

meeting, the five countries did not agree on the definition of weapons of mass destruction, let alone on how to constrain the transfer of such weapons. The Chinese government, for example, said that advanced fighter aircraft were more destructive than ballistic missiles; if ballistic missiles were considered weapons of mass destruction, advanced aircraft should be as well. China won this dispute, and missiles were not mentioned directly in the guidelines as weapons of mass destruction. The only time the word "missile" appeared in the document was in the preamble, which mentioned countries' commitment to or support for the MTCR.

The plenary meeting in Washington, 28-29 May 1992

By the time of the Washington plenary in late May 1992, serious problems with the Perm Five process were evident. Participants had made little progress since the experts meeting. Key questions for the plenary were: Would China would agree to prenotification, and if so, how far in advance? If China would not agree to prenotification, would the other four countries proceed, or had Chinese reluctance been a convenient cover for their own uncertainties? Would there be agreed guidelines on weapons of mass destruction? If so, would they be stronger than the guidelines on conventional arms?

The answers were unsatisfactory. China did not agree to prenotification, so this issue is still unresolved. The second question has not been answered definitively. So

far, the other four countries have elected not to proceed without China, although they have met as four. Participants made the most progress on the third question; they drafted guidelines on weapons of mass destruction, though the guidelines are general, and lack any enforcement mechanism.

Update: June 1992 - April 1993

In September 1992, the Perm Five were expected to meet again. However, the Bush administration announcement of the U.S. sale of F-16 fighter aircraft to Taiwan gave China a pretext for stepping back from the talks. There is no official word on whether the Chinese have indicated any circumstances under which they would be willing to return. Soon after the announcement of the F-16 sale, the Chinese government said it "would find it difficult to stay in the meeting of the Five on arms control issues." According to a U.S. government official, China has withdrawn from the talks, but would certainly be welcome to return if it chose to do so.⁶

Representatives from Britain, France, Russia, and the United States met secretly in London late in 1992, but did not agree to proceed without China. U.S. participation in the process also slowed with the transition from President Bush to President Clinton.

⁶ Interview with U.S. government official, 2 April 1993.

PERM FIVE ARMS SALES: THE MYTH OF RESTRAINT

Since the Gulf War, rhetoric about arms transfer restraint has been drowned out by the announcements of major arms sales. This section describes sales the Perm Five have been actively pursuing during the last few months. This is not a complete list of transfers under consideration or in process. Even though this overview understates the magnitude of the arms trade, it gives a sense of its current dimensions.⁷

United States

There is no evidence of restraint on the part of the United States since the Gulf War. According to the U.S. Defense Security Assistance Agency, in FY 1990 the United States reached agreements valued at approximately \$14 billion in Foreign Military Sales. In FY 1991, U.S. agreements were worth approximately \$23 billion, with \$14 billion for Saudi Arabia alone. FY 1992 sales were about \$15 billion, with less than \$1 billion in agreements with Saudi Arabia (the \$9 billion F-15 sale will be in the FY 1993 totals).

U.S. contractors have been successful in soliciting foreign sales; press accounts

⁷ Ideally, analysts would be able to use current data on agreements and deliveries, and would be able to describe and assess total sales as well as sales of particular weapons systems. Unfortunately, such data are not currently available. The most detailed data on dollar value are provided by the U.S. Arms Control and Disarmament Agency, but the most current figures they have released are for 1989. The most detailed data on transfers to individual countries are provided by the Stockholm International Peace Research Institute, but SIPRI data only deal with transfers of major conventional weaponry, and their methodology for deriving weapons costs has little to do with the actual price charged. The U.N. arms register may eventually help solve some of these problems.

indicate the potential for this pattern to continue. For example, McDonnell Douglas is competing for F/A-18 sales. The company briefed the Malaysian defense ministry in early February on the possibility of the F/A-18 replacing Malaysia's F-5E fighters.⁸ McDonnell Douglas is also hoping to sell Kuwait 35 more F/A-18s, in addition to the 40 it has already decided to buy. They expect sales to increase further once the new F-18 single and F-18F two-seater are developed. Even the C/D model has a laser target designator to help delivery of precision guided munitions, a more powerful engine, and a new radar with faster data processing. McDonnell Douglas is also hoping for further F-15 sales, as well as sales of their Apache helicopters. Israel is expected to choose between the F/A-18 and the F-16; it is seeking an all-weather multi-role fighter, but cannot afford the F-15.⁹ McDonnell Douglas also predicts that it will sell approximately twice as many C-17s abroad as to the U.S. Air Force.

U.S. tank manufacturer General Dynamics is also actively seeking foreign sales. Saudi Arabia is potentially their largest foreign customer. The Saudis have contracted for up to 465 M1A2s.¹⁰ A General Dynamics Land Systems spokesperson said that Saudi Arabia might buy as many as 1500 M1A2s.¹¹ Kuwait has reportedly asked for

⁸ "McDonnell Douglas Counts on Hornet to Boost Foreign Sales," *Defense Daily*, 23 February 1993. In fact, such replacement is likely to represent a significant market for arms manufacturers in the next several years. For example, Saudi Arabia has approximately 100 aging F-5s in its air force.

⁹ "McDonnell Douglas Counts on Hornet to Boost Foreign Sales," *Defense Daily*, 23 February 1993.

¹⁰ "M1 Tank Production Alive Due to Foreign Sales," *Defense Marketing International*, 22 January 1993.

