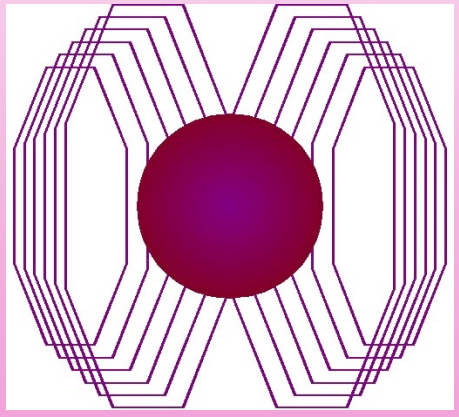

THE TWENTY FIFTH ANNUAL REPORT OF

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

REPORT PERIOD:
1 APRIL 2018 TO 31 MARCH 2019

FOREWORD BY THE COUNCIL CHAIRPERSON

Since the adoption of its Principles and Objectives for Nuclear Non-Proliferation and Disarmament document at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, South Africa has continued on an upward trajectory of promoting disarmament and non-proliferation policies the world over. This document led to the indefinite existence of the Treaty and hastened the completion and adoption of the Comprehensive Nuclear-Test-Ban Treaty language.

During the past financial year, the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council) fulfilled its mandate to control strategic goods and technology that could be used for the proliferation of weapons of mass destruction through the implementation of the non-proliferation legislation and government policy on non-proliferation.

The Council, expertly assisted by its Committees and Secretariat, has ensured that all appropriate non-proliferation controls have been implemented, thereby assisting South Africa to continue promoting peaceful application of advanced goods and technologies in the nuclear, biological, chemical and missile fields. The dual use nature of these advanced goods and technologies can be used to hamper progress of less developed countries under the pretext of non-proliferation, hence South Africa continues to lobby against the use of international regulatory framework as a tool to deny developing world access to such technologies whilst firmly advocating against weapons of mass destruction.

The terms of office of this Council from 2012 to 2019 encompassed certain key non-proliferation developments nationally and internationally. This includes the endorsement of the Council as the South African National Authority to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 2013; the Chemical Weapons Convention reaching near universalisation with 193 States Parties and the Organisation for the Prohibition for Chemical Weapons (OPCW) winning the Nobel Peace Prize “For its extensive efforts to eliminate chemical weapons” in 2013; the Joint Comprehensive Plan of Action (JCPOA) reached by the P5+1 in 2015; the Treaty on the Prohibition of Nuclear Weapons, or the Nuclear Weapons Ban Treaty being opened for signature in 2017; thereby prompting continuous research on how best to align the domestic non-proliferation legislation with developments internationally.

The non-proliferation of weapons of mass destruction subject is an old worldwide agenda but the Council has increasingly noted the importance of promoting training whether locally or internationally, to keep participants abreast of the changes in the dynamic world of non-proliferation. During the financial year under consideration, the Council again hosted the annual Analytical Skills Development Course and the Assistance and Protection Courses aimed at capacitating African States Parties with the necessary skills required to promote their objectives in terms of the Chemical Weapons Convention. An additional international workshop was also

hosted in conjunction with the Implementation Support Unit of the Biological and Toxins Weapons Convention; and the Third On-Site Inspection Training Cycle Advanced Course under the CTBT. The importance of the CTBT course was underlined by the presence of the Executive Secretary of the Preparatory Commission of the CTBT Organisation, Dr Lassina Zerbo, who also paid a courteous visit to Minister (Dr) Rob Davies and to the Council for Geoscience Chief Executive Officer, Mr Mosa Mabuza.

The Council implements South Africa's non-proliferation obligations *inter alia* through the permit system for the import, transit and export of controlled items, which was applied through a comprehensive risk assessment and evaluation process of applications received, and in conjunction with the other government entities and departments. Further, the Council also liaised with the Minister of Energy through the Department of Energy on applications for authorisations relating to the import, export and transport of source material, special nuclear material, restricted material and nuclear-related equipment and material as per the consultation process stipulated in the Nuclear Energy Act, 1999 (Act No. 46 of 1999).

As our term comes to a close, we are grateful for the support we received from the Council Committee members, the Non-Proliferation Secretariat, the Ministry of Trade and Industry and other stakeholders. Their support has been immense and may it continue with the next Council.

Mr Tseliso Maqubela
Council Chairperson

OVERVIEW BY THE HEAD OF THE COUNCIL SECRETARIAT

the dti envisions a dynamic industrial, globally competitive South African economy, built on the full potential of all citizens. To achieve that, **the dti** has identified creating a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner as part of its strategic objectives. This is also reflected in how non-proliferation obligations are implemented in South Africa. South Africa has decided to adopt positions supporting the non-proliferation of weapons of mass destruction with the goal of promoting international peace and security, but ensure that these controls do not deny developing countries access to advanced technologies required for peaceful purposes and their developmental needs.

The Secretariat to the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council) has continued to play an effective supportive role to the Council, which allows the Council to discharge its mandate efficiently. During the period under review, the Secretariat continued to work together with the Council and its Committees to contribute to the goal of promoting South Africa as a reliable and responsible supplier, recipient, producer and end user of sensitive goods and technologies with the international goal of achieving a world free of weapons of mass destruction.

The review of the non-proliferation primary legislation to analyse the global non-proliferation context in terms of the developments in control policies and practices, changes in the conventions treaties and regimes, international best practice and increasing security risks has resulted in the Secretariat conducting further research into the current implementation of controls. Options for more effective implementation of the international obligations and the national legislation are continuously being considered. Changes to the secondary legislation have however been promulgated in the period under review and five updated Government Notices relating to biological, chemical, nuclear dual use and missile technology related items were promulgated on 29 March 2019, to ensure that the non-proliferation legislation implemented by the Council fulfils international requirements.

The Secretariat works collaboratively with other stakeholders on non-proliferation related matters. As such, during 2018, there has been increased engagements with the Financial Intelligence Centre as well as the banking institutions due to preparations for South Africa's Mutual Evaluation by the Financial Action Task Force (FATF) on counter-proliferation financing. The Secretariat also engaged with South Africa Revenue Services (SARS) under the Memorandum of Understanding and further assisted SARS to comply with requirements of the Operation Cosmo 2 under the World Customs Organisation (WCO) Strategic Trade Commodity Enforcement by providing data on trade in strategic goods. Cosmo 2 is an Operation of the WCO aimed at curbing the illicit trade in chemical, biological, nuclear, radiological weapons and its delivery systems.

Over the reporting period, the Secretariat implemented an intensive outreach plan, which included visits to individual companies as well as focussed sessions for different sectors of industry. Outreach is continuous and includes technical as well as compliance officials to ensure that industry is provided with a comprehensive, yet understandable overview of the controls.

It is anticipated that the online permit system, which is due to be launched within the next few months, would provide industry with a seamless mechanism to submit applications for registration with the Council and apply for permits for the import, transit and export of controlled goods and technologies. It is the Secretariat's hope that this system would work efficiently and eliminate the need for industry to deliver applications or supporting documents to the Secretariat offices for processing.

The successful hosting of various courses and workshops during the period under review, in conjunction with the Organisation for the Prohibition for Chemical Weapons, the Implementation Support Unit of the Biological and Toxin Weapons Convention, the Provisional Technical Secretariat of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) Organisation promoted capacity building for African States Parties and other international training activities.

The Non-Proliferation Secretariat has been studying and researching implications of the local non-proliferation and arms control legislation on trade and provided propositions to **the dti** for consideration and engagement with other government stakeholders. The suggestions are meant to enable South Africa to facilitate trade of strategic goods whilst maintaining South Africa non-proliferation obligations. This was done through engagements within **the dti** and other stakeholder departments through the executive leadership of **the dti**. This would be intensified as the Non-Proliferation Secretariat continues with its research to unlock the economic benefits brought by the non-proliferation and arms control legislation implementation.

There has been closer cooperation between the International Trade and Economic Development Division bilateral desks and the Non-Proliferation Secretariat, which has provided these desks with knowledge of how non-proliferation and security impacts on their core function of negotiating bilateral agreements with other countries. Therefore, I would like to thank **the dti**, Council and Council Committee members, my colleagues at the Non-Proliferation Secretariat, and other government stakeholders for their support and inputs on the work of the Non-Proliferation Secretariat.

Ms Melanie Reddiar
Chief Director: Non-Proliferation Secretariat

TERMINOLOGY USED IN THIS REPORT

"Weapon of mass destruction" (WMD), as defined in the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), means any weapon designed to kill, harm or infect people, animals or plants through the effects of a nuclear explosion or the toxic properties of a chemical warfare agent or the infectious or toxic properties of a biological warfare agent, and includes a delivery system exclusively designed, adapted or intended to deliver such weapons.

The term "goods", when used in this document, includes any technology, data, technical assistance, services, software, processes, activities, facilities, substances, materials, items, equipment, components, assemblies or systems, whether produced in the Republic or imported into the Republic.

"Person(s)", when used in this document, refers to a natural person who is a citizen of / or is permanently resident in South Africa, a juristic person registered or incorporated in South Africa or any foreign person located in South Africa or otherwise subject to the jurisdiction of South Africa. Groups and other entities are also deemed to be person(s).

Abbreviations: See Annexure 3 for a list of abbreviations used in the Report.

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EXECUTIVE SUMMARY

This twenty fifth annual report of the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council) is presented to the Minister of Trade and Industry in terms of Section 25(1) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) (Non-Proliferation Act) and covers the period 1 April 2018 to 31 March 2019.

The Council effectively fulfilled its mandate to control the non-proliferation of weapons of mass destruction through the implementation of the Non-Proliferation Act and government policy on non-proliferation. The Council, through the Non-Proliferation Secretariat, achieved its object of controlling, registering and inspecting controlled goods and verified the manufacture, import, export, re-export, transit (including trans-shipment) and end use of controlled goods. The Council also ensured compliance with the international treaties, agreements and conventions to which South Africa is a Party.

During the report period, the Council has engaged with other stakeholders to protect the interests, carry out the responsibilities and fulfil the obligations of South Africa with regard to the non-proliferation of weapons of mass destruction as prescribed by the Non-Proliferation Act. This was achieved through maintenance of a Memorandum of Understanding with the South African Revenue Service, Service Level Agreements with specialised entities, Council Committees, and outreach to industry and other government agencies.

The task team established to consider the review of the non-proliferation legislation has conducted its task and presented the report to the Steering Committee. The secondary legislation has been updated and published on 29 March 2019. This was done through 5 government notices and cuts across all the areas of control within the ambit of the Council, *viz.* the biological, chemical, and nuclear and their delivery systems.

The Council, through the Secretariat, submitted declarations timeously, and hosted international inspectors whose reports indicated that South Africa abides by its international obligations. There were also visits by international organisations for laboratory certification, training interventions and workshops.

The current Council, whose mandate has been extended until 30 June 2019, has initiated the skills audit of its Committees and the Secretariat. This is done to ensure that the incoming Council is assisted by adequately skilled officials in this dynamic world of non-proliferation. **the dti** has initiated the appointment of the new Council, which is envisaged to take over from 01 July 2019.

The officials of the Non-Proliferation Secretariat participated in international meetings in order to fulfil the State's obligations and hosted several training interventions in an effort to enhance capacity building in Africa.

PART A: GENERAL INFORMATION

POLICY
South Africa's Policy on the Non-Proliferation of Weapons of Mass Destruction

South Africa has committed itself to democracy, sustainable development, social justice and environmental protection since 1994. In keeping with this commitment, the Government adopted a policy to include the promotion of global peace and security through the elimination and non-proliferation of weapons of mass destruction. A primary goal of this policy is to reinforce and promote South Africa as a responsible producer, possessor and trader of advanced goods and technologies in the nuclear, biological, chemical and missile fields. In doing so, South Africa promotes the benefits which disarmament, non-proliferation and arms control hold for international peace and security.

In order to implement a clear policy of the non-proliferation of weapons of mass destruction, the South African Cabinet adopted the non-proliferation and arms control policy in August 1994, based on South Africa's national interests, legislation, as well as its international commitments and obligations.

The policy states that South Africa shall:

- be an active participant in the various non-proliferation regimes and suppliers groups;
- publicly adopt positions supporting the non-proliferation of weapons of mass destruction with the goal of promoting international peace and security;
- use its position as a member of the suppliers' regimes and of the Africa Group and the Non-Aligned Movement to promote the importance of non-proliferation and to ensure that these controls do not deny developing countries access to advanced technologies required for peaceful purposes and their developmental needs.

LEGISLATION
South African Legislation on the Non-Proliferation of Weapons of Mass Destruction

The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) (Non-Proliferation Act), as amended in 1995 and 1996, was promulgated to provide for control over weapons of mass destruction; to establish a Council to control and manage matters relating to the proliferation of such weapons in South Africa; to determine its objects and functions; to prescribe the manner in which it is to be managed and controlled; and to provide for matters connected therewith.

The Non-Proliferation Act is supported by Government Notices and Regulations. Details of controlled goods and activities have been promulgated in Government Notices based on applicable international legally binding instruments and commitments made in terms of the various export control regimes and conventions.

Other South African Legislation related to the Non-Proliferation of Weapons of Mass Destruction is listed in Annexure 1.

Due to the changes in the international non-proliferation environment with regard to control requirements and best practices, the Council has regularly undertaken a comprehensive review of its domestic legislation. As such, in the 2018/19 financial year, the Council and **the dti** published the updated Government Notices to include the changes that have been adopted internationally over the last three years to ensure continued alignment with international standards.

International control regimes provide guidelines for transfers of controlled items for implementation in line with domestic legislation of participants. As South Africa participates in these regimes, the updated Government Notices reference these transfer guidelines to ensure similar transfer processes as agreed at internationally.

Controlled Goods

The Minister of Trade and Industry, through publication of Government Notices and Regulations in Government Gazettes, has enabled the specific obligations of South Africa regarding non-proliferation to be addressed by imposing controls on certain technologies, goods and activities. Through these measures, South Africa complies with the requirements of the various international non-proliferation conventions, treaties and control regimes, to which it is party.

A complete list of current Government Notices and Regulations defining controlled goods is given in Annexure 1.

PART B: GOVERNANCE

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

Establishment of the Council

The South African Council for the Non-Proliferation of Weapons of Mass Destruction is established in terms of Section 4 of the Non-Proliferation Act and is accountable to the Minister of Trade and Industry.

Objects of the Council

The objects of the Council are, *inter alia*, to control, register and inspect controlled goods, and to verify the manufacture, import, export, re-export, transit (including trans-shipment) and end-use of those controlled goods.

Functions of the Council

In terms of Section 6 of the Non-Proliferation Act, the Council shall, *inter alia*:

- protect the interests, carry out the responsibilities and fulfil the obligations of South Africa with regard to non-proliferation, on behalf of the State;
- advise the Minister with regard to any matter which it deems necessary and which falls within the purview of the Non-Proliferation Act; and
- control and manage all activities relating to non-proliferation and provide guidance, instructions and information in connection therewith.

Membership of the Council

The Minister of Trade and Industry, in terms of Section 4(2) of the Non-Proliferation Act, appoints the members of the Council. The Minister appointed members of the current Council from 15 September 2012 for a period of 5 years until 14 September 2017. The Council Chairperson was appointed on 16 November 2012 for a period of five years until 15 November 2017. At the beginning of 2017, the Minister then initiated the process for appointment of the new Council by engaging with counterparts for designations as prescribed by the legislation. Due to the delay in receiving designations by the end of the term of the Council in September 2017, Minister decided to extend the term of the Council until 30 June 2018, to allow those Ministers that had not responded to provide designations.

In June 2018, Minister extended the term of the Council for a further six months from 1 July 2018 to 31 December 2018 and again from 1 January 2019 to 30 June 2019. On 27 March 2019, Cabinet considered and approved the appointment of the new Council for a period of 5 years from 1 July 2019 to 30 June 2024.

Two members resigned from the Council on 22 May 2014, and 13 December 2016. As a result, the biological and chemical industry has since not been represented on the Council. Furthermore, there was a change in personnel with regards to the representative from **the dti**, with a new designate being appointed to the Council from 14 September 2017.

A list of the members that were appointed to the Council for the period under review is provided in Annexure 2.

Meetings of the Council

The Council held regular meetings to plan and deliberate on non-proliferation related issues; to assess the activities of its Committees and the Secretariat, and to consider *inter alia* permit applications received from industry.

Committees of the Council

The Committees of the Council, listed below, were established in terms of Section 10 of the Non-Proliferation Act; to advise the Council on specific technical issues. The Committees' engagements are guided by Council approved Constitutions and Terms of Reference, Memorandum of Understanding (MoU) and Service Level Agreements (SLA). Regular meetings were held during the reporting period, with quarterly reports provided in line with the SLA requirements.

During this report period, the four Committees, on the directive of the Council, considered their current skills compliment relative to their mandates. The report thereof is currently under consideration by Council with only two Committees found to be adequately capacitated.

Non-Proliferation Control Committee (CC)

The CC considered applications for permits and authorisations, and discussed other related non-proliferation issues which formed part of its advice and recommendations to the Council on such matters.

The CC consisted of experts from the Non-Proliferation Secretariat (NPS), the Department of International Relations and Cooperation (DIRCO), the Chief Directorate of Conventional Arms Control (CDCAC) of the Secretariat for Defence, the South African Nuclear Energy Corporation (NECSA) Safeguards Division, the State Security Agency (SSA), Defence Intelligence (DI), and the Department of Energy (DoE).

Chemical Weapons Working Committee (CWWC)

The CWWC deliberated issues related to the Chemical Weapons Convention (CWC) and advised the Council on the implementation thereof. Guidance was also given to the South African delegation attending the Conference of States Parties to the CWC.

The CWWC consisted of experts from the Council, the NPS, Protechnik Laboratories, (a division of Armscor SOC Limited), DIRCO, SSA, and South African National Defence Force (SANDF): the Office of the Surgeon-General and co-opted members.

Biological Weapons Working Committee (BWWC)

The BWWC advised the Council on issues related to the implementation of the Biological and Toxin Weapons Convention (BTWC). Guidance was also given to the South African delegation attending the Meeting of Experts and Meeting of the States Parties to the BTWC.

The BWWC consisted of experts from the Council and various stakeholders involved in biological-related controls, production, and use. These included the NPS, South African National Defence Force (SANDF): the Office of the Surgeon-General, Protechnik Laboratories (a division of Armscor SOC Limited), DIRCO, National Institute for Communicable Diseases, Department of Agriculture, Forestry and Fisheries, Department of Health, The Agricultural Research Council, Academy of Science of South Africa and co-opted members.

Nuclear and Missile Dual-Use Committee (NMDUC)

The NMDUC advised the Council on nuclear related dual-use and missile related issues, with emphasis on import, export and transit of nuclear dual-use and missile dual-use goods across South African borders. Technical issues, as requested by the Council, were discussed. Delegations to international meetings of the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR) were advised on negotiation positions.

Delegations to international meetings of the CTBTO Working Group A and Working Group B were advised on negotiation positions.

The CTBT CC consisted of officials from the NPS, NECSA, DIRCO and the Council for Geoscience (CGS). Furthermore, Council approved the participation of additional members from DI, SSA, DoE and Department of Environmental Affairs. Nominations have been requested from these additional institutions.

Non-Proliferation Review Committee (NPRC)

In 2004, the Council instituted a comprehensive review of all non-proliferation policy, guidelines, legislation, control mechanisms, processes and procedures, infrastructure and human resources in order to maintain alignment of South African controls with national interests and international obligations and best-practice. This mandate was assigned to the NPRC.

The work undertaken by the NPRC was subsequently guided by an Inter-Departmental Non-Proliferation, Disarmament and Arms Control Workshop, convened by DIRCO in February 2005. It was integrated with the work of the Non-Proliferation and Arms Control Working Committee, convened by DIRCO, that continued to be responsible for South Africa's obligations in terms of the United Nations Security Council Resolution 1540 adopted in April 2004.

During the 2012-2013 financial year, the NPRC completed the comprehensive review of South Africa's non-proliferation legislation, mechanisms, processes, procedures and structures in order to ensure that the South African non-proliferation controls remained aligned to national interests and international commitments and best practices.

In September 2017, **the dti** requested the Development Committee of the Justice, Crime Prevention and Security (JCPS) Cluster to consider recommending to Cabinet that **the dti** undertakes a review of non-proliferation of weapons of mass destruction controls in South Africa and that an Inter-Ministerial Committee (IMC) be established in order to acquire Ministerial inputs regarding the review.

The Development Committee of the JCPS Cluster noted that the nuclear non-proliferation controls are divided between the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council) and the Department of Energy. The Development Committee therefore indicated that before such a request was presented to Cabinet, engagement should be initiated between the Minister of Trade and Industry and the Minister of Energy to discuss the division in the controls. This would avoid the matter being referred back to the Ministers after being tabled in Cabinet.

The Development Committee indicated that such a review may be undertaken and the results presented to Cabinet for consideration instead of requesting approval from Cabinet for the review to be undertaken.

The Development Committee further noted that the review of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) had been initiated in 2005 and indicated that such information, including the status thereof, should be included in future documentation to be presented to the JCPS Cluster in preparation for presentation to Cabinet.

During the 2018-2019 financial year, a task team was established by the Deputy Director-General: Nuclear Energy at the Department of Energy (DoE) and Deputy Director-General: International Trade and Economic Development at the Department of Trade and Industry (**the dti**) to conduct a review of the South African controls on the non-proliferation of weapons of mass destruction. A report compiled by the task team is currently under consideration by the both Deputy Directors General.

Non-Proliferation Secretariat/South African Revenue Services Coordinating Committee (NPS/SARS CC)

The NPS/SARS CC was formed in terms of the MoU signed between the Department of Trade and Industry and the South African Revenue Service. The Committee dealt with implementing the MoU, negotiated the SLA and the Standard Operating Procedures and facilitated the enforcement of the non-proliferation legislation related to the movement of controlled goods through South Africa's international trade borders.

The NPS/SARS CC consisted of participants from NPS, SARS, DoE, SSA, and DIRCO.

Comprehensive Nuclear Test-Ban Treaty Coordinating Committee (CTBT CC)

The CTBT CC advised the Council on matters related to the implementation of the Comprehensive Nuclear-Test-Ban Treaty in South Africa; construction of stations and laboratories within the Comprehensive Nuclear Test Ban Treaty Organisation's (CTBTO's) International Monitoring System (IMS); integration of the station(s) into the CTBTO's Global Communications Infrastructure (GCI); and certification of all CTBTO infrastructure in the country.

The CTBT CC consisted of officials from the NPS, NECSA, DIRCO and the Council for Geoscience (CGS). Furthermore, Council approved the participation of additional members from DI, SSA, DoE and Department of Environmental Affairs. Nominations have been requested from these additional institutions.

Protechnik Laboratories Programme Management Committee (PL PMC)

The PL PMC was formed in terms of the Service Level Agreement between the Department of Trade and Industry and Protechnik Laboratories (a division of Armscor SOC Limited). The PL PMC provided oversight on the implementation of the Service Level Agreement and executed all tasks required to ensure that South Africa fulfilled its obligations in terms of the Chemical Weapons Convention (CWC).

The PL PMC consisted of experts from the NPS, Protechnik Laboratories, South African National Defence Force (SANDF): the Office of the Surgeon-General, and Armscor SOC Limited.

Council for Geoscience Project Management Committee (CGS PMC)

The CGS PMC was formed in terms of the Service Level Agreement between the Department of Trade and Industry and the Council for Geoscience (CGS). The CGS PMC oversaw the implementation of the Service Level Agreement and executed all tasks required to ensure that South Africa fulfilled its obligations in terms of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO).

The PMC consisted of officials from the NPS, DIRCO and CGS.

Chemical Weapons Related Analytical Laboratory Services

In order to effectively discharge its obligations under the CWC, South Africa continued to utilise the services of a specialised laboratory capable of performing advanced analytical procedures to enable detection and identification of chemical weapons-related chemicals and their degradation products.

The renewal of the Service Level Agreement (SLA) with Protechnik Laboratories (a division of Armscor SOC Limited), South Africa's Single Small Scale Facility (SSSF), enabled the provision of the above laboratory services. This also supplemented CWC compliance and allowed the laboratory to be maintained. The SLA, which was valid from April 2013 to March 2017, was renewed for five years from 1 April 2017 to 31 March 2022.

Comprehensive Nuclear-Test-Ban Treaty Organisation Related Services

South Africa signed and ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 1996 and 1999 respectively. The Council has been designated as the National Authority to the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) thereby ensuring the implementation of the CTBT obligations in South Africa.

In order to help in the monitoring of possible treaty violations, such as nuclear explosion/tests after the Comprehensive Nuclear-Test-Ban Treaty comes into force, South Africa continues to host several monitoring stations within its territory on behalf of CTBTO.

The Department of Trade and Industry (**the dti)** on behalf of the Council has concluded a Service Level Agreement (SLA) with the Council for Geoscience (CGS) to assist with the maintenance of the waveform stations, i.e. Infrasound (IS47) in Boshoff, Primary Seismic (PS39) in Boshoff, Auxiliary Seismic (AS99) in Sutherland and Auxiliary Seismic (AS35-SANAE) in Antarctica.

The SLA, which was valid from 1 April 2013 to March 2016, was renewed for five years from 1 April 2016 to 31 March 2021.

Non-Proliferation Control Structure

Due to the multi-faceted nature of non-proliferation controls and the overlapping of non-proliferation legislation in South Africa, the Council continued to depend on the cooperation and collaboration with other Government departments and entities to fulfil its mandate.

An organogram illustrating the organisational structure of the Council is provided in Annexure 4. This further illustrates the relationship with the other Government departments and institutions through the Committees of the Council.

PART C: PERFORMANCE

COUNCIL ACTIVITIES RELATED TO ITS ROLE AS NATIONAL CONTROL AUTHORITY

Council Activities related to International Cooperation

As part of South Africa's obligations in terms of the international conventions, treaties and regimes, officials from the NPS participated in a number of international meetings in order to deliberate on the control measures, lists of controlled goods and other issues relating to international implementation of the various obligations.

The officials used the meetings to advance South Africa's policy on non-proliferation through the presentation of position papers whilst ensuring regulation is not used to deny developing countries access to technology.

Nuclear Suppliers Group

The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports.

The NSG arranged the following meetings during the report period:

- The NSG Technical Experts Group, Informal Meeting, Industry Outreach and Consultative Group Meetings that were held from 09 to 13 April 2018 in Vienna, Austria; and

- The NSG Plenary Meeting that was held from 09 to 17 June 2018 in Jurmala, Latvia and the Wassenaar Arrangement Experts Group Technical Working Group that was held from 11 to 15 June 2018 in Vienna, Austria.

Missile Technology Control Regime

The Missile Technology Control Regime (MTCR) is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned (delivery) systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation.

The MTCR arranged the following meeting during the report period:

- The Joint Missile Technology Control Regime-Wassenaar Arrangement Experts Level Meeting that was held from 18 to 22 June 2018 in Vienna, Austria.

Comprehensive Nuclear-Test-Ban Treaty Organisation

The Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) is an international organization that will be established upon the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, a Convention that outlaws nuclear test explosions. The organization will be tasked with verifying the ban on nuclear tests and will therefore operate a worldwide monitoring system and may conduct on-site inspections.

The CTBTO arranged the following meetings during the report period:

- The 51st CTBTO Working Group B meeting that was held from 25 August to 09 September 2018 in Vienna, Austria;

- The technical training for Public Key Infrastructure Operators for Radionuclide and Waveform stations that was held from 01 to 05 October 2018 in Vienna, Austria; and

- The 52nd CTBTO Working Group B meeting that was held from 29 March to 05 April 2018 in Vienna, Austria.

Organisation for the Prohibition of Chemical Weapons

The Organisation for the Prohibition of Chemical Weapons (OPCW) is an intergovernmental organisation that promotes and verifies the adherence to the Chemical Weapons Convention (CWC) which prohibits the use of chemical weapons and requires their destruction. The verification consists both of evaluation of declarations by member states and on-site inspections.

The OPCW arranged the following meetings during the report period:

- The 4th Special Session of the Conference of States Parties (Fourth Review Conference) to the Chemical Weapons Convention (CWC) that was held from 21 to 30 November 2018 in The Hague, The Netherlands;
- The 16th Regional Meeting of National Authorities of African States Parties to the Chemical Weapons Convention (CWC) that was held from 17 to 23 June 2018 in Marrakesh, Morocco;
- The 21st Annual Meeting of National Authorities of States Parties to the Chemical Weapons Convention (CWC) that was held from 06 to 08 November 2018 in The Hague, The Netherlands;
- The 22nd Session of the Conference of States Parties to the Chemical Weapons Convention (CWC) that was held from 19 to 20 November 2018 in The Hague, The Netherlands; and
- The General Training Course on the Chemical Weapons Convention (CWC) for the personnel of National Authorities and Relevant Stakeholders that was held from 19 to 20 November 2018 in The Hague, The Netherlands.

Biological and Toxin Weapons Convention

The Biological and Toxin Weapons Convention (BTWC) was the first multilateral disarmament treaty banning the production of an entire category of weapons. States Parties to the treaty serve as the decision making body on the implementation of the convention.

The following BTWC related meeting was convened during the report period:

- The Biological and Toxin Weapons Convention Meeting of Experts Parties that was held from 07 to 16 August 2018 in Geneva, Switzerland.

Other non-proliferation activities-related meetings and courses

Other non-proliferation related meetings and courses that were convened during the report period included:

- The Strategic Export Control Division (SECDIV) International Seminar on Strategic Export Control Meeting that was held from 07 to 11 May 2018 in Islamabad, Pakistan;
- The Annual Conference on Export Controls and Policy (Bureau of Industry and Security Annual Update Conference) that was held from 14 to 16 May 2018 in Washington DC, the United States of America (USA); and
- The Strategic Export Controls and Related Border Security Workshop that was held from 04 to 07 March 2019 in Dar es Salaam, Tanzania.

Non-Proliferation capacity building activities and workshops held in South Africa

Various training courses and workshop were held in order to enhance capacity in Africa and worldwide with regard to the implementation of the Chemical Weapons Convention, Biological and Toxin Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty. The following training courses and workshop were held during the report period:

- The Tenth Analytical Chemistry Course under the programme to strengthen cooperation in Africa that was held from 07 to 18 May 2018 at Protechnik Laboratories (a division of Armscor SOC Limited) in Centurion, South Africa. Participants were trained in sample preparation, basic analytical techniques and the use of certain laboratory equipment required for the analysis of toxic chemicals.
- The Regional Workshop on Science and Technology for States Parties from the Sub-Saharan African region of the Biological and Toxin Weapons Convention that was held from 25 to 26 July 2018 in Pretoria, South Africa. The objective of the workshop was to encourage regional dialogue on BTWC-related scientific and technological developments while at the same time raising awareness about the scientific developments among the scientific and academic community in the Sub-Saharan African region.
- The Seventh Assistance and Protection Course for instructors for African States Parties to the CWC was held from 13 to 24 August 2018 in Tshwane, South Africa. This course was provided for selected specialists from participating countries in the region (Southern Africa). Only participants dealing with the emergency response and protection against chemical weapons and toxic industrial chemicals attended.

