

PARLEMENT VAN DIE REPUBLIEK VAN SUID-AFRIKA
PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Telefoon 403-2911
Telephone



Posbus 15
P.O. Box
KAAPSTAD
CAPE TOWN
8000

Verw./Ref.

REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC SERVICE AND
ADMINISTRATION ON THE APPLICATION FOR THE EXTENSION OF THE
CONTRACT OF EMPLOYMENT FOR Mr ABDUL SAMAD MINTY: DEPARTMENT
OF FOREIGN AFFAIRS

THE REPORT

The Portfolio Committee, having considered the application by the Department of Foreign Affairs, to extend the employment contract of Mr Minty by five years, report as follows:

THE APPLICATION AND REFERRAL TO THE COMMITTEE

The Department of Foreign Affairs made an application for Parliament to approve the extension of contract of employment in respect of Mr Minty and for the period of five years, reckoned from the 1st of November 2006, in terms of Section 16(7) of the Public Service Act, 1994.

The application was referred to the Portfolio Committee on Public Service and Administration as per the ATC of 11 September 2006.

BACKGROUND INFORMATION ON Mr MINTY AND THE RESPONSIBILITIES

Disarmament, Nuclear and Arms Control Issues:

Has extensive experience in this field since the early 1960's when he was involved in working on ending external military and nuclear collaboration with the apartheid regime. At that time he worked through the Anti-Apartheid Movement as well as the United Nations and its various committees as well as the OAU and the Commonwealth.

Recognised for authoritative and well researched exposition of issues and prepared numerous documents for various conferences and inter-governmental meetings on the military and nuclear capacity of the apartheid regime and international collaboration with it.

After the imposition of the UNSC Council's voluntary arms embargo against SA and the establishment of a special committee of the UNSC to oversee it he was invited on numerous occasions between 1977 and 1994 to give evidence to that committee, usually in closed sessions, on the operation of the embargo and especially on alleged violations. He served as Director of the World Campaign against Military and Nuclear Collaboration with South Africa, (established at the suggestion in 1977 of the UN and the OAU) until 1994.

After the democratic transformation of South Africa he was asked by the DFA to join several delegations as Adviser, including the IAEA General Conference in 1994.

In August 1995 he was appointed DDG for the Multilateral Branch in the DFA until June 2004. He continued to serve as DDG with special responsibilities for Disarmament issues and also as the President's Personal Representative on the Nepad Steering Committee.

Earlier, in June 1995 he was appointed as Chairperson of the South African Council for the Non-Proliferation of Weapons of Mass Destruction and has continued to serve in that capacity ever since, having been re-appointed each time by respective Ministers of Trade and Industry.

In 1995, when South Africa resumed its seat on the Board of Governors of the IAEA, Mr Minty was appointed as the Governor for South Africa. South Africa retains the one seat on the Board that is allocated permanently for the African country that is the most advanced in terms of its "nuclear" facilities and capability. In this capacity he participates in quarterly meetings of the Board as well as in other meetings related to the work of the Agency.

At the last meeting of the IAEA General Conference in September 2006, Mr Minty was elected President of the Conference on behalf of Africa whose turn it was to preside over the annual conference.

In addition to the IAEA Mr Minty also supervises, and where possible, participates in meetings of the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR) as well as other bodies such as the Conference on Disarmament (CD), the Comprehensive Nuclear Test Ban Treaty Organisation (CTBTO) and the Chemical and Biological Weapons institutions as well as the Wassenaar Arrangement that deals with conventional weapons.

With regard to the National Conventional Arms Control Committee (NCACC) Mr Minty represents the DFA on both the NCACC as well as its Scrutiny Committee. He also supervises the processing of import and export permits on behalf of the Department.

Following the September 11 events issues related to Terrorism and Weapons of Mass Destruction have taken on new importance with a series of new initiatives taken by some of the major powers. At the same time the issue of Iran's use of nuclear technology for peaceful purposes has been the subject of a long dispute within the IAEA and recently in the UNSC.