¹¹ Saudi Arabia has purchased 315 M1A2 tanks and has deferred 150 more. The spokesperson for General Dynamics Land Systems was quoted in Philip Finnegan, "Dust Settles After Furious Middle East Tank Sale Battle," *Defense News*, February 22-28, 1993. The stated Saudi requirement is for 700 tanks.

pricing and availability information for approximately 750 M1A2s. According to *Defense Daily*, in mid-February Kuwait signed a letter indicating its intent to buy more than 200 M1A2s.¹² The next step, a "Letter of Offer and Acceptance," is expected soon, although this may be slowed as a result of Kuwaiti financial difficulties. The \$4.5 billion package would represent approximately 40 percent of the anticipated cost of the entire 12 year Kuwaiti defense modernization plan.¹³ Sweden is considering purchasing approximately 200 tanks and is planning to decide on a supplier in 1994.¹⁴

Russia

The economic pressure to export is the most important factor affecting Russian arms transfers. President Yeltsin has reportedly decided to reduce the amount of bureaucracy involved in foreign arms sales. Arms sales are seen as a means of compensating for a reduction of about two-thirds in domestic weapons procurement. Russian Foreign Minister Kozyrev suggested to the U.S. government in late February that it should help ensure greater Russian access to overseas arms markets. In return,

¹² "UAE Picks Giat Tank over Entries from GD and Vickers," *Defense Daily*, 17 February 1993. At the end of his administration, President Bush notified Congress of his intent to sell Kuwait up to 256 M1A2s. Congress did not act to bar the sale, so the Clinton administration can finalize it if it chooses to do so.

¹³ Philip Finnegan, "Dust Settles After Furious Middle East Tank Sale Battle," *Defense News*, February 22-28, 1993. Members of the Kuwait parliament were concerned that the \$11.3 billion budget could be spent very quickly, leaving no funds for the later years of the plan. (Philip Finnegan, "Kuwaiti Weapon Funds Hang in Limbo," *Defense News*, February 15-21, 1993.)

¹⁴ "UAE Picks Giat Tank over Entries from GD and Vickers," *Defense Daily*, 17 February 1993. Sweden is completing trials of the Leclerc, M1A2, and Leopard 2 tanks. (Christopher F. Foss, "Swedish MBT contest moves a step ahead," *Jane's Defence Weekly*, 3 April 1993.)

Kozyrev said that the proceeds from such sales would be used for civilian purposes, primarily in converting military plants.¹⁵

In mid-January, Viktor Glukhikh, the Chair of the State Committee for the Defense Industry, said that Russia planned arms sales worth approximately \$4 billion in 1993, about the same as 1992.¹⁶ Russian news reports said that the principal buyers of Russian arms would be India, China, and Iran, and possibly Taiwan and Malaysia. Sales to Syria will probably decrease as a result of Russia's decision to stop providing concessionary terms.¹⁷ Most Cold War clients of the former Soviet Union are reluctant and/or unable to pay cash, so the market for Russian weapons is shrinking and is dominated by the few recipients with resources.¹⁸

Russia is considering some fairly intricate arrangements to gain foreign sales. For example, Malaysia may buy 24 to 30 MiG-29 fighter aircraft at \$12-\$20 million each.¹⁹ Malaysia may buy the jets from Russia, while obtaining parts and support from India.

¹⁵ John Lloyd, "Russia offers US arms sales deal," *Financial Times*, 16 February 1993.

¹⁶ "Russia Plans to Sell Arms Worth \$4 Billion in 1993," *Deutsche Presse Agentur*, 15 January 1993.

¹⁷ "Russian Arms Sales to Third World Nations to Increase," *Defense Marketing International*, 25 December 1992.

¹⁸ Countries that pay cash are demanding additional benefits. Few weapons purchases seem to be off the shelf; more and more, recipients are requiring the transfer of some manufacturing technology as well. This is probably a means of hedging against instability. For example, the ability to manufacture spare parts insures against potential interruptions of supply from Russia.

¹⁹ "Yeltsin Eases Arms Sales Rules," *Agence France Press*, 30 January 1993, reprinted by Radio Free Europe/Radio Liberty, 1 February 1993. Another story said the package included 18 MiG-29M fighters and Mi-35 combat helicopters, for a total cost of \$760 million. ("Russia - Malaysia Shows Interest in Buying Russian MiGs," *Russia/CIS Intelligence Report*, 6 March 1993.)

Malaysian Defense Minister Najib tun Razak said that India could assist with military training, logistics, and development of the Malaysian defense industry. He also said that Malaysia could offer its expertise in countering insurgency, but did not say how this expertise could be used.²⁰

Though it is selling to a small number of countries, Russia appears to be having some success in sales for cash or barter. In December, Russia announced the sale of \$1 billion of arms to China (including Su-27s, MiG-29s, transport aircraft, and anti-aircraft weapons), \$650 million to India (mostly fighters) and \$600 million to Iran.²¹ In addition to at least 24 Su-27s China has already bought, China is apparently considering the Su-27K version (for naval use) as well as MiG-31s.²² China once planned to buy a Varyag-class aircraft carrier from Ukraine. It now reportedly wants to purchase a Kiev-class cruiser from Russia which would be capable of carrying aircraft, an option that could be much cheaper than the Varyag.²³ In addition, Pakistan is reportedly considering large purchases of Russian weaponry to diversify its defense options, including Su-27 and MiG-29 fighter aircraft and tanks. This could be a threat in order to secure renewed

²⁰ "India - Commentary Views Defense Cooperation with Malaysia," *Middle East Intelligence Report*, 11 February 1993.

²¹ "Soviet Commonwealth," *For Your Eyes Only*, 21 December 1992.

²² "China - Plans to Buy Russian Missiles, Build Carriers," *China Intelligence Report*, 5 March 1993.

²³ "Russia - Official Denies Military Technology Cooperation with PRC," *Russia/CIS Intelligence Report*, 17 February 1993.

access to U.S. weapons or a real option.²⁴

China

China is more prominent as a buyer than a seller of advanced conventional weapons. Most weapons it sells are not as sophisticated as those of the other major suppliers. Much of the attention China has received in arms transfer discussions has been because of its willingness to sell ballistic missiles.

