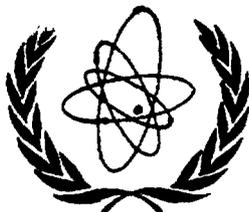


GC



International Atomic Energy Agency

GENERAL CONFERENCE

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Item 17 of the provisional agenda
(GC(XXX)/774)

SOUTH AFRICA'S NUCLEAR CAPABILITIES

Report by the Board of Governors and the Director General

At its 658th meeting, on 23 September 1986, the Board of Governors decided to transmit the material in the Annexes hereto to the General Conference as the report from the Board and the Director General submitted in response to the request made last year by the Conference in operative paragraph 15 of resolution GC(XXIX)/RES/442.

86-5178

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ANNEX 1

The International Atomic Energy Agency and South Africa
General Conference resolution GC(XXIX)/RES/442

1. In resolution GC(XXIX)/RES/442 (see Attachment 1) the General Conference made a number of requests to the Agency, the Board of Governors and the Director General:

- (a) In operative paragraph 2, it demanded once again "that South Africa submit immediately all its nuclear installations and facilities to Agency safeguards" and requested the Director General "to continue taking the necessary measures in that connection";
- (b) In operative paragraph 5, it called upon the Agency "to refrain from participating in any seminars or technical and scientific meetings in South Africa";
- (c) In operative paragraph 9, it requested the Agency "to exclude South African participation from all expert meetings, panels, conferences, seminars, etc. where such participation could assist South Africa to persist with its exploitation of Namibian uranium";
- (d) In operative paragraph 10, it requested the Agency "to stop publishing the entry provided for Namibia by South Africa in the Red Book on Uranium Resources, Production and Demand and also to ensure that no reports or information relating to Namibian uranium extraction, production and exports are published without the full consultation of the United Nations Council for Namibia";

- (e) In operative paragraph 11, it requested the Director General "to report to the General Conference any information that Namibian soil is used by South Africa in any way as a dumping ground of radioactive wastes of whatever nature";
- (f) In operative paragraph 12, it requested "the Board of Governors and the Director General "to follow and contribute to the implementation of the above-mentioned United Nations General Assembly resolutions ^{2/} in what relates to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any nuclear facilities";
- (g) In operative paragraph 13, it further requested the Board of Governors and the Director General "to follow closely the activities of South Africa and its evolution in the nuclear field and to report to the General Conference at its thirtieth regular session";
- (h) In operative paragraph 14, it requested the Board of Governors "to make recommendations to the General Conference at its thirtieth regular session on appropriate action to be taken in accordance with the Statute if by that session South Africa has not complied with this resolution";
- (i) In operative paragraph 15, it requested the Board of Governors and the Director General "to report on the implementation of this resolution to the General Conference at its thirtieth regular session"; and
- (j) In operative paragraph 16, it requested the Director General "to bring this resolution to the attention of the Secretary-General of the United Nations".

^{2/} United Nations General Assembly resolutions 39/39 G, 39/50 A, 39/61 A and B, 39/72 A and C.

2. At its 40th regular session, in resolution 40/57, "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", the General Assembly strongly condemned "all collaboration, particularly in the nuclear and military fields, with the Government of South Africa" and called upon the States concerned "to cease forthwith all such collaboration".

3. In resolution 40/52, the Assembly strongly condemned "the investment of foreign capital in the production of uranium and the collaboration by certain Western and other countries with the racist minority régime of South Africa in the nuclear field which, by providing that régime with nuclear equipment and technology, enable it to develop nuclear and military capabilities and to become a nuclear Power...".

4. In decision 40/415, the Assembly declared that "the colonial Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction". It condemned "the continued nuclear co-operation by certain Western and other countries with South Africa" and called upon "the States concerned to end all such co-operation and, in particular, to halt the supply to South Africa of equipment, technology, nuclear materials and related training, which increases its nuclear capability".

5. In resolution 40/64 A, entitled "Comprehensive sanctions against the racist régime of South Africa", the General Assembly took note with appreciation of resolution GC(XXIX)/RES/442 adopted on 27 September 1985 by the General Conference of the Agency on South Africa's nuclear capability. It again called upon the Security Council "urgently to take action under Chapter VII of the Charter of the United Nations with a view to applying comprehensive and mandatory sanctions against South Africa". Also, the Assembly called upon "all organizations within the United Nations system as well as other international organizations that have not yet done so to exclude forthwith the South African régime from their membership".

6. In resolution 40/64 E, "Relations between Israel and South Africa", the General Assembly demanded that Israel "desist from and terminate all forms of collaboration with South Africa forthwith, particularly in the military and nuclear fields, and abide scrupulously by the relevant resolutions of the General Assembly and the Security Council" and called upon "all Governments and organizations in a position to do so to exert their influence to persuade Israel to desist from such collaboration".

7. In resolution 40/89 A, relating to the implementation of the Declaration on the Denuclearization of Africa, the Assembly took note of the report entitled "South Africa's nuclear capability" by the United Nations Institute for Disarmament Research and expressed regret that the Disarmament Commission had, once again, in 1985, failed to reach a consensus on that important item. It condemned "South Africa's continued pursuit of a nuclear capability and all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime" and appealed "to all States that have the means to do so, to monitor South Africa's research on, and development and production of nuclear weapons, and to publicize any information in that regard". Also, it demanded once again that South Africa submit forthwith all its nuclear installations and facilities to inspection by the Agency.

Action taken pursuant to resolution (GC(XXIX)/RES/442

8. (a) Pursuant to operative paragraph 16, the Director General brought the resolution to the attention of the Secretary-General of the United Nations in a letter dated 9 October 1985. Also, the Chairman of the Special Committee against Apartheid was notified by a letter with the same date.

- (b) Pursuant to operative paragraph 2, the resolution was communicated to the South African Government and the Secretariat's readiness to conclude the safeguards agreements and arrangements necessary to bring all of South Africa's nuclear facilities under safeguards was once more expressed. The matter of full-scope safeguards has subsequently been discussed by the Director General with representatives of South Africa.
- (c) Pursuant to operative paragraphs 5, 9 and 10, the Director General issued to the Secretariat on 9 October 1985 appropriate directives to ensure the implementation of these operative paragraphs. In connection with operative paragraph 10 it should be noted that since February 1983, when Namibia became a member of the Agency, the Secretariat has ceased to use information from South Africa in preparing the entry for Namibia in the Red Book and has consulted (and will continue to consult) the United Nations Council for Namibia on this matter.
- (d) In a contact with the Director General, and in response to a direct question put by the Director General pursuant to operative paragraph 11, representatives of the South African authorities emphatically denied that Namibian soil was being used by South Africa in any way as a dumping ground for radioactive waste of whatever nature.

9. At the meeting of the Board of Governors on 18 February 1986, the Director General made an oral report with regard to General Conference resolution GC(XXIX)/RES/442.^{3/} At the meeting of the Board on 13 June 1986, the Director General made an oral report with regard both to discussions on the safeguarding of South Africa's semi-commercial enrichment plant and to resolution GC(XXIX)/RES/442.^{4/} Document GOV/INF/498 was circulated by the Director General shortly before the latter meeting.

^{3/} See GOV/OR.645, para. 16.

^{4/} See GOV/OR.655, para. 68.

Safeguards at semi-commercial enrichment plant

10. The Board and the General Conference were informed in September 1985 (see document GC(XXIX)/758) of developments in discussions concerning the application of safeguards to South Africa's semi-commercial enrichment plant. Subsequently, as reported in document GOV/INF/498:

- (a) Following a visit by members of the Secretariat to the plant in August 1985, the Secretariat prepared a draft safeguards approach for the plant which was communicated to the South African authorities on 23 October 1985.
- (b) At the request of the South African authorities, negotiations on the safeguards agreement to cover the plant took place in Vienna on 18 April 1986. The South African representatives informed the Secretariat of South Africa's wish to conclude the draft agreement as soon as possible for submission to the Board of Governors.
- (c) Immediately after the meeting of 18 April 1986, the Secretariat sent South Africa a revised text of the draft agreement and requested South Africa's agreement to the basic safeguards approach communicated to South Africa on 23 October 1985 - and specifically South Africa's agreement to the principle of adequate access by Agency inspectors to sensitive areas of the plant.

11. On 21 August 1986, the Secretariat received the South African response, which contained a number of proposals for changes in the revised text of the draft agreement. The most substantive of these proposals raised issues fundamental to South Africa's basic undertaking under the agreement and to the provisions for termination of the agreement. They would have required the introduction of concepts which have not been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2.

12. The Director General informed South African representatives at a meeting on 29 August 1986 that he could not recommend the Board to consider and approve a draft agreement containing the South African proposals and that he did not think that any purpose would be served by continuing the negotiations on the basis of those proposals; this would not, however, preclude resuming negotiations on the basis of the Agency's revised text if South Africa so wished. Also, having regard to the fact that the semi-commercial enrichment plant was expected to go into operation at the beginning of 1987, the Director General pointed out that, should it prove possible to negotiate the agreement at a later stage, the value of safeguards would be less if they were introduced after the plant had gone into operation.

Supply of yellow cake

13. In February 1985, the Director General informed the Board that, in line with its announcement of 31 January 1984, South Africa had notified the Agency in November 1984 of an intended export of 1500 tonnes of uranium yellow cake to a non-nuclear-weapon State party to NPT. The notification was sent in order that the relevant safeguards might be applied to the material, and the Agency took due note of it. According to the latest information received from South Africa, the intended export has not taken place.

Status of the Agency's relations with South Africa

Membership

14. South Africa became a member of the Agency in June 1957. It was a member of the Board of Governors until June 1977, when the Board decided that Egypt should be designated in place of South Africa as the most advanced Member State for the area of Africa under Article VI.A.1 of the Statute.

15. South Africa's current base rate of assessment is 0.40%. As reported in the Agency's accounts for 1985 (GC(XXX)/776, Schedule B.1), South Africa's outstanding contributions to the Regular Budget amounted to US\$ 624 047 as at 31 December 1985. Since then, South Africa has informed the Director General that it has made arrangements for the payment to the Agency of US\$ 137 763 in respect of its contributions to the Regular Budget; this would reduce the total of its outstanding contributions to US\$ 486 284. South Africa's assessed contribution for 1986, US\$ 247 541, is also outstanding.

16. Until 1978, South Africa made voluntary contributions to the Technical Assistance and Co-operation Fund in accordance with its base rate of assessment. In 1979 it contributed in accordance with its base rate for 1978. Since 1979 it has not made any voluntary contributions.

General Conference

17. The credentials of the South African delegate to the 1979 regular session of the General Conference were rejected. The rejection applied to that session only, but South Africa has not since sought to attend a General Conference session.

Committee on Assurances of Supply

18. The Board of Governors decided in September 1981 that South Africa should not participate further in the meetings and work of the Committee on Assurances of Supply (CAS).

Participation of South Africa in Agency activities

19. As stated in document GOV/INF/481, South Africa, as a member of the Agency, has the right under the Statute to participate in activities open to all Member States, including attendance at meetings, except where a policy-making organ has explicitly determined otherwise. From time to time, South Africa attends meetings of which, like other Member States, it receives notice.

20. As stated in sub-paragraph 1(b) above, in operative paragraph 5 of resolution GC(XXIX)/RES/442 the General Conference called upon the Agency "to refrain from participating in any seminars or technical and scientific meetings in South Africa". The Agency has not participated in any such meetings since the directives mentioned in sub-paragraph 8(c) above were issued.

21. As stated in sub-paragraph 1(c) above, in operative paragraph 9 of resolution GC(XXIX)/RES/442 the General Conference requested the Agency "to exclude South African participation from all expert meetings, panels, conferences, seminars, etc. where such participation could assist South Africa to persist with its exploitation of Namibian uranium". The Agency has not invited South Africa to participate in any such meetings since the directives mentioned in sub-paragraph 8(c) above were issued.

Nuclear resources and activities

22. A summary of South Africa's nuclear resources is contained in Attachment 2. It provides information on uranium resources, production and enrichment and on fuel fabrication, nuclear research and nuclear power development.

23. As stated in sub-paragraph 1(e) above, in operative paragraph 11 of resolution GC(XXIX)/RES/442 the General Conference requested the Director General "to report to the General Conference any information that Namibian soil is used by South Africa in any way as a dumping ground of radioactive wastes of whatever nature". The Agency has been informed by South Africa that there has been no dumping of radioactive wastes by South Africa in Namibia. The only radioactive wastes in Namibia of which the Agency is aware are the "tailings" from the uranium mine at Roessing (see sub-paragraph 8(d) above).

24. As stated in sub-paragraph 1(f) above, in operative paragraph 12 of resolution GC(XXIX)/RES/442 the General Conference requested the Director General to follow and contribute to the implementation of certain United Nations General Assembly resolutions "in what relates to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any nuclear facilities". South Africa is not in receipt of any technical assistance from the Agency, and the Agency has no research contracts with any institutes in South Africa.

