

- **MULTILATERAL**

PEACE AND SECURITY

During 2002/03, the Department dealt with a wide range of issues in the area of peace and security. Issues covered related to arms control, non-proliferation and disarmament; the UN in New York; the Non-Aligned Movement (NAM); and the Commonwealth; as well as the co-ordination of South Africa's positions on, and participation in, peace missions. With regard to arms control, non-proliferation and disarmament (both in terms of conventional arms and weapons of mass destruction) the Department worked in areas of national, regional and international arms control, as well as in international and regional negotiations. The focus of the work in the context of the United Nations during 2002 was on developments in the UN Security Council with regard to Iraq, terrorism, peacekeeping operations in the DRC and Burundi, etc. The Department also co-ordinated and developed positions for South Africa's participation in the 57th Session of the UN General

Assembly. The UN section furthermore dealt with issues relating to the Commonwealth and the Non-Aligned Movement (NAM). The Department's National Office for Co-ordinating Peace Missions (NOCPM) focused on South Africa's own deployment of personnel to peacekeeping operations, liaison with the UN in this regard and on the peacekeeping debate within the UN.

DISARMAMENT AND NON-PROLIFERATION

The past year witnessed a rise in the tendency towards the adoption of unilateralist positions by key international role-players on issues of disarmament, non-proliferation and arms control. This among others, had an adverse effect on the prospects of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the strengthening of the implementation of the Biological Weapons Convention (BWC) and the future of multilateralism in the area of international peace and security. The year 2002/03 also witnessed increasing determination by key international role-players on issues of disarmament, non-proliferation and arms control, to pursue national interest agendas more vigorously in multilateral institutions.

Notwithstanding, South Africa continued to reinforce its role as an active and substantive role-player on arms control, non-proliferation and disarmament issues. In this regard, the country played a meaningful role at both national and international levels, as well as within the political groupings it participates in, such as the NAM and the Conference on Disarmament's Group of 21. For example, important progress was made on the implementation of the Anti-Personnel Mine Ban Treaty (MBT) and the meetings of the Group of Experts mandated by the Second Review Conference of the Certain Conventional Weapons Convention (CCW). In addition, the Fifth Review Conference of the Biological and Toxin Weapons Convention (BWC) ended on a positive note with the adoption of a modest decision to hold annual meetings of States Parties, which as a minimum keeps the multilateral approach intact to enhance the implementation of the Convention. South Africa and its New Agenda Coalition (NAC) partners also managed to play a positive role in the first preparatory committee meeting for the Fifth Nuclear Non-Proliferation Treaty (NPT) Review Conference, and successfully submitted two resolutions to the First Committee of the 57th Regular

*Acting
Director-General,
Mr Abdul Minity,
and Deputy
Minister, Mr Aziz
Pahad, briefing the
media on South
Africa's position on
Iraq.*



Session of the General Assembly. South Africa, Colombia and Japan were also the main co-sponsors of the resolution on Small Arms and Light Weapons, which was adopted by consensus.

At a bilateral level, the Department participated in discussions convened by some bilateral desks within the Department. Work was also undertaken on draft agreements on the peaceful uses of nuclear energy between South Africa and Russia, China, Ukraine and the US.

In addition to the above, some of the noteworthy achievements during 2002 were within the following areas:

Small Arms

The most significant development in 2002/03 was the small arms “African Conference on the Implementation of the UN Programme of Action on Small Arms: Needs and Partnerships” that was held in South Africa from 18 to 21 March 2002. The Conference, held in Centurion, was co-hosted by Austria, Canada, Kenya, Mali, The Netherlands, Nigeria, Norway, South Africa, Switzerland and the UK. The Conference was sponsored by the six Organisation for

Economic Co-operation and Development (OECD) co-hosts and was organised by the Pretoria-based NGO’s, SaferAfrica.

The Conference reviewed the commitments made in the UN Programme of Action (adopted during the July 2001 UN Conference on small arms) and examined how OECD and African countries could support the national, sub-regional and international undertakings in the implementation of the Programme of Action. This was the first major African conference to be held on the issue of small arms in Africa since the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. Delegates from forty-one African countries, twenty-nine countries from the OECD, as well as a number of regional secretariats, experts and NGOs participated in the Conference.

The meeting focused on the development of guidelines for co-operation and implementation initiatives in the following broad areas, with a view to identifying capacity-building, training and technical assistance needs, as well as resource implications:

- Collection, destruction and public awareness;
- Stockpile management;

- Monitoring, including production, supply and transfer when applicable;
- Improving administrative regulations and legislation and enhancing the potential for harmonisation;
- Enhancing information exchange and co-operation to control the illicit trade in small arms.

The OECD countries participated in their national capacities in a separate session on donor co-ordination with a view to establishing, either individually or as a group, co-operative partnerships with individual or regional groups of African countries in order to assist in the implementation of the measures identified in the Conference report.

The SADC Committee on Small Arms held one formal meeting in Pretoria in February 2002, to exchange information on the degree to which the “Protocol on the Control of Firearms, Ammunition and Other Related Materials in the SADC Region” had been implemented nationally. The Southern African Regional Police Chiefs Co-operation Organisation (SARPPCO) developed its Action

Plan in September 2002, which was presented to the EU at the November 2002 SADC/EU Working Group meeting.

Internationally, focus was also on the implementation of the Programme of Action on small arms, adopted at the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. In this regard, the Mission in Geneva actively participated in the meetings of the Geneva Process on small arms. The Geneva Forum, which consists of three partner organisations, namely the Quaker UN Office; the Programme for Strategic and International Security of the Graduate Institute of International Studies; and the UN Institute for Disarmament Research (UNIDIR), initiated the Geneva Process. This process is an informal small arms forum in which key actors (representatives of States and NGOs) could meet on a regular basis. The objective of the initiative was to share information about ongoing initiatives, highlight areas for concerted action, and generally act as an ongoing forum to facilitate implementation of the UN Programme of Action on small arms. South Africa utilised this forum to highlight work being undertaken on small arms in Africa in general, and specifically in

Southern Africa and South Africa.

Mine Action

South Africa's role in eliminating anti-personnel mines was further consolidated during 2002/03 through its active participation in the Mine Ban Treaty's (MBT) inter-sessional work programme and the Fourth Meeting of States Parties of the MBT.

All substantive inter-sessional work on the implementation of the MBT is being conducted in Geneva under the administrative auspices of the Geneva International Centre on Humanitarian Demining (GICHD), of which South Africa is one of the 18 members on the Foundation's Council. A notable achievement was the endorsement by the Fourth Meeting of States Parties of a process to prepare for the MBT's first Review Conference to be held in 2004, which was based on a proposal developed by the Department and our Mission in Geneva.

The Fourth meeting of High Contracting Parties to the Amended Protocol II of the Convention on Certain Conventional Weapons (CCW), the meetings of the Group of Experts, as well as the

meeting of High Contracting Parties of the CCW were also held in Geneva. South Africa actively participated in these meetings and, among others, chaired and co-ordinated the positions of the NAM at these meetings, and circulated a working paper on compliance. South Africa also ensured that the Group of Experts placed an emphasis on the issue of victim assistance in the context of discussions on the issue of explosive remnants of war.

The Fourth Meeting of States Parties to the Mine Ban Convention also reviewed the work of the Standing Committees (SC) in order to consider developments and the status of implementation of the Treaty in their respective fields of responsibility. These Standing Committees are on:

- Mine Clearance, Mine Awareness and Mine Action Technologies. The name of this committee was later changed to the "Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies";
- Victim Assistance;
- Stockpile Destruction; and
- General Status and Operation of the Convention.

At the Fourth Meeting of States Parties to the Mine Ban Treaty, States Parties in a position to do so committed themselves, on a long-term basis, to sustain the process of achieving the



Convention's humanitarian aims. Within that context, Norway put forward a proposal of a contact group for resource mobilisation. With regard to universalisation, Austria, on behalf of eleven other countries including South Africa, presented a declaration on Human Security Network. Human Security Network is aimed at promoting the universalisation of the Convention. The declaration was supported by all delegations. The meeting, however, failed on one aspect - it could not reach consensus on obtaining a negotiating mandate for a possible instrument on "Mines Other Than Anti-Personnel Mines" (anti-vehicle mines – AVMs). Some States Parties rejected the proposal on the basis that they would

not be able to implement the provisions of any instrument that would restrict the use of these mines. States Parties agreed that the Group of Governmental Experts should simply further "explore" the issue of AVMs.

On the issue of compliance to the CCW, it was agreed that the proposals on this issue should be further discussed during the inter-sessional period.

National Conventional Arms Control Committee (NCACC)

During 2002/03, the Department continued to participate in the NCACC process. On the basis of the information provided, South Africa was able to conduct arms and technology transfers in line with its foreign policy objectives and international commitments on disarmament, non-proliferation, arms control and human rights.

The Department also played an active role in providing relevant support to the debate on the National Conventional Arms Control (NCAC) Bill. Subsequently, the NCAC Bill was adopted by Parliament and will become law after being signed by the President.

Missile Technology Control Regime (MTCR)

The focus of the MTCR in 2002/03 was to address the threat of the proliferation of ballistic missiles and weapons of mass destruction delivery system capabilities. South Africa actively participated in the MTCR and other international meetings that culminated in the launch of an “International Code of Conduct Against Ballistic Missiles (ICOC)” later renamed “The Hague Code of Conduct”. South Africa was one of 93 countries that subscribed to The Hague Code of Conduct. The Code is politically binding and it aims, through norm-building, proper non-proliferation and disarmament conduct, transparency and confidence-building measures, to curb the spread of powerful and dangerous delivery systems for weapons of mass destruction. South Africa advocated

a process of universalisation of the Code of Conduct that should take place through a transparent and inclusive negotiating process, which would be open to participation by all States on the basis of equality.

Biological Weapons Convention (BWC)

South Africa played an active role, also in the context of NAM, in the successful conclusion of the Fifth Review Conference. The South African delegation to the First Committee (Disarmament) of the 57th Session of the UN General Assembly had formally proposed the outlines of a compromise solution to resolve the difficulties being confronted by the BWC during the General Debate of the First Committee. South Africa was acknowledged for its ability to bridge differences between the various political groupings and for its capacity to come forward with suggestions that could provide a basis for agreement.

The outcome of the BWC’s Fifth Review Conference reflects a “scaled down” version of the expectations of the overwhelming majority of BWC States Parties. The primary focus of the decision

that was adopted is to ensure that a multilateral process to address the international security issues surrounding the BWC is maintained. As such, the decision provides for the States Parties to hold three annual meetings of one-week duration in 2003, 2004 and 2005 "to promote common understanding and effective action on various topics, such as national implementation measures and codes of conduct for scientists".

Chemical Weapons Convention (CWC)

During 2002/03, the Department continued with its efforts to consolidate and enhance South Africa's profile within the Organisation for the Prohibition of Chemical Weapons (OPCW). In pursuit of this goal, the Department developed guidelines to guide our mission in The Hague in influencing policy within the Organisation. South Africa played a positive role at the Seventh Annual Conference of States Parties of the Chemical Weapons Convention, which dealt with a wide variety of issues. The most important was the approval of the OPCW budget for 2003. The approval of the 2003 budget represented a significant increase



Deputy Minister Aziz Pahad during a visit to Protechnik Laboratories where chemical weapons testing can be done, ahead of the visit to Iraq.

in funding for the Organisation to cover the expected increase in verification activities brought about by the start of the Russian Federation's programme to destroy its chemical weapons stockpiles. The Conference also prepared the way for the holding of the First Review Conference of the Chemical Weapons Convention (CWC) to be held in The Hague during the coming year.

The Department also represented South Africa at the OPCW Workshop on the Chemical Weapons Convention held in Khartoum, Sudan. Although seventeen African countries have yet to become States Parties to the CWC, countries such as Libya, Rwanda and the Central African Republic indicated at the Workshop that they would become Parties to the Convention in the near future. The Conference stressed the need for the OPCW to reinforce its regional approach for implementation of the CWC and for achieving its universality. A call was also made for closer interaction between the OPCW and the AU, as well as other regional groups. In this regard, the workshop recommended that Sudan should propose that an item on the CWC be included in the agenda of the next AU Council of Ministers Meeting in order to stimulate interest in, and promote adherence to, the Convention by African States.

A new Director-General for the OPCW, Ambassador Pfirter of Argentina, was appointed in September 2002.



Rwandan Foreign Minister, Dr Murigande, at an ad hoc AU Ministerial Committee meeting held in Sun City.

Conference on Disarmament (CD)

The Conference on Disarmament ended 2002/03 without a programme of work and, therefore, no substantive negotiations. Again, as in 2001, this situation could be largely attributed to a failure to break the deadlock on substantive issues. This deadlock primarily revolved around the insistence by some delegations of seeking substantive work on preventing an arms race in outer space

(PAROS), which was inter-linked with the proposed deployment of a national missile defence system by the US and its withdrawal from the Anti-Ballistic Missile Treaty (ABM).

Despite the inability of the CD to agree on a programme of work, some initiatives on fissile material were undertaken in the context of the CD. South Africa circulated a working paper on fissile material (CD/1671 and CD/1671/Add.1) that outlined the position of South Africa on the possible elements for a treaty on fissile material. The working paper was well received in the CD and many delegations made positive references to the working paper in their CD statements. In addition, South Africa also participated in the initiative of the Netherlands to discuss the issue of fissile material in the margins of the CD.

First Committee of the UN General Assembly (UNGA)

The Department actively participated in the process of preparing directives and decisions to be considered by the First Committee (Disarmament and International Security) of the United Nations General Assembly during the 57th Regular Session of the

General Assembly.

South Africa actively participated in the work of the First Committee, where it successfully introduced, co-sponsored and supported a wide range of resolutions and positions that served various purposes. South Africa's participation had a number of important goals:

- (a) to keep the debate alive on certain pertinent issues in the field of disarmament, non-proliferation and arms control,
- (b) to consolidate the gains made at various conferences such as the 2000 Nuclear Non-Proliferation Treaty (NPT) Review Conference,
- (c) to promote and consolidate the achievements in the area of small arms proliferation and illicit trafficking, and
- (d) to provide practical and middle of the road solutions to elusive issues engulfing the international disarmament, non-proliferation and arms control debate.

The Department also continued to use the First Committee as a capacity building tool for new colleagues in the business unit.

Comprehensive Nuclear-Test-Ban Treaty (CTBT)

While the costs of CTBT related activities had been reduced in 2001, in 2002 South Africa sought to influence the political agenda of the CTBT. Towards the end of 2002, the Department held exploratory talks with the Provisional Technical Secretariat of the CTBT Organisation (CTBTO) on the universalisation of the Treaty in Africa. In this regard, an outreach public information seminar will be convened for the African region.

South Africa also participated in the activities of the CTBTO to facilitate the entry into force of the Treaty. In this regard, Minister Nkosazana Dlamini Zuma joined her other counterparts in issuing a CTBT Ministerial Declaration in the margins of the 57th Regular Session of the General Assembly. The Declaration calls upon those who have not yet signed/ratified the CTBT to do so.

South Africa continued its negotiations with the US aimed at finding an acceptable agreement on the running of the Boshoff Seismic Station. South Africa has invited the US to send a delegation of experts to Pretoria in early 2003 to negotiate the text of an Agreement on the management and maintenance of the station.

International Atomic Energy Agency (IAEA)

Together with other South African role players in the nuclear field, the Department participated in the South African delegation during the annual General Conference (GC) of the International Atomic Energy Agency. The delegation led by the Deputy Minister of Minerals and Energy participated in side events of the GC focusing on scientific developments in the fields of nuclear energy. The delegation also played an influential and meaningful role regarding resolutions on transportation safety, the management of nuclear knowledge and nuclear terrorism.

The Department also co-ordinated South Africa's positions for the different sessions of the IAEA Board of Governors meeting in September 2002, as well as the GC. In this regard, the Department convened meetings on a regular basis with the relevant authorities in the nuclear field.

In 2002, South Africa hosted a public information seminar for African countries under the auspices of the IAEA on Safeguards Agreements and their relevance to the non-proliferation and disarmament goals.

Nuclear Suppliers Group (NSG)

South Africa participated in the 2002 plenary meeting of the NSG held in Prague. The Department also provided guidance to our Mission in Vienna for its participation in follow-up meetings of the NSG that took place during the course of the year to ensure that South African positions are co-ordinated on a continuous basis.



Ending Africa's conflicts is a prerequisite for economic prosperity on the continent.

Nuclear Non-Proliferation Treaty (NPT)

South Africa participated actively in the NPT Preparatory Committee meetings, as well as the New Agenda Coalition (NAC) initiative. Our Mission in Geneva actively participated in the NAC's preparations for the first preparatory committee

meeting of the 2005 NPT Review Conference and in the preparation of the NAC resolutions for the First Committee. South Africa also participated in the February Tokyo workshop on "The Role and Perspective of the NPT in the 21st Century

– Towards a Smooth Start of the 2005 NPT Review Process". The workshop served as "a brain-storming and an exchange of views session", in preparation for the NPT Preparatory Commission to be held in April in New York.

National Office for the Co-ordinating Peace

Missions (NOCPM)

During 2002/03, the NOCPM continued to play a supportive role to South African efforts in conflict prevention, resolution,

management and post-conflict peace building (PCPB). The NOCPM also co-ordinated the deployment of South African military personnel to peace missions. In this regard, the NOCPM ensured, in consultation with the Joint Task Team (JTT) on Peace Missions, that South Africa, where feasible, increased its participation in peace missions through troop and other personnel contributions. As a result, South Africa is now a troop contributor to UN peacekeeping operations such as the UN Mission in the Democratic Republic of Congo (MONUC), UNMEE/OLME and has also contributed a battalion for VIP protection for the returning political exiles in Burundi.

Furthermore, the NOCPM also played a role with regard to the following:

- Effective use of capacity building offers through offered training opportunities, as well as the initiation of consultations with NGOs, and academia to facilitate planning for the preparation of a comprehensive data-base of available government and civilian resources for use in peace missions;

- Domestically setting in motion the process of inter-Departmental consultations to develop South African policy on UN Procurement system, UN Standby Arrangements (UNSAS), budgeting for peace missions, civilian police, media strategy and co-ordination;
- Internationally building strategic alliances in approaching the question of the reform of UN peacekeeping;
- Coupling of diplomatic initiatives with other measures through the JTT for effective conflict prevention, resolution, management and PCPB activities; and
- Playing a leading role in getting the peace mission in Burundi supported by the UN Security Council.

