, Germany, Spain (representing the EU), Japan, Norway, Indonesia, Mexico, Cuba, Iran, Brazil, South Africa and Egypt (the only African states included in the group), the Focus Group on some occasions also included diplomats from Argentina, Arab states, Uruguay, other EU members and the League of Arab States (Hubert, Broodryk & Stott 2010: 2). Similar to the President of the 1995 REC, Ambassador Jayantha Dhanapala's "Friends of the Chair" model, the Focus Group contributed to the success of the RevCon by deliberating on contentious issues in a small group prior to its referral to the Conference (Potter *et al.* 2010: 6, 20). The Focus Group initiative was complemented by the establishment of three subsidiary bodies; one for each Main Committee to focus on practical disarmament issues. This also served to enhance decision-making and consensus.

Secondly, the single largest political grouping of the NPT review conferences, the 116 members of the NAM, which historically focused on disarmament issues and issues relating to the peaceful uses of nuclear energy, proposed a timeframe for disarmament. Although the NWS did not agree to this, the question of disarmament schedules will become more pertinent in subsequent RevCons as the NWS have to report on their progress on certain benchmarks for disarmament by the 2015

RevCon. The mere fact that the issue of timeframes elicited much debate indicated, according to Potter *et al.* (2010: 8), that the idea is already under consideration. More importantly, the NAM was not as disruptive as at previous conferences. Egypt as the NAM and the NAC chair and as a leading state in the League of Arab States was courted by the US in efforts to garner Egypt's support for the nuclear objectives of the US (Potter *et al.* 2010: 4).

African states make up almost a third of all NPT state parties, therefore representing an influential group. The Pelindaba Treaty shares many common features with the NPT and has created the world's largest NWFZ. The Treaty of Pelindaba is regarded as a major reinforcement of the NPT through its ban on the deployment of nuclear weapons within the territory covered by the Treaty; its prohibition on research or development of nuclear explosive devices; its Protocol for binding negative security assurances from NWS; and its physical security and environmental controls. Following the entry-into-force of the Treaty of Pelindaba on 15 July 2009 (see Chapter 5), African support for a nuclear weapons free world has gained momentum; evident in the significant role that some African states played in the RevCon, both individually and as members of regional groupings. Zimbabwe along with the Ukraine, Austria, Ireland and Uruguay chaired various committees and subsidiary bodies and contributed by facilitating on-going negotiations in the wider conference.

In the third instance, unlike previous RevCons, the 2010 RevCon was not undermined by procedural issues and attention could be paid to substantive issues. In the fourth instance, the NWS security assurances to the NNWS resulted in less disputes on the issue. In its *Nuclear Posture Review*, the US undertook not to attack a NNWS party to the NPT. A similar option is under consideration by the UK. Finally, the agreement reached on the implementation of the 1995 Middle East NWFZ Resolution constituted a major achievement of the 2010 RevCon (Hubert, Broodryk & Stott 2010).

## **8. An assessment of South Africa's nuclear diplomacy in the context of the Treaty on the Non-Proliferation of Nuclear Weapons**

Speaking at the first session of the PrepCom for the 2010 RevCon of the NPT in Vienna, Austria, in May 2007, Abdul Minty (2007b) reiterated that South Africa

regards the NPT as “the foundation of the nuclear non-proliferation and disarmament regime”, while the country “remain(s) convinced that this instrument has and can continue to make a significant contribution to international peace and security”. However, upon South Africa's accession to the NPT in 1991, the country:

accepted the inherently discriminatory nature of the NPT, whereby some states are recognised as nuclear-weapon states and all other states are recognised as non-nuclear-weapon states. However, all non-nuclear-weapon states, including South Africa, believe that maintaining this indefinite discriminatory approach is incompatible with our common objective of a world free of nuclear weapons, and indeed also with the obligations contained in the NPT (Minty 2007b).

More importantly, South Africa has not limited itself to rhetoric on the issue as was illustrated by its stand-offs with France, China and North Korea on their nuclear tests; by their involvement in resolving the impasse over Iraq's WMDs in 2003; and by its initiation and maintenance of norms on nuclear energy. Closely related to these norm-related activities was the self-ascribed and acquired identity in the international nuclear arena as a roll-back state, a bridge-builder, a problem-solver (especially at the 1995 RevCon) and a good international citizen.

South Africa has acted almost as a textbook example of middle power behaviour *à la* Cooper's (1997: 1-24) extended framework of middle power behaviour. Firstly, the form of state behaviour (heroic or routine approach): In the context of the NPT, South Africa had repeatedly engaged in bridge-building, problem-solving and sometimes also in confrontational behaviour with the NWS and the NNWS alike if these states contravened the normative foundations of the NPT. This heroic behaviour of South Africa was recognized by one observer prior to the 2010 RevCon in anticipation of a positive outcome:

Traditionally the review conference operates using international consensus rules, allowing all members to contribute if they so wish; however there are certain states that have traditionally been more successful in brokering new discussions in the past, such as the key players of the nuclear weapons states, include: the United States, Russia, United Kingdom, France, and



China; and those of the non-nuclear weapon states include, Egypt, the chair of the Non-aligned Movement, concerned itself with forming a statement representative of all these states, and South Africa who has traditionally played an important role in bridging the gap between nuclear-weapon and non-nuclear weapon states (Deepti 2010).

Secondly, the scope of state activity (discrete or diffuse): South Africa has consistently displayed discretion in negotiation fora by maintaining its consistent stance in compliance with the NPT.

In the third instance: the focus or target of state diplomatic activity (multilateral or regional): South Africa has consistently employed both multilateral (which includes regional diplomacy) and bilateral diplomacy in the conduct of its nuclear diplomacy.