Safeguards

SAFARI research reactor

25. The Agency has been applying safeguards to the SAFARI research reactor since 1967 under a safeguards agreement between the Agency, the United States of America and South Africa (INFCIRC/98).

Koeberg nuclear power plant

26. Safeguards at the Koeberg nuclear power plant are applied under a safeguards agreement between the Agency, France and South Africa (INFCIRC/244). The co-operation agreement between France and South Africa specifically provides that the reprocessing of the fuel and the storage of the derived plutonium must take place outside South Africa, in locations mutually agreed upon by both countries and under Agency safeguards.

Semi-commercial enrichment plant

27. The latest position as regards the safeguards discussions on South Africa's semi-commercial enrichment plant is described in paragraphs 10-12 above. South Africa has recently confirmed that the plant is expected to be commissioned and to start operation at the beginning of 1987.

Other facilities

28. None of the other facilities listed in Attachment 2 is under safeguards. However, uranium enriched in the pilot plant at Valindaba and fuel fabricated for the SAFARI and Koeberg reactors would come under safeguards upon being introduced into the reactors and would remain under safeguards thereafter. Specifically, safeguards would continue to be applied to irradiated fuel from these reactors sent for post-irradiation examination at the hot cell complex which is being constructed (see paragraph 6 of Attachment 2). Design information on the hot cell complex has been submitted by South Africa to the Agency and design information verification carried out by the Department of Safeguards.

ANNEX 1

ATTACHMENT 1

GC(XXIX)/RES/442
9 October 1985

GENERAL Distr.

Twenty-ninth regular session
Agenda item 9
(GC(XXIX)/763)

SOUTH AFRICA'S NUCLEAR CAPABILITIES

Resolution adopted during the 279th plenary meeting on 27 September 1985

SOUTH AFRICA'S NUCLEAR CAPABILITIES

The General Conference,

- (a) Having considered the Annual Report of the Agency for 1984 (GC(XXIX)/748), in particular, paragraph 43 and 44, and the Report of the Board of Governors and the Director General on South Africa's nuclear capabilities (GC(XXIX)/758),
- (b) Recalling United Nations General Assembly resolution 39/61A/B on implementation of the declaration on the denuclearization of Africa and the nuclear capability of South Africa, General Assembly resolution 39/72A on the apartheid policies of the Government of South Africa and resolution 39/50A on the situation in Namibia resulting from the illegal occupation of the territory by South Africa,
- (c) Recalling resolution 39/72C of the United Nations General Assembly on relations between Israel and South Africa, particularly in the nuclear field,
- (d) Recalling resolution 39/39G of the United Nations General Assembly on military and nuclear collaboration with South Africa,
- (e) Also recalling Security Council resolution 418 (1977) on Arms Embargo against South Africa and resolution 569 (1985) on the adoption of measures against the racist regime of South Africa,
- (f) Alarmed that South Africa's unsafeguarded nuclear facilities enable it to develop and acquire the capability of producing fissionable material for nuclear weapons,

g) Stressing that the acquisition by the racist regime of South Africa of nuclear armament capacity endangers the security of the African States and increases the risk of nuclear weapons proliferation,

(h) Bearing in mind South Africa's acquisition of nuclear capabilities partly through the illegal acquisition of Namibian uranium, and

(i) Noting with grave concern the negative reaction of South Africa towards the implementation of General Conference resolution GC(XXVIII)/RES/423,

1. Takes note of United Nations General Assembly resolutions 39/61A and B and 39/72A, 39/72C and 39/50A and the General Conference document GC(XXIX)/758;

2. Demands once again that South Africa submit immediately all its nuclear installations and facilities to Agency safeguards and requests the Director General to continue taking the necessary measures in that connection;

3. Calls upon all Member States which have not yet done so to halt all nuclear co-operation with the racist regime of South Africa and, in particular, to end any transfer of fissionable materials and technology and to stop all purchases of uranium from South Africa;

4. Requests Member States to take all necessary measures to prevent any nuclear collaboration of all corporations and enterprises within and under their jurisdiction with South Africa;

5. Notes from the report by the Director General in document GC(XXIX)/758 that the Agency has no nuclear research contracts with South Africa, calls upon Member States to terminate forthwith all nuclear research contracts with South Africa, and calls upon the Agency and Member States to refrain from participating in any seminars or technical and scientific meetings in South Africa;

6. Demands that South Africa stop immediately all illegal mining, utilization, exploitation and sale of Namibian uranium;

7. Calls upon the Member States, particularly those whose corporations are involved in the mining and processing of Namibian uranium, to take all appropriate measures in compliance with United Nations resolutions and decisions and Decree No. 1 for the protection of the natural resources of Namibia, including the practice of requiring negative certificates of origin, to prohibit state-owned and other corporations, together with their subsidiaries, from dealing in Namibian uranium and from engaging in any uranium-prospecting activities in Namibia;

8. Calls once again upon all Member States which have not yet done so to stop all purchases of Namibian uranium;
9. Requests the International Atomic Energy Agency to exclude South African participation from all expert meetings, panels, conferences, seminars, etc. where such participation could assist South Africa to persist with its exploitation of Namibian uranium;
10. Requests the International Atomic Energy Agency to stop publishing the entry provided for Namibia by South Africa in the Red Book on Uranium Resources, Production and Demand and also to ensure that no reports or information relating to Namibian uranium extraction, production and exports are published without the full consultation of the United Nations Council for Namibia;
11. Requests the Director General to report to the General Conference any information that Namibian soil is used by South Africa in any way as a dumping ground of radioactive wastes of whatever nature;
12. Requests the Board of Governors and the Director General to follow and contribute to the implementation of the above-mentioned United Nations General Assembly resolutions in what relates to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any nuclear facilities;
13. Further requests the Board of Governors and the Director General to follow closely the activities of South Africa and its evolution in the nuclear field and to report to the General Conference at its thirtieth regular session;
14. Requests the Board of Governors to make recommendations to the General Conference at its thirtieth regular session on appropriate action to be taken in accordance with the Statute if by that session South Africa has not complied with this resolution;
15. Requests the Board of Governors and the Director General to report on the implementation of this resolution to the General Conference at its thirtieth regular session; and
16. Requests the Director General to bring this resolution to the attention of the Secretary-General of the United Nations.

ANNEX 1

ATTACHMENT 2

South Africa: Nuclear resources and activities

Uranium resources

1. South Africa's uranium resources as at 1 January 1985 are reported to be:^{1/}

Reasonably Assured Resources Recoverable at up to US \$ 80/kg U	US \$ 80-130/kg U
256 600 tonnes U	102 100 tonnes U

Estimated Additional Resources-Category I Recoverable at up to US \$ 80/kg U	US \$ 80-130/kg U
97 500 tonnes U	27 100 tonnes U

Uranium production

2. Since 1980 South African uranium production has been running at about 6000 tonnes a year, ranging from 6150 tonnes of uranium in 1980 to 5730 tonnes in 1984. It is estimated that in 1985 South African uranium production decreased to about 4800 tonnes. It is expected that production in 1986 will be down to about 4500 tonnes

Uranium enrichment

3. A pilot uranium enrichment plant has been in operation at Valindaba since 1977. This plant enriches uranium to 45% for the fuel for the SAFARI research reactor.

^{1/} Uranium Resources, Production and Demand, joint report of the Agency and the Nuclear Energy Agency of OECD, 1986.

4. A semi-commercial enrichment plant with an estimated capacity of about 300 tonnes separative work units (SWU)/year is in the last stages of construction. South Africa has informed the Agency that the plant is expected to be commissioned and to start operation at the beginning of 1987.

Fuel fabrication

5. A fuel fabrication plant producing fuel for the SAFARI reactor is in operation. There have also been reports of an experimental line for the fabrication of fuel elements for the Koeberg power plant.

Research

6. The National Nuclear Research Centre at Pelindaba, the main governmental research establishment, undertakes research on mineral prospecting and mining, mineral exploitation, reactor and reactor fuel development, radiation and health physics, metallurgy, reactor safety and operation, applications of radioisotopes in medicine, agriculture and industry, and nuclear physics. The Centre contains the 20-MW (thermal) SAFARI research reactor, which was supplied by the United States and went into operation in 1965. In 1975 the United States ceased to supply fuel for the reactor and South Africa is manufacturing the fuel itself (see paragraph 5 above). A hot cell complex is being constructed at the Centre, primarily for the purpose of post-irradiation examination of fuel and materials irradiated in the Koeberg and SAFARI reactors.

Koeberg nuclear power plant

7. The Koeberg nuclear power plant comprises two 900-MW (electric) pressurized-water reactors supplied by France. Both reactors are now in operation.

Radioactive waste disposal and spent fuel storage facility

8. A radioactive waste disposal facility which is intended to be used also as a site for the interim storage of spent fuel elements is under construction near Vaalputs (600 km north of Cape Town).

ANNEX 2

Summary records of the discussion on the item
"South Africa's nuclear capabilities"
at meetings of the Board of Governors
held in February, June and September 1986

RECORD OF THE 645th MEETING (held on 18 February 1986)

STATEMENT BY THE DIRECTOR GENERAL

16. A matter in which little progress could be registered was safeguards in South Africa. The relevant General Conference resolution, GC(XXIX)/RES/442 had been communicated to the South African Government and also brought to the attention of the Secretary-General of the United Nations. So far, there was regrettably no indication that the South African Government was prepared to conclude with the Agency a safeguards agreement covering all its nuclear facilities. The Agency's discussions with South Africa on its semicommercial enrichment plant had not advanced substantially since he had last reported to the Board and the General Conference on that subject. After the visit to the plant by the Secretariat's negotiating team in August 1985, the Secretariat had prepared a safeguards approach for the plant and sent it to South Africa at the end of October. No substantive reply from South Africa had been received and a firm date for a meeting to discuss that and other, related matters concerning the conclusion of the safeguards agreement had yet to be fixed. However, he had just received a cable with the message that a South African delegation was coming to Vienna some time in March.

RECORD OF THE 647th MEETING (held on 19 February 1986)

(a) SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/RES/442)

10. The CHAIRMAN drew attention to the statement at the beginning of the current session in which the Director General had reported on what action he had taken in pursuance of resolution GC(XXIX)/RES/442. She understood that he wished to report further to the Board in June, when the matter could be discussed again.

11. Mr. ALLAB (Algeria), after commending the Director General for the efforts he had made in pursuance of the General Conference resolution on the subject, observed that the racist régime in South Africa continued to disregard the relevant resolutions of the United Nations and of the General Conference and to plunder the resources of Namibia, an Agency Member State. South Africa's nuclear capabilities were a threat to the peace and security of the world and of Africa in particular. For that reason, he urged more vigorous action on the part of the Agency and its Member States to put those

resolutions into effect. He hoped that the Director General would continue his negotiations and appealed to all Member States to exert greater pressure upon that racist régime so as to make it defer to the decisions of the world community. If nothing positive emerged by June, the Board should take appropriate action against the Pretoria régime in accordance with the Statute.

12. Mr. GOMAA (Egypt) said that he had taken note of the Director General's report on his contacts with South Africa in connection with General Conference resolution GC(XXIX)/RES/442. When the Board took up the matter again in June, it should bear in mind that in operative paragraph 14 of that resolution the General Conference requested the Board to make recommendations to the Conference at its thirtieth session on appropriate action to be taken in accordance with the Statute. The issue had been dragging on since 1977 and it was imperative that decisive action be taken.

13. Mr. KABBAJ (Morocco) recalled that the United Nations General Assembly had repeatedly asked South Africa to open its nuclear installations to Agency inspection and requested the Agency to refrain from granting that country any facility which might help its nuclear projects. The General Conference too, had adopted resolutions on the subject in 1983, 1984 and 1985.

14. It appeared from the Director General's opening statement that the negotiations between the Agency and South Africa concerning the semi-commercial enrichment plant and the contacts made with a view to implementation of those resolutions had not led to any substantial results so far despite the Director General's laudable efforts. South Africa continued to ignore the decisions of the United Nations and the IAEA and generally to defy the will of the world community by refusing to accept Agency safeguards, by persisting in its illegal exploitation of Namibian uranium and by following a policy of hostility and apartheid towards the peoples of the region.

15. It was therefore the duty of Member States to act within the framework of the relevant resolutions on the subject and to encourage the Director General to continue with the delicate task assigned to him. He also earnestly appealed to States which had not yet ceased all nuclear co-operation with South Africa to do so and expressed his concern that South Africa's nuclear development was likely to endanger the security of African countries and increase the risk of proliferation. If no progress was made by June, the Board must take appropriate action.