In addition to the above, the NOCPM also proposed to the JTT the convening of a special working session to review the work of the NOCPM. The aim of this working session would be to strengthen the NOCPM so that it serves as an effective nodal point for liaison with respect to peace missions, as well as peacekeeping policy development.

UNITED NATIONS (INCLUDING COMMONWEALTH AND NON-ALIGNED MOVEMENT (NAM))

The 57th Session of the UN General Assembly

President Mbeki, accompanied by Minister Nkosazana Dlamini Zuma, attended the General Debate of the 57th Session of the United Nations General Assembly (UNGA57) from 11 to 16 September 2002. The President addressed the General Assembly during the opening session of the General Debate.

Minister Nkosazana Dlamini Zuma remained in New York until 21 September 2002, during which time she, inter alia, chaired the Ministerial meeting of the Non-Aligned Movement (NAM). The Minister also attended various ministerial level meetings, including those of the G77 and China, Commonwealth, and Indian Ocean Rim-Association for Regional Co-operation (IOR-ARC).



UN Secretary-General, Mr Koffi Annan, sharing a lighter moment with President Thabo Mbeki during the WSSD in Johannesburg.

A comprehensive programme was arranged for the President and the Minister, including a series of bilateral meetings that took place on the fringes of UNGA57. In preparation for the visit, the Department inter alia prepared a set of briefing notes, and draft statements for the President and Minister, as well as the credentials

for the South African delegation.

Participation of the South African Delegation in UNGA57

The South African delegation played a leading role during the course of UNGA57 in the promotion of NEPAD. President Mbeki delivered a keynote address at the one-day high-level plenary meeting of the United Nations General Assembly on NEPAD, which took place on 16 September 2002. This meeting

culminated in the adoption of a political declaration and resolution in support of NEPAD, which established the framework around which the international community, including the UN system, should concentrate its efforts for Africa's development.

Attention was further given to ensure that NEPAD was incorporated into relevant South African statements as well as UN resolutions covering a wide range of topics. In doing so, NEPAD became fully integrated into various UN programmes and plans of action, particularly through the implementation of the UN Millennium Declaration.

Directives setting out South Africa's policy positions were prepared for each of the almost 180 items on the agenda of the General Assembly, also covering all the draft resolutions that were tabled.

South Africa was elected to Chair the Special Political and Decolonisation Committee (Fourth Committee) of the General Assembly and in this capacity steered the work of the UNGA on important matters such as the issue of Palestine and UN peacekeeping activities. South Africa was also a member of

the General Committee of the UNGA where it contributed to determining and finalising the agenda for UNGA57.

Resolutions Sponsored by South Africa

South Africa sponsored and actively negotiated a number of important resolutions during UNGA57, including, inter alia, the following:

- The General Assembly Declaration on NEPAD
- The final review and appraisal of the new UN Agenda for the Development of Africa in the 1990. This resolution created NEPAD as the new framework for future co-operation between the UN and Africa);
- Enhancing international co-operation towards a durable solution to the external debt problem of developing countries;
- Co-operation between the UN and the AU;
- The causes of conflict and the promotion of durable peace and sustainable development in Africa;
- The World Summit on Sustainable Development;
- High-level international inter-governmental consideration of

financing for development;

- Follow-up to the World Conference Against Racism and Xenophobia in all its manifestations.

South African Candidatures

South Africa was elected to the UN Committee for Programme and Co-operation, as well as the Inter-governmental Working Group on International Standards of Accounting and Reporting (ISAR). Minister Fraser-Moleketi was also elected to the newly formed Committee of Experts on Public Administration. A South African candidate contested the election for the judges for the International Court of Justice, but was not elected. A South African candidate, Justice Navanethem Pillay, also contested the election for judges to the International Criminal Court, which took place at the UN in New York on 4 February 2003. She was successfully elected.

Financial Contributions to the United Nations

South Africa contributed to the regular budget of the United Nations for 2002 and to the UN peacekeeping budget, including

contributions to the International Criminal Tribunals for Rwanda and the former Yugoslavia. South Africa also made a voluntary contribution towards the establishment of the Special Court for Sierra Leone.

South Africa is one of the few UN member states that has met its financial obligations to the Organisation in full, on time and without condition. As a result, South Africa has consistently appeared on the UN Secretary-General's "Roll of Honour" of countries that have paid their dues timeously.

Concrete Actions to Combat International Terrorism

In accordance with relevant United Nations Security Council resolutions, including 1373 (2001) of 28 September 2001 and 1390 (2002) of 16 January 2002, the Department of Foreign Affairs, in co-operation with other Government Departments and institutions, continued strengthening efforts to ensure full compliance with South Africa's international obligations in combating terrorism. The Inter-Departmental Counter-Terrorism Working Group, chaired by the Department of Foreign Affairs, continued to co-ordinate

South Africa's implementation of the various UN Security Council resolutions, including the compilation of South Africa's National Reports to the Security Council.

During 2002, South Africa submitted two National Reports to the Security Council. The first report on the implementation of Resolution 1390 (2002) was submitted by the due deadline of 16 April 2002. The second report, a Supplementary Report on the implementation of resolution 1373 (2001), was submitted to the Security Council on 8 July 2002, following receipt of a letter dated 15 April 2002 containing the comments of the Security Council Counter-Terrorism Committee (CTC) on South Africa's National Report of 24 December 2001. The CTC, in a letter dated 30 October 2002, presented the Committee's further comments on South Africa's Supplementary Report on the implementation of Resolution 1373 (2001) and requested South Africa to provide additional information on certain points contained in the Supplementary Report by 30 January 2003. The texts of all the National Reports submitted by South Africa have been posted on the UN website (www.un.org) together with those submitted by

other Member States.

During December 2002, an official from the Department of Justice was appointed to serve for a period of one year on the CTC core group of experts, responsible for the evaluation of national reports.

South Africa also actively participated in the AU High-Level Inter-governmental meeting on the Prevention and Combating of Terrorism in Africa, held from 11 to 14 September 2002 in Algiers, Algeria.

Compliance with UN Security Council Resolutions, including Implementation of Sanctions Regimes

The Department co-ordinated all actions required to ensure that South Africa fully complies with UN Security Council resolutions and sanctions regimes in terms of national policy. In this regard, South Africa's interaction with the Security Council itself, as well as with the various structures established to monitor different UN Security Council resolutions, was facilitated. The following are particularly noteworthy in this regard:

Sanctions against the Taliban/Al-Qaeda

The UN Security Council, on 16 January 2002, adopted resolution 1390 (2002), whereby it strengthened the measures adopted by the Council pursuant to resolutions 1276 (1999) and 1333 (2000) against the Taliban/Al-Qaeda and entities associated with them. In accordance with Resolution 1390 (2002), the Department co-ordinated South Africa's National Report on the implementation of the resolution, which was submitted to the Security Council on 8 July 2002. Lists of individuals and entities subject to Security Council sanctions, as regularly updated by the Afghanistan Sanctions Committee, are circulated to relevant institutions on an ongoing basis for follow-up action and full implementation.

Sanctions against Uniao Nacional por a Independencia Total de Angola (UNITA)

During 2002, members of the United Nations Monitoring Mechanism on Sanctions Against UNITA paid four visits to South



President Thabo Mbeki signing the DRC peace accord at Sun City.

Africa. The Department co-ordinated the programme arrangements, the preparation of briefing papers, reports on the visits and follow-up action. These visits included Inter-Departmental meetings and discussions with other stakeholders whom the Mechanism requested to meet. In addition, the Department facilitated the preparation of two documents in response to specific questions

posed to the Government by the Monitoring Mechanism.

Following the signing of the Lusaka Protocol and the positive political developments in Angola, the UN Security Council, on 9 December 2002, finally adopted resolution 1448 (2002), whereby all remaining restrictions against UNITA were lifted.

Co-operation with the United Nations Security Council Panel of Experts on the Illegal Exploitation of the Natural Resources of the Democratic Republic of the Congo (DRC)

The DRC Panel visited South Africa during June 2002 in order to conduct consultations with relevant stakeholders. The Department was responsible for all programme arrangements during the visit, which included an Inter-Departmental meeting and discussions with other stakeholders whom the Mechanism requested to meet. The Department also facilitated the preparation of two documents in response to specific questions posed to the Government by the Expert Panel.

Sanctions against Somalia

Acting under Chapter VII of the UN Charter, the Security

Council, on 22 July 2002, adopted resolution 1425 (2002), aimed at strengthening the arms embargo imposed against Somalia. The Department, in co-operation with the relevant South African authorities, continued its efforts to ensure that South Africa maintained strict measures in the implementation of the arms embargo against Somalia. South Africa submitted its National Report on implementation measures to the Somalia Sanctions Committee during October 2002.

COMMONWEALTH

Restructuring of the Secretariat

The High-Level Group established at the Durban Commonwealth Heads of Government Meeting (CHOGM) in November 1999 to review the role and relevance of the Commonwealth, continued its work under the Chair of South Africa. The first meetings of the new Board of Governors and its Executive Committee were held in London in July, September and December 2002, respectively to review implementation of the new dispensation, the work of the Commonwealth Secretariat, the Financial and other reports of the

Secretariat, as well as the Commonwealth Fund for Technical Co-operation (CFTC) and Commonwealth institutions. At these meetings South Africa gave support to the gradual evolution of the new structures and the priorities set by the CHOGM.

Commonwealth Heads of Government

Meeting, Coolum

South Africa handed over the Chair of the Commonwealth to Australia on the occasion of the Commonwealth Heads of Government Meeting in Coolum, Australia from 2 to 5 March 2002. President Mbeki presented two important reports in his capacity as outgoing Chair of the Commonwealth and of the High-Level Group. The Commonwealth Heads of Government took stock of what had been done since the Durban CHOGM. They also provided policy guidance and decided on pressing issues facing the Commonwealth.

The South African delegation played a leading role in



President Thabo Mbeki addressing the delegates during the WSSD in Johannesburg.

deliberations and succeeded in having its priorities included in the Coolum Declaration and the Communiqué that followed the meeting.

Specific initiatives taken by South Africa included:

- A call on all governments to build on the developmental goals of the Fancourt Declaration and to set in motion a mechanism

to achieve this;

- The prominence given in the Declaration to opportunities presented by the Financing for Development Conference (FFD) in Mexico on 18 to 22 March 2002 and the World Summit on Sustainable Development (WSSD) in South Africa during August/September 2002;
- Prominent reference to NEPAD.

The Report of the High Level Group was adopted in Colum and will have a major impact on the manner in which the Commonwealth and its structures operate in future.

Commonwealth and Zimbabwe

The situation in Zimbabwe received prominent attention and a CHOGM Statement on Zimbabwe was issued in Colum. The Heads of Government agreed to mandate the CHOGM Chairman-in-Office (Prime Minister Howard of Australia) together with the previous and future Chairmen-in-Office (Presidents Mbeki and Olusegun Obasanjo respectively) to take appropriate action after

the election results were issued.

At a meeting of the Commonwealth Chairperson's Committee on Zimbabwe, held in London on 19 March 2002, the Committee "decided to suspend Zimbabwe from the Councils of the Commonwealth for one year with immediate effect" and that the issue should be revisited in twelve months time, having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General. The Commonwealth Chairperson's Committee as well as the Commonwealth Secretary-General continued to monitor the situation in Zimbabwe and met, in Abuja on 23 September 2002 for their Mid-term Review.

Ministerial Meetings

Minister Nkosazana Dlamini Zuma participated in a meeting of the Commonwealth Ministers of Foreign Affairs within the context of the UN General Assembly, which took place in New York on 16 October 2002 during the 57th Regular Session of the General Assembly.

The Department assisted with Minister Trevor Manuel's attendance of the Commonwealth Ministers of Finance Meeting in London on 24 to 26 September 2002, and Minister Penuell Maduna's attendance of the Commonwealth Law Ministers' Meeting in Kingstown, St Vincent and Grenadines from 18 to 21 November 2002. These meetings in turn lent strong support to the Monterrey Process and the debate on global terrorism and the extradition of criminals. The Minister of Science and Technology, Dr Ben Ngubane, continued to Chair the Commonwealth Science Council.

THE NON-ALIGNED MOVEMENT (NAM)

Chair

After Bangladesh and Jordan respectively withdrew their offers to host the next Summit of the NAM, South Africa was obliged to continue serving as Chair for an additional year.

Subsequently, Malaysia has offered to host the XIII NAM Summit on behalf of the Asian region in February 2003. In preparation

for this summit conference, South Africa convened a Ministerial Meeting of the Co-ordinating Bureau in Durban during April 2002. The purpose of this preparatory meeting was to start developing the draft basic document for discussion at the XIII Summit.

Ministerial Meetings

A mandate was given to Minister Nkosazana Dlamini Zuma during the Ministerial meeting of the NAM in the context of the Regular Session of the General Assembly in November 2001, to convene a group of volunteers to brainstorm the role of the Movement in the 21st Century. A first meeting of this group was convened back-to-back with the Co-ordinating Bureau (CoB) Ministerial meeting in Durban in April 2002. Sixteen Member States and one observer organisation participated in this brainstorming meeting at Zimbali Country Lodge. The results of this workshop were reported and further discussed during ministerial roundtables convened on the fringes of the CoB Ministerial meeting.

During the NAM Ministerial meeting in September 2002 in New York, the Chair was urged to continue with the brainstorming

sessions of the Zimbali Group and to make recommendations to the XIII Summit in Kuala Lumpur. Consequently, a follow-up meeting of the Zimbali Group was convened in the Western Cape during December 2002. The final recommendations of the Group were discussed by the Ministerial Meeting in Kuala Lumpur. The recommendations supported the theme of the XIII Summit, namely "continuation of the revitalisation of the NAM".

Issue of Palestine

During 2002, the Chair of NAM remained seized with the issue of Palestine. The NAM Committee on Palestine, at ministerial level, convened for a second time in South Africa in April 2002. The



Palestinian Ambassador to South Africa, HE Salaman El-Herfi, Palestinian Minister for Planning and International Co-operation, Mr Nabil Sha-Ath, Minister Nkosazana Dlamini Zuma and Deputy Minister Aziz Pahad in Pretoria.

NAM Security Council Caucus was also invited to participate in order to review the NAM response to the ongoing violence in the Middle East. The meeting reiterated unwavering solidarity with the Palestinian people, and again called for immediate and full withdrawal of Israeli occupying forces from Palestinian cities and implementation of all relevant United Nations Security Council (UNSC) resolutions.

The Chair of the CoB, on behalf of the NAM, together with the Chair of the Arab Group, requested several special and emergency debates of the UNSC and made several statements to the UNSC on the situation in the Middle East. A statement during an emergency open debate in April 2002 condemned the full-scale military operations that were underway in the Occupied Palestinian Territories. In a further statement to the

UNSC on 3 June 2002, the worsening situation in the Palestinian Occupied Territories was once again addressed. On this occasion, the Chair of the CoB also reported the outcome of a visit on 2 June 2002 by a NAM ministerial delegation to Ramallah, led by Minister Nkosazana Dlamini Zuma. The visit was recommended at the Ministerial meeting of the Committee on Palestine in April 2002 and was intended as a platform to meet with President Arafat and express solidarity with the President and the people of Palestine.

The Chair of the CoB again participated, on 23 September 2002, in a debate in the UNSC on the continuous Israeli onslaught on the Headquarters of the Palestinian Authority. Statements on behalf of the NAM in support of the Palestinian people were also made in the General Assembly and during the UN African meeting on the Inalienable Rights

of the Palestinian People.

Issue of Iraq

After broad and thorough consultations on the situation in Iraq during the general debate of the 57th Regular Session of the General Assembly, Minister Nkosazana Dlamini Zuma, in her capacity as Chair of the NAM at Ministerial level, issued a statement welcoming the announcement of the Government of Iraq

to unconditionally allow the return of the UN weapons inspectors to Iraq. The Minister expressed the hope that it would pave the way for a comprehensive and peaceful solution to all pending issues between Iraq and the UN. The Minister also reaffirmed the Movement's position on the respect for Iraq's sovereignty, territorial integrity and unity as well as its



South African technical experts meeting in Pretoria prior to departing for Iraq.

political independence in accordance with the UN Charter and International law.

Following an agreement reached on 1 October 2002 in Vienna, between the Government of Iraq and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), and the International Atomic Energy Agency (IAEA), on the practical arrangements for the immediate resumption of inspections in Iraq in accordance with the relevant UNSC resolutions, the Chair of the CoB wrote a letter to the President of the UNSC in which the efforts of the UNSC to resolve the situation in Iraq and avoid war were welcomed by the NAM.

The Chair of the NAM remained seized with the issue and on 10 October 2002 communicated to the President of the UNSC the concern of the Movement that the authority and credibility of the Charter of the UN is undermined through unilateral actions and closed discussions amongst the Permanent Members of the UNSC on the issue of Iraq. The Chair of the CoB consequently requested the President of the UNSC to convene an open meeting of the UNSC in order to take note of the opinions of non-UNSC members

of the UN. During the ensuing debate the Chair of the CoB made a statement, on behalf of the NAM, in which he spelled out the important repercussions for the UN if the core function of the UN and the Charter in the maintenance of peace and security is not honoured. A large number of the United Nations membership participated in this debate, with the vast majority of whom voiced the opinion that a unilateral approach to the Iraqi question is unacceptable and that war must be avoided.

The NAM and the UN

In its capacity as Chair of the NAM, South Africa has sought through the above-mentioned actions, to reaffirm the Movement's fundamental principles and speak out on the sanctity of the UN Charter through a firm condemnation of all unilateral military actions or threats against the sovereignty, territorial integrity and independence of member states of the Movement.

The CoB in New York and the various NAM Working Groups also met in preparation for the annual Ministerial meeting of the NAM during the regular sessions of the UNGA and to consider

the positions of the Movement for the 57th Session of the UNGA.

South-South Co-operation

During 2002/03, the Chair of the NAM continued to vigorously pursue the Movement's major goal of strengthening South-South Co-operation. In accordance with the mandate of the Durban Summit, this *Venezuelan President HE Hugo Cha'vez Frias attended the WSSD in Johannesburg.* included close co-operation with the Group of 77 and China (G77), to enhance the solidarity of developing countries in the UN System. When The Bolivarian Republic of Venezuela took over the Chairpersonship of the G77 in January 2002, Minister Nkosazana Dlamini Zuma addressed a letter of congratulations and support to the Foreign Minister of Venezuela on behalf of the NAM. Aside from addressing the need for increased South-South Co-operation in the international arena and addressing issues such as terrorism holistically by addressing the problems of poverty,



conflicts and equal sharing of the benefits of globalisation. The Minister also propagated support for the goals of the UN Millennium Declaration.

