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Birth of a norm champion: how South Africa came to support the NPT's indefinite extension

Michal Onderco and Anna-Mart Van Wyk

ABSTRACT

In 1995, South Africa was in a special position. It was: a new party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the first country to voluntarily renounce nuclear weapons, led by a charismatic leader, and seen as a champion of disarmament principles. Yet South Africa's new leaders were also interested in affirming their position within the Non-Aligned Movement, which was adamantly opposed to the NPT's indefinite extension. Why, then, did South Africa decide to support the indefinite extension of the NPT in 1995? Existing scholarship has ascribed too much credit to pressure from the United States, overlooking domestic debates in South Africa and the bifurcation between professional diplomats and political elites. This article, building on new archival sources and in-depth oral-history interviews with major actors, demonstrates that South African diplomats opposed indefinite extension while South African policy elites allocated little attention to the topic until late in the game. The findings contribute to our understanding of South Africa's norm entrepreneurship, as well as the politics of global nonproliferation.

KEYWORDS

South Africa; Treaty on the Non-Proliferation of Nuclear Weapons; norms; United Nations; diplomacy; disarmament; nonproliferation

In 1995, the Treaty on Non-Proliferation of Nuclear Weapons (NPT) stood at a crossroads. Article X.2 states that “Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.”¹ With the treaty entering into force in 1970, this decision was destined to be made at the 1995 Review and Extension Conference. Although it was widely recognized that the NPT provided benefits for all parties, dissatisfaction with the nuclear-weapon states' (NWS') progress toward disarmament, especially among the countries of the Global South, led many to question whether an indefinite extension was possible.² Prominent analysts predicted that, absent major amendments,

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¹ “Treaty on the Non-Proliferation of Nuclear Weapons,” <<https://www.un.org/disarmament/wmd/nuclear/npt/text/>>.

² David Fischer, “Reaching a New International Consensus on the Non-proliferation of Nuclear Weapons: A Perspective towards and beyond 1995,” in Joachim Krause, ed., *Kernwaffenverbreitung und internationaler Systemwandel: Neue Risiken und Gestaltungsmöglichkeiten* (Baden-Baden: Nomos Verlagsgesellschaft, 1995), pp. 459–76; Tariq Rauf, “Extending the Nuclear Non-Proliferation Treaty,” *Beyond the Headlines*, Vol. 52, No. 3 (1995), pp. 1–16.

the treaty would neither garner new members nor be extended indefinitely.³ In the end, however, these predictions proved wrong.

By the 1995 NPT RevCon, an extraordinary new member had joined the treaty: South Africa. The country had just dismantled its nuclear-weapon program, transitioned toward democracy, had the iconic Nelson Mandela at its helm, and was becoming party to all relevant global arms-control agreements. South Africa is widely credited with “bridge building” at the 1995 conference—as one of the main intellectual drivers behind the two decisions that helped to attract the support of the Non-Aligned Movement (NAM) and usher the conference toward a successful conclusion, including the adoption of the decisions on Principles and Objectives, and a decision on a strengthened review process.⁴

While the role South Africa played in the conference is widely seen as a major contribution to the budding international status of South Africa,⁵ scholarly understanding of how this role came about is not yet complete. Scholars are divided into two camps when it comes to explaining why South Africa supported the indefinite extension of the NPT. Some accounts situate the decision to support the indefinite extension in the light of the changes after the transition to democracy and giving up the nuclear weapons. This creates an air of inevitability, as if the support for the indefinite extension were a natural continuation of the foreign policy of the “rainbow nation.”⁶ Other scholars attribute the success to the pressure levied by the United States, despite ongoing debates in South Africa (which have been sketched only in broad outlines).⁷

Support for the indefinite extension was not inevitable nor can it be attributed solely to US pressure. Although South Africa was on the receiving end of US démarches, so were seventy other countries. Furthermore, arguments highlighting the role of the United States tend to overlook that South Africa was a new member of NAM, which had strong reservations about the NPT and its extension. The African National Congress (ANC), the ruling party fresh in power in South Africa, had historically strong relations with numerous NAM countries and enjoyed their support.⁸ There was therefore nothing automatic about preferring the US position over the NAM

³ Harald Müller, “Smoothing the Path to 1995: Amending the Nuclear Non-Proliferation Treaty and Enhancing the Regime,” in John Simpson, ed., *Nuclear Non-proliferation: An Agenda for the 1990s* (Cambridge: Cambridge University Press, 1987), pp. 123–37. This attitude has been criticized in more recent scholarship; see Benoît Pelopidas, “The Oracles of Proliferation: How Experts Maintain a Biased Historical Reading that Limits Policy Innovation,” *Nonproliferation Review*, Vol. 18, No. 1 (2011), pp. 297–314.

⁴ Tariq Rauf and Rebecca Johnson, “After the NPT’s Indefinite Extension: The Future of the Global Nonproliferation Regime,” *Nonproliferation Review*, Vol. 3, No. 1 (1995), pp. 28–42.

⁵ For example: Jean du Preez and Thomas Maettig, “From Pariah to Nuclear Poster Boy,” in William C. Potter and Gaukhar Mukhatzhanova, eds., *Forecasting Nuclear Proliferation in the 21st Century: A Comparative Perspective*, Vol. 2 (Stanford, CA: Stanford University Press, 2010), 302–35; Zondi Masiza and Chris Landsberg, “Fission for Compliments? South Africa and the 1995 Extension of Nuclear Non-proliferation,” *Policy: Issues and Actors*, Vol. 9, No. 3 (1996); Frederick A Van Der Merwe, “Arms Control and Disarmament in South Africa after the Cold War,” *Strategic Review for Southern Africa/ Strategie Oorsig vir Suid-Afrika*, Vol. 25, No. 1 (2003), pp. 53–87; Jo-Ansie Van Wyk, “Nuclear Diplomacy as Niche Diplomacy: South Africa’s Post-apartheid Relations with the International Atomic Energy Agency,” *South African Journal of International Affairs*, Vol. 19, No. 2 (2012), pp. 179–200.

⁶ Walter Carlsnaes and Philip Nel, eds., *In Full Flight: South African Foreign Policy after Apartheid* (Midrand: Institute for Global Dialogue, 2006).

⁷ Rebecca Davis Gibbons, “American Hegemony and the Politics of the Nuclear Non-proliferation Regime,” PhD diss, Georgetown University, 2016; Ian Taylor, “South Africa and the Nuclear Non-proliferation Treaty,” in Donna Lee, Ian Taylor, and Paul Williams, eds., *The New Multilateralism in South African diplomacy* (Basingstoke: Palgrave Macmillan, 2006), pp. 159–81; Jo-Ansie Karina Van Wyk, *South Africa’s Nuclear Diplomacy, 1990–2010: Securing a Niche Role through Norm Construction and State Identity* (Pretoria: University of Pretoria, 2013).

⁸ Stephen Ellis, *External Mission: The ANC in Exile, 1960–1990* (London: C. Hurst, 2012).

position.⁹ Indeed, less than a year before the Extension Conference, the ANC's main nuclear "hand," Abdul Minty, pronounced that "[the NPT] is a discriminatory treaty where the nuclear weapons states have very little pressure on them to get rid of their weapons ... our efforts must, of course, go to make sure that that does not continue to operate in such a discriminatory manner."¹⁰

Understanding the genesis of South Africa's support for the NPT's indefinite extension contextualizes South Africa's post-apartheid norm entrepreneurship as well as the decision-making process in one of the crucial parties behind the NPT's indefinite extension. This apparent discrepancy between the alleged pressure of the United States and the allegiance to NAM prompted the following historical case study of the policy-making process and decision to support the NPT's indefinite extension.¹¹ Although this article focuses on pragmatic explanation in a single case, some insights may be used to draw broader implications. The research draws on three sources of material—primarily newly declassified archival materials from archives in Pretoria, Berlin, and Washington—as well as in-depth oral history interviews with the key actors. Whenever possible, we corroborate or triangulate these with existing primary sources, mainly earlier declassified materials, contemporary newspaper articles, and published memoirs of key participants.

