



THE TWENTY-NINTH ANNUAL REPORT OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

REPORT PERIOD 1 APRIL 2022 – 31 MARCH 2023



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

the dtic - together, growing the economy

the dtic Customer Contact Centre: 0861 843 384

the dtic Website: www.thedti.gov.za



CONTENTS

CONTENTS	3
FOREWORD BY THE COUNCIL CHAIRPERSON.....	5
OVERVIEW BY THE HEAD OF THE NON-PROLIFERATION SECRETARIAT	7
TERMINOLOGY USED IN THIS REPORT	9
EXECUTIVE SUMMARY	10
PART A: GENERAL INFORMATION	11
Policy	11
South Africa's Policy on the Non-Proliferation of Weapons of Mass Destruction	11
Legislation.....	11
South African Legislation on the Non-Proliferation of Weapons of Mass Destruction	11
Controlled Goods	12
PART B: GOVERNANCE.....	13
Establishment of the Council.....	13
Objectives of the Council	13
Functions of the Council.....	13
Membership of the Council	13
Meetings of the Council.....	13
Committees of the Council	14
Chemical Weapons-Related Analytical Laboratory Services	16
Comprehensive Nuclear-Test-Ban Treaty Organisation-Related Services	17
Non-Proliferation Control Structure	18
PART C: PERFORMANCE	19
Council Activities Related to its Role as National Control Authority	19
Council Activities Related to International Cooperation.....	19
Nuclear Suppliers Group (NSG).....	19
Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO)	19
Organisation for the Prohibition of Chemical Weapons (OPCW)	20
Biological and Toxin Weapons Convention (BTWC).....	20
Missile Technology Control Regime (MTCR)	20
Treaty on the Prohibition of Nuclear Weapons (TPNW).....	20
Other non-proliferation activities-related meetings and courses	21
Non-Proliferation capacity-building activities held in South Africa	21
Council Activities Related to National Cooperation in Respect of Non-Proliferation	23
Recommendations for the Transfer of Nuclear Materials	23
Registration of Persons Involved in Activities Related to Non-Proliferation.....	23
Permits.....	24
Permit Statistics and Trends	25
Border Control and Law Enforcement.....	30
Declarations	31
Awareness and Outreach Programmes	31
PART D: HUMAN RESOURCE MANAGEMENT	32
The Non-Proliferation Secretariat.....	32
PART E: FINANCIAL INFORMATION	33
Budget and Expenditure Report.....	33

ANNEXURE 1: LEGISLATION RELATED TO CONTROLLED GOODS.....	34
ANNEXURE 2: MEMBERS OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.....	37
ANNEXURE 3: LIST OF ABBREVIATIONS	38
ANNEXURE 4: NON-PROLIFERATION CONTROL STRUCTURE.....	39
ANNEXURE 5: NON-PROLIFERATION SECRETARIAT STRUCTURE	40

FOREWORD BY THE COUNCIL CHAIRPERSON

The United Nations Security Council (UNSC) previously adopted the UNSC Resolution 1540 of 2004 in April 2004. The resolution, which affirms the need for all Member States to fulfil their obligations in relation to arms control and disarmament, additionally requires those States to prevent proliferation of all weapons of mass destruction, in all its aspects and established a Committee that reports on the implementation of the resolution. The resolution further decided that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws that prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempt to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them, under operative paragraph 2 of Resolution 1540 (2004).

Endorsing the 2022 comprehensive review of the status of the implementation of Resolution 1540 (2004) and taking note of its results, the Security Council further reiterated the requirements and importance of implementing Resolution 1540 (2004) while extending the mandate of the 1540 Committee for a period of 10 years, until 30 November 2032, through the adoption of UNSC Resolution 2663 of 2022 on 30 November 2022.

While the South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council), has the legislation and operational mechanisms in place to comply with Resolution 1540 (2004), the Council is not mandated to regulate proliferation financing. Whereas South Africa has been greylisted by the Financial Action Task Force (FATF) for some anti-money laundering, terrorism and proliferation financing deficiencies, there has been improvement by different government institutions, initially to avert the greylisting and now to ensure the Republic gets off the greylist after the next mutual evaluation report in 2027/28. This will show that South Africa complies with all aspects of Resolution 1540, including its requirement of prohibiting proliferation financing.

The Council, together with its stakeholders Protechnik Laboratories, the South African Military Health Services of the South African National Defence Force, and the Organisation for the Prohibition of Chemical Weapons, has been hosting annual training interventions related to chemical safety and analysis. The Council, having nominated and recommended qualified experts and analytical laboratories to serve on the United Nations Secretary General's Investigating Mechanism (UNSGM) roster, collaborated with National Institute for Communicable Diseases (NICD) and United Nations Office for Disarmament Affairs (UNODA) to host the first basic course of the UNSGM of an alleged use of a chemical, biological and toxin weapons to be held on the African continent. The training course brought together experts from different parts of the world, who have been nominated by their respective governments to serve on the UNSGM roster. The overall objective of the course is to provide, to the nominated experts, a better understanding of their roles in carrying out investigations of alleged use, should they be deployed.

I previously mentioned that around October 2021, I had the opportunity to engage the Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), Dr Robert Floyd in South Africa. Among the issues raised with Dr Floyd was the potential outreach to South African scientists and researchers on the CTBTO. Such an outreach took place in November 2022, through virtual platform, where the importance of the CTBT, technical activities undertaken by the Provisional Technical Secretariat (PTS) of the Preparatory Committee to the CTBT, and the domestic technical and legislative activities were shared with the audience. The participants were also advised on the human resource processes that the PTS follows in recruiting technical personnel to serve in the PTS.

The Council, ably assisted by its committees and the Non-Proliferation Secretariat, has ensured the implementation of all appropriate non-proliferation controls allowing South Africa to continue promoting peaceful trade and application of advanced goods and technologies in the nuclear, biological, chemical fields and delivery systems, as well as to advance discussions on the banning of nuclear explosion tests and prevent the proliferation and development of weapons of mass destruction, 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 weapons of mass destruction. This is particularly evident for South Africa, which, as a member of various multilateral non-proliferation organisations and sometimes the only African member in some of these multilateral organisations, has to consistently articulate its positions while acknowledging the objectives of its other fora.

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

A handwritten signature in black ink, appearing to read 'D Kgomo', with a stylized flourish at the end.