16. The CHAIRMAN noted that the Governors who had spoken had emphasized the importance they attached to the early and full implementation of resolution GC(XXIX)/RES/442 and also their disappointment with South Africa's continued disregard of General Conference resolutions. She took it that the Board wished to request the Director General to continue with his efforts in pursuance of General Conference resolution GC(XXIX)/RES/442 and to revert to the item in June, when the Board would discuss the matter in the light of a further report from the Director General and decide on the nature of its report to the thirtieth session of the General Conference.

17. It was so decided.

RECORD OF THE 655th MEETING (held on 13 June 1986)

SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/RES/442; GOV/INF/498 and Corr.1)

67. The CHAIRMAN said that document GOV/INF/498 contained a report from the Director General which the Board might wish to take as a basis for the report from the Board and the Director General to the General Conference requested in operative paragraph 15 of resolution GC(XXIX)/RES/442. In that connection, she pointed out that operative paragraph 14 of that resolution requested the Board to make recommendations to the Conference at its thirtieth regular session on appropriate action to be taken in accordance with the Statute if South Africa had not complied with the resolution by that session.

68. The DIRECTOR GENERAL reminded the Board that he had reported orally on the present matter during the February meetings and had been asked to continue his efforts in connection with General Conference resolution GC(XXIX)/RES/442 and to submit a further report in June 1986. In April, there had been a meeting between Agency and South African representatives on the draft agreement in connection with the safeguarding of South Africa's semi-commercial enrichment plant, and he had personally met the South African representatives to discuss general matters relating to the implementation of the General Conference resolution. The talks on the enrichment plant had made good progress, and it had been his hope that, once certain issues concerning the agreement and its application had been clarified, it might be feasible to submit the draft agreement to the Board at its present session for approval. In the event that had not proved possible, but it was essential for safeguards purposes in relation to the time-scale for the startup of the plant that the agreement be submitted in time for consideration at the September Board meetings. In any event, he hoped the report contained in document GOV/INF/498, updated as necessary in the light of developments, would be acceptable as the basis for a report to the General Conference.

69. The CHAIRMAN said that the representative of Tunisia had asked for permission to address the Board under Rule 50 of the Provisional Rules of Procedure; if there were no objections, she would give him the floor.

70. Mr. ZANNAD (Tunisia) said he wished to make a statement on behalf of the African Group concerning South Africa's nuclear capabilities.

71. At its 1985 session, the General Conference, in resolution GC(XXIX)/RES/442, had expressed its concern at South Africa's negative attitude and called upon Member States to halt all nuclear co-operation with South Africa, to end transfers of fissionable materials and technology and to stop all purchases of uranium from South Africa.

72. Recent events in Africa which had involved true State terrorism on the part of the apartheid régime and which had struck at the sovereignty of certain Member States of the Organization of African Unity and of the United Nations, had once more reminded the world community of the urgent need to step up its efforts and keep a close watch on South Africa's activities and on the development of its nuclear programme.

73. In that connection, referring to paragraph 6 of document GOV/INF/498, he asked that the Board be informed to what extent Israel had complied with the United Nations General Assembly's demand that it desist from all forms of collaboration with South Africa and abide by the relevant resolutions of the General Assembly and the Security Council.

74. The Agency should not be content with South Africa's verbal assurances that Namibian soil was not being used as a radioactive waste repository and should gather all relevant information on that subject.

75. With regard to nuclear co-operation between certain Agency Member States and South Africa and to the mining, exploitation and sale of Namibian uranium, the Agency should continue its efforts aimed at determining to what extent the measures envisaged in resolution GC(XXIX)/RES/442 were being applied.

76. In conclusion, he hoped that the Director General would present to the Board in September a report on those matters and on any further developments.

77. Mr. GOHO BAH (Côte d'Ivoire) said that he fully supported the statement made by the representative of Tunisia. The uncontrolled use of nuclear technology by the apartheid régime in South Africa represented a major threat to international peace and security. The Director General, with the assistance of Member States, should therefore continue his efforts to bring all South African nuclear installations under Agency safeguards with the least possible delay.

78. Mr. SHASH (Egypt) associated himself with the statement made by the representative of Tunisia and expressed regret that, despite the Director General's laudable efforts, General Conference resolution GC(XXIX)/RES/442, like others adopted before it, remained a dead letter.

79. Solving the problem of South Africa's semi-commercial enrichment plant was an urgent task in itself, but would still fall far short of fulfilling the requirement that safeguards be applied to all of that country's nuclear installations.

80. The policy of apartheid was an unbearable fact which showed a flagrant disrespect for international law and custom and represented a blatant challenge to the Charter of the United Nations. Pretoria was clearly bent on continuing that policy and, if no firm stance was taken by the international community, matters would only worsen. International public opinion was now strongly opposed to South Africa's policy of aggression, and the Agency's Member States should join in urging South Africa to end it. To lend force to that demand, he called on all Member States to adopt measures aimed at making South Africa comply with resolution GC(XXIX)/RES/442 as a whole. The Director General also should pursue his efforts in that regard and report to the Board in September.

81. Mr. ABOUTAHIR (Morocco) said that his delegation associated itself wholly with the statement made by the representative of Tunisia on behalf of the African Group and endorsed the suggestion that the Director General continue his efforts with a view to the implementation of resolution GC(XXIX)/RES/442 and present his report to the Board in September.

82. He fully supported the appeal for an end to nuclear co-operation with the racist régime in South Africa and to purchases of uranium from that country, the aggressive policies of which represented a continual and serious danger to peace, both in Africa and throughout the world.

83. It was regrettable that the Government of South Africa had failed to respond to resolutions of the General Conference and of other bodies. At its September session, the Conference should therefore take specific measures in pursuance of resolution GC(XXIX)/RES/442 unless any positive developments had occurred by that time.

84. Mr. SLIMANE (Algeria) said that he, too, shared the views expressed by the representative of Tunisia on the present agenda item, which had been under discussion for a number of years.

85. He stressed the continuing threat posed by the racist régime of South Africa, both within the African continent and to the world at large, and appealed to all States still co-operating with Pretoria, particularly in the nuclear sphere, to comply with resolution GC(XXIX)/RES/442 and with the various resolutions adopted by the General Assembly and to halt all such co-operation. South Africa's increasing nuclear capabilities constituted a major hazard which all Governments should assist in eliminating.

86. As to action by the Board, he felt it should examine the relevant resolutions adopted at the previous year's session of the General Assembly and recommend their application by the Agency.

87. Mr. ZHOU (China) said that he supported the legitimate demands of the African people and that the South African authorities should seriously undertake to implement resolution GC(XXIX)/RES/442. He hoped that the Director General would continue his efforts in that regard and would present his report to the Board in September.

88. Mr. USTYUGOV (Union of Soviet Socialist Republics) noted with regret that South Africa continued to ignore resolution GC(XXIX)/RES/442. The United Nations and the international community had often expressed their profound concern that the persistent attempts of South Africa to establish its nuclear capabilities outside the framework of Agency supervision represented a serious threat to peace and security, above all on the African continent. Recent steps by Pretoria had done little to change that state of affairs, since it still refused to accede to the Non-Proliferation Treaty, rejected the proposal to create a nuclear-weapons-free zone in Africa and would not agree to place all its nuclear activities under Agency safeguards. All countries truly interested in strengthening non-proliferation should maintain their

pressure on South Africa to implement fully the provisions of resolution GC(XXIX)/RES/442. His country therefore supported the proposals made to that effect by several Governors.

89. Mr. PROENCA ROSA (Brazil) reiterated his delegation's support for the various resolutions concerning South Africa adopted by the United Nations General Assembly. He also shared the views expressed by the representative of Tunisia on behalf of the African Group.

90. Mr. BADRAN (Jordan) joined previous speakers in endorsing the position taken by the representative of Tunisia. It was clear that South Africa was still failing to implement resolution GC(XXIX)/RES/442 and ignoring other resolutions adopted by various international organizations in connection with its activities. At the same time it was escalating its illegal policy of apartheid.

91. He commended the Director General on his efforts to remedy that situation and looked forward to hearing his report in September, when the Board, on the basis of the report's recommendations, would be able to take a stand on the matter.

92. Mr. AHIMSA (Indonesia) said that the Director General's report in document GOV/INF/498 made it clear that South Africa was far from complying with operative paragraph 2 of resolution GC(XXIX)/RES/442 and had offered no positive response to the resolution as a whole. Indonesia's consistent position on South Africa and its policy of apartheid was known to the international community. It condemned the recent attacks by Pretoria on three front-line States, considering them to be a serious violation of the United Nations Charter. He therefore understood the deep concern of the African Group and urged the Secretariat to continue its efforts and to provide a further report to the Board in September.

93. Mr. HAVEL (Czechoslovakia) expressed his delegation's dismay at South Africa's negative attitude towards co-operating with the Agency on resolution GC(XXIX)/RES/442 and at its recent aggressive acts aimed at intimidating independent African countries who opposed the apartheid régime. He called upon the international community to implement comprehensive and effective sanctions against South Africa in line with the resolutions adopted in that regard.

94. Mr. HIREMATH (India) expressed his full sympathy for the just demand of the African people that urgent steps be taken to ensure that the illegal régime in Pretoria did not add a nuclear dimension to its terrorist activities. Whether or not South Africa acceded to the Non-Proliferation Treaty scarcely mattered, since that Treaty in itself would have little effect. What was important was to prevent the South African régime from continuing or stepping up its current activities and to stop it from misusing the territory of Namibia, over which it had no rights whatsoever. India therefore fully supported the statement made by the representative of Tunisia on behalf of the African Group.

95. Mr. KHAN (Pakistan) said that his delegation's views on South Africa's nuclear capabilities were already well known and that he entirely agreed with the Tunisian statement.

96. The CHAIRMAN assumed that the Board wished to request the Director General to continue with his efforts pursuant to General Conference resolution GC(XXIX)/RES/442, including efforts aimed at concluding the discussions on the application of safeguards in South Africa. She further took it that the Board wished to revert to that matter in September, when it would decide on its report to the General Conference and on its recommendations to the Conference pursuant to operative paragraph 14 of resolution GC(XXIX)/RES/442;

97. It was so agreed.

PROVISIONAL RECORD OF THE 658th MEETING (held on 23 September 1986)

SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/RES/442; GOV/INF/502)

75. The CHAIRMAN pointed out that document GOV/INF/502 contained a further report by the Director General on his efforts pursuant to General Conference resolution GC(XXIX)/RES/442. It provided information on discussions held since June between the Secretariat and the South African authorities concerning the application of safeguards to South Africa's semi-commercial enrichment plant and reported on the status of the Agency's relations with South Africa.

76. The DIRECTOR GENERAL recalled that the Board had decided in June to revert to the question of South Africa's nuclear capabilities at its September meetings in order to agree on its report and recommendations to the General Conference pursuant to operative paragraphs 13, 14 and 15 of resolution GC(XXIX)/RES/442. In June, the Board had also requested him to pursue his efforts to conclude the discussions on the application of safeguards in South Africa.

77. Document GOV/INF/502 was almost identical to the document submitted to the Board in June (GOV/INF/498) - except for the section on safeguards, which indicated the lack of positive response to his written and oral request for discussions on the application of full-scope safeguards in South Africa.

78. At the time of the June Board, the Secretariat had been awaiting South Africa's response to the revised text of a draft safeguards agreement to cover the semi-commercial enrichment plant at Valindaba. The South African reply of 21 August 1986 contained a number of proposals for changes, the most significant of which raised issues fundamental to South Africa's basic undertaking and to the provisions for termination of the agreement. Those changes would have departed from the basic concepts of safeguards agreements concluded so far on the basis of document INFCIRC/66/Rev.2.

79. There appeared to be no point in continuing negotiations on the basis of South Africa's proposals, although negotiations could still be resumed on the basis of the IAEA's revised text. Bearing in mind that the facility concerned was scheduled for commissioning early in 1987, it would be desirable to have the agreement in force before then in order for safeguards operations to be most effective.

80. The CHAIRMAN proposed, with the Board's permission, to give the floor to the representative of Tunisia, who had asked to speak on behalf of the African Group.

81. Mr. BESROUR (Tunisia) noted that the negotiations with the South African Government had not led to any progress owing to the obstinate refusal of South Africa to implement resolution GC(XKIX)/RES/442 and its determination to continue its illegal exploitation of Namibian uranium resources.

82. The African Group considered that the Director General should clarify paragraph 11 of the annex to document GOV/INF/502, where it was stated that the South African proposals

"... would have required the introduction of concepts which have not been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2."

83. It was obvious that the South African régime had not changed its attitude towards the Agency's policy-making organs and the international community since it continued to strengthen its nuclear capabilities and reject all proposals for the denuclearization of Africa. Such an attitude was not surprising since the nuclear co-operation which continued between South Africa, Israel and other Member States encouraged the South African régime in its defiance of the international community and obstructed efforts aimed at implementing resolution GC(XKIX)/RES/442.

