

**November 17, 1994**

**Meeting Minutes, South African Council for the  
Non-Proliferation of Weapons of Mass Destruction**

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**Summary:**

Meeting of the South African Council for the Non-Proliferation of Weapons of Mass Destruction discussing the status of current agreements.

**Credits:**

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**Original Language:**

English

**Contents:**

Original Scan

I have made some suggestions telephonically to  
 Mike Smith as shown inside on marked pages  
 37/2  
 14/3/95

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THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF  
 WEAPONS OF MASS DESTRUCTION

NA2/1/3/1

Minutes of meeting No 3 held on 17 November 1994 at 09:00 at the Department of  
 Trade and Industry

PRESENT

Vice-Admiral A G Malherbe	Acting Chairman
Dr N von Wielligh	Council Member
Mr W W Penzhorn	Council Member
Dr P Hart	Council Member
Mr J Leaver	Council Member
Mr B Kruger	Council Member
Dr J A Southern	Council Member
Mr F H Land	Council Member
Ms M Nezar	Secretary
Mr M D Smith	Non-Proliferation Secretariat
Dr J C Welgemoed	Non-Proliferation Secretariat
Mr D van Beek	Non-Proliferation Secretariat
Mr C Mills	Non-Proliferation Secretariat
Mr J du Preez	Dept of Foreign Affairs
Mr T Watkins	Contractor

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**CONFIDENTIAL****AGENDA ITEM****1. WELCOME AND CONSTITUTION**

Due to Dr Lambrechts not being available to attend the meeting, Vice-Admiral Malherbe agreed to act as Chairman. Vice-Admiral Malherbe welcomed the Council members and formally constituted the third meeting of the Non-Proliferation Council.

**2. APOLOGIES**

Dr J A Lambrechts	Chairman
Mr P C Smith	Council Member

**3. ADDITIONAL MATTERS**

The Council agreed to a change in the order of the agenda items. After item 4 on the agenda the meeting dealt with item 14 followed by item 12 and then reverted to the original agenda.

**4. APPROVAL OF MINUTES OF MEETING NO 2 HELD 08 SEPTEMBER 1994**  
**(DOC 1)** DOC 1

After the following corrections, the minutes were approved.

Page 6, paragraph 6, item 1.1.4. Changed to "Membership was by consensus. Mr Land told members...."

Page 7 (line 1) "reserve our position" changed to "reserve its position".

Page 8 (end of paragraph 8) - **verified** to be changed to **verifiable**.

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5. PERMIT APPROVALS (AGENDA ITEM 14)5.1 - PROCESS

D van Beek

Two Permit Applications were handed to Council members. The format of the first application was used to explain the process which was followed.

When assessing an application the following points would have to be taken into consideration:

- The applicant;
- country of destination;
- the declared use of the item and the technology involved;
- any potential proliferation uses;
- the proliferation track-record of the country in question; and
- the correlation between the nature of the item and the declared end-use.

5.2 - END-USE CERTIFICATION

A specific application is evaluated by The Permit Evaluation Committee and specific requirements or conditions are laid down for the end-user should it be deemed necessary. Only then is it submitted to the Council for consideration.

Mr van Beek informed Council members that, in certain cases, end-user certificates may also be required in terms of the Armaments Act and other Acts. The Secretariat, in conjunction with the SAPS and Armscor, are investigating the possibility of having only one end-user certificate system. The question arises of where the original certificates will be kept. The Chairman was of the opinion that the Secretariat and the other parties should each possess a certificate, there being one original and certified copies.

Mr van Beek invited feedback from Council members regarding the above matter.

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**CONFIDENTIAL****5.3 - SUBMISSIONS FOR CONSIDERATION:**

Mr B Kruger declared his interest as a member of the management of Denel (Pty) Ltd.

**Submission S9411/01** was tabled by Mr van Beek. After some discussion and suggested changes to the wording in the submission, the export permit was approved without additional provisions. (See Annexure A - classified SECRET).

**Submission S9411/02** was tabled by Mr van Beek. The Proliferation Control Committee could not reach consensus on matters affecting the Bilateral Agreement with the USA. The Council was thus presented with a recommendation and an alternative. After considerable deliberation the Council reached consensus and an export permit was approved with additional provisions. (See Annexure B - classified SECRET.)

**6. MTCR AND NUCLEAR DUAL-USE (AGENDA ITEM 12)****6.1 - BILATERAL AGREEMENT**

The Bilateral Agreement between the USA and the RSA on the implementation of the MTCR provisions, obliges the Secretariat to have administrative control measures in place as a matter of urgency. A long discussion followed on the desirability of disclosing details of transactions to the USA, especially where these are deemed "of not sufficient importance" by the Council. The one Permit Application before the Council was an example of such a case. It was **DECIDED** that the minutes of this discussion would be classified **SECRET** and included in the Submission S9411/02 (See Annexure B - classified Secret). A separate submission was subsequently provided by Mr Land on the Bilateral Agreement and is attached as Annexure C (classified CONFIDENTIAL).

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**CONFIDENTIAL****6.2 - COMMUNICATION****6.2.1 - DEXSA**

The Secretariat was to have an exhibition at the Dexsa show on 22 - 26 November 1994.

**6.2.2 - LETTERS TO INDUSTRY**

Letters were sent to industry in respect of MTCR items and also advising them to register. The distribution list obtained from Market Leads was not complete and had to be augmented.

**6.2.3 - ARTICLE**

An article had been prepared for publication in Engineering News.

**7. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING****7.1 - BACKGROUND AND MOTIVATION**

Input had been received from Council members which was incorporated into the document. The Secretariat wanted to re-draft the whole document and Council agreed.

