

Open Briefing for Member States and International, Regional and Subregional Organizations  
by the Security Council Committee Established Pursuant to Resolution 1540 (2004)

9 - 10 October 2024

**Remarks on behalf of the Chairperson of the Nuclear Suppliers Group (NSG)**

Chairperson,  
Members of the 1540 Committee,  
Distinguished delegates,

It is my pleasure to participate in this open briefing by the Security Council Committee established pursuant to resolution 1540 (2004). I am delivering this statement on behalf of Ambassador Xolisa Mabhongo from South Africa who is serving as the Chairperson of the Nuclear Suppliers Group since the July 2024 NSG Plenary in Rio de Janeiro.

This is the second time since joining the NSG in 1995 that South Africa has the honour to serve as NSG Chair, a responsibility that we will hold until the next NSG Plenary meeting in South Africa in 2025, which coincides with the 50<sup>th</sup> anniversary of the establishment of the NSG - an important milestone in the overall nuclear non-proliferation architecture, supporting Governments in fulfilling their obligations under UN Security Council resolution 1540 (2004), but also the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The NSG is a voluntary group of 48 Participating Governments (PGs), from all regions of the world that seek to contribute to the non-proliferation of nuclear weapons or other nuclear explosive devices through the implementation of two sets of Guidelines.

The aim of the NSG Guidelines is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, and that international trade and cooperation in the nuclear field is not hindered in the process. The NSG Guidelines facilitate legitimate trade by providing the means whereby peaceful nuclear cooperation can take place in a manner consistent with international nuclear non-proliferation norms, reduce, as practicable, licensing burdens on Governments and industry, and harmonize nuclear cooperation between suppliers and recipients consistent with shared principles, applying a common, non-discriminatory standard for transfers. The NSG encourages all States to adhere to the Guidelines.

The NSG Guidelines are complementary to the goals of UN Security Council resolution 1540 (2004) and contain international good practices for Governments that wish to engage in peaceful nuclear transfers. The International Atomic Energy Agency (IAEA) publishes the NSG Guidelines as documents INFCIRC 254 Part 1 and Part 2. The NSG Guidelines were first published in 1978, and in 1992 suppliers added Part 2 of the Guidelines to cover dual-use technologies.

NSG PGs meet in the course of the year to exchange information on global proliferation challenges, to consider technical matters, and ensure that the NSG Guidelines and Control Lists keep pace with technological developments. Any agreed changes to the Control Lists (Trigger List and Dual-Use List) are made available on the NSG Website and are included in revisions to INFCIRC/254 Parts 1 & 2 (as amended) on a three-year publication cycle with the most recent issued after the 2022 Plenary meeting and the next to be issued after the 2025 Plenary

in South Africa. In addition to technical list changes, the Guidelines themselves have evolved over time, including, for example a 2002 expansion in scope to prevent and counter the threat of diversion of nuclear exports to nuclear terrorism.

**Part 1 of the NSG Guidelines** sets out conditions of supply (COS) for the export of Trigger List items - commodities “especially designed or prepared” for nuclear use (the processing, use, or production of special fissionable material), so called single use items. These include nuclear material, nuclear reactors and equipment therefore, non-nuclear material for a reactor, plants, equipment for reprocessing and enrichment and conversion of nuclear material and for fuel fabrication and heavy water production, and related technology.

The Part 1 Guidelines foresee the policy of requiring the application of full scope IAEA safeguards for exports to any non-nuclear weapon State. The NSG Part 1 Guidelines also contain the so-called “Non-Proliferation Principle,” adopted in 1994, whereby a transfer, notwithstanding other provisions in the NSG Guidelines, is only authorized when the exporting country has been satisfied that the transfer would not contribute to the proliferation of nuclear weapons.

**Part 2 of the NSG Guidelines** sets out conditions of supply for the export of nuclear related dual-use equipment, materials and technologies – items that can serve a nuclear-related purpose but have commercial non-nuclear purpose as well.