84. South Africa continued to violate certain basic provisions of the Agency's Statute. Accordingly, the African Group invited the Board to recommend to the thirtieth session of the General Conference appropriate measures in conformity with the Statute.

85. Mr. ORNSTEIN (Argentina) said that his country's severance of diplomatic relations with South Africa and the repeated statements and votes of its representatives in the Agency and other international fora clearly demonstrated Argentina's position with regard to the apartheid régime in South Africa and the nuclear threat to African States posed by the South African Government.

86. His country fully supported the efforts of the international community aimed at abolishing racial discrimination in South Africa and minimizing the threat to the security of African States caused by South Africa's nuclear capabilities. The Argentine delegation had difficulty, however, in accepting paragraphs 11 and 12 of the annex to document GOV/INF/502, relating to the safeguards agreement to cover South Africa's semi-commercial enrichment plant.

87. At its meetings in February 1983, the Board had examined document GOV/INF/433, which reported on a study of the compatibility of safeguards agreements and the Agency's Statute. That document contained some considerations which were of great significance to the Agency's safeguards system. At the meeting in question his delegation had said, with regard to the conclusions drawn by the Secretariat in that document:

"In fact, it was reasonable to infer on the basis of those conclusions that if a safeguards agreement satisfied the requirement of the Statute of assuring '... the peaceful use of all items while they are subject to Agency safeguards', all further conditions of the agreement, in particular those concerning the duration, non-application and termination of safeguards, could legitimately be negotiated by a State voluntarily submitting a nuclear facility or material to the Agency's safeguards system. Hence safeguards agreements at the request of a State did not have to follow either of the existing two models (INFCIRC/66/Rev.2 or INFCIRC/153), just as the agreements based on voluntary offers which the Agency had concluded with three States did not follow them. The Argentine Government concluded, therefore, that the same right of which those three States had availed themselves would in the future belong to any State deciding to submit its nuclear facilities and/or materials voluntarily to Agency safeguards."

88. No comments had been expressed upon those views by the Director General, the Secretariat or any of the Governors at the meeting. At the meetings of the Board in February 1985, and again in June 1986, his delegation had reiterated those views - and again they had provoked no comment.

89. His delegation therefore had difficulty in understanding why the Director General, in apparent contradiction to the Secretariat's conclusions contained in document GOV/INF/433 and to the unchallenged view expressed on three occasions by his delegation, had decided to discourage negotiations relating to the South African semi-commercial enrichment plant on the dubious grounds that the South African proposals "... would have required the introduction of concepts which have not been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2."

90. In accordance with the conclusions of the Secretariat's study contained in document GOV/INF/433 it would appear reasonable to infer that safeguards agreements at the request of a State did not have to follow either of the models contained in documents INFCIRC/66/Rev.2 and INFCIRC/153, just as the agreements based on voluntary offers which the Agency had concluded with four nuclear-weapon States and the safeguards agreement recently signed with a fifth Member State did not follow those models.

91. The Director General's attitude appeared to increase unjustifiably the possibility that the semi-commercial enrichment plant would go into operation without application of appropriate safeguards, thereby making the threat to the security of African States even more serious.

92. Therefore, unless the conditions imposed by the South African Government constituted a clear violation of the Agency's Statute - in other words, if they did not guarantee the peaceful utilization of the facility and the nuclear materials within it while they were subject to Agency safeguards - his delegation believed that negotiations should continue in order to minimize the threat to African States posed by South Africa's nuclear capabilities.

93. Mr. SHASH (Egypt) supported the statement made by the representative of Tunisia and noted that South Africa had not changed its position, but continued to disregard resolutions of the General Assembly, the Security Council and the Agency's General Conference and to violate international agreements.

94. If South Africa was to remain a Member of the Agency the necessary steps would have to be taken by the General Conference to ensure that that country complied with the Agency's Statute and the resolutions of its policy-making organs. It could not be allowed to continue to use its membership of the Agency to serve its dubious nuclear activities and to exploit Namibian uranium resources.

95. Mr. HIREMATH (India) pointed out that the comprehensiveness of the Director General's report hardly compensated for the total lack of progress in resolving the main problem.

96. The status of the Agency's relationship with the South African Government had remained essentially unchanged. By paying a carefully calculated part of its arrears just in time, the South African régime had once again cleverly avoided suspension of its rights and privileges as a Member under Article XIX of the Statute.

97. In its relations with South Africa, the Agency should not forget that the South African régime continued to subject the majority of its people to a state of indignity. His own Government would provide the fullest possible support to the African Members of the Board.

98. Mr. GOHO BAH (Côte d'Ivoire) supported the statement made by the representative of Tunisia on behalf of the African Group and noted that, despite the Director General's efforts, South Africa had not changed its position and that its facilities continued to remain unsafeguarded. In spite of the provisions of resolution GC(XKIX)/RES/442, South Africa continued to develop its nuclear capabilities - with the external assistance which it still received. His delegation believed that South Africa's nuclear capabilities posed a serious threat to peace and security in Africa and in the rest of the world and appealed for a combined effort to make the South African régime submit all its nuclear facilities to Agency safeguards.

99. Mr. KHAN (Pakistan) expressed his support for the position of the African Group and noted that document GOV/INF/502 indicated that no progress had been made. It was vital to ensure that South Africa did not become a

nuclear threat to Africa and the rest of the world. His country's views on the subject were well-known and had been reiterated at the meeting of the non-aligned countries.

100. Mr. ZOBOV (Union of Soviet Socialist Republics) noted that the South African régime persisted in its refusal to implement resolution GC(XXIX)/RES/442. The Director General's report indicated that the South African régime was attempting to blackmail the Agency and impose its own conditions, which would virtually give it its own type of "safeguard" against any action which might be taken. Those conditions would not guarantee the peaceful use of nuclear energy but would give the South African régime a free hand to continue to ignore resolutions of the Agency's General Conference.

101. The Director General had adopted the only correct course of action with regard to his negotiations with South Africa. The time had come to adopt more decisive measures against the South African régime. His delegation supported the suggestion made by a number of countries that specific proposals should be discussed.

102. Mr. BADRAN (Jordan) supported the statement made by the representative of Tunisia on behalf of the African Group. The report by the Director General indicated South Africa's continued defiance of resolutions adopted by the Agency's General Conference and its determination to strengthen its nuclear capabilities for military purposes. The South African Government was evidently trying to gain time and make the Agency believe that it would submit some of its nuclear facilities to Agency safeguards whereas in fact it had no serious intention of doing so. His delegation therefore called upon the Board of Governors to recommend to the General Conference that it adopt a firm position in order to make the South African régime comply with Agency resolutions and cease its exploitation of the Namibian people.

103. Mr. MEYER (German Democratic Republic) said that his delegation shared the view that the development of South Africa's nuclear capabilities jeopardized the non-proliferation regime and that its acquisition of nuclear weapons constituted a serious threat to international security. His delegation therefore encouraged the Agency to continue to seek appropriate action aimed at ensuring full implementation of resolution GC(XXIX)/RES/442. As long as South Africa refused to place all its nuclear facilities and materials under Agency safeguards and to become a party to NPT, it would not be possible to consider that the provisions of that resolution had been fulfilled.

104. Mr. CAO (China) noted that the South African régime continued to refuse to comply with resolution GC(XXIX)/RES/442 and had imposed unreasonable conditions in the negotiations on the safeguards agreement relating to its semi-commercial enrichment plant. His delegation condemned the attitude of the South African régime and supported the demands made by the representative of Tunisia on behalf of the African Group. The South African régime must be made to reconsider its position and implement the Agency's resolutions.

105. Mr. AHIMSA (Indonesia) recalled that the General Assembly of the United Nations, in its resolution 40/64 A entitled "Comprehensive sanctions against the racist régime of South Africa", had taken note with appreciation of resolution GC(XXIX)/RES/442 of 1985 and had called upon the Security Council urgently to take action under Chapter VII of the Charter of the United Nations with a view to applying comprehensive and mandatory sanctions against South Africa. In spite of that request, the South African régime had given no indication that it intended to comply with the resolutions adopted by the General Conference and the General Assembly of the United Nations.

106. Furthermore, in the negotiations relating to the submission of its semi-commercial enrichment plant to Agency safeguards, South Africa had made conditions which were unacceptable to the Agency.

107. Since South Africa continued to disregard resolution GC(XXIX)/RES/442, the Board should recommend the General Conference to take appropriate action in accordance with the Agency's Statute.

108. Mr. HAVEL (Czechoslovakia) expressed his delegation's support for the position of the African Group and its deep concern at the negative attitude of South Africa with regard to the implementation of resolutions adopted at the Agency's General Conference. South Africa continued to pursue its aggressive measures aimed at intimidating independent African States attempting to put an end to the apartheid régime. His Government believed that the international community should adopt comprehensive effective sanctions against South Africa in line with the appropriate resolutions.

109. Mr. CHERIF (Algeria) said that the Director General's report in document GOV/INF/502 left no doubt about South Africa's intention to pursue its policy which was condemned by the rest of the world. His delegation supported the statement which had been made by the representative of Tunisia on behalf of the African Group and believed that, in implementing operative paragraph 14 of resolution GC(XXIX)/RES/442, the Board should recommend clear unequivocal measures with regard to the South African régime.

110. The South African régime had so far disregarded all the resolutions adopted by the Agency's General Conference and the United Nations General Assembly and was continuing its policy of apartheid and exploitation of Namibian uranium resources. South Africa should not be allowed to enjoy the rights of membership of the Agency while it continued to violate the principles of the Statute.

111. Mr. KABBAJ (Morocco) supported the statement made by the representative of Tunisia in his capacity as Chairman of the African Group and shared the concern expressed by the representative of Egypt regarding South Africa's activities. In spite of the Director General's commendable efforts, the South African régime continued to defy the international community and remained a threat to African States by refusing to submit its nuclear facilities to Agency safeguards. The necessary measures should be taken to force the South African Government to respond positively to resolutions adopted by the Agency.

112. Mr. ABBADI (Sudan) noted that the Director General's report clearly reflected the South African Government's defiance of resolutions adopted by international organizations, including the Agency. South Africa's intransigent behaviour represented a serious threat to the international community in general and to African States in particular.

113. His delegation fully supported the statements made by the representatives of Egypt and Tunisia and believed that it was time for the Board to take a firm position to compel the South African Government to abide by the Agency's Statute.

114. The DIRECTOR GENERAL agreed with the Governor from India that the length of document GOV/INF/502 was no compensation for the absence of results in the negotiations with South Africa.

115. It had been suggested that paragraph 11 of document GOV/INF/502, which indicated that acceptance of the South African proposals "... would have required the introduction of concepts which have not yet been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2", was not really an argument against their acceptance because the Board was free to approve any type of safeguards agreement. Although it was true that the Board was free to approve any type of safeguards agreement, it was for the Director General to assess whether the conditions proposed by a party during negotiations were likely to be acceptable to the Board. If the agreement under negotiation was one which conformed to an agreement previously approved by the Board, it was likely that the Board would again approve it. If conditions were made which differed substantially from previous agreements, the Director General had to decide whether it was likely that the Board would accept those conditions. In the case of the conditions proposed by South Africa, the Director General had considered that they would be unacceptable to the Board.

116. Several conditions had been made by South Africa, but two were particularly serious. Firstly, South Africa sought the right under the agreement to withdraw safeguarded material for non-proscribed military purposes. That condition would have required, inter alia, the omission from the basic undertaking of the words "not to further any military purpose". The second condition was that, in the provisions for termination, South Africa would have the right to terminate the agreement if its rights and privileges as a member of the Agency were curtailed or if its supreme national interests were jeopardized.

117. He had decided that such conditions would be unacceptable to the Board and for that reason had considered it unmeaningful to continue the negotiations while those conditions were maintained.

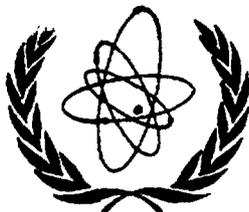
118. The CHAIRMAN said that she believed she was reflecting the views of the Board in saying that it regretted the failure - at least for the foreseeable future - of the negotiations which the Director General had been conducting for some time concerning the application of safeguards to South Africa's semi-commercial enrichment plant. The application of safeguards to that plant was only one of the demands made of South Africa by the General Conference over a number of years.

119. She therefore took it that the Board agreed to transmit to the regular session of the General Conference the records of its discussions under that item since September 1985, together with the report of the Director General contained in document GOV/INF/502, to enable the General Conference to decide in terms of operative paragraph 14 of General Conference resolution GC(XXIX)/RES/442, adopted in 1985, on the appropriate action to be taken on that matter in accordance with the Statute. For that purpose, she had taken the liberty of circulating a draft report from the Board to the General Conference.