Ms Ditebogo Kgomo
Council Chairperson

OVERVIEW BY THE HEAD OF THE NON-PROLIFERATION SECRETARIAT

In 2017, the world witnessed the Treaty on the Prohibition of Nuclear Weapons being opened for signature. The treaty, which entered into force on 22 January 2021, is the first legally binding international agreement to comprehensively prohibit nuclear weapons, with the goal of leading towards its total elimination. South Africa, as the only country to have unilaterally relinquished and destroyed its nuclear weapons programme is one of the ardent supporters of the treaty and amongst the first signatories. Universal support of this and other similar treaties would ensure a world free of weapons of mass destruction.

The South African Council for the Non-Proliferation of Weapons of Mass Destruction (the Council), noting the importance of setting up structures to implement the Treaty, responded to the call to nominate and recommend experts to form part of the Scientific Advisory Group (SAG), as established by the first Meeting of States Parties of the Treaty. The two South African experts are part of a group of 15, which is tasked with a mandate to inform States Parties about developments in scientific and technical fields relevant to the Treaty, including the total elimination of nuclear weapons, humanitarian consequences and risks associated with nuclear weapons and nuclear disarmament and non-proliferation. Additionally, the Council added two South African state-owned laboratories and a number of qualified experts to serve on the roster of the United Nations Secretary General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM).

The Council Secretariat works collaboratively with other stakeholders on non-proliferation related matters. However, despite increased engagements with the Financial Intelligence Centre as well as the banking institutions in preparation for South Africa's Mutual Evaluation by the Financial Action Task Force (FATF) on counter-proliferation financing in 2018, South Africa was greylisted by FATF. Notwithstanding the negative outcome, the Secretariat, during the financial year under review, contributed to the publication of the South African Reserve Bank Prudential Authority's Guidance Note, issued in terms of section 6(5) of the Banks Act No. 94 of 1990, on Guidelines related to risk management practices concerning proliferation financing risk, among others. Furthermore, the Secretariat contributed to the finalising and publication of the Financial Intelligence Centre's Public Compliance Communication No. 54 on Guidance on compliance measures aimed at combating proliferation financing.

The Secretariat has continued to play an effective support role to the Council, which allows the Council to discharge its mandate efficiently. During the period under review, the Secretariat worked together with the Council and its Committees to contribute to the goal of promoting South Africa as a 'reliable and responsible supplier, recipient, producer and end user of sensitive goods and technologies' with the international goal of achieving a world free of weapons of mass destruction.

The Secretariat facilitated the visit by the Provisional Technical Secretariat (PTS) to the Comprehensive Nuclear-Test-Ban Treaty to conduct surveillance assessment on the Radionuclide Laboratory (RL) 14 at Pelindaba and the Slangkop site, in Cape Town, where the Radionuclide Station (RN) 62 would be located. The laboratory, which was certified in 2019, and has since been conducting radionuclide sample analysis on behalf of the PTS, proved its competency during this surveillance visit.

The Non-Proliferation Secretariat continuously engages industry on improvements of the non-proliferation regulatory processes as a way to seek mechanisms that would lead to innovative interventions such as the online permit system. As such, the Secretariat conducted a survey to gauge industry's preference on its interaction with the Non-Proliferation Secretariat, including seeking suggestions from industry on topics that should be covered

during outreach interventions. Additionally, industry also indicated a preference for virtual outreach sessions. Based on some of these responses, and the need to engage industry on the published Code of Conduct regulation, the Secretariat convened virtual outreach sessions. The suggestions would form part of future outreach sessions.

The Non-Proliferation Secretariat has continued to play an effective support role to the Council, allowing the Council to discharge its mandate efficiently. Therefore, 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 Non-Proliferation Secretariat.

A handwritten signature in black ink, appearing to read 'M Reddiar'.

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 29th 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 2022 to 31 March 2023.

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 weapons of mass destruction (WMD).

During the report period, the Council fulfilled its mandate to control items related to the non-proliferation of WMD through the implementation of the government policy and legislation on non-proliferation.

The Council, through its Committees and the Non-Proliferation Secretariat, 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.

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) and Service Level Agreements (SLAs) with specialised entities, convening meetings of Council Committees, and outreach activities to industry and other government agencies.

Continuous liaison with industry and the constant interaction with companies in raising awareness of the control legislation broadened the knowledge of entities involved in controlled goods and activities. This was done through outreach programmes and industry visits. Most importantly, the Code of Conduct acknowledgement has been boosted by the need to re-register, as all companies that were registered prior to the promulgation of the Code of Conduct are required to adopt it before their registration renewal is confirmed.

The Council continued to envisage that national adherence to the international obligations would be optimised through increased commitment to compliance from industry and enhanced enforcement of the legislation. Efforts to enhance the enforcement of the legislation continued by strengthening coordination with the relevant government stakeholders. Furthermore, the Council Secretariat contributed to the publication of documents that will ensure South Africa's proliferation financing obligations are adhered to.

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

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;
- 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 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.
- 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.

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

Meetings of the Council

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

Committees of the Council

The Committees of the Council, as listed below, were established in terms of Section 10 of the Non-Proliferation Act to advise the Council on specific technical issues. The engagements of these Committees are guided by Council as per approved Constitutions and Terms of Reference, Memorandum of Understanding (MoU) and Service Level Agreements (SLA).

Regular meetings were held for most of the Committees. However, other meeting schedules were affected as some experts from certain agencies are still not being afforded access to the tools required for virtual meetings. There is, however, an improvement from the previous financial year. Furthermore, the work of some committees, e.g. the NMDUC, are 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). These international meetings were postponed or held intermittently as a result of limited content, affecting the need to convene committee working group meetings regularly. However, the quarterly meetings governed by SLAs 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 (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 Mineral Resources and Energy (DMRE).

Chemical Weapons Working Committee (CWWC)

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

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), and the South African National Defence Force (SANDF): Office of the Surgeon-General, Chemical and Allied Industries 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-related and missile-related issues, with emphasis on import, export and transit of nuclear and missile dual-use goods across South African borders. Technical issues, as requested by the Council, were discussed.

The NMDUC consisted of an expert from the Council and officials from the Non-Proliferation Secretariat, NECSA, DIRCO, DI, SSA, DMRE, the Council for Scientific and Industrial Research, Mintek, Armaments Corporation of South Africa SOC Limited, National Nuclear Regulator, NCACC Inspectorate, NCACC Secretariat and co-opted members. During the report period, a review of the composition of the NMDUC was conducted and the Council approved that a nuclear engineer could be appointed on the Committee.

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 to align South African controls with national interests, international obligations and best practice. The NPRC was assigned with 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, 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 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, Industry and Competition (**the dtic**) requested the Development Committee of the Justice, Crime Prevention and Security (JCPS) Cluster to consider recommending to Cabinet that the department undertake a review of non-proliferation of WMD controls in South Africa and that an Inter-Ministerial Committee (IMC) be established to acquire ministerial inputs regarding the review.