The course covered theoretical and practical training on the usage of individual and collective protective clothing, monitoring, detection and decontamination techniques, as well as the handling of casualties after a chemical incident. In addition, a manual on Joint Management of Incidents involving Hazardous Chemical Agents was provided to the participants.

- The On-Site Inspection (OSI) Advance Course of the Third Training Cycle (AC-3TC) Course and the Ground and Airborne Visual Observation Course under project 4.1 of the OSI action plan for 2016-2019 that was held from 07 to 26 October 2018 at Denel Overberg Test Range near Arniston, Western Cape, South Africa. The objectives of the courses were to prepare trainees for inspection activities within an integrated, harmonious and efficient OSI team and to reorient the trainees from their daily expertise to OSI focused expertise.

Council Activities related to National Cooperation in respect of Non-Proliferation

Inter-Governmental cooperation was achieved through the representation of the relevant stakeholder Departments and Agencies on the Council and the various Committees of Council.

Certain exports, imports and transit of goods required the approval of the Council, South African Police Service (SAPS) as well as the National Conventional Arms Control Committee (NCACC). The NPS actively participated in the meetings of the committees of the NCACC and the SAPS Export Scrutiny Committee, while the CDCAC also participated in meetings of the CC.

The Nuclear Energy Act, 1999 (Act No. 46 of 1999) requires that the Minister of Energy must consult with the Council on the transfer of nuclear materials, equipment and technology and on any matter affecting the proliferation of weapons of mass destruction in terms of Sections 33(2)(e), 34(2)(a) and 35(2).

The coordinating structure to ensure consultation between the Council and the Minister of Energy with regard to nuclear exports and imports was maintained. Representatives from the DoE participated in the Council, the NMDUC, NPS/SARS CC as well as the CC meetings. Furthermore, the Council has approved the participation of DoE on the CTBT CC.

Recommendations for the transfer of nuclear materials

Evaluation of nuclear transfer applications were performed in conjunction with other government stakeholders. This is part of the process where the Minister of Energy considered import and export authorisation applications for the transfer of nuclear materials, equipment and technology.

In terms of the evaluation of applications for nuclear authorisations, all imports of Scheduled items and exports of Schedule I and II items were considered and recommended by the CC directly to the Council Chairperson for signature. All exports of Schedule III and IV items were considered and recommended by the CC to the Council for further consideration before a recommendation could be issued to the Minister of Energy.

During the reporting period, the Council and the Control Committee:

- Considered 65 import and 28 export authorisation applications.
- Made recommendations on 64 import and 28 export authorisations to the Minister of Energy.

One import authorisation application was for an item that is not controlled under the Nuclear Energy Act, 1996 (Act No. 46 of 1999) and its supporting government notice.

Registration of persons involved in activities related to Non-Proliferation

Section 13(3) of the Non-Proliferation Act requires that any person who is in control of any activity with regard to controlled goods or who has in his or her possession or custody, or under his or her control, controlled goods shall register with the Council.

Furthermore, the Government Notice No. R.16 of 3 February 2010 prescribes the manner in which persons in control of any activity with regard to controlled goods or who have controlled goods in their possession or custody or under their control should register with the Council.

The information on all registered persons was recorded and the necessary security measures were maintained to protect the confidentiality of the information contained in the Register.

During the period of the report, 44 persons applied for new registration, and 101 renewed their registrations, which brought the total number of persons registered with the Council under the new registration format to 479 as at 31 March 2018.

Permits

Control over the transfer (import, export, re-export or transit including trans-shipment) of controlled goods is regulated through a permit system. Persons wishing to manufacture and provide services or transfer controlled goods apply to the Council for authority to do so, thereby maintaining South Africa's position on responsible trade.

The permit system allows for persons to apply for six different types of permits as follows:

- Individual Permits;
- Open Multiple Permits;
- Issue on Request Permits;
- Transit Permits;

- Provisional Export Guidance; and
- Manufacturing and Services Permits.

These different types of permits allow for the person transferring the controlled goods to choose the type that suits the operational requirements of the applicant.

An Individual Permit allows for a single consignment to a single destination / end user for fixed quantity of items with a validity period of three months.

An Open Multiple Permit allows for multiple consignments to a single destination / end user for a fixed total quantity of items with a validity period of one year. This type of permit allows the applicant more flexibility in terms of dates of shipments and dividing the total quantity approved over multiple consignments. Open Multiple Permits are the preferred option for transactions such as the maintenance and supply of goods that are subject to a pre-approved contractual agreement.

An Issue on Request Permit allows for an applicant to obtain approval for a total quantity of items and subsequently individual permit requests may be sent to the NPS each time the applicant wishes to transfer a consignment of the approved export or import. An individual permit is then issued for a single consignment, to a single destination / end user for a portion of the total quantity of items with a validity period of three months. This type of permit is also used by the Council to control the export of sensitive items as the applicant would have to inform the NPS of each intended transfer before a permit was issued. The system can also be used for a client who requires an Open Multiple Permit but is not aware or sure of the exact date of commencement of the approved shipments.

The Provisional Export Guidance Request Process continued to be widely utilised by persons to obtain guidance from the Council on whether an export could be considered at a later stage, before contracts or agreements were concluded with potential customers abroad.

The Manufacturing and Services permit is for certain goods and technology, which have a higher proliferation risk compared to other controlled items. Since 3 February 2010, persons in possession or custody or control or manufacturing certain controlled goods had to apply to the Council for Manufacturing and Services permits.

A Transit permit is used in respect of goods in transit or being trans-shipped through the territory of the Republic of South Africa. It allows for a single consignment from a single origin / supplier to a single destination / end user for fixed quantity of items with a validity period of three months.

All permit applications received during the period of the report were, on receipt, registered by the NPS.

The CC considered all permit applications and, after evaluation, made recommendations to Council, which then decided whether to approve the application, to request further information or to deny the application.

Over a period of three financial years, there has been a gradual increase in a number of applications received, with exports and provisional export guidance requests showing a decline in the financial year 2017/2018. Exports have shown a growth of 25.96% year-on-year between 2017/2018 financial year and 2018/2019 financial year, as compared to a decline of 21.87% between 2016/2017 financial year and 2017/2018 financial year.

	FY 2016/2017	FY 2017/2018	FY 2018/2019	Total
Imports	73	84	91	**157**
Exports	96	77	104	**173**
Transit	0	0	1	**1**
Sub-Total	**169**	**161**	**196**	

Table 1: Total of the permit applications received per financial year

Chemical trade continues to grow based on both the import and export permit application statistics and figures below with the missile related exports also growing, which is line with the appetite shown for South African delivery systems related technologies. This might increase further, if the positive guidance requests provided by Council in the report period are followed up with export permit applications by industry.

The growth in chemical trade is also anticipated to continue as most regional countries' economies continue an upward trajectory. Although some of the chemicals are manufactured in South Africa for both local and export markets, Triethanolamine, which is an ingredient for production of construction products, domestic detergents and cosmetics, is not locally produced. The available statistics indicates that most South African importers of the product, are procuring it for re-export into the regional market hence the growth in both import and export statistics.

Imports of biological-related items are not controlled in terms of the Non-Proliferation Act hence only export statistics are reflected. However, companies involved in the import of these items are required to be registered with the Council.

During the reporting period:

- The Council received 97 import, 104 export and 1 transit permit applications.
- The total number of exports and imports increased as compared to the previous reporting period.

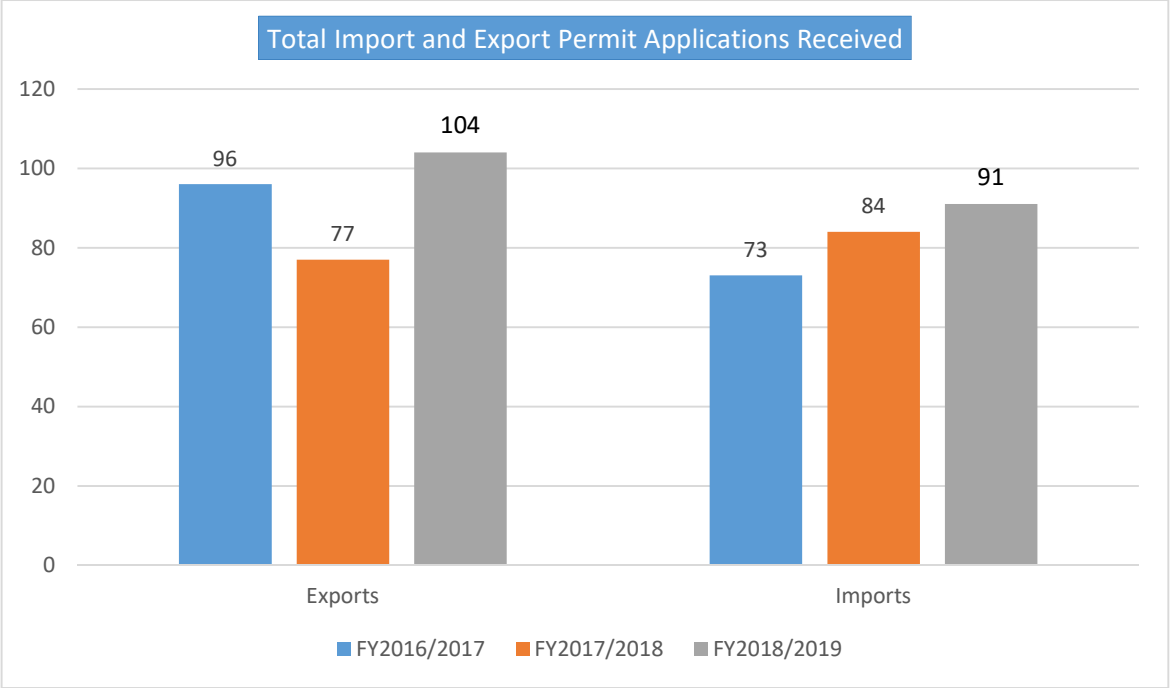


Figure 1: Total of import and export permit applications per financial year

During the reporting period:

- The number of export permit applications increased by 27 as compared to the previous reporting period.
- The highest number of permit applications received was for exports (104).