China may be buying MiG-29 fighters from Iran (which were flown there by Iraq during the Gulf War) to help them develop a modernized version of their Jian-7 (J-7) fighter. Iran may have already delivered some of the fighter aircraft in 1992, reportedly in exchange for missile technology and a nuclear power station.²⁵ Another source indicates that China has already signed a contract to build two 300-megawatt nuclear power stations in Iran.²⁶ In turn, China may have licensed assembly and manufacture of their fighters to Pakistan.²⁷

²⁴ "Pakistan - Government Considering Buying Russian Arms," *Middle East Intelligence Report*, 26 January 1993.

²⁵ "China Buys Iraqi MiGs From Iran, Western Diplomats Say," *Asian Political News*, 11 January 1993.

²⁶ "China Signs Deal to Build Nuclear Power Plants in Iran," *Asian Political News*, 1 March 1993, reprinted from a 22 February 1993 Xinhua News Agency account.

²⁷ "United Arab Emirates - Pakistan Gets License to Assemble Chinese Planes," *Middle East Intelligence Report*, 22 February 1993.

China also may be using Patriot technology to upgrade SAMs of Soviet design. China reportedly wants to use the improved missiles to increase its Third World market share for these systems. They are apparently using this technology on SA-10 and SA-12 SAMs.²⁸

United Kingdom

The United Kingdom's major hope for future arms sales is Al Yamamah II, a package of arms for Saudi Arabia that was agreed to in 1988. The package includes Tornado aircraft, minehunters, jet trainers, helicopters, and a variety of other utility and support equipment. However, key parts of the package, such as the sale of Tornado aircraft, are just beginning to move forward. The Tornado deal is valued at roughly \$6 billion to \$8 billion, not including anticipated follow-on orders for spare parts and additional equipment.²⁹

At almost the same time that Saudi Arabia decided to move forward with the Tornado purchase, Oman ordered 18 Challenger tanks with a possibility of 18 more in a follow-on contract. This may increase Vickers' competitiveness for follow-on Saudi tank sales. This sale may also increase the likelihood that Britain will be primarily

²⁸ "China Exploiting Patriot Technology for Missiles," *Aviation Week and Space Technology*, 18 January 1993.

²⁹ Paul Betts, "Hat Trick for British Aerospace," *Financial Times*, 30-31 January 1993.

responsible for building a new air base at As-Sulayyil, south of Riyadh.³⁰

France

In 1991, French arms sales were worth 34.2 billion FFr, or around \$6 billion. The frigates sold to Taiwan accounted for almost a third of the 1991 sales (10 billion FFr).³¹ According to the Defense Ministry, France sold weapons worth around \$8.8 billion (50 billion FFr) in 1992. A 1992 deal with Taiwan accounted for most of this total; it was worth approximately \$6.5 billion. The package included 60 Mirage 2000-5 fighters, as well as electronic systems and missiles.³² The increase in sales from 1991 to 1992 was almost 50 percent.

This trend seems to be continuing; in the first three months of 1993, France has already concluded orders worth \$4.4 billion, half the total for all of 1992.³³ The major sale so far in 1993 is the sale of 390 Leclerc main battle tanks to the United Arab Emirates, a deal valued at roughly \$3.5 billion. Giat apparently offered offsets to the UAE that are worth 60 percent of the purchase price. As part of the deal, France is also

³⁰ "Middle East: Britain Signs Multi-Billion Dollar Arms Deal," *Inter Press Service International News*, 29 January 1993.

³¹ "Paris Registers Leap in Arms Exports in 1992," *Deutsche Presse Agentur*, 16 February 1993.

³² "Paris Registers Leap in Arms Exports in 1992," *Deutsche Presse Agentur*, 16 February 1993. Another source indicated that the sale includes 1000 Mica and Magic II missiles. ("France: Arms Sale to Taiwan May Be Part of 'Underground' Trade War," *Inter Press Service*, 25 November 1992.)

³³ J.A.C. Lewis, "Joxe confirms Horizon before departure," *Jane's Defence Weekly*, 20 March 1993.

selling 46 armored vehicles. The tanks will be based in Abu Dhabi, which has also received 50 Russian BMP-3 infantry vehicles.³⁴

RISKS OF CURRENT ARMS SALES PATTERNS

The performance of the Perm Five with respect to arms transfer restraint has been extremely disappointing. U.S. failure to exercise leadership has been cited as a precedent for sales by other participants in the talks, especially Russia. The Perm Five risk several negative consequences if they fail to restrain arms sales:

Arms races

The traditional model of an arms race is that acquisition of a new capability by one country (through development or purchase) leads other countries to seek the same or compensating capability. In 1992, the Bush administration justified requests from Saudi Arabia for U.S. arms in part as a response to Russian transfers to Iran; Israeli requests for more weapons quickly followed the Saudi requests. While the Middle East has been a traditional area of concern, there is also danger of a regional arms race in Asia with potential for costly buildups, transfer of technology, and significant increases in the risk of war. Because many Asian countries have substantial cash reserves, funding arms transfers is generally not a burden. Countries are also gaining access to

³⁴ "UAE Picks Giat Tank over Entries from GD and Vickers," *Defense Daily*, 17 February 1993. See also "Abu Dhabi fields UAE's Leclercs and ARVs," *Jane's Defence Weekly*, 27 February 1993.

current generation weapons technology, in many cases through coproduction and codevelopment agreements.³⁵

In addition, many recent sales are only the first step for countries that actually want many more weapons than current sales might indicate. For example, Kuwait has already purchased 40 F-18 fighter aircraft and 256 M1A2 tanks from the United States. During the next five years, it plans to buy as many as 35 additional F-18s, 30 AH-64 Apache attack helicopters, 36 Blackhawk helicopters, 450 Patriot missiles, 1,500 TOW-2 anti-tank missiles, 120 Sparrow air-to-air missiles, and 126 Commando armored vehicles.³⁶

Continued industry dependence on foreign sales

One sale also tends to lead to others for an individual manufacturer, increasing and perpetuating dependence on foreign sales.³⁷ For example, the McDonnell Douglas

³⁵ In general, developing countries have been content to receive weapons and instruction in their use. Industrialized country recipients are much more likely to demand access to the technology necessary to reproduce the weapons. The potential costs of such access include creating the next generation of competitors and risking loss of control over the technology. The United States is already experiencing this problem as it codevelops the FSX fighter aircraft with Japan. Japan has developed roughly 50 of the approximately 200 subsystems for the FSX, and is attempting to restrict U.S. access to these subsystems. (George Leopold and Naoaki Usui, "U.S. Presses Japan On FSX Access," *Defense News*, March 8-14, 1993.)