In further recognition of the importance of co-ordination and co-operation between the NAM and the G77, the Joint Co-ordinating Committee of the NAM and G77 (JCC) met regularly at the UN during 2002.

Dialogue with the North

While the basic premise of the NAM is South-South Co-operation, the XII Durban Summit also underlined the importance of dialogue with the developed countries, including interaction with the Group of Eight Industrialised Countries (G8), to promote better understanding and enhance positive responses to the development aspirations of the South.

As in the recent past, President Mbeki, as Chair of the NAM, again in 2002 conveyed a message from the NAM to the incumbent President of the G8, Prime Minister Jean Chretien of Canada, on the eve of the G8 Kananaskis Summit. The message encouraged the G8 to reach beyond the confines of the developed world and to address, in a more inclusive and equitable partnership than has been possible to date, the challenges of globalisation. The necessity of international co-operation, relying on equal dialogue and a partnership based on mutual interests and benefits, was also stressed.

Dialogue with the North also reached beyond the G8, inter alia, engaging the EU. At the last of such meetings in 2002, the NAM Troika led by Minister Nkosazana Dlamini Zuma, met with the EU Presidency in the margins of the UN General Assembly's 57th regular session. The agenda dealt with development issues, including the follow-up of the International Conference on Financing for Development and the World Summit on Sustainable Development (WSSD); the Middle East; implementation issues on trade matters; UN reforms; and combating terrorism.

DEMOCRACY AND GOOD GOVERNANCE

The last year saw South Africa host the African Commission on Human and Peoples' Rights and the UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. The Department played an active role in both events. Towards the latter part of the year, the Department, in conjunction with other stakeholders, engaged in the follow-up process to the World Conference against Racism. All these activities were in accordance with South Africa's stated commitment to the global promotion of human rights.

CIVIL AND POLITICAL RIGHTS

The 58th Session of the UN Commission on Human Rights (CHR58)

During early 2002, the Department prepared Directives for CHR58, which convened in Geneva from 18 March to 26 April 2002. Key issues that dominated the Commission and thus made

for a highly divisive session included the Israeli/Palestinian crisis and the situation in Zimbabwe as expressed in an EU-sponsored resolution. The latter fitted in with the concerns already raised by the Africa Group in Geneva that the resolutions on country situations were targeted at African countries.

The countries that were the subject of the 1503 Confidential Procedure were in fact all African i.e. Chad, Liberia, Nigeria, Togo and Zambia. Similarly, the majority of countries under Item 9 (Question of the violation of human rights and fundamental freedoms in any part of the world) again were African. The countries concerned were Burundi, the DRC, Equatorial Guinea, Sierra Leone, Sudan and Zimbabwe.

The Confidential Procedure led to the Africa Group resorting to a bloc vote on each of the five motions on the countries concerned. The Africa Group contended that the Procedure was being employed selectively to target Africa.

The Commission concluded the 58th Session highly polarised. Unlike CHR58, the proceedings of the Third Committee of the UN General Assembly were less confrontational. There were

deliberate efforts to defuse tension such as the EU decision not to introduce resolutions on Iran and Zimbabwe.

The main priorities for the South African delegation were the Optional Protocol to the Convention Against Torture, the Right to Development and the Resolution on Racism, Racial Discrimination, Xenophobia and Related Intolerance. The latter remained a source of friction between the Africa Group and the Western Group as happened at CHR58.

The 31st and 32nd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR)

The ACHPR meets twice yearly. This past year the Department participated in both the 31st and 32nd Sessions, which were held in Pretoria and Banjul, The Gambia, respectively.

The Deputy President Jacob Zuma delivered the opening address of the Session. 36 States Parties to the African Charter and 200 organisations comprising African and international NGOs and National Institutions for the Promotion and Protection of Human Rights (Human Rights Commissions) participated in this meeting.

As a procedure, the ACHPR reviews country reports in accordance with the African Charter.

The 31st Session introduced a new agenda item for discourse by the African human rights fraternity: “NEPAD and Human and Peoples’ Rights in Africa”. This provided a new platform to publicise and promote the ownership of NEPAD by African States and civil society through the ACHPR. Another topical and equally important subject that the 31st Session addressed was the World Conference against Racism (WCAR) and its follow-up. In its resolution, which was presented to the 31st Session, the NGO Forum urged the ACHPR to promote, and African States to implement, the Durban Declaration and Programme of Action (DDPA). Similar calls were made by delegates who spoke on the subject emphasising the need to popularise and implement the Durban commitments.

The 31st Session further discussed the relationship



Banners promoting human rights during the National Conference on Racism in preparation for the World Conference Against Racism.

between the AU and the ACHPR. The Commission expressed concern that whilst the Constitutive Act recognised the African Charter in its statement of objectives, there was no explicit reference or recognition of the ACHPR as an organ of the AU. However, this issue was addressed by the decision adopted by the OAU Council of Ministers Meeting in Lusaka (5 to 8 July 2001) which called for the incorporation of “organs, and institutions/bodies, which have not been specifically mentioned in the Constitutive Act”.

The Session in Banjul met for one week instead of the usual two weeks owing to limited financial resources. The shortened time frame consequently affected the substantive issues that the session could deal with. The ACHPR focused on “NEPAD, Good Governance and Human Rights” in the observance of human rights and the commitment thereto by African States.

An issue of great concern was the decision by the Secretariat of the ACHPR to strike off from the agenda the item on the World Conference against Racism (WCAR). The ACHPR seemed to have adopted the position that the WCAR was over and therefore, it was not necessary to pursue the implementation phase of this programme.

In the past year, another matter of major importance was the role of the ACHPR within the framework of the AU. The latter has charged the ACHPR with preparing a study on African human rights system and its role therein (i.e. within the context of the AU). This assignment has not yet been undertaken.

Department (DFA) Programme for African and International Solidarity

During the 50th National Conference of the African National



The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerances held in Durban from 31 August – 7 September 2001.

Congress in January 2002, the President announced the Letsema Programme of Volunteerism in which he called upon South Africans to render voluntary service to fellow South Africans.

The month of July 2002 was designated for African and International Solidarity. In this regard, the Department was charged with organising various activities supportive of this identified theme.

Furthermore, the Department co-ordinated an internal food drive earmarked for two refugee centres run by the Jesuit Refugee Service in Johannesburg and Pretoria respectively. The shelters cater for refugee women and children. The Department worked closely with the local Office of the UN High Commissioner for Refugees and the Jesuit Refugee Service on this project. The collected items were handed over at a ceremony attended by officials of the three organisations and some members of the refugee community in Pretoria.

**Follow-up to the World Conference against Racism,
Racial Discrimination, Xenophobia and Related
Intolerance (WCAR)**

In September 2002, the Office of the UN High Commissioner for Human Rights in Geneva organised an UN/Africa seminar on the follow-up to the WCAR, which was held in Nairobi, Kenya. Two officials from the Department and our Mission in Geneva attended this gathering which examined strategies for the implementation of the Durban Declaration and Plan of Action (DDPA) in Africa. The seminar agreed that Articles 158 and 159 of the DDPA should form the basis of Africa's Plan of Action. These articles derive from NEPAD and echo the challenge that NEPAD addresses in Africa's quest to embark on a path of sustainable growth and development.

Domestically, the IRPS Cabinet Committee recommended that the Department convene an InterDepartmental Working Group on the follow-up to the World Conference against Racism. The first meeting of the Group took place on 26 November 2002 and was chaired by the Acting Director-General of the Department, Abdul

Minty. Officials from the Departments of Foreign Affairs, Justice and Constitutional Development, Labour, and the South African Police Service, attended the meeting.

The Acting Director-General gave a briefing on the negotiations during WCAR and the importance of the follow-up process by South Africa. The meeting further reviewed issues for discussion scheduled for the next day at the National Action Plan workshop.

On 27 November 2002, the National Steering Committee (NSC) on the follow-up to WCAR, consisting of the Department of Foreign Affairs, the Department of Justice, the South African Human Rights Commission, and SANGOCO, held a workshop to strategise on the implementation of the Durban Programme of Action.

The participants were introduced to the draft Action Plan that is currently a working document. The meeting agreed that the draft Action Plan should be disseminated widely for comment and concluded with proposals for the establishment of a National Forum against Racism which will be the driving force of the National Action Plan.

HUMAN RIGHTS ORGANISATIONS

46TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN

South Africa actively participated in the 46th session of the UN Commission on the Status of Women (CSW) which took place in New York from 3 to 14 March 2002. The session focused on two thematic issues namely, “eradicating poverty, including through the empowerment of women throughout their life cycle in a globalising world” and “a gender perspective environmental management and mitigation of natural disasters”.

The CSW made important recommendations with regard to sustainable development strategies to eradicate poverty and environmental management related to women’s programmes. These issues were later incorporated into the agenda of the WSSD.

*“eradicating poverty,
including through the
empowerment of women
throughout their life cycle
in a globalising world”*



MEETING OF SADC MINISTERS RESPONSIBLE FOR GENDER/ WOMEN'S AFFAIRS

South Africa participated in the annual Meeting of SADC Ministers responsible for Gender/Women's Affairs, which was held in Swakopmund from 24 to 28 May 2002. The meeting formulated gender policies and strategies to ensure the mainstreaming of gender in the SADC Programme of Action. Discussions included the co-ordination of participation at African and global gender events, the implications of the SADC Restructuring Exercise for the Policy and Institutional Framework for Gender in SADC, the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the transformation of the Declaration on Gender and Development into a Protocol.



South Africa is working to ensure that the rights of all children are protected.

VISIT TO SOUTH AFRICA BY THE UN SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

The UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Mr Juan Miguel Petit, visited South Africa from 16 to 26 September 2002. The visit related to his mandate, which covers issues of domestic abuse, child rape, trafficking, prostitution and their explicit linkages to HIV/AIDS. The Department of Foreign Affairs, together with the Departments of Social Development and Health, UNICEF, the Provincial Plan of Action for Children Co-ordinators and the National Children's Rights Committee, facilitated the Special Rapporteur's programme.

The Special Rapporteur met with the National Commissioner of the South African Police Service, the Chairperson of the South African Human Rights Commission, officials from national and provincial government Departments, non-governmental organisations, UN bodies and members of the Portfolio Committee on Social Development and the Joint Monitoring Committee on Improvement of Life and Status of Children, Youth and Disabled Persons. He also visited Gauteng, the Western Cape and KwaZulu-Natal where he toured children's shelters, Parliament, Atlantis, Robben Island and the Durban Magistrates Court.

A report on the Special Rapporteur's visit to South Africa will be tabled at the 59th Session of the UN Commission on Human Rights in March/April 2003.

Experts Group Meeting on the Trafficking in Human Beings, especially Women and Children

An Experts Group Meeting on the Trafficking in Human Beings, Especially Women and Children, organised by the Government of Sweden in co-operation with the Government of Italy, was held

in Stockholm from 1 to 3 September 2002. The South African delegation included officials from the Department of Foreign Affairs, South African Police Service Crime Intelligence Unit at INTERPOL and the Department of Justice and Constitutional Development.

The meeting identified priority areas to initiate the elaboration of a Plan of Action to Combat Trafficking in Human Beings, Especially in Women and Children, which is scheduled to be tabled for adoption at the upcoming Africa-Europe Summit in Lisbon during April 2003.

Third World Congress on Rural Women

South Africa participated in the Third World Congress on Rural Women, in Madrid from 2 to 4 October 2002. The Congress, whose theme was "Rural Women in the Global Village", examined the situation of rural women in the areas of development, gender equality, food security, the impact of new technologies, empowerment, and public policies, intended to support rural women. The conference proposed that South Africa hosts the 2006 Congress on Rural Women.

Meeting of the UN Economic Commission for Africa's (UNECA) Committee on Women and Development (CWD)

South Africa hosted a Conference of the Committee on Women and Development (CWD) from 9 to 12 October 2002. The conference dealt with issues such as the analytical framework on the process for engendering national budgets and the framework for the evaluation of the implementation of the African and Beijing Plans of Action at national, sub-regional and regional levels.

Ad Hoc Committee on the Proposed International Convention on the Rights and Dignity of People with Disabilities

During the July 2002 Economic, Social and Cultural Council (ECOSOC) meeting, South Africa was elected Deputy Chair of the Bureau of the *ad hoc* Committee where the convention will be drafted. Mexico tabled the proposal for such a convention at the 56th Session of the UN General Assembly.

The South African delegation engaged in active consultations on the proposed convention within the Africa Group.



Above:
Children reading a message at the signing of the Pledge for 16 days of No Violence Against Women and Children at the Union Buildings, Pretoria.

Below:
The Deputy Minister of Justice, Ms Cheryl Gilwald, signing the pledge, with Acting Director-General, Mr Abdul Minty, watching.

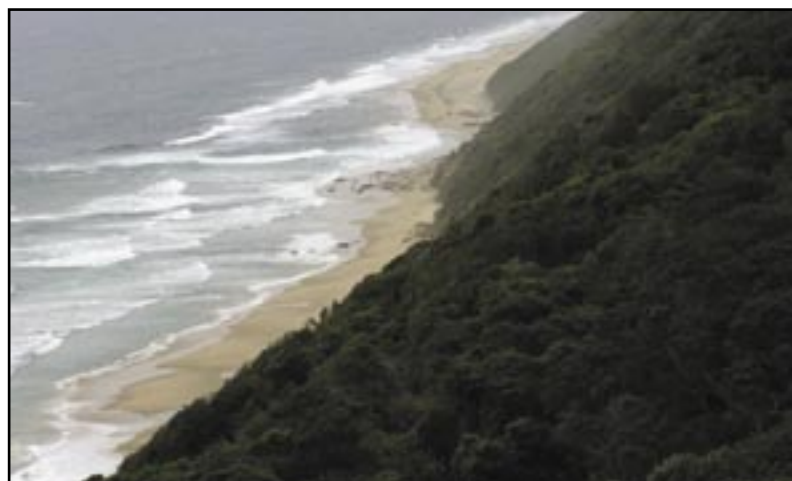


16 Days of No Violence against Women Campaign

The Department participated in the campaign of "16 Days of No Violence against Women". The following international anniversaries were also observed during this 16-day period: 25 November – International Day for No Violence against Women; 1 December – World Aids Day; 3 December – International Day for People living with Disability; 10 December – International Human Rights Day.

26th Session of the World Heritage Committee (WHC)

South Africa participated in the 26th Session of the World Heritage Committee, which was held in Budapest from 24 to 29 June 2002. The occasion also served as a celebration of the 30th Anniversary of the Convention concerning the Protection of the



Cape Vidal: one of South Africa's World Heritage Sites.

World Cultural and Natural Heritage (1972). The Session adopted the Budapest Declaration on World Heritage, aimed at raising awareness on the need to preserve World Heritage properties and the implementation of the Convention. The Session also dealt with the state of World Heritage in Africa; nomination of cultural and natural properties to the list of World Heritage in Danger; analysis of the World Heritage List in identifying under-represented categories of cultural and natural heritage, as well as the revision of the WHC operational guidelines.

WSSD Seminar on "African Heritage and Sustainable Development"

During the period 19 to 23 August 2002, South Africa, in conjunction with UNESCO, hosted a seminar, which addressed strategic issues related to the future protection of tangible heritage in Africa. The seminar was attended by

60 heritage experts, mostly from Africa and focussed, inter alia, on issues shaping Africa's heritage into sustainable resources; balancing social, economic and environmental realities within the context of heritage; development options for world heritage sites in Africa, as well as enhancing regional and broader international co-operation.



Cultural dancers performing during the Heritage Day celebrations in Johannesburg.

Third Round Table Meeting of Ministers of Culture on the Intangible Heritage

The Department was closely involved in preparatory activities to facilitate South Africa's participation in the conference held in Istanbul from 16 to 17 September 2002, which was jointly hosted by the Turkish Government and UNESCO. The conference coincided with the United Nations Year for Cultural Heritage (2002) and the thirtieth anniversary of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972). The issues addressed included cultural diversity and sustainable development, as well as the mobilisation of international solidarity



for safeguarding the intangible cultural heritage. The latter issue constitutes a newly envisaged convention, which was the subject of discussion.



Facilitating peace and security on the African continent: President Olusegun Obasanjo and the Minister of Defence, Mr Mosiua Lekota.

8th Conference of Ministers of Education of Africa (MINEDAF VIII)

The Department collaborated closely with the Department of Education regarding South Africa's participation in the MINEDAF VIII conference, which was held in Dar es Salaam from 2 to 4 December 2002. The conference was aimed at elaborating education strategies and building on the achievements of the Durban MINEDAF VII conference of 1998. The advancement of education in Africa as it relates to development goals (adopted at the World Education Forum in Dakar in 2000), and subsequently incorporated into NEPAD, also came under close scrutiny during the conference.

Proposed accession by SA to UNESCO Cultural Conventions

The Department has, since 1995, been involved in close collaboration with the former Department of Arts, Culture, Science and Technology to promote South Africa's accession to two UNESCO cultural conventions, i.e. the Convention on the Protection of Cultural Property

in the Event of Armed Conflict (1954), and the Convention on the Means of Prohibiting the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970). Parliamentary approval for accession to the above-mentioned conventions was obtained on 11 November 2002. The Department together with the Department of Arts and Culture were in the process of finalising the Instruments of Accession at the close of 200/03. The two government Departments were also engaged in South Africa's proposed membership of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

INTERNATIONAL CRIME

45th Session of the UN Commission

In March 2002, the Department attended the 45th Session of the UN Commission on Narcotic Drugs in Vienna as part of the South African delegation, which included officials from the Department of Health and the South African Police Service. The United Nations Drug Control Programme (UNDCP) presented a New Action Plan for Africa, which moves away from treating drug control in Africa in isolation from other development issues. The Plan stresses the need for the inclusion of drug control into development planning. It is expected that global drug control policies will in future be linked to policies towards poverty alleviation and integrated into a wider framework of economic development. The meeting also reflected on the resurgence of opium poppy cultivation in Afghanistan in the aftermath of September 11.

The Commission, through the UN's Economic and Social Council, recommended international drug control programmes to the 57th Session of the UN General Assembly. One of the recommendations

pertains to the holding of a Ministerial meeting in Vienna on 16 and 17 April 2003, which will enable Governments to review progress achieved and difficulties encountered in meeting the goals and targets set by the General Assembly at its 20th Special Session in 1998. The targets pertain to the issues of judicial co-operation, illicit supply of drugs, pre-cursor control and money laundering. In April 2002, the Department attended the 11th session of the UN Commission on Crime Prevention and Criminal Justice in Vienna as part of the South African Delegation to the meeting. Other members of the delegation included officials from the Departments of Social Development; Correctional Services; Public Service and Administration; and the South African Police Service.

The Commission, of which South Africa is a member, is the main international policy making body regarding the issue of crime prevention and criminal justice. The meeting assessed the implementation of the UN crime prevention programmes and examined issues relating to the ratification and coming into force of the UN Convention against Trans-national Organised Crime. Consideration was given to issues relating to the draft



The African Continent needs technical infrastructure to effectively implement the Convention against Trans-national Organised Crime.

UN Convention Against Corruption and computer related-crime. The meeting felt that it was premature to negotiate an instrument against cyber-crime, since more research needed to be done in this area.

The 11th session also agreed that the Crime Centre of the UN in Vienna should assist with the implementation of the action plan against terrorism, which was agreed upon after the Crime Congress in 2000. It was further agreed that no additional international instruments were necessary under the auspices of

the Centre for International Crime Prevention (CICP) and that the Centre should, continue to concentrate on technical co-operation in a limited number of priority areas. African countries stressed the importance of the UN as the appropriate forum to address matters related to terrorism and unanimously supported the UN Security Council resolutions 1373 and 1377 concerning counter-terrorism. The Africa Group also called for the implementation of the UN General Assembly resolution 56/253, which calls upon the Secretary-General to strengthen the Terrorism Prevention Branch in Vienna.

Other issues highlighted by the Africa Group included the need to provide the African continent with technical assistance to enable countries to implement the Convention against Trans-national Organised Crime; the difficulty of combating crimes such as trafficking in persons, money laundering, corruption and illicit trafficking in firearms; the need to ratify and implement legal instruments against terrorism and related crime; and research into cyber-crime, which has become a growing concern to African countries.

DEVELOPMENT AND CO-OPERATION

ECONOMIC DEVELOPMENT

ECONOMIC POLICY AND PROGRAMMING/GLOBAL ECONOMIC ORGANISATIONS

Kimberley Process

The Kimberley Process continued its work during 2002/03 in the interest of international peace and security. The Department provided the Interim Secretariat for the Kimberley Process. This work greatly contributed to the success of the year.

On 13 March 2002 the UN General Assembly adopted Resolution 56/263, which urged the finalisation and implementation of the Kimberley Process Certification Scheme

(KPCS). Two meetings were arranged in co-operation with the host governments. The first meeting was held in Ottawa, Canada, from 18 to 20 March 2002. The Ottawa meeting dealt with a number of outstanding technical implementation issues, which paved the way for national implementation.

The second meeting was held in Interlaken, Switzerland, from 4 to 5 November 2002. At the meeting, Ministers adopted the KPCS. The organised diamond industry announced a voluntary system of self-regulation, which provides for a system of warranties underpinned through verification by independent auditors of individual companies and supported by internal penalties set by industry. South Africa agreed to continue to Chair the Kimberley Process during its first year of implementation.



Organised diamond industry announced a voluntary system of self-regulation.

The simultaneous implementation of the KPCS started on 1 January 2003. The following States and Regional Economic Integration Organisations became Participants in the Kimberley Process Certification Scheme on 1 January 2003:

Angola, Armenia, Australia, Botswana, Brazil, Burkina Faso, Canada, Cote d'Ivoire, Central African Republic, People's Republic of China, Democratic Republic of Congo, European Community, Gabon, Ghana, Guinea, India, Israel, Japan, Republic of Korea, Laos, Lesotho, Mauritius, Mexico, Namibia, Norway, Philippines, Russian Federation, Sierra Leone, South Africa, Sri Lanka, Swaziland, Switzerland, Tanzania, Thailand, Ukraine, United Arab Emirates, United States of America, Vietnam and Zimbabwe.

World Economic Forum (WEF)

The annual WEF Summit, normally held in Davos, Switzerland, was held in January/February 2002 in New York. It was moved to New York as a gesture of solidarity after the 11 September 2001 terrorism attack. The Summit concentrated on North/South relations, poverty eradication and inequalities. President Thabo Mbeki led a South African team, which focused on the marketing of NEPAD.

The WEF Africa regional summit meeting took place in Durban from 5 to 7 June 2002. Unlike previous years when the focus was on SADC, for 2002 the theme was Africa and NEPAD.

World Trade Organisation (WTO)

The focus for 2002 in the WTO was the Doha Development Round of multilateral trade negotiations. The Department's main objective in

this regard was to monitor the progress of negotiations and advise internal public (Staff) of relevant developments.

In general, 2002/03 saw an uneven progress on negotiations of the various issues under the Doha mandate. Two important deadlines were missed though; these were on finding a solution to the question of Trade Related Intellectual Property and Services (TRIPS) and access to medicines; and on agreeing to a suitable package for Special and Differential Treatment for developing countries. On the other hand, progress has been satisfactory in areas of modalities for market access in non-agricultural products, services and rules of origin, although difficulties have been experienced in agricultural negotiations.

Industrial Participation Control Committee (IPCC)

The Department participated in the monthly IPCC meetings. DTI chairs the IPCC, while the Department together with the National Treasury and the South African National Defence Force (SANDF) are also represented.

Industrial Participation (IP) means that all government and

parastatal purchases or lease contracts (goods, equipment and services) with an imported content equal to or exceeding US\$10 million (or equivalent) are subject to an IP obligation.

Export Credit Insurance Corporation (ECIC)

The Department participated in the fortnightly Credit Insurance Committee meetings of the ECIC.

The ECIC, a DTI subsidised institution, provides economic and/or political risk insurance to companies investing abroad, mainly in Africa. The Reserve Bank and National Treasury also form part of the Credit Insurance Committee.

Financing for Development (FfD)

The Financing for Development Conference took place in Monterrey from 18 to 22 March 2002. Participation was at Presidential level (Summit), with the Ministers of Finance; and Environmental Affairs and Tourism also participating and chairing roundtable discussions.

The importance of participation for South Africa had not only

been highlighted with the appointment of Minister Trevor Manuel as Special Envoy by the UN Secretary General (this being highly appreciated by both developed and developing countries), but also due to the overlapping issues within the WSSD process. Producing a consensus document, committing both developed and developing countries to securing resources for the financing of development, was therefore of particular importance for the success of the development of the African continent.

In the run-up to the conference, the 4th and final Prepcom for the FfD Conference had taken place over two weeks in January in New York. The outcome of this Prepcom was a text generally seen as a relatively watered-down document later known as the Monterrey Consensus Document. There was, however, a firm commitment to an upgrading of the existing ECOSOC-Bretton Woods annual Spring meeting to a more structured event, with the participation of the WTO as well.

The success of the outcome of the Conference could arguably be found in the announcement by the US, even before the Conference, that it would increase their development aid to developing

countries to circa. US\$ 10 billion per year, commencing in 2004. Commitments by other EU countries, e.g. UK, to increase their Official Development Assistance (ODA) contributions were also welcomed. The Monterrey Consensus document was accepted

Minister of Finance, Mr Trevor Manuel, was appointed as Special Envoy by the UN Secretary-General.



and would inform the international process of mobilising finances for development.

Despite the criticism that the Monterrey Consensus Document was vague, containing little detail, the positive announcements by

the US and UK, among others, to commit themselves to increase their ODA contributions, was seen to augur well for the outcome of the WSSD.

Organisation for Economic Co-operation and Development (OECD)

Following the feedback received from the Cabinet Committee on Cabinet Memorandum No. 1 of 2002, a series of meetings was held with various Departments in order to further investigate the options for future relations between South Africa and the Organisation for Economic Co-operation and Development (OECD). A letter was forwarded to all Directors-General, calling for input on the matter as well as participation in an InterDepartmental Working Group.

Despite problems encountered, mainly due to a lack of staff at the Embassy in Paris and therefore insufficient time to process enquiries from the Department's Desk (internal section), the Working Group made good progress with the various Departmental evaluations of their interaction with the OECD. The desk, assisted by the Mission in Paris, was also able to compile a document on the structures of

several member countries i.e. New Zealand, South Korea, Mexico, Turkey and the Slovak Republic – in order to better assess the financial and human resource implications of possible membership.

Furthermore, the recommendation was made to the (Acting) Director-General that an inter-Departmental team conducts a fact-finding mission to the organisation in the first half of 2003. The findings of this mission would be submitted to Cabinet so that a decision could be reached on the route South Africa could pursue in its relations with the OECD i.e. possible full membership or a gradual approach through participation by means of official observer status in several technical committees. Nevertheless, whatever form these relations take, it can be expected that South Africa will develop even closer ties with the OECD.

Group of 8 (G8) Summit, Kananaskis, Canada, 26 to 27 June 2002

Three items dominated the G8 agenda for 2002, that is, (a) A review of the global economy; (b) Africa and the NEPAD; and (c) the fight against global terrorism. The intention of the streamlined

agenda would enable the leaders to concentrate fully on the issues and have substantial discussions.

The Presidents of the five core members States of NEPAD (Algeria - President Abdelaziz Bouteflika, Egypt - President Hosni Mubarak, Nigeria - President Olusegun Obasanjo, Senegal - President Abdoulaye Wade, South Africa - President Thabo Mbeki) had been invited on the recommendations of the Task Force to the Summit for an exchange of views. It had appeared that the focus of the G8 had, therefore, shifted from the South in general, following the South Summit in Cuba and the Okinawa G8 Summit, to Africa in particular.

The most important outcome of the Summit was that an African Action Plan in support of the NEPAD was adopted. The G8 also agreed to increase its efforts on the HIPC initiative. It was further decided that Russia would assume the presidency of the G8 in 2006 and host the Summit then for the first time as a full G8 member.



Minister of Labour – Mr Membathisi Mdladlana.

International Labour Organisation

The Minister of Labour, Mr Membathisi Mdladlana, attended the 90th Session of the International Labour Conference (ILC) in Geneva from 8 to 16 June 2002. The member-states of the ILO meet annually in Geneva at the ILC to discuss labour and social issues of relevance to their field of expertise. The ILC adopted the budget of the Conference, and elected the Governing Body.

International Finance Corporation (IFC) Resident

Mission in South Africa

The IFC Mission in South Africa informed the Department of the new title of the International Finance Corporation due to the restructuring of the organisation, which has now been fully renamed the International Finance Corporation Sub-Saharan Africa Hub.

This Office has also expanded and permission was requested for the establishment of eight more posts to fulfil its regional role.

UN Privileges and Immunities

The question of UN privileges and immunities, following the new South African Act covering diplomatic immunities and privileges, made further progress with an agreement between the Department's relevant internal sections on how to proceed with harmonising existing agreements with the new Act. International organisations have been informed of the new approach to privileges and immunities in terms of existing legislation, while in cases where existing agreements with international organisations did not permit unilateral changes, proposals have been put forward for amending those agreements.

Mid-term review, UNCTAD: 29 April to 03 May 2002, Thailand

The purpose of the Mid-term review was to take stock of the implementation of commitments and work programmes agreed to in the Bangkok Plan of Action, to review the functioning and

efficiency of the inter-governmental machinery, and to guide the work of UNCTAD in the light of recent developments in the global economy. The level of attendance was relatively low, except from Africa and Asia. The UK announcement of increasing financial assistance for capacity building amongst developing countries was widely welcomed, as was the announcement by Brazil that it would host UNCTAD XI.

The South African Mission in Geneva was elected to represent the African Group on the Advisory Body of UNCTAD, established in accordance with paragraph 166 of the Bangkok Plan of Action. This allowed South Africa to promote new ideas within UNCTAD on how to address technical co-operation in a fast changing environment.

World Urban Forum, 29 April to 3 May 2002, Nairobi

The First World Urban Forum was held in Nairobi from 29 April to 3 May 2002 under the auspices of UN-Habitat, and the Minister of Housing, Ms Sankie Mthembu-Mahanyele, participated in the meeting. Issues discussed included the Role of Cities; the Rural

Dimension; Guidelines for documenting Urban Policies; and the Management of the HIV/AIDS Pandemic.

**United Nations
Industrial
Development
Organisation (UNIDO)
Programme and
Budget Committee**

The 18th session of the Programme and Budget Committee of UNIDO took place in Vienna from 24 – 25 September 2002, with members of the Mission attending. Amongst others, the financial situation of UNIDO (which has improved in recent years), the mobilisation of financial resources, and the medium-term programme framework for the period 2004 to 2007, were discussed. As a further achievement, the South African Auditor-General was appointed as External Auditor for UNIDO in June 2002.



**World Bank/IMF annual
meeting**

The annual autumn meeting of the World Bank/IMF took place in Washington from 28 to 29 September 2002. A wide range of issues from poverty reduction, international economic development and finance were discussed.

Minister Trevor Manuel, as Chair of the Development Committee, together with representatives of National Treasury and the Mission in Washington, participated in the meetings.

**The World Summit On Sustainable Development
(WSSD)**

The WSSD was mandated by the UN General Assembly in December 2000 (A/Res/55/199) and convened as a ten-year review of the implementation of Agenda 21, adopted at the United

Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992. The Summit focused on identifying progress made and areas where further action was needed and also to identify concrete measures for implementing sustainable development at all levels.

The WSSD was a defining moment in the process started in Stockholm in 1972 and continued with the Earth Summit in Rio, the UN Millennium Summit and other important international conferences of the last decade to ensure a practical and more transparent global development process that brings about poverty eradication and human advancement in the context of environmental management. The Summit held in South Africa, also known as the Jo'burg Summit, negotiated the Johannesburg Plan of Implementation to achieve this.



President Thabo Mbeki and the Minister of Foreign Affairs, Dr Nkosazana Dlamini Zuma, addressing a press conference at the close of the WSSD.

Summit outcomes were divided in the Plan of Implementation into the following chapters: poverty eradication; consumption and production patterns; natural resources; globalisation; health; Small Island Developing States; sustainable development initiatives for Africa; means of implementation and institutional arrangements.

The Summit set new targets on a wide range of sectors including sanitation, biodiversity, fisheries, chemicals, health; and food security in Africa. It also launched a series of initiatives whose follow-up is expected to be undertaken in the UN, other relevant international organisations like the Global Environmental Facility (GEF), in multilateral environmental agreements (MEAs), and in the work of other UN agencies.

The inter-governmental agreements were complimented by the

announcement of a series of partnerships involving governments and major groups. In addition, several developed countries announced commitments to do more in areas such as market access and the provision of financial resources.

Of particular importance were the commitments from all governments and the involvement of all relevant UN components to take concrete action to reduce the number of people who lack access to clean water, proper sanitation and modern energy services, to promote a healthy environment and reduce the incidence of disease, to increase agricultural productivity, as well as to protect the world's biodiversity and ecosystems (WEHAB - Water, Energy, Health, Agriculture, Biodiversity).

There was a general sense that the WEHAB areas had a potential to contribute to the achievement of the Millennium Development Goals. It was felt that there was a need for inter-

sectoral approaches to the WEHAB areas and that there was a need for strong co-ordination among the sectors and the UN system. The empowerment and role of women in each of the areas was emphasised. It was also identified that the rest of the

major groups would need to play a role in the implementation of WEHAB. The discussions also underscored the fact that there were in fact existing international agreements covering the WEHAB areas. Voluntary partnerships were identified as important vehicles for the implementation of the WEHAB.

Governments committed themselves to make available the necessary means

of implementation, including financing, technology and capacity building, to achieve the commitments in the Plan of Implementation, and also towards the more effective implementation of the Millennium Development Goals.

The Summit faced the challenge of ensuring that decisions in



President Thabo Mbeki addressing the opening ceremony of the WSSD.

Johannesburg did not threaten the agreements reached at the Doha and Monterrey Conferences. There was agreement, however, that the Summit needed to build upon these two conferences and provide some political momentum to their implementation.

The Johannesburg Declaration on Sustainable Development adopted at the closing of the Summit commits the international community to the implementation of the outcomes of the Summit. Like the Plan of Implementation it reaffirms Agenda 21, the Rio Principles and the Millennium Development Goals. It also puts an emphasis on multilateralism and the role of the UN.

Given the complexity and wide spectrum of issues for the WSSD, significant outcomes were achieved at the Summit. Significant gains were made in ensuring that the Johannesburg Plan of Implementation contains commitments to:

- Integrate the three dimensions (social development, economic growth, and environmental management) of sustainable development;
- Provide targets and timeframes in key strategic areas of sustainable development;

- Ensure policy coherence and co-ordination in all institutions charged with implementing sustainable development initiatives;
- Encourage the revival of the spirit of multilateralism – i.e. putting the UN at the centre of promoting sustainable development initiatives; and
- Focus on implementation, and not renegotiating Agenda 21.

The Jo'burg Summit succeeded in making linkages with issues that were not on the Agenda of Rio in 1992, such as globalisation and HIV/AIDS, and highlighted their impact on the achievement of sustainable development. Against a backdrop of increasing poverty and inequalities; and the differential impact of globalisation; the WSSD managed to place poverty eradication on the centre stage. The Summit also took a multidimensional approach to poverty eradication by considering it in relation to key sectors such as water, energy, agriculture, biodiversity, trade, technology and finance, among others. In this regard, the Summit also emphasised the context of the Millennium Development Goals, thus creating and displaying the importance of linkages

in the approach to development. Building on the Millennium Summit, the WSSD established new targets for sanitation, biodiversity, fisheries and agriculture.

In an important way the Summit also put a greater focus on the economic and social dimensions of sustainable development, previously neglected because of an overemphasis on the environment. This can be considered an important addition because the preparatory process and the Summit itself attracted political leaders from different sectors and not just from the environment.

For the African perspective, it was an opportunity for the international community to endorse NEPAD as a sustainable development framework for Africa. The special focus on Africa should also be seen as building on the Millennium Declaration. The possible addition of desertification as a focal point of the GEF will be an important development for African countries, in view of its



President Thabo Mbeki speaking at the First Plenary of the WSSD.

impact on prospects for sustainable development in many countries.

The WSSD agreements are not legally binding. However, there is a growing (political and moral) pressure on member-states not to renege on their multilateral commitments on sustainable development. Ultimately, the true

test of the WSSD achievements lies in the effective implementation of sustainable development commitments, including Agenda 21, as foreseen in the Johannesburg Plan of Implementation.

Partnerships for sustainable development (so-called “type two outcomes”) constitute an important element of the outcomes of WSSD. However, they are meant to supplement, not to supplant, inter-governmentally agreed commitments.