This article shows that one of the main events defining South Africa's post-apartheid foreign policy materialized at the last minute. It examines the divergence between the foreign-policy bureaucracy and the political elites, the latter of whom had paid little attention to the subject until late in the process. South African diplomats, throughout the preparation process, opposed indefinite extension in favor of a series of conditional extensions. In a meeting in the Government Guest House near Pretoria on April 1, 1995—with less than two weeks before the review conference—Vice President Thabo Mbeki changed this course of action and set South African policy toward indefinite extension.

The Canadian delegation, in the meantime, had been building a coalition, through the collection of signatures, in favor of indefinite extension, as decided at a meeting among the Western Group and Russia, chaired by Canadian Ambassador Peggy Mason, in March 1994.¹² To pass, the resolution on indefinite extension needed ninety signatures. Two weeks before the conference's start, German diplomats estimated 101 countries were firmly committed, and twelve additional countries "leaning" toward the indefinite extension.¹³ If only 101 were to support the extension, South Africa would be remembered not as bridge builder, but as the country that stood on the wrong side of history by opposing the NPT's indefinite extension. That reputation would have been much more disadvantageous to South Africa than being a bridge builder, and indeed could have hurt the standing of a newly democratic South Africa emerging from apartheid. In addition, the extension

⁹ In the end, two countries—South Africa and Benin (persuaded by France)—prevented a NAM position against indefinite extension from emerging. See Thomas Graham, *Disarmament Sketches: Three Decades of Arms Control and International Law* (Seattle: University of Washington Press, 2002).

¹⁰ Abdul Samad Minty, "Keynote Address," in *The Nuclear Debate: Policy for a Democratic South Africa. Proceedings of a Conference under the Auspices of the ANC Western Cape Science and Technology Group and The Environmental Monitoring Group* (Cape Town: Environmental Monitoring Group, Western Cape, 1994), pp. 7–15.

¹¹ An explanatory process-tracing study, in the political-science language of Derek Beach and Rasmus Brun Pedersen, *Process-Tracing Methods: Foundations and Guidelines* (Ann Arbor: University of Michigan Press, 2013).

¹² Rauf and Johnson, "After the NPT's Indefinite Extension."

¹³ "NVV-Verlängungskonferenz. Positionen der Vertragsstaaten. (6 April 1995)," Political Archive of the German Federal Foreign Office, Row 675, box 48828 (1995).

would have happened without the decision on the Principles and Objectives, rendering the nuclear nonproliferation regime quite different from what it is today.

This case study also demonstrates that even a secondary state can, to an important extent, shape global regimes. We show that the leadership of Vice President Mbeki changed the direction of South Africa's position on the 1995 NPT RevCon, thus helping shape the global nonproliferation regime to a major, hitherto underappreciated, degree.

The second section of this article provides a brief historic overview of South Africa's nuclear-weapon program, its rollback, and the country's reintegration into the nonproliferation regime. The third section provides a setting for the formulation of the position by professional diplomats, both domestically and with relation to other countries. This section also discusses the so-called "third option," a privately argued position until two weeks before the start of the conference, which called for a rolling extension of the NPT. The third section ends with a discussion of the meeting on April 1, 1995, when the policy elites and professional diplomats met and completely negated the "third option." The fourth section discusses the road of those drafts from the drafting tables in Pretoria to the meeting rooms in New York. The fifth section concludes.

South Africa's nuclear-weapon program, its rollback, and integration into the nonproliferation regime

South Africa is globally recognized for terminating its nuclear-weapon program at the end of the 1980s. This program started as a civil nuclear-energy program in the 1960s, which included engineering a unique process for uranium enrichment and exploring peaceful uses of nuclear explosions (PNEs). By 1974, these interests had evolved into a decision to detonate one PNE at an underground site in the Kalahari Desert. In 1978, facing international condemnation and isolation due to its repressive domestic racial segregation policy of apartheid, and gripped in a war against Soviet- and Cuban-backed forces in Angola, the apartheid regime in Pretoria took a formal decision to design and develop a secret strategic nuclear-deterrent capability. Using knowledge and skills acquired during the 1960s—a period of techno-nationalism and Western collaboration—South Africa was able to cross this threshold in a relatively short time. Ultimately, driven by domestic and regional threat perceptions, South Africa produced six nuclear devices, while remaining staunchly opposed to acceding to the NPT.¹⁴ Throughout the 1980s, research into implosion and thermonuclear technology and longer-range ballistic-missile delivery systems continued at an ultra-secret nuclear facility known as the Kentron Circle Facility (also known as Advana). The complex, which was close to Pretoria, also housed the small nuclear arsenal in special vaults.¹⁵

The apartheid regime pursued a nuclear-weapon program to address what it perceived as the gravest ever threats to its security, both internally and externally. By the early 1980s, the exiled ANC accelerated attempts to break the apartheid regime's grip through a new

¹⁴ Anna-Mart Van Wyk, "South African Nuclear Development in the 1970s: A Non-proliferation Conundrum?" *International History Review*, Vol. 40, No. 5 (2018), pp. 11, 52–73.

¹⁵ Hilton Hamann, *Days of the Generals: The Untold Story of South Africa's Apartheid-Era Military Generals* (Cape Town: Zebra, 2001); Bill Keller, "Building (and Dismantling) a Threat," *New York Times*, March 28, 1993, <www.nytimes.com/1993/03/28/weekinreview/march-21-27-building-and-dismantling-a-threat.html>; Magnus Malan, *My Life with the SA Defence Force* (Pretoria: Protea Book House, 2006); Frank V. Pabian, "South Africa's Nuclear Weapon Program: Lessons for U.S. Nonproliferation Policy," *Nonproliferation Review*, Vol. 3, No. 1 (1995), pp. 1–19.

strategy involving mass mobilization and an intensified armed struggle. Concurrently, the war in Angola intensified and the number of Cuban forces in Angola increased steadily, leading to an escalation in South Africa's military involvement in both Angola and South West Africa (formerly Namibia).¹⁶ By 1985, the apartheid regime was facing a detrimental situation that included the ongoing war, increasing internal unrest and continued incursions by ANC guerrillas, a national state of emergency, the introduction of wide-ranging sanctions, and UN demands for the immediate independence of South West Africa. By May 1988, the Angolan war had transformed from primarily a game of cat and mouse to a more conventional standoff between two small armies with heavy artillery and modern weapons.¹⁷

On December 22, 1988, the agreement between the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa (also known as the Tripartite Agreement, or New York Accords)¹⁸ granted independence to South West Africa—now Namibia—and ushered in the withdrawal of South African and Cuban troops from Angola and Namibia. Furthermore, the collapse of the Soviet Union, symbolized by Mikhail Gorbachev's progressive change of stance toward colonial liberation movements and the fall of the Berlin Wall at the end of 1989, resulted in the withdrawal of Soviet support and therefore also, in Pretoria's view, of a nuclear threat from Southern Africa. This led to an improvement in the security of South Africa's borders. This in turn led to a change in the views of Armscor and the Atomic Energy Agency (AEC, which replaced the Atomic Energy Board and Uranium Corporation of South Africa in 1982). The AEC now agreed that South Africa should adhere to the NPT as soon as possible, as there was "pressure on South Africa to accede now"¹⁹ in light of the impending ANC takeover of government, and also because South Africa would get no *quid pro quo* for accession. Armscor in turn indicated that it was no longer committed to a nuclear-weapon program and would rather focus on a satellite or conventional delivery system.²⁰

President Frederik Willem de Klerk moved fast to put into motion fundamental domestic political reforms aimed at bringing full democracy to South Africa. These included the relaxation of apartheid laws, talks with the ANC, the unbanning of the liberation movements, and the release of ANC stalwart Nelson Mandela after twenty-seven years in jail.²¹ On February 26, 1990, de Klerk ordered the removal and dismantling of "the

¹⁶ Hamann, *Days of the Generals*; Morgan Norval, *Death in the Desert: The Namibian Tragedy* (Washington, DC: Selous Foundation Press, 1989). Waldo Stumpf, former head of the AEC, interview with Anna-Mart Van Wyk, September 2012.