As such, the Council sought a legal opinion on the way forward, and has since started to implement the guidance received. Due to the need to update non-proliferation policy, the legal opinion guided that the Council should update the policy, and thereafter embark on the review and amendment of the non-proliferation primary legislation.

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

The CTBTCC advised the Council on matters related to the implementation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in South Africa, the state of health of the local stations in the International Monitoring System

of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), integration of the stations into the CTBTO's Global Communications Infrastructure (GCI), and certification of all CTBTO infrastructure in the country.

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

The CTBTCC noted the visit by the CTBT Provisional Technical Secretariat (PTS) in November 2022 to the Necsa RL 14 and RN 62 facilities. The visits were done to conduct surveillance on the operations at RL 14 and to survey the viability and needs of the site where RN 62 is to be installed. The CTBTCC further organised a virtual outreach with the PTS, as agreed by the Executive Secretary and the Council Chairperson, for the benefit of South African scientists. The outreach was convened on the margins of the PTS surveillance visit to Necsa facilities.

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 Chemical Weapons Convention (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 SLA with Protechnik Laboratories, South Africa's Single Small-Scale Facility (SSSF), enabled the provision of the above-mentioned laboratory services. This also supplemented the CWC compliance and allowed for maintenance of the laboratory. The SLA, which was first signed in 2006, and regularly renewed, is currently valid 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. The laboratory also conducts the Analytical Chemistry Course for African States Parties to the CWC on behalf of the Organisation for the Prohibition of the Chemical Weapons (OPCW), which aims to build analytical chemistry skills in Africa.

Furthermore, the Council has supported the involvement of the laboratory in activities related to the Biological and Toxin Weapons Convention, such as participation in workshops of the United Nations 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 CTBT.

The Committee continued to consider the support of the auxiliary seismic station AS35, which is co-hosted in Antarctica with Germany. A bilateral agreement between Germany and South Africa is being discussed relating to the maintenance of AS35.

The Committee also explored mechanisms on how the CGS, together with its partner, the United States of America Air Force Technical Applications Center (AFTAC), can overcome the lightning strikes on IS 47.

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 Comprehensive Nuclear-Test-Ban Treaty (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 CTBTO to assist with the monitoring of possible treaty violations, such as nuclear explosion/tests after the treaty comes into force.

the dtic concluded an SLA with the CGS on behalf of the Council to assist with the maintenance of the waveform stations, i.e. Infrasonics (IS47) in Boshoff, Primary Seismic (PS39) in Boshoff, Auxiliary Seismic (AS99) in Sutherland, and Auxiliary Seismic (AS35-SANAE) in Antarctica. The objectives of the CGS within this SLA are to operate and maintain the CTBTO waveform stations within South Africa and to represent the country at various CTBTO workshops, training courses and meetings, and to operate the waveform National Data Centre.

A summary of activities performed by the Council for Geoscience for the period 1 April 2022 to 31 March 2023 are presented, through four quarterly reports, in accordance with the SLA signed on 1 April 2013, as amended, between the Council for Geoscience and **the dtic**, on behalf of the South African Council for the Non-Proliferation of Weapons of Mass Destruction. The current SLA is valid from 1 April 2021 to 30 March 2026.

The difference in performance of the auxiliary seismic stations shows the impact of lack of formalised support agreement. The AS99 returns 100% performance figures for most of the period of reporting. A good working relationship, through a formalised MoU, between the South African Astronomical Observatory (SAAO) and the CGS allows the station issues to be addressed in a timely and amicable manner.

The AS 35 has not been maintained in line with the SLA requirements. Data availability is, therefore, not as consistent. Coordination is hampered by the unavailability of a formal agreement between CGS, the German Federal Institute for Geosciences and Natural Resources (BGR) and possibly the Department of Environment, Forestry and Fisheries (DEFF). The formalisation of a working relation with DEFF will be beneficial to facilitate the

smooth transmission of data. This station is, however, returning authenticated data through the efforts of the CTBTO.

Although the CTBT specifically requires the establishment of a National Authority, creation of a National Data Centre (NDC) is a national issue. However, as the National Authority may need advice on technical issues from a NDC, its formation is advantageous to a State Signatory to the CTBT. Usually, the NDC responsibility is commonly given to an earthquake and/or nuclear radiation monitoring agency and the NDC staff with expertise in monitoring technologies to provide technical advice to their National Authority. The CGS as a National Data Centre on waveform technologies has been performing those activities, but mainly focusing on seismic data analysis. Whereas the discussions and preparations have been done to assist the CGS to expand its data analysis coverage to other waveform technologies, the CGS technical staff are still being trained on analysing infrasound data. 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 South African Revenue Service (SARS). The Committee dealt with implementation of the MoU, negotiated the SLA and the Standard Operating Procedures, and facilitated the enforcement of the non-proliferation legislation related to the movement of controlled goods through South Africa's international trade borders.

The NPS/SARS CC consisted of participants from 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 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

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 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. Some of the regimes were able to adopt changes on their control lists which has prompted the Council to initiate changes in the secondary legislation.

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 report period:

- The Nuclear Suppliers Group Plenary that was held from 19 to 25 June 2022 in Warsaw, Poland.
- The Nuclear Suppliers Group 10th Technical Expert Group and 53rd Consultative Group Meetings that were held from 21 to 30 October 2022 in Vienna, Austria.

Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO)

The CTBTO is an international organisation that would be established upon the entry into force of the CTBT, a treaty that outlaws nuclear test explosions. The organisation would be tasked with verifying the ban on nuclear tests and therefore operates a worldwide monitoring system and may conduct on-site inspections. As the Treaty is not yet in force, the States Signatories resolved to establish the Preparatory Commission (the Commission) to the CTBTO in 1996, which will carry out the necessary preparations for the effective implementation of the CTBT and prepare for the first session of the Conference of State Parties. The Commission comprises State Signatories and has a supporting Executive Secretary and the Provisional Technical Secretariat (PTS). Further, to effectively achieve the mandate of the Commission, there are policy-making organ meetings, namely; Article XIV Conference, Advisory Group, Working Group A and Working Group B.

The Secretariat participated in the following meeting of the CTBT during the report period:

- The 60th Session of the CTBTO Working Group B Meeting that was held from 13 to 24 March 2023 in Vienna, Austria.

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 Secretariat participated in the following CWC related meeting during the report period:

- The Ninth Annual Meeting of Representatives of the Chemical Industry and National Authorities of States Parties to the Chemical Weapons that was held from 17 to 21 October 2022 in Doha, Qatar.

