

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



2021/22

THE 28th 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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CONTENT

FOREWORD BY THE COUNCIL CHAIRPERSON	4
OVERVIEW BY THE HEAD OF THE COUNCIL SECRETARIAT	6
TERMINOLOGY USED IN THIS REPORT	9
PART A: GENERAL INFORMATION.....	10
Policy	11
Legislation	11
Controlled goods	11
PART B: GOVERNANCE	12
Establishment	12
Non-Proliferation Control Committee (CC)	13
Chemical Weapons Working Committee (CWWC)	13
Biological Weapons Working Committee (BWWC)	13
Nuclear and Missile Dual-Use Committee (NMDUC)	13
Non-Proliferation Review Committee (NPRC)	14
The Non-Proliferation Secretariat/SARS Coordinating Committee (NPS/SARS CC)	14
Comprehensive Nuclear-Test-Ban Treaty Coordinating Committee (CTBT CC)	14
Protechnik Laboratories Programme Management Committee (PL PMC)	15
Chemical Weapons-Related Analytical Laboratory Services.....	15
Council for Geoscience Project Management Committee (CGS PMC)	16
Comprehensive Nuclear-Test-Ban Treaty Organisation-Related Services.....	16
PART C: PERFORMANCE	18
Council activities related to its role as a national control authority	19
The Non-Proliferation Secretariat	26
PART D: HUMAN RESOURCE MANAGEMENT	26
Budget and expenditure report.....	27
PART E: FINANCIAL INFORMATION	27
ANNEXURE 1: LEGISLATION RELATED TO CONTROLLED GOODS	28
ANNEXURE 2: MEMBERS OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.....	32
ANNEXURE 3: LIST OF ABBREVIATIONS	34
ANNEXURE 4: NON-PROLIFERATION CONTROL STRUCTURE.....	36
ANNEXURE 5: NON-PROLIFERATION SECRETARIAT STRUCTURE.....	38

FOREWORD BY THE COUNCIL CHAIRPERSON



In his weekly newsletter on 28 March 2022, His Excellency the President of the Republic of South Africa, Mr Cyril Ramaphosa, indicated that investment pledges and commitments made during the fourth South African Investment Conference (SAIC) brought the value of commitments to R1.14 trillion. This is 95% of the R1.2 trillion target set at the launch of the SAIC in 2018. The commitments and pledges show confidence in the South African economy despite slow projected growth and recovery from, inter alia, historical structural inequalities, the COVID-19 pandemic and July 2021 civil unrest. Such belief is also a statement of trust in the country's regulatory policies and agencies to ensure compliance without inhibiting fair trade and commercial advancement of industry as well as the growth of small and medium enterprises.

The financial year under review was the beginning of the implementation and monitoring of the country's Economic Reconstruction and Recovery Plan (ERRP), which the

president first presented to the Joint Sitting of Parliament in October 2020. The plan is implemented through the following three phases: Engage and preserve, which includes a comprehensive health response to save lives and curb the spread of the pandemic; recovery and reform, which includes interventions to restore the economy while controlling the health risks; and, lastly, reconstruct and transform, which entails building a sustainable, resilient and inclusive economy. As such, the plan identifies priority interventions, key enablers and structural reforms to resuscitate the economy.

As a regulator of dual-use items and technology, the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council) would be directly affected by some of the abovementioned parameters, more specifically, interventions such as energy security and export promotion, and enablers such as regulatory changes. The Council has already embarked on some changes – viz. modernising processes such as online registration and permit system, virtual meetings and document-sharing mode; and the update of secondary legislation – and will in the near future consider policy amendments to match the developing non-proliferation landscape. All of this is done with industry in mind to ensure ease of conducting business while upholding South Africa's non-proliferation obligations.

Able assisted by its committees and the Non-Proliferation Secretariat, the Council has ensured the implementation of all appropriate non-proliferation controls. This has allowed South Africa to continue its promotion of peaceful trade and application of advanced goods and technologies in the nuclear, biological and chemical fields and delivery systems; and to advance discussions on the banning of nuclear explosion tests and prevention of the proliferation and development of weapons of mass destruction (WMD) in general. 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 for South Africa, which as a member – and sometimes the only African member – of various multilateral non-proliferation organisations has to

consistently articulate its positions while acknowledging the objectives of its other fora.

During the reporting period, the Minister of Trade, Industry and Competition appointed a new member (a designate from the Department of International Relations and Cooperation) to the Council to replace the member who went on retirement at the end of the previous financial year. The Council still calls for the outstanding designations to be fulfilled to afford it the relevant skills and competencies required to execute its responsibilities, as articulated in the legislation.

As Chairperson of the Council, it is with a heavy heart that I posthumously acknowledge the contributions of Messrs Pat Thema and Daan van Beek to the work of the Council and its Secretariat, respectively. Mr Thema, who was appointed to the Council as an expert on nuclear matters, lost his life during the period under review. His expert knowledge on nuclear matters, especially nuclear diplomacy, and contribution to the general functioning of the Council will be sorely missed. Mr van Beek, who joined the Council Secretariat in 1995 and retired in 2015, also lost his life during the reporting period. Mr van Beek built the Council Secretariat and set up the operational structure and systems serving the Council today. His management skills led to the shaping of the Council Secretariat as a functional unit, and his knowledge of science and engineering was immense and will not be forgotten.

In addition to the updated secondary legislation, the Council, through **the dtic**, completed the extension of two service level agreements (SLAs) with Protechnik Laboratories and the Council for Geoscience (CGS). Both SLAs further enhance the ability of the Council to fully advance South Africa's non-proliferation credentials.

The world is gradually opening up after the COVID-19 pandemic, and so is the opportunity to engage with international counterparts through in-person meetings. In October 2021, I had the opportunity to engage with the Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), Dr Robert Floyd, who was in South Africa at the invitation of the African

Commission on Nuclear Energy (AFCONE) 5th Conference of States Parties. Dr Floyd had just assumed his new responsibilities, and saw this as an opportunity to engage with domestic institutions responsible for implementation of the Comprehensive Nuclear-Test-Ban Treaty (CNTBT). The discussions were fruitful and I especially look forward to developments on the establishment of the Radionuclide Station 62, which formed part of the exchanges.

I am grateful for the support received from the Council and committee members, the Non-Proliferation Secretariat, the Ministry of Trade, Industry and Competition, and other stakeholders, which ensured the achievement of the Council's mandate as prescribed in the Non-Proliferation Act.



Ms Ditebogo Kgomo
Council Chairperson



OVERVIEW BY THE HEAD OF THE COUNCIL SECRETARIAT

The Secretariat to the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Secretariat) has continued to play an effective support role to the Council, allowing it to discharge its mandate efficiently. During the period under review, the Secretariat worked with the Council and its committees to contribute to the goal of promoting South Africa as a “reliable and responsible supplier, recipient, producer and end user of sensitive goods and technologies”, with the international goal of achieving a world free of WMD.

The review of the non-proliferation legislation to assess the provisions against the continuously evolving global non-proliferation context – in order to ensure that control policies and practices remain relevant with the changes in the conventions, treaties and regimes, international best practice and increasing security risks – has resulted in the Secretariat conducting further research into the current implementation of controls. Options for more effective implementation of international obligations and national legislation are continuously being considered. Changes to the secondary legislation, however, have been promulgated in the period under review, with five updated Government Notices relating to chemical, nuclear dual-use and missile-technology-related items promulgated on 8 April 2021, to ensure that the non-proliferation legislation implemented by the Council fulfils international requirements.