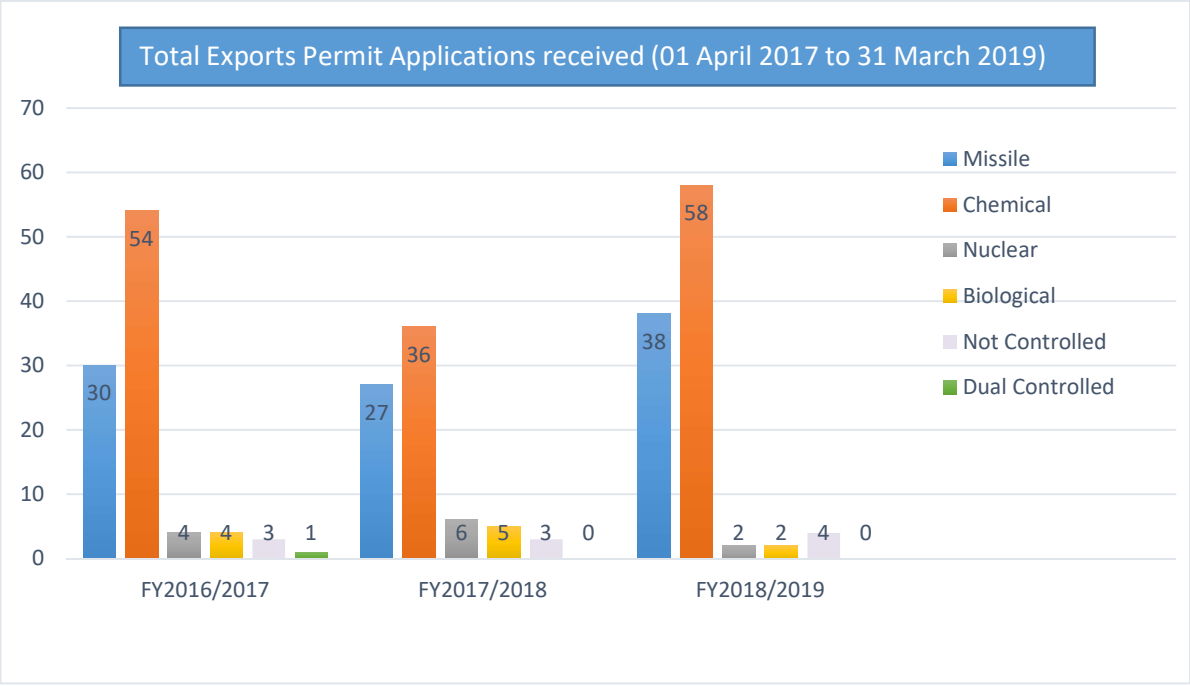


Figure 2: Total export permit applications received per control area for FY2016/2017, FY2017/2018 and FY2018/2019 (01 April 2016 to 31 March 2019)

During the reporting period chemical-related export permit applications had the highest percentage followed by missile-related permit applications which is the same as the previous reporting periods.

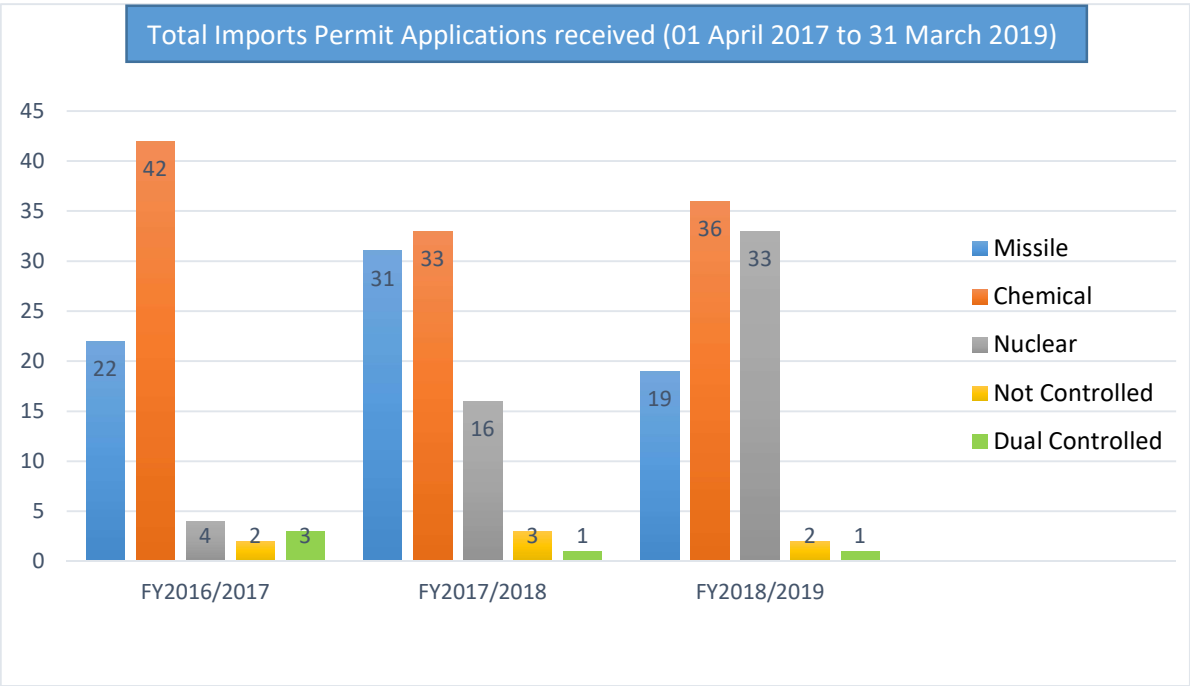


Figure 3: Total import permit applications received per control area for FY2016/2017, FY2017/2018 and FY2018/2019 (01 April 2016 to 31 March 2018)

The trend between the financial years indicates that although nuclear-related item exports were the least as compared to other types of exports, there was a sharp increase of such imports during the previous and current reporting periods.

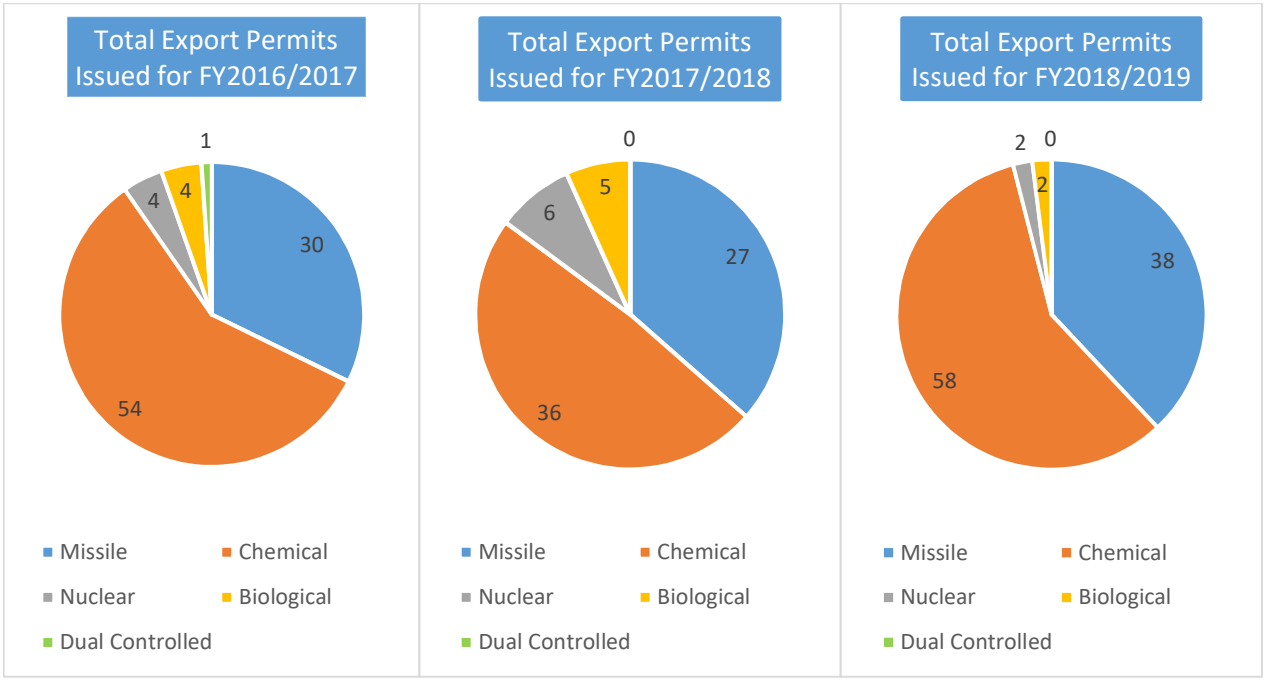


Figure 4: Total export permits issued per control area from 01 April 2016 to 31 March 2019

During the reporting period:

- 4 of the export permit applications received were not issued due to the items listed not being controlled or due to the applicant withdrawing or cancelling the applications.
- The highest number of permit issued were for chemical-related exports which is similar to the previous periods.
- There were no permits that were dually controlled under both the MTCR and NSG controls.
- The lowest percentage of issued export permits was for biological and nuclear-related items.

