

**October 28, 1996**

**Letter, South African Department of Foreign Affairs  
Director-General to the Non-Proliferation  
Secretariat**

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**Summary:**

Letter to D. J. van Beek, the Non-proliferation Secretary, regarding the South African National Conventional Arms Control Committee request for an interdepartmental working group on national policy on transparency in arms trade and transfers.

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28 October 1996

Mr DJ van Beek  
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As you are aware, the Scrutiny Committee during its meeting in July 1996 requested that an interdepartmental working group be convened to advise the National Conventional Arms Control Committee (NCACC) on a national policy on transparency with regard to arms trade and transfers. The first meeting of the Transparency Working Group was held on 16 August 1996. So as to facilitate its task, the Transparency Working Group established the following six task groups:

- Policy environment (constitution, white paper, UN Arms Register, Cabinet memorandums and Customs);
- Transparency (definition, time, layers, stake holders);
- Present process (import, export for conventional and non-conventional arms);
- Small arms, explosives and other special categories;
- National interest, intelligence and espionage;
- Process of applying and releasing information (local and international).

The task group on "The present process (import, export for conventional and non-conventional arms)" met on 18 October 1996 with the objective to consider inputs by the different role players which deal with imports, exports of conventional and non-conventional arms. I suggested that the term "non-conventional arms" be replaced with "dual-use technology and items which could also be used in weapons of mass destruction and its delivery systems". As no input on the procedures used by the Non-proliferation Council when processing import and export applications had been received by the Working Group, the convener (Mr RA de Caris: SAPS) requested that this information be forwarded to him by 25 October 1996. In view Council's decision on 24 October 1996 to submit to the Transparency Working group the document

entitled "Implementation of controls over dual-use capabilities in terms of South Africa's policy on non-proliferation of weapons of mass destruction", it is suggested that a copy of the attached document be forwarded to Mr de Caris as soon as possible. The document is also available on the enclosed computer disk.

Another task group of the Transparency Working Group, on the "Process of applying and releasing information (local and international), met on 22 October 1996. This task group, as was convened by Genl J Kriel (NPC member), provisionally formulated its mandate as "Defining procedures for the process of applying and releasing information with regard to arms trade". The task group agreed that there are three basic levels relevant to the process of applying and releasing information:

- Mandatory (legislation, agreements, both domestic and international);
- Voluntary (the initiative of each responsible body);
- Ad hoc (on request as generated by the media, NGO's, government departments, Ministers, international enquiries, etc).

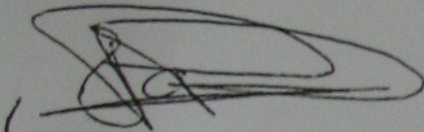
The group also agreed that the Government has, in terms of a policy on transparency on arms transfers, responsibilities towards the Cabinet, Parliament, the public, inter-departmental and international.

With regard to the options for improving coordination in the process of applying and releasing information on arms trade and transfers, It was agreed that the only practical option would be to retain the current system of interaction between the NPC, DCAC (NCACC), AEC, SAPS and the Department of Finance (Customs and Excise) but that clear transparency procedures be established to ensure effective coordination between all role players. The task group agreed that the requirements for coordinating the process of applying and releasing information on arms trade and transfers, should be based on the following principles:

- clearly defined procedures;
- a single point of responsibility for each institution involved;
- identifying a responsible contact person within each institution involved;
- every institution/department should maintain its own line function responsibility.

Genl Kriel offered to draft a discussion document based on further inputs on the above outline from all parties

concerned. It is therefore suggested that the Secretariat submit an input on the process of applying and releasing information on the transfer of dual-use technology and equipment. You are referred to the provisions of Articles 4, 5, 6(2)(b), 6(2)(k), 6(2)(n), 6(2)(o), 12(1), 14(1), 14(3), 14(4) and 21 of the Non-proliferation Act in this regard. This Department will prepare an input on the process of applying and releasing information in terms of South Africa's international obligations as a member of the various non-proliferation control regimes. Genl Kriel requested that these inputs reach him by 29 October 1996.



THE DIRECTOR-GENERAL

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