Similarly, the enforcement of the non-proliferation legislation was enhanced with the promulgation on 25 March 2022 of the regulation on a Code of Conduct for persons involved in controlled non-proliferation activities. The regulation states the principles of non-proliferation, and describes procedures and methods to be followed during the execution of certain activities related to non-proliferation. The Secretariat conducted both in-person and virtual outreach programmes to sensitise industry to the changes in legislation.

During the reporting period, the Non-Proliferation Secretariat continued to cooperate with Council stakeholders to ensure the fulfillment of non-proliferation obligations. This included maintenance of the memorandum of understanding

(MoU) with the South African Revenue Service (SARS), SLAs with specialised entities, the work and activities of the various Council committees, and outreach to industry and other government agencies. To maintain the excellent cooperation with particular institutions, **the dtic**, on behalf of the Council, concluded the extension of SLAs. Despite active SLAs with other specialised entities, it should be noted that the draft SLA operationalising the MoU with SARS is still under consideration by SARS.

As the support office to the Council, a national authority to the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Secretariat together with the designated station operators – the South African Nuclear Energy Corporation (Necsa) (Radionuclide station operator) and CGS (Waveform stations operator) – continued to engage relevant partners to assist in fulfilling the country's obligation as a host of International Monitoring Stations that deliver authenticated data to the International Data Centre in Austria. A tripartite maintenance and operation agreement for the Auxilliary Seismic Station 99 was signed, and the Provisional Technical Secretariat of the CTBTO provided a progress report, including timelines, on the eventual installation of radionuclide station (RN62).

During the reporting period, the Organisation for the Prohibition of Chemical Weapons (OPCW) sent missions to South Africa to conduct inspections at three chemical facilities, in line with the Chemical Weapons Convention (CWC). The inspections were done to verify the accuracy of the declarations provided by South Africa.

I would like to thank **the dtic**, 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 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

This 28th annual report of the South African Council for the Non-Proliferation of Weapons of Mass Destruction 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 2021 to 31 March 2022.

As the state's statutory body on non-proliferation, the Council protects the interests, carries out the responsibilities, and fulfils the obligations of South Africa with regard to the non-proliferation of WMD. During the reporting period, this was achieved through engagements with stakeholders, which included the maintenance of a MoU with SARS, the renewal of SLAs with specialised entities, the convening of Council committee meetings, and outreach activities to industry and government agencies.

Furthermore, the Council fulfilled its mandate to control items related to the non-proliferation of WMD through the implementation of government policy and legislation on non-proliferation. Through its committees and the Non-Proliferation Secretariat, the Council achieved its objectives of controlling, registering and inspecting controlled goods, and verified the manufacture, import, export, re-export, transit and end use of controlled goods. The Council also ensured compliance pertaining to international treaties,

agreements and conventions to which South Africa is a signatory.

Active liaison with industry and increased awareness of control legislation broadened the knowledge of entities involved in controlled goods and activities. These outreach programmes were held to alert industry about the promulgation of the Code of Conduct regulation and the amendment of Government Notices to include new dual-use items deemed to be of proliferation risk, in line with the decisions of international regimes.

Through the Secretariat, the Council hosted international inspectors whose reports indicated that South Africa abides by its international obligations. Local inspections were not conducted, resulting in requests to companies to submit declarations providing Council with information on their activities, as per Section 13(3)(b) of the Non-Proliferation Act.

The officials of the Non-Proliferation Secretariat participated in international meetings to fulfil the state's obligations and thereby increased the capacity of the Secretariat to support the Council. Additionally, efforts to increase capacity in Africa continued through the hosting of several virtual training interventions.

PART A: GENERAL INFORMATION



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 WMD with the goal of promoting international peace and security; and
- 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.

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.

Other South African legislation related to the non-proliferation of WMD, and a complete list of current Government Notices and Regulations defining controlled goods published by the Minister of Trade, Industry and Competition are listed in Annexure 1.

PART B: GOVERNANCE



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, Industry and Competition.

Objectives of the Council

The objectives 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 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 of the Council

The Minister of Trade, Industry and Competition, 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.

The Council has been functional, although there are still outstanding designations and appointments that need to be concluded. The Director-General of **the dtic** has continued to communicate reminders, via letters, of the need for submission of outstanding designates to the relevant departments.

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; 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.

Committees of the Council

The committees of the Council, as listed below, were established 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, 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, is mainly dominated by proposals and working papers emanating from the international regimes such as the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), and the Treaty on the Prohibition of Nuclear Weapons (TPNW). Limited content resulted in the postponement or intermittent hosting of international meetings, subsequently affecting the need to convene committee working group meetings. The quarterly meetings governed by SLAs, however, were convened, 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, the Department of International Relations and Cooperation (DIRCO), the Financial Intelligence Centre, 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 Mineral Resources and Energy (DMRE).

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 Non-Proliferation Secretariat; Protechnik Laboratories (a division of Armscor SOC Limited); DIRCO; SSA; the Department of Agriculture, Land Reform and Rural Development (DALRRD); the South African National Defence Force (SANDF); Office of the Surgeon-General; the Chemical and Allied Industry Association; 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).

The BWWC consisted of an expert from the 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 Council on nuclear- and missile-related issues, with 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.

The NMDUC consisted of an expert from the Council and officials from the Non-Proliferation Secretariat; NECSA; DIRCO; DI; SSA; DMRE; Council for Scientific and Industrial Research (CSIR); Technology Innovation Agency (TIA); Armaments Corporation of South Africa SOC Limited; National Nuclear Regulator; NCACC Inspectorate; NCACC Secretariat; and co-opted members. Due to the lack of a nuclear engineer among the members, the NMDUC resolved to request the Council to appoint a person with such skill. At the time of compilation of this report, the request was being considered by the Council.

Non-Proliferation Review Committee (NPRC)

In 2004, the Council instituted a comprehensive review of all non-proliferation policies, 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 United Nations (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 the 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 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. Further work on this matter is being pursued.

Comprehensive Nuclear-Test-Ban Treaty Coordinating Committee (CTBTCC)

The CTBTCC advised the 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 continued to monitor the progress of both waveform and radionuclide technologies. In the review period, the Provisional Technical Secretariat developed and presented a project plan on the installation of RN62.

The CTBTCC consisted of officials from the Non-Proliferation Secretariat, NECSA, DIRCO, SSA, DI, DMRE and CGS. A nomination from the Department of Forestry, Fisheries and the Environment (DEFF) is still outstanding.

The CTBTCC noted the visit by the Executive Secretariat, Dr Robert Floyd, and his subsequent meeting with the Council Chairperson, Ms Ditebogo Kgomo. Among the actions emanating from the meeting was the potential virtual outreach to African scientists and technical experts, on the technical work of the PTS and the career opportunities within the PTS. The CTBTCC will spearhead the proposed outreach.



Executive Secretariat Dr Robert Floyd presents the Council Chairperson, Ms Ditebogo Kgomo, with a medallion commemorating the 25 years of the CTBT

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 that all tasks required for South Africa to fulfil its obligations in terms of the CWC are executed.

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

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 1 April 2017 to 31 March 2022, was renewed for five years, from 1 April 2022 to 31 March 2027. Among the responsibilities in the SLA is for Protechnik Laboratories to provide scientific support to the Council, including chemical analysis.

Furthermore, the Council has supported the involvement of the laboratory in activities related to the Biological and Toxin Weapons Convention, such as participation in the workshops of the UN Secretary-General's Mechanism (UNSGM) for the investigation of alleged use of chemical, biological and toxin weapons.