³⁶ Thalif Deen, "Disarmament: Western Nations Stand to Benefit from Gulf Conflict," *Inter Press Service International News*, 18 January 1993.

³⁷ Ironically, the overall economic effects of such arrangements are not always clear. For example, France agreed to sell Mistral anti-aircraft missiles worth \$135 million to Austria, but also agreed to buy \$360 million in Austrian products in exchange for the missile purchase. ("Europe: NATO, Albania, Austria, Belgium, Britain, France, Germany, Hungary, Sweden, Turkey," *For Your Eyes Only*, 15 February 1993.)

F/A-18 sale to Finland has improved the contractor's chances elsewhere. Contractors also are using potential future sales as a justification for current sales to their own countries' militaries, arguing that if they can just keep the lines open for a while, foreign sales will then sustain production.³⁸

Failure to retain "technological overmatch"

One of the most dangerous patterns in recent arms transfers is that countries have been selling abroad the top of the line weaponry that is being procured for their own forces at the same time. The United States is doing this with a variety of systems, including the M1A2 tank and F-15, F-16, and F-18 fighter aircraft. France has agreed to sell the same version of its Leclerc tank to the United Arab Emirates that will be deployed with French forces.³⁹ This gives up the technological advantage ("technological overmatch") that the U.S. Department of Defense said was critical to coalition success during the Gulf War.

IMPLICATIONS AND RECOMMENDATIONS

Thus far, the prospects for limiting the global diffusion of military technology are

³⁸ This argument has been prominent in the current debate over when to cancel production of F-16 fighter aircraft for U.S. forces. See "USAF Works to Estimate Cost to Extend FY-93 Deliveries of F-16," *Inside the Air Force*, March 26, 1993.

³⁹ Philip Finnegan, "Dust Settles After Furious Middle East Tank Sale Battle," *Defense News*, February 22-28, 1993.

not encouraging. The rhetoric of restraint after the Gulf War has not produced results; current contract negotiations do not support supplier claims of interest in arms restraint. The measures that have been agreed to, such as the Perm Five guidelines, are subjective, and could be used to justify virtually any arms transfer. With decreasing domestic demand, economic pressures to export are increasingly powerful. Russia's argument that the United States should help it gain access to overseas weapons markets so Russia can use part of the proceeds for conversion is especially disturbing.

In the short term, the best prospects for success lie with the major suppliers, so the recommendations below focus on the Perm Five and Germany. In the long term, restraint is not viable without recipient participation.

The Perm Five should begin by showing that they take transparency issues seriously. They should work with U.N. experts to prepare and implement a common format for annual publication of *detailed* data on their military production, procurement and deployment. Both suppliers and recipients need to increase transparency, and should release details about arms transfers in time for full consideration.

Suppliers need to link regional negotiations and arms transfer limits, instead of expanding transfers after peace negotiations are concluded, as has occurred in the past. They should also link aid to arms transfer restraint and to full participation in the U.N. arms register.

In turn, recipients should pursue regional confidence- and security-building measures to decrease the demand for weapons. The agreement on Conventional Armed Forces in Europe and the confidence-building measures of the Conference on Security and Cooperation in Europe are good models.

Current negotiations over a world-wide ban on chemical and biological weapons do not discriminate against countries lacking these capabilities, since everyone would renounce possession of those weapons. Supporters of arms transfer restraint should consider other weapons, such as land mines, for which a world-wide ban could be proposed.

Perhaps the best way for suppliers to indicate their commitment to restraint would be to revitalize the Perm Five negotiations. Several options are possible, including: convincing China to rejoin the talks, proceeding as four, or substituting Germany for China.

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RECENT INITIATIVES TO CONTROL THE ARMSTRADE

BASIC Report 92.3

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INTRODUCTION

In the year since the Persian Gulf War, the arms trade has assumed a prominent place on the international agenda. With Saddam Hussein's continued belligerence and the memory of Iraq's massive imported arsenal in mind, political leaders have been forced to speak out. Communiques, declarations and proposals have been circulating in record volume. These statements, however, have had no appreciable impact on weapons exports.

Economic and political considerations have undercut the best of stated intentions. Both in the U.S. and abroad, the arms trade has been linked to the question of employment--as declining defense budgets and domestic recessions overshadow national security considerations. Supplier nations have also had difficulty fending off the requests of friends and allies--especially those in the Middle East. For many of these countries the lesson of the Gulf War was the importance of having a modern fighting force.

Legislatures in most exporting countries are discussing reforms. As the following country listings indicate, many nations are revising--and in most cases strengthening--their export controls. Without the political will to enforce these statutes, however, they will be meaningless.

Many international organizations have also taken initial steps. The Organization of American States, the United Nations, NATO, the EC, and the CSCE are among those groups whose actions are described below. The most active current political process is a set of talks among the five permanent members of the U.N. Security Council. Because the five nations--the U.S., Britain, China, France and Russia--account for over 85% of the world's major conventional arms exports, these talks hold the most promise. Unfortunately, it has become clear that the five are reluctant to take action that would actually curtail their sales.

- * This summary, current as of 19 June 1992, is meant to serve as a resource. An emphasis is placed on primary sources. Any omissions in this piece are simply due to lack of information--we welcome any information you could provide us about the actions to control the arms trade taken by countries or international organizations. We are particularly interested in broadening the scope, by including more about actions taken in developing countries. We view this work as ongoing, and will update within the next several months.
- * We have identified paragraphs added since the March 1992 version with an asterisk (*).