The WSSD Secretariat received about 300 partnership proposals. Submissions were checked against the guiding principles for partnerships for sustainable development agreed

during the WSSD preparatory process. Some of the proposals were already fairly specific and concrete, with an established set of partners, agreed-on goals, and a clear funding strategy, while others were still in the conceptual stage, with various aspects still to be finalised.

The WSSD involved 7 thematic Partnership Plenary Sessions; statements by non-State entities; addresses by Heads of State and Government and other Senior Officials; 4 high-level Round Tables on the theme “Making It Happen”; and a multi-stakeholder event. Furthermore, the Summit negotiated and adopted two main documents: the Plan of Implementation; and the Johannesburg Declaration on Sustainable Development.

The smooth flow of the Summit can, in no small way, be attributed to a combination of the management of the proceedings by President Thabo Mbeki in his capacity as President of the Summit; the leadership roles played by Minister Nkosazana Dlamini Zuma, Minister Valli Moosa and various other Ministers in the South African delegation, in facilitating the arising difficulties during negotiations, as well as the close co-operation received from the UN structures.

Though South Africa’s position as the Chair of both the NAM and the AU placed the country in a powerful political position within the developing world, and particularly in Africa, Venezuela’s role as Chair of the G77 and China was given the due recognition it required, with close consultation taking place between the two countries. This had positive spin-offs in that it resulted in relatively good working relations with other important players within the developing world, notably Brazil, Iran, Egypt and Nigeria, among others.

South Africa’s intensive engagement in bilaterals and group meetings to build consensus contributed significantly to a successful outcome of the WSSD. South Africa was engaged in some 70 meetings, at Ministerial and Officials level. These meetings augured well for the success of the later engagements, which were mainly the mechanism through which difficult negotiating issues were unlocked. The issues around which the most intensive engagements occurred were:

- Governance, human rights, right to development;
- Trade, finance and globalisation cluster;



Minister Nkosazana Dlamini Zuma addressing a press conference during the WSSD.

- Health and gender, human rights, religion, values;
- Climate change;
- Foreign occupation and coercive economic measures.

A total of 61 requests were received for meetings with the President, 17 with the Deputy President, 32 with Minister Nkosazana Dlamini Zuma and 6 with Deputy Minister Aziz Pahad. These requests were received up to the last day of the conference (4 September 2002).

The Summit also broke new ground in terms of the multilateral approach to development by bringing government, the private sector and NGOs into a series of partnerships that are complementary to the inter-governmental agreements. While the proper follow-up and monitoring of these partnerships still has to be worked out, they are likely to bring in new resources for implementation.

The successful hosting of the WSSD in South Africa and in Africa presented a unique and historical opportunity to advance the priorities of the Continent and of the South and to achieve poverty eradication and to reverse marginalisation to the benefit

of billions of people, especially women and children who are presently suffering.

The general consensus is that the Johannesburg decade should be one of implementation and delivery, according to the Johannesburg Declaration and Plan of Implementation. South Africa has a significant role to play in this regard at various levels and in various capacities and forums. This would inform the priorities of relevant Cabinet clusters and line Departments. The Department and its Missions have a central role in terms of the international political dimensions of further implementation of sustainable development at global, regional and sub-regional levels.

... a unique and historical opportunity to advance the priorities of the Continent and of the South and to achieve poverty eradication and to reverse marginalisation to the benefit of billions of people, especially women and children who are presently suffering.

SCIENCE AND TECHNOLOGY

There is strong evidence that economic growth over the past decades has been led by technological innovation, both in the developed world and in South Africa. Since the Department of Foreign Affairs also aims to support the building of the South African economy, it was realised that a thematic focal point for science and technology (S&T) within the Department, with the aim of promoting South Africa's international S&T co-operation, should be established.

In 2002/03, the Department was closely involved in various initiatives to foster strong links with the S&T community, assisting for example with the arrangements for the hosting of the Forum on Science, Technology and Innovation, as an official parallel event to the World Summit on Sustainable Development (WSSD). Another event, linked to

the WSSD and where the section played an active role, was the “Science at the Summit” Conference, which took place at the CSIR. Discussions on a number of relevant topics were held, targeting local scientists who did not have access to the WSSD in Johannesburg. This event was a science and technology outreach event, which aimed to involve the youth as well.

The Department also assisted the Department of Science and Technology in hosting the ACP-EU Forum on Research for Sustainable Development, which took place in Cape Town from 26 to 30 July 2002. Senior Officials from the ACP Group of States and EU Member States attended the meeting, hosted by Minister Ben Ngubane. The outcome of the meeting is reflected in the Cape Town Declaration on Research for Sustainable Development and the ACP’s Cape Town Plan of Action. This event represented an important political follow-up of the ACP Vision for Sustainable Development, which was adopted at



Minister of Arts, Culture, Science and Technology, Dr Ben Ngubane, hosted the ACP-EU Forum on Research for Sustainable Development.

the 3rd Summit of Heads of State in Fiji, July 2002.

The Department co-ordinated South Africa’s participation in discussions at the UN on the International Convention Against the Reproductive Cloning of Human Beings, after the General Assembly, by its resolution 56/93 of 12 December 2001, established an Ad Hoc Committee to discuss this issue. No compromise could be found between two opposing resolutions, one supporting a total ban on human cloning (introduced by the US and the Philippines) and the other one taking a step-by-step approach (introduced by France and Germany). The Sixth Committee, on the last day of its formal session in 2002, agreed to recommend to the General Assembly a draft decision by which the General Assembly would decide to convene a working group of the Sixth Committee to be convened from 29 September to 3 October 2003 during its next session to continue work on the subject of human cloning. On 19

November 2002 the General Assembly adopted the draft decision without a vote.

NEPAD recognises the significant and crosscutting impact of information communication technologies (ICT) on all aspects of human life. The development of the ICT sector is, thus, defined as one of the four priority programmes of NEPAD aimed at defining the continent's new and aggressive efforts to accelerate Africa's economic development and growth. A major event, which is part of the Department's strategic action plans, is the World Summit on Information Society (WSIS). The UN General Assembly, on 21 December 2001, adopted a resolution endorsing the organisation of the WSIS under the patronage of the Secretary-General, with the International Telecommunication Union (ITU) taking the lead role in its preparation, along with interested UN Organisations and the host countries. The WSIS will take place in two phases. The first will be in Geneva from 10 to 12 December 2003 and the second in Tunisia in 2005. The Summit is expected to adopt a Declaration of Principles and an Action Plan to facilitate the effective growth of the Information Society and to help bridge the Digital Divide.

SCIENCE AND TECHNOLOGY ORGANISATIONS

Committee on the Peaceful Uses of Outer Space (COPUOS)

The COPUOS Scientific and Technical Subcommittee established various workgroups on the Implementation of the decisions of the UNISPACE III Conference of 1999. The South African delegation has been active, particularly in the workgroup on recommendation 11 and two Space Scientists Dr P Martinez and Prof S Mostert made several technical presentations on South African Space Science at the request of the Department. Mr A Fortesque, another South African Space Scientist, was invited by the UN Office for Outer Space Affairs to make a presentation on expanding the use of remote sensing techniques.

As a result of action by the Department, together with a representative of Stellenbosch University, a Seminar on Space Sciences for Sustainable development was planned at the Scientific and Technical Subcommittee as a parallel event of

the WSSD. It took place at Stellenbosch University from 25 February to 8 March 2002.

International Civil Aviation Organisation (ICAO)

On 28 November 2002 the Protocol to Article 50(a) of the Chicago Convention came into force, partly as a result of a lobby action by the Department of Foreign Affairs to encourage African states to ratify the Protocol. This means that 3 further seats have been added to the ICAO Council. On 29 November 2002 the ICAO Council decided to call an Extraordinary Assembly to elect members to those seats on 31 March and 1 April 2003. South Africa will be a candidate for one of the seats. A lobby effort for support in the elections was launched in early 2003.

The development of the ICT sector is, thus, defined as one of the four priority programmes of NEPAD aimed at defining the continent's new and aggressive efforts to accelerate Africa's economic development and growth.

**Minister Ivy Matsepe Casaburri
Minister of Communications.**



International Telecommunication Union (ITU)

In October 2002, the ITU Plenipotentiary Conference took place in Marrakech, Morocco. A large delegation, under the leadership of the Minister of Communications, Dr Ivy Matsepe-Cassaburi,

attended the Conference. The delegation consisted of more telecommunications industry representatives than the government representatives and provided a good example of Government and industry co-operation, as well as partnership in a multilateral organisation. This is important in the ITU where there are over 600 sector members as opposed to the 190 state members of ICAO.

During the reporting period, South Africa was again elected to the ICAO Council. Lobby efforts by the Department contributed to the comfortable margin with which the country was elected. Important issues dealt with included the reform of ITU structures and the control structures of the Internet, with an emphasis on non-discriminatory access to Internet domain names and addresses. Attention was also directed to the fact that access to the Internet should be available to all citizens and that the management of Internet domain names and addresses is of concern to both governments and the private sector.

Universal Postal Union (UPU)

During the ITU Plenipotentiary Conference in October 2002,

the President of the UPU approached the delegation with a request that South Africa should take over the hosting of the UPU Plenipotentiary Conference in 2004 from the Ivory Coast, in view of the political turmoil there. This was referred to principals and Minister Matsepe-Cassaburi made a decision that South Africa could not take over the hosting. A decision by UPU as to where the 2004 Congress will take place, is still awaited.

World Meteorological Organisation (WMO)

Preparations for the WMO Congress, which will take place in Geneva during May 2003, particularly with regard to elections, occupied the Department's activities during the past year. There was and continues to be an unusual political debate around who will be elected Secretary-General. Kenya is the candidate favoured by most States, though, in normal practice, if the French Candidate had been the incumbent Deputy Secretary-General, he would have been favoured. The French Government has, however, nominated the Head of French Meteorology.

Commonwealth Telecommunications Union (CTU)

During the year under review, the Department of Communications (DoC) requested the assistance of the Department of Foreign Affairs in regularising South Africa's relationship with the CTU, as there is no prescribed method for the ratification of the CTU Constitution. The Department, in consultation with relevant stakeholders, then determined the correct approach and enabled the DoC to regularise South Africa's membership of the CTU in good time for participation by the Minister of Communications in the CTU meetings in Cyprus in October 2002.

ENVIRONMENT

The Antarctic Treaty Secretariat

The establishment of a permanent Secretariat for the Antarctic Treaty was earlier delayed for several years because a consensus decision regarding the location of the Secretariat was prevented by one dissenting vote, namely the UK. In the course of 2001 an agreement was finally reached on the seat of the Secretariat.

Subsequently, the Antarctic Treaty Consultative Parties decided, at the 24th Antarctic Treaty Consultative Meeting (ATCM) to establish the permanent Secretariat for the Antarctic Treaty in Buenos Aires, Argentina. An inter-sessional meeting of the Antarctic Treaty Consultative Parties was held in Buenos Aires from 24 to 27 June 2002 to discuss issues related to the establishment of the Antarctic Treaty Secretariat and to draft proposals with the purpose of facilitating the negotiations at the 25th ATCM in Warsaw.

During discussions related to the permanent financial arrangements for the Secretariat, developed country members



Telkom tower in Pretoria.

supported financing by equal shares. South Africa, together with other developing countries expressed a preference for proportional assessment of contributions. The Buenos Aires meeting was useful and progress had been made on most of the important issues related to the establishment of the Secretariat. The meeting served to identify the difficult issues on which there are strong differences of opinion, such as the legal personality of the ATCM and the Secretariat; the funding of the Secretariat; and the assessment of contributions by Parties. The discussions and the various working papers that were drafted by the meeting established a firm foundation and the basis on which the deliberations were continued at the 25th Antarctic Treaty Consultative Meeting (ATCM) in Poland during September 2002. It is expected that the modalities for the establishment of the Secretariat will be finalised at the 26th ATCM that will be held in Spain during June 2003.

The Antarctic Treaty Consultative Meeting (ATCM)

South Africa is one of the 12 original signatory States of the Antarctic Treaty. There are currently 27 Antarctic Treaty Consultative

Parties (ATCPs) and 18 Non Consultative Parties (Observer States). The Antarctic Treaty Consultative Meeting (ATCM) is the highest decision making organ of the Antarctic Treaty. The Department's official dealing with Marine and Antarctica, and two officials from the Marine and Coastal Management Branch of the Department of Environmental Affairs and Tourism (DEAT), represented South Africa at the 25th Session of the Antarctic Treaty Consultative Meeting (ATCM), held in Poland from 9 to 20 September 2002. Apart from the Plenary, the South African delegation also actively participated in the negotiations of the Committee on Environmental Protection, the Legal and Institutional Working Group, the Working Group on the Antarctic Treaty Secretariat, and in the Operational Matters and Liability Working Groups. The establishment of the Antarctic Treaty Secretariat was a high priority item on the ATCM agenda. The negotiations on the establishment of the Secretariat were, however, slow and protracted. Final decisions on a number of important issues such as the cost sharing of the budget and the financial regulations of the Secretariat, could not be reached and will be finalised at the next ATCM to be held in Spain during June 2003.

The elaboration of a liability regime, which is a priority item on the agenda of the Liability Working Group, involves the development and adoption of one or more liability related Annexes to the Madrid Protocol on Environmental Protection to the Antarctic Treaty. Discussions and negotiations in the Working Group on Legal and Institutional Matters focussed on the following issues, a mechanism to improve approval of ATCM measures; review of the ATCM working practices; establishment of a standing committee of the Treaty Secretariat; review of ATCM recommendations; and tourism in the Antarctic. South Africa made interventions on all the above mentioned issues and supported an initiative to develop an annex to the Madrid Protocol to further regulate tourism in Antarctica. In a statement delivered during the concluding plenary meeting, South Africa informed the



Delicate marine life need protection.

Consultative Parties that it will host the 27th ATCM in South Africa during 2004.

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

The Antarctic Treaty Consultative Parties signed the Convention for the Conservation of Antarctic Marine Living Resources in 1980 and it entered into force on 7 April 1982. The Convention aims to conserve and manage the Antarctic marine living resources, initiate research programmes to assist the recovery of depleted fish stocks and implement systems of observation and inspection to ensure conservation measures are implemented successfully. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was established in terms of this Convention. The Commission's main objectives are to undertake assessment of the Antarctic marine ecosystem, to develop conservation measures

to regulate sustainable fishing, and to protect ecosystem functioning in the area south of 45oS. South Africa has played an active part in CCAMLR since its entry into force and has contributed to setting its current direction. Dr Denzil Miller, a South African scientist, is the current Executive Secretary of CCAMLR. South African contributions have been both scientific and political in nature and proposals related to the conservation and sustainable management of the natural resources in the Southern Ocean, which include the South African Exclusive Economic Zone (EEZ) around the Prince Edward Islands.

The 21st annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was held in Australia, from 21 October to 1 November 2002. A South African delegation, which included representatives from the Departments



Minister Valli Moosa Minister of Environmental Affairs and Tourism.

of Foreign Affairs; and Environmental Affairs and Tourism; as well as representatives from the fishing industry, participated in the meeting. Illegal Unreported and Unregulated (IUU) fishing remained the main concern for the Commission and this item again generated extensive debates in both the Standing Committee on Observation and Inspection (SCOI) and in the Plenary of the Commission. South Africa, Australia and the UK made statements and presented information to the Commission on a number of major incidents of IUU fishing activities which occurred during the 2001/02 season. There was general agreement that the information presented by these three countries provided clear evidence of the fraudulent use of the Catch Documentation Scheme (CDS), that CCAMLR Members' vessels and nationals are involved, and that the Vessel Monitoring System (VMS) and other CCAMLR requirements are not being implemented

properly. The Commission concluded that IUU fishing was now a highly organised form of transnational crime and that enormous amounts of money and profits are involved in illegal fishing of Patagonian Toothfish in particular. South Africa informed the Commission that since 1997 it has lost in excess of US\$150 million dollars due to the IUU fishing in its EEZ around the Prince Edward Islands.

The Commission adopted more than twenty conservation measures and resolutions on IUU fishing. South Africa assisted with the drafting of several of these measures and supported all the adopted measures and resolutions. The proposal by Australia to list Toothfish on Appendix II of CITES was the most controversial item on the Commission's agenda and it generated a protracted debate and strong reaction from members in opposition to the proposal. Only one member, New Zealand, supported the Australian proposal. All the applications for exploratory fishery for Toothfish, submitted by South Africa, were approved. It was decided that the next meeting of the Commission would be held in Hobart, Australia, from 27 October to 7 November 2003.

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

Commemoration of the 20th Anniversary of the United Nations Convention on the Law of the Sea (UNCLOS).

The period 2002/03 marked the 20th anniversary of the adoption of the United Nations Convention on the Law of the Sea. Hence the General Assembly devoted two days of plenary meetings on 9 and 10 December 2002, to commemorate the anniversary of the opening for signature of the Convention on 10 December 1982 in Montego Bay, Jamaica, after nine years of negotiations. The Treaty came into force on 16 November 1994, and is fast approaching universal participation, with 138 States Parties and 157 signatories. Among its provisions, UNCLOS established that the seabed and ocean floor beyond the limits of national jurisdiction is the "common heritage of mankind," and its use and protection are the right and responsibility of all. The

Convention also called for the compulsory settlement of disputes, and set out the overall legal framework for all activities in or on the oceans and seas, and provided detailed rules governing all uses of the oceans and defined the rights and responsibilities of States in this regard. The Convention established a number of institutions with specific mandates, including the International Seabed Authority; the International Tribunal for the Law of the Sea; and the Commission for the Limits of the Continental Shelf. Other responsibilities under the Convention have been ascribed to a number of existing organisations such as the FAO Committee on Fisheries (COFI); the International Maritime Organisation (IMO); the UNESCO International Oceanographic Commission (IOC); and the UN Environmental Programme (UNEP).

The Acting President of the General Assembly, followed by the UN Secretary-General, opened the commemorative meeting. The list of other speakers included prominent individuals who have been instrumental in the negotiations, adoption and implementation of the Convention. The Acting President of the General Assembly said in his opening address that 'the Convention offered a universal and

complex legal framework for sharing the oceans as a common heritage of mankind.' A South African delegation, consisting of representatives from the South African Permanent Mission to the UN, participated in the Commemorative Session of the General Assembly, which was hailed as a great success.

