



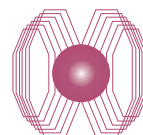
# **THE TWENTY-SIXTH ANNUAL REPORT OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

**REPORT PERIOD 1 APRIL 2019 – 31 MARCH 2020**



**the dtic**

Department:  
Trade, Industry and Competition  
REPUBLIC OF SOUTH AFRICA



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

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# FOREWORD BY THE COUNCIL CHAIRPERSON

As South Africa commemorates the 30<sup>th</sup> anniversary of Nelson Mandela's release from prison, it is befitting that one reminisces not only about his contribution to human rights, but also to disarmament. Weapons of mass destruction (WMD) is a deplorable mode of engagement and the resulting horrors a human rights issue.

On September 21 1998, Mandela made an impassioned speech to the 53<sup>rd</sup> United Nations (UN) General Assembly calling on nuclear-weapon states to make a firm commitment to eliminating nuclear weapons and on the global community to eradicate poverty. He recalled the very first resolution of the UN, adopted in January 1946, which called for "the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction", and lamented the fact that there was still no firm commitment from possessors to eliminate their stockpiles.

In a speech in which he asked those who justify these terrible and terrifying weapons why they need them, he also called for support on a draft resolution *Towards a Nuclear Weapons-Free World: The Need for a New Agenda*, which would be tabled by South Africa and like-minded states.

South Africa would continue to draw from the inspiration that is Nelson Rolihlahla Mandela, and learn and follow in the steps of this colossal figure. The South African Council for the Non-Proliferation of Weapons of Mass Destruction (hereafter referred to as "the Council") upheld those lessons by fulfilling its mandate to control strategic goods and technology that could be used for the proliferation of WMD. This was done through the implementation of legislation and government policy on non-proliferation.

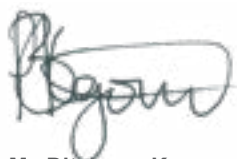
The Council, expertly assisted by its committees and Secretariat, has ensured implementation of all appropriate non-proliferation controls so that South Africa can continue to promote peaceful trade and application of advanced goods and technologies in the nuclear, biological, chemical and missile fields, 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 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.

The current Council took over on 1 July 2019, and a great deal was learned in haste and implemented to ensure little impact on trade and seamless transition from the previous Council. It is a source of pride for the new Council to serve the country in this capacity and although some designations are still outstanding, there is conviction from the current members to ensure South Africa grows in its upward trajectory of non-proliferation.

The Council appointed its new committees, as provided for in Section 10 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993). This includes implementation of the recommendations of the committees' skills audit report, compiled by the previous Council, to capacitate committees with skills from other government institutions not previously represented. This resulted in the invitation to representatives from the National Nuclear Regulator (NNR), Financial Intelligence Centre (FIC), Technology Innovation Agency (TIA), Council of Scientific and Industrial Research (CSIR) and the Armaments Corporation of South Africa (Armscor) to serve on different committees.

The Secretariat has supported the Council in the transitional period by organising a workshop to educate members on the functions of the Council. The workshop gave a clear picture of the non-proliferation and arms control structure of South Africa, and highlighted pertinent issues that needed immediate attention. Despite its limited staff complement, the Secretariat also provided the Council with support in general, and it must be commended for its overall understanding of the subject matter and continuous strive for perfection.

We appreciate the trust bestowed upon us by the Minister of Trade and Industry in the implementation of the Non-Proliferation Act. It is a daunting and challenging task and, over the next four years when the yoke becomes heavy, we will fall back on the lessons learned from Madiba, and look to the Minister and the Department of Trade, Industry and Competition (**the dtic**) for guidance where required.



**Ms Ditebogo Kgomo**  
Council Chairperson

# OVERVIEW BY THE HEAD OF THE COUNCIL SECRETARIAT

Non-proliferation and arms control have proven their dynamic nature with their impact on science, trade and security, and it would take cooperation to achieve a world free of WMD with a manageable quantity of conventional weapons. South Africa chairs the African Union (AU), while promoting the African Continental Free Trade Agreement (AfCFTA) and continuing its term as a non-permanent member of the UN Security Council. It should be noted that key issues such as silencing the guns would be difficult were there no assurance of thorough non-proliferation and arms control regulation during implementation of the AfCFTA.

Although Africa has acknowledged and shown commitment through the Pelindaba Treaty and the signing and ratifying of other treaties and conventions, national legislation to regulate dual-use items would eventually assist in gaining momentum on notable goals. It may be easier to regulate complete arms than the material, equipment, technology and software required to produce the arms and WMD, especially on a continent where these dual-use items need to be freely available to promote scientific and technological development for civil industry applications.

Although the Council undertook a review of the non-proliferation secondary legislation in March 2019, the impact of the decision by the Chemical Weapons Convention (CWC) Conference of States Parties in December 2019 to amend the CWC Schedule 1 list of chemicals compels South Africa to follow suit. According to the guidelines, the amended Schedule 1 list would be in force within 180 days from the formal communication issued by the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW). This set the implementation date to June 2020. Thus, the Council decided to initiate the process to review some of its secondary legislation to implement the update of the CWC as well as updates to control lists from other international control regimes.

The Council assumed responsibility as the National Authority for the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 2013. While the Council for Geoscience (CGS) had been operating the waveform facilities for many years, the implementation of the radionuclide technologies had been delayed. The South African Nuclear Energy Corporation (NECSA) had been identified as the South African host of the radionuclide technologies. During the reporting period, the Secretariat assisted in the finalisation of the radionuclide laboratory certification, continued supporting NECSA on the development of the radionuclide station, and facilitated training of officials from both the CGS and NECSA. Furthermore, the Secretariat, in conjunction with officials from the CGS, negotiated the upgrade maintenance of the Infrasound Station 47 with the Provisional Technical Secretariat of the CTBT Organisation. Both the certification of the laboratory and the upgrade maintenance were concluded in December 2019. With the certification concluded, the NECSA radionuclide

laboratory (RL14) would now be providing services and conducting radionuclide sample analysis on behalf of the CTBTO under the already signed Post Certification Activities contract. It should be noted that since the RL14 is designated to be a dual-purpose laboratory under the CTBT, it would need to further undergo noble gases certification to provide similar sample analysis services on noble gases.

The Minister of Trade and Industry appointed a new Council from 1 July 2019. The Secretariat, however, is still awaiting outstanding designations and discussing outstanding appointments with the Ministry. The Council is supported by its various committees and working groups, which are fully constituted from various government departments, agencies and other representatives, after a skills audit was conducted and the correct representation identified for each of the committees.