120. It was so agreed.

121. Mr. ORNSTEIN (Argentina) thanked the Director General for the clarifications he had given.

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SOUTH AFRICA'S NUCLEAR CAPABILITIES

Report by the Board of Governors and the Director General

At its 658th meeting, on 23 September 1986, the Board of Governors decided to transmit the material in the Annexes hereto to the General Conference as the report from the Board and the Director General submitted in response to the request made last year by the Conference in operative paragraph 15 of resolution GC(XXIX)/RES/442.

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ANNEX 1

The International Atomic Energy Agency and South Africa
General Conference resolution GC(XXIX)/RES/442

1. In resolution GC(XXIX)/RES/442 (see Attachment 1) the General Conference made a number of requests to the Agency, the Board of Governors and the Director General:

- (a) In operative paragraph 2, it demanded once again "that South Africa submit immediately all its nuclear installations and facilities to Agency safeguards" and requested the Director General "to continue taking the necessary measures in that connection";
- (b) In operative paragraph 5, it called upon the Agency "to refrain from participating in any seminars or technical and scientific meetings in South Africa";
- (c) In operative paragraph 9, it requested the Agency "to exclude South African participation from all expert meetings, panels, conferences, seminars, etc. where such participation could assist South Africa to persist with its exploitation of Namibian uranium";
- (d) In operative paragraph 10, it requested the Agency "to stop publishing the entry provided for Namibia by South Africa in the Red Book on Uranium Resources, Production and Demand and also to ensure that no reports or information relating to Namibian uranium extraction, production and exports are published without the full consultation of the United Nations Council for Namibia";

- (e) In operative paragraph 11, it requested the Director General "to report to the General Conference any information that Namibian soil is used by South Africa in any way as a dumping ground of radioactive wastes of whatever nature";
- (f) In operative paragraph 12, it requested "the Board of Governors and the Director General "to follow and contribute to the implementation of the above-mentioned United Nations General Assembly resolutions ^{2/} in what relates to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any nuclear facilities";
- (g) In operative paragraph 13, it further requested the Board of Governors and the Director General "to follow closely the activities of South Africa and its evolution in the nuclear field and to report to the General Conference at its thirtieth regular session";
- (h) In operative paragraph 14, it requested the Board of Governors "to make recommendations to the General Conference at its thirtieth regular session on appropriate action to be taken in accordance with the Statute if by that session South Africa has not complied with this resolution";
- (i) In operative paragraph 15, it requested the Board of Governors and the Director General "to report on the implementation of this resolution to the General Conference at its thirtieth regular session"; and
- (j) In operative paragraph 16, it requested the Director General "to bring this resolution to the attention of the Secretary-General of the United Nations".

^{2/} United Nations General Assembly resolutions 39/39 G, 39/50 A, 39/61 A and B, 39/72 A and C.

2. At its 40th regular session, in resolution 40/57, "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", the General Assembly strongly condemned "all collaboration, particularly in the nuclear and military fields, with the Government of South Africa" and called upon the States concerned "to cease forthwith all such collaboration".

3. In resolution 40/52, the Assembly strongly condemned "the investment of foreign capital in the production of uranium and the collaboration by certain Western and other countries with the racist minority régime of South Africa in the nuclear field which, by providing that régime with nuclear equipment and technology, enable it to develop nuclear and military capabilities and to become a nuclear Power...".

4. In decision 40/415, the Assembly declared that "the colonial Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes or deployment of nuclear and other weapons of mass destruction". It condemned "the continued nuclear co-operation by certain Western and other countries with South Africa" and called upon "the States concerned to end all such co-operation and, in particular, to halt the supply to South Africa of equipment, technology, nuclear materials and related training, which increases its nuclear capability".

5. In resolution 40/64 A, entitled "Comprehensive sanctions against the racist régime of South Africa", the General Assembly took note with appreciation of resolution GC(XXIX)/RES/442 adopted on 27 September 1985 by the General Conference of the Agency on South Africa's nuclear capability. It again called upon the Security Council "urgently to take action under Chapter VII of the Charter of the United Nations with a view to applying comprehensive and mandatory sanctions against South Africa". Also, the Assembly called upon "all organizations within the United Nations system as well as other international organizations that have not yet done so to exclude forthwith the South African régime from their membership".

6. In resolution 40/64 E, "Relations between Israel and South Africa", the General Assembly demanded that Israel "desist from and terminate all forms of collaboration with South Africa forthwith, particularly in the military and nuclear fields, and abide scrupulously by the relevant resolutions of the General Assembly and the Security Council" and called upon "all Governments and organizations in a position to do so to exert their influence to persuade Israel to desist from such collaboration".

7. In resolution 40/89 A, relating to the implementation of the Declaration on the Denuclearization of Africa, the Assembly took note of the report entitled "South Africa's nuclear capability" by the United Nations Institute for Disarmament Research and expressed regret that the Disarmament Commission had, once again, in 1985, failed to reach a consensus on that important item. It condemned "South Africa's continued pursuit of a nuclear capability and all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime" and appealed "to all States that have the means to do so, to monitor South Africa's research on, and development and production of nuclear weapons, and to publicize any information in that regard". Also, it demanded once again that South Africa submit forthwith all its nuclear installations and facilities to inspection by the Agency.

Action taken pursuant to resolution (GC(XXIX)/RES/442

8. (a) Pursuant to operative paragraph 16, the Director General brought the resolution to the attention of the Secretary-General of the United Nations in a letter dated 9 October 1985. Also, the Chairman of the Special Committee against Apartheid was notified by a letter with the same date.

- (b) Pursuant to operative paragraph 2, the resolution was communicated to the South African Government and the Secretariat's readiness to conclude the safeguards agreements and arrangements necessary to bring all of South Africa's nuclear facilities under safeguards was once more expressed. The matter of full-scope safeguards has subsequently been discussed by the Director General with representatives of South Africa.
- (c) Pursuant to operative paragraphs 5, 9 and 10, the Director General issued to the Secretariat on 9 October 1985 appropriate directives to ensure the implementation of these operative paragraphs. In connection with operative paragraph 10 it should be noted that since February 1983, when Namibia became a member of the Agency, the Secretariat has ceased to use information from South Africa in preparing the entry for Namibia in the Red Book and has consulted (and will continue to consult) the United Nations Council for Namibia on this matter.
- (d) In a contact with the Director General, and in response to a direct question put by the Director General pursuant to operative paragraph 11, representatives of the South African authorities emphatically denied that Namibian soil was being used by South Africa in any way as a dumping ground for radioactive waste of whatever nature.

9. At the meeting of the Board of Governors on 18 February 1986, the Director General made an oral report with regard to General Conference resolution GC(XXIX)/RES/442.^{3/} At the meeting of the Board on 13 June 1986, the Director General made an oral report with regard both to discussions on the safeguarding of South Africa's semi-commercial enrichment plant and to resolution GC(XXIX)/RES/442.^{4/} Document GOV/INF/498 was circulated by the Director General shortly before the latter meeting.

^{3/} See GOV/OR.645, para. 16.

^{4/} See GOV/OR.655, para. 68.

Safeguards at semi-commercial enrichment plant

10. The Board and the General Conference were informed in September 1985 (see document GC(XXIX)/758) of developments in discussions concerning the application of safeguards to South Africa's semi-commercial enrichment plant. Subsequently, as reported in document GOV/INF/498:

- (a) Following a visit by members of the Secretariat to the plant in August 1985, the Secretariat prepared a draft safeguards approach for the plant which was communicated to the South African authorities on 23 October 1985.
- (b) At the request of the South African authorities, negotiations on the safeguards agreement to cover the plant took place in Vienna on 18 April 1986. The South African representatives informed the Secretariat of South Africa's wish to conclude the draft agreement as soon as possible for submission to the Board of Governors.
- (c) Immediately after the meeting of 18 April 1986, the Secretariat sent South Africa a revised text of the draft agreement and requested South Africa's agreement to the basic safeguards approach communicated to South Africa on 23 October 1985 - and specifically South Africa's agreement to the principle of adequate access by Agency inspectors to sensitive areas of the plant.

11. On 21 August 1986, the Secretariat received the South African response, which contained a number of proposals for changes in the revised text of the draft agreement. The most substantive of these proposals raised issues fundamental to South Africa's basic undertaking under the agreement and to the provisions for termination of the agreement. They would have required the introduction of concepts which have not been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2.

12. The Director General informed South African representatives at a meeting on 29 August 1986 that he could not recommend the Board to consider and approve a draft agreement containing the South African proposals and that he did not think that any purpose would be served by continuing the negotiations on the basis of those proposals; this would not, however, preclude resuming negotiations on the basis of the Agency's revised text if South Africa so wished. Also, having regard to the fact that the semi-commercial enrichment plant was expected to go into operation at the beginning of 1987, the Director General pointed out that, should it prove possible to negotiate the agreement at a later stage, the value of safeguards would be less if they were introduced after the plant had gone into operation.

Supply of yellow cake

13. In February 1985, the Director General informed the Board that, in line with its announcement of 31 January 1984, South Africa had notified the Agency in November 1984 of an intended export of 1500 tonnes of uranium yellow cake to a non-nuclear-weapon State party to NPT. The notification was sent in order that the relevant safeguards might be applied to the material, and the Agency took due note of it. According to the latest information received from South Africa, the intended export has not taken place.

Status of the Agency's relations with South Africa

Membership

14. South Africa became a member of the Agency in June 1957. It was a member of the Board of Governors until June 1977, when the Board decided that Egypt should be designated in place of South Africa as the most advanced Member State for the area of Africa under Article VI.A.1 of the Statute.

15. South Africa's current base rate of assessment is 0.40%. As reported in the Agency's accounts for 1985 (GC(XXX)/776, Schedule B.1), South Africa's outstanding contributions to the Regular Budget amounted to US\$ 624 047 as at 31 December 1985. Since then, South Africa has informed the Director General that it has made arrangements for the payment to the Agency of US\$ 137 763 in respect of its contributions to the Regular Budget; this would reduce the total of its outstanding contributions to US\$ 486 284. South Africa's assessed contribution for 1986, US\$ 247 541, is also outstanding.

16. Until 1978, South Africa made voluntary contributions to the Technical Assistance and Co-operation Fund in accordance with its base rate of assessment. In 1979 it contributed in accordance with its base rate for 1978. Since 1979 it has not made any voluntary contributions.

General Conference

17. The credentials of the South African delegate to the 1979 regular session of the General Conference were rejected. The rejection applied to that session only, but South Africa has not since sought to attend a General Conference session.

Committee on Assurances of Supply

18. The Board of Governors decided in September 1981 that South Africa should not participate further in the meetings and work of the Committee on Assurances of Supply (CAS).

Participation of South Africa in Agency activities

19. As stated in document GOV/INF/481, South Africa, as a member of the Agency, has the right under the Statute to participate in activities open to all Member States, including attendance at meetings, except where a policy-making organ has explicitly determined otherwise. From time to time, South Africa attends meetings of which, like other Member States, it receives notice.

20. As stated in sub-paragraph 1(b) above, in operative paragraph 5 of resolution GC(XXIX)/RES/442 the General Conference called upon the Agency "to refrain from participating in any seminars or technical and scientific meetings in South Africa". The Agency has not participated in any such meetings since the directives mentioned in sub-paragraph 8(c) above were issued.

21. As stated in sub-paragraph 1(c) above, in operative paragraph 9 of resolution GC(XXIX)/RES/442 the General Conference requested the Agency "to exclude South African participation from all expert meetings, panels, conferences, seminars, etc. where such participation could assist South Africa to persist with its exploitation of Namibian uranium". The Agency has not invited South Africa to participate in any such meetings since the directives mentioned in sub-paragraph 8(c) above were issued.

Nuclear resources and activities

22. A summary of South Africa's nuclear resources is contained in Attachment 2. It provides information on uranium resources, production and enrichment and on fuel fabrication, nuclear research and nuclear power development.

23. As stated in sub-paragraph 1(e) above, in operative paragraph 11 of resolution GC(XXIX)/RES/442 the General Conference requested the Director General "to report to the General Conference any information that Namibian soil is used by South Africa in any way as a dumping ground of radioactive wastes of whatever nature". The Agency has been informed by South Africa that there has been no dumping of radioactive wastes by South Africa in Namibia. The only radioactive wastes in Namibia of which the Agency is aware are the "tailings" from the uranium mine at Roessing (see sub-paragraph 8(d) above).

24. As stated in sub-paragraph 1(f) above, in operative paragraph 12 of resolution GC(XXIX)/RES/442 the General Conference requested the Director General to follow and contribute to the implementation of certain United Nations General Assembly resolutions "in what relates to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any nuclear facilities". South Africa is not in receipt of any technical assistance from the Agency, and the Agency has no research contracts with any institutes in South Africa.