Under special resolutions adopted by the UNSC on the subject of Terrorism as well as Resolution 1540 on Weapons of Mass Destruction member states are required to present regular reports to the UNSC on the various measures taken by them. These reports are processed thoroughly by Mr Minty who also follows trends and developments in this field.

While the Nuclear Weapon States (NWS) are not interested in implementing their commitments to disarm, as stated in the NPT, they are increasing the encroachment on the rights of non-nuclear weapon states under the guise of non-proliferation. At the same time the US has declared that it intends to develop new nuclear weapons, not so much for deterrence but actual use including to counter terrorism as well as serious biological or chemical threats..

It is the general intransigence of the NWS that also led to the total failure of the five year 2005 NPT conference. Early next year the international community will begin the process of holding several preparatory meetings in advance of the 2010 NPT Review Conference and this process will be a critical one for developing countries to protect their rights under the Treaty.

At the same time there are a series of measures being proposed by the US and other powers to restrict the rights of members of the NPT to use nuclear technology for peaceful purposes and in particular to prevent countries who do not enrich uranium already from doing so in future. South Africa has been active in opposing these measures and has defended the rights of NPT members, especially developing countries, to protect and retain rights that are enshrined in international treaties and agreements.

These debates are highly controversial and extremely sensitive and have serious implications for countries such as South Africa which is also being pressed to pledge in advance that it will never enrich uranium for nuclear energy. To do so would make the country dependent on other countries in a key area of strategic national interest and it is therefore of critical importance to participate in all such discussions, equipped with the necessary technical expertise and experience. In several such discussions South Africa has played a major role and conveyed the case of developing countries.

In most of these discussions and debates institutional memory and direct experience is of considerable importance. However, it is in the actual negotiations over particular issues, including matters which involve minute detail that such experience, knowledge and vigilance are of critical importance. In the present international environment there is no issue in this field that can be said to be only a technical one – they are all fraught with danger for developing countries and of supreme political importance. Thus, these negotiations involve technical and political issues and the pressure of the big powers, united in purpose, is almost overwhelming for most developing and even some developed countries.

In this context, South Africa has been able to stand on principle and defend its position on the basis of international law and specific treaties and agreements. Despite the fact that South Africa's position is often not welcomed by the big powers this is the main reason why it is respected and held in high esteem. Thus the role of South Africa is unique.

In order to deal with these issues it is also important to follow global trends and developments and Mr Minty has a long and keen interest in these matters. He is therefore able to assist the Department in other areas as well. With the impending membership of the UNSC for two years the experience and knowledge of Mr Minty in relation to the UN and some of the major issues before it will be invaluable.

For reasons of coherence, co-ordination and strategic policy implementation it was decided last month that Mr Minty will serve as Ambassador and Special Representative for Disarmament and Nepad.

FURTHER MOTIVATIONS

The Department of Foreign Affairs made several plans to address the succession of Mr Minty, but due to the nature of work and the required combination of competencies associated with the relevant environment and conditions of work, they are not in a position today to can say that they have a suitable candidate to replace him, and possibly not in the

next two years. They have, however, placed some officials to the understudy programme as an attempt to address this matter and, assuming that all other things will remain the same, they see themselves being able to achieve their succession goals within the required period of extension, hence this application.

OBSERVATION

From the aforesaid, the Committee accepts that the situation under which the Department find itself in this case is extra-ordinary and should be considered as such without setting precedence.

In considering this application favourably, we should build into the approval a mechanism to monitor and manage the development of a succession plan to deal with this matter.

RECOMMENDATION

That Parliament passes a resolution to approve the extension of the employment contract of Mr Minty for the period of five years, reckoned from the 1st of November 2006, in terms of Section 16(7) of the Public Service Act, 1994.

That the following conditions be attached to the approval.

- The Department of Foreign Affairs develops a coherent succession strategy/plan and present it to the Portfolio Committee on Foreign Affairs, within a period of six months, calculated from the date of approval of this application by Parliament.
- The Department include the implementation of the succession strategy/plan in their strategic plans.
- The Department of Foreign Affairs report annually on progress in the implementation of the succession strategy/plan.

Committee Chairperson:

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Mr P.J. Gomomo

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Date

Committee Secretary:

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Mrs L. Dyasi

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Date