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.

As the SLA was nearing its expiry date, this committee embarked on a new SLA with additional functions included for the CGS to execute. Mainly, the CGS was formally tasked, via the SLA, to execute functions of a National Data Centre (NDC) for waveform technologies. The committee also finalised a document on how South Africa can benefit from civil and scientific applications of waveform data from the stations owned and operated by the CGS.

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

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 continued to host several monitoring stations within its territory on behalf of the 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 Council, **the dtic** concluded an 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.

During the reporting period, the renewal of the SLA was completed. The new SLA is now valid from 1 April 2021 to 31 March 2026. The renewal of the SLA has seen the continuous maintenance of the waveform stations and the signing of an agreement that will ensure better support is afforded to AS99 in Sutherland.

The upgrades of IS47 continued into the 2021/22 financial year. The replacement of the pipe arrays, which included the installation of wind noise reduction systems (WNRS) and replacement of old vaults with new vaults was completed. Additionally, the systems were recalibrated.



IS47 in Boshoff: New vault mounted on a cement bed and Wind Noise Reduction System.



The CGS staff accompanied the PTS staff to the IS47 Station in Boshoff during the process of recalibration. Old (gold coloured) sensors were recalibrated against a reference sensor that the PTS brought to South Africa this year

Although the CTBT specifically requires the establishment of a national authority, the creation of a National Data Centre (NDC) is a national issue. However, as the national authority may need advice on technical issues from an NDC, its formation is advantageous to a state signatory to the CTBT. Usually, the NDC responsibility is most commonly given to an earthquake and/or nuclear radiation monitoring agency, and the NDC staff with expertise in monitoring technologies provide technical advice to the national authority. The CGS as a NDC on waveform technologies has been performing these activities, but mainly focusing on seismic data analysis. Whereas the discussions and preparations have been done to assist CGS to expand its data analysis coverage to other waveform technologies, CGS technical staff are still to be trained on analysing infrasound data as they were not able to travel during the reporting period. Plans are developed to ensure such training takes place in the upcoming financial year..

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 the SARS. The committee dealt with implementation of the MoU, negotiation of the SLA and standard operating procedures, and facilitation of 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 Non-Proliferation Secretariat, SARS, SSA and DIRCO.

Non-Proliferation Control Structure

The Council continued to rely on cooperation and collaboration with other government institutions to fulfill 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



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 Non-Proliferation Secretariat participated in a number of virtual international meetings to deliberate on the control measures, lists of controlled goods and other issues relating to the national implementation of the various international obligations. However, as these meetings were informal, no substantial matters were adopted.

The 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 reporting period:

- The Informal Online Consultations held by the NSG Technical Expert Group and Consultative Group chairpersons from 26 to 29 April 2021
- The NSG Informal Online Briefing held by the Consultative Group chairperson on 1 June 2021
- The NSG Informal Online Briefing held by the Consultative Group chairperson on 18 November 2021
- The NSG Informal Online Briefing held by the Consultative Group chairperson on 8 February 2022
- The NSG Informal Online Briefing held by the Consultative Group chairperson on 29 March 2022

Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO)

The CTBTO is an international organisation that will be established upon the entry into force of the CTBT, a treaty that outlaws nuclear test explosions. The organisation will be tasked with verifying the ban on nuclear tests and will therefore operate a worldwide monitoring system and may conduct on-site inspections. As the treaty is not yet in force, the state signatories resolved in 1996 to establish the Preparatory Commission to the CTBTO, which carries out the necessary preparations for the effective implementation of the CTBT and prepares for the first session of the Conference of State Parties. The commission comprises state signatories and has a supporting executive secretary and Provisional Technical Secretariat (PTS). Furthermore, to effectively achieve the mandate of the commission, there are policymaking organ meetings, namely Article XIV Conference, Advisory Group, Working Group A, and Working Group B.

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

- The 57th Session of the CTBTO Working Group B Meeting from 23 August to 3 September 2021
- The 58th Session of the CTBTO Working Group A Meeting from 21 February to 4 March 2022

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 meetings during the reporting period:

- The 19th Regional Meeting of National Authorities of States Parties in Africa held via virtual platform from 15 to 17 June 2021
- The 23rd Annual Meeting of National Authorities of States Parties to the CWC held via virtual platform from 23 to 26 November 2021

- The 26th Session of the Conference of States Parties of the OPCW held from 29 November to 2 December 2021
- The Regional Joint Review of Chemical Emergency Preparedness and Response Workshop held from 27 to 31 March 2022 in Cape Town

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 reporting period:

- The Meeting of States Parties to the BTWC held from 22 to 25 November 2021 in Geneva, Switzerland
- The Preparatory Committee for the 9th BTWC Review Conference held from 26 to 29 November 2021 in Geneva, Switzerland

Missile Technology Control Regime (MTCR)

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 meeting during the reporting period:

- The MTCR Regime Plenary Meeting held from 4 to 8 October 2022 in Sochi, the Russian Federation

Treaty on the Prohibition of Nuclear Weapons (TPNW)

The TPNW is a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. It includes a comprehensive set of prohibitions on participating in any nuclear weapon activities. These include undertakings not to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons. The treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any state in the conduct of prohibited activities.

During the reporting period, the TPNW state parties arranged the following meetings, in anticipation of the first Meeting of States Parties from 21 to 23 June 2022, to mark the treaty's entry into force, chart the path forward in implementing the Treaty, and to reaffirm determination for the complete elimination of nuclear weapons:

- The TPNW Virtual Informal Consultations held on 27 January 2021
- The TPNW Virtual Informal Consultations held on 17 February 2021
- The TPNW Virtual Informal Consultations held on 30 September 2021
- The TPNW Virtual Informal Consultations held on 28 October 2021
- The TPNW Virtual Informal Consultations held on 16 November 2021
- The TPNW Virtual Informal Consultations held on 10 December 2021
- The TPNW Virtual Informal Consultations held on 14 March 2022

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 National Conventional Arms Control Committee (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 were achieved through the representation of the relevant stakeholder departments and agencies of the Council and its various committees.

Certain exports, imports and transit of goods required the approval of the 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 SAPS Export Scrutiny Committee. At the same time, the DCAC and NCACI 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 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 Council and the Minister of Mineral Resources and Energy with regard to nuclear exports and imports was maintained. Representatives from the DMRE participated in meetings of the Council, NMDUC, CTBTCC and CC.

Recommendations for the Transfer of Nuclear Materials

To fulfil the requirement for the Minister of Mineral Resources and 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), applications for the authorisation of import, export and transportation were tabled by the DMRE at the CC, and evaluation of the applications was 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 directly to the Council Chairperson for signature. The CC considered all exports of Schedule III and IV items and recommended to the Council for further consideration before a recommendation is issued to the Minister of Mineral Resources and Energy.

During the reporting period, the Council and the CC:

- Considered 67 import and 44 export authorisation applications
- Made positive recommendations on 66 import and 42 export authorisations to the Minister of Mineral Resources and Energy

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 were maintained to protect the confidentiality of information contained in the register.

The use of the online registration and permit system has assisted in clearing the data of companies involved in controlled goods. As companies that were previously manually registered with the Council were gradually moved to the online system, some were deregistered as they were no longer involved with controlled goods. As such, during the reporting period, there were 244 registered companies, of which 205 were existing registrations and 39 were new registrations.