¹⁷ "Security Council Widens S. Africa Arms Embargo," *Los Angeles Times*, December 14, 1984; *The Comprehensive Anti-Apartheid Act*; "Sanctions against South Africa: Current Legislative Issues (14 August 1986)," in Collection: Main Management, Foreign Affairs and Organization, Embargo, File 1/17/1, Vol. 5, Armscor Archives (1986); Robert Massie, *Loosing the Bonds: The United States and South Africa in the Apartheid Years* (New York: Nan A. Talese/Doubleday, 1997); United Nations, "United Nations General Assembly Resolution 39/50 A 'The Situation in Namibia Resulting from the Illegal Occupation of the Territory by South Africa'"; United Nations, "United Nations General Assembly Resolution 39/50 B 'Implementation of Security Council Resolution 435 (1978)'."

¹⁸ Agreement among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa (Tripartite Agreement), December 22, 1988, <<https://peacemaker.un.org/angola-tripartite-agreement88>>.

¹⁹ DFA, Memorandum from "De Klerk: South Africa Had the Bomb," *Africa Report*, Vol. 38, No. 2 (May–June 1993), pp. 6–7; David Albright and Mark Hibbs, "South Africa: The ANC and the Atom Bomb," *Bulletin of the Atomic Scientists*, Vol. 49, No. 3 (1993), pp. 32–37; Herbert Beukes, "Main Points Arising from Luncheon on 14 November 1989 (Memorandum to Richard Carter)," in File: NPT-IAEA, Agreement/Negotiations on Full-Scope Safeguards, SAFAA (1989); L. Louw, "Waarom bomme gebou is ... en waarom dit nou afgetakel is," *Beeld*, March 26, 1998, p. 9; Malan, *My Life with the SA Defence Force*.

²⁰ Ibid.

²¹ BBC News, "Freedom for Nelson Mandela," *On This Day*, February 11, 1990, <http://news.bbc.co.uk/onthisday/hi/dates/stories/february/11/newsid_2539000/2539947.stm>.

Controlled Units as well as the Weapons Systems of all existing nuclear weapons, together with material and material components of incomplete weapons.”²² A steering group consisting of senior managers of the South African Defense Force, AEC, and Armscor would supervise the dismantling and clean-up process.²³ Subsequently, the highly-enriched uranium production plant was closed; the enriched uranium was downgraded to make it unsuitable for weapons; the weapons blueprints were destroyed;²⁴ the relevant Armscor facilities were decontaminated; Armscor’s nuclear facilities were converted for conventional-weapons work and non-weapon commercial activities; and a full and complete inventory of nuclear materials and facilities was compiled for the International Atomic Energy Agency (IAEA).²⁵

The dismantling of the nuclear-weapon arsenal opened the door for accession to the NPT, but this would not happen immediately for various reasons, one of which was the plausible deniability of possessing a nuclear-weapon arsenal. Pretoria also allegedly wanted to use its voluntary dismantlement as a bargaining chip for resuming “full participation in the activities of the IAEA, closer collaboration with other African countries in the development of nuclear technology, unconditional support for the principle of declaring Africa a nuclear weapons-free zone, and participation in global efforts to prevent the proliferation of weapons of mass destruction.”²⁶ Last but not least, immediate adherence to the NPT would have placed the IAEA in a unique (and difficult) position of developing procedures to safeguard nuclear material in an ostensibly non-nuclear-weapon state that probably possessed nuclear weapons as well as a large inventory of highly enriched uranium. In other words, should South Africa sign the NPT while still being in possession of nuclear weapons, the credibility of the NPT would have been seriously damaged.²⁷

On June 28, 1991, Foreign Minister Roelof Frederik “Pik” Botha signaled that South Africa would sign the NPT after assurances had been received from the IAEA that it would not be in a position to start inspection of South Africa’s nuclear facilities for at least two years. The United Kingdom also assured South Africa that, “if it signed the Treaty, European countries were likely to lift their ban on nuclear cooperation with South Africa.”²⁸ Botha signed the NPT on July 8, 1991.

De Klerk’s March 1993 revelation of the nuclear-weapon program was followed in July 1993 by a new South African law banning all weapons of mass destruction,²⁹ coinciding with the conclusion of the IAEA’s verification process of the country’s nuclear establishments. This resulted in the recognition of South Africa as a unique case of nuclear rollback,

²² Memorandum, State President to Minister of Defence, “Dismantling of Nuclear Weapons,” February 26, 1990, in N. von Wielligh and Lydia Von-Wielligh-Steyn, *The Bomb: South Africa’s Nuclear Weapons Programme* (Pretoria: Litera, 2015), p. 512.

²³ *Ibid.*

²⁴ BBC News, “Freedom for Nelson Mandela”; Waldo Stumpf, “South Africa’s Nuclear Weapons Program: From Deterrence to Disarmament,” *Arms Control Today*, Vol. 25, No. 10 (1996), pp. 4–6.

²⁵ Jo-Ansie Van Wyk and Anna-Mart Van Wyk, “From the Nuclear Laager to the Non-proliferation Club: South Africa and the NPT,” *South African Historical Journal*, Vol. 67, No. 1 (2015), pp. 32–46.

²⁶ Jeremy Shearer, “Denuclearization in Africa: The South African Dimension,” *Disarmament*, Vol. 16, No. 2 (1993), pp. 171–86; Van Wyk and Van Wyk, “From the Nuclear Laager to the Non-Proliferation Club.”

²⁷ “South Africa: Ready to Accede to the NPT (Analysis; 8 February 1990),” in George Bush Presidential Library, Bush Presidential Records, Staff and Office Files, National Security Council, Daniel B. Poneman Files, South Africa [OA/ID CF01350] (1990).

²⁸ K. Nelmapius, “SA sal kernspervdrag onderskryf,” *Beeld*, June 28, 1991, p. 1; Van Wyk, *South Africa’s Nuclear Diplomacy*; C.S. Wren, “Pretoria Accepts Atom-Arms Ban and Agrees to Plant Inspections,” *New York Times*, June 28, 1991, p. A1.

²⁹ “Message to Congress on the South Africa–United States Agreement on the Peaceful Uses of Nuclear Energy (2 October 1995),” *Weekly Compilation of Presidential Documents*, Vol. 31, No. 39 (1995), pp. 1745–46.

which bestowed upon the country “significant moral and normative power and a unique nuclear identity as a state that terminated its nuclear weapons program.”³⁰ It also opened the way for the country to participate as a state party in the review conferences and preparatory committee meetings of the NPT. Ironically, its first participation in an NPT-related conference was the 1995 RevCon, where the future of the treaty was set to be decided.³¹

Preference formation

In the vast majority of countries, the decision to craft a nonproliferation policy is left to expert bureaucracies.³² The important role of bureaucracies in foreign-policy making is well established in the foreign-policy literature.³³ Stemming from the early work by Graham Allison,³⁴ the bureaucratic-politics perspective highlights diverging preferences of actors within different government departments, and explains policy outcomes as the result of their bargaining process. In such processes, actors “promote the positions their organizations have taken in the past that are consistent with the interests their organization represents.”³⁵ In inter-institutional bargaining, therefore, the bureaucrats tend to have the upper hand due to their undeniable expertise.

But in a transition setting, this may not be the case, as the relationship between the old bureaucratic elite and the new political elite is not yet settled. South Africa is a perfect example of this: after the transition to democracy in 1994, the foreign service was still unsettled—filled with old, apartheid-era bureaucrats, but with new political masters.³⁶ Though the ANC had recently come into power, its officials were not yet integrated into the South African foreign ministry. To further complicate matters, foreign affairs were assigned to the transitional Sub-Committee on Foreign Affairs (SCAF), which included members of major parties, and with which senior officials of the apartheid-era Department of Foreign Affairs (DFA) engaged to familiarize them with the system.³⁷ This arrangement meant that there was significant fraternalization between the senior officials and political elites.³⁸

³⁰ Van Wyk, *South Africa's Nuclear Diplomacy*, p. 221.