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:

- The Biological and Toxin Weapons Convention (BTWC) Preparatory Committee (PrepCom) meeting that was held from 4 to 10 April 2022 in Geneva, Switzerland.
- The Wilton Park Conference on *Turning Commitments into Action: Signature Initiative to Mitigate Deliberate Biological Threats in Africa* that was held from 20 to 22 April 2022 at Wiston House in the United Kingdom.
- The coordination workshop for the project on *Supporting universalisation and effective implementation of the BWC in Africa* that was held from 26 to 27 July 2022 in Geneva, Switzerland.
- The Regional Preparatory Meeting for the Ninth Review Conference of the Biological Weapons Convention (BWC) that was held from 28 to 29 September 2022 in Addis Ababa, Ethiopia.
- The Wilton Park Conference on operationalising the signature initiative to mitigate deliberate biological threats in Africa and strengthening the Africa CDC's regional health-security capabilities that was held from 3 to 5 November 2022 in Cape Town, South Africa.
- The Nuclear Threat Initiative Global Biosecurity Dialogue Meeting that was held from 7 to 9 November 2022 in Cape Town, South Africa.

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 which 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 17 to 21 October 2022 in Montreux, Switzerland.

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.

The TPNW arranged the following meeting during the reporting period:

- The First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons held from 19 to 25 June 2022 in Vienna, Austria.

Other non-proliferation activities-related meetings and courses

- The Regional Women's Conference on Preventing the Proliferation of Weapons of Mass Destruction to non-State Actors that was held at the UN Economic Commission for Africa (UNECA) Conference Centre, Addis Ababa, Ethiopia on 12 and 13 October 2022.
- The European Union (EU) Non-Proliferation and Disarmament Conference held from 14 to 15 November 2022 in Brussels, Belgium.

Non-Proliferation capacity-building activities held in South Africa

Various training courses were held to enhance capacity in Africa with regard to the implementation of the Chemical Weapons Convention. The following training courses were held during the report period:

- The 13th Analytical Chemistry Course under the programme to strengthen cooperation in Africa was held from 23 May 2022 to 3 June 2022 at Protechnik Laboratories (a division of Armscor SOC Limited) in Centurion, South Africa. Participants were trained in sample preparation, basic analytical techniques, and the use of certain laboratory equipment required for the analysis of toxic chemicals.



African participants preparing samples to be analysed.

- The UNSGM basic course on the alleged use of chemical, biological and toxin weapons was held from 20 June 2022 to 1 July 2022 at the National Institute for Communicable Diseases (NICD) in Johannesburg,

South Africa. The overall objective was to provide nominated experts with a better understanding of their roles in investigations of alleged use, should they be deployed.



UNSGM experts collecting samples from an open area.



UNSGM practising handling of samples in line with chain of custody prescripts.

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 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 on the Council and the various Committees of Council.

Certain exports, imports and transit of goods required the approval of the Council, South African Police Service (SAPS) and the NCACC. The Non-Proliferation Secretariat actively participated in the meetings of the committees of the NCACC and the SAPS Export Scrutiny Committee. At the same time, the DCAC and the 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 the Council, the NMDUC, CTBTCC and the CC meetings.

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), the applications for authorisation of import, export and transportation were tabled by the DMRE at the CC and the evaluation of the applications were performed in conjunction with other government stakeholders.

In terms of evaluating applications for nuclear authorisations, all imports of scheduled items and exports of Schedule I and II items were considered and recommended by the CC directly to the Council Chairperson for signature. 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 Control Committee:

- considered 31 import and 32 export authorisation applications
- made positive recommendations on 31 import and 32 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 online registration and permit system allows for easier updating of data of companies involved in controlled goods. As companies are gradually moved to the online system, some are deregistered as they are no longer involved with controlled goods. As such, during the period of the report, there were 407 registered companies, of which 305 were existing registrations, 172 were renewals and 102 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

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 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 also 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 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 or 12 months.

All permit applications received during the period of the report were, on receipt, 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 controlled 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. Due to the dual use nature of these goods, trade in these goods have an impact on the economy, whether worldwide or a particular country.

South Africa has a vast industry that has the capability to manufacture and use such products hence these are regularly imported and exported. As the country has advanced port systems, there are also transit and trans-shipment activities taking place. Thus, it is important that the country has systems in place to ensure responsible trade of strategic goods through its participation in international disarmament, arms-control and non-proliferation organisations and enforcing its well-developed domestic legislation. Below are permit statistics over three financial years, to indicate the trends with respect to the import, export, transit and manufacturing and services of non-proliferation-related strategic goods.

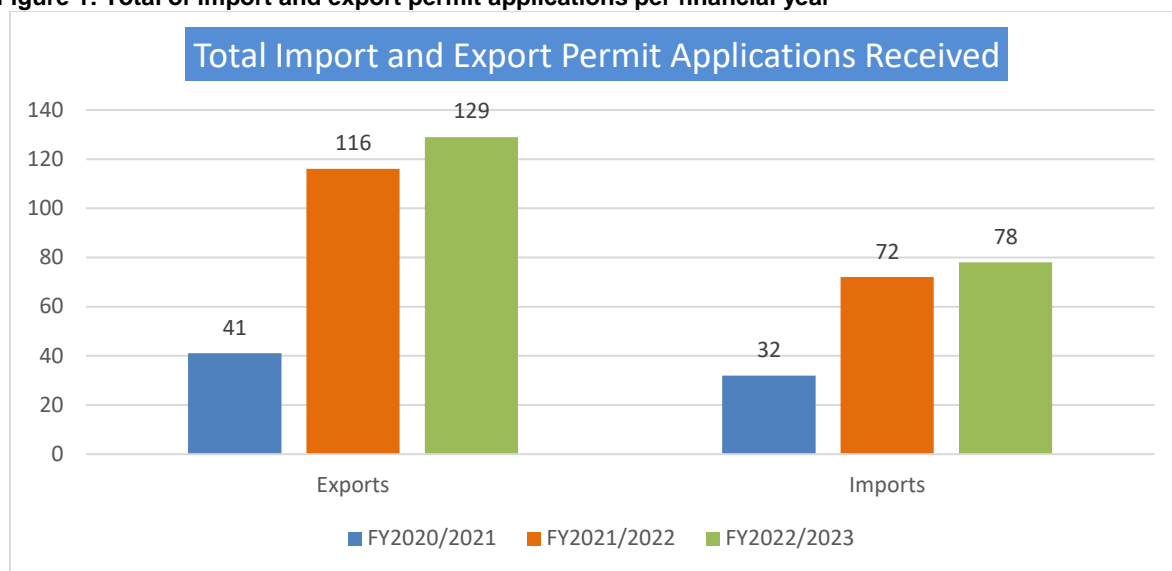
Table 1: Total of the permit applications received per financial year