Finally, the intensity of state diplomatic style (combative or accommodative): In carving its niche role in nuclear diplomacy, South Africa repeatedly used a combination of diplomatic strategies. In the context of the NPT, South Africa had predominantly employed confrontation and cooperation strategies. South Africa's employment of parallelism is relatively scant in respect of the NPT and is limited to the Iraqi case and its multiple membership of the NAC, the NAM and the African Group at NPT conferences.

## **9. Conclusion**

The NPT rests on three major norms, namely nuclear disarmament; nuclear non-proliferation; and the peaceful uses of nuclear energy. Since the NPT entered into force a large number of states had been socialised in these norms and subscribe to the notion of a "nuclear taboo". However, due to its inherently discriminatory nature and the nuclear ambitions of states, the NPT has come under severe pressure since the end of the Cold War.

South Africa has come full circle on the NPT. A reluctant signatory of the NPT at first, South Africa secured a niche role for itself in the NPT regime. It has repeatedly expressed its unequivocal support of the norms espoused by the NPT. Since signing the NPT in 1991, the country has actively participated in the NPT review conferences. South Africa's first attendance of a RevCon was in 1995 at the REC.

Whereas the country was once accused of contravening the NPT, South Africa has successfully constructed a role for itself in the nuclear non-proliferation regime. Through the construction of new norms or through the entrenchment of existing norms, South Africa has crafted a unique brand of diplomacy and established a new state identity.

South Africa's overall compliance with the provisions of the NPT is a major departure from its stance at the time the Treaty entered into force. This has improved the country's status and prestige and has contributed to an understanding of the concepts of niche diplomacy, nuclear diplomacy and nuclear roll-back.

## CHAPTER SEVEN

### EVALUATION AND RECOMMENDATIONS

#### 1. Introduction

The South African NP-led government commenced with the termination of its nuclear weapons programme in 1989; a process which, once completed, was verified by the IAEA in 1993. Thus, by the time the ANC came to power as the first democratically-elected governing party after the April 1994 elections, South Africa no longer possessed nuclear weapons and a nuclear weapons programme. However, the country maintained some of its nuclear-related capabilities through the operation of the country's research reactor, SAFARI-1.

From 1990, following President FW de Klerk's announcement on 2 February 1990, until 1994, negotiations on South Africa's constitutional future dominated the country's domestic political agenda. These negotiations culminated in the adoption of the Constitution of the Republic of South Africa, Act 106 of 1996. Parallel to these constitutional negotiations were the changes in South Africa's international relations and diplomacy. Sanctions and embargoes - many related to the country's nuclear capabilities - were lifted; new bi- and multilateral relations established; and old relations rekindled. Relations pertaining to South Africa's nuclear diplomacy are pertinent to this study.

Whereas South Africa's international isolation was one of the hallmarks of its pre-1990 diplomacy, the country's post-1990 diplomacy signifies a major departure in terms of focus, scope, intensity and diversity. Consequently, the country's nuclear diplomacy was also transformed. Prior to 1990, the "Janus-faced" nature of South Africa's nuclear diplomacy included, on the one hand, international condemnation and reactions to these condemnations and, on the other hand, secret diplomatic interactions in an effort to either pressurise the South African government to dismantle its nuclear weapons programme, or to by-pass bi- and/or multilateral sanctions against the country.

Post-1990, South Africa's nuclear diplomacy was a direct departure from previous practices. As an instrument of foreign policy, South African diplomacy reflected these changes. One of the illustrations of this departure is South Africa's role and influence in international nuclear diplomacy at multilateral institutions such as the AU, the IAEA and the UN. Bilaterally, a similar trend is evident.

This study concerned itself with one major question: Why and how did South Africa become such an influential former nuclear weapons state and developing country in nuclear diplomacy? As outlined earlier, the main thesis of this study is that since 1990 South Africa has conducted its nuclear diplomacy by constructing certain norms and its identity in a particular way to serve its national and international interests. Consequently, this has created both a practical and normative reality by bestowing on the country a particular state identity as a state that has relinquished its weapons programme to secure and maintain a certain moral high ground in nuclear-related negotiations and fora. This was achieved through the skilful conduct of niche diplomacy in specific areas and issues identified in this study.

## **2. Analytical and theoretical framework of the study**

This study addressed the transformation of South Africa's state identity and norm construction pertaining to its nuclear diplomacy by applying constructivism as the preferred theoretical approach. This theoretical approach to South African diplomatic practice and international relations is significantly neglected in scholarship on these issues. Constructivism's utility lies in its focus on the role of ideas, identity and interests for a state in the conduct of its international relations and diplomacy. Constructivism's utility is also rooted in its focus on norms in international relations and diplomacy. In essence, constructivists argue that ideas and norms inform a state's identity, which, in turn, informs a state's interests. This results in a perpetual cyclical process where construction and re-construction follow upon one another.

When applied to South Africa's post-1990 nuclear diplomacy, this cyclical process remains prevalent. South Africa's rhetorical adherence to the norms of non-proliferation, disarmament and the peaceful uses of nuclear energy - the normative foundation of the NPT - had been consistent and repetitive. Informed by these norms, as well as the norms espoused by the ANC-led government's domestic and

foreign policies, South Africa constructed a state identity as a unique nuclear state, which, in compliance with international norms, has terminated its nuclear weapons programme, subscribes to export control regimes and strongly supports the inalienable right of all states to use nuclear energy for peaceful purposes. From this flowed another state identity, namely that of a good international citizen.

Analytically, the study focused on the concept nuclear diplomacy as diplomacy *sui generis*. For this purpose, a conceptual analysis of nuclear diplomacy was conducted. This study benefitted from this approach as the concept nuclear diplomacy as a particular type or brand of diplomacy, namely niche diplomacy, could be explored. Predominantly but not exclusively associated with middle powers, niche diplomacy refers to a specific brand of diplomacy characterised by a high-level of expertise and speciality which aims to utilise the diplomatic, scientific and technical expertise of a state to advance a state's national interests. This enables a state to focus its resources on specific issues where its diplomatic return is estimated to be the highest. Therefore, constructivists' claim that a state's power derives from non-material rather than material resources is aligned with the conduct of niche diplomacy. Due to their lack of abundant material resources to strengthen themselves as superpowers, middle powers typically specialise in one or more diplomatic fields in which they have often achieved significant successes.