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

This allows the person transferring the controlled goods to choose the type of permit 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 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. The Council uses this type of permit 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 certain 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 with a higher proliferation risk than other controlled items. Since 3 February 2010, persons in possession, custody, control or manufacturing of 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 or 12 months.

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

Permit Statistics and Trends

The Council uses the permit system to regulate the movement of goods. Section 13(2) of the Non-Proliferation Act makes the manufacture, use, operation, stockpiling, maintenance, import, export, re-export or transit, transport or disposal by any means of such goods subject to a permit issued by the Council. Owing to their dual-use nature, trade

in these goods has an impact on the economy, whether worldwide or in a particular country.

South Africa has a vast industry with the capability to manufacture and use such products, hence their regular import and export. The country's advanced port systems mean transit and trans-shipment activities are also taking place. Thus, it is important for the country to have in place systems to ensure responsible trade of strategic goods, through its participation in international disarmament, arms control and non-proliferation organisations, and enforcement of its well-developed domestic legislation. Below are permit statistics over three financial years, indicating trends with respect to the import, export and transit of non-proliferation-related strategic goods.

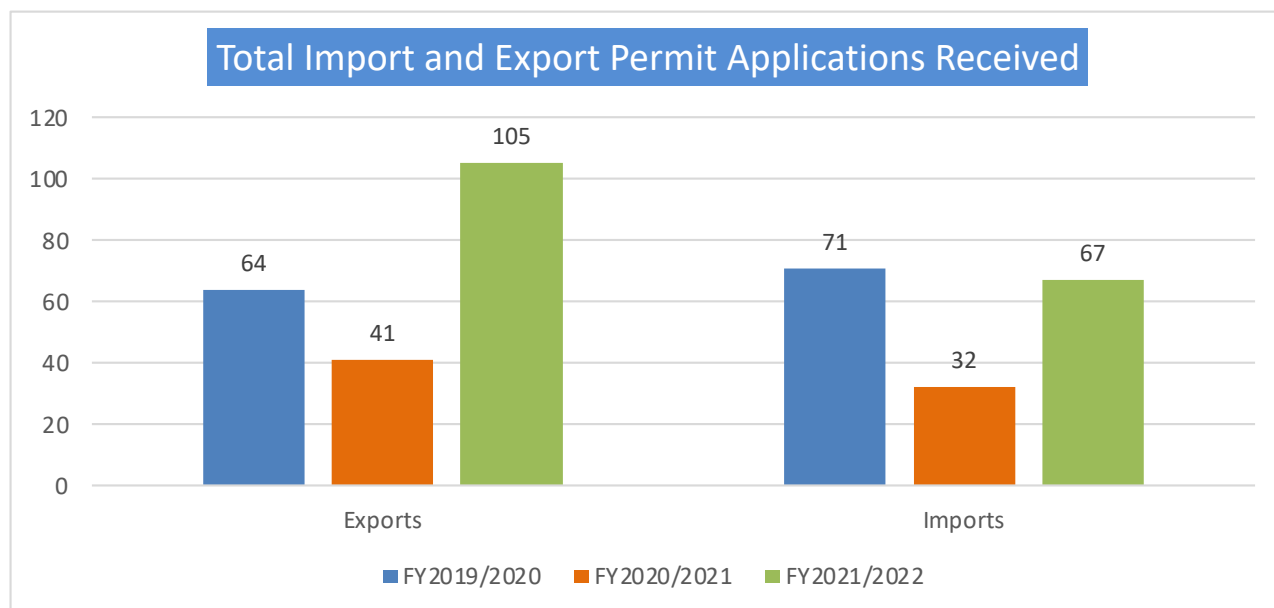
Table 1: Total of the permit applications received per financial year (FY)

	FY2019/20	FY2020/21	FY2021/22	Total
Imports	71	32	67	170
Exports	64	41	105	210
Transit	0	0	0	1
Not controlled	3	3	7	13
Cancelled	0	0	1	1
Exempted due to limits on transfer threshold	0	0	3	3
Sub-Total	138	76	183	

A sharp increase of exports was experienced in FY 2021/22 compared to FY 2019/20 and FY 2020/21. This can be attributed to the opening up of economies around the world, after COVID-19 forced lockdowns. For exports, whereas there was a negative growth of 35.9% year-on-year between FY 2019/20 and FY 2020/21, the year-on-year growth between FY 2020/21 and FY 2021/22 was 60.95%.

In the reporting period, whereas there were applications that were not processed because the items were not controlled, there were applications that were not processed as the quantity requested in the applications were below the transfer threshold. One application was cancelled by the applicant.

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



During the reporting period, the Council received 67 import and 105 export permit applications: 54 import and 86 export permits were issued by the Council, while the approval of 19 export permit applications and 13 import permit applications were outstanding.

Figure 2: Total export permit applications received per control area for FY 2019/20, FY 2020/21 and FY 2021/22 (1 April 2019 to 31 March 2022)

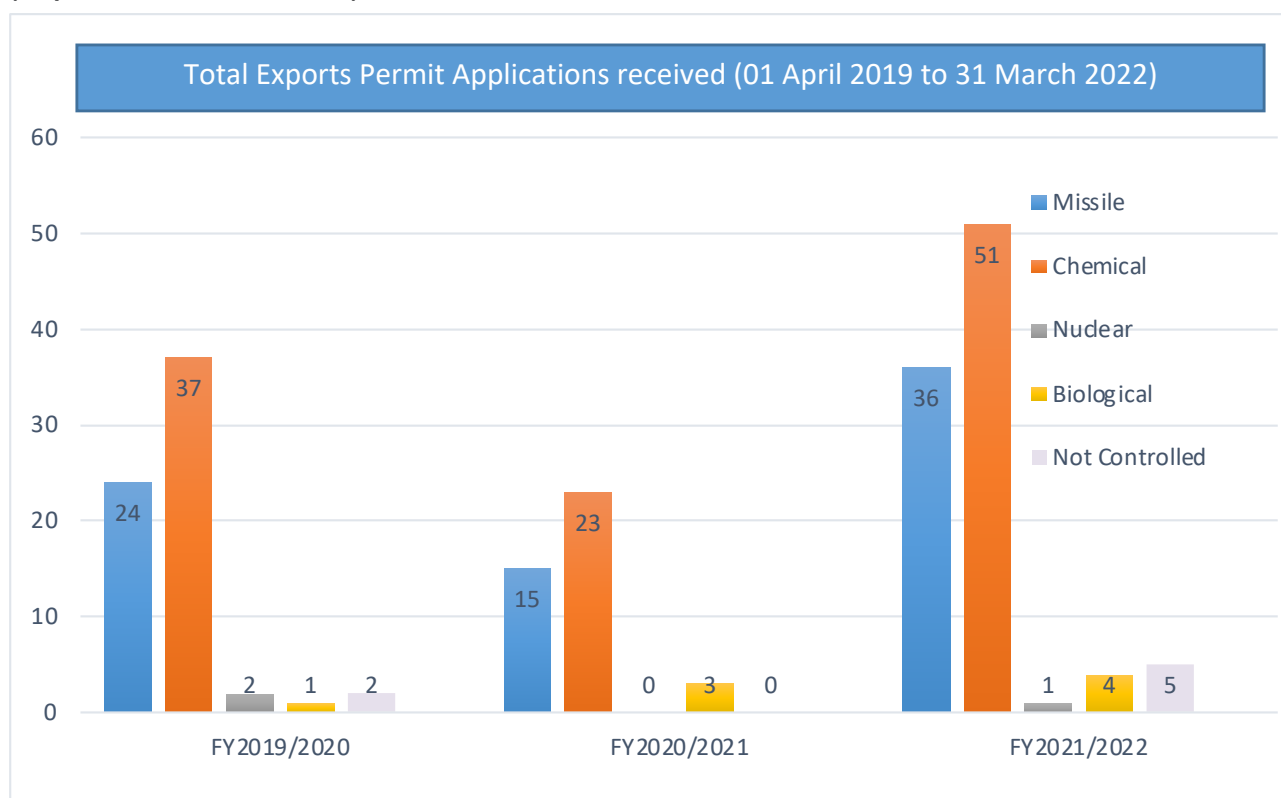


Figure 3: Total import permit applications received per control area for FY 2019/20, FY 2020/21 and FY 2021/22 (1 April 2019 to 31 March 2022)

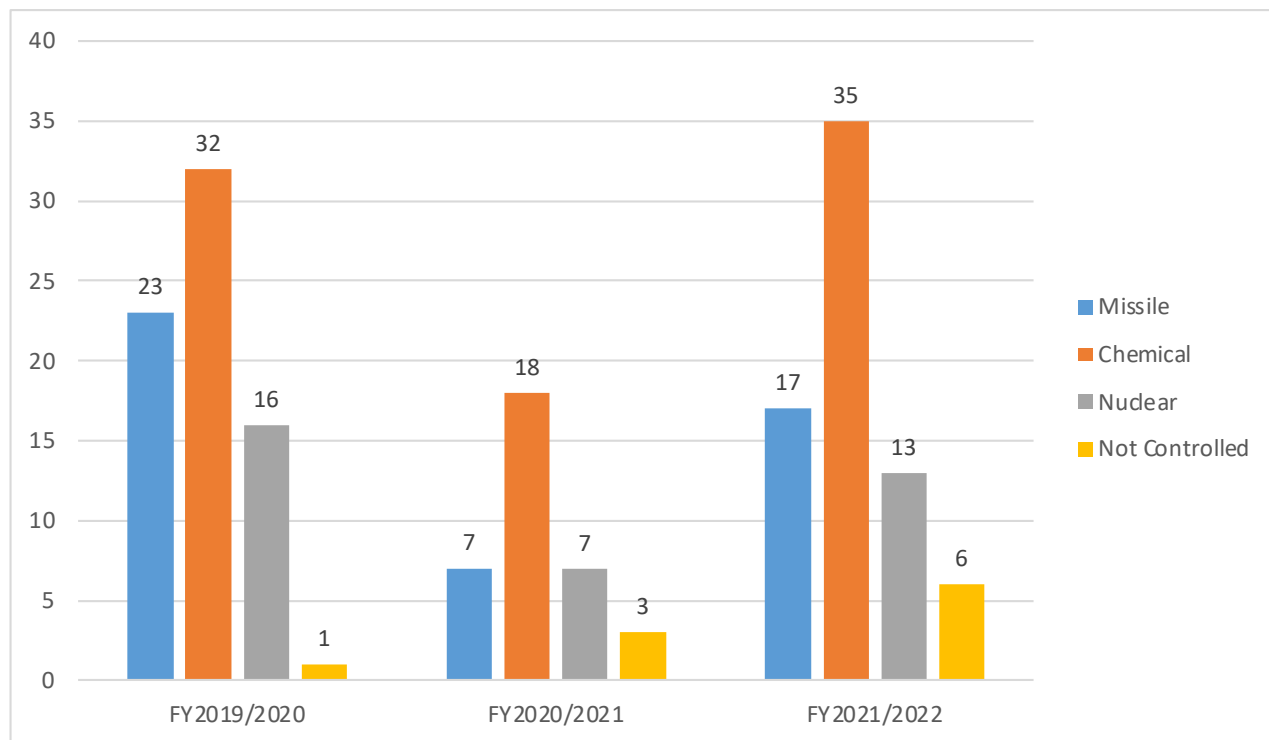


Figure 4: Total export permits issued per control area from 1 April 2019 to 31 March 2022

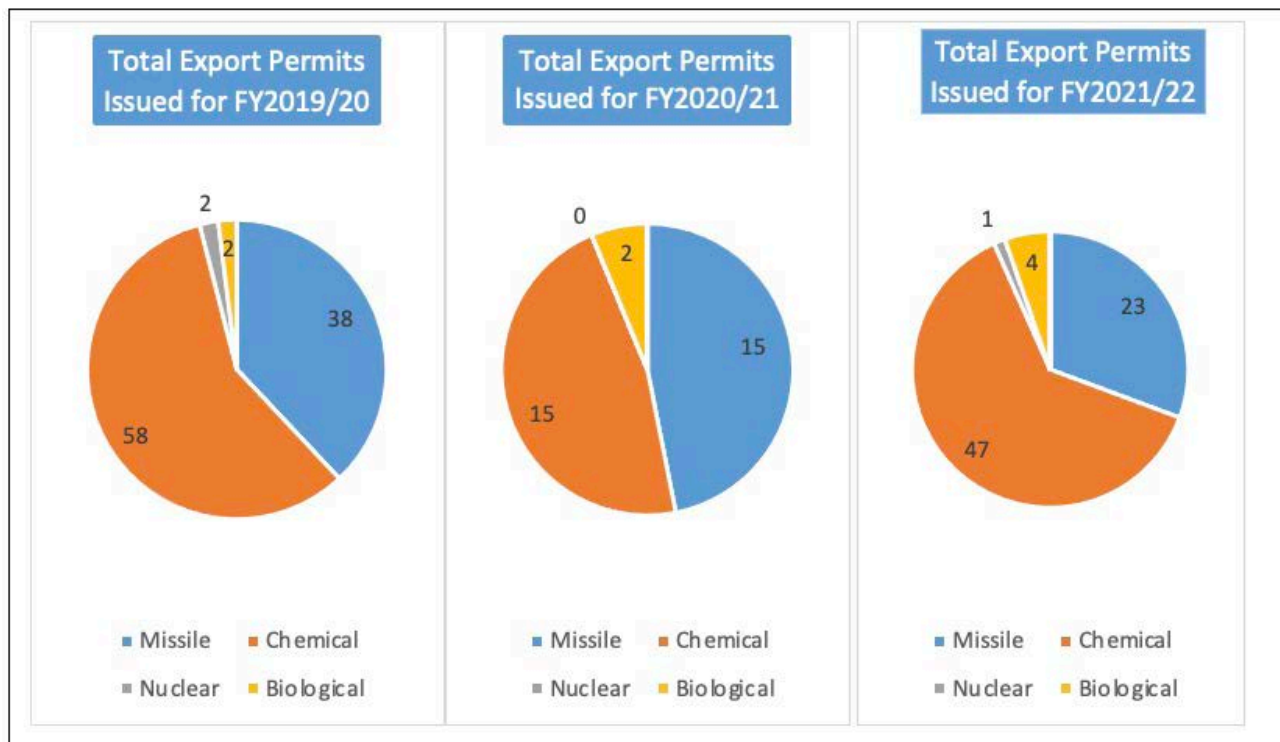
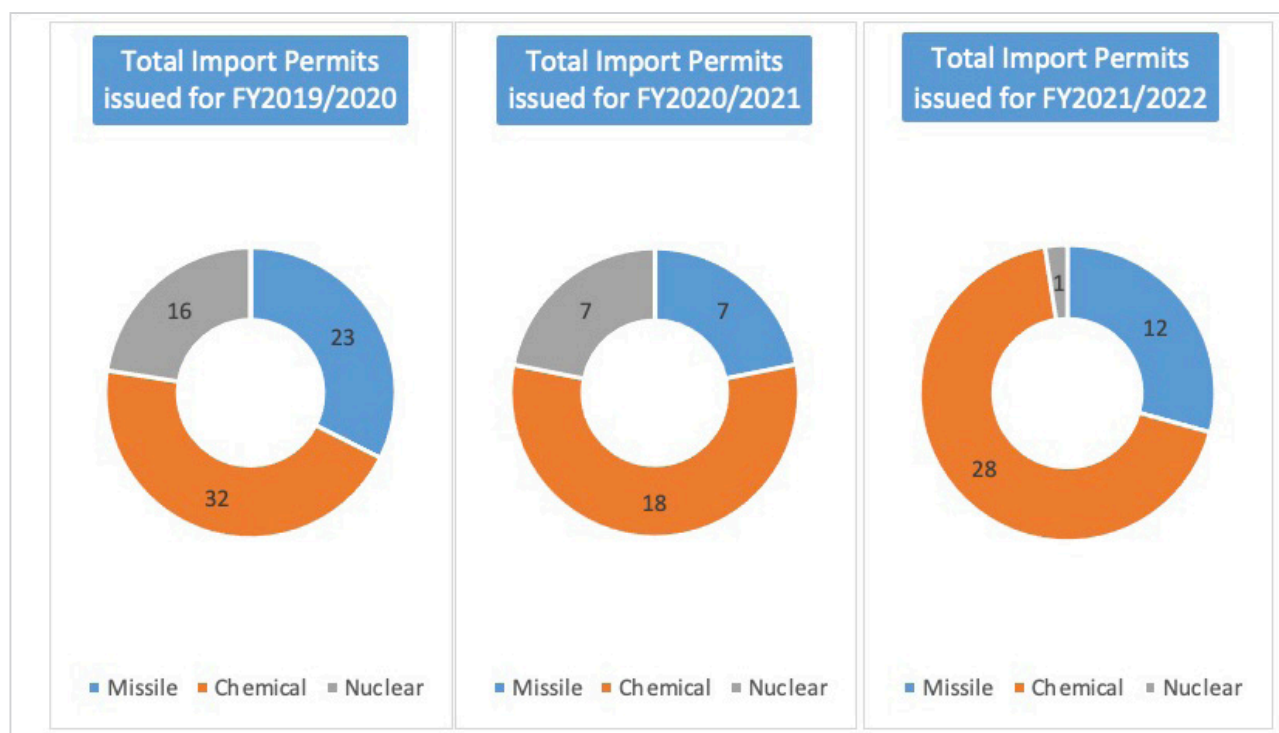


Figure 5: Total import permits issued per control area from 1 April 2019 to 31 March 2022



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 the chemicals referred to in the statistics above are only those appearing in the Government Notice No. 320 of 3 April 2021, and 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 Council, however, the exports thereof are subject to permits issued by the Council.

Figure 6: Total MSPs issued per control area from 1 April 2019 to 31 March 2022

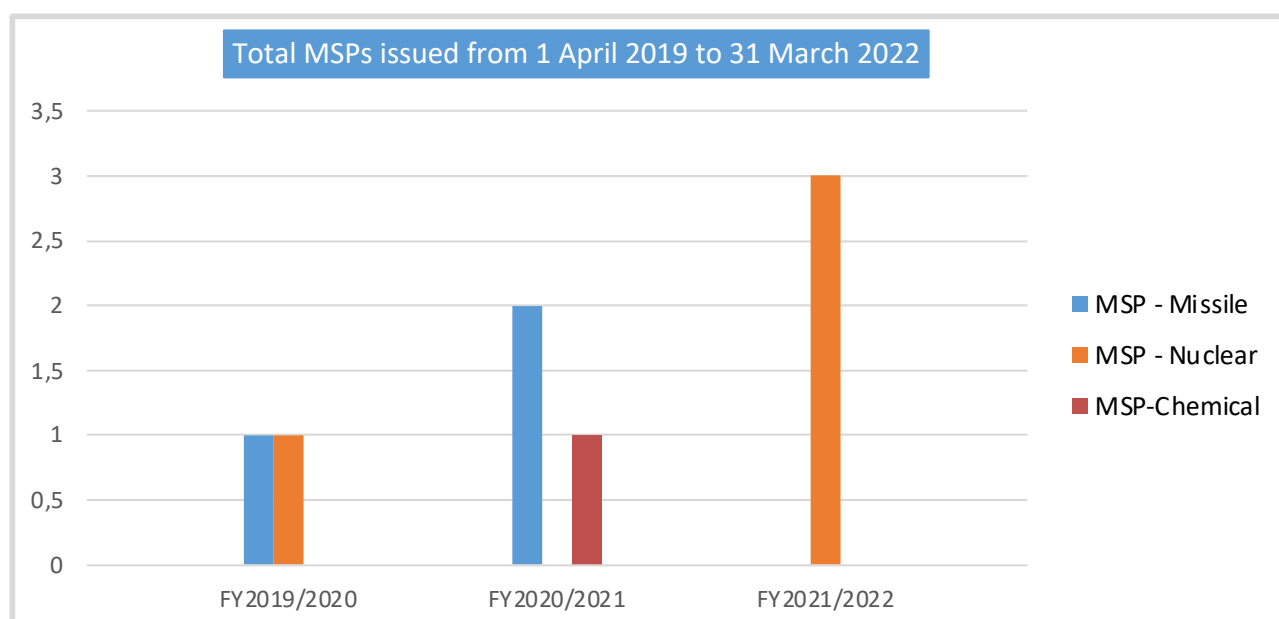
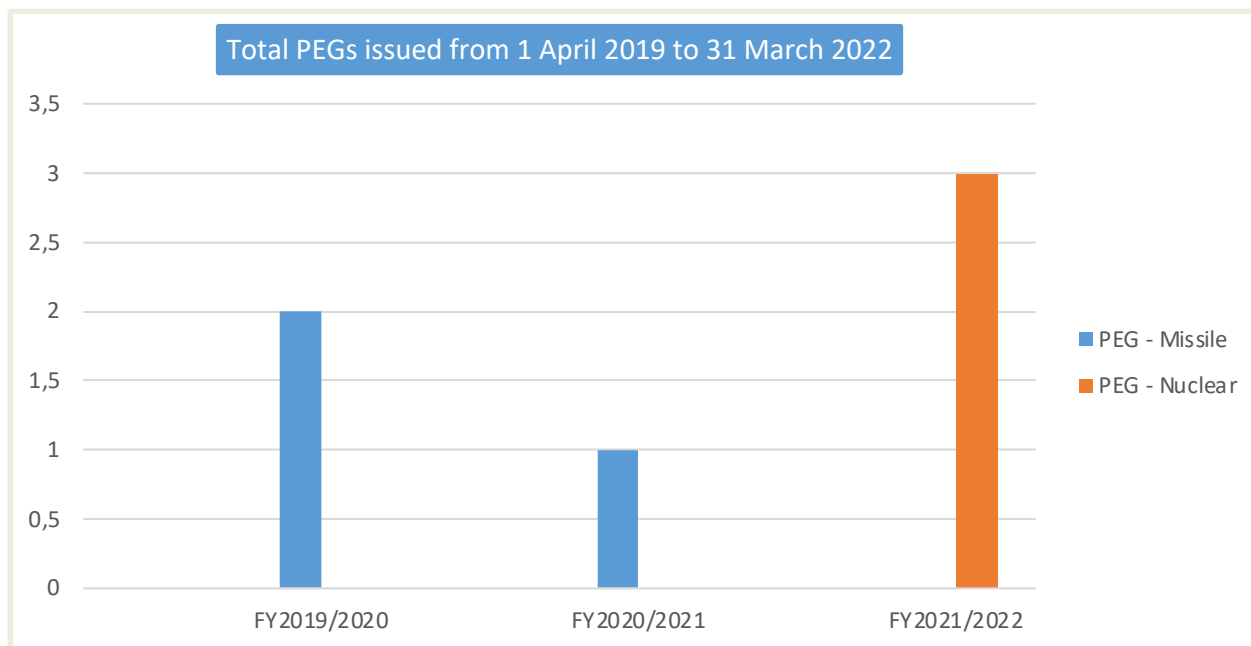