POLICIES

ARGENTINA

*On 9 April 1992, Argentine President Carlos S. Menem issued a decree military exports. The agency concerned has been renamed the "National Commission for the Control of Sensitive and War Material Exports." Previous applications for licenses will be considered on a case by case basis, in keeping with the Argentine goal of preventing the proliferation of weapons of mass destruction and the spread of nuclear technology. The Commission will follow guidelines outlined in the Missile Technology Control Regime and the comprehensive safeguards agreement with the International Atomic Energy Agency. (Decree No. 603 (unofficial translation) 15 June 1992)

*Since the Falklands/Malvinas conflict, Argentina has been prevented from importing sensitive technologies from the United States, Great Britain and other countries. Mr. di Tella, the foreign minister said, "The new controls would mean that Argentina could be taken off an international blacklist of 'unreliable' countries, allowing it to import advanced technologies like supercomputers." (Financial Times, 29 April 1992)

The presidents of Argentina and Brazil issued a joint declaration on 14 February 1992 in Buenos Aires outlining the steps the countries have taken to control nuclear proliferation. They stated that these agreements "show the deep and shared desire to consolidate Latin America and the Caribbean as an area free of nuclear weapons". ("Joint Declaration of Presidents Carlos Saul Menem...and Fernando Color de Melo...(unofficial translation)," 14 February 1992)

On 18 July 1991 the two countries reached an agreement in Guadalajara for the exclusive peaceful use of nuclear energy, which states, "The Parties undertake...to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in: a) The testing, use, manufacture, production or acquisition by any means of any nuclear weapon; and b) The receipt, storage, installation, deployment or any other form of possession of any nuclear weapon." ("Agreement Between the Argentine Republic and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy (Unofficial Translation)," 18 July 1991)

On 5 September 1991 Argentina, Brazil, and Chile agreed "not to develop or produce or acquire by any means, not to storage [sic] or retain, not to directly or indirectly transfer and not to use biological or chemical weapons." They supported the establishment of the chemical weapons convention,

and expressed their intention to "establish in their respective countries the appropriate mechanisms for an adequate supervision of the...precursors of chemical war." Since it was issued, Uruguay, Bolivia and Paraguay have adopted the declaration. ("Joint Declaration on the Complete Prohibition of Chemical and Biological Weapons, Compromise of Mendoza (unofficial translation)," 5 September 1991)

Argentina agreed to transfer control of the Condor II missile program to a civilian space agency, at the urging of the U.S, thus ensuring the program would be subject to international safeguards. (Financial Times, 11 February 1992)

AUSTRALIA

*Australian Defence Minister Senator Robert Ray, speaking to defense industrialists in advance of the Australian International Defense Equipment Exhibition, AIDEX '92, told them that arms exports are crucial to Australia's defense-industrial base. Ray also said, "The benefits of that export market will serve to directly benefit the Australian people. If we cannot export we would be forced into the situation of having to import defence goods and, as a result, compromise self-reliance." (JDW, 23 November 1991)

In 1988 the Australian Labor government set a goal of doubling the country's military exports to A\$500 million per year. Although the Minister of Defense issued a statement during the Gulf War on the need to control international arms sales, Australia hosted a major arms fair in November, the International Defense Equipment Exhibition (AIDEX '91). (Peace News, London, January 1992)

On May 8, 1991 a Senate enquiry into military transfers from Australia was established, at the urging of Senator Janet Powell, leader of the Australian Democrats. The enquiry is being conducted by the Senate Standing Committee on Foreign Affairs, Defence and Trade.

The enquiry is evaluating "The adequacy with which Australia's policy and guidelines for controlling military transfers safeguard Australia's defence, security and international relations." The definition of "military transfers" includes military aid and illegal arms exports as well as legitimate export sales. It further covers the transfer of military services as well as goods. (Richard Bolt, Researcher for Senator Janet Powell)

*The possibility of a federal election in late 1992 or early 1993 may mandate an interruption of the Senate enquiry. Therefore, a meeting will be held in

2-3 weeks to decide whether to proceed with the enquiry or wait until after the election. (Interview with Jean Valentine from the Australian embassy in Washington, D.C., 19 June 1992)

In addition, Australia's existing guidelines for defense exports have been strengthened to include consideration of the following four foreign policy criteria: 1) whether Australia's "foreign policy and trade interests could be adversely affected by the reactions of third countries;" 2) "where the proposed country of destination is involved in internal or external conflicts or there is a state of tension which indicates conflict is likely;" 3) "where exports could potentially contribute to destabilisation in the region concerned;" and 4) "where the country is acquiring non-conventional weaponry in contravention of Australia's non-proliferation interests." These guidelines are intended to represent a "clear...and unambiguous statement of the government's concern to ensure that important strategic, external policy and human rights considerations are not prejudiced by the defence exports policy." (Senator Gareth Evans, in the Australian Senate, 3 June 1991. File No. 558/11/1)

BELGIUM

The Belgian government collapsed in September 1991, in part due to its arms trade policy. Although general elections were held last November, it took until 13 March 1992 to form a new government--a coalition very similar to the one that fell last year. Because of this political instability, the arms trade issue has not yet been revisited.

The Belgian parliament approved a new law which requires licenses for both buyers and sellers of arms, munitions and other materials used for military purposes, and related technology. It calls for a "negative list," which will identify prohibited items. The law requires sanctions in an effort to strengthen its impact. The new law was passed by the Senate on 2 July 1991 and by the Chamber of Representatives on 13 July 1991. (Correspondence from the Belgian Embassy, Washington, D.C., 30 July 1991)

The action taken by the Belgian parliament is significant because Belgium has often been criticized for its weak policies in controlling the arms trade. Though the new law has weaknesses, especially in terms of dual-use technology, it represents a positive step.

BRAZIL

Brazil signed with Chile and Argentina on 5 September 1991 a declaration banning chemical and biological weapons. Brazil has also been working

with Argentina to create a nuclear weapons free zone in the region (See Argentina entry for more information).