### **3. Summary of chapters**

Four main case studies were selected for examination. These were South Africa's nuclear diplomacy on the nuclear non-proliferation export control regimes; the IAEA; the Pelindaba Treaty; and the NPT. This section outlines the objectives and main preliminary findings of the chapters on each of these case studies.

#### **3.1 South Africa and the nuclear non-proliferation export control regimes**

Given South Africa's pre-1990 history of "sanctions busting" of the nuclear non-proliferation export control regimes, these regimes were selected as a case study to indicate South Africa's departure from non-compliance to compliance with the norm of nuclear non-proliferation.

The nuclear non-proliferation export control regimes are, in Krasnerian terms, a set of internationally-accepted norms, laws, rules, principles and institutions which regulate the export, sharing and transfer of components, materials, services and technologies which can be utilised for dual-use purposes. Institutionally, these regimes consist of the WA; the MTCR; the NSG; and the ZC. Despite the existence of these regimes, illicit nuclear proliferation continues.

Chapter 3 outlined the historical record pertaining to South Africa's "sanctions busting" prior to an analysis of the country's behaviour subsequent to 1990. It also analysed South Africa's involvement in multilateral nuclear export control regimes against the background of the country's nuclear diplomacy to establish a niche role for itself as a FNWS. As a former illicit importer and exporter of nuclear-related equipment, South Africa was determined to project itself as a rehabilitated nuclear state. Despite this, the South African government's efforts were undermined by a series of contentious nuclear proliferation-related incidents, most notably the involvement of South Africans in the AQ Khan network. This chapter also analysed South Africa's identity, roles and interests in the Khan network in South Africa and nuclear exports.

South Africa's membership of some of these institutions reflects its socialisation of the norms of non-proliferation; disarmament; and the peaceful uses of nuclear energy; more so as membership of these organisations is voluntary. Moreover, South Africa has incorporated aspects of this regime in its nuclear export trade policies and institutions such as the NCACC and the NPC. With this, South Africa has, since 1990, constructed a state identity as a norm compliant good international citizen. More importantly, the country has enhanced its international influence, status and prestige.

### **3.2 South Africa and the IAEA**

In 1957, South Africa was a founder-member of the IAEA, the primary international multilateral institution which prevents nuclear proliferation; oversees the peaceful uses of nuclear energy; and secures the safety of nuclear material and facilities. The IAEA is also regarded as the "implementing agency" of the NPT. Despite South Africa's privileged position in the IAEA due to South Africa being the only African

state with a nuclear weapons capability at that time, the country came face-to-face with the international community at the IAEA in the 1970s. By the early 1970s, the international campaign against apartheid paid increasing attention to South Africa's nuclear programme. Consequently, under the leadership of Abdul Minty, nuclear disarmament and nuclear non-proliferation became the major focus areas of the international anti-apartheid movement.

One of the consequences of this campaign was opposition to South Africa in the IAEA Board of Governors and the GC. Diplomatic actions in this matter included attempts to suspend the credentials of South African delegates and efforts to suspend the country from the Board. In 1976 South Africa lost its designation as a member for the African region on the Board and in 1977 Egypt became the country designated to represent Africa. Once it became clear that the IAEA attempts to influence South Africa to terminate its nuclear weapons programme had failed, the confrontation between the IAEA and South Africa were elevated to the higher organs of the UN. Moreover, at three of its GCs (1987, 1989 and 1990), the IAEA met to decide on South Africa's suspension as a member of the IAEA. In each case, the IAEA deferred its decision. Subsequent to the post-1990 changes in the country, its relations with the IAEA stabilised. In 1995 South Africa returned to the Board to resume its position as the most advanced African nuclear state. This presented a major development in South Africa's post-1990 nuclear diplomacy.

South Africa's diplomatic relations with the IAEA and its members revealed insights into the country's post-1989 nuclear diplomacy. In constructivist terms, it has not only constructed a new state identity and role, but it also constructed and advanced its national interests in its diplomatic relations with the IAEA. South Africa's niche diplomacy in this case displays middle power characteristics. It was strengthened by its expertise in nuclear issues, which was advantageous to South Africa compared to other states. These advantages were locational, traditional and consensual. South Africa is the only African state to have acquired and given up its nuclear weapons (locational), the country has a nuclear history (traditional) and South Africa's non-proliferation commitment is reflective of the country's post-1990 non-proliferation commitments (consensual).



### 3.3 South Africa and the Pelindaba Treaty

The Pelindaba Treaty entered into force on 15 July 2009; almost five decades after the idea of ANWFZ originated from the OAU in the 1960s. Since 1990, South Africa has conducted its diplomacy with African states in such a manner as to convince the continent of its commitment to the continent. The same applies to its nuclear diplomacy with Africa. By ascribing to the continental norm of a denuclearised Africa, South Africa constructed its identity accordingly to serve its national and international interests. For South Africa, it has not only created a practical reality (no more nuclear weapons), but it has also resulted in the normative reality of the country elected to the position of custodian of the Pelindaba Treaty by chairing the Treaty's instrument of compliance, namely the AFCONE. This illustrates not only the life-cycle of norms as indicated previously, but also South Africa's completion of this cycle from norm emergence, norm cascade and norm internalisation. Chapter 5 traced this norm cycle through an analysis of the origins of the norm of nuclear weapons free zones, as well as South Africa's involvement in the treaty-process. Characterised by a combination of normative innovation; norm maintenance; coalition building; confrontation; independence; partnerships; and parallelism, South Africa's nuclear diplomacy with other African states has soon developed into a diplomatic niche for the country.

