

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

2020/21



THE 27th ANNUAL REPORT OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

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FOREWORD BY THE COUNCIL CHAIRPERSON



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The world is going through a tumultuous experience with the Coronavirus Disease 2019 (COVID-19) and its resultant momentous challenges. As through all the eras, whether BC or AD and as far as documented history can show, the human spirit is what has carried the world to the state it is right now. Even through the restrictions and confinements imposed by governments' regulations to minimise the spread of the virus, humanity and the spirit to make do with what is available has prevailed.

The advent of the internet was a huge technological advancement, but the COVID-19 pandemic has highlighted its necessity. In the midst of a global shutdown, the internet and technology kept the world "open". With social distancing a significant factor in restricting the spread of the virus, the internet and technology has kept us in "close" contact, even though we cannot physically touch. Fun social challenges posted through social media bear testimony to humanity during a disaster. South Africa has shared in these social activities through the "Jerusalema" song and dance.

President Cyril Ramaphosa and his Cabinet were praised for their timely decisions in shutting down the country, allowing for the preparation of health facilities and reduction of viral spread. South Africa went on lockdown with only five days left of the 2019/20 financial year. This means the report period started when all activities were shut down in the country. With the gradual opening of the economy, however, the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Non-Proliferation Council), the Non-Proliferation Secretariat and the Department of Trade, Industry and Competition (**the dtic**) ensured that all the necessary tools were made available to continue with the implementation of the mandate, while upholding the COVID-19 regulations.

The Non-Proliferation Council, expertly assisted by its committees and the Non-Proliferation Secretariat, ensured the implementation of all appropriate non-proliferation controls so that South Africa could continue to promote peaceful trade and application of advanced goods and technologies in the nuclear, biological, chemical and missile fields, and advance discussions on the banning of nuclear explosion tests. The relationship between security, trade and technological development calls for a delicate balancing act in lobbying for availing of these goods and technologies for the development of less advanced countries, while firmly advocating against the proliferation of weapons of mass destruction (WMD). This is particularly evident as a member of various multilateral non-proliferation organisations, and sometimes the only African member of multilateral organisations, the objectives of which are not always in synergy.

Modernisation of processes took a giant leap when the council launched within budget an online Registration and Permit System on 1 October 2020. The system provides industry with a seamless mechanism to submit to the Non-Proliferation Council applications for registration and permits (manufacturing and services, import, export and transit) and provisional export guidance of controlled goods and technologies. All the permit application assessments and subsequent verdicts are done electronically. The applicants, however, are still required to collect permits in person.

There has been a gradual completion of council membership. During the reporting period, a designate from the South African Nuclear Energy Corporation (Necsa) was appointed and a designate from the Department of International Relations and Cooperation (DIRCO) went on retirement.

The Non-Proliferation Council issued codes of conduct stating the principles of non-proliferation and describing procedures and methods to be followed during the execution of certain activities related to non-proliferation, as prescribed in the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993). The codes of conduct aim to promote effective compliance with the legislation in respect of the non-proliferation of WMD. This is augmented by the Internal Compliance Programme, which provides a comprehensive insight into the background of the required non-proliferation controls in the Republic. It offers guidelines to the industry for dealing with such controls, as applicable to the industry sector concerned, emphasising practical and relevant measures.

The Non-Proliferation Council has continued to negotiate the service level agreement (SLA) with the South African Revenue Service (SARS) and the document is currently undergoing legal scrutiny. The document will further enhance the relationship between SARS and the Non-Proliferation Council. Furthermore, the SLA between the Non-Proliferation Council and the Council for Geoscience (CGS) expired at the end of the financial year and both institutions have started negotiations for extension. These are examples of excellent and fruitful intergovernmental relationships that the Non-Proliferation Council, through **the dtic**, has entered into, to advance South Africa's non-proliferation credentials.

It has been a challenging period for everyone, however, the new way of conducting business has to be matched with new regulations. The Non-Proliferation Secretariat has supported the Non-Proliferation Council in ensuring that is done, and the virtual meetings of both the Non-Proliferation Council and its committees has transitioned and added to the way the Non-Proliferation Council conducts its regulatory functions.

The vigour with which the Non-Proliferation Council members and the Non-Proliferation Secretariat continue to execute their tasks has been impressive and enjoyable to me as a chairperson. The support from **the dtic** and other stakeholders is appreciated and makes one look forward to the next financial year.

I would like to wish everyone safe health and request that we keep to the regulations as advised by our health experts.



Ms Ditebogo Kgomo
Council Chairperson



OVERVIEW BY THE HEAD OF THE COUNCIL SECRETARIAT

The 21st Century has pushed science to unimaginable boundaries. A little more than two decades ago, the world experienced Y2K, a shortcut in the coding of computerised systems that was expected to create havoc as the year changed from 1999 to 2000. At the time, computer networks were recoded to avert disaster. Now, COVID-19 has called for collaboration between scientists across the world. It has become evident that continuous scientific research and innovation is required to prepare for any disaster humankind might face. COVID-19 has proven to be an enormous challenge as some of its economic effects can be likened to those of world wars. It will take a while for developing countries to recover since the virus is still around and a cautious approach has been taken in the opening of economies. The virus is mutating and posing challenges in the preparation of vaccines, but there is hope as the world has in the past overcome devastation caused by the Spanish Flu.

In an effort to save lives and slow down the rate of COVID-19 infection, President Cyril Ramaphosa and Cabinet announced a national lockdown from 26 March 2020. As such, **the dtic** went on lockdown in line with the guidelines from the Department of Public Service and Administration (DPSA). To ensure continuity of the work of the the Non-Proliferation Council, the Non-Proliferation Secretariat engaged with **the dtic** Office of Chief Information Officer (OCIO) on the usage of software for virtual meeting platforms and the secure transfer of information. The Non-Proliferation Secretariat was therefore able to arrange meetings and share confidential documents securely with members of the Non-Proliferation Council and council committees.

Most importantly, the online Registration and Permit System was launched on 1 October 2020. This system was developed to ease the administrative burden on industry when submitting registration and permit applications, and to improve service delivery. The system was keenly awaited by industry and has drawn traffic with its simplicity. To ensure that the system is highly protected, the State Security Agency (SSA) and **the dtic** Information Technology Audits conducted intensive security testing before commissioning. The system allows for tracking of permit applications, and provides statistics of applications received and permits

issued. The envisaged second phase includes linking the system to SARS Electronic Data Interchange, which would allow for seamless clearing of goods by SARS Customs.

There has been a reduction in the frequency of programmes of the Non-Proliferation Secretariat that involve in-person interaction such as training, industry outreach and awareness, and company visits as a result of COVID-19 and lockdown restrictions. New opportunities have arisen, however, with training for the Non-Proliferation Control Committee (CC) members and SARS Customs conducted virtually. The CC training has proven to be a success, while SARS Customs training is still in its infancy and reliant upon whether SARS can provide officials with the necessary tools to attend. The training content and delivery model have been determined, with training awareness intended to start in the new financial year.

The Non-Proliferation Secretariat has been participating in various virtual working groups and meetings, including the Meetings of the Group of Friends of the United Nations Secretary General's Mechanism (UNSGM) for the Investigation of Alleged Use of Chemical, Biological or Toxin Weapons; the Africa CDC Regional Biosafety and Biosecurity Technical Working Group (Southern Africa); the Biological and Toxin Weapons Convention series of webinars, which were held to facilitate informal discussions on topics to be considered by the Meetings of Experts; the Chemical Weapons Convention Executive Council, National Authorities Meetings, Steering Committees, and Conference of States Parties; the Nuclear Suppliers Group Informal Consultative Group meetings; and the Treaty on the Prohibition of Nuclear Weapons (TPNW) preparatory meetings for the first meeting of States Parties. The participation in such events allowed the Non-Proliferation Secretariat to stay abreast of international developments in the non-proliferation arena.

The waveform stations are continuously maintained and kept to mission-capable status, and the Necsa radionuclide laboratory (RL14) now fully supports the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) by conducting radionuclide sample analysis, however, progress on the radionuclide station (RN62) has not been satisfactory. The Non-Proliferation Secretariat and Necsa

convened a virtual meeting with the Provisional Technical Secretariat of the CTBTO to discuss the progress thereof. At the time of this report, South Africa was still awaiting a report from the CTBTO Procurement Division on the way forward.

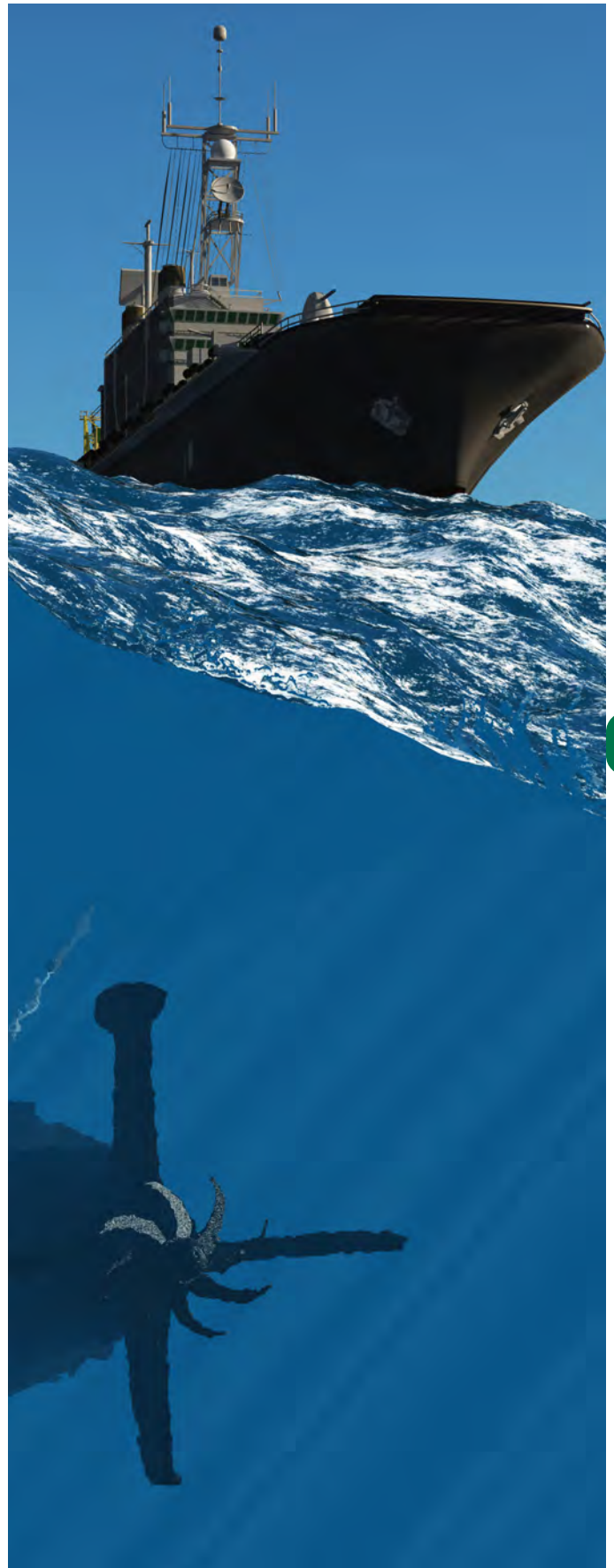
The TPNW came into force on 22 January 2021. Together with DIRCO, the Non-Proliferation Council as the national authority sent an initial declaration to the United Nations stating the country's non-proliferation credentials. Furthermore, the Non-Proliferation Secretariat initiated other legislative and administrative steps required to implement the TPNW domestically.

The Non-Proliferation Secretariat has continued to play an effective role in support of the council, enabling it to discharge its mandate efficiently. I would therefore like to thank **the dtic**, the Non-Proliferation Council and council committee members, my colleagues at the secretariat, and other government stakeholders for their continued support and input to the work of the Non-Proliferation Secretariat.



Ms Melanie Reddiar

Chief Director: Non-Proliferation Secretariat





TERMINOLOGY USED IN THIS REPORT

The term “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.

EXECUTIVE SUMMARY

This 27th annual report of the Non-Proliferation Council is presented to the Minister of Trade, Industry and Competition 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 2020 to 31 March 2021.

During the report period, the Non-Proliferation Council effectively fulfilled its mandate to control the non-proliferation of WMD through the implementation of the Non-Proliferation Act and government policy on non-

proliferation. The the Non-Proliferation Council, through the Non-Proliferation Secretariat, achieved its objective of registering companies involved in activities with controlled goods, and regulating the manufacture, import, export, re-export, transit (including trans-shipment) and end use of controlled goods. The the Non-Proliferation Council also ensured compliance with the international treaties, agreements and conventions to which South Africa is party.

The the Non-Proliferation Council 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 WMD, as prescribed by the Act. This was achieved through the maintenance of a memorandum of understanding (MoU) with SARS, SLAs with specialised entities, convening of council committee meetings, and outreach to industry and other government agencies.

The Non-Proliferation Council automated its processes by launching the online Registration and Permit System, and convening virtual council and council committee meetings. Furthermore, the Non-Proliferation Secretariat maintained capacity building of officials involved in the implementation and enforcement of non-proliferation legislation through virtual training for members of the CC and SARS Customs.

In addition to its regulation of dual-use items, the Non-Proliferation Council continued to provide recommendations on nuclear direct use authorisation applications, as received from the Minister of Mineral Resources and Energy in line with Nuclear Energy Act, 1999 (Act No. 46 of 1999).

Although declarations were submitted to the Organisation for the Prohibition of Chemical Weapons, no inward international inspections took place due to travel restrictions imposed as a result of the pandemic. Similarly, local inspections were not conducted, however, some companies were asked to submit declarations that provide the Non-Proliferation Council with information on their activities, as per Section 13(3)(b) of the Non-Proliferation Act.

Officials of the Non-Proliferation Secretariat participated in virtual international meetings to fulfil the state’s non-proliferation obligations.

PART A: GENERAL INFORMATION



Policy

South Africa's policy on the non-proliferation of WMD

Since 1994, South Africa has committed itself to democracy, sustainable development, social justice and environmental protection. 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 WMD. 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 that disarmament, non-proliferation and arms control hold for international peace and security.

The South African Cabinet adopted the Non-Proliferation and Arms Control Policy in August 1994, based on South Africa's national interests, legislation, and international commitments and obligations.

The policy states that South Africa shall:

- be an active participant in the various non-proliferation regimes and supplier groups;
- publicly adopt positions supporting the non-proliferation of WMD, with the goal of promoting international peace and security; and
- use its position as a member of the supplier regimes, the Africa Group and Non-Aligned Movement to promote the importance of non-proliferation and 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 WMD

The Non-Proliferation Act, as amended in 1995 and 1996, was promulgated to provide for control over WMD, establish a council to control and manage matters relating to the proliferation of such weapons in South Africa, determine its objectives and functions, prescribe the manner in which it is to be managed and controlled, and 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 WMD is listed in Annexure 1.

Controlled goods

The Minister of Trade, Industry and Competition, through the 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 provided in Annexure 1.

PART B: GOVERNANCE



Establishment

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, Industry and Competition.

Objectives

The objectives of the Non-Proliferation 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

In terms of Section 6 of the Non-Proliferation Act, the Non-Proliferation 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 it deems necessary and that 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

The Minister of Trade, Industry and Competition, in terms of Section 4(2) of the Non-Proliferation Act, appointed members of the current Non-Proliferation Council from 1 July 2019 to 30 June 2024.

The Non-Proliferation Council has been functional, although outstanding designations and appointments need to be concluded. In the report period, a designate from Necsa (designated by the Minister of Mineral Resources and Energy) was appointed, while a designate from DIRCO went on retirement.

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

Meetings

The Non-Proliferation Council held regular meetings to plan and deliberate on non-proliferation-related issues, to assess the activities of its committees and the Non-Proliferation Secretariat, and to consider *inter alia* permit applications received from industry. These meetings were held online to abide by the country's COVID-19 regulations.

Non-Proliferation Council committees

The council committees, as listed below, were established in terms of Section 10 of the Non-Proliferation Act. These committees are established to advise the Non-Proliferation Council on specific technical issues. The engagements of these committees are guided by the Non-Proliferation Council, as per approved constitutions and terms of reference, MoUs and SLAs.

Although regular meetings were held for some of the committees, other meeting schedules were affected due to some experts from certain agencies not being afforded access to the tools required for virtual meetings. Furthermore, the work of some committees (e.g. the Nuclear and Missile Dual-Use Committee) are dominated by proposals and working papers emanating from international regimes, such as the Nuclear Suppliers Group and the Missile Technology Control Regime. The meetings of these regimes were either postponed or held intermittently owing to limited content, affecting the need to convene committee working group meetings. Quarterly meetings governed by SLAs were convened, however, with quarterly reports tabled timeously.

Non-Proliferation Control Committee (CC)

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

The CC consisted of experts from the Non-Proliferation Secretariat, DIRCO, the Financial Intelligence Centre (FIC), the National Conventional Arms Control Committee (NCACC) Secretariat, the NCACC Inspectorate, the Necsa Safeguards Division, the SSA, Defence Intelligence and the Department of Mineral Resources and Energy (DMRE).

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 given to the South African delegation attending the Conference of States Parties to the CWC.

The CWWC comprised experts from the Non-Proliferation Council, the Non-Proliferation Secretariat, Protechnik Laboratories (a division of Armscor SOC Limited), DIRCO, the SSA, the Department of Agriculture, Land Reform and Rural Development (DALRRD), and the South African National Defence Force (SANDF): Office of the Surgeon-General and co-opted members.

Biological Weapons Working Committee (BWWC)

The BWWC advised the Non-Proliferation Council on issues related to the implementation of the Biological and Toxin Weapons Convention (BTWC).

The BWWC comprised an expert from the Non-Proliferation Council and various stakeholders involved in biological-related controls, production and use. These included the Non-Proliferation Secretariat, SANDF: Office of the Surgeon-General, Protechnik Laboratories, DIRCO, the National Institute for Communicable Diseases, DALRRD, the Department of Health, the Agricultural Research Council and co-opted members.

Nuclear and Missile Dual-Use Committee (NMDUC)

The NMDUC advised the Non-Proliferation Council on nuclear- and missile-related issues, with emphasis on import, export and transit of nuclear and missile dual-use goods across South African borders. Technical issues were discussed, as requested by the council.

The NMDUC comprised an expert from the council and officials from the Non-Proliferation Secretariat, Necsa, DIRCO, Defence Intelligence, SSA, DMRE, Council for

Scientific and Industrial Research, Technology Innovation Agency, Armaments Corporation of South Africa SOC Limited, National Nuclear Regulator, NCACC Inspectorate, NCACC Secretariat and co-opted members.

Non-Proliferation Review Committee (NPRC)

In 2004, the Non-Proliferation Council instituted a comprehensive review of all non-proliferation policy, guidelines, legislation, control mechanisms, processes and procedures, infrastructure and human resources to align South African controls with national interests, international obligations and best practice. The NPRC was assigned the mandate of reviewing the Act.

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, which continued to be responsible for South Africa's obligations in terms of the UN Security Council Resolution 1540 adopted in April 2004.

During the 2012/13 financial year, the NPRC completed the comprehensive review of South Africa's non-proliferation legislation, mechanisms, processes, procedures and structures to ensure that the country's non-proliferation controls remained aligned with national interests, international commitments and best practice.

In September 2017, **the dtic** requested the Development Committee of the Justice, Crime Prevention and Security (JCPS) cluster to consider recommending to Cabinet that the department undertake a review of non-proliferation of WMD controls in South Africa, and that an Inter-Ministerial Committee (IMC) be established to acquire ministerial inputs regarding the review.

The Development Committee noted that the nuclear non-proliferation controls are divided between the Non-Proliferation Council and the DMRE. It therefore indicated that before such a request be presented to Cabinet, engagement should be initiated between the Minister of Trade, Industry and Competition and the Minister of

Mineral Resources and 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. The Development Committee further noted that the review of the Non-Proliferation Act 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 2018/19 financial year, a task team was established by the Deputy Director-General: Nuclear Energy at the DMRE and the Deputy Director-General: Trade Policy, Negotiations and Cooperation at **the dtic** to conduct a review of the South African controls on the non-proliferation of WMD. Both Deputy Directors-General recommended to the Non-Proliferation Council a report compiled by the task team. After considering the report, the council initiated consultation between the ministers. The consultation is still to take place.

The Non-Proliferation Secretariat/SARS Coordinating Committee (NPS/SARS CC)

The NPS/SARS CC was formed in terms of the MoU signed between **the dtic** and SARS. The committee dealt with implementation of 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 comprised participants from the Non-Proliferation Secretariat, SARS, SSA and DIRCO.

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

The CTBT CC advised the Non-Proliferation Council on matters related to the implementation of the CTBT in South Africa, the state of health of the local stations in the International Monitoring System of the CTBTO, integration of the stations into the CTBTO's Global Communications

Infrastructure (GCI), and certification of all CTBTO infrastructure in the country.

The committee developed various guide documents, including a paper providing background into the establishment and function of National Data Centres (NDCs) in South Africa. The country is designated to host waveform and radionuclide stations, and it would be ideal to establish NDCs at both the CGS and Necsa, allowing for optimal use of data generated by the stations for local applications, instead of only hosting the stations to feed data to the International Data Centre in Vienna, Austria.

Although the CTBT has not yet entered into force, countries are expected to prepare with national implementation. The committee therefore developed a CTBT implementation guide document, which provides information on the CTBT and future implementation of the CTBTO within South Africa.

The committee continued to monitor the progress of both waveform and radionuclide technologies. Although the Necsa radionuclide laboratory (RL14) is now fully supporting the CTBTO by conducting radionuclide sample analysis, there is a lack of progress on the establishment of the radionuclide station (RN62). The Non-Proliferation Secretariat and Necsa convened a virtual meeting with the Provisional Technical Secretariat of the CTBTO to discuss the process thereof. At the time of this report, South Africa was awaiting feedback from the CTBTO Procurement Division on the way forward.

The CTBT CC comprised officials from the Non-Proliferation Secretariat, Necsa, DIRCO, the SSA, Defence Intelligence, DMRE and the CGS. A nomination from the Department of Forestry, Fisheries and the Environment (DEFF) is still outstanding



Equipment inside the ZAL 14 laboratory used for analysis of the radionuclide samples received from the CTBTO.

Protechnik Laboratories Programme Management Committee (PL PMC)

The PL PMC was formed in terms of the SLA between **the dtic** and Protechnik Laboratories (a division of Armscor SOC Limited).

The PL PMC provided oversight on the implementation of the SLA to ensure the execution of all tasks required for South Africa to fulfil its obligations in terms of the CWC.

The PL PMC comprised experts from the Non-Proliferation Secretariat, Protechnik Laboratories, SANDF: Office of the Surgeon-General, and Armscor SOC Limited.

Chemical Weapons-Related Analytical Laboratory Services

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 SLA with Protechnik Laboratories, South Africa's single small-scale facility (SSSF), enabled the provision of the above laboratory services. This supplemented CWC compliance and allowed for maintenance of the laboratory. The SLA, which was valid from April 2013 to March 2017, was renewed for five years, from 1 April 2017 to 31 March 2022. Responsibilities in the SLA include Protechnik Laboratories providing the Non-Proliferation Council with scientific support, including chemical analysis.

Furthermore, the Non-Proliferation Council has supported the involvement of the laboratory in activities related to the Biological and Toxin Weapons Convention, such as participation in workshops of the UNSGM for the investigation of alleged use of chemical, biological and toxin weapons.



A chemical scientist from Protechnik Laboratories (dressed in safety gas-mask) preparing to collect samples, from a consignment that has been stopped by Customs, for analysis at the laboratory.

Council for Geoscience Project Management Committee (CGS PMC)

The CGS PMC was formed in terms of the SLA between **the dtic** and the CGS. The CGS PMC provided oversight on the implementation of the SLA and executed all tasks required to ensure that South Africa fulfilled its obligations in terms of the CTBTO.

The SLA was nearing its expiry date and the committee therefore embarked on a new SLA with the inclusion of additional functions for the CGS to execute. The CGS was formally tasked, via the SLA, to execute functions of a NDC for waveform technologies. The committee also finalised a document on how South Africa could benefit from civil and scientific applications of waveform data from the stations owned and operated by the CGS.

The PMC comprised officials from the Non-Proliferation Secretariat, DIRCO and CGS.

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 Non-Proliferation Council has been designated as the national authority to the CTBTO, thereby ensuring the implementation of CTBT obligations in South Africa.

South Africa continued to host several stations within its territory on behalf of CTBTO to assist with the monitoring of possible treaty violations, such as nuclear explosion/tests after the Treaty comes into force.

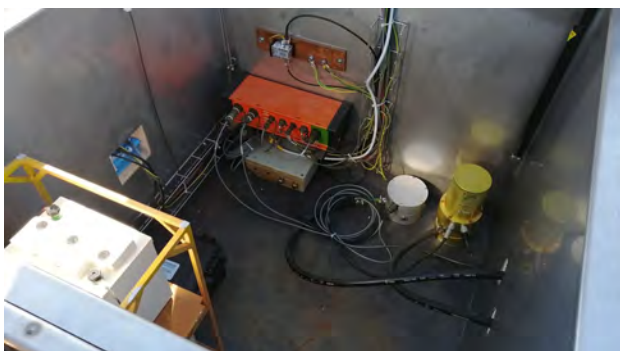
On behalf of the Non-Proliferation Council, **the dtic** concluded a SLA with the CGS to assist with the maintenance of the waveform stations, i.e. Infrasound (IS47) in Boshoff, Primary Seismic (PS39) in Boshoff, Auxiliary Seismic (AS99) in Sutherland, and Auxiliary Seismic (AS35-SANAE) in Antarctica.

The SLA, which was valid from 1 April 2013 to March 2016, and subsequently renewed for five years, from 1 April 2016 to 31 March 2021, is under consideration for extension by both **the dtic** and the CGS.

Upgrades of IS47 continued into the 2020/21 financial year. The upgrade of the vaults and the pipe arrays started, with civil work being done in anticipation of new vaults and Wind Noise Reduction Systems (WNRS), the installation of which was planned to be completed by end May 2021.



Element 1 with meteorological station installed and operational and pipe array ends covered



New vault at element 8 with the new Hyperion sensor connected to the wind noise reduction system and the old MB2000 sensor as a reference sensor

Although the CTBT specifically requires the establishment of a national authority, the creation of a NDC is a national issue. The national authority may need advice on technical issues from a NDC and so its formation is advantageous to a state signatory to the CTBT. The NDC responsibility to provide technical advice to the national authority is commonly given to an earthquake and/or nuclear radiation monitoring agency as well as staff with expertise in monitoring technologies. The CGS as a NDC on waveform technologies has been performing these activities, but mainly focusing on seismic data analysis. Throughout the report period, there have been discussions and preparations to assist the CGS to expand its data analysis coverage to other waveform technologies such as Infrasound, and to compare its analyses with Necsa, once the latter has all the NDC capabilities in place. The efforts would lead to wider data sharing with other interested government agencies, although further equipment upgrades would be needed, especially to cover Infrasound data collection and analysis.



Maintenance of the satellite antenna at the CGS National Data Centre in Pretoria that links to the satellite antennas at the CRF building in Boshoff.



PS39 and IS47 stations' satellite drivers at the CGS National Data Centre in Pretoria.



Processors at the CGS National Data Centre in Pretoria, set up by the CGS and the US Air Force Technical Applications Centre, to process data from the two Central Registry Facility based satellites, owned by the two entities.

Non-proliferation control structure

The Non-Proliferation Council continued to rely on cooperation and collaboration with other government institutions to fulfil its mandate. This is due to the multi-pronged nature of non-proliferation controls and the overlapping of non-proliferation legislation in South Africa. An organogram illustrating the organisational structure of the Non-Proliferation Council is provided in Annexure 4.

PART C: PERFORMANCE



Council activities related to its role as a national control authority

Council activities related to international cooperation

As part of South Africa's obligations in terms of international conventions, treaties and regimes, officials from the Non-Proliferation Secretariat participated in a number of virtual international meetings to deliberate on control measures, lists of controlled goods and other issues relating to the national implementation of the various international obligations. These meetings were informal and no substantial matters were adopted.

Officials continued to use the meetings to advance South Africa's policy on non-proliferation through the presentation of position papers, while ensuring regulation is not used to deny developing countries access to advanced technology.

Nuclear Suppliers Group (NSG)

The 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 and nuclear-related exports.

The NSG arranged the following virtual meetings during the report period:

- Informal chair briefings from 3 to 4 November 2020
- Informal online consultations held by the NSG
Chairperson of the Consultative Group on 25 February 2021
- Informal online consultations held by the NSG
Chairperson of the Consultative Group on 25 February 2021
- Informal online consultations held by the NSG
Chairperson of the Consultative Group on 30 March 2021

Comprehensive Nuclear-Test-Ban Treaty Organisation

The CTBTO is an international organisation that would be established upon the entry into force of the CTBT, a treaty that outlaws nuclear test explosions. The organisation would be tasked with verifying the ban on nuclear tests and therefore operate a worldwide monitoring system and conduct on-site inspections. As the Treaty is not yet in force, the signatory

states resolved to establish the Preparatory Commission to the CTBTO in 1996, which would carry out the necessary preparations for the effective implementation of the CTBT and the first session of the Conference of States Parties. The commission comprises signatory states, and has a supporting Executive Secretary and Provisional Technical Secretariat. Furthermore, policy-making organ meetings ensure achievement of the mandate of the commission, namely Article XIV Conference, Advisory Group, Working Group A and Working Group B.

The commission arranged the following virtual meetings during the report period:

- 55th Session of the CTBTO Working Group B from 24 August to 3 September 2020
- 58th Session of the CTBTO Working Group A from 28 to 29 October 2020

Organisation for the Prohibition of Chemical Weapons (OPCW)

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

The OPCW arranged the following virtual meetings during the report period:

- 22nd Annual Meeting of National Authorities of States Parties to the CWC from 23 to 25 November 2020
- Virtual training workshop on States Parties' experience in implementing the CWC during COVID-19 circumstances on 25 November 2020 – South Africa shared its experience and preparations made to ensure that the country continues the implementation of its CWC obligations
- 25th Session of the Conference of States Parties of the CWC from 30 November to 1 December 2020

Biological and Toxin Weapons Convention

The 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 virtual BTWC-related meetings were convened during the report period:

- The Online Training Workshop on the Preparation and Submission of Confidence Building Measures (CBMs) under the Biological and Toxins Weapons Convention (BTWC) hosted by Nigeria and the BWC Implementation Support Unit on 15 October 2020 – participants included stakeholders such as university representatives and personnel from the security sector; the presentation included the overarching role of the Non-Proliferation Council in the domestic implementation of the BTWC, and addressed South Africa's processes related to confidence building measures (CBMs).
- Webinar on *Review of Science and Technology Development Relevant to the Convention (MX2)* on 29 October 2020, which focused on proposals made by States Parties on the establishment of the Scientific Advisory Committee that will look at scientific and technological advances in life sciences relevant to BTWC.
- Webinar on *Assistance, Response and Preparedness (MX4)* on 12 November 2020 – States Parties shared their views on procedures including the establishment and use of the assistance database to improve the prompt and efficient response without preconditioning to a request of assistance by a state party. South Africa made a presentation covering guidelines and formats to support a state party when submitting an application for assistance in the framework of Article VII.
- Webinar on *Strengthening National Implementation (MX3)* on 16 November 2020, which discussed proposals related to CBM submissions and how they would enhance confidence among States Parties. Proposals were presented to enhance the format of the CBMs as a way of promoting transparency.
- Webinar on *Cooperation and Assistance with a Particular Focus on Strengthening Cooperation and Assistance under Article X (MX1)* on 24 November 2020, which focused on ways in which States Parties could consider strengthening cooperation and assistance under Article X. It encouraged States Parties to work together to strengthen implementation of this Article.

Other non-proliferation activities-related meetings and courses

Other non-proliferation-related meetings and courses convened during the report period included the Wilton Park Virtual Meeting on Cross-Regional Collaboration to Strengthen the Biological and Toxin Weapons Convention on 14 and 15 December 2020.

Council activities related to national cooperation in respect of non-proliferation

Section 5 of the Non-Proliferation Act requires that the Non-Proliferation Council cooperate and consult with the NCACC and the Minister of Mineral Resources and Energy (acting as the national authority on the implementation of Safeguards Agreement) to control, register and inspect controlled goods, and to verify the import, export, re-export, transit and end-use of controlled goods. Intergovernmental cooperation and consultation was achieved through the representation of the relevant stakeholder departments and agencies on the Non-Proliferation Council and the various council committees.

Certain exports, imports and transit of goods required the approval of the Non-Proliferation Council, South African Police Service (SAPS), and the NCACC. The Non-Proliferation Secretariat actively participated in the meetings of the committees of the NCACC and the SAPS Export Scrutiny Committee. At the same time, the Directorate for Conventional Arms Control and the National Conventional Arms Control Inspectorate also participated in meetings of the CC and NMDUC.

The Nuclear Energy Act, 1999 (Act No. 46 of 1999) requires that the Minister of Mineral Resources and Energy consult with the Non-Proliferation Council on the transfer of nuclear materials, equipment and technology, and on any matter affecting the proliferation of WMD in terms of Sections 33(2)(e), 34(2)(a) and 35(2).

The coordinating structure to ensure consultation between the Non-Proliferation Council and the Minister of Mineral Resources and Energy with regard to nuclear exports and imports was maintained. Representatives from the DMRE participated in the Non-Proliferation Council, NMDUC,

CTBT CC and CC meetings.

Recommendations for the transfer of nuclear materials

To fulfill the requirement for the Minister of Mineral Resources and Energy to consult with the Non-Proliferation Council on the transfer of nuclear materials, equipment and technology in terms of Sections 33(2)(e), 34(2)(a) and 35(2), applications for authorisation of import, export and transportation were tabled by the DMRE at the CC, and the evaluation of the applications were performed in conjunction with other government stakeholders.

In terms of evaluating 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 Non-Proliferation Council for further consideration before a recommendation could be issued to the Minister of Mineral Resources and Energy.

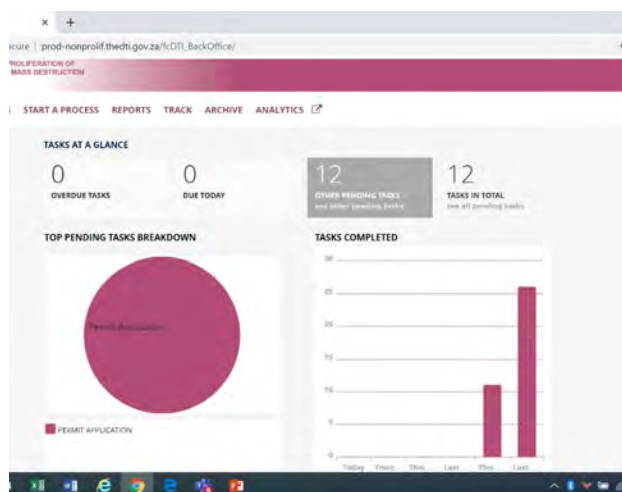
During the reporting period, the Non-Proliferation Council and the CC considered 45 import and 24 export authorisation applications; and made positive recommendations on 45 import and 24 export authorisations to the Minister of Energy.

Online registration and permit system

The Non-Proliferation Council launched an online Registration and Permit System on 1 October 2020. To ease the administrative burden and improve service delivery, it developed an electronic, internet-based system for the submission of registration and permit applications. Communication was relayed to stakeholders via the dtic communication channels. The media statement was covered on government digital communication and some commercial media online platforms. Prior to the launch, all applications for registration, permits (manufacturing and services, import, export and transit) and provisional export guidance were manually submitted by industry to the council.

Industry was encouraged to register on the new system from 1 October 2020. Companies with existing registrations were able to update their registrations online. The system almost allows for an end-to-end solution since the applicant

applies online for registration and the subsequent permits. The process is handled electronically throughout the assessment and approval by the Non-Proliferation Council, however, the applicant will need to collect the approved permit in person.



The home page of the system as viewed by the permit application assessor within the Non-Proliferation Secretariat.

The Non-Proliferation Council intends to develop the second phase of the system by linking to the SARS Electronic Database Interchange system, allowing an approved permit to be sent directly to SARS and link with all the consignment declarations submitted by a clearing agent.

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 controlled goods in his or her possession or custody or under his or her control shall register with the Non-Proliferation 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 Non-Proliferation Council.

Information on all registered persons was recorded and the necessary security measures maintained to protect

the confidentiality of information contained in the Register. The online Registration and Permit System was launched in the middle of the report period and companies were encouraged to move their registration details onto the system.

As such, during the period of the report, from 1 April 2020 to 30 September 2020, there were 506 registered companies, of which 393 were valid and 113 expired or cancelled registrations. After the launch of the online system, from 1 October 2020 to 30 March 2021, 153 old registrations had been migrated to the online platform, and 21 new registrations confirmed. Registration is valid for two years and so companies that had registered manually will move to the online system upon renewal of registration.

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 Non-Proliferation 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. These permits allow for the person transferring the controlled goods to choose the type that suits the operational requirements of the applicant.

1. Individual permit – allows for a single consignment to a single destination/end user for a fixed quantity of items, with a validity period of three months.
2. 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.
3. Issue-on-request permit – allows for an applicant to obtain approval for a total quantity of items. Subsequently, the applicant requests an individual permit from the Non-Proliferation Secretariat for each consignment to be transferred from 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 Non-Proliferation Council to control the export of sensitive items, as the applicant would have to inform the Non-Proliferation Secretariat 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.

4. Transit permit – used in respect of goods in transit or being transhipped through the territory of the Republic of South Africa. It allows for a single or multiple consignment(s) from a single origin or supplier to a single destination or end user for a fixed quantity of items with a validity period of three or 12 months.
5. Provisional export guidance (PEG) request process – 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 are concluded with potential customers abroad.
6. Manufacturing and services permit (MSP) – for goods and technology that 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 Non-Proliferation Council for manufacturing and services permits.

All permit applications received during the period of the report were registered by the Non-Proliferation Secretariat. The CC evaluated all permit applications and made recommendations to the Non-Proliferation Council, which then decided whether to approve or deny the application, or request further information.

Permit statistics and trends

The health of any economy is judged on its manufacturing base, the jobs it creates and its trade (mainly its exports since they bring in foreign currency). Through the African Continental Free Trade Agreement (AfCFTA), Africa has shown that it wants to improve intra-Africa trade, with the emphasis on goods manufactured on the continent.

This will lead to the development of more advanced technologies indigenously, or companies producing them from other continents setting up manufacturing bases in Africa. Such advanced technologies might include strategic goods applicable in the development of WMD.

African countries would need to ensure that their regulatory and enforcement agencies are well versed and ready to deal with the enhanced movement of these strategic goods. South Africa has such systems in place and has been practising responsible trade of strategic goods through its participation in international disarmament, arms-control and non-proliferation organisations, and its well-developed domestic legislation.

The below permit statistics over a period of three financial years indicate trends with respect to the import, export and transit of non-proliferation-related strategic goods.

Table 1: Total of permit applications received per financial year

	FY 2018/19	FY 2019/20	FY 2020/21	Total
Imports	91	72	40	203
Exports	104	66	40	210
Transit	1	0	0	1
Sub-Total	196	138	80	

The sharp decline of exports in financial year (FY) 2019/20 from FY 2018/19, continued in FY 2020/21. Additionally, there has been a further decline in imports. For exports, there was a negative growth of 36.5% year-on-year between FY 2018/19 and FY 2019/20, and 39.39% between FY 2019/20 and FY 2020/21.

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



During the reporting period, the Non-Proliferation Council received 40 import and 40 export permit applications, and issued 38 import and 39 export permits. Outstanding was the approval of two applications for import permits and one application for an export permit.

Figure 2: Total export permit applications received per control area for FY 2018/19, FY 2019/20 and FY 2020/21 (1 April 2018 to 31 March 2021)

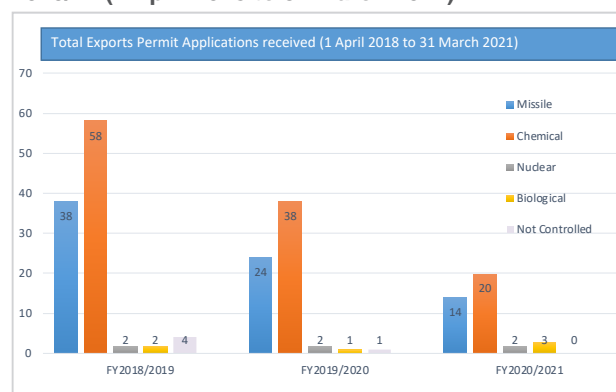


Figure 3: Total import permit applications received per control area for FY 2018/19, FY 2019/20 and FY 2020/2021 (1 April 2018 to 31 March 2021)

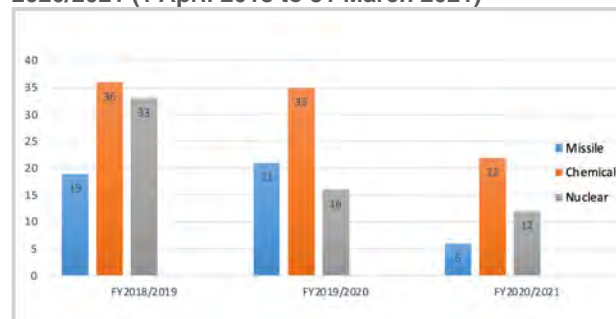


Figure 4: Total export permits issued per control area from 1 April 2018 to 31 March 2021

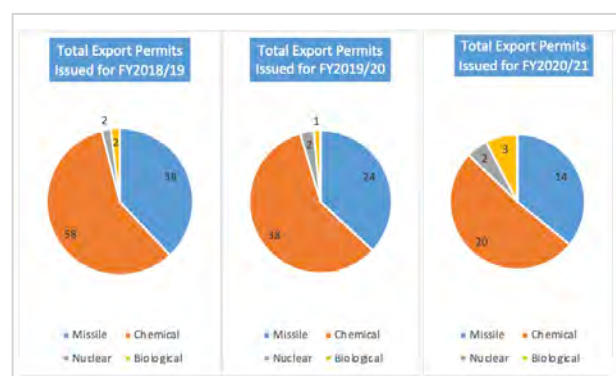
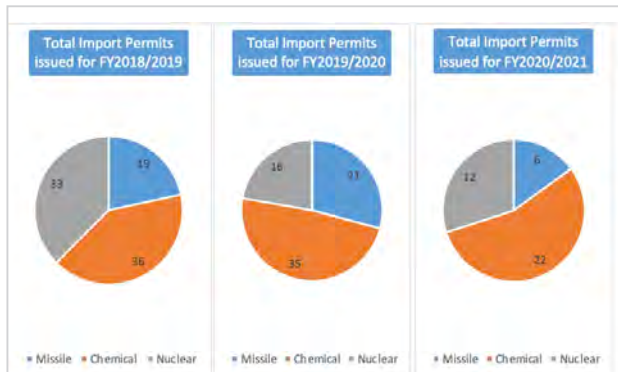


Figure 5: Total import permits issued per control area from 1 April 2018 to 31 March 2021



Chemicals continue to be the most traded products throughout the financial years, even with declining volumes across the three control areas. It should be noted that reference to chemicals is only chemicals as appearing in the Government Notice No. 495 of 29 March 2019. This excludes chemicals reflected in the nuclear and delivery systems secondary legislation. The imports will always exclude biological data because the import of biological toxins, pathogens and related equipment is not regulated by the Non-Proliferation Council, but the exports thereof are subject to permits issued by the Non-Proliferation Council.

Figure 6: Total MSPs issued per control area from 1 April 2018 to 31 March 2021

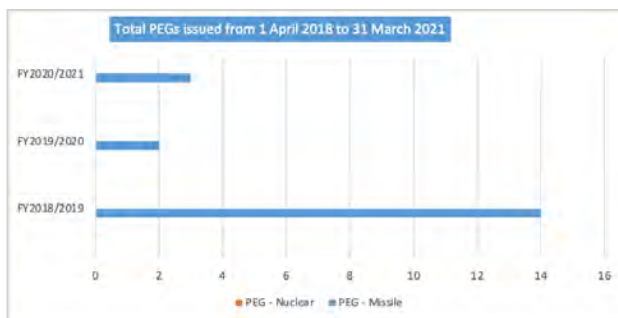
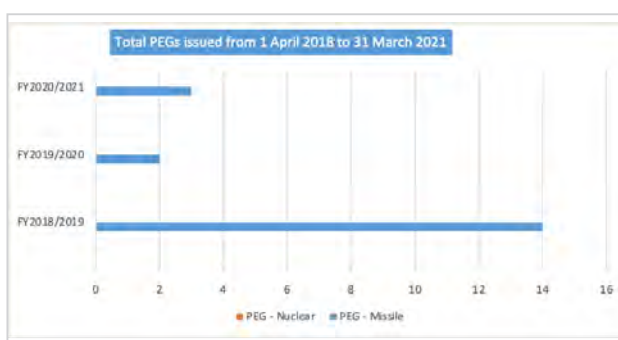


Figure 7: Total PEGs issued per control area from 1 April 2018 to 31 March 2021



Border control and law enforcement

The SARS (Customs), SANDF, Home Affairs Immigration Division and SAPS (Border Police) are responsible for the control of borders, ports of entry or exit and borderlines.

The country is in the process of setting up a Border Management Authority (BMA). Due to the potential impact that the BMA might have on the established relationship between the Non-Proliferation Council and SARS (Customs), discussions were held between the Non-Proliferation Secretariat and the Department of Home Affairs (DHA) to ascertain the support the BMA might need from the council. As the BMA Implementation Protocol is still being discussed between SARS (Customs) and DHA, a similar process could be undertaken between the council and DHA, guided by the MoU between SARS (Customs) and the Non-Proliferation Council.

Throughout the period under review, the Coordinating Committee between the Non-Proliferation Secretariat and SARS (Customs) continued with its engagements to ensure compliance with and enforcement of the non-proliferation legislation. Implementation of the MoU continued. The draft SLA is currently with the legal offices of both the dtic and SARS. The updating of the tariff codes within the prohibited and restricted list was still awaiting promulgation of Government Notices by the Minister of Trade, Industry and Competition.

During the period under review, SARS, in conjunction with the Non-Proliferation Secretariat, devised a mechanism to continue the rollout of the Strategic Trade Control Enforcement (STCE) programme under COVID-19 restrictions. In-person training was no longer possible and so the Non-Proliferation Secretariat and SARS Academy developed online awareness training as a preliminary to the full rollout of the virtual STCE. Both the awareness and full rollout will be undertaken in the new financial year.

Declarations

The Non-Proliferation Council has obligations, in terms of the Chemical Weapons Convention and the Biological and Toxin Weapons Convention (BTWC), to submit annual declarations.

The BTWC CBM declarations highlighting the country's capabilities, legislation and activities in the biological area were submitted to the Implementation Support Unit, United Nations Office for Disarmament Affairs in April 2020.

In addition, the Non-Proliferation Council requires 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.

In September 2020, annual declarations of anticipated activities for South Africa's SSSF and Schedule 3 facilities were submitted to the OPCW in terms of the requirements of the CWC.

In March 2021, 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.

Awareness and outreach programmes

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

Implementation of formalised outreach and awareness campaigns was interrupted by the pandemic. As such, the Non-Proliferation Council, through the Non-Proliferation Secretariat, relied on invitations by other organisations and associations to virtual awareness and outreach interventions. Examples of outreach events include the Department of Science and Innovation's Launching Capabilities Task Team, which supported the recent successful rocket launch by the University of KwaZulu-Natal Aerospace Systems Research Group (UKZN ASReG). The task team was made aware of MTCR-related controls with regard to the rocket launch programme. This event was a continuation of a previous industry visit that the Non-Proliferation Secretariat undertook to the UKZN Mechanical Engineering Department, which is the base for ASReG.

Furthermore, the Non-Proliferation Secretariat was invited to online training workshops on the BTWC and related legislation, and their implementation in South Africa, which were hosted by the National Institute for Communicable Diseases (NICD) and took place on 25 November 2020 and 19 March 2021. The training was targeted at new onboarding employees of the NICD to help them understand the legislation that governs activities undertaken by the institute.

PART D: HUMAN RESOURCE MANAGEMENT



The Non-Proliferation Secretariat

According to Section 4 (7) of the Non-Proliferation Act, the Director-General of **the dtic** shall designate from the department officers and employees required for proper performance of the Non-Proliferation Council's functions. As such, the Chief Directorate: Non-Proliferation of **the dtic**, also known as the Non-Proliferation Secretariat, provided the administrative and secretarial support required for the proper performance of the Non-Proliferation Council and its committees' functions. The Non-Proliferation Secretariat remained located as a chief directorate within the Trade Policy, Negotiations and Cooperation (TPNC) division of **the dtic**.

The Non-Proliferation Secretariat also undertook the daily operations and supported other functions of the Non-Proliferation 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 Non-Proliferation Secretariat and the council committees represented the Non-Proliferation Council at various international virtual forums of the international treaties, conventions and regimes to which South Africa remained a party.

The approved establishment and current structure of the Non-Proliferation Secretariat is provided in Annexure 5.

PART E: FINANCIAL INFORMATION

Budget and expenditure report

The Non-Proliferation Council is a statutory body established by the Minister of Trade, Industry and Competition in terms of the Non-Proliferation Act, therefore the budget for the Non-Proliferation Council and Non-Proliferation Secretariat as well as general administrative services were provided by **the dtic**. All expenditure incurred was through the Non-Proliferation Secretariat, which is allocated a budget through the TPNC division of **the dtic**. The budget and expenditure of the Non-Proliferation Secretariat and the Non-Proliferation Council are included in the audited financial statements of **the dtic** and reported in the Annual Report of **the dtic**. Audited financial statements of the Non-Proliferation Secretariat and the council are therefore not contained in this report.

The following is a brief summary of the budget and expenditure of the Non-Proliferation Secretariat and the Non-Proliferation Council for the FY 2020/21 ending 31 March 2021.

Table 2: Budget and Expenditure for 2020/21

Description	Budget	Expenditure	
		Amount	Percentage
Compensation of Employees	R 7 791 000.00	R 6 800 217.28	87.28%
Goods and Services	R 394 000.00	R 505 650.35	128.34%
Remuneration of council members not in full-time employment of the State	R 30 000.00	R 45 476.14	151.59%
Operational expenditure, including travel and subsistence	R 184 000.00	R 285 670.31	155.26%
Operating leases, including buildings and transport equipment	R 180 000.00	R 174 503.90	96.95%
Sub Fees: OPCW	R 4 405 000.00	R 3 416 923.61	77.57%
Protechnik Laboratories Current	R 3 645 000.00	R 3 644 999.78	99.99%
Council for Geoscience Current	R 1 052 000.00	R 1 052 000.00	100.00%
Total	R 17 287 000.00	R 15 419 791.02	89.19%

ANNEXURE 1: LEGISLATION RELATED TO CONTROLLED GOODS



The control over goods, services and technology related to WMD 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 NSG 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 (NSG 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 CWC 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 CWC 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 Non-Proliferation 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.

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- 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 Non-Proliferation 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 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 DMRE 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 WMD, 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 Non-Proliferation 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 following table indicates persons who served as members of the Council from 1 July 2019.

COUNCIL MEMBER	
Ms D Kgomo	Chairperson
Vacant	Vice-Chairperson
Mr J Kellerman	Department of International Relations and Cooperation (retired on 31 March 2021)
Mr J Bohlolo	South African Nuclear Energy Corporation (appointed 19 March 2021)
Ms L Reinecke	Department of Trade, Industry and Competition
Mr L S Hamilton	Aerospace industry
Dr T Tyobeka	Additional member
Mr P Thema	Nuclear industry
Dr B Tyobeka	Nuclear industry
Ms D Penfold	Chemical industry
Col (Ret) (Dr) B Steyn	Biological industry
Ms E Monale	Department of Mineral Resources and Energy
Vacant	Department of Defence and Military Veterans (two designations)
Vacant	Department of State Security

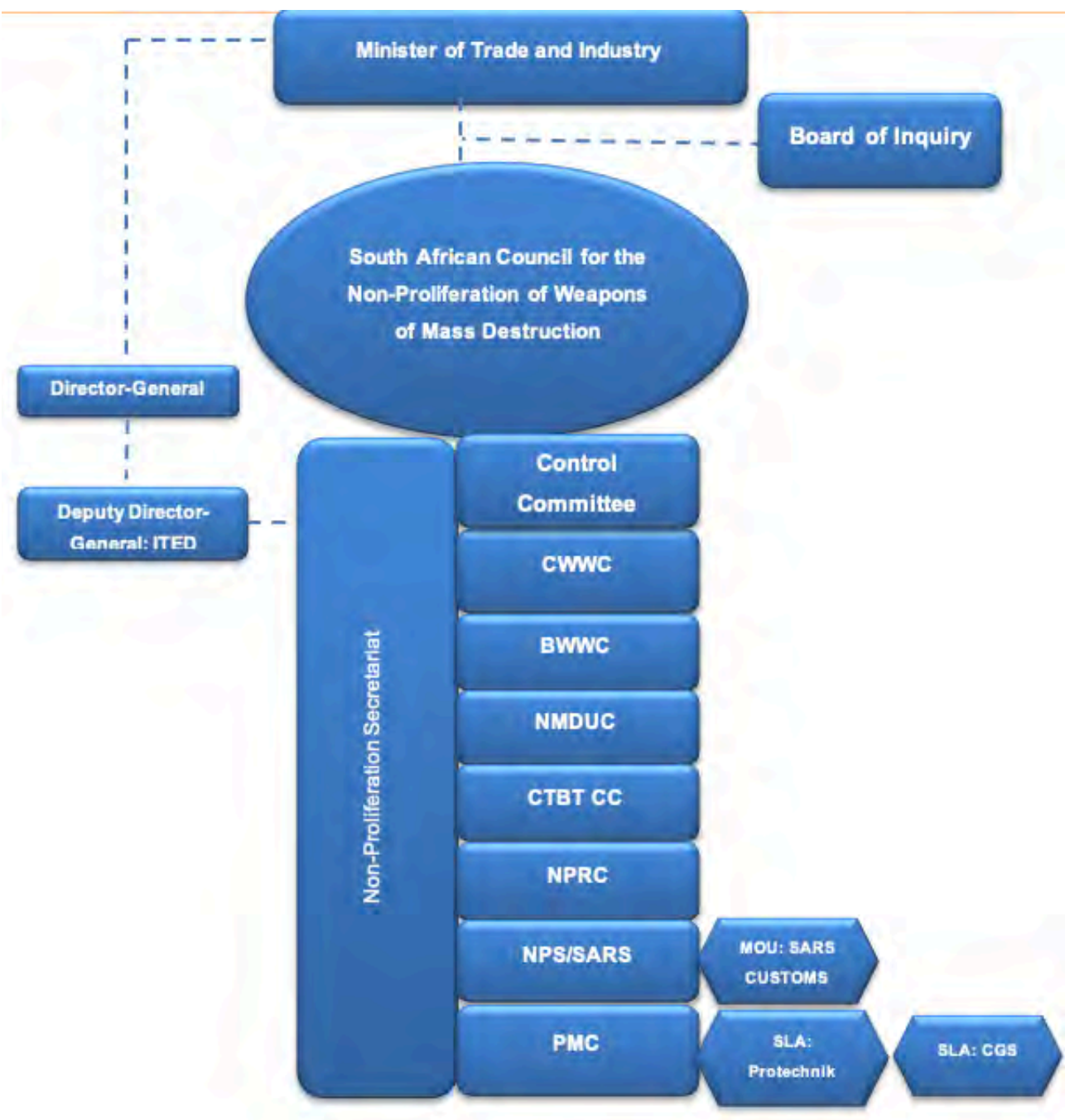
ANNEXURE 3: LIST OF ABBREVIATIONS



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
DMRE	Department of Mineral Resources and Energy
DOC	Discrete Organic Chemical
EDP	Especially Designed and Prepared
GCI	Global Communications Infrastructure
MTCR	Missile Technology Control Regime
NCACC	National Conventional Arms Control Committee
NDP	National Development Plan
NECSA	South African Nuclear Energy Corporation
NMDUC	Nuclear and Missile Dual-Use Committee
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 dtic	Department of Trade, Industry and Competition
WMD	Weapons of Mass Destruction

ANNEXURE 4: NON-PROLIFERATION CONTROL STRUCTURE

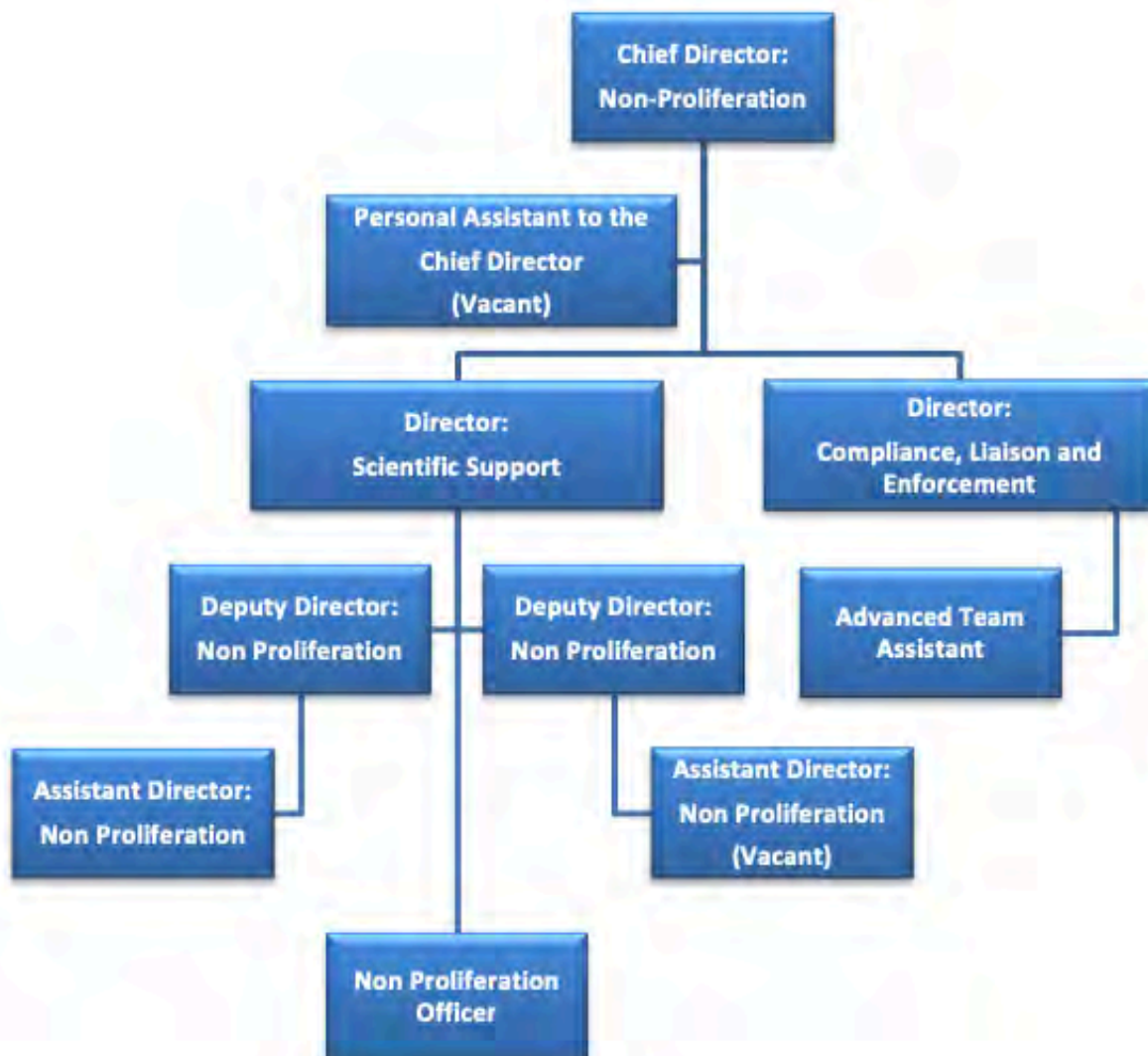




ANNEXURE 5: NON-PROLIFERATION SECRETARIAT STRUCTURE

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South African Council for the Non-Proliferation of Weapons of Mass Destruction
Private Bag X84, Pretoria, 0001, South Africa
Telephone: +27 12 394 3030
Email: Nonproliferation@thedtic.gov.za
Website: www.thedtic.gov.za/nonproliferation

the dtic Campus
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0002

the dtic
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Pretoria
0001

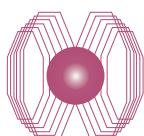
the dtic Customer Contact Centre: 0861 843 384

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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA



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

