

MINISTER OF DEFENCE AND MILITARY VETERANS



NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

INTERNAL QUESTIONS PAPER NO 13

QUESTION NO: 1389

DATE: 21 APRIL 2023

**REPLY RECOMMENDED BY:
MINISTER OF DEFENCE AND MILITARY VETERANS**

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Mr S J F Marais (DA) to ask the Minister of Defence and Military Veterans:

(1) In light of the fact that Poland is a sovereign country and a member of the United Nations that is entitled to arm and defend itself, and with reference to her role in the National Conventional Arms Control Committee regarding the consideration of munitions export permits by members of the South African Defence Industry, what are the reasons for disallowing and/or putting on hold export permits to Poland;

(2) Whether any negative intelligence reports have been corroborated; if not, what is the position in this regard; if so, what are the relevant details;

(3) Whether the Government called on an inspection in terms of the end-user-certificate provisions; if not, why not; if so, what are the relevant details;

(4) Whether any challenges with on-site inspections were experienced; if not, what is the position in this regard; if so, what are the relevant details?

REPLY:

This Question by the Honourable Mr. Marais, correctly should be directed at the Chairperson of the National Conventional Arms Control Committee (NCACC) under whose remit NCACC matters resort.

However, all applications for authorization of transfers under the NCAC Act (Act 41 of 2002, as amended) are subject to s15 of the above-mentioned Act.

This means no application which does not meet the criteria, of s15 (above) will be considered and approved by the NCACC. Notwithstanding the Sovereign standing of any country under the UN Charter.

Briefly, without resorting to a Conspectus, the criteria of s15 is as follows:

- (i) Consideration of whether a United Nations Security Council Resolution (UNSCR), which includes an Arms Embargo exists against the Country being evaluated.
- (ii) Consideration of matters in relation to International Human Rights (IHR) and International Humanitarian Law (IHL), which include the law of armed conflict, regarding the Country being evaluated.

- (iii) Consideration of Regional Conflict and Dynamics, which could contribute to accumulation of destabilization and the role of a Country that is being evaluated in a given Region.
- (iv) Consider the Risk of Diversion posed by a Country that is being evaluated. This encompasses both State and Non-State Actors.
- (v) National Interest, which includes: Security, Economic and Political Considerations.

Information which is used by the NCACC, when considering and evaluating the application(s) on case by case basis is provided by impeccable sources provided by Organs of State. This means the reports are beyond reproach, intrinsic to the reports must be corroborated. The contrary, would be a misapplication of the Committee to its mandate.

Government inspection in terms of the End-User-Certificate (EUC) provisions and/or challenges with on-site inspections do not arise at this stage. Since, the application has to meet the criteria of s15 of the Act first, in order to be approved. Where-after, an Export application may be floated for consideration, after being applied for. After approval to Export, would there be a need/requirement of the EUC and/or On-Site Inspection.

T.R. Modise

(T.R. MODISE)

MINISTER OF DEFENCE AND MILITARY VETERANS: MP

DATE: