

April 13, 1995

**Letter, Alfred Nzo to The Honourable Edward
Bwanai, Minister of External Affairs, Malawi**

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Summary:

The letter asks for improvements in the review process for the NPT.

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MINISTER VAN BUITELANDSE SAKKE
MINISTER OF FOREIGN AFFAIRS

95.04.13

THE HONOURABLE EDWARD BWANALI
Minister of External Affairs Malawi
LILONGWE

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Dear Colleague

You will recall that at the SADC Foreign Ministers' meeting in Harare on 3 March 1995 South Africa was asked to work on a policy position on the extension of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

My Government has given close attention to this matter and after consultations at the highest level we have formulated a policy position which is set out below.

I submit this document to you for your consideration and request the support of your Government for its principles.

I believe strongly that SADC as a group can make a significant contribution to the proceedings and the success of the NPT Review and Extension Conference in New York between 17 April and 12 May if we act in a co-ordinated matter.

For this reason I would further urge Your Excellency to instruct your delegation to co-ordinate its activities in a SADC context.

The text of my Government's policy paper is as follows:

"The continued existence of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) should not be placed in jeopardy, and that the forthcoming review and extension process should strengthen, not weaken the nuclear non-proliferation regime. The national security of individual countries and of the international community as a whole will be severely damaged if the NPT is weakened.

"While there is criticism levelled at the implementation of some provisions of the NPT, there is also a recognition of the success of some of its basic objectives. For example, since the entry into force of the NPT, the number of threshold states has diminished. Countries such as South Africa, Argentina and Brazil, which previously fell into this category, have drawn back from the nuclear weapons option and have become a part of the nuclear non-proliferation regime. South Africa for instance took the decision to destroy its nuclear weapons and to become a State Party to the NPT because it saw its security being guaranteed by the Treaty provisions. It is for this reason also that South Africa became an active sponsor of an African Nuclear Weapon Free Zone (ANWFZ) Treaty.

The NPT remains the only international instrument on nuclear disarmament to which all five nuclear weapon states are committed. The continued existence of the Treaty will ensure that this commitment by nuclear weapon states to disarmament also remains. While not underestimating the seriousness of the perception in certain quarters of inequalities inherent in the Treaty as well as the criticism of its disarmament, peaceful uses and other provisions of the Treaty, it is believed that these concerns should not be dealt with in such a fashion as to threaten the security that the NPT provides. South Africa therefore in principle, supports the view that the NPT should be extended indefinitely.

"The termination of the Treaty - whether this comes about by placing conditions on its future existence or by extending it only for a fixed period is not an acceptable option. There is, however, concern that proper checks and balances be put in place to ensure that the objectives of the Treaty are translated into reality. It is appreciated that linkage of the Treaty to certain conditions raises the question, inter alia, of what would happen if, for one or other reason, the conditions were not met.

"Because the review and extension process should not damage the Treaty, any decision on extension should be taken only after every effort has been made to achieve the broadest possible support. Any decision which is taken by a simple majority would weaken the Treaty. It would undermine the commitment to the NPT of those who are left on the outside. Any decision if it could be reached by consensus would be ideal, but we still believe that it would need to be taken by a significant majority. This would in all likelihood need to include key countries, especially from within the Non-Aligned Movement (NAM).

"Many of these countries have, with good reason, been critical

about the failures and delays to:

- fully implement the disarmament provisions of the Treaty by totally eliminating the arsenals of the nuclear weapon states,
- provide the non-nuclear weapon states with effective security assurances,
- ensure the unimpeded transfer of peaceful nuclear technology, etc.

"Many countries are of the view that it is necessary to maintain the leverage which periodic extension and review of the Treaty provides. It is essential, therefore, with a view to strengthening the NPT and achieving broad consensus, that their concerns be recognised and earnestly addressed. An appropriate mechanism should be devised in this regard.

"So as not to draw these issues into the debate about the continued existence of the Treaty, it is desirable that the review process provided for by Article VIII(3) should be strengthened. This could be done by the adoption of a set of "Principles for Nuclear Non-Proliferation and Disarmament" which would be taken into account when the implementation of the Treaty is reviewed. These Principles would, as was the case in the Preamble of the Treaty, set out the general obligations and goals which States Parties would strive for. They would take into account the current international environment, which is very different from that which existed when the Treaty was negotiated. These Principles would not be an amendment of the Treaty; they would rather focus attention on the importance of these goals. Commitment to these Principles would be renewed at every Review to ensure that they are dynamic and that they adapt to changing international circumstances. They would not be conditions which could lead to the termination of the Treaty, but would be the yardstick by which all the States Parties can measure their non-proliferation and disarmament achievements.

Yours sincerely



A. N. KOV