³¹ *Ibid.*

³² Only in very few countries, heads of states or high-level officials become involved in crafting nuclear nonproliferation policy. The White House's involvement in the 1995 NPT extension is an exception to this rule; see Graham, *Disarmament Sketches*.

³³ Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, 1971); Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Longman, 1999); Morton H. Halperin, Priscilla Clapp, and Arnold Kanter, *Bureaucratic Politics and Foreign Policy* (Washington, DC: Brookings Institution Press, 2006); Alex Mintz and Karl De Rouen, Jr., *Understanding Foreign Policy Decision Making*, (Cambridge: Cambridge University Press, 2010).

³⁴ Allison, *Essence of Decision*.

³⁵ Martha S. Feldman, *Order without Design: Information Production and Policy Making* (Stanford, CA: Stanford University Press, 1989). in Steven B. Redd and Alex Mintz, “Policy Perspectives on National Security and Foreign Policy Decision Making,” *Policy Studies Journal*, Vol. 41, No. 51 (2013), pp. S11–37.

³⁶ Vineet Thakur, “Foreign Policy and Its People: Transforming the Apartheid Department of Foreign Affairs,” *Diplomacy & Statecraft*, Vol. 26, No. 3 (2015), pp. 514–33.

³⁷ SCAF was a part of the Transitional Executive Council, which led the country between October 1993 and the elections in April 1994, a key period in the transition toward democratic rule in South Africa. See especially Chapter 5 of Matthew Graham, *The Crisis of South African Foreign Policy: Diplomacy, Leadership and the Role of the African National Congress* (London: I.B. Tauris, 2015).

³⁸ To the best of our knowledge, SCAF has never dealt with any issues relating to the proliferation of nuclear weapons. Multiple interviewees (including some not named in this paper) have confirmed this to us, and there appear to be no

One member of the ANC who was formally excluded from that process was Abdul Minty, an ANC official active in the struggle against apartheid, who had opposed the apartheid regime's nuclear-weapon program for decades prior to the transition to democracy. At the time, Minty was a senior advisor to Minister of Foreign Affairs Alfred Nzo. He joined the DFA only after the 1995 NPT RevCon, and was later associated with setting the tone in South Africa's nonproliferation policy.³⁹ This circumstance provided for a curious structure, where political overlords were separated from the bureaucrats who were supposed to supply them with information. It therefore makes sense to present the bureaucratic process and the political process separately, because, in reality, they also ran separate courses until they were merged on April 1, 1995.

Bureaucrats' preference

South African diplomats started to think early about the position and strategy for the 1995 RevCon, and the cabinet decided as early as 1994 that the country would play an active role at the conference.⁴⁰ The conference was, however, the first NPT meeting that South Africa would attend, and one of the first multilateral conferences for the country after it emerged from apartheid. "[W]e were complete babes in the wood. And this was the first major conference for all of us. ... [T]o be honest, we didn't understand how the conferences worked," said Peter Goosen, the director for nonproliferation at the DFA.⁴¹ The department had only recently begun to engage in multilateral fora,⁴² and the Sub-Directorate of Non-Proliferation Affairs totaled only five officials. Despite prior experience with handling South Africa's IAEA membership and nuclear disarmament, the manpower was thin.

Obfuscation abroad

For the South African diplomats, one of the ways in which they could update their knowledge was participating in meetings organized by the Project of Promoting Nuclear Non-Proliferation (PPNN). The PPNN was a group of senior officials (some active and some retired), academics, and experts, who organized a series of conferences in advance of the 1995 NPT RevCon to bring diplomats from a large number of countries up to date with matters related to the conference. Headquartered administratively at the University of Southampton, a former senior UN official, Ben Sanders, acted as the group's executive chairman, and John Simpson, a Southampton-based professor, as the program director. One of the meetings took place on July 9–12, 1993, at Chilworth Manor, and one of the thirty-eight diplomats taking part in the meeting was Peter Goosen, the first South African attending a PPNN

references to these themes in the papers of Thomas Wheeler, one of the senior officials of DFA responsible for liaison with SCAF.

³⁹ See Abdul Samad Minty, "An Oral History with Abdul Samad Minty / Interviewer: Sue Onslow," Commonwealth Oral History Project, <https://sas-space.sas.ac.uk/6531/1/abdul_minty_transcript.pdf>.

⁴⁰ Nic von Wielligh and Lydia von Wielligh-Steyn, *The Bomb: South Africa's Nuclear Weapons Programme* (Pretoria: Litera, 2015).

⁴¹ Peter Goosen, *An Oral History with Peter Goosen / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017).

⁴² South Africa started joining multilateral fora only after readmission to the UN General Assembly in 1993, although the multilateral department within DFA had functioned since the mid 1980s. See Thakur, "Foreign Policy and Its People."

meeting.⁴³ The participants received three days of workshops focused on procedural issues, treaty interpretation, security considerations, safeguards and compliance verification, peaceful uses, export issues, and regional issues.⁴⁴ Lectures were given by either PPNN members (participants in the so-called “Core Group”) or invited third-party experts. The program was padded with generous breaks for lunches, cocktails, and dinners, with the hope that extra time would lead to personal ties being cemented between diplomats.⁴⁵

During one of the evenings, Goosen met with Sven Jurchewsky, a Canadian diplomat, at a pool table. Jurchewsky told Goosen that, for the Canadians, the ultimate goal for the 1995 RevCon was to have an indefinite extension of the NPT, but with significant concessions from the NWS.⁴⁶ Goosen agreed that the NPT should be extended, and that there should be a mechanism of accountability.⁴⁷ Jurchewsky continued to share some of the Canadian thoughts on the subject of accountability in a meeting on the sidelines of the Third PrepCom meeting in 1994. At the time, these ideas evolved around the adoption of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), export controls, reduction in the nuclear-weapon arsenals, and the role of tactical weapons—long-term staples of the nonproliferation agenda.⁴⁸

Additional information about what the South African government was thinking can also be gauged by documents from the US Department of State, which was similarly interested in assessing South Africa’s views and influencing South Africa’s position early on. The Bill Clinton administration was strongly in favor of the NPT’s indefinite extension and put significant effort into pursuing a global lobbying campaign toward that goal. In August 1994, Ambassador Thomas Graham, Jr., the acting director of the US Arms Control and Disarmament Agency (ACDA), together with Susan Burk, his deputy at the time and head of the unit tasked with the NPT’s extension, travelled to South Africa to advocate for indefinite extension. South African officials, however, explained that, at that point, a decision about the country’s position for the RevCon had not yet been made by the fledgling Government of National Unity. Yet, South African diplomats told the Americans that they considered the ideal solution was to extend the NPT perpetually, an answer repeated in response to the official US démarches in early 1995.⁴⁹ The same language of perpetual extension was also used in the first meeting of the Nuclear Suppliers Group (NSG) in which South Africa participated (March 1995); the South African diplomats insisted that the word “indefinite” be replaced with “perpetual” in

⁴³ Programme for Promoting Nuclear Non-Proliferation, “Issues at the 1995 NPT Conference: An International Seminar for Government Officials. List of Participants (9–12 July 1993),” in University of Southampton Special Collections, box MS 424 A3079/1/1/15 (1993).

⁴⁴ Programme for Promoting Nuclear Non-Proliferation, “Issues at the 1995 NPT Conference: An International Seminar for Government Officials. General Report (9–12 July 1993),” in Reel 7448, Ford Foundation Grants—U to Z, Rockefeller Archive Center (1993).

⁴⁵ Ben Sanders, *An Oral History with Ben Sanders / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017).

⁴⁶ Jurchewsky first shared this story immediately after the 1995 NPT RevCon with Darryl Howett, one of the PPNN affiliates. Howett noted it in writing afterwards; see “Darryl’s Meeting with Sven Jurchewsky, 1995,” in University of Southampton Special Collections, box MS 424 A3079/1/1/19f1 (1993).

⁴⁷ Sven Jurchewsky, *An Oral History with Sven Jurchewsky / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017).