Safeguards

SAFARI research reactor

25. The Agency has been applying safeguards to the SAFARI research reactor since 1967 under a safeguards agreement between the Agency, the United States of America and South Africa (INFCIRC/98).

Koeberg nuclear power plant

26. Safeguards at the Koeberg nuclear power plant are applied under a safeguards agreement between the Agency, France and South Africa (INFCIRC/244). The co-operation agreement between France and South Africa specifically provides that the reprocessing of the fuel and the storage of the derived plutonium must take place outside South Africa, in locations mutually agreed upon by both countries and under Agency safeguards.

Semi-commercial enrichment plant

27. The latest position as regards the safeguards discussions on South Africa's semi-commercial enrichment plant is described in paragraphs 10-12 above. South Africa has recently confirmed that the plant is expected to be commissioned and to start operation at the beginning of 1987.

Other facilities

28. None of the other facilities listed in Attachment 2 is under safeguards. However, uranium enriched in the pilot plant at Valindaba and fuel fabricated for the SAFARI and Koeberg reactors would come under safeguards upon being introduced into the reactors and would remain under safeguards thereafter. Specifically, safeguards would continue to be applied to irradiated fuel from these reactors sent for post-irradiation examination at the hot cell complex which is being constructed (see paragraph 6 of Attachment 2). Design information on the hot cell complex has been submitted by South Africa to the Agency and design information verification carried out by the Department of Safeguards.

ANNEX 1

ATTACHMENT 1

GC(XXIX)/RES/442
9 October 1985

GENERAL Distr.

Twenty-ninth regular session
Agenda item 9
(GC(XXIX)/763)

SOUTH AFRICA'S NUCLEAR CAPABILITIES

Resolution adopted during the 279th plenary meeting on 27 September 1985

SOUTH AFRICA'S NUCLEAR CAPABILITIES

The General Conference,

- (a) Having considered the Annual Report of the Agency for 1984 (GC(XXIX)/748), in particular, paragraph 43 and 44, and the Report of the Board of Governors and the Director General on South Africa's nuclear capabilities (GC(XXIX)/758),
- (b) Recalling United Nations General Assembly resolution 39/61A/B on implementation of the declaration on the denuclearization of Africa and the nuclear capability of South Africa, General Assembly resolution 39/72A on the apartheid policies of the Government of South Africa and resolution 39/50A on the situation in Namibia resulting from the illegal occupation of the territory by South Africa,
- (c) Recalling resolution 39/72C of the United Nations General Assembly on relations between Israel and South Africa, particularly in the nuclear field,
- (d) Recalling resolution 39/39G of the United Nations General Assembly on military and nuclear collaboration with South Africa,
- (e) Also recalling Security Council resolution 418 (1977) on Arms Embargo against South Africa and resolution 569 (1985) on the adoption of measures against the racist regime of South Africa,
- (f) Alarmed that South Africa's unsafeguarded nuclear facilities enable it to develop and acquire the capability of producing fissionable material for nuclear weapons,

g) Stressing that the acquisition by the racist regime of South Africa of nuclear armament capacity endangers the security of the African States and increases the risk of nuclear weapons proliferation,

(h) Bearing in mind South Africa's acquisition of nuclear capabilities partly through the illegal acquisition of Namibian uranium, and

(i) Noting with grave concern the negative reaction of South Africa towards the implementation of General Conference resolution GC(XXVIII)/RES/423,

1. Takes note of United Nations General Assembly resolutions 39/61A and B and 39/72A, 39/72C and 39/50A and the General Conference document GC(XXIX)/758;

2. Demands once again that South Africa submit immediately all its nuclear installations and facilities to Agency safeguards and requests the Director General to continue taking the necessary measures in that connection;

3. Calls upon all Member States which have not yet done so to halt all nuclear co-operation with the racist regime of South Africa and, in particular, to end any transfer of fissionable materials and technology and to stop all purchases of uranium from South Africa;

4. Requests Member States to take all necessary measures to prevent any nuclear collaboration of all corporations and enterprises within and under their jurisdiction with South Africa;

5. Notes from the report by the Director General in document GC(XXIX)/758 that the Agency has no nuclear research contracts with South Africa, calls upon Member States to terminate forthwith all nuclear research contracts with South Africa, and calls upon the Agency and Member States to refrain from participating in any seminars or technical and scientific meetings in South Africa;

6. Demands that South Africa stop immediately all illegal mining, utilization, exploitation and sale of Namibian uranium;

7. Calls upon the Member States, particularly those whose corporations are involved in the mining and processing of Namibian uranium, to take all appropriate measures in compliance with United Nations resolutions and decisions and Decree No. 1 for the protection of the natural resources of Namibia, including the practice of requiring negative certificates of origin, to prohibit state-owned and other corporations, together with their subsidiaries, from dealing in Namibian uranium and from engaging in any uranium-prospecting activities in Namibia;

8. Calls once again upon all Member States which have not yet done so to stop all purchases of Namibian uranium;
9. Requests the International Atomic Energy Agency to exclude South African participation from all expert meetings, panels, conferences, seminars, etc. where such participation could assist South Africa to persist with its exploitation of Namibian uranium;
10. Requests the International Atomic Energy Agency to stop publishing the entry provided for Namibia by South Africa in the Red Book on Uranium Resources, Production and Demand and also to ensure that no reports or information relating to Namibian uranium extraction, production and exports are published without the full consultation of the United Nations Council for Namibia;
11. Requests the Director General to report to the General Conference any information that Namibian soil is used by South Africa in any way as a dumping ground of radioactive wastes of whatever nature;
12. Requests the Board of Governors and the Director General to follow and contribute to the implementation of the above-mentioned United Nations General Assembly resolutions in what relates to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any nuclear facilities;
13. Further requests the Board of Governors and the Director General to follow closely the activities of South Africa and its evolution in the nuclear field and to report to the General Conference at its thirtieth regular session;
14. Requests the Board of Governors to make recommendations to the General Conference at its thirtieth regular session on appropriate action to be taken in accordance with the Statute if by that session South Africa has not complied with this resolution;
15. Requests the Board of Governors and the Director General to report on the implementation of this resolution to the General Conference at its thirtieth regular session; and
16. Requests the Director General to bring this resolution to the attention of the Secretary-General of the United Nations.

ANNEX 1

ATTACHMENT 2

South Africa: Nuclear resources and activities

Uranium resources

1. South Africa's uranium resources as at 1 January 1985 are reported to be:^{1/}

Reasonably Assured Resources Recoverable at up to US \$ 80/kg U	Recoverable at US \$ 80-130/kg U
256 600 tonnes U	102 100 tonnes U

Estimated Additional Resources-Category I Recoverable at up to US \$ 80/kg U	Recoverable at US \$ 80-130/kg U
97 500 tonnes U	27 100 tonnes U

Uranium production

2. Since 1980 South African uranium production has been running at about 6000 tonnes a year, ranging from 6150 tonnes of uranium in 1980 to 5730 tonnes in 1984. It is estimated that in 1985 South African uranium production decreased to about 4800 tonnes. It is expected that production in 1986 will be down to about 4500 tonnes

Uranium enrichment

3. A pilot uranium enrichment plant has been in operation at Valindaba since 1977. This plant enriches uranium to 45% for the fuel for the SAFARI research reactor.

^{1/} Uranium Resources, Production and Demand, joint report of the Agency and the Nuclear Energy Agency of OECD, 1986.

4. A semi-commercial enrichment plant with an estimated capacity of about 300 tonnes separative work units (SWU)/year is in the last stages of construction. South Africa has informed the Agency that the plant is expected to be commissioned and to start operation at the beginning of 1987.

Fuel fabrication

5. A fuel fabrication plant producing fuel for the SAFARI reactor is in operation. There have also been reports of an experimental line for the fabrication of fuel elements for the Koeberg power plant.

Research

6. The National Nuclear Research Centre at Pelindaba, the main governmental research establishment, undertakes research on mineral prospecting and mining, mineral exploitation, reactor and reactor fuel development, radiation and health physics, metallurgy, reactor safety and operation, applications of radioisotopes in medicine, agriculture and industry, and nuclear physics. The Centre contains the 20-MW (thermal) SAFARI research reactor, which was supplied by the United States and went into operation in 1965. In 1975 the United States ceased to supply fuel for the reactor and South Africa is manufacturing the fuel itself (see paragraph 5 above). A hot cell complex is being constructed at the Centre, primarily for the purpose of post-irradiation examination of fuel and materials irradiated in the Koeberg and SAFARI reactors.

Koeberg nuclear power plant

7. The Koeberg nuclear power plant comprises two 900-MW (electric) pressurized-water reactors supplied by France. Both reactors are now in operation.

Radioactive waste disposal and spent fuel storage facility

8. A radioactive waste disposal facility which is intended to be used also as a site for the interim storage of spent fuel elements is under construction near Vaalputs (600 km north of Cape Town).

ANNEX 2

Summary records of the discussion on the item
"South Africa's nuclear capabilities"
at meetings of the Board of Governors
held in February, June and September 1986

RECORD OF THE 645th MEETING (held on 18 February 1986)

STATEMENT BY THE DIRECTOR GENERAL

16. A matter in which little progress could be registered was safeguards in South Africa. The relevant General Conference resolution, GC(XXIX)/RES/442 had been communicated to the South African Government and also brought to the attention of the Secretary-General of the United Nations. So far, there was regrettably no indication that the South African Government was prepared to conclude with the Agency a safeguards agreement covering all its nuclear facilities. The Agency's discussions with South Africa on its semicommercial enrichment plant had not advanced substantially since he had last reported to the Board and the General Conference on that subject. After the visit to the plant by the Secretariat's negotiating team in August 1985, the Secretariat had prepared a safeguards approach for the plant and sent it to South Africa at the end of October. No substantive reply from South Africa had been received and a firm date for a meeting to discuss that and other, related matters concerning the conclusion of the safeguards agreement had yet to be fixed. However, he had just received a cable with the message that a South African delegation was coming to Vienna some time in March.

RECORD OF THE 647th MEETING (held on 19 February 1986)

(a) SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/RES/442)

10. The CHAIRMAN drew attention to the statement at the beginning of the current session in which the Director General had reported on what action he had taken in pursuance of resolution GC(XXIX)/RES/442. She understood that he wished to report further to the Board in June, when the matter could be discussed again.

11. Mr. ALLAB (Algeria), after commending the Director General for the efforts he had made in pursuance of the General Conference resolution on the subject, observed that the racist régime in South Africa continued to disregard the relevant resolutions of the United Nations and of the General Conference and to plunder the resources of Namibia, an Agency Member State. South Africa's nuclear capabilities were a threat to the peace and security of the world and of Africa in particular. For that reason, he urged more vigorous action on the part of the Agency and its Member States to put those

resolutions into effect. He hoped that the Director General would continue his negotiations and appealed to all Member States to exert greater pressure upon that racist régime so as to make it defer to the decisions of the world community. If nothing positive emerged by June, the Board should take appropriate action against the Pretoria régime in accordance with the Statute.

12. Mr. GOMAA (Egypt) said that he had taken note of the Director General's report on his contacts with South Africa in connection with General Conference resolution GC(XXIX)/RES/442. When the Board took up the matter again in June, it should bear in mind that in operative paragraph 14 of that resolution the General Conference requested the Board to make recommendations to the Conference at its thirtieth session on appropriate action to be taken in accordance with the Statute. The issue had been dragging on since 1977 and it was imperative that decisive action be taken.

13. Mr. KABBAJ (Morocco) recalled that the United Nations General Assembly had repeatedly asked South Africa to open its nuclear installations to Agency inspection and requested the Agency to refrain from granting that country any facility which might help its nuclear projects. The General Conference too, had adopted resolutions on the subject in 1983, 1984 and 1985.

14. It appeared from the Director General's opening statement that the negotiations between the Agency and South Africa concerning the semi-commercial enrichment plant and the contacts made with a view to implementation of those resolutions had not led to any substantial results so far despite the Director General's laudable efforts. South Africa continued to ignore the decisions of the United Nations and the IAEA and generally to defy the will of the world community by refusing to accept Agency safeguards, by persisting in its illegal exploitation of Namibian uranium and by following a policy of hostility and apartheid towards the peoples of the region.

15. It was therefore the duty of Member States to act within the framework of the relevant resolutions on the subject and to encourage the Director General to continue with the delicate task assigned to him. He also earnestly appealed to States which had not yet ceased all nuclear co-operation with South Africa to do so and expressed his concern that South Africa's nuclear development was likely to endanger the security of African countries and increase the risk of proliferation. If no progress was made by June, the Board must take appropriate action.

16. The CHAIRMAN noted that the Governors who had spoken had emphasized the importance they attached to the early and full implementation of resolution GC(XXIX)/RES/442 and also their disappointment with South Africa's continued disregard of General Conference resolutions. She took it that the Board wished to request the Director General to continue with his efforts in pursuance of General Conference resolution GC(XXIX)/RES/442 and to revert to the item in June, when the Board would discuss the matter in the light of a further report from the Director General and decide on the nature of its report to the thirtieth session of the General Conference.

17. It was so decided.

RECORD OF THE 655th MEETING (held on 13 June 1986)

SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/RES/442; GOV/INF/498 and Corr.1)

67. The CHAIRMAN said that document GOV/INF/498 contained a report from the Director General which the Board might wish to take as a basis for the report from the Board and the Director General to the General Conference requested in operative paragraph 15 of resolution GC(XXIX)/RES/442. In that connection, she pointed out that operative paragraph 14 of that resolution requested the Board to make recommendations to the Conference at its thirtieth regular session on appropriate action to be taken in accordance with the Statute if South Africa had not complied with the resolution by that session.

68. The DIRECTOR GENERAL reminded the Board that he had reported orally on the present matter during the February meetings and had been asked to continue his efforts in connection with General Conference resolution GC(XXIX)/RES/442 and to submit a further report in June 1986. In April, there had been a meeting between Agency and South African representatives on the draft agreement in connection with the safeguarding of South Africa's semi-commercial enrichment plant, and he had personally met the South African representatives to discuss general matters relating to the implementation of the General Conference resolution. The talks on the enrichment plant had made good progress, and it had been his hope that, once certain issues concerning the agreement and its application had been clarified, it might be feasible to submit the draft agreement to the Board at its present session for approval. In the event that had not proved possible, but it was essential for safeguards purposes in relation to the time-scale for the startup of the plant that the agreement be submitted in time for consideration at the September Board meetings. In any event, he hoped the report contained in document GOV/INF/498, updated as necessary in the light of developments, would be acceptable as the basis for a report to the General Conference.

69. The CHAIRMAN said that the representative of Tunisia had asked for permission to address the Board under Rule 50 of the Provisional Rules of Procedure; if there were no objections, she would give him the floor.

70. Mr. ZANNAD (Tunisia) said he wished to make a statement on behalf of the African Group concerning South Africa's nuclear capabilities.

71. At its 1985 session, the General Conference, in resolution GC(XXIX)/RES/442, had expressed its concern at South Africa's negative attitude and called upon Member States to halt all nuclear co-operation with South Africa, to end transfers of fissionable materials and technology and to stop all purchases of uranium from South Africa.

72. Recent events in Africa which had involved true State terrorism on the part of the apartheid régime and which had struck at the sovereignty of certain Member States of the Organization of African Unity and of the United Nations, had once more reminded the world community of the urgent need to step up its efforts and keep a close watch on South Africa's activities and on the development of its nuclear programme.

73. In that connection, referring to paragraph 6 of document GOV/INF/498, he asked that the Board be informed to what extent Israel had complied with the United Nations General Assembly's demand that it desist from all forms of collaboration with South Africa and abide by the relevant resolutions of the General Assembly and the Security Council.

74. The Agency should not be content with South Africa's verbal assurances that Namibian soil was not being used as a radioactive waste repository and should gather all relevant information on that subject.

75. With regard to nuclear co-operation between certain Agency Member States and South Africa and to the mining, exploitation and sale of Namibian uranium, the Agency should continue its efforts aimed at determining to what extent the measures envisaged in resolution GC(XXIX)/RES/442 were being applied.

76. In conclusion, he hoped that the Director General would present to the Board in September a report on those matters and on any further developments.

77. Mr. GOHO BAH (Côte d'Ivoire) said that he fully supported the statement made by the representative of Tunisia. The uncontrolled use of nuclear technology by the apartheid régime in South Africa represented a major threat to international peace and security. The Director General, with the assistance of Member States, should therefore continue his efforts to bring all South African nuclear installations under Agency safeguards with the least possible delay.

78. Mr. SHASH (Egypt) associated himself with the statement made by the representative of Tunisia and expressed regret that, despite the Director General's laudable efforts, General Conference resolution GC(XXIX)/RES/442, like others adopted before it, remained a dead letter.

79. Solving the problem of South Africa's semi-commercial enrichment plant was an urgent task in itself, but would still fall far short of fulfilling the requirement that safeguards be applied to all of that country's nuclear installations.

80. The policy of apartheid was an unbearable fact which showed a flagrant disrespect for international law and custom and represented a blatant challenge to the Charter of the United Nations. Pretoria was clearly bent on continuing that policy and, if no firm stance was taken by the international community, matters would only worsen. International public opinion was now strongly opposed to South Africa's policy of aggression, and the Agency's Member States should join in urging South Africa to end it. To lend force to that demand, he called on all Member States to adopt measures aimed at making South Africa comply with resolution GC(XXIX)/RES/442 as a whole. The Director General also should pursue his efforts in that regard and report to the Board in September.

81. Mr. ABOUTAHIR (Morocco) said that his delegation associated itself wholly with the statement made by the representative of Tunisia on behalf of the African Group and endorsed the suggestion that the Director General continue his efforts with a view to the implementation of resolution GC(XXIX)/RES/442 and present his report to the Board in September.

82. He fully supported the appeal for an end to nuclear co-operation with the racist régime in South Africa and to purchases of uranium from that country, the aggressive policies of which represented a continual and serious danger to peace, both in Africa and throughout the world.

83. It was regrettable that the Government of South Africa had failed to respond to resolutions of the General Conference and of other bodies. At its September session, the Conference should therefore take specific measures in pursuance of resolution GC(XXIX)/RES/442 unless any positive developments had occurred by that time.

84. Mr. SLIMANE (Algeria) said that he, too, shared the views expressed by the representative of Tunisia on the present agenda item, which had been under discussion for a number of years.

85. He stressed the continuing threat posed by the racist régime of South Africa, both within the African continent and to the world at large, and appealed to all States still co-operating with Pretoria, particularly in the nuclear sphere, to comply with resolution GC(XXIX)/RES/442 and with the various resolutions adopted by the General Assembly and to halt all such co-operation. South Africa's increasing nuclear capabilities constituted a major hazard which all Governments should assist in eliminating.

86. As to action by the Board, he felt it should examine the relevant resolutions adopted at the previous year's session of the General Assembly and recommend their application by the Agency.

87. Mr. ZHOU (China) said that he supported the legitimate demands of the African people and that the South African authorities should seriously undertake to implement resolution GC(XXIX)/RES/442. He hoped that the Director General would continue his efforts in that regard and would present his report to the Board in September.

88. Mr. USTYUGOV (Union of Soviet Socialist Republics) noted with regret that South Africa continued to ignore resolution GC(XXIX)/RES/442. The United Nations and the international community had often expressed their profound concern that the persistent attempts of South Africa to establish its nuclear capabilities outside the framework of Agency supervision represented a serious threat to peace and security, above all on the African continent. Recent steps by Pretoria had done little to change that state of affairs, since it still refused to accede to the Non-Proliferation Treaty, rejected the proposal to create a nuclear-weapons-free zone in Africa and would not agree to place all its nuclear activities under Agency safeguards. All countries truly interested in strengthening non-proliferation should maintain their

pressure on South Africa to implement fully the provisions of resolution GC(XXIX)/RES/442. His country therefore supported the proposals made to that effect by several Governors.

89. Mr. PROENCA ROSA (Brazil) reiterated his delegation's support for the various resolutions concerning South Africa adopted by the United Nations General Assembly. He also shared the views expressed by the representative of Tunisia on behalf of the African Group.

90. Mr. BADRAN (Jordan) joined previous speakers in endorsing the position taken by the representative of Tunisia. It was clear that South Africa was still failing to implement resolution GC(XXIX)/RES/442 and ignoring other resolutions adopted by various international organizations in connection with its activities. At the same time it was escalating its illegal policy of apartheid.

91. He commended the Director General on his efforts to remedy that situation and looked forward to hearing his report in September, when the Board, on the basis of the report's recommendations, would be able to take a stand on the matter.

92. Mr. AHIMSA (Indonesia) said that the Director General's report in document GOV/INF/498 made it clear that South Africa was far from complying with operative paragraph 2 of resolution GC(XXIX)/RES/442 and had offered no positive response to the resolution as a whole. Indonesia's consistent position on South Africa and its policy of apartheid was known to the international community. It condemned the recent attacks by Pretoria on three front-line States, considering them to be a serious violation of the United Nations Charter. He therefore understood the deep concern of the African Group and urged the Secretariat to continue its efforts and to provide a further report to the Board in September.

93. Mr. HAVEL (Czechoslovakia) expressed his delegation's dismay at South Africa's negative attitude towards co-operating with the Agency on resolution GC(XXIX)/RES/442 and at its recent aggressive acts aimed at intimidating independent African countries who opposed the apartheid régime. He called upon the international community to implement comprehensive and effective sanctions against South Africa in line with the resolutions adopted in that regard.

94. Mr. HIREMATH (India) expressed his full sympathy for the just demand of the African people that urgent steps be taken to ensure that the illegal régime in Pretoria did not add a nuclear dimension to its terrorist activities. Whether or not South Africa acceded to the Non-Proliferation Treaty scarcely mattered, since that Treaty in itself would have little effect. What was important was to prevent the South African régime from continuing or stepping up its current activities and to stop it from misusing the territory of Namibia, over which it had no rights whatsoever. India therefore fully supported the statement made by the representative of Tunisia on behalf of the African Group.

95. Mr. KHAN (Pakistan) said that his delegation's views on South Africa's nuclear capabilities were already well known and that he entirely agreed with the Tunisian statement.

96. The CHAIRMAN assumed that the Board wished to request the Director General to continue with his efforts pursuant to General Conference resolution GC(XXIX)/RES/442, including efforts aimed at concluding the discussions on the application of safeguards in South Africa. She further took it that the Board wished to revert to that matter in September, when it would decide on its report to the General Conference and on its recommendations to the Conference pursuant to operative paragraph 14 of resolution GC(XXIX)/RES/442;

97. It was so agreed.

PROVISIONAL RECORD OF THE 658th MEETING (held on 23 September 1986)

SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/RES/442; GOV/INF/502)

75. The CHAIRMAN pointed out that document GOV/INF/502 contained a further report by the Director General on his efforts pursuant to General Conference resolution GC(XXIX)/RES/442. It provided information on discussions held since June between the Secretariat and the South African authorities concerning the application of safeguards to South Africa's semi-commercial enrichment plant and reported on the status of the Agency's relations with South Africa.

76. The DIRECTOR GENERAL recalled that the Board had decided in June to revert to the question of South Africa's nuclear capabilities at its September meetings in order to agree on its report and recommendations to the General Conference pursuant to operative paragraphs 13, 14 and 15 of resolution GC(XXIX)/RES/442. In June, the Board had also requested him to pursue his efforts to conclude the discussions on the application of safeguards in South Africa.

77. Document GOV/INF/502 was almost identical to the document submitted to the Board in June (GOV/INF/498) - except for the section on safeguards, which indicated the lack of positive response to his written and oral request for discussions on the application of full-scope safeguards in South Africa.

78. At the time of the June Board, the Secretariat had been awaiting South Africa's response to the revised text of a draft safeguards agreement to cover the semi-commercial enrichment plant at Valindaba. The South African reply of 21 August 1986 contained a number of proposals for changes, the most significant of which raised issues fundamental to South Africa's basic undertaking and to the provisions for termination of the agreement. Those changes would have departed from the basic concepts of safeguards agreements concluded so far on the basis of document INFCIRC/66/Rev.2.

79. There appeared to be no point in continuing negotiations on the basis of South Africa's proposals, although negotiations could still be resumed on the basis of the IAEA's revised text. Bearing in mind that the facility concerned was scheduled for commissioning early in 1987, it would be desirable to have the agreement in force before then in order for safeguards operations to be most effective.

80. The CHAIRMAN proposed, with the Board's permission, to give the floor to the representative of Tunisia, who had asked to speak on behalf of the African Group.

81. Mr. BESROUR (Tunisia) noted that the negotiations with the South African Government had not led to any progress owing to the obstinate refusal of South Africa to implement resolution GC(XKIX)/RES/442 and its determination to continue its illegal exploitation of Namibian uranium resources.

82. The African Group considered that the Director General should clarify paragraph 11 of the annex to document GOV/INF/502, where it was stated that the South African proposals

"... would have required the introduction of concepts which have not been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2."

83. It was obvious that the South African régime had not changed its attitude towards the Agency's policy-making organs and the international community since it continued to strengthen its nuclear capabilities and reject all proposals for the denuclearization of Africa. Such an attitude was not surprising since the nuclear co-operation which continued between South Africa, Israel and other Member States encouraged the South African régime in its defiance of the international community and obstructed efforts aimed at implementing resolution GC(XKIX)/RES/442.