The Part 2 Guidelines govern the export of controlled commodities and technologies to help ensure that transfers will not be diverted to any non-nuclear weapons State for use in nuclear explosive activity, or in an unsafeguarded nuclear fuel-cycle facility, or for terrorist acts.

To further strengthen export controls, the 2004 NSG Plenary decided to include “catch-all” controls in the NSG Guidelines, to provide a national legal basis to control the export of nuclear-related items that are not on the NSG Control Lists, when such items are or may be intended for use in connection with a nuclear weapons programme.

Each NSG PG implements the NSG Guidelines in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements.

The robust and effective export controls implemented by NSG PGs as well as non-PGs implementing the NSG Guidelines promotes responsible supplier behaviour and helps enable legitimate trade and investment. At the same time the NSG Guidelines constitute an important common good and publicly available tools that can assist all states to effectively implement national export controls. The NSG encourages broad adherence to the NSG Guidelines. Some States have chosen unilaterally to adhere to the NSG Guidelines without taking the step of seeking to become an NSG PG.

In this connection, as several past NSG Chairs have emphasized, applying the NSG Guidelines and Control Lists on a national basis helps Governments meet their export control obligations under Operative Paragraph 3 of UN Security Council resolution 1540 (2004) “to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials.”

The NSG has an outreach programme aimed at raising awareness of its work and the tools to help implementing an effective export control system. The NSG Chair conducts regular dialogue with countries that have expressed interest in the NSG's work. PGs continue to consider ways to enhance this engagement and promote increased dialogue with Governments seeking to strengthen their export control systems to broaden understanding of the NSG Guidelines and provide opportunities for non-PGs to adhere to the NSG Guidelines.

As the only country from the African continent participating in the NSG, it is a particular priority for South Africa during our tenure as Chair to broaden the NSG's outreach dialogue to engage more partners in the African Region.

The NSG website is one of the important and more easily accessible outreach mechanisms. The website contains links to a wealth of information among which are several good practices documents that countries may find helpful in implementing their export control programmes. After our annual Plenary meetings, the NSG updates its public document "The Nuclear Suppliers Group: Its Guidelines, Origins, Structure, and Role" which is published as IAEA INFCIRC/539 and is also available on the NSG website.

NSG PGs recognize the pivotal role industry plays in export controls and therefore the importance of engagement with exporters on a national level. To supplement national outreach programmes the NSG has organized several opportunities for dialogue with nuclear industry representatives nominated by PGs in recent years to address specific matters related to the implementation of the NSG Guidelines. Building on previous events, a workshop held in April 2024 included representatives from small and medium enterprises as well as bigger players.

In closing, let me say that the NSG appreciates the opportunities to explain the purposes and technical aspects of the NSG Guidelines in the context of UN Security Council resolution 1540 (2004). Since 2019, the NSG has been actively participating in 1540 Points of Contact and regional events and intends to continue this practice to support the goals of resolution 1540 (2004). This engagement underscores our PGs commitment to strengthening global non-proliferation efforts and supporting the implementation of effective export controls.

Since our last briefing, the NSG has continued to review and update the Guidelines to ensure they are up to date to meet evolving nuclear proliferation challenges and technology developments, conducted outreach to non-NSG participants, multilateral and regional fora, other export control regimes, and industry and promoted transparency and openness in our activities, including through our public website and outreach seminars.

I thank the Committee for the recent communication of 24 September to the NSG Chair to update our assistance offers as appropriate. It has been established practice that requests sent to the NSG from the 1540 Committee for technical assistance from governments seeking legal and regulatory infrastructure, implementation experience and/or resources to help fulfil their respective obligations under resolution 1540 (2004), are brought to the attention of NSG Participating Governments for follow-up on a bilateral basis. The NSG is ready to continue this "assistance matchmaking" process aimed at helping to strengthen export control systems in States needing assistance.

I thank you.