⁴⁸ Tariq Rauf, *An Oral History with Tariq Rauf / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017). Canada shared similar ideas around the same time with Mexicans.

⁴⁹ Graham, *Disarmament Sketches*; Thomas Graham, *An Oral History with Thomas Graham / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017).

relation to the NPT extension in the NSG's final declaration. What neither Canadian nor American interlocutors knew, however, was that, for South Africans, indefinite and perpetual extension did not mean the same thing.⁵⁰

"The third option"

Though South Africa's official mantra—that it had not yet taken a decision on its position for the conference—was technically correct, South African diplomats were developing one. Participation in PrepCom meetings and regular interaction with diplomats from around the world required South African diplomats to pursue some sort of policy, even without a blessing from the top. This bureaucratic process led to developing "a private position," argued privately, not officially. This position was to be "deduced" rather than openly stated and was expressly kept secret so as not to reveal it too early.⁵¹ While it was not formally approved by the minister of foreign affairs, South African diplomats acted on the basis of this private position until two weeks before the conference, and available documents show they counted on this position when preparing their strategy for the conference.

At the Fourth PrepCom in Geneva in January 1995, South Africa officially presented its legal opinion on the options for extending the treaty.⁵² The legal opinion identified three possible scenarios: an indefinite extension, extension for *an* additional fixed period, or extension for additional fixed *periods* (original emphases). The indefinite extension meant unlimited duration of the treaty until all state parties withdrew from the treaty. An extension for a single additional fixed period meant that the treaty would automatically terminate after the period's expiry. The analysis of the third option occupied most of the legal document. South Africa's legal experts explained that extension for additional fixed periods would necessitate some sort of mechanism for the transition from one fixed period to another, to distinguish it from an indefinite extension. Consistent with the idea of periodic review of the NPT, South African lawyers argued that a conference toward the end of the review cycle would be a suitable moment for such review. But would such a mechanism be negative (i.e., requiring a decision of state parties to prevent roll-over to another period); or positive (i.e., requiring a decision of state parties to affirmatively extend the treaty)? The South African lawyers considered the third option with a positive mechanism to be the one consistent with Article X.2 of the NPT and the 1980 Vienna Convention on the Law of Treaties. Given his legal background and position at the helm of the DFA nonproliferation department, Goosen was part of the team drafting this legal opinion.⁵³

⁵⁰ In contemporaneous memoranda, Goosen contrasted perpetual extension "as opposed to" an indefinite one. See Peter Goosen, "Nuclear Non-Proliferation Treaty (NPT): South African Position and Preparations for the NPT Review and Extension Conference [February 24, 1995]," in Department of International Relations and Cooperation Archives (Pretoria) (1995), para. 3.2. However, in his memoirs, Graham clearly states that he viewed perpetual extension as an alternative to a twenty-five-year rolling extension. See Graham, *Disarmament Sketches*, p. 267.

⁵¹ Goosen, "Nuclear Non-Proliferation Treaty," para. 3.2.

⁵² Office of the Chief State Law Adviser (International Law) of the Republic of South Africa, "South African Legal Opinion on Article X.2 of the NPT [27 December 1994]," in Department of International Relations and Cooperation Archives (Pretoria) (1994).

⁵³ Goosen, *An Oral History with Peter Goosen*. Jean duPreez, in his oral-history interview, recalled that the first version of the legal opinion was not contextualized and had to be reworked.

In a memorandum written after the Fourth PrepCom, Goosen (by then posted to the Conference for Disarmament in Geneva) explained that “South Africa has to date taken care not to commit itself publicly to any of the extension options.”⁵⁴ This was not to let domestic debate run its course, but to “maintain a flexible position where we could act as the broker between the NAM and the developed countries.”⁵⁵ Goosen’s recommendation was to continue pursuing the private option. “This policy [of not officially binding toward any of the options] has proven to be successful as is evidenced by the widespread recognition which has been given to the position we have been privately arguing.”⁵⁶ The memorandum continued to explain that “an extension which has the potential of drawing support is a rolling extension of successive fixed periods which would extend the Treaty in perpetuity, but where a positive vote would be required between each of the succeeding periods to initiate the start of the following period”⁵⁷—effectively, a position equal to the third option from the legal opinion, with a positive mechanism. The memorandum stated that “it is strongly recommended that South Africa should maintain its current position until the start [of the conference],” but that such position “should be deduced, not openly stated.”⁵⁸

Goosen cited an invitation to a dinner organized by Canada’s permanent representative to the Conference for Disarmament as a recognition of the privately argued option. A small group of countries⁵⁹ “[met] to discuss possible actions which will ensure that the April NPT Conference has a successful conclusion.”⁶⁰ “The primary focus of the discussion at the dinner was the South African proposal of a ‘Third Option’ for the extension of the NPT,” wrote Goosen.⁶¹ The German participant in the dinner, Ambassador Wolfgang Hoffmann, recalled South Africa’s “interesting emphasis” on “additional fiksed [sic] periods” as bringing an interesting legal argument to the table, although he did not suggest South Africans preferred either option.⁶²

Goosen continued to identify the main risk as coming from those advocating for indefinite extension, such as the United States, Russia, and US allies. His vision of South Africa’s position was to build a bridge away from indefinite extension. In support of the third option, the memo then suggested that the MFA should lobby the South African Development Community (SADC) member countries for support.⁶³ In addition to SADC, the memo recommended approaching other countries in a similar way, including African countries on the IAEA’s Board of Governors, as well as Brazil, Colombia, Ecuador, Peru, Indonesia, Iran, India, and Pakistan. “NO ACTION” (sic) was to be taken in multi-lateral missions, in order not to reveal the position too soon.⁶⁴

⁵⁴ Goosen, “Nuclear Non-Proliferation Treaty,” para. 2.2

⁵⁵ *Ibid.*, para. 2.5

⁵⁶ *Ibid.*, para. 2.6

⁵⁷ *Ibid.*, para. 2.6

⁵⁸ Both citations from Goosen, “Nuclear Non-Proliferation Treaty,” paras. 3.1 and 3.2, respectively.

⁵⁹ Canada, Australia, Germany, Colombia, Ethiopia, Japan, Argentina, Hungary, Peru, Philippines, the Republic of Korea, and South Africa; according to the memorandum.

⁶⁰ Goosen, “Nuclear Non-Proliferation Treaty,” para. 2.8

⁶¹ *Ibid.*, para. 2.8

⁶² Wolfgang Hoffmann, “4.prepcom ueberpruefungs- un verlaengungskonferenz vom 23.1. bis 27.1.1995: allgemeine aussprache,” in Political Archive of the German Federal Foreign Office, Row 675, box 48828 (1995).

⁶³ Although the draft does not mention them, SADC members at that time included Angola, Botswana, Swaziland, Lesotho, Madagascar, Malawi, Mozambique, Namibia, Tanzania, Zambia, and Zimbabwe (in addition to South Africa).

⁶⁴ Goosen, “Nuclear Non-Proliferation Treaty,” para. 3.2

Jean duPreez, the nonproliferation desk officer at the DFA, forwarded Goosen's memo to Foreign Minister Nzo almost in its entirety.⁶⁵ The memo for Minister Nzo clearly spells out (in bold) that "[i]t is recommended that South Africa's [sic] should support the rolling extension of successive fixed periods which would extend the Treaty in perpetuity, but where a positive vote would be required between each of the succeeding periods to initiate the start of the following period."⁶⁶ This memo also spelled out the strategy for bridge building.

South Africa's diplomats identified the debate about the length of the periods as the key argument against the third option. The solution was to maintain flexibility on the length of each period. The document expected that the majority of countries would favor five-year periods, whereas the United States was not willing to consider anything shorter than a twenty-five-year period. The plan was for South Africa to break the deadlock with a proposal for a fifteen-year period.⁶⁷ To clarify the position, duPreez wrote on March 2, 1995, that "the Department ... recommends that South Africa seek support for an extension option which is based on a rolling extension of successive fixed periods which would extend the Treaty."⁶⁸ This memorandum warned against a "50%+1" majority vote, meaning that the decision about the eventual extension should not be taken by the smallest possible majority. The document also warned against making a decision to which countries such as Iran, Indonesia, Mexico, or Nigeria would be opposed.