Meeting of the State Parties to the United Nations Convention on the Law of the Sea (UNCLOS)

South Africa is a State Party to the UNCLOS since 1994 and has actively participated in the various bodies established under the Convention. A representative from the South African Permanent Mission to the UN in New York attended the 12th Meeting of the State Parties to the UNCLOS from 16 to 26 April 2002, in New York. South Africa continued to support the initiatives to advance the establishment of institutional arrangements and regulatory mechanisms for the responsible governance of the oceans and its resources within the framework of UNCLOS. Amongst others, the 12th meeting considered the report of the International Tribunal for the Law of the Sea (ITLOS); determined the scale of assessments

for the contribution of States Parties to the budget of ITLOS; and discussed observer status of the Commission on the Limits of the Continental Shelf. Matters related to article 4 of annex II and article 319 of UNCLOS were also discussed. The meeting elected 21 members for the UN Commission on the Limitations of the Continental Shelf (CLCS) and 7 members for the International Tribunal on the Law of the Sea (ITLOS).

The United Nations Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS)

The objective of the UNICPOLOS is to facilitate an integrated approach to all legal, economic, social and environmental aspects of oceans and seas, and to improve co-ordination and co-operation at both the inter-governmental and inter-agency levels. The third meeting of UNICPOLOS, which was held during April 2002, focused on the following areas: co-ordination and co-operation within the UN system; the protection and reservation of the marine environment; capacity building; regional co-operation and co-ordination; marine science and transfer of technology; sustainable

fisheries; and safety of navigation. As a coastal State, South Africa co-sponsored the General Assembly resolution, which established this Consultative Process and it also participated actively in its subsequent meetings. The General Assembly decided at its 57th session to extend the mandate of the open-ended informal consultative process on Oceans and the Law of the Sea for another three years. The next meeting of the Consultative Process, which will be held in New York from 2 to 6 June 2003, will focus on the protection of vulnerable ecosystems and the safety for navigation (e.g. capacity building for the production of nautical charts). A review of the effectiveness and usefulness of the Consultative Process will be undertaken by the UN General Assembly during 2005.

The International Seabed Authority (ISA)

The ISA, which was established in terms of the United Nations Convention on the Law of the Sea (UNCLOS), is the body through which States Parties to the Convention organise and control activities (particularly mining) in the international seabed beyond the national jurisdiction of coastal States. South Africa has

participated actively in the work of the International Seabed Authority since it became a member in 1998. The principle organs of the Authority are the Assembly, the Council and the Secretariat. The latter is located in Kingston, Jamaica. The Legal Counsellor at the Permanent Mission in New York was elected for a two-year term to the Finance Committee and he was also elected to the Legal and Technical Commission for a five-year term. South Africa, currently a Council member, will relinquish its seat on the Council as a Group-C member (States that are major land-based net exporters of minerals also found in the deep seabed) to Zambia during 2003 and to Gabon in 2004. It will resume its seat in Group-C during 2005. South Africa will also take up a Council seat in Group-E in 2004.



Small scale processing of fish in Saint Helena.

and a representative from the South African High Commission in Jamaica, who is responsible for liaison with the ISA Secretariat, participated in the 8th Session of the International Seabed Authority, which was held in Kingston from 5 to 16 August 2002. South Africa actively participated in the proceedings of the Assembly, the Council, the Legal and Technical Commission and the Credentials

Committee. The Legal and Technical Commission (LTC) considered regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts. The Council reviewed the initial report of the LTC and debated this matter extensively, particularly in view of the impact that these new activities may have on the marine environment. A one-day workshop was held during the 8th Session to provide an update of scientific information about massive polymetallic sulphide deposits and cobalt rich

ferromanganese crusts as well as to clarify to member States some of the scientific and environmental issues involved. The Assembly also considered a report on the outcome of a technical workshop that developed proposals for research into four scientific areas related to environmental aspects of deep-seabed mining.

Resolutions adopted by the 57th Session of the United Nations General Assembly (UNGA 57) related to Oceans and the Law of the Sea.

During its 2002 debate on the agenda item “Oceans and the Law of the Sea”, the UN General Assembly considered various reports prepared by the UN Secretary-General; and it considered and adopted three resolutions. The General Assembly adopted the annual omnibus resolution, which reflects the state of the world’s seas and oceans, and the activities conducted over the last year and provided the mandate for the next year’s activities. The General Assembly further adopted, by consensus, a resolution on large-scale pelagic drift-net fishing, unauthorised fishing in zones

of national jurisdiction and on the high seas, illegal, unreported and unregulated (IUU) fishing, fisheries by-catch and discards, and other developments. The General Assembly also adopted, by consensus, a resolution on the Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement). These resolutions reaffirmed and provided further impetus to the commitments made at the WSSD in Johannesburg under the Plan of Implementation. Through these resolutions, the Plan of Action has been taken a step further and it is important to ensure that the commitments undertaken therein are fully implemented on a national, regional and global level. The South African Mission to the UN, guided by comprehensive directives prepared by the Department, participated actively in the negotiations on these resolutions and co-sponsored and supported all three resolutions.

International Maritime Organisation (IMO)

The objectives of the IMO are to ensure the highest possible

standards of safety at sea, of efficient navigation and the prevention of the pollution of the oceans caused by ships and other craft operating in the marine environment. There are 158 members of the IMO, while its Council has 32 members. South Africa is an active member of both the IMO and its Council. South Africa is located on the major sea routes joining the Atlantic and Indian Oceans. This is also the major shipping route for oil transportation from the Middle East to Europe and North America. An estimated 20 000 vessels pass around the South African coastline annually, of which a large number are very large crude-oil carriers (VLCCs). The Department co-ordinated and facilitated the effective participation of South African delegations in a number of IMO meetings in London. These delegations included representatives from the Department of Transport, South African Maritime Safety Authority (SAMSA), South African Ports Authority and South African High Commission in London. The High Commission is responsible for liaison with the IMO Secretariat, which is located in London. The following meetings were attended, the 88th and 89th Sessions of the IMO Council; the 84th Session of the IMO Legal Committee;

the 47th Session of the IMO Marine Environmental Protection Committee; the 76th Session of the Maritime Safety Committee meeting and the Diplomatic Conference on Maritime Security

The London Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (London Dumping Convention)

The London Dumping Convention was negotiated under the auspices of the International Maritime Organisation (IMO). The main objective of the London Dumping Convention (LDC) is the prevention and control of marine pollution caused by dumping and incineration of wastes at sea. The highest decision making body of the Convention is the Consultative Meeting. South Africa has played an active and constructive role in the activities of the LDC since its accession to the Convention on 7 August 1978. South Africa's position is that dumping at sea should not be regarded as a viable option for the disposal of wastes, including toxic substances and low-level radioactive wastes. South Africa's 3000-km coastline and its oceanic waters are endowed with a great diversity of

ecosystems and natural resources, which are subject to enormous pressures from an ever increasing in international maritime traffic. Oil pollution is a major concern, particularly in view of South Africa's vulnerable location on one of the world's busiest shipping routes. In addition to the regular attendance of LDC meetings, South Africa also participated in other activities of the Convention. South Africa is the current Chairperson of the LDC Scientific Group on Dumping. The work of this Scientific Group is of importance to South Africa, particularly in view of its development projects aimed at technical assistance to developing countries.

International Whaling Commission (IWC)

A South African delegation participated in the 54th Annual Meeting of the International Whaling Commission, which was held from 20 to 24 May 2002 in Japan. The annual meeting of the International Whaling Commission (IWC) is characterised by the continued polarisation between the pro- and the anti-whaling nations. South Africa is a founding member of the IWC and a member state of the International Convention for the Regulation of

Whaling. South Africa has a consistent non-whaling position in support of non-consumptive and sustainable use of whales in the form of whale watching, whale conservation, the establishment of whale sanctuaries and eco-tourism. South Africa voted against the proposal to lift the moratorium on commercial whaling; supported the proposal to establish a whale sanctuary in the South Atlantic; and voted in favour of the proposal regarding a Revised Management Scheme (RSM). South Africa will chair the Whale Watching Advisory Group, which was established by the Commission. A welcome development in the Commission is the enhanced participation



Whale watching is a major tourist attraction off the coast of Hermanus.

of scientists from developing countries (including Africa) in the activities of the IWC's Scientific Committee through participating and sharing in scientific and technical information and debates

International Hydrographic Organisation (IHO)

The South African Naval Hydrographer attended the quinquennial meeting of the IHO in Monaco from 14 to 19 April 2002. In view of the highly technical and scientific nature of the IHO agenda, the role of the Department was primarily to facilitate attendance of meetings as well as communication with the Secretariat and other member states. The primary objectives of the IHO are the co-ordination of the hydrographic services of maritime countries; uniformity in nautical charts; hydrographic surveying; provision of advice on hydrography and nautical cartography to developing countries and the development of the sciences in the field of hydrography and the techniques employed in oceanography. South Africa is an active and respected member of the IHO. South Africa participates in a broad range of IHO activities and initiatives, including capacity building, and technical

assistance and advice to the African member countries. A South African, Captain Neil Guy, served as Director of the IHO Council during the past five years. His term ended in April 2002.

United Nations Framework Convention on Climate Change (UNFCCC)

Following the finalisation of the outstanding elements of the Kyoto Protocol to the Climate Change Convention in Marrakech, Morocco, in November 2001, the focus during 2002 turned to the coming into force of the Protocol. Under the Kyoto Protocol, the developed countries must reduce their greenhouse gasses by an average of 5 per cent by 2012. The fact that the Bush Administration has maintained its opposition to the Protocol has also delayed its coming into force. South Africa deposited its instrument of accession to the Protocol in June 2002, prior to the WSSD that was held in Johannesburg. The WSSD called on countries to adopt the Protocol but by the end of 2002 it was still not in force. Canada's announcement in December 2002, that it will ratify the Kyoto Protocol was an important step forward and

it is anticipated that the Protocol will come into force once Russia deposits its ratification papers. The support of the EU and Japan for the Protocol was crucial indeed and has undoubtedly enhanced their standing in international multilateral and environmental circles.

During 2002, the UNFCCC held two meetings, namely the annual inter-sessional meeting in June in Bonn, Germany, and COP8 in October in New Delhi, India. Both meetings focussed on technical implementation issues, and attempts to commence negotiations on targets for the second commitment period (2012 onwards) stalled. Once the Kyoto Protocol comes into force, negotiation of targets for the developed countries for post 2012 will have to commence and pressure could also increase on selected developing countries with high greenhouse gas emissions to consider mitigation targets.

Domestically, South Africa has commenced with the process to establish a procedure for the consideration of Clean Development Mechanism (CDM) projects under the Kyoto Protocol. The CDM holds favourable mitigation and developmental opportunities for Africa and care should be taken to ensure that the continent is

not marginalised in CDM project activities. South Africa hopes to attract CDM projects in view of its high greenhouse gas emission levels and the multitude of domestic project opportunities that are available. Developing countries will use CDM mitigation projects to promote their sustainable development objectives while the developed countries that participate in CDM projects will receive credits which they can use to comply with their reduction commitments under the Kyoto Protocol.



Deputy Minister of Environmental Affairs and Tourism - Ms Rejoice Mabudafhasi

The National Committee for Climate Change (NCCC), under the chairmanship of the Deputy Minister of Environmental Affairs and Tourism Rejoice Mabudafhasi, held quarterly meetings during the past year to advance co-ordination of South Africa's interaction with the international climate change process. Prominent domestic issues that the NCCC dealt with were the finalisation

of the country's first National Communications, the formulation of national mitigation options and a domestic climate change response strategy. These studies incorporate a range of scientific, technical and mitigation data.

The Department also continued to monitor domestic Global Environmental Facility (GEF) projects in the climate change sector during the year. A range of climate change projects funded by GEF is currently underway in South Africa while others are under consideration.

Montreal Protocol on Substances that deplete the Ozone Layer

The administration and implementation of the provisions of the Montreal Protocol is currently the prime focus of South Africa's interaction with the ozone depletion process. During 2002/03 the



Emissions from power stations contribute to the depletion of the ozone layer.

Department actively participated in the regular domestic CFC Task Group meetings as well as meeting of the Ozone Layer Protection Committee that monitors domestic compliance with the CFC phase-out schedule.

The Montreal Protocol regulates the use and production of substances that contribute to the depletion of the ozone layer such as chlorofluorocarbons (CFC's) used in refrigerants, or metered dose inhalers (MDI's) used in asthma treatment. South Africa acceded to the Montreal Protocol in 1990, its London Amendment in 1992, and its Copenhagen Amendment in 2001. The Copenhagen Amendment brought forward the phase-out date for halons to 31 December 1995, established a phase-out schedule for HCFC's (hydrochlorofluorocarbons) and started the regulation of another ozone depleting substance namely methylbromide.

The 14th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP14) was held in Rome, Italy, from 25 – 29 November 2002. MOP14 dealt with technical implementation issues such as essential use exemptions for controlled substances, status of destruction technologies of ozone depleting substances, review of non-compliance procedure for the implementation of the Montreal Protocol, monitoring of international trade and prevention of illegal trade in ozone depleting substances, production of CFCs for metered dose inhalers, clarification of terminology relating to ozone depleting substances and the relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system.

South Africa has not yet obtained parliamentary approval for its accession to the Beijing and Montreal Amendments to the Montreal Protocol. Approval has

to be requested from the National Assembly and National Council of Provinces in terms of section 231(2) of the Constitution.

Meeting of Co-ordinators of the Valdivia Group of Southern Temperate zone countries on the environment

As a result of the WSSD that was held in Johannesburg in August/September 2002, and additional multilateral travel schedule that this entailed, the Valdivia Group did not meet in

2002. The future of the Group is also uncertain since members are divided on whether stand alone meetings or meetings in the margins of yearly CSD meetings should be convened. It would seem that the majority of members hold the view that as a result of the proliferation of annual environmental meetings and financial constraints on



Plenary in Session during the WSSD.

national budgets, Valdivia Group meetings should be held in the margins of annual CSD meetings.

To date, the Valdivia Group's working groups have been largely inactive and their operational future needs to be reviewed. In addition, there is a clear developed/developing political divide in the Valdivia Group's membership, which manifests itself in international environmental negotiations. The future of this Group of southern temperate zone countries, consisting of Argentina, Brazil, Chile, Uruguay, Australia, New Zealand and South Africa will depend, to a significant degree, on the value of technical co-operation.

Prior Informed Consent (PIC) Convention relating to trade in chemicals and pesticides

The PIC procedure aims to promote a shared responsibility between exporting and importing countries in protecting human health and the environment from harmful effects of certain hazardous chemicals and pesticides that are traded internationally.

The Rotterdam Convention on the PIC Procedure for Certain

Hazardous Chemicals and Pesticides in International Trade was adopted on 10 September 1998. To date, 72 States and the European Community have signed the Convention, and has been ratified by 34 States (South Africa acceded in September during the WSSD held in Johannesburg). It will enter into force once 50 instruments of ratification or accession have been deposited. Until the Convention's first Conference on the Parties (COP), the Inter-governmental Negotiating Committee (INC) will continue to provide guidance regarding the implementation of the PIC procedure during the interim period.

The ninth session of the INC for an International Legally Binding Instrument for the Application of the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC-9), was held from 30 September to 4 October 2002, in Bonn, Germany. INC-9 considered the implementation of the interim PIC procedure and analysed progress on preparations for the entry into force of the Convention. Progress was also made on issues such as the draft financial rules and the compliance mechanism, while agreement was reached to

include the agricultural chemical monocrotophes in Annex III to the Rotterdam Convention.

INC-9 also considered an analysis of the problems encountered by Parties in their preparations of import and export notifications. It was noted that of the 166 countries participating in the interim PIC procedure, only 15% have provided all import responses, 25% have failed to provide any responses, while only 48% of countries have submitted responses concerning future imports for all 31 chemicals. It was clear that capacity within the national regulatory authorities is one of the main causes for non-compliance. Developing countries and countries with economies in transition will need further technical assistance, training and information exchange as well as financial assistance to facilitate compliance. Various workshops are being organized for 2003 to encourage implementation of the PIC Convention, including one for Africa.

A decision on the location of the permanent Secretariat of the Rotterdam Convention will be taken at the first meeting of the Conference of the Parties. The declared candidates are Germany, offering to host the Secretariat in Bonn, as well as Italy

and Switzerland, which offered to host the Secretariat jointly in Rome and Geneva. In line with the WSSD Johannesburg Plan of Implementation supporting the coming into force of the Convention by 2003, it seems likely that the target date will be met and administrative preparations are being made for the first Conference of the Parties of the PIC Convention to take place in 2004. South Africa is also actively participating in the regular annual meetings of the Interim Chemicals Review Committee (ICRC) of the PIC. The ICRC liaises closely with UNEP Chemicals in Geneva on its work programme and chemicals analysis registrar.

Persistent Organic Pollutants Convention (POPs)

The final negotiating session for the POPs Convention was held in Sandton, Johannesburg in December 2000 and the Convention was adopted in Stockholm, Sweden, in May 2001. The Stockholm Convention is a global treaty that protects human health and the environment from persistent organic pollutants (POPs). POPs are chemicals that remain intact in the environment for long periods, are distributed globally, accumulate in the fatty tissue of living

organisms and are toxic to humans and wildlife. In implementing the Convention, governments must take measures to eliminate or reduce the release of POPs into the environment.

The Seventh Session of the POPs international negotiating committee (INC) was held from 14 to 18 July 2002 in Geneva, Switzerland. INC7 focussed on implementation issues, reviewed the number of ratifications, considered new candidates to host the permanent POPs Secretariat, and discussed linkages with other conventions such as Basel and PIC.

In September 2002, during the WSSD, South Africa announced that it has ratified the Stockholm Convention. To date some 30 countries have also ratified and the Convention will come into force once 50 countries have deposited their instruments.

South Africa also hosted a sub-regional workshop in Pretoria



Communities contributed to waste management through the recycling of tin cans.

from 4 to 8 November 2002 on the reduction, elimination and management of pesticides in the context of the Stockholm and Basel Conventions. The workshop was co-convened by UNEP chemicals and the Regional Office for Africa of the World Health Organisation (WHO). Participants representing the environment, agriculture and public health sectors of countries in the Southern Africa region attended. The workshop

focussed on the following practical steps to enhance the regional objectives of the POPs Convention; it analysed obligations under the convention, discussed obsolete stocks and wastes and their elimination, raised awareness for available alternatives for POPs pesticides for pest and vector control, and developed proposals for national and regional follow-up activities regarding pesticide use.

