

STATEMENT BY MR AS MINTY, DEPUTY DIRECTOR-GENERAL AND GOVERNOR OF THE REPUBLIC OF SOUTH AFRICA ON THE INTERNATIONAL ATOMIC ENERGY AGENCY'S BOARD OF GOVERNORS AT THE INTERNATIONAL SYMPOSIUM ON HIGHLY ENRICHED URANIUM (HEU), OSLO, NORWAY, 19-20 JUNE 2006

SOUTH AFRICAN PERSPECTIVES ON HIGHLY ENRICHED URANIUM (HEU)

Chairperson,
Excellencies,
Ladies and Gentlemen.

Allow me to thank the Government of Norway for the opportunity to address this Symposium. My intervention today will focus on South Africa's perspectives on Highly Enriched Uranium (HEU) and current international efforts aimed at reducing reliance on HEU for peaceful purposes.

The Pretoria regime was a founder member of the IAEA and through the years of international collaboration and support developed the apartheid bomb against which our liberation movement and the anti-apartheid movement campaigned for many decades. Indeed, from the office of the World Campaign against Military and Nuclear Collaboration with South Africa in Oslo, we published information about the apartheid bomb and provided evidence regularly to the United Nations and other bodies about this additional threat to Africa and the world presented at that time by the Pretoria regime.

When it became clear that the apartheid system could no longer survive and that majority African rule was imminent, it was decided by the Pretoria regime to eliminate nuclear weapons and accede to the Non-Proliferation Treaty (NPT) in 1991.

Thus the liberation and democratic transformation process in my country also transformed South Africa's aggressive and destructive policies to one of peace and commitment to nuclear disarmament and non-proliferation. Indeed, it was on the basis of a South African proposal that the NPT was extended in 1995. South Africa became a member of the IAEA Board of Governors in September 1995 and concluded the Additional Protocol with the IAEA on 13 September 2002 and elected to let it enter into force on the same day.

Democratic South Africa's non-proliferation credentials are well-known, as is our commitment towards disarmament and the total elimination of all nuclear weapons.

Chairperson,

As you may be aware, the South African Cabinet during 2005 approved the conversion of South Africa's only research reactor, SAFARI, from the use of HEU to LEU fuel. The SAFARI reactor is used to produce medical isotopes for nuclear medicine diagnostics and is one of more than 100 research facilities around the world that were designed to operate on HEU. Significantly, most of these research facilities are situated in the nuclear-weapon States with a varying degree of safeguards arrangements to provide assurances regarding the non-diversion of material for non-peaceful purposes.

This national decision by our Government to convert SAFARI was primarily based on South Africa's commitment towards minimising the inherent risks associated with HEU, as well as the technical and commercial feasibility of the intended conversion. We welcome the contribution of this Symposium in providing a platform for discussions on the technical issues and associated implications of the replacement of HEU with LEU in these civilian facilities. Mr Charles Piani from the Nuclear Energy Corporation of South Africa has already provided a comprehensive overview of the practical and technical implications of this decision, which I will not cover during my intervention.

Chairperson,

Inasmuch as we are supportive of national efforts towards the conversion of civilian facilities from HEU to LEU, we are concerned about the focus of current international efforts related to the reduction of HEU for peaceful civilian purposes. Such national decisions are indeed laudable and, in our view, are contributing in a very real way towards minimising the inherent risks associated with HEU. However, if we are indeed concerned about and committed to reducing threats to our collective security and not merely the real or perceived threats against a selected few, we cannot exclusively focus on reducing reliance on HEU for peaceful purposes, without any real commitment and progress on the elimination of HEU and other fissile materials that are primarily being used for military purposes. In South Africa's view, the threat to our very existence constituted by the continued utilisation of such material for weapons purposes remains as real as ever.

At the last meeting of the Non-Aligned Movement (NAM), which took place in Putrajaya, Malaysia last month, the Ministers of the NAM reaffirmed the Movement's principled positions on nuclear disarmament, which "remains its highest priority", and on the related issue of nuclear non-proliferation in all its aspects and stressed the importance that "efforts aiming at non-proliferation should be parallel to simultaneous efforts aiming at nuclear disarmament." In this context, the Ministers stressed their concern at "the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use." They also reiterated deep concern over the slow pace of progress towards

nuclear disarmament and the lack of progress by the nuclear-weapon-States to accomplish the total elimination of their nuclear arsenals. Furthermore, the NAM Ministers underscored the need for the NWS “to implement the unequivocal undertaking that they provided in 2000 so as to accomplish the total elimination of nuclear weapons and emphasised, in this regard, the urgent need to commence negotiations without delay.”

Chairperson,

One of the stated objectives of this Symposium is that participants should work towards a “concerted international effort” within “the framework of existing international agreements, organisations and assistance programmes”. It is therefore important that we consider the international legal framework that governs global nuclear affairs, the foundation of which remains the Nuclear Non-Proliferation Treaty (NPT).

It is South Africa’s view that the strength and credibility of the NPT rests on a number of fundamental bargains which must be upheld if we want the Treaty to be effective. We cannot allow the Treaty to be used to serve selective interests through the perpetuation of discrimination and imbalance. At a time when issues related to non-compliance with non-proliferation obligations have been brought to the fore, let us not brush aside what was originally agreed by all Parties to the NPT and subsequently reaffirmed at every Review Conference that “nothing in the Treaty shall be interpreted as affecting the inalienable right of all Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III”. By providing a framework of confidence and co-operation within which the development of the peaceful uses of the atom can take place, the Treaty aims at fostering such development.

While peaceful nuclear co-operation and access to the benefits of the peaceful uses of nuclear energy pursuant to Article IV are elemental components of the NPT, they are inextricably linked to the nuclear disarmament and nuclear non-proliferation obligations of the Treaty. None of these elements exist in isolation. The NPT is not an a’la carte menu from which State Parties may choose their preferences, while ignoring other aspects.

While we acknowledge the increasing importance of adequate controls over legitimate peaceful nuclear activities, especially in view of current realities, these must be matched by both the reinforcement of the obligation to achieve nuclear disarmament and by concrete, irreversible and verifiable action in that direction, based on the consensual 13 practical steps as agreed upon in 2000. The uncovering of a number of real or suspected cheaters and the prospect of weapons of mass destruction falling into the hands of non-State actors or terrorists should not become a pretext to curtail bona fide, lawful programmes or scientific or commercial interest of developing countries.

Chairperson,

Is an exclusive focus on reducing reliance on HEU for civilian purposes not an example of what some in the NPT context refer to as the “disarming of the disarmed”? Are we not undermining a basic right of those who have already committed themselves not to pursue the nuclear weapons option themselves and not to contribute to its proliferation? Neither the NPT nor any other existing internationally legally-binding instrument proscribes in any way the production of HEU or the peaceful application thereof. Let me be clear: What we are saying is that we need to guard against the imposition of any arrangement that may infringe on the inalienable right of States to the peaceful application of nuclear energy, without any concomitant arrangements to prevent the utilisation of such material in weapons programmes. We are not arguing against the inherent risks associated by high-risk material such as HEU and the need for us to address this matter comprehensively within the relevant multilateral fora.

The International Atomic Energy Agency (IAEA) under its statutory obligations pursues the goals of technical co-operation in the peaceful application of nuclear energy, as one of the three pillars of its activities. Whilst South Africa supports maximising the benefits of nuclear technology applications for peaceful purposes, we equally strongly support the IAEA’s programmes related to their safety and security. In this regard, good progress is being made in the continuous improvement of IAEA safety standards and their application, including through the preparation of various guidance documents and the ongoing provision of training and technical assistance. We believe that the Agency’s initiatives provide ideal mechanisms to enhance safety standards.

Chairperson,

Another pillar of the IAEA’s activities is the implementation of relevant safeguards in Member States. Much has been achieved during the last decade in strengthening this system to provide the necessary guarantees against the diversion of sensitive material to non-peaceful purposes. With the strengthening of the safeguards regime through the 93+2 programme, and the subsequent adoption of the Model Additional Protocol, the IAEA’s safeguards regime was reshaped from a quantitative system focused on accounting for known quantities of materials and monitoring declared activities to a qualitative system gathering a comprehensive picture of a State’s nuclear and nuclear related activities, including nuclear related imports and exports. The Additional Protocol also substantially expanded the IAEA’s ability to check for clandestine nuclear facilities by providing the agency with authority to visit any facility - declared or not - to investigate questions or inconsistencies in a State’s nuclear declarations.