South Africa also attempted to undo existing global nuclear-related power structures by working towards a denuclearised African continent. In addition to this, South Africa's state identity as a domestic reformer proved to be a diplomatically useful identity to export to its diplomatic relations by advocating African and global reforms pertaining to the country's status as a denuclearised territory.

Typically, states practicing niche diplomacy focus on a specifically selected issue, organisation or activity. South Africa is no exception in this regard. The sources of South Africa's niche diplomacy in Africa is located in the tenets of middle power diplomatic behaviour, which therefore provides a strong normative foundation, emphasises the country's entrepreneurial flair and technical expertise. Other key features of South Africa's niche diplomacy are its focus on consensus and coalition building in Africa; cooperation on nuclear issues; adopting the role of bridge-builder (between Africa and the NWS); mediator (between African states on the

headquarters of the AFCONE); facilitator (of African gatherings on nuclear issues such as the Johannesburg meeting referred to earlier); or catalyst (changing its nuclear posture) in African nuclear issues. The latter involved South Africa's planning, convening and hosting meetings, prioritising for future meetings on a particular issue and drawing up declarations and manifestos.

South Africa has attempted to construct a "new conception" of the country's foreign policy identity with the 'other' being its apartheid past, rather than another international actor. South Africa has also managed to construct a nuclear identity in Africa through "positive approximation" by associating or identifying itself with the positive nuclear norms and identities of other African states. This nuclear identity has also been achieved through "negative approximation" by distancing the country from its historical nuclear actions, capabilities and posture.

The implications of South Africa's nuclear diplomacy in Africa have been wide-ranging. Not only did it contribute to the entry into force of the Pelindaba Treaty but also to enhancing the country's status and prestige. South Africa, which no longer has nuclear weapons, continues to yield considerable soft or normative power on the African continent.

South Africa's hosting and leadership of the AFCONE will test the country's normative power. Its maintenance of its normative power pertaining to nuclear non-proliferation on the continent and elsewhere is dependent on the legitimacy of the country's nuclear diplomacy. This legitimacy is dependent on the country's persuasive actions to promote nuclear non-proliferation on the continent and the AFCONE's activities.

### **3.4 South Africa and the Treaty on the Non-Proliferation of Nuclear Weapons**

The NPT which entered into force on 5 March 1970 rests on three major pillars or norms, namely nuclear disarmament; nuclear non-proliferation; and the peaceful uses of nuclear energy.

South Africa came full circle on the NPT. At first a reluctant signatory of the NPT, South Africa has constructed its niche role in the NPT regime. It has repeatedly expressed its unequivocal support of the norms of the NPT. Since South Africa

signed the NPT in 1991, it has actively participated in the Treaty's review conferences. South Africa's first attendance at these RevCons was in 1995 when it attended the REC. Whereas the country was once accused of contravening the NPT, it successfully constructed a niche role in the nuclear non-proliferation regime. Through the construction of new norms or through the entrenchment of existing norms, South Africa has crafted a unique brand of diplomacy and established a particular new state identity.

#### **4. Main findings of study**

Although preliminary findings were included at the end of each chapter, this section elaborates on these findings. This research supports the main thesis of this study, namely that from 1990 South Africa has in its practice of nuclear diplomacy, skilfully secured a niche role for itself through norm construction and state identity

##### **4.1 South Africa's practice of nuclear diplomacy**

South Africa's practice of nuclear diplomacy cannot be divorced from its general practice of diplomacy as one of the instruments of the country's foreign policy. Consistent with its post-1994 foreign policy, the South African government has maintained its preference for multilateralism; focusing on Africa and the developing world; and maintaining its status as a good international citizen with regards to its nuclear diplomacy.

South Africa has acted almost as a textbook example of middle power behaviour in its practice of nuclear diplomacy. Middle power behaviour is characterised by the form of a state's behaviour. South Africa has repeatedly displayed heroic behaviour in its bridge-building; its problem-solving; and its sometimes confrontational behaviour to NWS and NNWS alike. As a middle power, the scope of South Africa's activities pertaining to its nuclear diplomacy has consistently displayed discretion in negotiation fora by maintaining its consistent stance in compliance with the norms of the NPT. Thirdly, with regards to the focus and targets of South Africa's diplomatic activity, it has consistently employed both multilateral (which here includes regional diplomacy) and bilateral diplomacy in the conduct of its nuclear diplomacy. Finally, a middle power's niche diplomacy is also characterised by the intensity of its diplomatic style. In carving its niche role in nuclear diplomacy, South Africa

repeatedly used a combination of confrontation, parallelism and cooperation as diplomatic strategies.

As indicated previously, conceptual confusion with regards to the concept of nuclear diplomacy prevails. An analysis of a concept in terms of its meaning is, according to Guzzini (2009: 12), “part of the social construction of knowledge”. The definition of a concept is an exercise of power and therefore “part of the social construction of reality”. Thus, in defining nuclear diplomacy a particular reality is constructed. The implications of the practice of nuclear diplomacy are wide-ranging. It illustrates the existence of a particular type of diplomacy to determine and apply internationally-agreed safeguards and principles of verification of states’ nuclear facilities and intentions; it entails the safety and security of nuclear material, scientists; and it entails the enforcement of norms relating to the development and application of nuclear science and technology for peaceful purposes.

Based on the findings and conclusions of this study, nuclear diplomacy is defined as a political entity’s intentions and interactions with other political entities on matters pertaining to the behaviour, norms and practices relating to nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy. The use of the concept “political entity” rather than state is deliberate. Notwithstanding the fact that this study focuses on a state’s (South Africa) nuclear diplomacy, it contends that increasingly, non-states actors are conducting various forms of nuclear-related international relations and interactions. This is evident in the social construction of the discourse on the dangers of non-states actors’ acquisition of nuclear weapons. In an effort to address this, intersubjective understandings of the threat posed by non-state actors’ use of nuclear weapons have manifested in practices such as compliance with UN resolutions on the matter. This has resulted in, amongst others, nuclear diplomacy which contributed to normative innovation pertaining to the concept and phenomenon of nuclear terrorism, and the subsequent adoption of the UNSC Resolution 1540 (2004) on the non-proliferation of WMDs (UNSC 2004). In South Africa, the *Wisser Affaire* and its link with the Khan network had highlighted this intersubjective understanding of the role of non-state actors in nuclear proliferation.

Therefore, this study concludes that South Africa's post-1990 nuclear diplomacy has maintained a normative foundation, employed various diplomatic strategies and was conducted in compliance with the set objectives of the country's foreign policy. In this, the analysis of the nuclear diplomacy of a state such as South Africa, which discontinued its nuclear weapons programme, provided insights into nuclear diplomacy in general and the nuclear diplomacy of states similar to the South African situation. Firstly, nuclear diplomacy continues to be conducted bi- and multilaterally. Secondly, schisms prevail between NWS and NNWS. Thirdly, as a roll-back state, South Africa was catapulted to certain positions of influence due to its historical nuclear past.

#### **4.2 South Africa's power and nuclear diplomacy**

A number of observations about the practice of nuclear diplomacy can be made. Firstly, it is a particular type of diplomacy, or a diplomatic niche. Secondly, it is a "Janus-faced" diplomatic practice. Actors, on the one hand, attempt to prevent the spread and use of nuclear weapons and, on the other hand, attempt to acquire nuclear-related capabilities. Thirdly, more diplomatic instruments and initiatives need to be developed to accommodate non-state nuclear actors, as the existing export and trade regimes are not sufficient to address pertinent questions in relation to nuclear non-proliferation. Finally, the so-called "nuclear taboo" persists whereas the civilian use of nuclear energy has increased substantially with scientific developments in medicine and physics.

The conduct of nuclear diplomacy includes a variety of practices focussing on various aspects of controlling the use of nuclear energy. As indicated previously, it entails arms control, non-proliferation and deterrence. These antecedents of nuclear diplomacy prevent a comprehensive understanding of states' relations on the issue of nuclear power. The concept nuclear diplomacy provides a comprehensive approach to states' practices to prevent a nuclear catastrophe, but also to secure nuclear energy for peaceful purposes.

Constructivists' preoccupation with power was discussed previously and is elaborated upon in this section. A significant implication of South Africa's nuclear diplomacy is that it is an instrument of the country's power, authority and influence.

Pre-1990, South Africa yielded some authority, influence and power due to its nuclear weapons capability. However, South Africa, which no longer has nuclear weapons, continues to yield considerable power; specifically soft or normative power. The country no longer conceptualises its power pertaining to nuclear matters in terms of power's institutional and productive dimensions. Instead, a departure from "power as resources" to "relational power" reiterated South Africa's social rather than material construction of power. This is clearly evident in South Africa's construction of its power in the 1995 REC and subsequent RevCons of the NPT.

South Africa's soft and normative power in nuclear diplomacy is evident in the various dimensions of power. Firstly, the scope of South Africa's power in nuclear diplomacy varies from one issue to another. With the establishment of the NAC, South Africa flexed its muscle as part of a multilateral arrangement whereas in the case of the 1995 REC, it acted alone.

Domain is another dimension of a state's power. Here, it refers to the number of actors under South Africa's influence in nuclear diplomacy. The domain of a state's power also implies that it can have considerable influence in one area, and almost none in another. South Africa's influence in global nuclear affairs indicates its considerable influence in this area and over other actors compared to its influence in other domains.

Weight as a dimension of a state's power determines the probability that South Africa's behaviour is or could be affected by one or more actors. South Africa's weight in nuclear matters has affected the nuclear-related behaviour of states which supported its position on the extension of the NPT.

Means as a dimension of power refer to the ways South Africa exercises influence. These ways can be categorized as symbolic, economic, military and diplomatic means. South Africa repeatedly employs its unique identity as a roll-back state to symbolically flex its diplomatic muscles. Economically, it expresses its power in nuclear diplomacy through its relative success related to the export regimes based on the country's production of, for example, medical isotopes. The country's non-use of its military power reinforces its power in nuclear diplomacy as South Africa opted to employ diplomacy, rather than military means, to enhance its nuclear interests.

The performative aspects of South Africa's nuclear diplomacy refer to what the country's nuclear diplomacy does, namely what is achieved. This includes South Africa's official and voluntary representation at bi- and/or multilateral conferences, meetings and negotiations on nuclear-related issues. This is evident in South Africa's voluntary involvement in various organizations related to the nuclear non-proliferation export regime. It is also evident in the country's formal involvement in organizations such as the IAEA and the AFCONE.

The second performative aspect of South Africa's nuclear diplomacy refers to the country's establishment and maintenance of nuclear-related relations with other states and multilateral organisations such as the cases selected for this study.

Thirdly, the performative aspects of South Africa's nuclear diplomacy include the initiation and maintenance of ideas relating to the peaceful uses of nuclear technology. This is particularly evident in South Africa's advocacy of all states' inalienable right, especially in terms of the NPT and the Pelindaba Treaty, to use nuclear energy for peaceful purposes.

A final performative aspect of South Africa's nuclear diplomacy refers to the country's norm entrepreneurship and the socialisation of non-proliferation norms in order to entrench nuclear-related norms in international relations. This is closely related to the country's intersubjective understandings of the "nuclear taboo" and the peaceful uses of nuclear power.