Figure 7: Total PEGs issued per control area from 1 April 2019 to 31 March 2022



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 the Border Management Authority (BMA). Due to the potential impact that the BMA might have on the established relationship between the Council and SARS (Customs), there were discussions between the Non-Proliferation Secretariat and the Department of Home Affairs (DHA) to ascertain the support that the BMA might need from the Council. As the BMA Implementation Protocol is still being discussed between SARS (Customs) and DHA, a similar process can be undertaken between the Council and DHA, guided by the MoU between SARS (Customs) and the 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. The MoU continued to be implemented. The draft SLA is currently with the legal offices of the dtic and SARS. The updating of the tariff codes within the prohibited and restricted list is ongoing as the promulgation of the new Government Notices has been concluded.

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

Declarations

The Council has obligations to submit declarations annually in terms of the CWC and BTWC.

For the reporting period, the BTWC Confidence Building Measures declarations highlighting the country's capabilities, legislation and activities in the biological area were submitted by April 2022 to the Implementation Support Unit, UN Office for Disarmament Affairs.

In addition, the Council requires persons involved in the transfer or production of controlled chemicals to declare their activities, in accordance with legislation and international obligations. The Non-Proliferation Secretariat collated this information in accordance with national and international requirements. In September 2021, 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 2022, annual declarations of past activities for the SSSF, Schedule 3 and Other Chemical Production Facilities (OCPF), and import and export data of scheduled chemicals were submitted to the OPCW.

Inspections

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

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

- One Schedule 3 inspection
- One Schedule 1 inspection at a SSSF and one inspection at an OCPFs-producing Discrete Organic Chemicals plant



The OPCW Inspection Team and staff from the inspected institution during inspections.

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

Awareness and Outreach Programmes

Outreach and awareness campaigns help 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 Non-Proliferation Secretariat in this regard is to ensure that information is readily available through various mechanisms.

The Council implemented an awareness and outreach programme through the Compliance, Liaison and Enforcement Unit of the Non-Proliferation Secretariat during the period under review, which included three industry visits, and two in-person outreach sessions targeting all the companies that are registered with the Council and involved in controlled items, across all the sectors of industry. The purpose of the in-person outreach sessions were mainly to introduce to industry the newly published Code of Conduct regulations and the amended Government Notices.

Futhermore, there were virtual interactions with industry on legislative developments, and other government stakeholders, including the Prudential Authority and the FIC on matters related to counter-proliferation financing.

Table 2: Industry outreach interventions for 2021/22

Outreach Interventions on Code of Conduct		
Sector	Venue	Date
Various	Durban	17 March 2022
Various	Cape Town	24 March 2022

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 officers and employees required for the proper performance of the Council's functions from the officers and employees of the department. 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 Council and its committees' functions. The Non-Proliferation Secretariat remained located as a chief directorate within the Trade Policy, Negotiations and Cooperation (TPNC) branch of **the dtic**.

The Non-Proliferation Secretariat 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 various international agreements, treaties and conventions.

Members of the Non-Proliferation Secretariat and Council committees represented the 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 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 Council and Non-Proliferation Secretariat, as well as general administrative services was provided by **the dtic**. All expenditure was incurred through the Non-Proliferation Secretariat, which is allocated a budget through the Trade Policy, Negotiations and Cooperation (TPNC) division of **the dtic**. The budget and expenditure of the Non-Proliferation Secretariat and the Council are included in the audited financial statements of **the dtic**, and reported in the annual report of the department. 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 Council for the FY 2021/22 ending 31 March 2022.

Table 3: Budget and Expenditure for 2021/22

Description	Budget	Expenditure	
		Amount	Percentage
Compensation of Employees	R 8 245 000.00	R 7 071 504.00	85.77%
Goods and Services	R 1 028 000.00	R 862 541.30	83.9%
Remuneration of council members not in full-time employment of the State	R 164 000.00	R 155 371.78	94.74%
Operational expenditure, including travel and subsistence	R 687 000.00	R 530 602.20	77.23%
Operating leases, including buildings and transport equipment	R 177 000.00	R 176 567.28	99.76%
Sub Fees: OPCW	R 2 916 000.00	R 2 915 817.57	99.99%
Sub Fees: TPNW	R 300 000.00	R 300 000.00	100.00%
Protechnik Laboratories Current	R 3 715 000.00	R 3 647 340.00	98.18%
Protechnik Laboratories Capital	R 1 592 000.00	R 000.00	00.00%*
Council for Geoscience Current	R 1 398 000.00	R 1 398 000.00	100.00%
Total	R 19 194 000.00	R 16 195 202.87	84.38%

* The Capital budget of R1 592 000.00 was not expensed due to the directive by National Treasury placing the issuing of all tenders in abeyance, which affected placement of all proposed orders.

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. 318 of 8 April 2021 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, Government Notice No. 22 of 3 February 2010, as amended and published under Notice of Amendment No. 77 of 18 February 2015, and Government Notice No. 491 of 29 March 2021.
- 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. 319 of 8 April 2021 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, Government Notice No. 20 of 3 February 2010, as amended and published under Notice of Amendment No. 76 of 18 February 2015, and Government Notice No. 492 of 29 March 2019.
- 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. 320 of 8 April 2021 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, Government Notice No. 18 of 3 February 2010, as amended and published under Notice of Amendment No. 74 of 18 February 2015, and Government Notice No. 494 of 29 March 2019.

- 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.

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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 Council has been prescribed in Government Notice No. R.16 of 3 February 2010.
2. There is national legislation that 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, Industry and Competition 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 M van Schalkwyk	Department of International Relations and Cooperation (appointed 1 April 2021)
Mr J Bohlole	South African Nuclear Energy Corporation (appointed 19 March 2021)
Ms L Reinecke	Department of Trade, Industry and Competition
Mr LS Hamilton	Aerospace industry
Dr T Tyobeka	Additional member
Mr P Thema (Deceased)	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