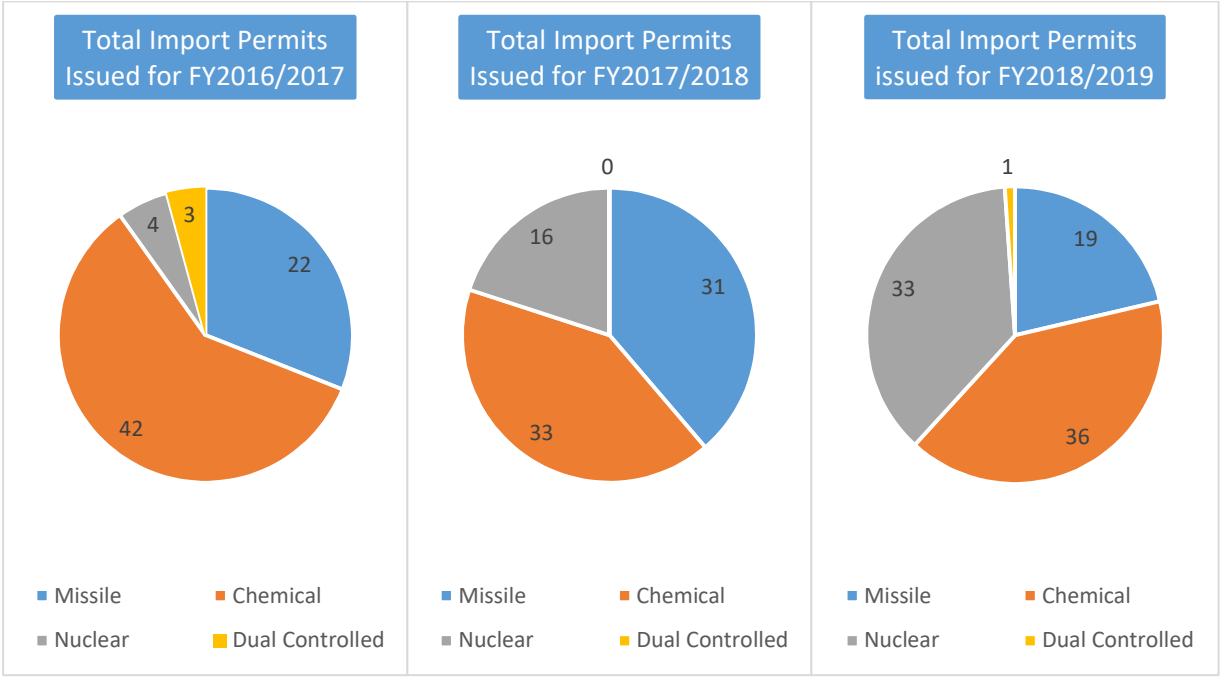


Figure 5: Total import permits issued per control area from 01 April 2016 to 31 March 2019

During the reporting period:

- 2 of the import permit applications received were not issued due to the items listed not being controlled or due to the applicant withdrawing or cancelling the applications.
- The imports of nuclear-related items increased sharply while the imports of missile-related items decreased.

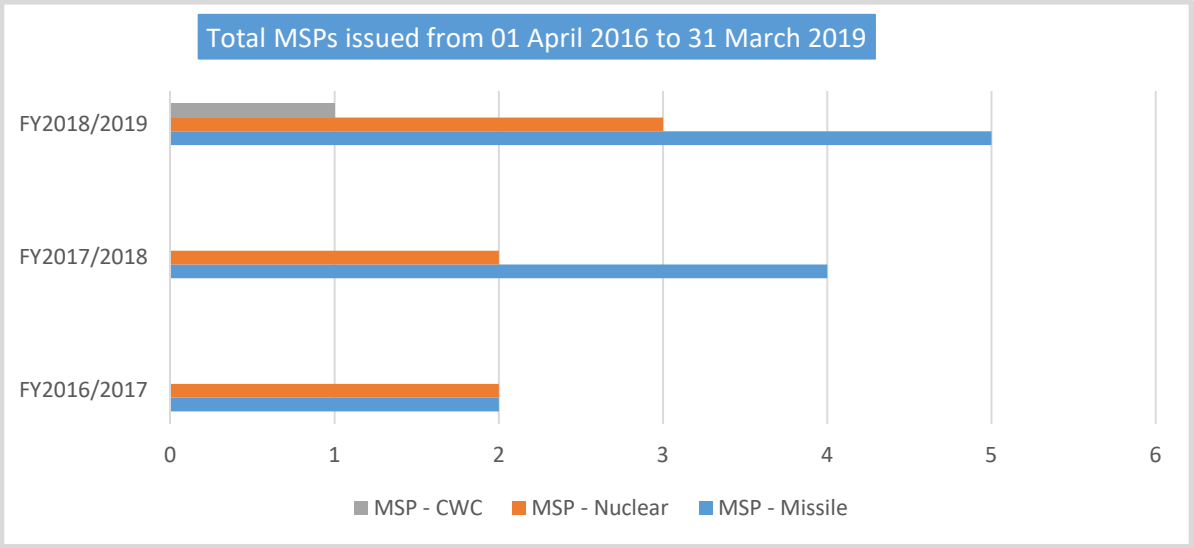


Figure 6: Total MSPs issued per control area from 01 April 2016 to 31 March 2019

During the reporting period:

- A total of 9 MSPs were received and issued with 5 being for missile-related, 3 for nuclear-related and 1 for chemical-related manufacturing and services.
- Chemical-related MSP was issued as compared to the previous periods.

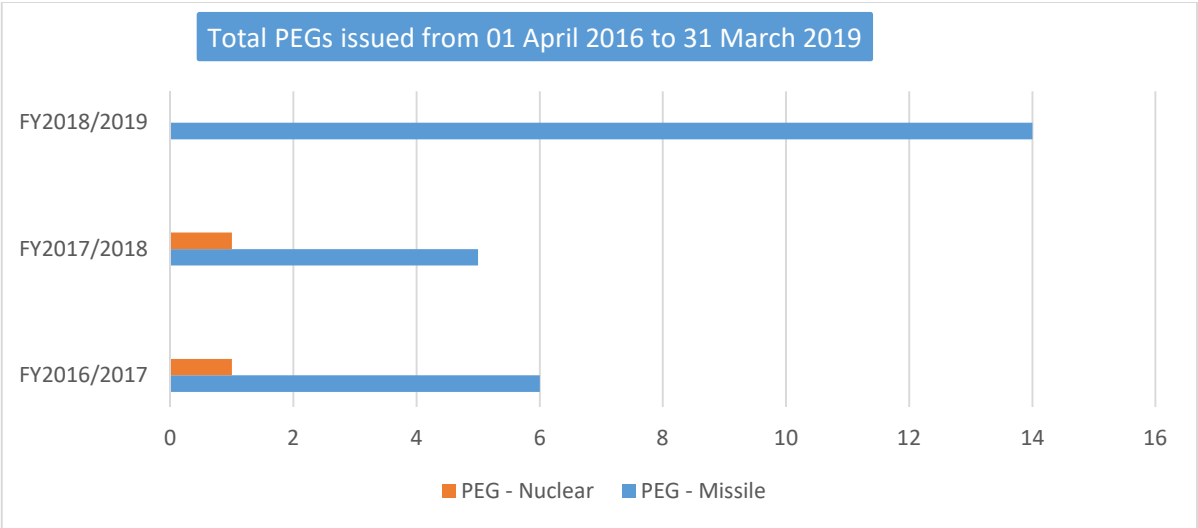


Figure 7: Total PEGs issued per control area from 01 April 2016 to 31 March 2019

During the reporting period:

- A total of 14 PEG requests were received and all of them were for missile-related items.
- No nuclear-related PEG requests were received.
- 1 PEG request was cancelled due to the items listed not being controlled in terms of the Non-Proliferation Act.
- 9 of the PEG requests received were provided with a positive guidance.

Border Control and Law Enforcement

The South African Revenue Service (Customs), South African National Defence Force, Home Affairs Immigration Division and the South African Police Service (Border Police) are responsible for the control of borders, ports of entry/exit and borderlines.

During the reporting period, the Coordinating Committee between the Non-Proliferation Secretariat and the South African Revenue Service (SARS) (Customs) continued with its engagements efforts to ensure compliance with, and enforcement of the non-proliferation legislation. The Memorandum of Understanding (MoU) continued to be implemented with SARS to maintain the relationship and ensure effective and efficient enforcement of the provisions of the Non-Proliferation Act.

During the report period, SARS, in-conjunction with the Non-Proliferation Secretariat and the DoE, continued the roll out of the Strategic Trade Control Enforcement (STCE) programme. The STCE which is led by SARS equips Customs and Border Control officials with skills to identify and intercept any illicit transfers of sensitive items that are controlled under the non-proliferation, arms control, and dual use legislation.

The first STCE training took place in Johannesburg during the report period and the experience is being used by SARS Academy to further curriculum development and structure of the programme. SARS currently collaborates with the Non-Proliferation Secretariat and the DoE for STCE training interventions.

Declarations

Council required persons involved in the transfer or production of controlled chemicals to declare their activities, in accordance with the legislation and international obligations. This information was collated in accordance with national and international requirements.

During September 2018, Annual Declarations of Anticipated Activities for South Africa's Single Small Scale Facility (SSSF) and Schedule 3 facilities were submitted to the OPCW in terms of the requirements of the CWC.

During March 2019, Annual Declarations of Past Activities for the SSSF, Schedule 3 and Other Chemical Production Facilities (OCPF), as well as import and export data of scheduled chemicals were submitted to the OPCW.

Inspections and Verifications

In terms of the CWC, the OPCW can verify activities relating to toxic chemicals and their precursors and facilities producing such chemicals in addition to the information provided in the declarations.

During the report period, the OPCW conducted the following inspections in South Africa: -

- one Schedule 1 inspection at a SSSF,
- one sequential inspections at OCPFs producing Discrete Organic Chemicals and
- one Schedule 3 inspection.

The inspections confirmed South Africa's adherence to the provisions of the CWC.

Awareness and Outreach Programmes

Outreach and awareness campaigns assist industry to understand their obligations in terms of the national non-proliferation legislation and how to comply with the requirements thereof. The role of the NPS in this regard is to ensure that information is readily available through various mechanisms.

The Council implemented an intensive awareness and outreach programme through the Compliance, Liaison and Enforcement Unit of the NPS during the period under review, which included 21 visits to individual companies and 4 outreach sessions targeting the various sectors of industry namely, the chemical, biological, nuclear and missile sectors. Visits were also made to banking institutions as a result of specific requests, in response to the banks preparing for the banking sector preparing for the Mutual Evaluation by the Financial Action Task Force later in 2019.

All outreach to industry is conducted collaboratively between the Compliance, Liaison and Enforcement Unit and the Scientific Support Unit of the Secretariat to ensure that industry receives a holistic overview of the controls and that all visits to industry are concluded effectively and efficiently.

The website of the Council is currently being updated.