#### **4.3 South Africa's construction of norms, identity and interests**

The skilful construction of South Africa's post-1990 nuclear identity and interests coincided with the country's norm entrepreneurship and its socialisation of nuclear non-proliferation norms. The political process whereby South Africa was socialised into norm construction, enactment and compliance on nuclear non-proliferation norms corresponds with the socialisation processes identified earlier. In following Koh (1997: 2598-2599) South Africa's socialisation process relating to the norm of nuclear non-proliferation included interactions with like-minded states and multilateral organisations and its interpretation and internalisation of the meaning of norms such as nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy. In addition to this, South Africa also subscribed to Finnemore and



Sikkink's (1998: 894-905) three stages of the life-cycle of norms. The first stage in this cycle entailed the emergence of a norm through the initiative of norm entrepreneurs in governments that call attention to a particular issue. In the case of post-1990 South Africa, this role was played by Presidents De Klerk and Mandela, and South African diplomats, most notably Abdul Minty.

The second stage in this cycle involved norm cascade. This occurred when South Africa attempted to publicise the need for the entrenchment of a norm by socialising with governments and organisations. The final stage involved the internalisation of the norm of nuclear non-proliferation; an issue which manifested in its legislation and institutions such as the NPC and the NCACC.

Therefore, South Africa's compliance with nuclear non-proliferation norms provided for the standard(s) for its appropriate behaviour as a nuclear roll-back state with a given identity. Secondly, South Africa's norm compliance in ordering, prescribing and regulating its diplomatic action on nuclear matters enabled its diplomatic interactions with other actors. Nuclear non-proliferation norms were constitutive as they provided South Africa with an understanding of its own, and of other states', mutual or individual interests that could affect South Africa's diplomatic stance and/or behaviour on a particular nuclear-related issue.

Therefore, South Africa's repeated support of nuclear non-proliferation norms played a constitutive role in the formation of its nuclear-related identities and interests. South Africa's consistent voluntary compliance with International Law and adherence to settled norms on nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy contributed to its predictability, trustworthiness, credibility, status and prestige. South Africa's voluntary membership of organisations and initiatives such as the NSG, the WA and the ZC serves its long-term interests as it derives benefits from the stability and predictability of the international order. Therefore, the logic of South Africa's nuclear diplomacy is to comply with settled norms on the use of nuclear power. South Africa's norm compliance rests on a number of considerations. Firstly, norms express the dominant ideas of society. Non-compliance may result in detrimental sanctions and therefore actors comply in order to avoid such actions. Secondly, compliance with norms may be beneficial to an actor's national interests.

All states strive to achieve and advance four national interests, namely physical survival, autonomy, economic well-being and collective self-esteem. South Africa is no exception in this regard. In its conduct of nuclear diplomacy, it strove to advance these interests which emanate from its identity. This study followed the typology of state identities put forward by Wendt (1990 & 1992). A state's identity performs various functions: it indicates 'who' a state is, it is the driving force behind a state's foreign policy, it indicates what motivates a state, and explains its intentions and interactions. More importantly, a state's identity ensures predictable patterns of behaviour. When applied to South Africa's conduct of nuclear diplomacy, its identity included multiple state identities.

In this study, South Africa's personal or corporate identity was revealed as constituted by the self-organizing structures (norms, beliefs and resources) that make it a distinct political entity that advances its national interests. This identity is particularly evident in its construction of internal self-organising structures such as the NCACC, the NNR and the NPC to comply with norms on the use of nuclear energy and the nuclear non-proliferation export control regime.

Another significant aspect of South Africa's corporate identity refers to the international recognition it received since 1990 for its nuclear roll-back. In various diplomatic arenas, such as its bi- and multilateral relations, South Africa's role was recognised. South Africa's nuclear roll-back and its proposals for the 1995 REC and subsequent NPT conferences are only two of several examples of international recognition.

South Africa's type identity refers to the country's commonly-shared characteristics with other states. Its type identity was clearly evident in its membership of nuclear non-proliferation organisations such as the NAC, the NSG, the WA and the ZA. Its type identity also refers to the historical commonalities it shares with other states such as the members of the NAM and other African states. More importantly, it also includes South Africa's identity as one of the few states which historically had a nuclear weapons programme, but had dismantled it.

Another type of state identity of South Africa is its social identity which consisted of a set of meanings it attributed to itself. This identity refers to South Africa's identity of

the 'self' relative to the 'other'. This type of state identity is clearly evident in the country's social identity in its reference to its unique identity as a country which terminated its nuclear weapons programme compared to other states that continue with theirs. Moreover, in terms of its nuclear diplomacy, the construction of South Africa's post-1990 social identity revolved around its identity as a state that has socialised nuclear non-proliferation norms indicative of its departure from a country with nuclear weapons to a completely nuclear disarmed state. South Africa has repeatedly referred to its self-image in this regard. Its identification with the 'other' is another aspect of its social identity. Since 1990 it has identified itself not only with roll-back states, but also with the position of NWS and developing countries on the right to develop nuclear energy for peaceful purposes. This identification is evident in South Africa's support for the NAM and the NAC at NPT RevCons.

South Africa's construction of a niche role in nuclear diplomacy evolved from the deliberate attempts by foreign policy decision-makers of the NP-led government, the subsequent GNU and the ANC-led government. South Africa's niche role resulted in policy-makers' own definition or role conception of the country's obligations towards external actors and these actors' expectations of South Africa (role prescription). In this study, South Africa's ascribed and prescribed roles in its nuclear diplomacy is clearly evident. The country's return to the IAEA Board of Governors is one example of this as is its accession to the NPT and the Pelindaba Treaty.

South Africa's social identity as a middle power was also outlined in this study. Employing several strategies by focusing on the specific area of nuclear issues, South Africa has employed its expertise pertaining to nuclear issues to carve a middle power role. Its ability to initiate proposals to prevent deadlocks, such as the deadlock that occurred at the 1995 REC and its participation in such initiatives as the nuclear non-proliferation export regimes and the NAC also reflected South Africa's middle power identity.