**7.2 - COMPOSITION OF COUNCIL****\* SECUNDI**

There was ongoing consultation between the Departments of Trade and Industry and Foreign Affairs. Mr Land asked that his statement on the matter be appended to the minutes (See Annexure D).

**CONFIDENTIAL****7.3 - AMENDMENT OF ACT**

The proposed amendment to the Act was not tabled at this session of Parliament. It is to be scheduled for 1995.

**7.4 - INFRASTRUCTURE****\* HUMAN RESOURCES**

Additional personnel are to be appointed to the Secretariat.

**7.5 - NON-PROLIFERATION ADVICE FORUM**

It was agreed by Council to leave this issue in abeyance until more is known about the composition of the Council.

**7.6 - RULES AND PROCEDURES**

The Rules and Procedures for the Council and the Secretariat are incorporated in the Master Plan (Parts 1 and 2) and the various sub-plans. These will be refined and augmented if necessary.

**7.7 - REGULATIONS****\* TERMINOLOGY**

The suggested changes to the wording of the Regulation Plan had been made.

**7.7.1 - PERMIT CONTROL COMMITTEE**

The most experienced people available had been involved on the Permit Control Committee. Owing to the urgency of the Permit Applications, members of this Committee could not be formally appointed through the Council.

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**CONFIDENTIAL****7.7.2 - PERMIT EVALUATION CRITERIA**

Permit evaluation criteria are being examined to ensure that all the guidelines of all control bodies are taken into consideration.

**8. COUNCIL ISSUES****8.1 - RECONSTITUTION OF COUNCIL**

Because all Statutory Councils have the same problem of an impending end to their terms of office, Cabinet had been requested to extend all Councils till the end of March 1995.

Dr P Hart had resigned from Council. The question of what constitutes a quorum ~~under these circumstances~~ requires clarification.

*When a member resigns*

**ACTION:**

The Council requested that the Secretariat write a submission to the Minister to appoint a person from the chemical industry who would be a full Council member. It was considered important that the chemical industry should be represented on the Council without a break. Mr Barry Kruger is available to stay on as a member although he has left the industry.

**9. REPORT TO COUNCIL FOR SEPT/OCT**

DOC 2

Alteration to Doc 2 page 3, par 3.2 - to read as follows:

"The slow response time of Ministry of Trade and Industry to urgent matters affecting the operation of Council matters remains a matter of grave concern".

Page 4 of Doc 2 par 4.2 - Dr von Wielligh felt that this point required elaboration. It concerns customs issues. Categories of the harmonised system should be matched with the controlled goods list in order to facilitate identification of controlled goods at points of import or export.

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**CONFIDENTIAL****10. MASTER PLAN (PART 1 AND 2 ) FOR APPROVAL DOC 3**

The Master plans distributed were the latest versions and included input from Council members. The Secretariat asked Council to approve the documents. These ~~are dynamic and~~ will require updating from time to time.

Council **APPROVED** the request.

**11. COMMUNICATION****- REVISED WORK METHOD DOC 4**

Dr Welgemoed presented a slide which referred to the Communication Work Group.

It was proposed, subject to Council approval, that the revised operating procedure as described in Document 4, would be implemented. This implied the termination of the Communication Work Group in its previous form.

Council **AGREED** with the new revised work method.

**12. CHEMICAL****12.1 - RATIFICATION OF CONVENTION**

Mr F Land made a short statement regarding the ratification of the Chemical Weapons Convention (See annexure E).

**12.2 - CWC IMPLEMENTATION DOC 5**

Dr Welgemoed informed members that the last full meeting of the CWC Implementation Work Group was basically a mini plenary of sub-groups. Interested parties had also been asked to contribute.

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12.3 - REPORT ON PREPCOM VIII DOC 8

Mr J du Preez augmented the information in Document 8 with an additional statement (See annexure F).

## 12.4 - AFRICAN REGIONAL SEMINAR

See annexure G. Council adopted a vote of thanks to the Department of Foreign Affairs for the organisation of the seminar.

## 12.5 - COMMUNICATIONS

Of the 1800 letters sent out to industry, 500 responses were received. It was the intention of the Secretariat to go back to industry on a continuous basis.

13. BIOLOGICAL- REPORT ON SPECIAL CONFERENCE DOC 7

See document 7.

Mr Penzhorn advised that it was unlikely that the Work Group's report would be finalised in time for the next Review Conference scheduled in 1986. One of the issues to be looked at was "Alleged Use".

Mr du Preez informed members that the next meeting of the working group would be in January 1985 and from then on meetings are scheduled for every 5 weeks.

14. FINANCE AND INFRASTRUCTURE- FINANCIAL REPORT DOC 9

Mr M Smith reported that the Secretariat was within budget. The Secretariat was planning its expenditure for 1985.

On a question regarding the financial implications of the Bilateral Agreement with the USA, it was explained that this was an interim problem and that expenditure would be covered in the normal budget.

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**15. GENERAL**

15.1 The Chairman expressed concern that his council documents were received unclassified. A certain degree of confidentiality should have been attached to those documents.

**It was agreed by Council that all council documents would be marked as "confidential". Any "Secret" matters would be handled according to the normal secret procedure. "Secret" documents would be generated on separate appendices to minutes and only be distributed on request to Council members.**

15.2 As far as South Africa's declaration to the OPCW regarding any possible previous involvement with chemical weapons is concerned, information is still awaited from the authorities concerned.

15.3 Dr Hart was thanked for his contributions to the Council.

**16. NEXT MEETING**

16 February 1995

**CHAIRMAN**

.....1995

**SECRETARY**

.....1995

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