PART D: HUMAN RESOURCES MANAGEMENT

The Council Secretariat

The Chief Directorate: Non-Proliferation of the Department of Trade and Industry (**the dti**), also known as the Non-Proliferation Secretariat (NPS), provided the administrative and secretarial support as required for the proper performance of the Council and its committees' functions. The NPS remained located as a Chief Directorate within the International Trade and Economic Development Division of **the dti**.

The NPS also undertook the daily operations and supported other functions of the Council and its committees i.e. the registration and processing of permit applications from persons trading in goods of proliferation risk, and the interpretation and implementation of the requirements of national legislation and the various international agreements, treaties and conventions.

Members of the NPS and the Committees of the Council represented the Council at various international forums of the international treaties, conventions and regimes to which South Africa remained a party.

The approved establishment and the current structure of the NPS is provided in Annexure 5.

PART E: FINANCIAL INFORMATION

Budget and Expenditure Report

As the Council is established as a statutory body by the Minister of Trade and Industry in terms of the Non-Proliferation Act, the budget for the Council and NPS, as well as general administrative services were provided by **the dti**. All expenditure incurred was through the NPS, which is allocated a budget through the International Trade and Economic Development Division in **the dti**. The budget and expenditure of the NPS and the Council are included in the audited financial statements of **the dti** and reported in the annual report of **the dti**. Audited Financial Statements of the NPS and the Council are therefore not contained in this report.

The following is a brief summary of the budget and expenditure of the NPS and the Council for the 2018/2019 financial year ending 31 March 2019.

Table 1: Budget and Expenditure for 2018/2019

Description	Budget	Expenditure	
		Amount	Percentage
Compensation of Employees	R 7 380 000.00	R 5 737 783.79	77.75%
Goods and Services	R 1 903 000.00	R 1 472 475.33	77.38%
Remuneration of Council members not in full time employment of the State	R 87 000.00	R 86 097.37	98.96%
Operational Expenditure including Travel and Subsistence	R 1 816 000.00	R 1 386 377.96	76.34%
Sub Fees: OPCW	R 2 907 000.00	R 2 906 107.92	99.97%
Protechnik Laboratories Current	R 3 272 000.00	R 3 271 713.08	99.99%
Protechnik Laboratories Capital	R 1 354 000.00	R 1 354 000.00	100.00%
Council for Geoscience Current	R 1 257 000.00	R 1 257 000.00	100.00%
Total	R 18 073 000.00	R 15 999 080.12	88.52%

ANNEXURE 1
LEGISLATION RELATED TO CONTROLLED GOODS

The control over goods, services and technology related to weapons of mass destruction and their means of delivery is addressed in various Acts, Regulations and Notices as follows:

1. Weapons of Mass Destruction: The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) (Non-Proliferation Act), as amended and supported by Regulations and Notices.

    1.1 The Missile Technology Control Regime Equipment and Technology are declared as controlled goods in terms of Section 13 of the Non-Proliferation Act. Government Notice No. 491 of 29 March 2019 declares certain Missile Technology and Related Items as controlled goods and control measures applicable to such goods. Previous Government Notices listing these items, which have now been repealed, are Government Notice No. R.1789 of 14 October 1994; Government Notice No. 429 of 10 April 2002; Government Notice No. 311 of 11 April 2007 and Government Notice No. 22 of 3 February 2010, as amended and published under Notice of Amendment No. 77 of 18 February 2015.

    1.2 The Nuclear Dual-use Goods and related items of the Nuclear Suppliers Group are declared as controlled goods in terms of Section 13 of the Non-Proliferation Act. Government Notice No. 492 of 29 March 2019 declares dual-use Equipment, Materials and Related Technology Items (Nuclear Suppliers Group Part 2) as controlled goods and control measures applicable to such goods. Previous Government Notices listing these items, which have now been repealed, are Government Notice No. R.1790 of 14 October 1994; Government Notice No. 430 of 10 April 2002; Government Notice No. 310 of 11 April 2007 and Government Notice No. 20 of 3 February 2010, as amended and published under Notice of Amendment No. 76 of 18 February 2015.

    1.3 Certain Nuclear-related dual-use Equipment, Materials and Related Technology Items (Separation Technology of Other Elements) are declared as controlled goods in terms of Section 13 of the Non-Proliferation Act. Government Notice No. 493 of 29 March 2019 declares these items as controlled goods and control measures applicable to such goods. Previous Government Notices listing these items, which have now been repealed, are Government Notice No. 310 of 11 April 2007 and Government Notice No. 21 of 3 February 2010.

1.4 The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention) was included in South African legislation through the promulgation of Government Notice No. 754 of 2 May 1997.

Government Notice No. R.17 of 3 February 2010 relates to the implementation and administration of the Chemical Weapons Convention in the Republic. A previous Government Notice listing these regulations, which has now been repealed, is Government Notice No. R. 705 of 23 May 1997 as amended by Government Notice No. R. 77 of 29 January 2004.

The various Schedules of chemicals of the Chemical Weapons Convention are declared as controlled goods in terms of Section 13 of the Non-Proliferation Act. Government Notice No. 494 of 29 March 2019 declares certain chemical goods to be controlled goods and control measures applicable to such goods. Previous Government Notices listing these items, which have now been repealed, are Government Notice No. 704 of 23 May 1997; Government Notice No. 152 of 29 January 2003 and Government Notice No. 18 of 3 February 2010, as amended and published under Notice of Amendment No. 74 of 18 February 2015.

1.5 The *Catch-All* mechanism allows the Council to declare goods that are mentioned in the controlled lists, but do not comply fully with the specifications mentioned, or do not appear nominally on a list or lists, to be controlled goods. Government Notice No. R. 75 of 29 January 2004 enables this mechanism to be effected.

1.6 The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction was included in South African legislation through Presidential Proclamation No. R. 16 of 26 February 2002.

1.7 Biological goods and technology are declared as controlled goods in terms of Section 13 of the Non-Proliferation Act. Government Notice No. 495 of 29 March 2019 declares certain biological goods and technologies to be controlled goods and control measures applicable to such goods. Previous Government Notices listing these items, which have now been repealed, are Government Notice No. 428 of 10 April 2002; Government Notice No. 712 of 8 June 2004 and Government Notice No. 19 of 3 February 2010, as amended and published under Notice of Amendment No. 75 of 18 February 2015.

1.8 The manner in which persons in possession or custody or control of controlled goods should register with the Council has been prescribed in Government Notice No. R.16 of 3 February 2010.

2. There is National Legislation that also has a bearing on the implementation and the enforcement of the national policy on Non-Proliferation. The following are prominent:

2.1. Nuclear materials:

- Nuclear Energy Act, 1999 (Act No. 46 of 1999): The possession, use, disposal and processing of nuclear material and Especially Designed and Prepared (EDP) items are controlled by the Department of Energy in terms of the Nuclear Energy Act, 1999 (Act No. 46 of 1999) and its supporting Regulations and Notices. Government Notice No. 207 of 27 February 2009 declared those items listed in the Zangger list of items as controlled.
- National Nuclear Regulator Act, 1999 (Act No. 47 of 1999). This Act provides for the establishment of a National Nuclear Regulator to provide for safety standards and regulatory practices for the protection of persons, property and the environment against nuclear damage and to regulate nuclear activities.
- Hazardous Substances Act, 1973 (Act No. 15 of 1973). This act covers radioactive materials outside a nuclear installation, which are classified as Group IV hazardous substances.

2.2. Chemical and biological agents: Safety, security and accountability requirements during the manufacturing process, storage, stockpiling, as well as transfer and transport of toxins and pathogens:

- Agricultural Pest Act, 1983 (Act No. 36 of 1983), for plant pathogens
- Animal Diseases Act, 1984 (Act No. 35 of 1984) replaced by the Animal Health Act, 2002 (Act No. 7 of 2002)
- Fertilizers, Farm Feed, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947)
- Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997); Government Notice No. R. 1420 of 1999
- National Conventional Arms Control Act, 2002 (Act No. 41 of 2002)
- National Health Act, 2003 (Act No. 61 of 2003)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), for human and zoonotic pathogens and chemicals. Regulation on Biosafety Standards for Microbiological Laboratories.

2.3 Missile related goods and technology:

- National Conventional Arms Control Amendment Act, 2008 (Act No. 73 of 2008)

3. South Africa has other legislative frameworks related to the Non-Proliferation of Weapons of Mass Destruction, also with specific reference to non-State actors, acts of terrorism and the safety and security aspects of materials, services and technology. Some of the major ones are:

- Aviation Act, 1962 (Act No. 74 of 1962)
- Criminal Law Second Amendment Act, 1992 (Act No. 126 of 1992)
- Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998)
- Customs and Excise Act, 1964 (Act No. 91 of 1964)
- Defence Act, 2002 (Act No. 42 of 2002)
- Explosives Act, 2003 (Act No. 15 of 2003)
- Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)
- Internal Security Act, 1982 (Act No. 74 of 1982)
- International Trade Administration Act, 2002 (Act No. 71 of 2002)
- Maritime Zones Act, 1994 (Act No.15 of 1994)
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- National Road Traffic Act, 1996 (Act No. 93 of 1996)
- Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act, 2006 (Act No. 27 of 2006)
- Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004)
- Protection of Information Act, 1982 (Act No. 84 of 1982)
- Space Affairs Act, 1993 (Act No. 84 of 1993)
- The Prohibition of Certain Conventional Weapons Act, 2008 (Act No. 18 of 2008)
- Anti-Personnel Mines Prohibition Act, 2003 (Act No. 36 of 2003)

ANNEXURE 2
MEMBERS OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The members of the Council were appointed in terms of Section 4(2) of the Non-Proliferation Act by the Minister of Trade and Industry for a period of five years. The appended table indicates persons who served as members of the Council during the report period.