Basel Convention on the Transboundary Movement of hazardous waste

The Basel Convention aims to reduce the trans-boundary movement of hazardous waste and, in cases where such movements cannot be avoided, to exercise strict control subject to sound environmental management principles. South Africa acceded to the Convention in 1994 and also supports the Basel Ban Amendment, which aims to prohibit all trans-boundary movement of hazardous waste for final disposal from OECD to non-OECD countries.

The Basel Secretariat, based in Geneva, has also established an English language African regional training centre at Vista University, in Pretoria for the implementation of the Convention. The centre is providing expert training in waste management and technology transfer and will enhance the objectives of NEPAD and the sustainable development targets of the WSSD. One aspect of continental hazardous waste management that still has to be resolved is the question of the coming into force of the Bamako Convention. The Bamako Convention is a blueprint copy of the Basel Convention but its membership is restricted to African parties.

The Basel Secretariat has already indicated that they are ready to assist with the establishment and operationalisation of Bamako. However, as a result of the additional annual membership contributions, many African states have been hesitant to support a convention that duplicates an existing one.

The Sixth Meeting of the Conference of the Parties of the Basel Convention (COP6) was held in Geneva, Switzerland, from 9 to 14 December 2002. COP6 made substantial progress on outstanding issues and reached agreement on the Basel compliance system, the legal establishment of the Regional Centres for training and technology transfer and a strategic implementation plan. These decisions are welcomed since the Convention is important for South Africa, which produces significant amounts of hazardous waste material.

Biodiversity (CBD)

The sixth Conference of Parties (COP-6) on Biodiversity (CBD) took place from 8 to 19 April 2002 in The Hague and was attended by a South African delegation.

The objectives of the Convention included the conservation of biodiversity, the sustainable use of biological resources, and the fair and equitable sharing of benefits arising from the use of genetic resources.

South Africa did not actively participate in the Convention negotiations and has largely been isolated from discussions around its issues. This has resulted in a general lack of awareness and understanding of the complex of issues that the Convention raises. Many of these issues are, however, of importance for the country's economic development and have considerable implications for the future use and conservation of our natural resources.

United Nations Forum on Forests (UNFF)

The second meeting of the United Nations Forum on Forests took place in New York from 4 to 15 March 2002. During UNFF-2 delegates addressed progress in the implementation of the Inter-governmental Panel on Forests and the Inter-governmental Forum on Forests (IPF/IFF) proposals for action related to the following substantive items, or elements: combating deforestation and forest

degradation; forest conservation and protection of unique types of forests and fragile ecosystems; rehabilitation and conservation strategies for low forest cover countries (LFCCs); rehabilitation and restoration of degraded lands and promotion of natural and planted forests; and concepts, terminology and definitions.

During the reporting period, the High-Level Ministerial Segment, which was attended by Minister Ronnie Kasrils, engaged in a policy dialogue with Heads of member organisations of the Collaborative Partnership on Forests (CPF) and also on UNFF's input to the WSSD. A Ministerial Declaration and Message to the WSSD was adopted during this segment.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora:

The Twelfth Conference of Parties (COP-12)

The twelfth Conference of Parties (COP-12) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), convened from 3 to 15 November 2002 in Santiago, Chile. The lobbying efforts of the Southern African

delegations paid off. A COP-12 ruling on ivory, whereby South Africa obtained permission for a once-off sale of its ivory stock, is seen as “an enormous victory for South Africa’s sustainable use policies”. The plus minus 30 tonnes of ivory is expected to earn approximately R20 million which would be ploughed back into elephant conservation.

The once off sale of 30 000 kilograms of ivory from the Kruger National Park will not take place before May 2004 and only after the completion of certain CITES safeguarding procedures. Also, the down listing of Aloe Thorncroftii from Appendix I to Appendix II was approved. As there has been no international trade in this species in the past few years, there was no need for its inclusion in Appendix I. The Cape Parrot’s listing in Appendix I was also withdrawn.

The Ramsar Convention on Wetlands of

International Importance

The Ramsar Convention adopted in Ramsar, Iran in 1971, is the oldest of the global multilateral environmental agreements (MEAs).

It owes its origins to the urgent need to combat widespread destruction of wetlands and the habitats they provide for the migrating species, notably water birds. There is increasingly wide appreciation that wetlands, in all forms, provide unique services to human societies.

Since its inception, the Ramsar Convention has progressively developed its scope and approach to address the sustainable utilisation of wetlands, which is considered to be synonymous with the Convention’s concept of “wise use”. At COP 8 of the Convention, which took place in Valencia Spain during November 2002, 46 resolutions covering a very wide spectrum of issues were adopted. These included resolutions on co-operation with NEPAD, agriculture, climate change, invasive species, culture, etc.



Wetlands, in all forms, provide unique services to human society.



Desertification is a major problem for Africa.

The Ramsar Convention has synergies with various other Conventions, notably those on Biodiversity, on Desertification and Climate Change. The cross cutting nature of the issues presently discussed within the Ramsar context, requires that closer synergies be created between the multilateral desks (environment and economic) in the Department, dealing with the various conventions in order to be aware of the implications of the decisions taken within the realm of the conventions might have on each other.

UNEP Agreement on Dams and Development Project

The Agreement between the Republic of South Africa and the United Nations Environmental Programme (UNEP), whereby the latter's Dams and Development Project would establish an office in Cape Town, neared conclusion at the close 2002/03.

SOCIAL DEVELOPMENT

Humanitarian Affairs

In January 2002, a volcanic eruption in the Eastern DRC caused massive disruption in the lives of approximately 500 000 citizens of Goma. There was no loss of life as the lava-flow was very slow, but the commercial centre, water-purification plants, airport and roads were devastated. In response to an appeal issued by the Department, two consignments of humanitarian assistance, totaling 80 tons of food, fresh water, water purifiers and medical supplies and clothing donated by civil society were flown to Kigali in Rwanda, and transported by road to Goma. In Goma the consignments were handed to the UN Office for the Co-ordination of Humanitarian Affairs for distribution by the international organisations on the ground in the disaster zone.

In late May 2002, a train derailment in Mozambique resulted in hundreds of people dead and others severely injured. The Department launched an appeal for contributions to ease the plight of the injured at the Maputo Central Hospital, which could

not cope with the sudden influx of trauma and burn victims. A consignment of medical supplies donated by NETCARE, valued at R1 million, was delivered to the Head of the hospital, and shortly thereafter an ambulance donated by TRANSNET was handed over to the hospital, for use in the transportation of burn victims.

An appeal was launched for donations to a people-to-people humanitarian assistance initiative for Angola. The Department worked closely with the Chair of an Inter-Departmental Committee set up to co-ordinate the appeal, and thus far three consignments have been delivered to Angola:

- 65 tons of confiscated clothing donated by the SA Revenue Services;
- a consignment of medical supplies donated to the Angolan Ministry of Health;
- a mixed consignment of over 100 tons of food, clothing and agricultural inputs, received from civil-society donors, currently in a warehouse in Luanda awaiting a decision on funding from the SA Government for its distribution.

By the close of the reporting period, a further consignment of

over 100 tons of maize, fish, clothing and agricultural inputs is in warehouses in Durban and Cape Town, awaiting payment of the accounts for the above-mentioned consignment, before the shippers will transport it to Luanda.

International Humanitarian Law (IHL)

For the second year, during 2002/03 the Department co-hosted, with the International Committee of the Red Cross (ICRC), a training seminar for Senior Officials of SADC Governments, in the rules, application and implementation of IHL. Following the seminar, a draft Cabinet Memorandum was prepared, recommending the creation of a national committee on the implementation of IHL. The Cabinet Memorandum will be submitted in the near future.

Also, for the second year, the Department facilitated the holding of the annual All Africa Course in IHL, for legal academics, hosted by the ICRC and the Centre for Human Rights at the University of Pretoria.

During October 2003, the Department facilitated the holding of the first of a series of regional seminars to be held around the

world, on the issue of Civilians in Armed Conflict, presented by the UN Office for the Co-ordination of Humanitarian Affairs, in co-operation with the Institute for Strategic Studies in Pretoria. The Deputy Minister of Defence, Ms Nosiviwe Madlala-Routledge, delivered the keynote address on behalf of the host Government, and the Acting Director-General, Mr Abdul Minity, delivered the closing address. The conclusions and recommendations of the seminar were fed into the UN Secretary General's annual report to the Security Council on this issue.

Minister Nkosazana Dlamini Zuma delivered an address to the ICRC's annual Wolfsberg Forum, on the subject of "War and Accountability", during May 2002.

During the year under review, the South African Government participated in a number of initiatives of the Human Security Network including the issuing of joint statements at international meetings, with the other members of the Network, on matters including the universalisation of the Ottawa mine-ban convention; and on the issue of Children in Armed Conflict. A South African expert made contributions to the initiative of the Network to

compile a training manual for human rights educators, to ensure a more widespread dissemination of and respect for human rights.

The Department made financial contributions to a number of programmes of international organisations, aimed at providing relief to civilians and refugees from armed conflict and of famine in Africa and further abroad. These contributions were for the following:

- Angolan landmine victims, through the ICRC
- Angolan internally displaced children, through UNICEF
- Humanitarian relief in Africa, through the ICRC
- Food for starving refugees in Zambia, through UNHCR
- Assistance to Palestinian refugees, through UNRWA
- OAU Special Refugee Contingency Fund
- UN International Research and Training Institute for the Advancement of Women, programmes in Africa
- UN Development Fund for Women, programmes in Africa
- Food relief to flood-affected Malawians, through WFP
- Food relief to famine-affected Zimbabweans, through WFP
- Flood relief to Algerian communities, through Algerian Red

Crescent Society/IFRCRCS

- Government of Cuba, for relief of hurricane-displaced civilians
- Government of Lesotho, for famine-affected communities.

Disaster Management

The Department was an active participant in the work of an Inter-Departmental Committee Chaired by the Official dealing with Disaster Management at the Department of Provincial and Local Government (DPLG), set up to formulate a contingency plan in the event that the food insecurity situation in the sub-region resulted in a mass influx of either political refugees or economic migrants to South Africa.

The Department fast-tracked the opening of a regional office of the World Food Programme that co-ordinated a joint appeal to the international community for donations of food and financial contributions of US\$611 million, to provide over 1 million tons of food and non-food items to 15 million persons facing starvation in six countries of SADC due to crop failures. Also fast-tracked were the authorisations to the International Federation of Red Cross, Red

Crescent Societies, and the UN Office for the Co-ordination of Humanitarian Affairs (UN-OCHA) respectively, to open regional co-ordination offices to ensure the delivery of food assistance to the famine-affected communities in our sub-region. Following ongoing efforts, the South African Government was, on 29 January 2003, able to announce the donation of 100 000 tons of maize to the WFP-co-ordinated appeal, worth R170 million at current prices. This generous donation makes South Africa the fifth largest contributor to the international appeal, after the US, EU, UK and Japan.

During November 2002, the Department participated in a joint SA/French/Mauritian/Malagasy naval preparedness exercise in maritime Search and Rescue, off the coast of Reunion, aimed at



Members of the South African Navy on parade during the inauguration of the AU in Durban.

ensuring the inter-operability of the naval and air forces, and maritime Search and Rescue Control Centres of the participating countries, during actual Search and Rescue operations in the ocean between the African coast and the islands. A further joint humanitarian evacuation exercise of “refugees from civil war” is

planned for the coast of Northern KwaZulu Natal for early April with the French Navy.

During December 2002, the Department facilitated the hosting, by Rescue South Africa, of the UN International Search and Rescue Advisory Group (INSARAG) Team Leaders’ annual conference, in Boksburg. Search and Rescue teams from 17 countries participated in the conference.

SOCIAL DEVELOPMENT ORGANISATIONS

53rd Session of the UNHCR's Executive Committee

The Agenda for Protection formed the basis of the 53rd Session of the UNHCR's Excom, which took place from 30 September to 4 October 2002 in Geneva. The objectives of NEPAD were stressed and how a new sense of commitment amongst Africa's people to confront the problems facing the continent is perceived.

UNHCR and its involvement with NEPAD

In August 2002, the UN High Commissioner for Refugees, Mr. Ruud Lubbers, addressed a letter to President Mbeki regarding NEPAD in which he stressed the readiness of the UNHCR to work with the South African Government. This commitment of the UNHCR resulted in a request being forwarded to Professor Wiseman Nkuhlu, at the NEPAD Secretariat to address the relevant organisations in Geneva regarding developments of NEPAD and how the UNHCR could become involved. The Department recommended that a workshop be scheduled where the Heads of

all international organisations could be invited to be informed on the objectives of NEPAD and to explore how they could become involved in the process.

Attendance of the 84th IOM Council Session

The Department attended and participated in the 84th Council Session of the IOM in Geneva from 2 to 4 December 2002. The Acting Deputy Director-General of Home Affairs, Advocate R Malatji, led the South African delegation. The main theme of the Session was based on the management of orderly migration. Twenty-two African states are members of the IOM.

Election of the Director-General of the WHO

In August 2002, the Foreign Minister of Mozambique informed South Africa of the decision of the Government of Mozambique to present the candidature of Prime Minister Dr Pascoal Mocumbi for the position of Director-General of the WHO. At the meeting of the AU Standing Nomination Committee it was decided that Dr Mocumbi would be the sole African candidate for the position.

Eventually, on 28 January 2003, Dr Jong Wook Lee was nominated by WHO's Executive Board for the post of DG of the agency.

Re-appointment of the South African Auditor-General as the External Auditor of the WHO

South Africa was appointed as the External Auditor of the WHO for the two financial periods 2000 to 2001 and 2002 to 2003. In September 2002, the WHO invited member states to nominate candidates for appointment as External Auditor for the financial period 2004 to 2005 and 2006 to 2007. The Department of Health recommended that South Africa again nominate the Office of the Auditor-General to serve for a further term. The Office of the Auditor-General has accepted the proposal.



The Foreign Minister of Lesotho, Mr Kenneth Tsekoa, and Minister Nkosazana Dlamini Zuma briefing the media at the end of the Ministerial Meeting of the South Africa-Lesotho JBC in October 2002.

Lesotho Humanitarian Assistance

At the Ministerial meeting of the South Africa/Lesotho Joint Bilateral Commission for Co-operation in October 2002, the Lesotho Minister of Foreign Affairs Kenneth Tsekoa requested humanitarian assistance

from South Africa to counteract famine in Lesotho. South Africa made a donation to the Government of Lesotho from the Department's Humanitarian Assistance budget.

South Africa's Statement to the 57th Session of the UN General Assembly: Declaration of Commitment to HIV/AIDS

The Department co-ordinated the drafting of the South African

statement to the 57th Session of UN General Assembly with the Department of Health. Against the background of the negative publicity South Africa received on the HIV/AIDS issue, the Declaration of Commitment clearly demonstrated the Government's seriousness in its approach, enhanced by the slogan: "All our actions count!"

SOCIAL DEVELOPMENT PROGRAMMES

UN General Assembly Special Session on Children, New York: 8 to 10 May 2002

The General Assembly of the UN convened a Special Session on Children. The United Nations General Assembly Special Session (UNGASS) on Children had originally been planned for 19 to 21 September 2001. Preparations for participation by a Senior South African delegation were made and President Mbeki had accepted an invitation to participate, but the Special Session was postponed in the light of the events in New York on 11 September 2001. It subsequently took place in New York from 8 to 10 May 2002.

The two major objectives of the UNGASS on Children were to review the progress made in implementing programmes for the improvement of the living conditions of children during the past decade; and to achieve a renewed commitment to the cause of



Improvement in the living conditions of children was one of the major objectives of UNGASS on Children.

children, and a pledge for specific further actions.

The four priority areas for children in the coming decade are:

- Promoting healthy lives;
- Providing quality education;
- Protecting children against abuse, exploitation and violence;
- Combating HIV/AIDS.

Some 60 summit-level leaders were in attendance at the Special Session, part of more than 180 high-level government delegations. The Minister in the Presidency, Dr Essop Pahad, led the South African delegation and delivered South Africa's Statement. The Minister of Health Dr Manto Tshabalala-Msimang and the Deputy Minister of Justice Cheryl Gilwald also attended the Session. The Department was actively involved in South Africa's preparation for and participation in the Special Session. More than 3 000 non-government delegates took part, all of them concerned about children and nearly half of them from the developing world, where children face the greatest challenges of survival, health, education and well-being.

Disabled Peoples' International 6th World Assembly (Freedom from Barriers), Sapporo, Japan: 15 to 18 October 2002

The Department co-ordinated arrangements and participated in the Disabled Peoples' International (DPI) 6th World Assembly. It took place in Sapporo, Japan from 15 to 18 October 2002. Such an assembly is held every four years. The next one is to take place in South Africa in 2006. More than 3 000 people from 108 countries participated in the congress. Dr Essop Pahad, the Minister in the Presidency, led the South African Delegation.

The 6th World Assembly provided a forum for:

- DPI World Council and National Assemblies to examine the need for the UN Convention on the Rights of Disabled Persons to promote and protect the human rights of all disabled persons;
- Creating an opportunity for government officials, UN representatives and civil society to have a dialogue with national and international disability leaders;
- DPI's World Assemblies to share information and contribute to

the international community with their rich experience;

- An increase disability awareness world-wide.

The goal of Disabled Peoples' International is the full participation of all disabled people in the mainstream of life, particularly those in developing countries who form the vast majority of the world's 500 million disabled people.

In recent years, a number of new programmes have been developed in Africa, many of which support the objectives of NEPAD.

Planned Activities to address disabled people issues

The Office on the Status of Disabled People in the Presidency will convene a meeting during the coming year, in partnership with all South African stakeholders, to bring together representatives from civil society structures and governments across the continent to explore ways of ensuring a new impetus to the implementation of the African Decade of Persons with Disabilities. This meeting has been discussed with the Pan African Federation of People with

Disabilities (PAFOD), who are in agreement, and the meeting is scheduled to take place in Johannesburg in April 2003.

The Steering Committee of the African Decade under the leadership of PAFOD further requested South Africa to host the meetings of the Secretariat for the African Decade. The South African government is in agreement and further discussions are taking place to work out the modalities of operationalising the Secretariat in South Africa.

UN Second World Assembly on Ageing in Madrid, Spain, 8 to 12 April 2002

The UN held the Second World Assembly on Ageing in Madrid, Spain, from 8 to 12 April 2002, on the occasion of the twentieth anniversary of the Vienna World Assembly on Ageing. The Assembly devoted attention to an overall review of the outcome of the first World Assembly, as well as to the adoption of an international policy document to guide global action on ageing in the twenty-first century in the context of a society for all ages.

Some 160 countries attended the Assembly. The Minister of Social Development, Dr Zola Skweyiya, led the South African delegation.