For South Africa an important function of its newly constructed state identities is often imposed or self-imposed international leadership. This is clearly evident in its nuclear diplomacy. It served in various leadership positions, hosted international nuclear-related meetings, proposed solutions at conferences and is a voluntary

member of various export regimes. Moreover, this is also clearly evident in the country's preference for multilateralism as a form of global interaction.

In its practice of niche diplomacy, South Africa employed a number of diplomatic practices which had provided some material and non-material rewards such as status, prestige and trade opportunities. Employing confrontation as a diplomatic strategy, South Africa often confronted NWS such as the US, the UK, China, Russia and France. This has been the case at various NPT conferences.

South Africa's employment of parallelism as a diplomatic strategy is illustrated in its parallel diplomatic actions alongside superpowers and its coalition partners. This was the case in its involvement in the NAC at the NPT RevCons. However, South Africa predominantly preferred partnership and cooperation as its preferred diplomatic strategies.

Closely related to its leadership role is South Africa's social identity as an accommodator, mediator or bridge-builder in nuclear matters. This is evident in its involvement in various NPT conferences and at the IAEA where it often articulated and advanced the interests of NNWS and developing countries.

The third type of South Africa's state identity refers to its collective identity. This identity is constructed when a state's social identity generates collective interests. Expressions of solidarity, community and loyalty emerge from these collective interests. South Africa's collective identity is a combination of role and type identities to overcome collective action problems (such as nuclear proliferation) as defined by international actors. This identity merged the previous types of identity in order to establish a single identity. This is clearly evident in South Africa's nuclear diplomacy with African states in the context of the Pelindaba Treaty.

#### **4.4 The future of South Africa's nuclear diplomacy**

Apart from the findings derived from the main thesis of this study, the study also offers some preliminary findings on the future of South Africa's nuclear diplomacy. The dangers of speculation notwithstanding, several aspects pertaining to this matter can be identified.

The most pertinent question relating to a roll-back state is the possibility that a state would return to developing its nuclear weapons capability. South Africa constructed its roll-back credentials over two decades. Despite this, these efforts were at times undermined by several events. Firstly, the IAEA's initial verification was incomplete which resulted in questions on South Africa's commitment to nuclear non-proliferation and disarmament. Once the verification was completed in 1993, the country's credentials were accepted.

Secondly, South Africans' involvement in the Khan network also undermined the country's status and prestige as a roll-back state. Moreover, as a voluntary member of various nuclear non-proliferation export regimes, the involvement of South Africans here raised concerns over the possibility of other similar instances.

In the third instance, South Africa is blatantly ambitious to carve a unique position in the global nuclear arena. This was clearly illustrated in its campaign for Abdul Minty's election as the IAEA Director General. However, South Africa underestimated the interests of the NWS, who went ahead to appoint a Japanese Director General, a citizen from the only country to have suffered the devastation of atomic bombs.

In the fourth place, South Africa's nuclear intentions remain in question; especially against the background of the South African government's declaration that it is a responsible producer, possessor and trader of nuclear expertise, products and services. In April 2011, the South African government's adopted the *Integrated Resources Plan* (IRP) which paves the way for the expansion of the country's nuclear power generation capacity. Dipuo Peters (2011: 4), South Africa's Minister of Energy, confirmed that "nuclear and renewable energy will have a significant contribution" to the country's future energy supply. Subsequent to this decision, the South African Cabinet approved the establishment of the National Nuclear Energy Executive Coordination Committee (NNEECC) and its Nuclear Energy Technical Committee (NETC) to "implement a phased decision making approach to the nuclear programme" (South Africa 2011b).

Finally, South Africa's nuclear intentions are also questioned due to the announcement by the Minister of State Security, Siyabonga Cwele (2011: 4). Referring to the country's forthcoming *National Security Strategy*, Minister Cwele

alluded to the country's nuclear future. According to Cwele (2011:4), Government has identified dual-use technologies as involving "major aspects of our country's competitiveness and innovative capacity for commercial market access and national security". He also announced that an Inter-Departmental Task Team is conducting an "assessment of resources and activities of the peaceful programs related to the field of nuclear, biological, chemical, aerospace and missile technologies". Cwele further announced that the Task Team will develop a national strategy to promote research, technological development, innovation, coordination, integration and oversight in the field of these dual-use technologies in South Africa. These developments will undoubtedly influence South Africa's future nuclear diplomacy.

## **5. Ontological contributions of study**

This study makes several ontological contributions. Its main ontological contribution relates to the theoretical approach employed in this study: constructivism.

Constructivist ontology engages with three main components, namely intersubjectivity, context and power. With regards to intersubjectivity, the study emphasised the interactions between nuclear-related structures and agents. Agents' intersubjective understandings of the norms of nuclear non-proliferation; nuclear disarmament; and the peaceful uses of nuclear energy constructed identities, interests, role and meanings, and *vice versa*. This resulted in the mutual constitution of agents and structures. This explains the descriptive narrative presented in this study as narratives highlight the agency of states. For constructivists, once these intersubjective understandings and meanings manifest in settled norms, institutions or structures are established. South Africa's intersubjective understanding of the settled norms mentioned earlier contributed to its decision to comply with these norms and accede to the Pelindaba Treaty and the NPT.

Context is another ontological dimension of constructivism. South Africa's nuclear diplomacy is contextually linked to the Cold War (historical context); the nuclear arms race (social context); its domestic policies (social context); and its regional threat perception (spatial context). Developing nuclear weapons for deterrence, South Africa's nuclear diplomacy is linked with this past and its future to undo this legacy as its context changed.