The "private position" put forward by the South African diplomats, and advocated until April 1995, was a fairly radical proposal. It would require a positive vote before each roll-over, which would be the most demanding requirement of all proposals submitted to the conference. If South Africa came to the conference with such a position, it was very likely that it would appeal to the NAM and alienate the Western countries—in particular the United States⁶⁹—and Russia, which by then had set the course on indefinite extension.⁷⁰ While the South African diplomats had therefore been technically correct to say that their principals had not formulated an official policy, they nevertheless acted according to a well-defined strategy.

In the absence of formal guidelines, the officials acted exactly along the lines of ANC policy. This is not to say that the ANC dictated the strategy (or was in any way involved in its crafting, at this point); simply, it was a statement that such strategy and policy were consistent with what ANC policy would predict. The ANC policy was one of long-held skepticism of the NPT as a double-standard treaty, and, combined with the rejection of nuclear weapons, the "private position" made complete sense.⁷¹ As Minty later explained in an interview, the new government's goal was to reduce the number of nuclear weapons as well as the number of countries possessing them.⁷² For an official who did not know

⁶⁵ Jean duPreez, "Nuclear Non-Proliferation Treaty (NPT): South African Position and Preparations for the NPT Review and Extension Conference [February 27, 1995]," in Department of International Relations and Cooperation Archives (Pretoria) (1995).

⁶⁶ *Ibid.*, para. 2.1.3.

⁶⁷ *Ibid.*, para. 2.3.4.

⁶⁸ Jean duPreez, "Nuclear Non-Proliferation Treaty (NPT): South African Position and Preparations for the NPT Review and Extension Conference [March 2, 1995]," in Department of International Relations and Cooperation Archives (Pretoria) (1995), para. 6.

⁶⁹ A similar conclusion was reached by Taylor, though with some confusion on the empirical matter. See Taylor, "South Africa and the Nuclear Non-Proliferation Treaty."

⁷⁰ Rauf and Johnson, "After the NPT's Indefinite Extension: The Future of the Global Nonproliferation Regime."

⁷¹ ANC activist David Goldberg demonstrated this at a national dialogue on nuclear policy in 1993, when he argued for shorter rather than longer NPT extension. See Van Wyk, *South Africa's Nuclear Diplomacy*.

⁷² Abdul Samad Minty, *An Oral History with Abdul Samad Minty / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017).

what *exactly* a policy principal would prefer, the green-light rolling extension was the best inference that could have been made. This policy was fully consistent with ANC preferences and statements before the transition to democracy. At the same time, this policy was also superficially consistent with the strong preference for nuclear disarmament. When the support for indefinite extension was unclear (South African diplomats expected some seventy countries to support such solution, well short of the 50 percent of state parties), the option hatched by South African diplomats made sense.⁷³

The secrecy and obfuscation allowed South African diplomats to prevent their preference from being recognized. Goosen's preferred language of talking about "perpetual extension" in his interactions with foreign interlocutors could have confused them, as even most native English speakers would not see much difference between indefinite and perpetual extension. There is no reason to believe Goosen explained to his interlocutors the difference between indefinite and perpetual extension, as his memorandum exhorted the need to maintain the strictest secrecy.⁷⁴

This is especially important when it comes to the cooperation with Canada, discussed above: Goosen's interests overlapped with Canadian views when it came to the enhanced NPT review mechanism. Both Goosen and Jurschewsky supported the idea of a mechanism to hold the NWS accountable. They disagreed, however, over whether the treaty should be held hostage to it. While Canada (and Jurschewsky) thought that this mechanism should strengthen the treaty once it was extended indefinitely, Goosen's idea was to make the treaty's performance the condition for periodic renewal. South Africa's insistence on *perpetual* extension made it possible for Jurschewsky to leave the pool-table meeting with an understanding that he and Goosen would work together toward an indefinite extension with conditions.⁷⁵

Political elites' policy preference

South Africa's political elites were most likely confronted with the issue of NPT extension for the first time in early 1995, when two letters from the United States, directed at President Nelson Mandela, requested his support for the NPT extension. One was written by President Bill Clinton and one by General Colin Powell.⁷⁶ In February 1995, Ambassador Graham recruited Powell, the recently retired chairman of the Joint Chiefs of Staff, to write to Mandela on the issue.⁷⁷ Clinton wrote a similar letter to Mandela less than a week later, on February 13, 1995. It is difficult to establish how influential these letters were—there

⁷³ South African expectations on this issue were similar to Germany's. Wolfgang Hoffmann, Germany's ambassador to the Conference on Disarmament, around the same time predicted that "only about 50–60 states could be thus far identified, which could be certain to vote for an indefinite extension, additional 25–35 lean towards this option." See Wolfgang Hoffmann, "4.sitzung des vorbereitungsausschusses fuer die nvv-konferenz, new york, 23-27.1.1995: koordinierungstreffen der eu und der westlichen gruppe sowie 'treffen in engerem kreis' am 20.01.1995," in Political Archive of the German Federal Foreign Office, Row 675, box 48828 (1995).

⁷⁴ Goosen, "Nuclear Non-Proliferation Treaty."

⁷⁵ Although Germany provides an exception, until very late in the process it had continued to classify South Africa as opposed to indefinite extension. "NVV-Verlängungskonferenz. Positionen der Vertragsstaaten. (6 April 1995)."

⁷⁶ An additional letter was sent from Vice President Gore to Thabo Mbeki, South Africa's executive vice president at the time.

⁷⁷ Colin Powell, "Letter to Nelson Mandela (8 February 1995)," in Clinton Presidential Library, Folder South Africa 1995 [9] (1995). Thomas Graham in his memoirs recalled that the South African desk at the State Department identified Powell as one of two people in the United States whom Nelson Mandela "might listen to" (the other being Henry Kissinger). See Graham, *Disarmament Sketches*.

was never a formal response to them, and only one of the South African officials we spoke to was aware of their existence.⁷⁸ Vice President Al Gore sent a further letter to Executive Vice President Thabo Mbeki, whose legal advisor forwarded it to the Ministry of Foreign Affairs, where it landed on the desk of Jean duPreez. This gave duPreez an opportunity to convene the policy meeting on April 1.⁷⁹

The issue reappeared during Mbeki's travel to Washington to open the US-South-African Bi-national Commission, February 26 to March 3. To Mbeki—who was well known for considering good relations with the United States as key for democratic South Africa—this was an important visit.⁸⁰ The commission, headed at the vice-presidential level, aimed to improve bilateral cooperation between the United States and South Africa. During his visit, Mbeki met with both Clinton and Gore. Clinton pressed Mbeki on the issue of indefinite extension, explaining the importance the United States attached to it.⁸¹ “Permanent renewal of the NPT is my top foreign policy priority, and I need your help,” Clinton told Mbeki, according to one of the participants in the meeting.⁸² Mbeki and Gore also discussed the issue extensively during their private dinner and subsequent working meetings. Unfortunately, relevant archival documents on the South African side could not be found, and an interview with Mbeki could not be secured; therefore, it is impossible to know what Mbeki's reaction to the meeting and the exhortation was. We do know, however, that Mbeki's vice-presidential office paid scant attention to the topic of the NPT's extension in the run-up to his US visit,⁸³ and he arrived in the United States with a different agenda—focused on trade, aid, and transition assistance, as well as sanctions imposed by the Clinton administration on South African military giant Denel due to contravention of the 1977 arms embargo against South Africa.⁸⁴

According to contemporaneous accounts by senior South African officials, Mbeki sympathized with Clinton's views,⁸⁵ and it is very likely he understood the significance that the United States attached to the NPT's indefinite extension. Whatever occurred between Mbeki and Gore (and Clinton), however, it did not trickle down to the other branches of the South African government. Foreign Minister Nzo, after attending a consultation in Cairo on the issue at the end of March 1995, stated that South Africa saw it “preferable to extend the NPT for a limited period,”⁸⁶ although he planned to deliberate with other African countries before confirming a final position. Nzo's principal advisor on nuclear issues, Abdul Minty, supported “a straight NAM line” in favor

⁷⁸ Jean duPreez, *An Oral History with Jean duPreez / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2018).