During the period under review, the Secretariat revised the outreach methodology and targeted specific sectors per quarter by conducting focus sessions for different sectors of industry. Support was received from the dti Marketing Communication and Media Relations division. One sector-specific industry outreach intervention took place each quarter, in addition to engagement with all industry players on the progression of the online permit system. The industry-specific outreach interventions included presentations from other relevant government agencies, the mandates of which overlap with the Council, thereby providing industry with a complete picture of controls.

Work on the development of the online permit system continued with the business continuity platforms and the penetration test conducted to ensure the sustainability and security of the system. The system intends to 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.

As shown above, over the report period, the Secretariat to the Council has continued to play an effective supportive role, which allowed the Council to discharge its mandate efficiently. Therefore, I would like to thank the dti, the Council and Council Committee members, my colleagues at the Non-Proliferation 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



“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

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This 26<sup>th</sup> annual report of the South African Council for the Non-Proliferation of Weapons of Mass Destruction 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 2019 to 31 March 2020.

The 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 Council, through the Non-Proliferation Secretariat, achieved its objective 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 party.

During the report period, the 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 Non-Proliferation Act. This was achieved through the maintenance of a Memorandum of Understanding (MoU) with the South African Revenue Service (SARS), service level agreements (SLAs) with specialised entities, Council committees, and outreach to industry and other government agencies.

The Council had previously considered the task team report and the proposed Non-Proliferation Act amendments and therefore proceeded to initiate consultations between the Minister of Trade and Industry and the Minister of Mineral Resources and Energy, as recommended. The Council further initiated the updates of the secondary legislation to ensure that South Africa's controls are on par with international developments.

In addition to hosting international inspectors, whose reports indicated that South Africa abides by its international obligations, the Secretariat conducted the biannual international verification visits to ensure end-use conditions are maintained by the end user. There were also visits by international organisations for training interventions and workshops.

The new Council, which was appointed by the Minister of Trade and Industry on 1 July 2019, has already implemented the recommendations of the skills audit by appointing representatives from other government agencies to its committees. This is symbiotic, as bodies such as the FIC would gain insight on non-proliferation, which impacted on the implementation of the new Financial Intelligence Centre Act.

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

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## Policy

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

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.

In order to implement a clear policy on the non-proliferation of WMD, 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 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, the Africa Group and 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 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 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 provided in Annexure 1.

## PART B: GOVERNANCE

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## 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 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 of the Council

The Minister of Trade and Industry, in terms of Section 4(2) of the Non-Proliferation Act, appointed members of the current Council from 1 July 2019 to 30 June 2024. During the report period, there was an overlap of membership as the Minister of Trade and Industry had to extend the term of the previous Council on numerous occasions, until 30 June 2019, while awaiting responses from counterparts and industry associations on their designations.

The new Council has been constituted and is functional, but there are still outstanding designations and appointments that need to be concluded.

A list of the members 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, assess the activities of its committees and the Secretariat, and consider permit applications received from industry. Additionally, the new Council attended the workshop organised by the Secretariat to provide new members with an overview of their responsibilities and general non-proliferation mandate and controls.

## Committees of the Council

As the Minister of Trade and Industry had appointed a new Council from July 2019, the Council had an opportunity to reconsider the constitution of the Council committees in terms of Section 10 of the Non-Proliferation Act. These committees are established to advise the Council on specific technical issues. The engagements of these committees are guided by the Council, as per approved constitutions and terms of reference (ToRs), MoUs and SLAs. Regular meetings were held during the reporting period, with quarterly reports provided in line with the SLA requirements.

Based on a skills audit of the composition of the Council committees, the Council recommended the addition of specific skills to certain committees. Thus, the newly constituted committees have additional representation from the FIC, TIA, NNR, CSIR and Armscor. These representatives would provide the Council committees with the additional skills required to implement South Africa's non-proliferation obligations holistically.

### 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 (NPS), the Department of International Relations and Cooperation (DIRCO), the FIC, the National Conventional Arms Control Committee (NCACC) Secretariat, the NCACC Inspectorate, the 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 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 consisted of experts from the Council, the NPS, Protechnik Laboratories (a division of Armscor SOC Limited), DIRCO, SSA, the Department of Agriculture, Forestry and Fisheries (DAFF), 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 Council on issues related to the implementation of the Biological and Toxin Weapons Convention (BTWC). Guidance was given to the South African delegation attending the Meeting of Experts and Meeting of the States Parties to the BTWC.

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

### **Nuclear and Missile Dual-Use Committee (NMDUC)**

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

Delegations to international meetings of the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR) were advised on negotiation positions.

The NMDUC consisted of an expert from the Council and officials from the NPS, NECSA, DIRCO, DI, SSA, DoE, CSIR, TIA, Armscor, NNR, NCACC Inspectorate, NCACC Secretariat and co-opted members.

### **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, 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 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 in order to ensure that the country's non-proliferation controls remained aligned to national interests, international commitments and best practice.

In September 2017, the Department of Trade and Industry (**the dti**) 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 of the JCPS Cluster noted that the nuclear non-proliferation controls are divided between the Council and the DoE. It therefore indicated that before such a request be 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. 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 DoE and the Deputy Director-General: International Trade and Economic Development at **the dti** to conduct a review of the South African controls on the non-proliferation of WMD. Both Deputy Directors-General recommended to the Council a report compiled by the task team. After considering the report, the Council initiated consultation between the Ministers.

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

The NPS/SARS CC was formed in terms of the MoU signed between **the dti** and SARS. The committee dealt with implementation of the MoU, negotiated the SLA and 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 the NPS, SARS, 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 CTBT in South Africa, the state of health of the local Comprehensive Nuclear-Test-Ban Treaty Organisation's (CTBTOs) International Monitoring System, integration of the station(s) into the CTBTO's Global Communications Infrastructure (GCI) and certification of all CTBTO infrastructure in the country.

This committee was instrumental in monitoring the progress of RL 14 certification and is continuously assisting in the development of RN 62 radionuclide station.

The CTBT CC consisted of officials from the NPS, NECSA, DIRCO, SSA, DI, DoE and the Council for Geoscience (CGS). A nomination from the Department of Environment, Forestry and Fisheries is still outstanding.

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



Officials from Necsa, CTBTO and the Non-Proliferation Secretariat during the initial stages of the RL14 certification process



Necsa scientist preparing the RASA sample for analysis in line with the CTBTO prescripts



### Protechnik Laboratories Programme Management Committee (PL PMC)

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

The PL PMC provided oversight on the implementation of the SLA to ensure that all tasks required for South Africa to fulfil its obligations in terms of the Chemical Weapons Convention (CWC) are executed.

The PL PMC consisted of experts from the NPS, Protechnik Laboratories, SANDF: 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 SLA between **the dti** 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 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 SLA with Protechnik Laboratories, South Africa's Single Small-Scale Facility (SSSF), enabled the provision of the above laboratory services. This also 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.



Officials from the OPCW, NPS, Protechnik Laboratories and chemistry professionals from African Member States during the Analytical Chemistry Course (ACC) held at Protechnik Laboratories in Pretoria from 13 – 24 May 2019.

### Comprehensive Nuclear-Test-Ban Treaty Organisation-Related Services

South Africa signed and ratified the CTBT in 1996 and 1999 respectively. The Council has been designated as the national authority to the CTBTO, thereby ensuring the implementation of CTBT obligations in South Africa.

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

On behalf of the Council, **the dti** 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, was renewed for five years, from 1 April 2016 to 31 March 2021.

Due to the deteriorating state of the IS47, the Secretariat and officials of the CGS negotiated the upgrade maintenance of the station with the PTS of the CTBTO on the margins of the Working Group B meetings. As such, the PTS officials visited South Africa from 25 November to 11 December 2019 to conduct maintenance in conjunction with the experts from the CGS. The CGS also conducted maintenance at the AS99. This has resulted in all the waveform stations hosted by South Africa providing authenticated data to the International Data Centre in Austria.



CGS station operators and an official from the PTS inside the Central Recording Facility (CRF) building during the maintenance of the IS47



Aerial view of the CRF, showing the CGS, IDC GCI and AFTAC VSAT satellite antennas, AFTAC solar panels, the CRF building in Boshoff.

## Non-Proliferation Control Structure

The 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 Council is provided in Annexure 4.

## PART C: PERFORMANCE

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## 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, while ensuring regulation is not used to deny developing countries access to technology.

### Nuclear Suppliers Group

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 meetings during the report period:

- NSG Technical Experts Group, Informal Meeting, Industry Outreach and Consultative Group Meetings, held from 1 to 5 April 2019 in Vienna, Austria
- NSG Plenary Meeting, held from 17 to 21 June 2019 in Nur Sultan, Kazakhstan
- NSG Technical Experts Group and Consultative Group Meetings, held from 11 to 14 November 2019 in Vienna, Austria

### Missile Technology Control Regime

The MTCR is an informal and voluntary association of countries that share the goals of non-proliferation of unmanned (delivery) systems capable of delivering WMD and seek to coordinate national export licensing efforts aimed at preventing their proliferation.

The MTCR arranged the following meetings during the report period:

- MTCR Interessional Technical Experts Meeting, held from 27 to 30 May 2019 in Berlin, Germany

- Technical Experts Meeting and the Plenary of the MTCR, held from 7 to 11 October 2019 in Auckland, New Zealand

### Comprehensive Nuclear-Test-Ban Treaty Organisation

The CTBTO is an international organisation that will be established upon the entry into force of the CTBT, a convention that outlaws nuclear test explosions. The organisation will be tasked with verifying the ban on nuclear tests and therefore will operate a worldwide monitoring system and may conduct on-site inspections.

The CTBTO arranged the following meetings during the report period:

- CTBTO Science and Technology Conference, held from 24 to 28 June 2019 in Vienna, Austria
- 54th CTBTO Working Group B meeting, held from 17 to 28 February 2020 in Vienna, Austria

### Organisation for the Prohibition of Chemical Weapons

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 both of evaluation of declarations by member states and on-site inspections.

The OPCW arranged the following meetings during the report period:

- 17<sup>th</sup> Regional Meeting of National Authorities of African States Parties to the CWC, held from 12 to 14 June 2019 in Addis Ababa, Ethiopia
- 21<sup>st</sup> Annual Meeting of National Authorities of States Parties to the CWC, held from 3 to 08 November 2019 in The Hague, The Netherlands
- 24<sup>th</sup> Session of the Conference of State Parties to the CWC, held from 25 to 29 November 2019 in The Hague, The Netherlands

### Biological and Toxin Weapons Convention (BTWC)

The BTWC was the first multilateral disarmament treaty banning the production of an entire category of weapons. State parties to the treaty serve as the decision-making body on the implementation of the convention.



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

- BTWC Meeting of Experts, held from 29 July to 8 August 2019 in Geneva, Switzerland – South Africa chaired the session on Strengthening National Implementation (MX-3)
- BTWC Meetings of State Parties, held from 3 to 6 December 2019 in Geneva, Switzerland

#### **Other Non-Proliferation Activities-Related Meetings and Courses**

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

- The Workshop for the SADC in support of the full and effective implementation of the UN Security Council Resolution (UNSCR) 1540 in Southern Africa, held from 29 to 30 May 2019, and the SADC Wiesbaden Conference Government-Industry Partnership in the implementation of the UNSCR 1540, held on 31 May 2019 in Livingstone, Zambia
- The Technical Workshop on Sharing Best Practices in the Development of a Legislative and Regulatory Framework on Chemical Security, held from 24 to 25 July 2019 in The Hague, The Netherlands
- The Wiesbaden Conference 2019, held from 27 to 28 August 2019 in Wiesbaden, Germany
- The Electronic Commodity Identification Training Content Management Training, held from 9 to 13 December 2019 in Chicago, the United States of America (USA)

#### **Non-Proliferation Capacity-Building Activities and Workshops held in South Africa**

Various training courses and workshop were held to enhance capacity in Africa and worldwide with regard to the implementation of the CWC. The following training course and workshop was held during the report period:

- The 12th Analytical Chemistry Course under the programme to strengthen cooperation in Africa, held from 13 to 24 May 2019 at Protechnik Laboratories in Centurion. Participants were trained in sample preparation, basic analytical techniques and the use of certain laboratory equipment required for the analysis of toxic chemicals.

#### **Council Activities Related to National Cooperation in Respect of Non-Proliferation**

Section 5 of the Non-Proliferation Act requires that the Council cooperate and consult with the NCACC and the Minister of Energy (acting as the national authority on the implementation of Safeguards Agreement) in order 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 Council and the various Council committees.

Certain exports, imports and transit of goods required the approval of the Council, South African Police Service (SAPS) as well as the 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 was maintained to ensure consultation between the Council and the Minister of Energy with regard to nuclear exports and imports. Representatives from the DoE participated in the Council, the NMDUC, CTBT CC and CC meetings.

#### **Recommendations for the Transfer of Nuclear Materials**

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

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 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 Control Committee:

- considered 67 import and 36 export authorisation applications
- made positive recommendations on 66 import and 35 export authorisations to the Minister of Energy. One import and one export authorisations were not recommended since the applications did not comply with the legislation.

### 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 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 maintained to protect the confidentiality of information contained in the Register.

During the period of the report, 61 persons applied for new registration and 62 renewed their registrations, which brought the total number of persons registered with the Council under the new registration format to 502 as at 31 March 2020.

### 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:

- Individual
- Open multiple
- Issue on request
- Transit
- Provisional export guidance
- Manufacturing and services

These 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 a 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 (PEG) 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 are concluded with potential customers abroad.

The manufacturing and services permit (MSP) is 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 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 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/12 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 the Council, which then decided whether to approve the application, to request further information or deny the application.

### Permit Statistics and Trends

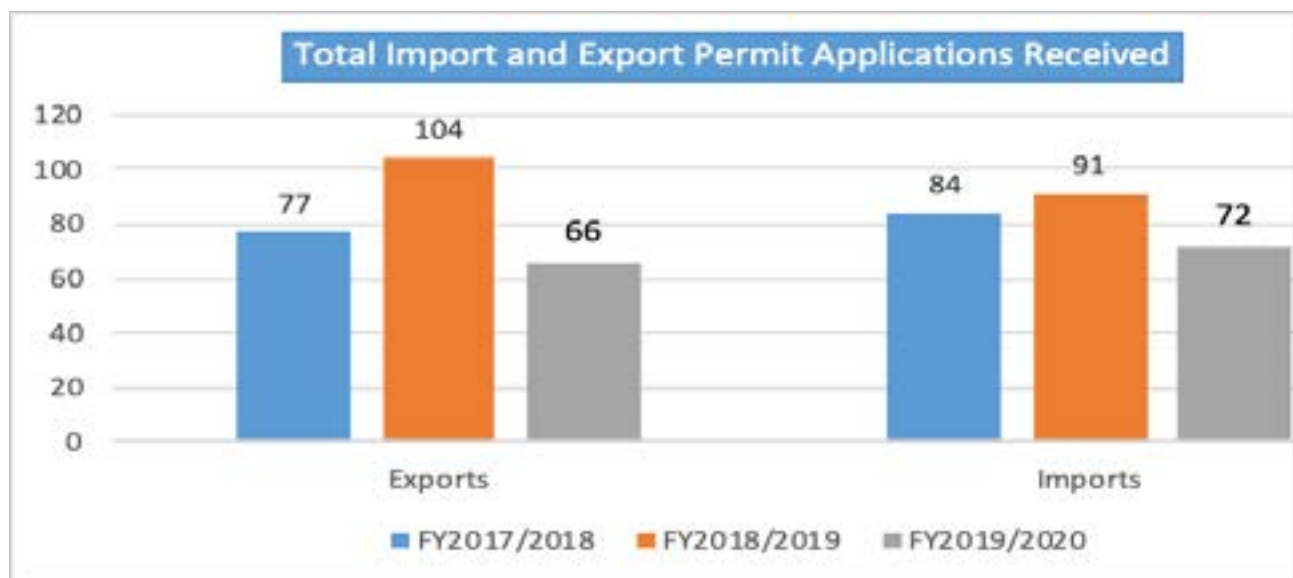
South Africa prides itself in its responsible trade of strategic goods, while ensuring that the non-proliferation obligations are maintained. Below are permit statistics over a period of three financial years, to indicate the trends with respect to the import, export and transit of non-proliferation-related strategic goods.

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

	FY 2017/2018	FY 2018/2019	FY 2019/2020	Total
Imports	84	91	72	247
Exports	77	104	66	247
Transit	0	1	0	1
<b>Sub-Total</b>	<b>161</b>	<b>196</b>	<b>138</b>	

There was a sharp decline of exports in financial year (FY) 2019/20 from FY 2018/19. Some of the PEG requests that Council had approved in FY 2018/19 were followed up by industry and turned into formal export permits. In general, however, the number of export permit applications received were lower. Similarly, there has been a slight decline in imports, with negative growth of 20.8% year-on-year between FY 2018/19 and FY 2019/20, as compared to an increase of 7.69% between FY 2017/18 and FY 2018/19.

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



During the reporting period, the Council received 72 import and 66 export permit applications. Seventy-two import and 65 export permits were issued by the Council, while one export permit application was cancelled as the item was not controlled in terms of the non-proliferation legislation.

**Figure 2: Total export permit applications received per control area for FY 2017/18, FY 2018/19 and FY 2019/20 (1 April 2017 to 31 March 2020)**



**Figure 3: Total import permit applications received per control area for FY 2017/18, FY 2018/19 and FY 2019/20 (1 April 2017 to 31 March 2020)**



Figure 4: Total export permits issued per control area from 1 April 2017 to 31 March 2020

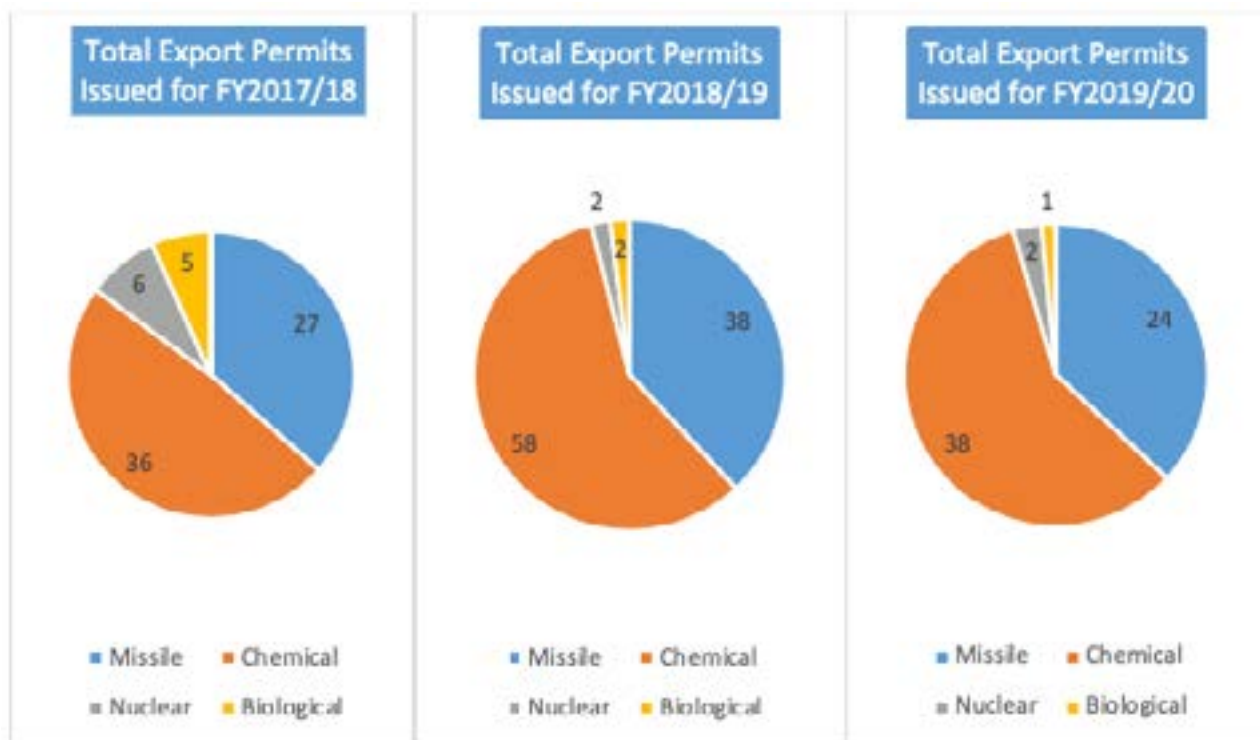
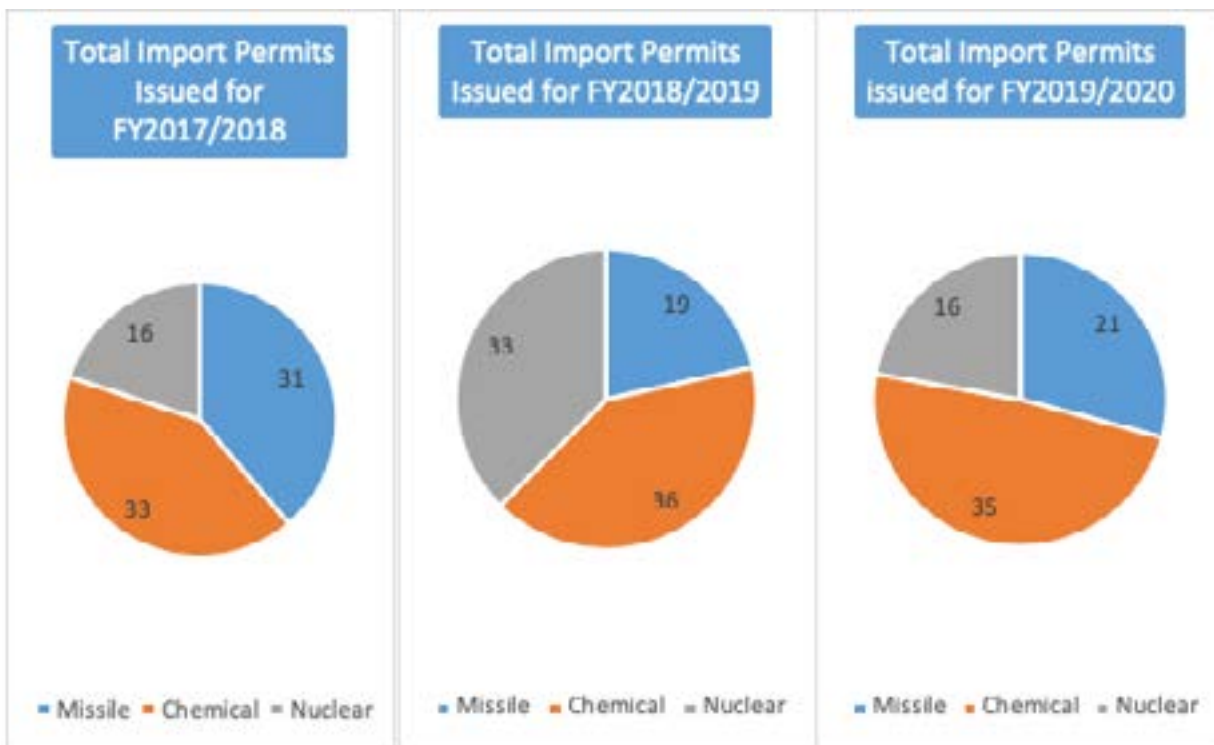


Figure 5: Total import permits issued per control area from 01 April 2017 to 31 March 2020



Similar to the preceding financial year, the reporting period recorded the highest percentage of chemical-related export and import permit applications, followed by missile-related permit applications. Despite South Africa's history in the nuclear industry, the trade of nuclear dual-use items shows the country as a net importer. An export peak in FY 2017/18 has been replaced in subsequent financial years by a consistent decrease in exports.

Figure 6: Total MSPs issued per control area from 1 April 2017 to 31 March 2020

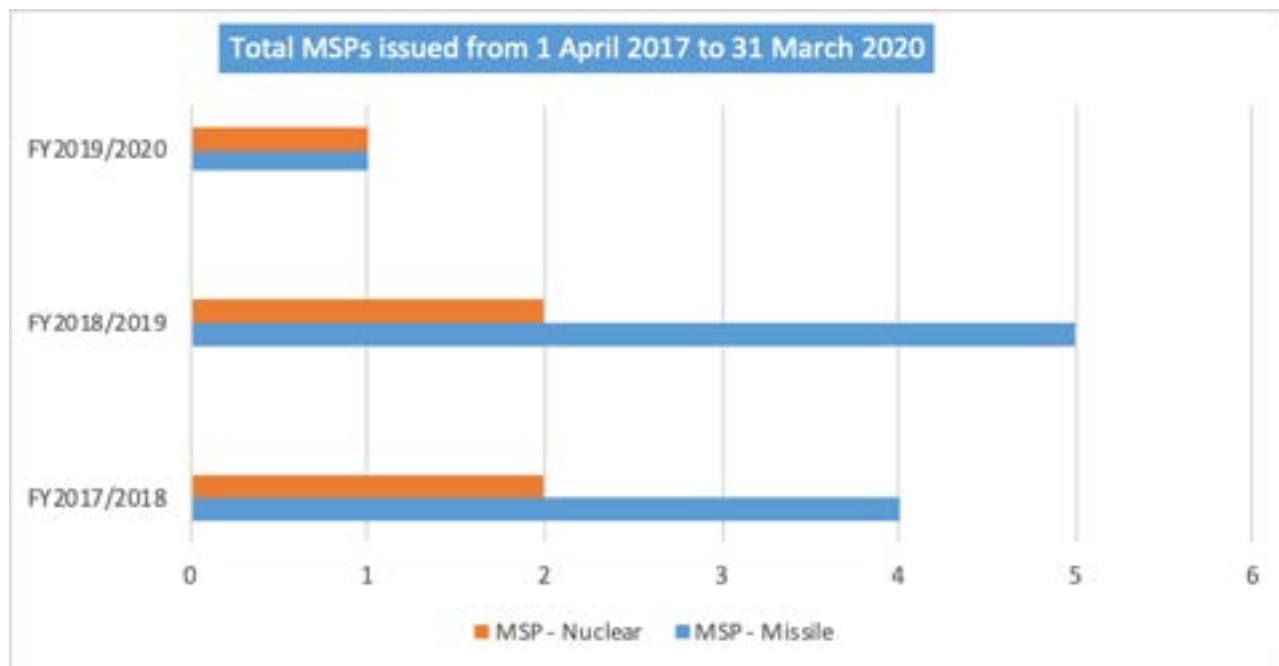
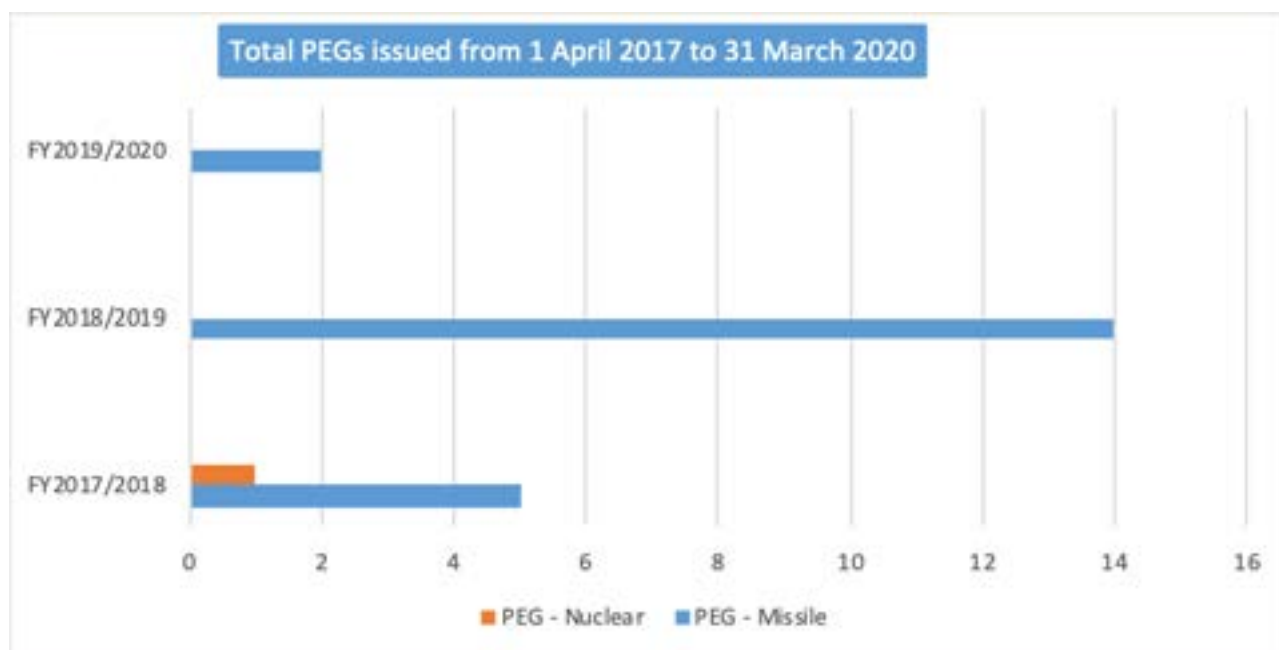


Figure 7: Total PEGs issued per control area from 1 April 2017 to 31 March 2020



Numerous MSP applications and PEG requests were received by the Council in FY 2018/19, while both permit mechanisms recorded a sharp decline during the current reporting period. The decline could be attributed to MSPs being valid for two years. PEG requests could either be a sign that new markets lack interest in South African products or old markets lack interest in new South African products. It could also be that companies have already gained the market after receiving positive guidance from the Council, which would have tangible results and contribute positively to the export market.



## 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.

Throughout the period under review, the Coordinating Committee between the Non-Proliferation Secretariat and the SARS (Customs) continued with its engagements to ensure compliance with and enforcement of the non-proliferation legislation. The 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. This included completing the flagging updates of Council relevant tariff codes within the prohibited and restricted list.

Throughout the period under review, SARS in conjunction with the Non-Proliferation Secretariat and the DoE continued the roll out of the Strategic Trade Control Enforcement (STCE) programme, with a focus on commodity identification training (CIT). The STCE, which is led by SARS, equips customs and border control officials with the skills to identify and intercept any illicit transfers of sensitive items that are controlled under the non-proliferation, arms control and dual-use legislation. Although CIT is part of the STCE, it mainly focuses on sensitive items that could be used to develop WMD, while the STCE includes strategic items such as conventional arms and radiological goods in addition to WMD-related products.

In addition to the Counter-Proliferation and Investigative Mechanisms (CPIM) training, which was organised by the Council in conjunction with an international partner, two local training interventions took place in Pretoria and Cape Town during the reporting period. The local training, organised by the SARS Academy together with the Non-Proliferation Secretariat and DoE, was intended for SARS Customs personnel only, while the CPIM was attended by all arms-control and non-proliferation structures and law enforcement bodies in South Africa.

## Declarations

The 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.

In September 2019, 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 2020, 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 one Schedule 3 inspection in South Africa. The inspection confirmed South Africa's adherence to the provisions of the CWC.

Furthermore, international verification exercises were undertaken to ensure adherence to certain conditions attached to sensitive items exported from South Africa. The verification exercises were undertaken in conjunction with the NCACC Inspectorate.

Locally, an inspection was undertaken at a missile-related company in terms of the MSP conditions to verify the content of the declarations submitted by the company. The inspection confirmed the company's adherence to the permit conditions.

## 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 14 visits to individual companies and four outreach sessions targeting the various sectors of industry, namely the chemical, biological, nuclear and missile sectors. Although the biological and missile outreach interventions enjoyed massive support, the audience was minimal during the nuclear and chemical industry outreach. The industry-specific outreach interventions included presentations from other relevant government agencies, the mandates of which overlap with the Council, thereby providing industry with a complete picture of controls. This was augmented by industry engagement on the development of the online permit system. In anticipation, some companies offered to participate during the soft launch of the system.

Outreach to industry is conducted collaboratively between the Compliance, Liaison and Enforcement Unit and the Scientific Support Unit of the Secretariat. Other government agencies were invited as speakers to ensure that industry receives a holistic view of non-proliferation and arms controls within South Africa as well as information on the overlapping mandates, where applicable.

**Table 2: Industry outreach interventions for 2019/20**

Outreach Interventions			
Sector	Venue	Date	Other government agencies invited
Biological	Pretoria, Gauteng	06 June 2019	Department of Health and Department of Environment, Forestry and Fisheries
Missile/Delivery Systems	Somerset West, Western Cape	19 September 2019	National Conventional Arms Control Committee Secretariat
Nuclear	Pretoria, Gauteng	21 November 2019	Department of Energy
Chemical	Durban, KwaZulu-Natal	13 March 2019	None
Online Permit System Demonstration	Midrand, Gauteng	26 August 2019	None

## PART D: HUMAN RESOURCE MANAGEMENT

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## The Council Secretariat

The Chief Directorate: Non-Proliferation of **the dti**, also known as the Non-Proliferation Secretariat (NPS), provided the administrative and secretarial support 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 (ITED) 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

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## Budget and Expenditure Report

The Council is a statutory body established by the Minister of Trade and Industry in terms of the Non-Proliferation Act, therefore 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 ITED 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 FY 2019/20 ending 31 March 2020.

**Table 3: Budget and Expenditure for 2019/20**

Description	Budget	Expenditure	
		Amount	Percentage
Compensation of Employees	R 7 733 000.00	R 6 693 606.50	86.56%
Goods and Services	R 2 003 000.00	R 2 104 559.67	105.07%
Remuneration of Council members not in full time employment of the State	R 327 000.00	R 326 250.37	99.77%
Operational Expenditure including Travel and Subsistence	R 1 495 000.00	R 1 582 089.50	107.62%
Operating leases including Buildings and Transport Equipment	R 181 000.00	R 196 219.80	108.41%
Sub Fees: OPCW	R 3 009 000.00	R 3 008 411.02	99.98%
Protechnik Laboratories Current	R 3 455 000.00	R 3 454 712.72	99.99%
Protechnik Laboratories Capital	R 1 430 000.00	R 1 428 909.40	99.92%
Council for Geoscience Current	R 1 327 000.00	R 1 327 000.00	100.00%
Total	R 18 957 000.00	R 18 017 199.31	95.04%

## ANNEXURE 1: LEGISLATION RELATED TO CONTROLLED GOODS

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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 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 DoE 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)

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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

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The members of the Council were appointed by the Minister of Trade and Industry in terms of Section 4(2) of the Non-Proliferation Act, for a period of five years. The following table indicates persons who served as members of the Council until 30 June 2019.

<b>COUNCIL MEMBER</b>	
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. AP SEDIBE	Department of Defence and Military Veterans
MR LS 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

The members of the Council were appointed by the Minister of Trade and Industry in terms of Section 4(2) of the Non-Proliferation Act, for a period of five years. The following table indicates persons who served as members of the Council from 1 July 2019.

<b>COUNCIL MEMBER</b>	
MS D KGOMO	Chairperson
Vacant	Vice-Chairperson
MR J KELLERMAN	Department of International Relations and Cooperation
Vacant	South African Nuclear Energy Corporation
MS L REINECKE	Department of Trade and Industry
Vacant	Department of Defence and Military Veterans
MR L S HAMILTON	Aerospace Industry
DR T TYOBEKA	Nuclear Industry
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 Energy
Vacant	State Security Agency

## ANNEXURE 3: LIST OF ABBREVIATIONS

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<b>BTWC</b>	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)
<b>BWWC</b>	Biological Weapons Working Committee
<b>CC</b>	Non-Proliferation Control Committee
<b>CGS</b>	Council for Geoscience
<b>CGS PMC</b>	Council for Geoscience Project Management Committee
<b>CIT</b>	Commodity Identification Training
<b>CTBTO</b>	Comprehensive Nuclear-Test-Ban Treaty Organisation
<b>CTBTCC</b>	Comprehensive Nuclear-Test-Ban Treaty Coordinating Committee
<b>CWC</b>	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention)
<b>CWWC</b>	Chemical Weapons Working Committee
<b>CDCAC</b>	Chief Directorate Conventional Arms Control
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DI</b>	Defence Intelligence
<b>DoE</b>	Department of Energy
<b>DOC</b>	Discrete Organic Chemical
<b>EDP</b>	Especially Designed and Prepared
<b>GCI</b>	Global Communications Infrastructure
<b>MTCR</b>	Missile Technology Control Regime
<b>NCACC</b>	National Conventional Arms Control Committee
<b>NDP</b>	National Development Plan
<b>NECSA</b>	South African Nuclear Energy Corporation
<b>NMDUC</b>	Nuclear and Missile Dual-Use Committee
<b>NPRC</b>	Non-Proliferation Review Committee
<b>NPS</b>	Non-Proliferation Secretariat
<b>NSG</b>	Nuclear Suppliers Group
<b>OCPF</b>	Other Chemical Production Facility
<b>OPCW</b>	Organisation for the Prohibition of Chemical Weapons
<b>PL PMC</b>	Protechnik Laboratories Programme Management Committee
<b>RN</b>	Radionuclide Laboratory
<b>SACU</b>	Southern African Customs Union
<b>SANAS</b>	South African National Accreditation System
<b>SANDF</b>	South African National Defence Force
<b>SLA</b>	Service Level Agreement
<b>SSA</b>	State Security Agency
<b>SSSF</b>	Single Small-Scale Facility
<b>TEM</b>	Technical Expert Meeting
<b>the dti</b>	Department of Trade and Industry
<b>WMD</b>	Weapons of Mass Destruction

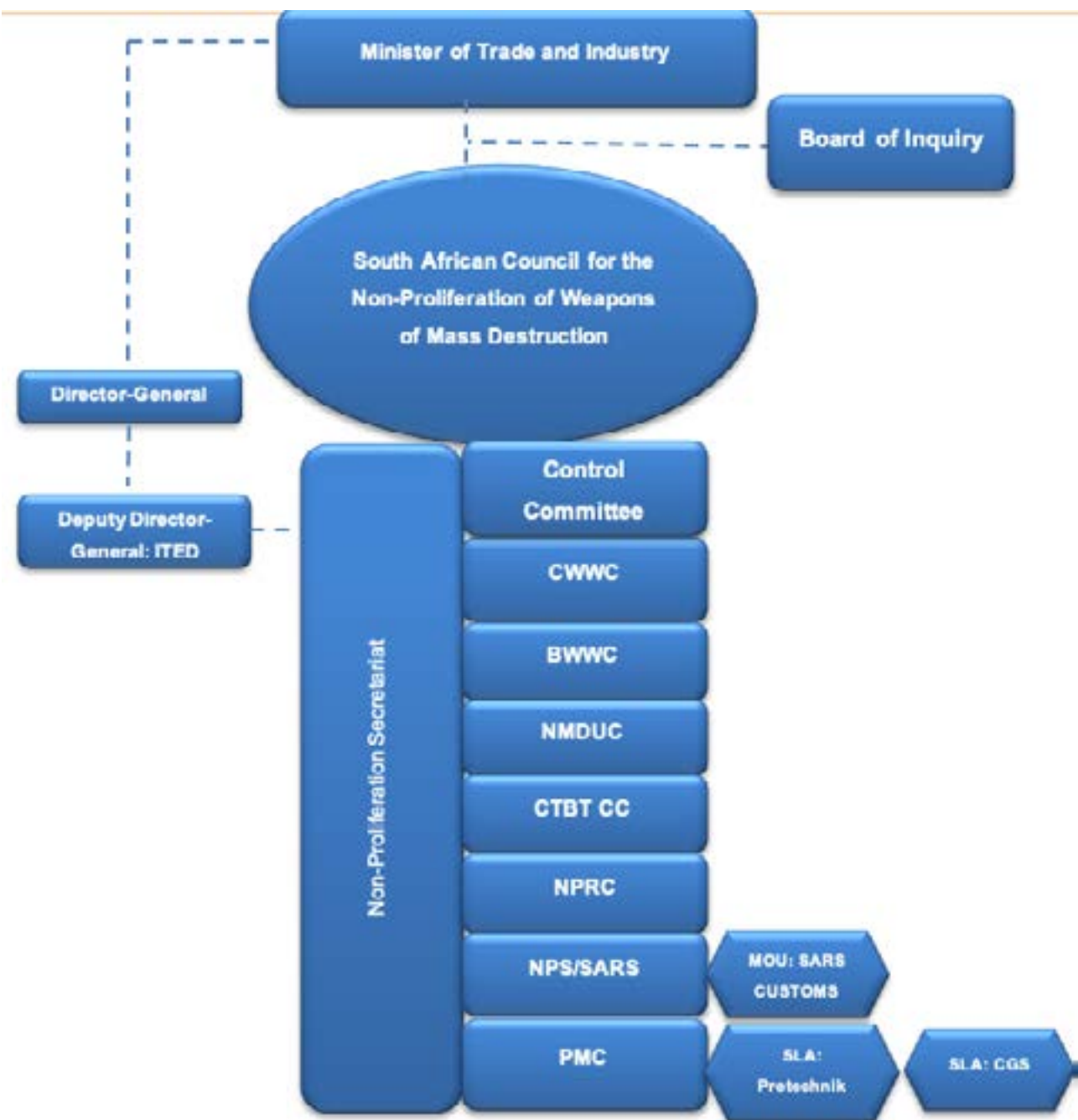


## ANNEXURE 4: NON-PROLIFERATION CONTROL STRUCTURE

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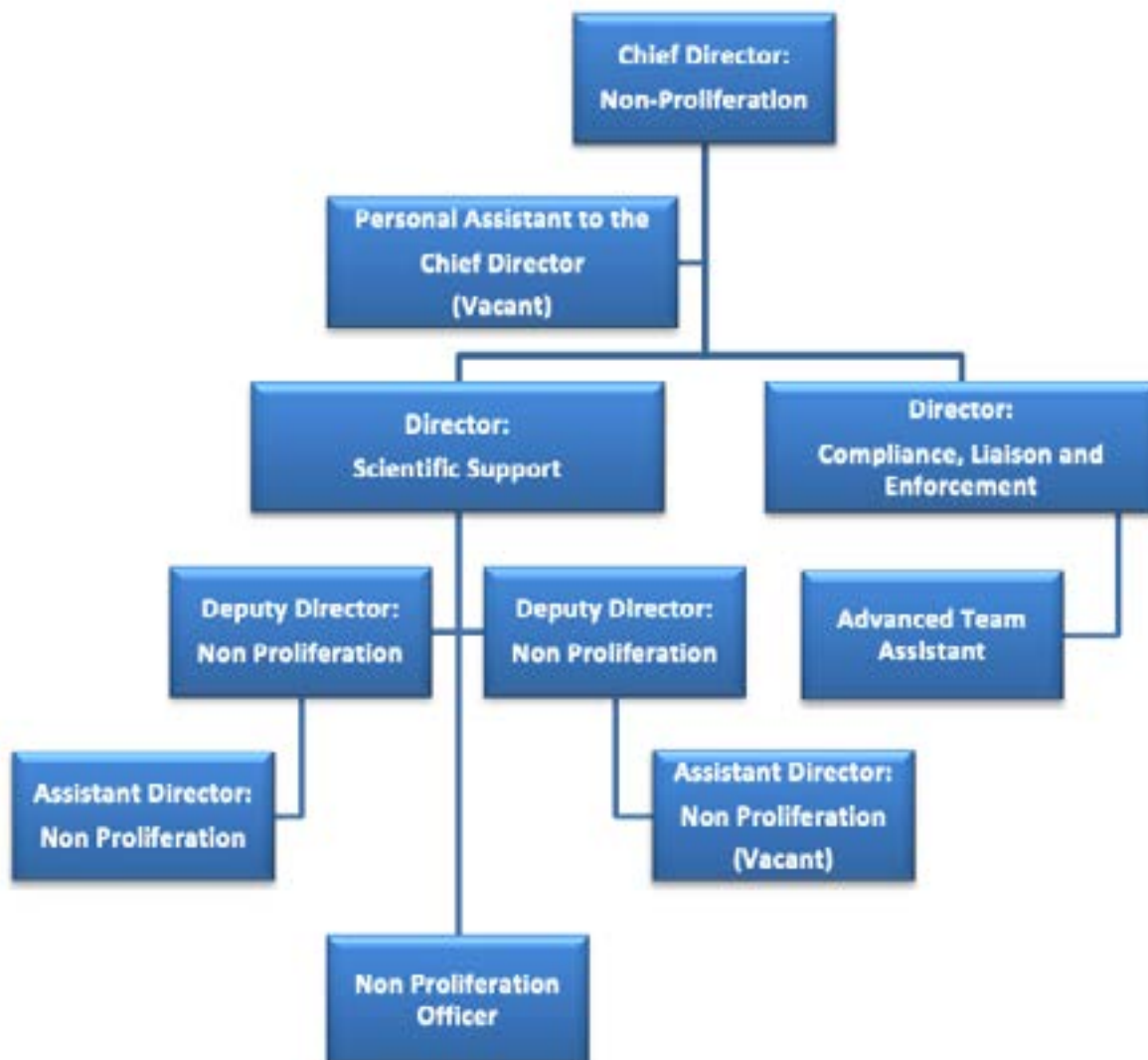


## ANNEXURE 5: NON-PROLIFERATION SECRETARIAT STRUCTURE

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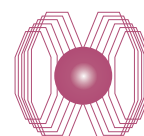
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Trade, Industry and Competition  
REPUBLIC OF SOUTH AFRICA



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