84. South Africa continued to violate certain basic provisions of the Agency's Statute. Accordingly, the African Group invited the Board to recommend to the thirtieth session of the General Conference appropriate measures in conformity with the Statute.

85. Mr. ORNSTEIN (Argentina) said that his country's severance of diplomatic relations with South Africa and the repeated statements and votes of its representatives in the Agency and other international fora clearly demonstrated Argentina's position with regard to the apartheid régime in South Africa and the nuclear threat to African States posed by the South African Government.

86. His country fully supported the efforts of the international community aimed at abolishing racial discrimination in South Africa and minimizing the threat to the security of African States caused by South Africa's nuclear capabilities. The Argentine delegation had difficulty, however, in accepting paragraphs 11 and 12 of the annex to document GOV/INF/502, relating to the safeguards agreement to cover South Africa's semi-commercial enrichment plant.

87. At its meetings in February 1983, the Board had examined document GOV/INF/433, which reported on a study of the compatibility of safeguards agreements and the Agency's Statute. That document contained some considerations which were of great significance to the Agency's safeguards system. At the meeting in question his delegation had said, with regard to the conclusions drawn by the Secretariat in that document:

"In fact, it was reasonable to infer on the basis of those conclusions that if a safeguards agreement satisfied the requirement of the Statute of assuring '... the peaceful use of all items while they are subject to Agency safeguards', all further conditions of the agreement, in particular those concerning the duration, non-application and termination of safeguards, could legitimately be negotiated by a State voluntarily submitting a nuclear facility or material to the Agency's safeguards system. Hence safeguards agreements at the request of a State did not have to follow either of the existing two models (INFCIRC/66/Rev.2 or INFCIRC/153), just as the agreements based on voluntary offers which the Agency had concluded with three States did not follow them. The Argentine Government concluded, therefore, that the same right of which those three States had availed themselves would in the future belong to any State deciding to submit its nuclear facilities and/or materials voluntarily to Agency safeguards."

88. No comments had been expressed upon those views by the Director General, the Secretariat or any of the Governors at the meeting. At the meetings of the Board in February 1985, and again in June 1986, his delegation had reiterated those views - and again they had provoked no comment.

89. His delegation therefore had difficulty in understanding why the Director General, in apparent contradiction to the Secretariat's conclusions contained in document GOV/INF/433 and to the unchallenged view expressed on three occasions by his delegation, had decided to discourage negotiations relating to the South African semi-commercial enrichment plant on the dubious grounds that the South African proposals "... would have required the introduction of concepts which have not been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2."

90. In accordance with the conclusions of the Secretariat's study contained in document GOV/INF/433 it would appear reasonable to infer that safeguards agreements at the request of a State did not have to follow either of the models contained in documents INFCIRC/66/Rev.2 and INFCIRC/153, just as the agreements based on voluntary offers which the Agency had concluded with four nuclear-weapon States and the safeguards agreement recently signed with a fifth Member State did not follow those models.

91. The Director General's attitude appeared to increase unjustifiably the possibility that the semi-commercial enrichment plant would go into operation without application of appropriate safeguards, thereby making the threat to the security of African States even more serious.

92. Therefore, unless the conditions imposed by the South African Government constituted a clear violation of the Agency's Statute - in other words, if they did not guarantee the peaceful utilization of the facility and the nuclear materials within it while they were subject to Agency safeguards - his delegation believed that negotiations should continue in order to minimize the threat to African States posed by South Africa's nuclear capabilities.

93. Mr. SHASH (Egypt) supported the statement made by the representative of Tunisia and noted that South Africa had not changed its position, but continued to disregard resolutions of the General Assembly, the Security Council and the Agency's General Conference and to violate international agreements.

94. If South Africa was to remain a Member of the Agency the necessary steps would have to be taken by the General Conference to ensure that that country complied with the Agency's Statute and the resolutions of its policy-making organs. It could not be allowed to continue to use its membership of the Agency to serve its dubious nuclear activities and to exploit Namibian uranium resources.

95. Mr. HIREMATH (India) pointed out that the comprehensiveness of the Director General's report hardly compensated for the total lack of progress in resolving the main problem.

96. The status of the Agency's relationship with the South African Government had remained essentially unchanged. By paying a carefully calculated part of its arrears just in time, the South African régime had once again cleverly avoided suspension of its rights and privileges as a Member under Article XIX of the Statute.

97. In its relations with South Africa, the Agency should not forget that the South African régime continued to subject the majority of its people to a state of indignity. His own Government would provide the fullest possible support to the African Members of the Board.

98. Mr. GOHO BAH (Côte d'Ivoire) supported the statement made by the representative of Tunisia on behalf of the African Group and noted that, despite the Director General's efforts, South Africa had not changed its position and that its facilities continued to remain unsafeguarded. In spite of the provisions of resolution GC(XKIX)/RES/442, South Africa continued to develop its nuclear capabilities - with the external assistance which it still received. His delegation believed that South Africa's nuclear capabilities posed a serious threat to peace and security in Africa and in the rest of the world and appealed for a combined effort to make the South African régime submit all its nuclear facilities to Agency safeguards.

99. Mr. KHAN (Pakistan) expressed his support for the position of the African Group and noted that document GOV/INF/502 indicated that no progress had been made. It was vital to ensure that South Africa did not become a

nuclear threat to Africa and the rest of the world. His country's views on the subject were well-known and had been reiterated at the meeting of the non-aligned countries.

100. Mr. ZOBOV (Union of Soviet Socialist Republics) noted that the South African régime persisted in its refusal to implement resolution GC(XXIX)/RES/442. The Director General's report indicated that the South African régime was attempting to blackmail the Agency and impose its own conditions, which would virtually give it its own type of "safeguard" against any action which might be taken. Those conditions would not guarantee the peaceful use of nuclear energy but would give the South African régime a free hand to continue to ignore resolutions of the Agency's General Conference.

101. The Director General had adopted the only correct course of action with regard to his negotiations with South Africa. The time had come to adopt more decisive measures against the South African régime. His delegation supported the suggestion made by a number of countries that specific proposals should be discussed.

102. Mr. BADRAN (Jordan) supported the statement made by the representative of Tunisia on behalf of the African Group. The report by the Director General indicated South Africa's continued defiance of resolutions adopted by the Agency's General Conference and its determination to strengthen its nuclear capabilities for military purposes. The South African Government was evidently trying to gain time and make the Agency believe that it would submit some of its nuclear facilities to Agency safeguards whereas in fact it had no serious intention of doing so. His delegation therefore called upon the Board of Governors to recommend to the General Conference that it adopt a firm position in order to make the South African régime comply with Agency resolutions and cease its exploitation of the Namibian people.

103. Mr. MEYER (German Democratic Republic) said that his delegation shared the view that the development of South Africa's nuclear capabilities jeopardized the non-proliferation regime and that its acquisition of nuclear weapons constituted a serious threat to international security. His delegation therefore encouraged the Agency to continue to seek appropriate action aimed at ensuring full implementation of resolution GC(XXIX)/RES/442. As long as South Africa refused to place all its nuclear facilities and materials under Agency safeguards and to become a party to NPT, it would not be possible to consider that the provisions of that resolution had been fulfilled.

104. Mr. CAO (China) noted that the South African régime continued to refuse to comply with resolution GC(XXIX)/RES/442 and had imposed unreasonable conditions in the negotiations on the safeguards agreement relating to its semi-commercial enrichment plant. His delegation condemned the attitude of the South African régime and supported the demands made by the representative of Tunisia on behalf of the African Group. The South African régime must be made to reconsider its position and implement the Agency's resolutions.

105. Mr. AHIMSA (Indonesia) recalled that the General Assembly of the United Nations, in its resolution 40/64 A entitled "Comprehensive sanctions against the racist régime of South Africa", had taken note with appreciation of resolution GC(XXIX)/RES/442 of 1985 and had called upon the Security Council urgently to take action under Chapter VII of the Charter of the United Nations with a view to applying comprehensive and mandatory sanctions against South Africa. In spite of that request, the South African régime had given no indication that it intended to comply with the resolutions adopted by the General Conference and the General Assembly of the United Nations.

106. Furthermore, in the negotiations relating to the submission of its semi-commercial enrichment plant to Agency safeguards, South Africa had made conditions which were unacceptable to the Agency.

107. Since South Africa continued to disregard resolution GC(XXIX)/RES/442, the Board should recommend the General Conference to take appropriate action in accordance with the Agency's Statute.

108. Mr. HAVEL (Czechoslovakia) expressed his delegation's support for the position of the African Group and its deep concern at the negative attitude of South Africa with regard to the implementation of resolutions adopted at the Agency's General Conference. South Africa continued to pursue its aggressive measures aimed at intimidating independent African States attempting to put an end to the apartheid régime. His Government believed that the international community should adopt comprehensive effective sanctions against South Africa in line with the appropriate resolutions.

109. Mr. CHERIF (Algeria) said that the Director General's report in document GOV/INF/502 left no doubt about South Africa's intention to pursue its policy which was condemned by the rest of the world. His delegation supported the statement which had been made by the representative of Tunisia on behalf of the African Group and believed that, in implementing operative paragraph 14 of resolution GC(XXIX)/RES/442, the Board should recommend clear unequivocal measures with regard to the South African régime.

110. The South African régime had so far disregarded all the resolutions adopted by the Agency's General Conference and the United Nations General Assembly and was continuing its policy of apartheid and exploitation of Namibian uranium resources. South Africa should not be allowed to enjoy the rights of membership of the Agency while it continued to violate the principles of the Statute.

111. Mr. KABBAJ (Morocco) supported the statement made by the representative of Tunisia in his capacity as Chairman of the African Group and shared the concern expressed by the representative of Egypt regarding South Africa's activities. In spite of the Director General's commendable efforts, the South African régime continued to defy the international community and remained a threat to African States by refusing to submit its nuclear facilities to Agency safeguards. The necessary measures should be taken to force the South African Government to respond positively to resolutions adopted by the Agency.

112. Mr. ABBADI (Sudan) noted that the Director General's report clearly reflected the South African Government's defiance of resolutions adopted by international organizations, including the Agency. South Africa's intransigent behaviour represented a serious threat to the international community in general and to African States in particular.

113. His delegation fully supported the statements made by the representatives of Egypt and Tunisia and believed that it was time for the Board to take a firm position to compel the South African Government to abide by the Agency's Statute.

114. The DIRECTOR GENERAL agreed with the Governor from India that the length of document GOV/INF/502 was no compensation for the absence of results in the negotiations with South Africa.

115. It had been suggested that paragraph 11 of document GOV/INF/502, which indicated that acceptance of the South African proposals "... would have required the introduction of concepts which have not yet been used in any safeguards agreement concluded so far on the basis of document INFCIRC/66/Rev.2", was not really an argument against their acceptance because the Board was free to approve any type of safeguards agreement. Although it was true that the Board was free to approve any type of safeguards agreement, it was for the Director General to assess whether the conditions proposed by a party during negotiations were likely to be acceptable to the Board. If the agreement under negotiation was one which conformed to an agreement previously approved by the Board, it was likely that the Board would again approve it. If conditions were made which differed substantially from previous agreements, the Director General had to decide whether it was likely that the Board would accept those conditions. In the case of the conditions proposed by South Africa, the Director General had considered that they would be unacceptable to the Board.

116. Several conditions had been made by South Africa, but two were particularly serious. Firstly, South Africa sought the right under the agreement to withdraw safeguarded material for non-proscribed military purposes. That condition would have required, inter alia, the omission from the basic undertaking of the words "not to further any military purpose". The second condition was that, in the provisions for termination, South Africa would have the right to terminate the agreement if its rights and privileges as a member of the Agency were curtailed or if its supreme national interests were jeopardized.

117. He had decided that such conditions would be unacceptable to the Board and for that reason had considered it unmeaningful to continue the negotiations while those conditions were maintained.

118. The CHAIRMAN said that she believed she was reflecting the views of the Board in saying that it regretted the failure - at least for the foreseeable future - of the negotiations which the Director General had been conducting for some time concerning the application of safeguards to South Africa's semi-commercial enrichment plant. The application of safeguards to that plant was only one of the demands made of South Africa by the General Conference over a number of years.

119. She therefore took it that the Board agreed to transmit to the regular session of the General Conference the records of its discussions under that item since September 1985, together with the report of the Director General contained in document GOV/INF/502, to enable the General Conference to decide in terms of operative paragraph 14 of General Conference resolution GC(XXIX)/RES/442, adopted in 1985, on the appropriate action to be taken on that matter in accordance with the Statute. For that purpose, she had taken the liberty of circulating a draft report from the Board to the General Conference.

120. It was so agreed.

121. Mr. ORNSTEIN (Argentina) thanked the Director General for the clarifications he had given.