	FY2020/21	FY2021/22	FY2022/23	Total
Imports	32	72	78	182
Exports	41	116	129	286
Transit	0	0	0	0
Not controlled/cancelled/ below transfer or control threshold	3	11	5	13
Sub-total	76	199	212	
Provisional Export Guidance	1	2	1	4
Manufacturing and Services	3	3	2	8
Sub-Total	4	5	3	
Total	80	204	215	

There has been continuous increase of exports in financial year (FY) 2022/23 compared to FY 2020/2021 and FY 2021/22. This can be attributed to the opening up of economies around the world, after COVID-19 forced lockdowns. Similarly for imports, whereas there was a positive growth of 55.55% year-on-year between FY 2020/21 and FY 2021/22, the year-on-year growth between FY 2021/22 and FY 2022/23 showed only 7.69%.

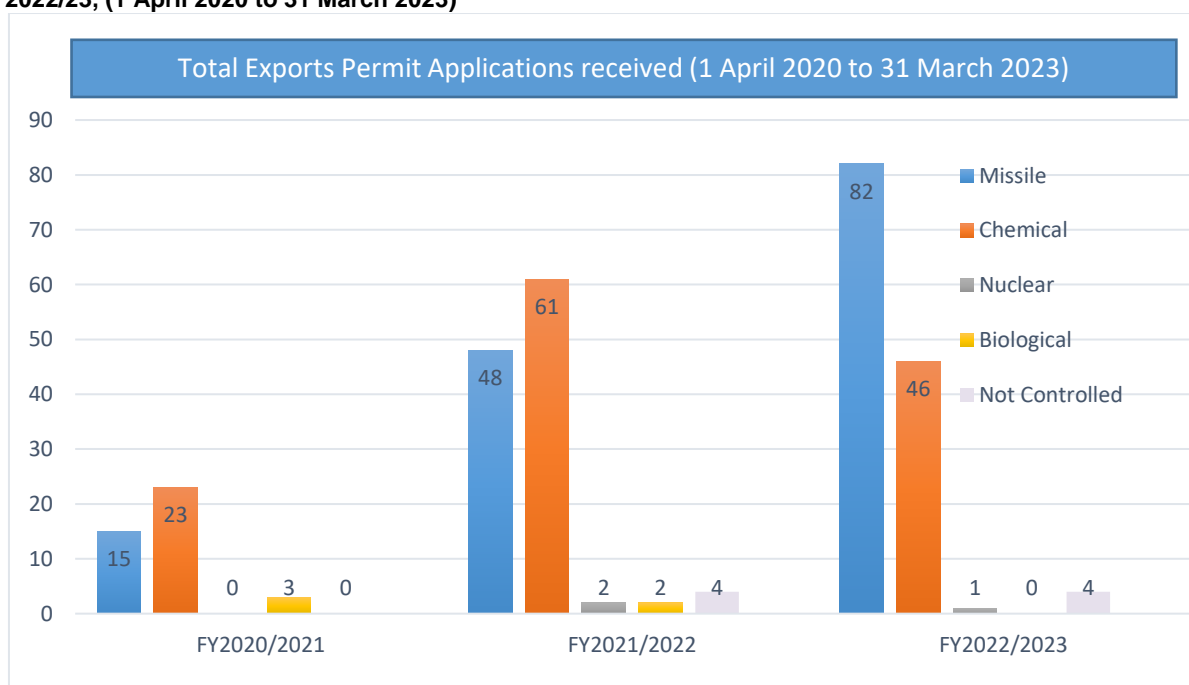
In the report period, applications were received for items that were not controlled, as well as for controlled goods but for quantities below the transfer threshold. Permits were, therefore, not issued for these applications. One application was cancelled by the applicant.

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



During the reporting period, the Council received 78 import and 129 export permit applications. The Council issued 66 import and 115 export permits, while the approval of 14 export permit applications and 12 import permit applications were outstanding.

Figure 2a: Total export permit applications received per control area for FY 2020/21, FY 2021/2022 and FY 2022/23, (1 April 2020 to 31 March 2023)



Not controlled includes four applications of items that were not controlled and one application whose quantities were below transfer threshold.

Figure 2b: Total export permits issued per control area for FY 2020/21, FY 2021/2022 and FY 2022/23, (1 April 2020 to 31 March 2023)

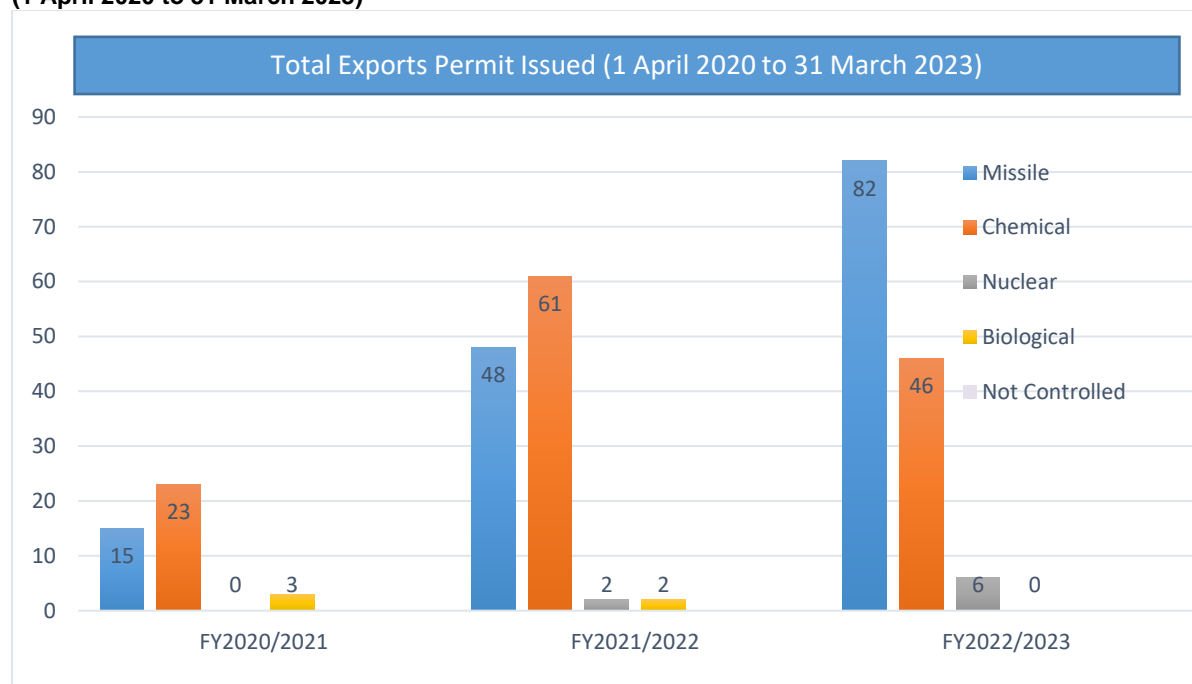


Figure 3a: Total import permit applications received per control area for FY 2020/21, FY 2021/2022 and FY 2022/23 (1 April 2020 to 31 March 2023)