⁷⁹ *Ibid.*

⁸⁰ Graham, *The Crisis of South African Foreign Policy*. This view was shared by the highest civil servant in DFA, Director-General Leo “Rusty” Evans. See Thakur, “Foreign Policy and Its People.”

⁸¹ Princeton N. Lyman, *Partner to History: The U.S. Role in South Africa's Transition to Democracy* (Washington, DC: US Institute of Peace Press, 2002).

⁸² Princeton N. Lyman, *An Oral History with Princeton N Lyman / Interviewer: Michal Onderco* (Washington, DC: Nuclear Proliferation International History Project, 2017).

⁸³ DuPreez, *An Oral History with Jean duPreez*.

⁸⁴ Lyman, *Partner to History*. See also Chapter 7 of Martha Van Wyk, “The 1977 United States Arms Embargo against South Africa: Institution and Implementation to 1997,” PhD diss., University of Pretoria, 2006. The sanctions against Denel remained in place until 1997.

⁸⁵ “DFA Director-General Discusses US–SA Relations, Pariah States, DFA Restructuring (2 June 1995),” Department of State FOIA Virtual Reading Room, <https://foia.state.gov/searchapp/DOCUMENTS/FOIA_Jan2018/F-2016-00610EAN/DOC_0C06026695/C06026695.pdf>.

⁸⁶ AFP, “South Africa Wants Limited Extension of Nuke Treaty,” *Lexis Nexis*, March 29, 1995.

of a fixed-period extension (an even more restrictive option than the one advanced by the DFA bureaucrats).⁸⁷

On April 1, 1995, a little more than two weeks before the review conference, the political and bureaucratic process merged. This happened at a meeting convened by Mbeki's office, after it had forwarded Gore's letter to DFA. A small number of high-level officials from the MFA, ANC, and the cabinet assembled for a meeting presided over by MFA Director-General Rusty Evans. The meeting included the presentation of eight individual options, as well as expected support for them. It is likely that the officials from the nonproliferation desk (Goosen flew in from Geneva to attend) proposed the course suggested in earlier memoranda.⁸⁸ After the presentations, the meeting took a surprising turn. As Goosen explained, "the most senior of our principals that was present [Mbeki, according to the list of attendees] ... turned around and said, 'No, I think this position has to be that we support indefinite extension.'"⁸⁹ After a brief discussion, the point was adopted. Mbeki also suggested (and the meeting approved) that South Africa would propose a set of "principles," which were meant to strengthen the treaty review process and address the criticism about the treaty's performance. Importantly, however, "it was decided that the proposal for a set of 'Principles' was not a condition for our support for indefinite extension of the Treaty."⁹⁰ With this, Mbeki quickly trumped preferences of both bureaucrats and his own party (Minty).

The task of preparing the list of principles was given to Goosen and duPreez. They had to come up with the first draft within twenty-four hours. As Goosen recalls, "We went to the office and we sat there sort of saying, 'Well, what are we going to ask for?'"⁹¹ It is important to remember that neither Goosen nor duPreez had any experience from previous review conferences, and therefore had neither practice nor institutional knowledge to fall back on. At the same time, however, Goosen had experience from participating in the PPNN meetings and had been informed by Jurchewsky what the Canadians thought would be appropriate guidelines. By the afternoon of April 2, 1995, Goosen and duPreez had prepared the initial draft of the items for the principles, which was then presented to the senior leadership of the DFA, who approved.⁹²

The meeting on April 1 also established a multipronged lobbying strategy. It was decided that Mbeki should write a letter to Gore, and pitch to him the idea of the strengthened review process, with the goal of eliciting a diplomatic response from the United States. The strategy also included regional discussions within SADC, the Organization of African Unity, and NAM. A recommendation was made to appoint Minty as emissary

⁸⁷ "DFA Director-General Discusses US-SA Relations."

⁸⁸ DuPreez, in his oral-history interview, recalled that Abdul Minty suggested a one-time short extension, a position supported by DFA Director-General Evans' remarks in a meeting with the US ambassador (fn. 85, 87); Abdul Minty maintains that he promoted the idea of indefinite extension. Unfortunately, no written minutes of the meeting are available. However, Minty accompanied Foreign Minister Nzo to Cairo (as confirmed by both Minty and Nabil Fahmy, one of their Egyptian interlocutors), after which Nzo proposed the "limited period" extension mentioned above.

⁸⁹ Goosen, *An Oral History with Peter Goosen*. This position is also consistent with the account presented (with much less detail) by another likely attendee, Thomas Markram. See Thomas Markram, *A Decade of Disarmament, Transformation and Progress: An Assessment of the Development and Implementation of Policy on Disarmament, Non-proliferation and Arms Control in South Africa 1994-2004* (Pretoria: SaferAfrica, 2004).

⁹⁰ South Africa's Position on the Extension of the Nuclear Non-Proliferation Treaty (NPT)," April 3, 1995, memorandum of the April 1, 1995, meeting presided by MFA Director-General Rusty Evans.

⁹¹ Goosen, *An oral history with Peter Goosen*.

⁹² *Ibid.*

to discuss and explain the position in a number of countries. A call was to be made to the European Union (EU) ambassadors in this regard.⁹³

The memorandum from the meeting does not state the motivation for Mbeki's decision, but we may guess it from Goosen's recollections and the letter Mbeki wrote to Gore. Goosen was struck by one of the arguments made in the meeting

that human beings have the right, and it's almost as if it's a human right, to have their life not to be threatened by weapons of mass destruction. And as a consequence, South Africa ... would have to adopt the position which would support the elimination of these weapons and the nonproliferation of these weapons. ... The argument that was made was a very interesting one, it was the first time I'd heard that sort of argument being put forward.⁹⁴

Mbeki made a similar argument in his letter to Gore, writing, "South Africa sees its non-proliferation and arms control policy as being integral to its commitment to democracy, human rights, sustainable development, social justice and environmental protection."⁹⁵ Whether it was Mbeki's real motivation or a *post-hoc* justification, this line placed South Africa's position within fundamental rights and values and made freedom from WMDs part of individual rights.⁹⁶ This motivation also strikes a difference with the original memoranda referred to above and submitted by the DFA diplomats: none of the fundamental rights is present in them.

Interestingly, Mbeki's letter to Gore and Nzo's letter to his SADC counterparts⁹⁷ are very similar to the statement Nzo ultimately delivered to the conference. The statement (and the letters) start with acknowledging the critical importance of the treaty. Both documents continue by reaffirming the national commitment to the treaty, underlining that the concerns about the treaty are not worth weakening it out of fear of future proliferation. Acknowledging the criticism of the treaty, the letters (and the statement) propose to establish a list of "Principles for Nuclear Non-Proliferation and Disarmament" as guiding principles for future evaluation of the treaty's performance. Importantly, these "principles" were not stipulated in the letters. While the letter to Gore invites the United States to discuss the wording of such principles,⁹⁸ the letter to SADC does not extend a similar

⁹³ "South Africa's Position on the Extension of the Nuclear Non-Proliferation Treaty [April 3, 1994]," in Department of International Relations and Cooperation Archives (Pretoria) (1995).

⁹⁴ Goosen, *An Oral History with Peter Goosen*. Two other diplomats, of which at least one was present in the room, remembered a similar argument in their memoirs. See Markram, *A Decade of Disarmament, Transformation and Progress*; von Wielligh and von Wielligh-Steyn, *The Bomb*.

⁹⁵ Thabo Mbeki, "Letter to Vice-President Al Gore [April 10, 1995]," in Department of International Relations and Cooperation Archives (Pretoria) (1995). Interestingly, the notion of democracy is strongly tied to the commitment also in Nzo's speech to the conference, where he draws stark distinction between apartheid and "democratic" South Africa. See Alfred Nzo, "The Statement by the Foreign Minister of the Republic of South Africa, Mr Alfred Nzo. The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. 19 April 1995," in Department of International Relations and Cooperation Archives (Pretoria) (1995).