BULGARIA

*In May 1992, Bulgarian Legal Developments reported that the Bulgarian Council of Ministers had recently established the Governmental Commission to Regulate and Control the Regime of Manufacturing and Trade in Military and Specialized Products. Bulgaria has long been accused of supplying arms to terrorist regimes. This alleged supply system was established under the secret services, and was not subject to governmental or citizen control. The new government is dedicated to vast changes in its security and foreign policies, which requires strict new controls on military trade.

*"The purpose of the Commission is to:

- control trade in military and special products [special products are defined as military technologies and materials, scientific know-how, and services oriented toward production, use and repair of military equipment, plus all commodities under control of the Ministry of Interior];
- establish a system that meets international standards;
- further international cooperation;
- register all transactions in military and special products."

*Both government and private enterprises producing military goods must undergo scrutiny by the Commission. A license for trading in military merchandise is valid for one year and may be revoked. Those companies which are actually engaged in export must also have an Import-Export Certificate from the Commission. To apply for the Certificate, the party interested must include an end-user statement. Exports from Bulgaria must have prior permission of the licensor. The recipient must guarantee that it is licensed to trade in military goods, and that it will not re-export those products without explicit permission of the exporter.

*Soon, Bulgaria will adopt regulations on dual-use technology, in the hopes of being eligible for COCOM consideration as Poland, Hungary, and Czechoslovakia have done. (Bulgarian Legal Developments, May 1992)

A Bulgarian diplomat in Washington said that on 28 January 1992 the government issued a decree (formally known as "Decree 18") which became effective on 7 February, establishing rules for the operations of the government commission for controlling trade of military and special products, including non-military explosives. (Declaration of the Ministry of Foreign Affairs of the Republic of

Bulgaria, 6 June 1991) In another step to control arms transfers, on 5 March 1992, Bulgarian Prime Minister Philip Dimitrov said that Bulgaria will halt arms exports to the Middle East and other "risky areas" and is making plans to convert its armaments industry. Bulgaria has been selling weapons (most of which were made under Soviet license) to countries including the Congo, Cuba, Syria and Israel. Its main exports have been light weapons, armored personnel carriers and armored cars. (The Washington Times, 6 March 1992)

CANADA

*In the fall of 1991 the House of Commons Sub-Committee on Arms Exports began the first public review of Canada's arms export policy. While it is unlikely that Canada's comparatively restrictive laws will be altered, the export guidelines are being interpreted more flexibly. The committee met a number of times through fall 1991, and in an extension of its original mandate, continues to meet. The subcommittee has informally reformulated its original mandate as follows: "to study and report on Canadian exports of military goods, defence production policies, the conversion of Canadian defence industries to civilian use and the provisions of the Export and Imports Permits Act and related regulations. We aim to develop a set of principles and recommendations to government to guide Canadian defence production and future involvement in exports of defence goods." (Letter from the Sub-Committee to groups interested in participating in the review, December 1991) To address concerns about the relationship between arms exports and jobs, the committee has commissioned research on economic conversion and is exploring the attitudes of defense companies toward diversification and arms exports.

*The parliamentary review was announced after concerns were expressed over Bill C-6, which the House of Commons passed 21 June 1991. The bill altered the Criminal Code to allow exports of automatic weapons. As a complementary action, alterations to the Export and Import Permits Act called for the creation of a new Automatic Firearms Country Control List. The list will include only those countries that have bilateral agreements with Canada on defense, research, development and production. The government agreed to halt further export of automatic weapons outside of Europe pending the results of the review. (Barometer, The Canadian Centre for Arms Control and Disarmament, Summer 1991) Bill C-6 grew out of industry lobbying for a formal legislative change to clear the way for a sale and to help protect a product line. Critics are alarmed at what they see as a move to chip away at the integrity of Canada's traditionally restrictive arms export policy. (John M. Lamb,

Testimony before the Sub-Committee on Canadian Arms Exports, 12 December 1991)

Canada also introduced a resolution at the June 1991 meeting of the Organization of American States (OAS) to increase transparency and to prevent proliferation and conventional arms build-ups. (See OAS entry for more information)

In a major speech in February 1991, Canadian Prime Minister Brian Mulroney put forward a proposal for a world summit on instruments of war and weapons of mass destruction. The speech was a catalyst for some of the later actions taken by international organizations during the last year--including the OAS, the UN and the G-7. One Canadian official stated that although the summit idea is "not likely to happen," it could be revived if the international climate changes. (See chart for summary of Mulroney's proposal)

As another tangible result of Mulroney's call, Canada initiated the establishment of an ad hoc group of mid- to senior-level bureaucrats from approximately fifteen nations who first met in New York in fall 1991. This group is discussing a wide range of issues, including: technology transfer, proliferation, and other issues which may have affect the Non-Proliferation Treaty (NPT) review conference in 1995. The meetings, which are not publicized and include a diverse mix of countries from the North, South, East and West, are scheduled to continue regularly. Donald Sinclair, the Canadian representative to the United Nations experts' study on arms transfers said in an interview that these meetings are intended to be a "freewheeling discussion group" since "one of the problems with the arms control forums that exist is their rigidity."

*One study found that between 1988 and 1990, more than 40 percent of the Third World recipients of Canadian military commodities were countries identified as engaged in the "frequent use of official violence against the public" as defined by Sivard. And one-third of the Third World recipients of Canadian military commodities were involved in "armed conflicts" as defined by SIPRI. (Ploughshares Briefing 91/1, "Leaky Arms Export Guidelines") Canadian policy does not currently specifically prohibit military transfers to countries regarded as persistent human rights violators. (Briefing to the External Affairs and International Trade Subcommittee on Canada's Military Export Control Policy, Canadian Council of Churches, 12 March 1992)

CHILE

*Chile spends 10 percent of its copper revenues (approximately \$300 million) on building up its

military. At the recent Chilean 1992 International Air and Space Show, military contractors were vying for a \$200 million order for a new generation of fighter jets. Any of the companies competing for the contract would provide a level of modern weaponry which does not exist anywhere else in Latin America. As Mr. Rosenda Fraga, one of Argentina's top military analysts observed, "Everyone wants the most sophisticated weapon, whether they need it or not." (New York Times, 5 April 1992)

*The United States has accused Carlos Cardoen, a weapons manufacturer in Chile of illegally importing zirconium. Cardoen then allegedly used the zirconium to make 29,000 cluster bombs which it then sold to Iraq during the mid-1980s in a deal purported to exceed \$200 million. The only illegal aspect of the transaction would be the documents which may have been falsified to facilitate the shipment to Chile. (Washington Post, 7 April 1992)

On 5 September 1991 Chile signed, with Brazil and Argentina, a declaration banning chemical and biological weapons. (See Argentina entry for more information)

CHINA

*According to a document entitled "Chinese controls on Conventional Arms Transfers," from the Chinese embassy in Washington, D.C.:

"China abides by three principles in connection with conventional arms exports:

1. Arms exports must be conducive to legitimate self-defense of the recipient State;
2. They must not undermine regional peace, security and stability;
3. They are not used to interfere in the internal affairs of the recipient State."

*The mechanism for control of arms exports is encompassed in the State Commission for Arms Export Administration (SCFAEA). SCFAEA is charged with administering arms exports, which entails determining laws, regulation and policy. The members include senior officials from the Foreign Ministry, the Ministry of Foreign Economic Relations and Trade, the General Chiefs of Staff, and the State Commission for Defense Science and Technology. The organization in charge of handling operations under the auspices of the SCFAEA is the State Arms Export Administration (SAEA).

*Contracts for sales must be approved by either the government authorized agencies or by government-approved registered companies. The SCFAEA reviews any export of major weapons systems. The sale must then be approved by the State Council and the Central Military Commission. Exports of

conventional weapons then pass through a licensing system. If a contract is approved, the appropriate agencies and companies apply to the SAEA for an export license. The license indicates the recipient, the exporter, the serial number of the contract, destination, loading port, and the kind, amount and value of the arms. Customs verifies the details of each shipment. Persons or companies who export arms without government approval are liable. (Correspondence from the Chinese Embassy, Washington, D.C., 16 June 1992)

On 29 December 1991, the Standing Committee of the National People's Congress endorsed the Government's decision to join the Nuclear Non-Proliferation Treaty. The Chinese Government acceded to the Nuclear Non-Proliferation Treaty in March 1992 and it has declared its readiness to follow the Missile Technology Control Regime guidelines and parameters currently in force. (Correspondence from the Chinese Embassy, Washington, D.C., 16 March 1992)

*Pressure for China to stop selling weapons to Third World countries has been countered by the volume of sales that the U.S. and the other permanent five members have continued to sell to countries in the Middle East. China, in grave need of hard currency, will likely continue to sell missiles and other weapon systems to countries such as Syria, Pakistan and Algeria. (JDW, 21 December 1991)

*Chinese Foreign Minister Qian Qichen expressed China's strong opposition to Taiwan's purchase of fighter planes from France. Qian stated that if the sale did go through, Chinese/Taiwanese relations would be undermined. Qian expressed his hope that France would refuse complete the deal, following the example of Germany and the Netherlands. (Xinhua, 24 March 1992)

*A Chinese decision to purchase an aircraft carrier from Ukraine has prompted Taiwan to warn that the sale could aggravate political and military tensions between the two countries. The purchase of its first aircraft carrier could enable China to patrol the South China Sea, which could be perceived as a threat to Taiwan, which remains legally at war with China. (Periscope, 16 June 1992)

There has been continued international criticism as China intends to proceed with missile sales contracted before it agreed to abide by the Missile Technology Control Regime last November. China has an M-11 missile agreement with Pakistan, and an agreement with Syria to develop the intermediate range M-9 missile. (Defense News, 16 March 1992)

China and the U.S. have repeatedly been at odds with one another over China's arms trade policy, especially regarding ballistic missiles. The U.S.

Congress tried unsuccessfully to link Chinese proliferation and human rights records with the granting of Most-Favored Nation status (see U.S. entry for more details). Chinese Prime Minister Li Peng summed up China's view by stating, "It is universally known that the United States is the largest weapons-exporting country; perhaps you should show greater concern about how the United States sells its weapons to other countries." (Xinhua, in FBIS, CHI-91-131, 7 July 1991. Quoted in Proliferation Watch, July-August 1991)

Vice Foreign Minister Liu Huaqiu is quoted as saying, "China always stands for complete and thorough destruction of nuclear, chemical and biological weapons as well as for prevention of the proliferation of such weapons of mass destruction." (FBIS, CHI-91-131, 7/9/91. Quoted in Proliferation Watch, July-August 1991)

CZECH AND SLOVAK FEDERAL REPUBLIC

*A list of countries to which arms exports are prohibited or require explicit government permission was published by a Czechoslovak TV station. The listing includes Armenia, Azerbaijan, Burma, Cuba, Iran, Libya, North Korea, Palestinian organizations, South Africa, Syria and republics of the former Yugoslavia. (RFE/R1 Daily Rep., 13 May 1992)

*Czechoslovakia indicated on 31 March 1992 that it shipped arms to Peru, despite its status as "risky" according to the Foreign Ministry. However, it disputed the charge that a Czech government commission approved the export of tanks to Pakistan, and re-exported MiG-29 and Sukhoi aircraft from Russia to Pakistan. Deputy Foreign Minister Martin Palous stated "that arms trade with that country [Pakistan] had ended." (RFE/R1 Daily Rep., 1 April 1992)

*After the Soviet Union, Czechoslovakia was the biggest producer of conventional weapons in the former communist bloc. The federal authorities are attempting to limit production, stop exports, and convert weapons facilities for civilian use. However, the attempts at change were blocked by parliamentarians worried about the impact of cutting back their primary source of income. The Slovak deputies resisted adoption of a constitutional amendment which outlined strict conditions for the import and export of arms and drugs. Parliament's rejection of the legislation opens the way for arms dealers working "in a virtually unfettered market." (London Financial Times, 11 March 1992)