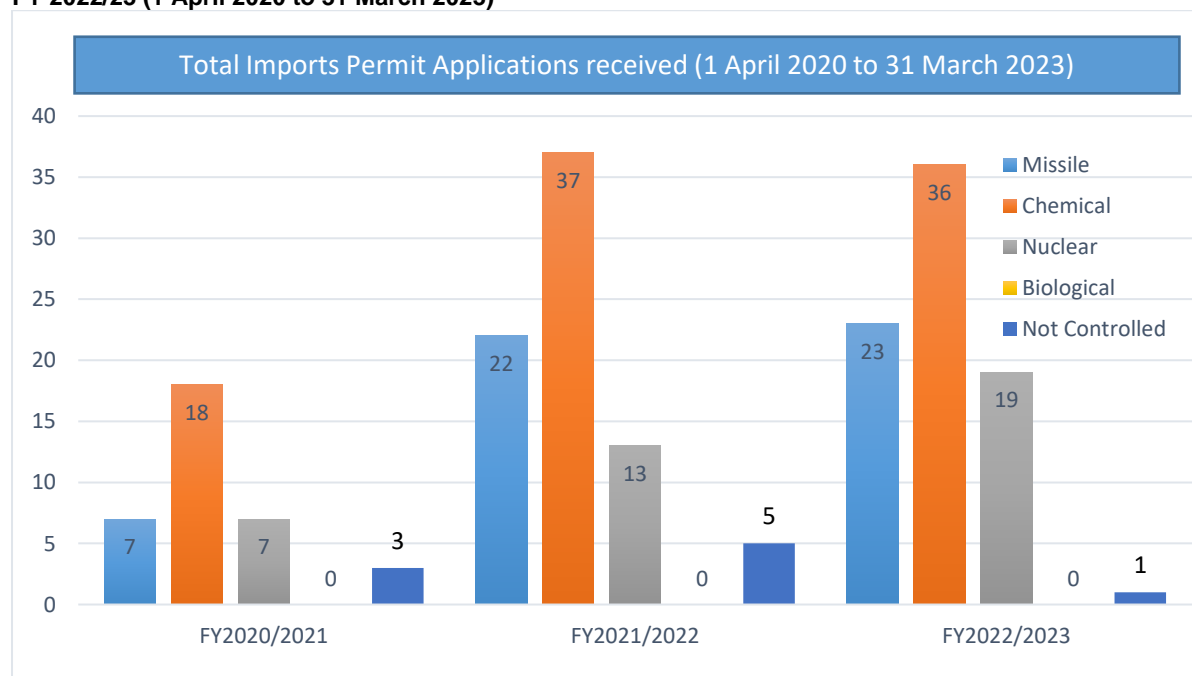
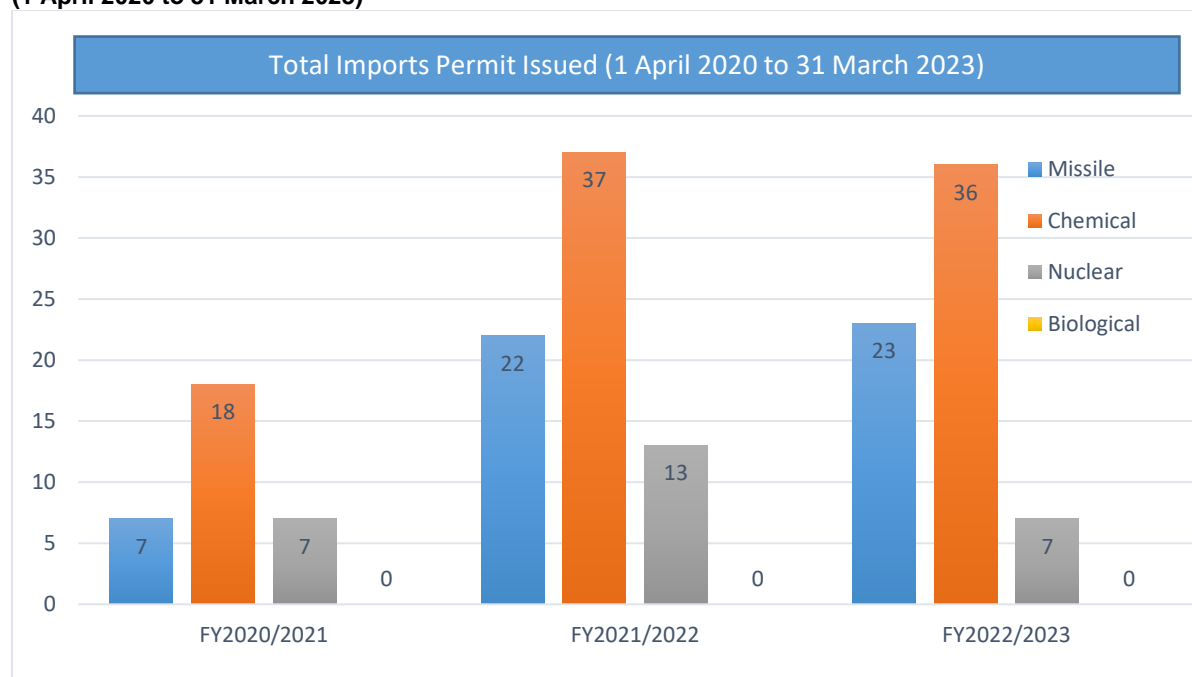


Figure 3b: Total import permit issued per control area for FY 2020/21, FY 2021/2022 and FY 2022/23 (1 April 2020 to 31 March 2023)



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 exclude 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, but the exports thereof are subject to permits issued by the Council.

Figure 4: Total MSPs issued per control area from 1 April 2020 to 31 March 2023

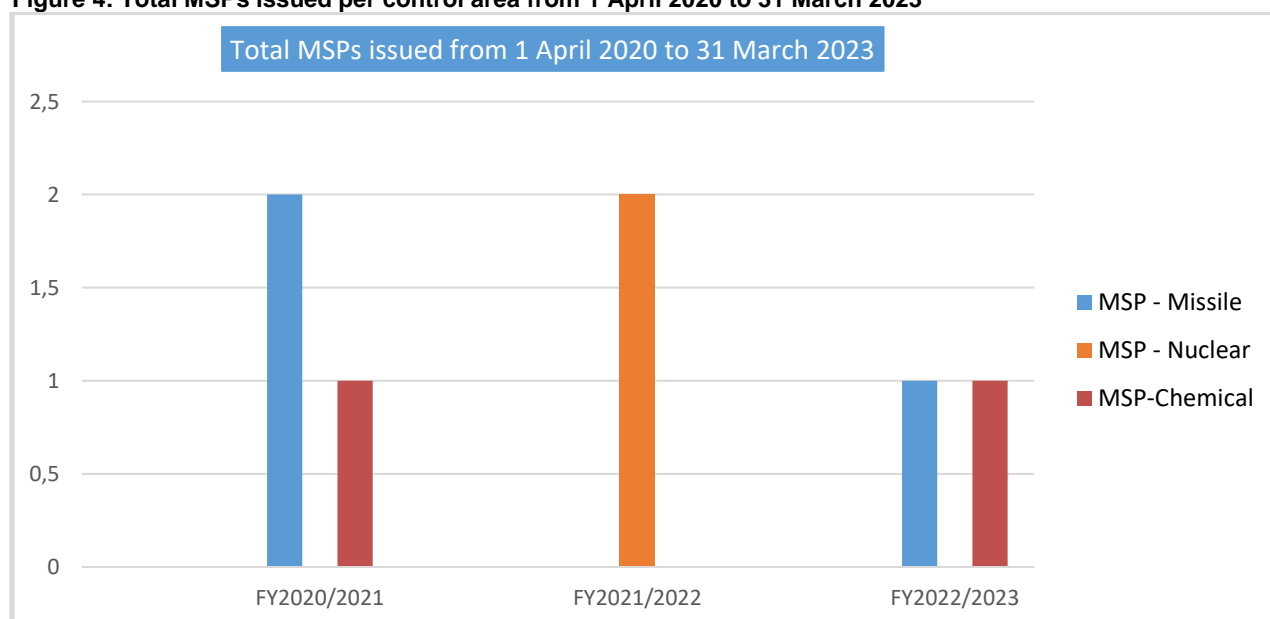
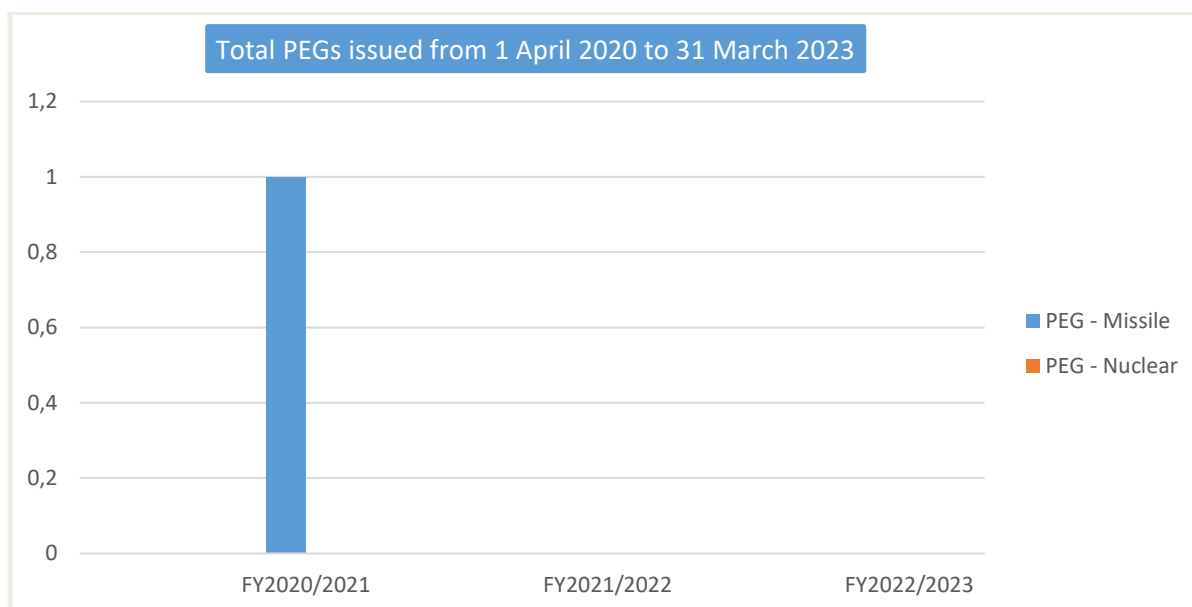


Figure 5: Total PEGs issued per control area from 1 April 2020 to 31 March 2023



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 has been concluded 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 the 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, continued rolling out the Strategic Trade Control Enforcement (STCE) programme, through virtual means. SARS Academy has included the STCE awareness as part of its curriculum that is offered to new cadets joining SARS. Throughout the period under review, eight virtual training interventions were provided.

Declarations

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

The BTWC Confidence Building Measures declarations, which highlight the country's capabilities, legislation and activities in the biological area for the report period, were submitted to the Implementation Support Unit, United Nations Office for Disarmament Affairs by April 2023.

The Council also requires persons involved in the transfer or production of controlled chemicals to declare their activities, in accordance with the legislation and international obligations. The Non-Proliferation Secretariat collated this information in accordance with national and international requirements. In September 2022, 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 2023, annual declarations of past activities for the SSSF, Schedule 3 and Other Chemical Production Facilities (OCPF), as well as import and export data of scheduled chemicals were submitted to the OPCW.

Awareness and Outreach Programmes

Outreach and awareness campaigns 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 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, there were six physical industry visits and 11 virtual outreach sessions, two of which were a result of responses received from a survey conducted by the Secretariat on 12 December 2022 to gauge whether industry members preferred in-person or virtual outreach sessions. The two virtual sector-specific outreach sessions comprised Chemical and Biological, and Missile and Nuclear industry sessions.

Furthermore, there were virtual interactions with industry, on legislative developments and other government institutions' activities which are related to the non-proliferation mandate of the Council. The outreach session hosted in-conjunction with the Provisional Technical Secretariat (PTS) of the CTBTO highlighted the responsibilities of the South African station operators and gave South African scientists insight to opportunities within the PTS.