⁹⁶ Reader should note that we do not evaluate whether the indefinite extension of the NPT has actually been good for the goal of achieving a world without nuclear weapons, of which academics have been critical. We simply note that Mbeki made this argument explicitly. For an example of the criticism of such linkage, see Benoit Pelopidas, "Nuclear Weapons Scholarship as a Case of Self-Censorship in Security Studies," *Journal of Global Security Studies*, Vol. 1, No. 4 (2016), pp. 326–36.

⁹⁷ For example, Alfred Nzo, "Letter to Edward Bwanali, Minister of External Affairs of Malawi [April 13, 1995]," in Department of International Relations and Cooperation Archives (Pretoria) (1995).

⁹⁸ Gore's response to the letter welcomes such an invitation and Gore recommends that the diplomats of the two countries discuss them at the conference. See Al Gore, "Letter to Thabo Mbeki [April 13, 1995]," in Department of International Relations and Cooperation Archives (Pretoria) (1995).

invitation. The inclusion of a list of principles is the key difference distinguishing Nzo's opening statement from these letters.

The almost verbatim similarity between the letters and speech (with the exception of the list of principles) gives additional credibility to Goosen's argument that they had little experience with multilateral settings. Interestingly enough, the letter to the SADC ministers was transmitted only on the opening day of the conference, and produced ten days after the Pretoria meeting, along with the letter to Gore.⁹⁹ The South Africans had therefore indeed held their cards close to the chest.

From Pretoria to New York

The 1995 Review and Extension Conference was held in New York starting on April 17, 1995, and NPT members decided to extend the treaty indefinitely in a final package adopted on May 12, 1995. This package contained three decisions: on strengthening the review process, on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," and on the treaty extension. In addition, the RevCon adopted a resolution on the Middle East, which endorsed the establishment of a Middle East zone free of weapons of mass destruction.¹⁰⁰ The negotiations leading to the three decisions were conducted by a small group of the most important countries at the conference—the so-called Friends of the President—convened by Conference President Jayantha Dhanapala. The resolution on the Middle East was negotiated separately by the United States and Egypt, with only very limited influence and input from other countries.

Between the meeting on April 1 and tabling the document to the Friends of the President, the list of principles experienced some changes. Tracking these changes is, however, not easy. The document produced on the night of April 1, "Issues to Be Taken into Account When Considering the Proposal for Principles for Nuclear Non-Proliferation and Disarmament," is unfortunately lost from South Africa's archives. However, given that Nzo's speech is almost identical to the letters sent before the conference, we have good reason to think that Nzo's speech was similar to the document produced on April 1. In fact, a section of Nzo's speech introducing the principles starts with the words "We believe that the following broad issues should be taken into account when formulating the set of Principles for Nuclear Non-Proliferation and Disarmament."¹⁰¹

Nzo's speech listed eight issues to be taken into account: restatement of commitment to nonproliferation, strengthening and adherence to IAEA safeguards agreements, access to nuclear energy for peaceful purposes, progress on a Fissile Material Cutoff Treaty (FMCT), reduction in arsenals, negotiation on the CTBT, commitment to regional nuclear-weapon-free zones, and provision of negative security assurances.¹⁰² As one of the diplomats who provided feedback on the early drafts remarked, the FMCT and the CTBT were the main topics of discussion at the time, so it was natural they were in the draft.¹⁰³

⁹⁹ Fax (or telex) headers show that the letter to Malawi's foreign minister, although dated earlier, was transmitted less than a few hours before the start of the conference.

¹⁰⁰ "Decision 2: Principles and Objectives for Nuclear Non-Proliferation and Disarmament," NPT/CONF.1995/32 (Part I), Annex, <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/WMD/Nuclear/1995-NPT/pdf/NPT_CONF199501.pdf>.

¹⁰¹ Nzo, "The Statement by the Foreign Minister of the Republic of South Africa."

¹⁰² Ibid.

¹⁰³ Personal email of Diplomat A to one of the authors, 2017

These were also the topics that the Canadians had considered to be of most importance.¹⁰⁴ The only issue likely not to have been considered by the Canadians was the negative security assurances—“this was very much a NAM point—on which ... Peter Goosen always had a very explicit position.”¹⁰⁵

After Nzo delivered his speech, Nzo and Gore met on the sidelines, and Gore instructed the team of US diplomats to work together with the South Africans. “We want you to work closely together,” Gore said to his diplomats, in a meeting with Nzo and both countries’ delegations.¹⁰⁶ In addition, the South Africans were invited by Conference President Dhanapala to submit a formal proposal of the “Principles.” Before submitting the list to the Friends of the President, the South African diplomats presented fifteen versions of the principles to various national delegations. The negotiations in the Friends of President club is beyond the scope of this paper, but it is important that, in terms of content, the two documents are very similar to Nzo’s speech. During these negotiations, South Africans led the efforts and were instrumental in actually creating the bridge that allowed the NPT to be extended indefinitely by consensus.

Conclusion

This article has aimed to explain why and how South Africa came to support the indefinite extension of the NPT at the Review and Extension Conference in 1995. Since joining the NPT in 1991, South Africa has participated in the full review cycle, with a full delegation since the second preparatory committee in early 1994. South Africa’s support for the indefinite extension did not result from long-standing traditions. South African diplomats were predominantly proposing, and planning for, rolling extension, requiring a positive vote between each of the roll-overs. The goal of such a policy was to hold the five NPT NWS accountable on their disarmament progress. While this idea was fully worked out by the South African diplomats who pursued it vigorously, the course was completely jettisoned two weeks prior to the conference.

We can only speculate what motivated Mbeki to choose this course of action. The available evidence suggests that he considered both the future relations of his country with the United States and the normative commitment of the fledgling Government of National Unity to the fulfillment of human rights. Even if the support for the indefinite extension may have been related (although not solely attributed) to the political pressure from the United States the decision to propose the set of principles was South Africa’s own. The case of the NPT extension is also interesting from the point of view of bureaucratic politics and foreign-policy making in transitioning societies. This case shows that, interestingly, the top policy elites won the intra-institutional battle against the bureaucratic experts from the Department of Foreign Affairs, despite their policy interest and prior

¹⁰⁴ Jurchewsky, *An Oral History with Sven Jurchewsky*; Rauf, *An Oral History with Tariq Rauf*. Incidentally, as Thomas Graham revealed during a critical oral-history conference in Rotterdam, the demand for (and provision of) negative security assurances was something the US government, already in winter 1994, considered to be one of the possible bargaining chips in exchange for indefinite extension.

¹⁰⁵ Personal email of Diplomat A to one of the authors, 2017.

¹⁰⁶ Graham, *An Oral History with Thomas Graham*. Both Graham and Goosen independently confirmed that the US delegation was supportive of the aims of the South African delegation. It is relevant to note that Gore met only two delegations in New York during his visit—the South African and the Egyptian ones. See Office of the Vice President, “Trip of the Vice President to New York, NY April 19, 1995,” in Vice President’s trip to New York City to attend NPT [Non-Proliferation Treaty] Conference, Box 010, National Archives, Washington, DC (1995).

knowledge. We might speculate that this was partially made possible by the ongoing transition, in which old bureaucratic elites needed to demonstrate their allegiance to the new political order.

The final takeaway from this research is that the existence of the Principles and Objectives, or any similar document intended to increase the accountability of the NWS, was not necessarily tied to the indefinite extension of the treaty. If South Africa did not propose the document similar to “Principles,” the extension would most likely have occurred after an acrimonious battle over the voting mechanism and would have left the NPT parties deeply divided and the treaty weakened. Instead, the NPT’s extension is widely seen to have strengthened it. Therefore, the role of South Africa in the NPT’s extension should not be overstated, for it probably would have happened even if South Africa had opposed it. The shape of the regime, however, would be dramatically different, which suggests that even a secondary power like South Africa can influence global regimes in important ways, albeit within certain boundaries.

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