Unfortunately, a significant amount of material and activities remain outside the scope of IAEA safeguards and no assurances regarding their exclusive peaceful

use can be given. Such material and activities can be found predominantly in the nuclear-weapon States and those States that have chosen to remain outside the NPT fold. The material that fall outside the Agency's safeguards "umbrella" continue to constitute a high risk in terms of the risk of diversion to non-peaceful activities.

Despite these obvious risks associated with unsafeguarded material, current international initiatives seem to focus exclusively on non-proscribed material that fall under IAEA safeguards – which some may view as an attempt to divert attention away from the very real threat posed by unsafeguarded material. There is clearly a need to ensure that both civilian and military stockpiles are properly secured and placed under IAEA safeguards.

Chairperson,

In principle, South Africa supports the minimising of reliance on HEU. However, based on my country's positions that I have enumerated upon, there is a clear linkage between the need to minimise and/or eliminate civilian HEU and, at the very least, the HEU declared as excess in the military stockpiles of the weapon states. In the military arena, we cannot exclusively focus on HEU without similar attention being given to other materials used in the production of nuclear weapons, including plutonium, tritium and other transuranic elements that have a proliferation potential.

It is in this context, that South Africa has continued to call for the soonest commencement of negotiations in the Conference on Disarmament, without preconditions, on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The 2000 NPT Review Conference agreed on the necessity of negotiations in the Conference on Disarmament on a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices" in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives.

In South Africa's view, for any fissile material treaty to be considered as a disarmament measure, it would need to address, at the very least, the issue of excess stocks – that is, weapons material declared as excess, as part of an ongoing and irreversible process of the verified elimination of all fissile material for nuclear weapons or other nuclear explosive devices.

Such a Treaty can also prevent altogether or regulate the further production of weapons-grade materials for legitimate and non-proscribed uses, including for the fueling of research reactors and naval reactors.

In conclusion, Chairperson,

Whilst recognising the inherent proliferation risk that HEU holds, IAEA safeguards do provide the necessary assurances regarding the non-diversion of such material to nuclear weapons or other nuclear explosive devices. There is consequently no reason why any fully adherent and responsible NPT State Party should accept any proposal that may infringe on their basic and inalienable right, which includes the utilisation of HEU for exclusively peaceful purposes.

South Africa is supportive of any national decision regarding the cost-effective conversion of facilities from HEU to LEU and considers such decisions as important contributions to global non-proliferation efforts. At the same time, we need to recognise the inherent risks associated with HEU and other material used in the production of nuclear weapons and we should guard against any notion that such high-risk material is safe in the hands of some, but pose a risk when others have access to such material.

In our view, high-risk nuclear material that constitute a serious threat is material that is not safeguarded or properly secured in terms of the necessary physical protection measures. International efforts should therefore focus on these high-risk materials rather than on safeguarded material that already enjoys the necessary levels of physical protection. With the exception of the nuclear-weapon States and the nuclear-weapon capable States who maintain stockpiles of HEU outside the scope of IAEA safeguards, most HEU stockpiles are under full-scope Agency safeguards held under strict measures of physical protection.

Lastly, in the context of nuclear terrorism and the possibility that such material could be used in a crude explosive device by non-State actors, it is important to note that other radioactive sources such as medical waste also pose a significant, if not more significant, threat.

South Africa is fully supportive of a balanced and comprehensive approach to the issue of high-risk material, including HEU, plutonium and other radioactive material that can be used for non-peaceful purposes. In this regard, we believe that there is a need for urgent attention to be given to HEU for military purposes, especially in the context of the commencement of negotiations in the Conference of Disarmament on a treaty that would comprehensively address the issue of fissile material for weapons purposes.

I thank you.