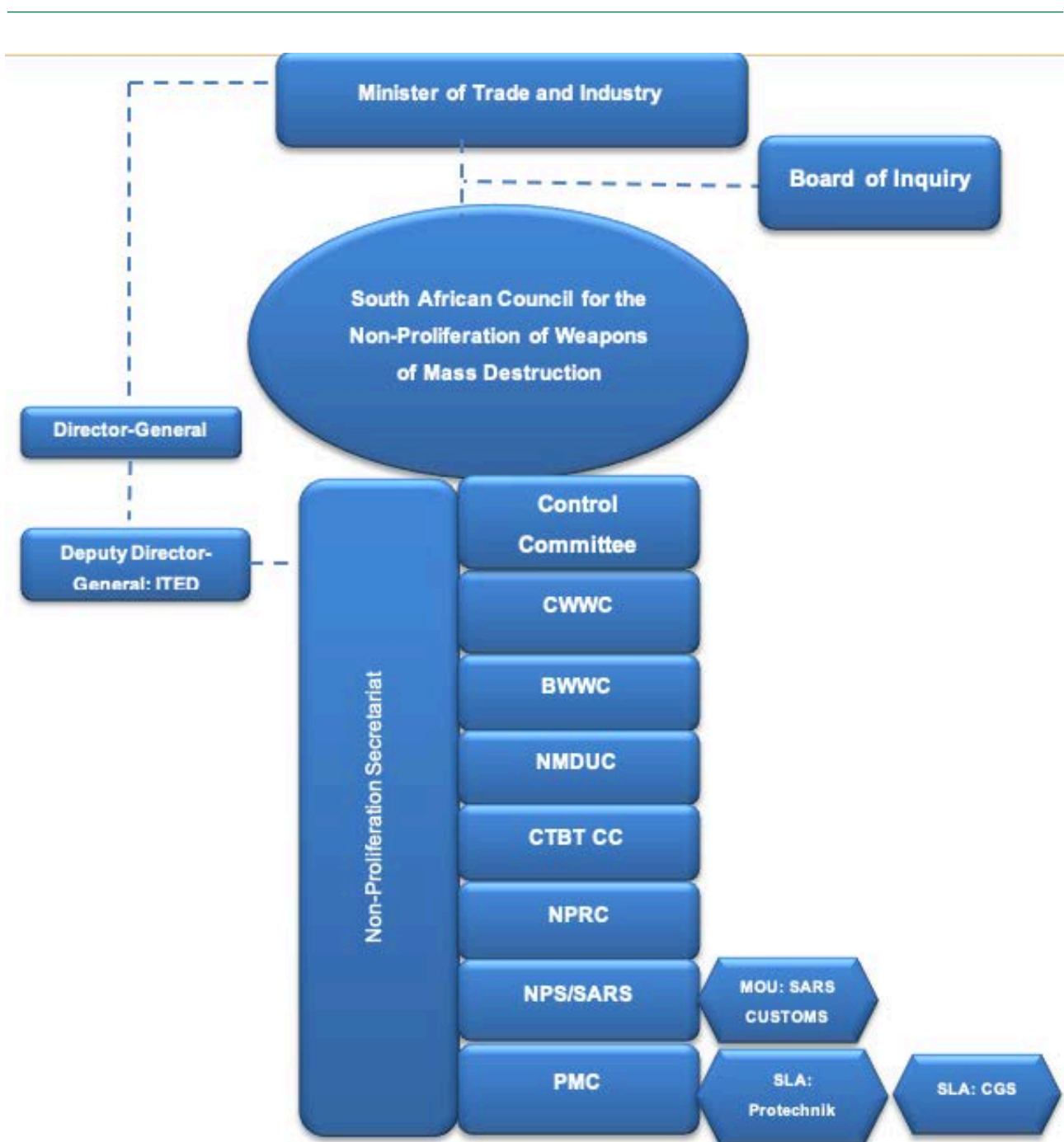
ANNEXURE 3: LIST OF ABBREVIATIONS



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
CTBT	Comprehensive Nuclear-Test-Ban Treaty
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

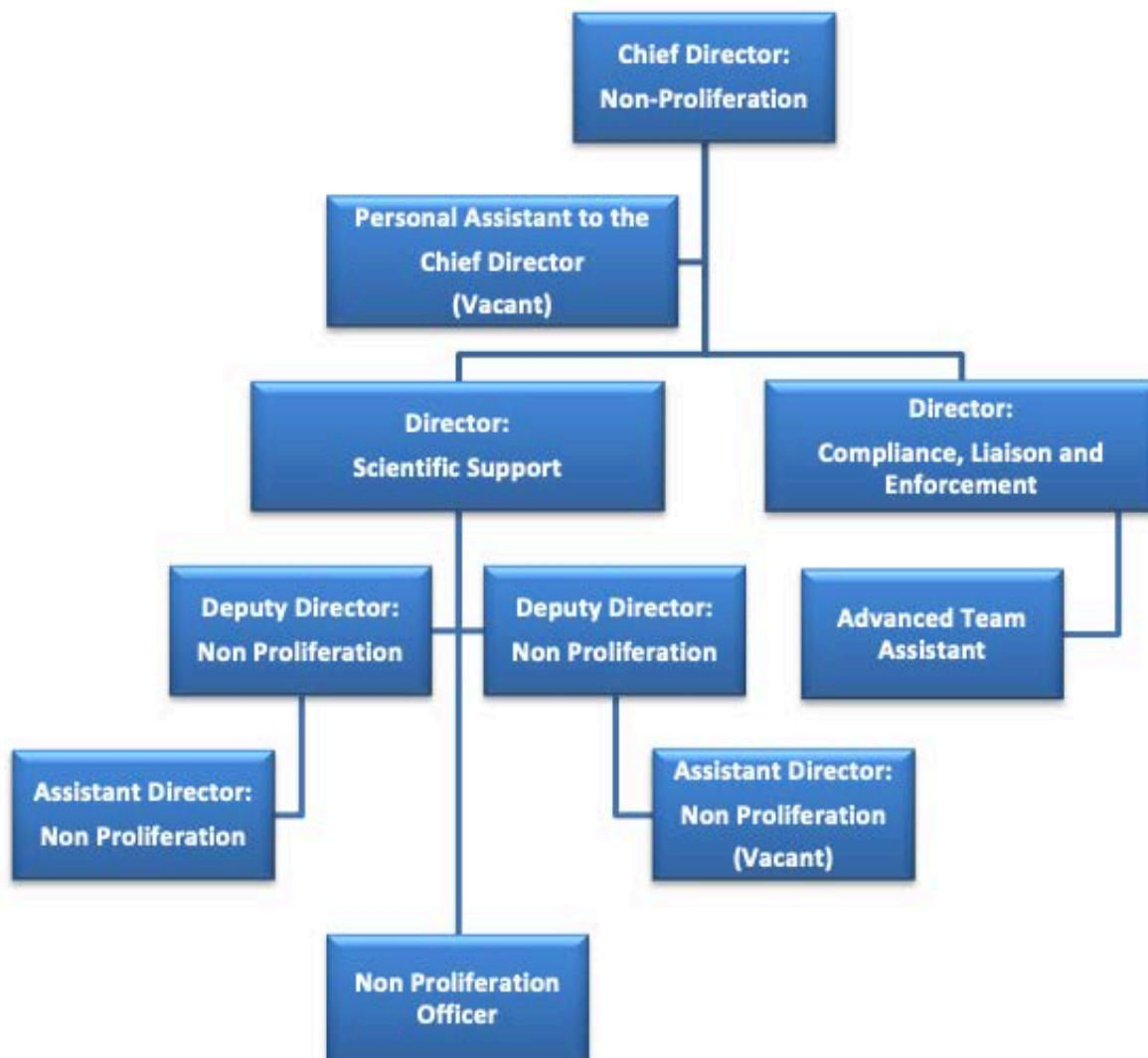
ANNEXURE 4: NON-PROLIFERATION CONTROL STRUCTURE





ANNEXURE 5: NON-PROLIFERATION SECRETARIAT STRUCTURE





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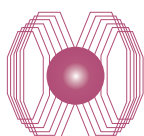
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SOUTH AFRICAN COUNCIL FOR
THE NON-PROLIFERATION OF
WEAPONS OF MASS DESTRUCTION