*In Czechoslovakia, as in most countries, the politics of jobs wins out over the consideration of a military production drawdown. Mr. Vladimir Meciar [who

won a substantial mandate in June's general elections] has vowed to support the military industry. (London Financial Times, 11 March 1992)

The widely debated CSFR sale of over 250 T-72 tanks to Syria continues to go forward, despite recent difficulties with German and Danish authorities over the shipment of the tanks. President Vaclav Havel claims his government will honor the contract, but he hopes "it is the last contract of its kind." (Inter Press Service, 7 February 1992)

Due to international pressures over the tank sale to Syria, on 9 October 1991 the CSFR banned all deliveries of heavy conventional arms to the Middle East, pending the results of the Mideast peace conference. These deliveries were restarted in January 1992. The U.S. expressed its objections to the sale in summer 1991, but has not publicly condemned the deliveries since the recent Czech decision to go forward.

It is unclear at this point whether the CSFR will reach new agreements with other Middle Eastern states. As one source at the U.S. Department of State said, "We're keeping an eye on it, and I think everyone should." The economic pressures--especially from the Slovak region--could prove greater than the will to stop exports.

A weekly Czech magazine reported that the arms trade produced almost eight percent of Czechoslovakia's gross national product in recent years. Czech arms exports between 1984 and 1988 totalled \$5.7 billion. The main Czech arms buyers before 1989 were the Soviet Union, Libya, Iraq, Syria, Algeria and Cuba. Arms exports to most of these nations have been discontinued. (IPS/Rudolf Prevratil, 7 February 1992)

FRANCE

Defence Minister Pierre Joxe spoke before the Defense Commission of the National Assembly. He stated that France will export arms to help pay for part of its defense budget. Most of the defense industry is centrally owned, so money from exports will return to the government and could be used to fund the defense budget. Joxe has opposed the level of defense spending. He now says arms exports have a "strategic as well as economic importance." (Defense Daily, 8 July 1991)

France has decided to sign the 1968 Non-Proliferation Treaty, after observing the provisions since the 1970s, changing de Gaulle's stance of not wishing to interfere with developing countries' procurement of defence technology. Jack Lang, the government spokesman, said "the cabinet approved a draft law to ratify the treaty in line with President

Francois Mitterand's call for a global arms control programme." (The Independent, 28 January 1992)

GERMANY

*The Seventh Act to Amend the Foreign Trade and Payments Act (FTPA) which became effective on 7 March 1992 was the final step in reform of German export controls. It tightens up the export of dual-use technology on several levels:

*A. Act to amend the Foreign Trade and Payments Act

*1. Stricter penalties

"...violations of the export prohibitions and licensing requirements in the Foreign Trade and Payments Act have been placed under penalty and are no longer prosecuted merely as administrative offenses. Of relevance here are violations by exporting goods on the weapons, ammunitions, and arms equipment list, the nuclear energy list, and the list for chemical and biological agent facilities."

*"The penal framework contained in the new provisions amounts to a 2-15 year prison sentence."

*2. Authorizing Intervention in Individual Cases

A new provision authorizes the Economics Minister in some cases that are not licensed, to limit external trade and monetary transactions, which are thought to endanger the security of Germany. This change allows the government to act in cases in which some countries have consistently attempted to obtain sensitive goods or technologies from the FRG.

*3. The Authorization of the Customs Investigative Institute to Tap Phones

This amendment to the Act allows the Customs Investigative Institute to examine the postal and telephone exchanges between companies and individuals if such monitoring is warranted, and other means of investigation have failed.

*4. Confiscation of Illicit Earnings

Under this new provision, the authorities may confiscate the gross earnings of a violator without regard to the incurred costs of the offender.

*B. Act establishing a Federal Export Office
Effective 1 April 1992 a Federal Export Office will be established as an independent superior federal authority.

*This Office shall be responsible for licensing and other such tasks for exports. (Outline on the Act to amend the Foreign Trade and Payments Act and on the Act establishing a Federal Export Office, Correspondence form the German embassy, Washington, D.C., 16 June 1992)

*The German government reported on the implications of the changes in the Foreign Trade and Payments Act and the Act establishing a Federal Export Office. Following are some excerpts explaining more fully some of the sections of the FTPA.

*Stricter legal framework for exports

This aspect of the reform necessitates infringement upon the freedom of foreign trade. "These include preventive monitoring options and stringent sanctions for illegal acts as well as a comprehensive catalogue of restrictions and other means of intervention in the event of suspected military use."

*Higher penalties and sanctions

"To date, Germany is the only country to have introduced such stringent penalties for offences committed abroad and for violations of UN Security Council embargoes."

For further enforcement the Federal Government requires that private companies must appoint an "exports officer," who is "personally responsible" to make sure that the company does not violate the FTPA.

*"Preventive monitoring options"

As outlined above, in order to uncover violations, the FTPA empowers the Customs Criminological Institute to "encroach upon the basic right of postal and telecommunications privacy, on the basis of a court order and under parliamentary supervision, as soon as prima facie evidence of criminal offence planning is available." The federal government places the prevention of export of dual-use technology above the individual right to privacy. Past experience demonstrates that internal monitoring is necessary to stop illegal exports; external intelligence is insufficient.

*Further restrictions and possibilities of intervention
Further licensing requirements have been introduced on the following goods which may have a civilian/military application:

--machine tools and other types of machinery,
--flat-bed trucks suitable for transporting armored vehicles,
--machine units with missile and uranium enrichment applications,
--all the precursors of chemical warfare agents proposed by the Australia Group,
--civilian systems which could be misused to manufacture chemical or biological weapons."

*Furthermore, an overriding clause indicates that "all goods are subject to authorization if the exporter is aware of their being used in arms production in the recipient state."

*The Federal Government has listed countries in

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