UNGA57

During the year under review, preparations for UNGA57 involved the finalisation of directives and draft statements.

International and National Workshops

During the reporting period, the Department participated in several international and national workshops. These included the following:

- National Workshop on the Sexual Offences Bill, presented by the South African Law Commission, (Pretoria, 25 February 2002);
- Guidelines for Registration of Day Care Centres in the Office on the Rights of the Child in the Presidency, (Pretoria, 25 April 2002);
- National Conference on Youth Policy and Programmes,

(Midrand, 21 to 23 May 2002). The Minister in the Presidency, Dr Essop Pahad delivered the keynote address;

- Child Protection Week (27 May to 2 June 2002). Programmes such as HIV/AIDS, Poverty and Social Security were included;
- international Children's Day Workshop, (Parliament, Cape Town, 30 May to 1 June 2002);
- Workshop on the Volunteer Child Network (CSIR Crime Prevention Centre, 30 November 2002);
- Towards a barrier-free society: Ensuring access to rights and responsibilities for people with disabilities, (Johannesburg, November 2002);
- National Programme of Action for Children in South Africa Strategic Planning Workshop, (Pretoria, November 2002).

National Programme of Action for Children in South Africa

The Department worked closely with the Office on the Rights of the Child in the Presidency, UNICEF and other stakeholders regarding the above-mentioned Programme. The Department

was also actively involved in the drafting of South Africa's Second Report to the UN Committee on the Rights of the Child.

The Convention on the Rights of the Child: Optional Protocols

South Africa is in the process of ratifying the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and on Children in Armed Conflict.

UNICEF: Representative in South Africa

With regard to the UNICEF representative in South Africa, Mr Jesper Morch completed his assignment on 30 September 2002 after four years. Ms Misrak Elias has been appointed as his successor. Ms Elias, an Ethiopian national, has been serving as UNICEF Representative in Jordan since 1998.

Youth Issues

The Department was involved in discussions with the National

Youth Commission and other stakeholders regarding the compilation of a Guide to Youth Development Programmes. The guide has been compiled and published.

African Decade of Persons with Disabilities

Resolution EC/AU/AEC/Regl (1) of 9 to 10 July 2002, in Durban, provides a unique opportunity for Africa to contribute to efforts to improve the quality of the lives of disabled people on the African Continent. The African Continent is now in the third year since the launch of the African Decade for Disabled Persons in November 1999. Whilst the organisations of disabled persons have initiated some projects to implement the Decade, this challenge has given impetus to South Africa as the current chair of the AU.

During the reporting period, the Department played an active role in the Planning Meetings for the African Consultative Regional Conference that was held at the Union Buildings. (The African Regional Consultative Conference will be held in Johannesburg in April 2003.)

LEGAL SERVICES (INTERNATIONAL LAW)

During the year under review, the Department's Office of the Chief State Law Adviser (IL) (hereinafter "the Office") wrote 553 legal opinions on a wide variety of international and domestic law subject matters, while scrutinising and certifying all international agreements/treaties concluded by South Africa. In accordance with records of the reporting period, South Africa concluded 78 international agreements/ treaties. All of these treaties were bound by the Treaty Section of the Office, whose task it is to register, administer and safeguard all international agreements/treaties to which the Republic is party to. The Office is also responsible for providing advice on domestic law matters as it pertains to the Department. In this regard, the Office provided legal advice on 211 domestic law



matters. During 2002, the Office also assisted the Department in 9 cases that went to Court.

The Treaty and Information Management Services deliver a virtual information service on the Departmental Intranet. A

new homepage for the Office was developed and launched in 2002. On this site the electronic information is expanding daily as new information such as full text treaties, legal opinions and contents pages of popular textbooks are added. This Office is becoming one of the leading sources of information concerning treaties and international law, dealing with

a large amount of enquiries daily, not only from the government Departments but from the private sector as well. The whole filing system of the Office was re-organized in order to make it more accessible to users.

A Practical Guide on the services offered by the Office was

compiled for the benefit of its clients in the Department and government in general, while a series of information sessions on its work were offered within the Department.



Minister Nkosazana Dlamini Zuma with AU Interim Commissioners during the 3rd Extra- Ordinary Session of the Executive Council of the African Union in Sun City.

During the reporting period, the Office assisted the Department's Protocol arm with the regulation of the implementation of the new Diplomatic Immunities and Privileges Act that replaced the outdated Act of 1989 when it entered into force in February 2002. This new Act incorporated the provisions of international conventions on privileges and immunities as well as the conventions on diplomatic and consular relations into South African law. It further introduces equality in the treatment of international organisations and streamlines administrative procedures. In light of the above, the Office conducted an analysis in respect of the various agreements concluded with the UN family and the immunities and privileges granted therein vis-à-vis the new Diplomatic Immunities

and Privileges Act of 2001. The Office was requested to indicate with respect to each agreement where adjustments would be needed.

Through the Office, the Department represented South Africa as co-ordinator of operational issues to the International Criminal Court (ICC) and as a member of the South African delegation, participated in an International Criminal Court Preparatory Commission in New York at the United Nations Headquarters. The purpose of the meeting was to discuss documents necessary for the operation of the International Criminal Court. The Statute of the International Criminal Court was ratified during the aforesaid meeting by ten more countries and consequently achieved the necessary sixty ratifications for entry into force.

The Office advised the Department on the various international law aspects of the transition of the Organisation of African Unity to the African Union. The Office provided legal opinions on the

Rules of Procedure of the key organs of the African Union and on the draft Protocol on the Central Organ. The Office also assisted with the drafting of a Cabinet Memorandum requesting approval for South Africa's ratification to the Protocol on the Pan African Parliament. The Department, through the Office, attended a meeting of the OAU Sub Committee of Legal Experts held in Addis Ababa from 6 to 10 May 2002. The purpose of the meeting was to fine-tune and undertake editorial work on the Rules of Procedure of the Assembly, Executive Council and Permanent Representatives Committee, and the Statutes of the Commission. A detailed report on the meeting, including a synopsis of the substantive issues, was prepared for the Minister's information. Through the Office, the Department also participated as a member of the substance team for the AU Summit from 28 June to 10 July 2002 and also Chairs an Inter-Departmental Task Team on amendments to the Constitutive Act. Work of the Task Team proceeded according to the agreed timelines and all actions have been completed timeously. Action included drafting a Cabinet Memorandum on the proposed Libyan amendments to the Constitutive Act; compiling Briefing Notes for

the Ministers trip to Libya; convening meetings and compiling consolidated documents on agreed positions and liaising with a similar parliamentary task team. Furthermore, through the Office, the Department undertook a review of the OAU treaties to determine their relevance to the AU.

Actions taken included: obtaining copies of all the OAU treaties, identifying and making contact with line function Departments and Desks and requesting inputs from all Departments and desks. Thereafter, all inputs were consolidated and meetings, where necessary, have been convened to consider the various recommendations and inputs. A Cabinet Memorandum was drafted on the review of Treaties of the OAU for the purpose of recommending to Cabinet the treaties relevant to be transferred to the AU.

Through the Office, the Department participated in a Southern African Development Co-operation meeting on amendments to the AU, held in Maputo, from 12 to 14 November 2002. The purpose of the aforesaid meeting was to consult and formulate a common SADC position regarding the amendments proposed

by Libya, Nigeria, Senegal and South Africa respectively to the AU Constitutive Act. The Department also assisted with the drafting of the SADC position regarding the aforesaid amendments.



The 1st Extraordinary Session of the Executive Council of the African Union held in Tripoli.

During the year under review, the Department attended and participated in the 1st Extraordinary Session of the Executive Council held in Tripoli from 9 to 10 December 2002. The Session was convened for the purpose of considering the proposed amendments to the Constitutive Act of the AU submitted by a number of member states. The proposals for amendment focussed on two main themes, namely the strengthening and technical 'clean-up' of the Constitutive Act (proposals received from Nigeria, South Africa, Mozambique, Tanzania and Côte d'Ivoire), and enhancing the continental integration process towards the early establishment of a 'United States of Africa' or a 'Federation

of African States' (Libyan and Senegalese proposals).

The main outcome of the meeting was the adoption of a report aimed at reinforcing and strengthening the Union and all its institutions, which leaned more towards enhancing the continental integration process

rather than a mere technical clean up of the Constitutive Act. This followed the withdrawal by Senegal of some of its proposals, and the decision of the meeting to submit the proposed amendments on which no consensus was reached to a select Ministerial Committee (chaired by South Africa). The latter Committee is charged with the responsibility of making recommendations and alternative proposals. The Ministerial Committee met in Pretoria from 20 to 21 January 2003 and the proposed amendments to the Constitutive Act were incorporated. The Committee then submitted its report to a Session of the Executive Council held on 1 February 2003,

immediately before the Extraordinary Session of the Assembly in Addis Ababa held from 3 to 4 February 2003 to consider the proposed amendments of the Act.

During the reporting period, the Department, through the Office, drew up a draft Agreement on a Common African Defence and Security Policy after consultation with an InterDepartmental forum. The policy was mandated by an AU decision taken at the Durban Summit. The draft Agreement will now be forwarded to the AU Secretariat to serve as the working document for a meeting of continental experts that will take place in Pretoria during the first week of December 2003.

During the year under review, the Department's Africa Multilateral Desk requested assistance from the Office in preparing a draft resolution on co-operation between the AU and UN, that could be utilised by the New York Mission in negotiating such a resolution. Inputs were provided in this regard. One specific issue was whether or not a legal agreement between the AU and UN was required for this co-operation, as there is an agreement between the OAU and the UN in this regard. The agreement between the

OAU and UN was examined, and it was found that while such an agreement facilitates co-operation, and should therefore be updated to reflect the AU's inception, it is not a prerequisite for co-operation between the two bodies.

Through the Office, the Department also assisted the NEPAD Steering Committee on various matters. A meeting was held to urgently assist the NEPAD Secretariat in drafting a Declaration of Intent on the Implementation of the African Peer Review Mechanism. The NEPAD Secretariat provided the substance of the Declaration, which was to signify the progress made on this issue and the ongoing commitment of the Heads of State on the matter. An opinion was rendered to the NEPAD Secretariat on the procedures required for South African accession to the Declaration on Accession to the African Peer Review Mechanism. The procedures were explained and the Declaration analysed in some detail.

The Department, through the Office, represented South Africa in meetings of the United Nations Ad Hoc Committee on Measures to Eliminate International Terrorism, as well as other meetings on

the anti-terrorism issue. Legal advice was provided on various international law aspects of the international community's anti-terrorism measures. The legal advice ensured that South Africa is in compliance with its international obligations relating to terrorism and provides proactive inputs in the international endeavours to combat terrorism. The Office also participated in a meeting of the Ad Hoc Committee Measures to Eliminate International Terrorism from 28 January to 1 February 2002 at UN Headquarters, New York.

The Department participated in the InterDepartmental Working Group, convened by the UN Desk, for the purposes of compiling South Africa's report to the Security Council in terms of Resolution 1390 on sanctions against the Taliban, Osama Bin Ladin and associated persons, as well as South Africa's report on Resolution 1373 (2001) and related matters. Assistance was also offered to the InterDepartmental Working Group on Terrorism in preparing a position paper for South Africa's participation in an OAU meeting on terrorism, which was scheduled for 3 to 6 June 2002. The meeting was subsequently postponed to September, but the

position paper remained valid and informed the positions of the delegation that attended this meeting in September 2002. The meeting took place in Algiers from 11 to 14 September 2002, and focussed on the practical implementation of the Algiers Convention on the Prevention and Combating of Terrorism.

During the reporting period, a Cabinet memorandum was drafted in order to brief Cabinet on the progress made in ratifying the anti-terrorism conventions. This was accompanied by a ministerial submission in which it was recommended that the Minister request her counterparts to expedite the ratification of the Conventions, which their respective Departments administer.

Through the Office, the Department was requested to urgently make comments on the draft Commonwealth model legislation on terrorism. Detailed inputs were provided and sent to the Department of Justice and copies to the UN and Commonwealth Desks. The Commonwealth Secretariat subsequently responded to the Department of Justice, thanking South Africa for their detailed inputs, which were incorporated into the draft model legislation. Minister of Justice, Mr Penuel Maduna, attended the meeting of

Commonwealth Law Ministers and Senior Officials in Kingstown, St Vincent and the Grenadines, from 18 to 21 November 2002, on which occasion the report of the Commonwealth Secretariat and draft legislation material on anti-terrorist action was adopted. The latter incorporated inputs made by the Departments of Justice and Foreign Affairs.

At the regular meeting of the InterDepartmental Counter Committee the South African Police Service requested comments from all Departments on the Anti-Terrorism Bill. Comments were requested urgently in order to expedite the consideration of the Bill by Cabinet, and subsequently by Parliament. Through the Office, the Department provided comments on the Bill from an international law point of view, and specifically with reference to conformity and compatibility of the Bill with the various international conventions on terrorism. Several suggestions were made to ensure that the



Protestors demonstrating against a pending war on Iraq in Pretoria.

obligations in the various conventions were reflected in the Bill. It was also stressed that the expeditious adoption of the Bill was supported and the comments and inputs made were not intended to delay the passage of the Bill through the approval processes.

In view of the pending attack by the US on Iraq, it became crucial for South Africa, as the chair of NAM and a potential observer in the IOC, to start formulating a policy position with regard to Iraq. Possibilities of convening an inter-Departmental meeting on the issue were discussed. A task team consisting of members from relevant branches in the Department was formed to make policy proposals to the management. The Department attended a meeting between the Iraq Departmental Task Team and the Deputy Minister Aziz Pahad to discuss the interventions that can be made by South Africa to stop the pending US military attacks on Iraq. The Department prepared a legal opinion on the possible justifications in international law that a US-

led coalition may employ to justify an armed attack against Iraq, which was sent to the Permanent Representative in New York, and the Heads of Mission to the P5 States (Permanent Members of the UN Security Council - US, UK, France, Russian Federation and China) and states in the Middle East.



The Department was involved in the development of an international certification scheme for the trade in rough diamonds.

The Department was actively involved in the development of an international certification scheme for the trade in rough diamonds. Legal advice was provided with regard to international law aspects of the Kimberley Process on an International Certification Scheme for the Trade in Rough Diamonds, which aims at eliminating the illicit trade in diamonds that fuel African conflicts. Investigation regarding the legal procedures to be followed in order to register a standard logo to be used on the Kimberley Process Certificates, and briefing of the meeting of the SADC Group in this regard, as well as on the format of the final Kimberley Process Document were

undertaken. Also a cost estimation for a permanent Kimberley Process Secretariat for the SADC Group was done.

During the WSSD in September 2002, the Department was requested to represent South Africa in a meeting together with Australia and the European

Commission to try and resolve the paragraph dealing with climate change and the specific reference to the Kyoto Protocol.

Legal advice was also given on a continuous basis with regard to the draft treaties to establish a number of trans-frontier peace parks and conservation areas in Southern Africa. These initiatives are aimed at establishing Southern Africa as a unique international tourist destination.

During 2002/03, Department's Office of the Chief State Law Adviser (IL) travelled to Kinshasa to assist the South African component of the Third Party Verification Mechanism (TPVM)

(created by the Pretoria Agreement) to finalise the TPVM's Terms of Reference and its Standard Operating Procedures (SOP's). The Pretoria Agreement, entered into by the DRC and Rwanda, provides for the withdrawal of Rwandese troops from DRC territory as well as the repatriation of irregular forces from the territory of the DRC to Rwanda, and the TPVM is tasked with monitoring and verifying the implementation of the Pretoria Agreement. During consultations with the UN component in the TPVM, consisting of two Senior Members of the UN observation Mission in the DRC (MONUC), the document on the SOP's was finalised and signed by the Heads of the respective components, while a number of amendments were made to the draft Terms of Reference.

The main problem experienced with the draft Terms of Reference was, according to the UN component, that it does not adequately reflect the limited mandate that MONUC received from the UN. The draft Terms of Reference were then referred to the UN's law advisers in New York. The Permanent Representative in New York reported on 25 September 2002, on the amendments proposed by the UN's law advisers. These amendments were found to be

acceptable to the Department, but were forwarded to the law adviser of the President for final approval. The Department also drafted agreements providing for immunities for the South African staff of the TPVM in the territories of the DRC and Rwanda. The Rwandan Foreign Ministry proposed some minor amendments to the draft agreement with Rwanda, which were acceptable to the Department.

During the year under review, the Department was seized with the Van Zyl case. Mr Josias van Zyl instituted legal proceedings against the Government, the President, the Minister and the Deputy Minister, seeking an order from the High Court (Transvaal Provincial Division) for the setting aside of decisions by the Deputy Minister and the President not to afford him diplomatic protection in his dispute with the Lesotho Government relating to the alleged cancellation of diamond prospecting lease rights belonging to his companies by that Government. The Presidency indicated that the Department must handle this case on behalf of the Government. The Department then liaised with the State Attorney on the matter. The application sought to oblige the Government to afford diplomatic

protection to Mr Van Zyl and the companies he represents in his disputes with the Lesotho Government, which relate to the alleged confiscation of diamond mining leases by that Government. An attempt by Mr Van Zyl's attorneys to have the application placed on the unopposed role was successfully defeated by the State Attorney. The case has been scheduled for hearing before court later in 2003.

The Department attended a meeting of the International Inter-Governmental Consultative Group on Anti-Doping in Sport held in Moscow from 8 to 10 December 2002. The purpose of the meeting was to discuss, amongst other things, the Memorandum of Understanding (MOU) on Anti-Doping in Sport, which is part of a step by step approach in which a non-binding instrument is developed in the short term with a view to developing a legally binding instrument to which governments might accede in the longer term. The MOU formally establishes governments' relationship to the World Anti-Doping Agency in terms of governance and funding and reaffirms governments' support and commitment to individually and collectively fight against doping in sport. The

MOU was adopted by consensus at the said meeting.

The Department attended the 35th Session of the United Nations Commission on International Trade Law (UNCITRAL) in New York from 17 to 28 June 2002. UNCITRAL is the core legal body within the UN system in the field of international trade law. This body was established by the General Assembly (GA) in 1966 to, among other things, further the progressive harmonisation and unification of the law of international trade by promoting wider participation in existing international conventions; promoting the codification and wider acceptance of international trade customs and practices; and promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the law of international trade. Amongst the topics discussed during the session were the draft UNCITRAL Model Law on International Commercial Conciliation; Insolvency law; Privately Financed Infrastructure Projects; as well as Monitoring the implementation of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.