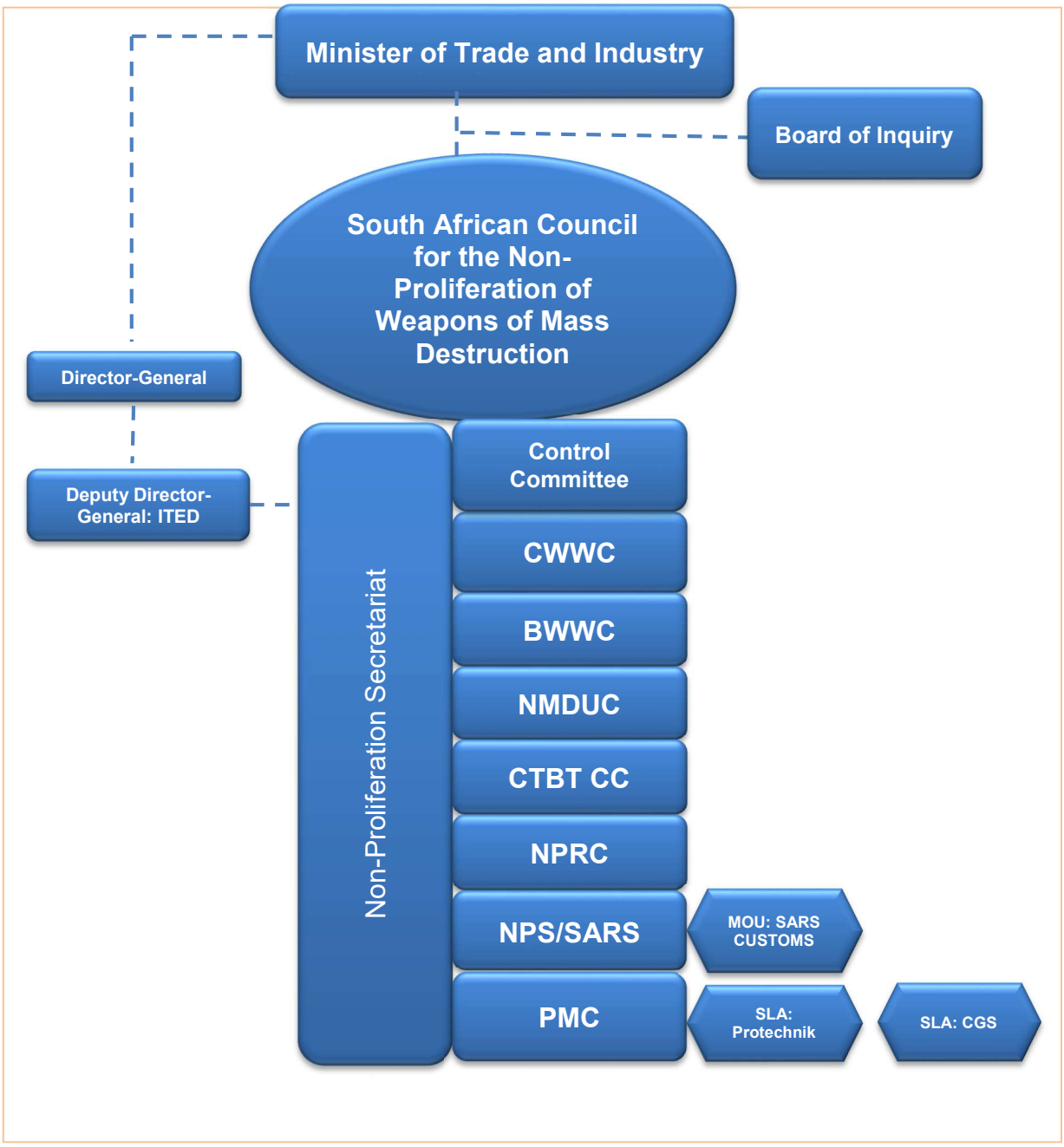
COUNCIL MEMBER	
MR T MAQUBELA	Chairperson
Vacant	Vice-Chairperson
MR J KELLERMAN	Department of International Relations and Cooperation
MS M RASWESWE	South African Nuclear Energy Corporation
MS L REINECKE	Department of Trade and Industry
COL (RET) (DR) B STEYN	Department of Defence and Military Veterans
LT. GEN. A P SEDIBE	Department of Defence and Military Veterans
MR L S HAMILTON	Aerospace Industry
MR J LEAVER	Nuclear Industry
Vacant	Chemical Industry
Vacant	Biological Industry
MS E MONALE	Department of Energy
MR (DR) K SIZIBA	State Security Agency

ANNEXURE 3
LIST OF ABBREVIATIONS

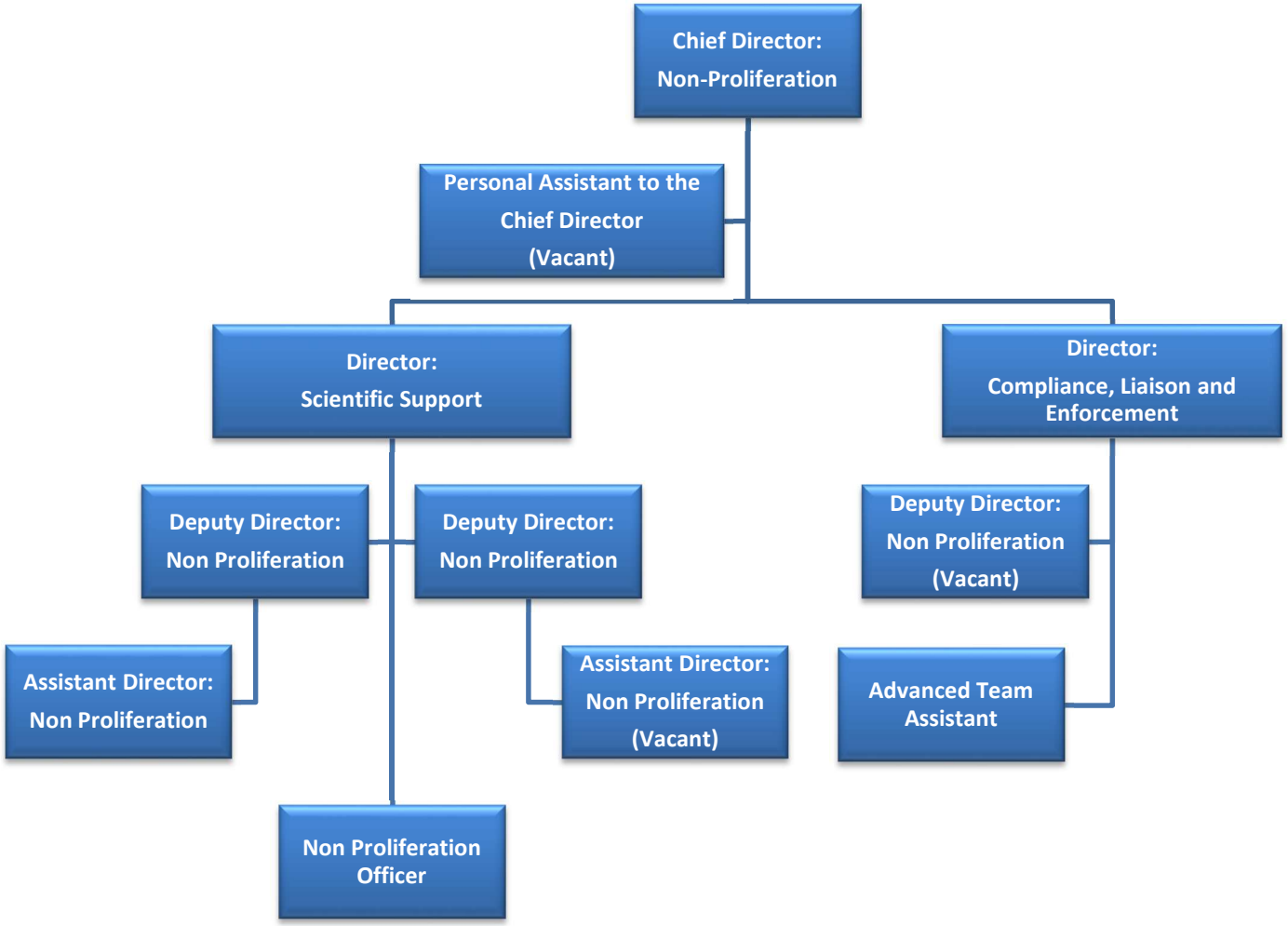
BTWC	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention)
BWWC	Biological Weapons Working Committee
CC	Non-Proliferation Control Committee
CGS	Council for Geoscience
CGS PMC	Council for Geoscience Project Management Committee
CIT	Commodity Identification Training
CTBTO	Comprehensive Nuclear-Test-Ban Treaty Organisation
CTBTCC	Comprehensive Nuclear-Test-Ban Treaty Coordinating Committee
CWC	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention)
CWWC	Chemical Weapons Working Committee
CDCAC	Chief Directorate Conventional Arms Control
DIRCO	Department of International Relations and Cooperation
DI	Defence Intelligence
DoE	Department of Energy
DOC	Discrete Organic Chemical
EDP	Especially Designed and Prepared
GCI	Global Communications Infrastructure
IPAP	Industrial Policy Action Plan
IMS	International Monitoring System
MTCR	Missile Technology Control Regime
NCACC	National Conventional Arms Control Committee
NDP	National Development Plan
NECSA	South African Nuclear Energy Corporation
NG	Noble Gas
NMDUC	Nuclear and Missile Dual-Use Committee
NIR	Next Industrial Revolution
NPRC	Non-Proliferation Review Committee
NPS	Non-Proliferation Secretariat
NSG	Nuclear Suppliers Group
OCPF	Other Chemical Production Facility
OPCW	Organisation for the Prohibition of Chemical Weapons

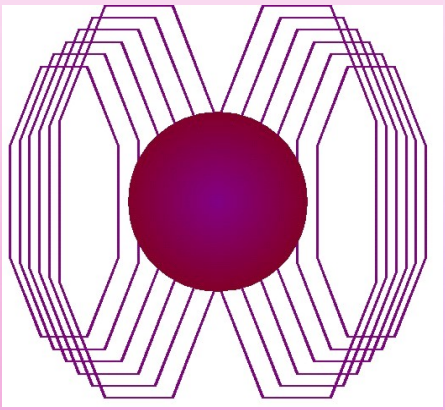
PL PMC	Protechnik Laboratories Programme Management Committee
RN	Radionuclide Laboratory
SACU	Southern African Customs Union
SANAS	South African National Accreditation System
SANDF	South African National Defence Force
SLA	Service Level Agreement
SSA	State Security Agency
SSSF	Single Small Scale Facility
TEM	Technical Expert Meeting
the Council	South African Council for the Non-Proliferation of Weapons of Mass Destruction
the dti	Department of Trade and Industry
WMD	Weapons of Mass Destruction

ANNEXURE 4
NON-PROLIFERATION CONTROL STRUCTURE



ANNEXURE 5
NON-PROLIFERATION SECRETARIAT STRUCTURE





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