The third dimension of constructivists' ontology is power. For decades one of the dominant intersubjective understandings of South Africa is that it has been a country with a nuclear weapons capability and internationally unacceptable policies that violated the human rights of the majority of South Africans. South Africa derived its power from a material, rather than an immaterial, base. Once it terminated its nuclear weapons programme, acceded to the NPT and had successfully undergone the IAEA verification process, it was able to construct a new identity due to the changed nature of its interests. This newly won identity as a roll-back state reversed the dominant intersubjective understanding of South Africa and bestowed it with significant normative power. In this study, South Africa's power in nuclear diplomacy was analysed in terms of its nature as a middle power state.

## **6. Epistemological contributions of this study**

Constructivists share the notion of the mutual constitution of reality. This undermines the notion of objective facts as intersubjective understandings that constitute these facts. Therefore, constructivists maintain that what is defined as 'facts' and 'reality' is subjectively rather than objectively constructed. Therefore, norms as "social facts" are mutually constituted based on inter-subjective understandings.

South Africa's niche role and state identity in nuclear diplomacy can be interpreted in several ways. Knowledge about South Africa's nuclear past only became known with President De Klerk's 1993 announcement. The South African government, which denied the existence of its nuclear weapons programme prior to 1989, constructed a regime of truth (*i.e.* knowledge in service of power) to support this. Similarly, the ANC-led government constructed a similar regime of truth; now to perpetuate its stance on nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

This study makes several epistemological contributions. It provides insights into state behaviour relating to a state's decision to terminate its nuclear weapons programme and its reconstruction of identity, power and interests in the absence of these instruments of power. The study also contributes to insights into nuclear diplomacy as a particular diplomatic practice emanating from a state's foreign policy. In addition



to this, the study contributes to an understanding of middle power behaviour as it relates to a middle power from the developing world.

Only a small number of countries have completely terminated their nuclear weapons programmes. These countries include Brazil, South Africa and Libya, all developing countries and NNWS. Their commitment to the norms of nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy signify normative entrepreneurship by middle to small powers. Moreover, it also refers to the role of regional powers in regional and international security.

## **7. Practical implications of the study**

The main findings of this study have several implications. The study raises further ontological and epistemological questions about the implications of agency, identities and interests. If norms and identities are constructed, they can be reconstructed, giving rise to their fluid nature. Constructivists agree on mutual constitution as a common ontological claim. For this study, it raises questions about the fluidity of South Africa's roles, norms and identities in nuclear diplomacy. Essentially, it raises the question whether South Africa will restart a nuclear weapons programme. Given its current context, *ceteris paribus*, it is not in the country's current interests to reverse its nuclear roll-back.

A second implication relates to the conduct, content and scope of South Africa's diplomacy in general and its nuclear diplomacy specifically. The implications of South Africa's nuclear diplomacy are wide-ranging. It illustrates the existence of a particular type of diplomacy to determine and apply internationally-agreed safeguards and principles of verification of states' nuclear facilities and intentions; it entails the safety and security of nuclear material, scientists and installations; and it entails the enforcement of norms relating to the development and application of nuclear science and technology for peaceful purposes.

A more significant implication of nuclear diplomacy is that it is an instrument of power, authority and influence. States with a nuclear capability wield significant power, authority and influence. However, South Africa, which no longer has nuclear weapons, continues to wield considerable soft or normative power.

## **8. Recommendations for future research**

The main findings of this study were presented above. Given the limited scope of the study, various issues related to South Africa's nuclear diplomacy necessitate further exploration in the future.

Firstly, apart from the necessity of more analytical and theoretical research on nuclear diplomacy, several empirical issues require further attention. Secondly, more empirical research on South Africa's nuclear diplomacy should be conducted. The focus could be on the role of emerging powers' nuclear diplomacy; South Africa's nuclear diplomacy in the context of President Obama's NSS; and South Africa's nuclear diplomacy in respect of the AFCONE.

Thirdly, an assessment of the role of South African diplomat Abdul Minty in the country's post-1990 nuclear diplomacy is required. This will provide valuable insights into the role of agency in nuclear diplomacy.

A fourth recommendation for future research is to conduct research on the training required for South African diplomats in order to conduct the country's nuclear diplomacy.

The nuclear diplomacy of the ANC and the AAM prior to 1990 remains an under-researched area. Therefore, the fifth recommendation of this study is that future research on the legacy of the ANC and the AAM in respect of South Africa's nuclear diplomacy should be conducted.

A final recommendation is to conduct research on South Africa's bilateral nuclear diplomacy with countries such as Iran, Pakistan and India.

## **9. Final observations**

In the first address by a South African delegate representing a democratically elected government to the GC of the IAEA, South Africa's first post-apartheid Foreign Minister, Alfred Nzo (1994), reflected on its transformation as a nuclear weapons producer into a country that has terminated its nuclear weapons programme and has "changed the nuclear sword into a nuclear ploughshare". Nzo's reference to the prophet Isaiah's oft quoted and often paraphrased passage from

Isaiah 2:4 is apt as South Africa spent decades wielding a “nuclear sword”. South Africa’s nuclear history and diplomacy is among the most unique since the dawn of the nuclear era in international relations. It has skilfully constructed a niche in nuclear diplomacy through the construction and maintenance of the norms of nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy; and a unique state identity.

On 7 April 1994, Pik Botha, Nzo’s predecessor, presented the IAEA with a sculpture of a ploughshare made of non-nuclear material from a dismantled South African nuclear device. The inscription on the sculpture, exhibited in Block A of the Vienna International Centre, Vienna, Austria, which is the location of the IAEA’s headquarters, reads: “The sculpture made from non-nuclear material from a dismantled nuclear device symbolises the commitment of the Republic of South Africa to the non-proliferation of nuclear weapons”. For more than the past two decades, this sculpture continues to symbolise this commitment.