PART D: HUMAN RESOURCE MANAGEMENT

The Non-Proliferation Secretariat

According to Section 4 (7) of the Non-Proliferation Act, the Director-General of Trade, Industry and Competition shall designate officers and employees as 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 within the Trade Branch 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 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 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 were provided by **the dtic**. All expenditure was incurred through the Non-Proliferation Secretariat, which is allocated a budget through the Trade Branch in **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 dtic** as part of the Trade Branch. 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 2022/23 ending 31 March 2023.

Table 3: Budget and Expenditure for 2022/23

Description	Budget	Expenditure	
		Amount	Percentage
Compensation of Employees	R 7 246 000.00	R 7 390 981.96	102.00%
Goods and Services	R 1 827 000.00	R 1 856 854.92	101.6%
Remuneration of Council members not in full-time employment of the State	R 127 000.00	R 126 794.42	99.84%
Operational Expenditure including Travel and Subsistence	R 1 513 000.00	R 1 543 075.76	101.99%
Operating leases including Buildings and Transport Equipment	R 187 000.00	R 186 984.74	99.99%
Sub Fees: OPCW	R 2 916 000.00	R 2 915 817.57	99.99%
Sub Fees: TPNW	R 2 000 000.00	R 000.00	00.00%*
Protechnik Laboratories Current	R 3 817 000.00	R 3 816 984.25	99.99%
Protechnik Laboratories Capital	R 1 651 000.00	R 1 103 084.24	66.81%
Council for Geoscience Current	R 1 437 000.00	R 1 437 000.00	100.00%
Total	R 20 894 000.00	R 18 520 722.94	88.64%

* South Africa's contribution to the 1st TPNW Meeting of States Parties preparatory costs during the FY21/22 was large enough to cover the country's assessed contribution for the 2nd TPNW Meeting of States Parties. The country was therefore not invoiced for the preparatory costs. As this is a transfer payment, it would have to be made available again in the next financial year.

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 08 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 08 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 08 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.
 - 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 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 Health Act, 2002 (Act No. 7 of 2002)
- 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), as amended by Act No. 73 of 2008
- 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 Act, 2002 (Act No. 41 of 2002), as amended by 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)
- Financial Intelligence Centre, 2001 (Act No. 38 of 2001)
- 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 33 of 2004), as amended by Act No. 23 of 2022
- Protection of Information Act, 1982 (Act No. 84 of 1982)
- Space Affairs Act, 1993 (Act No. 84 of 1993)
- The Prohibition of Certain Conventional Weapons Act, 2008 (Act No. 18 of 2008)
- Anti-Personnel Mines Prohibition Act, 2003 (Act No. 36 of 2003)

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

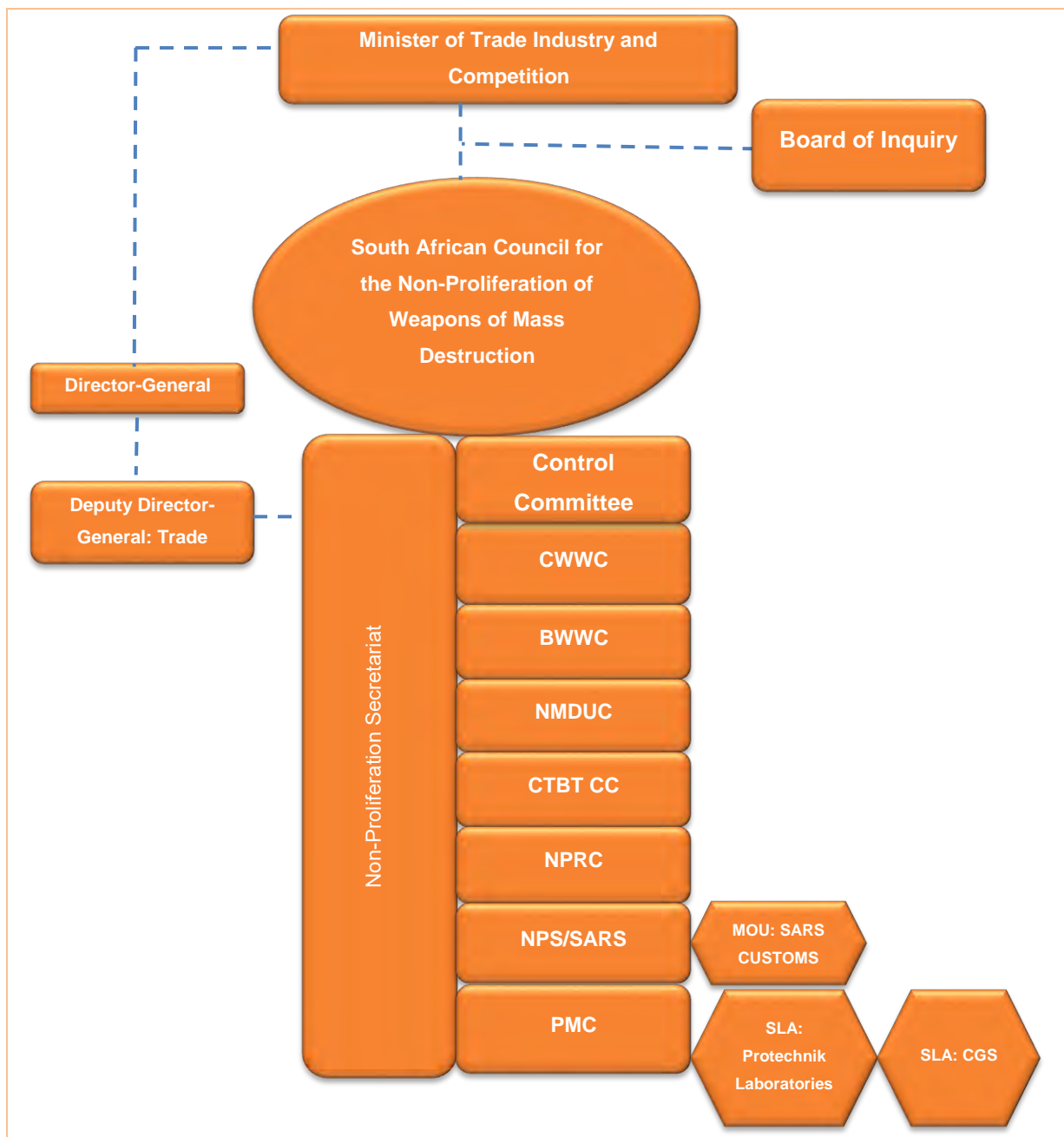
The members of the Council were appointed in terms of Section 4(2) of the Non-Proliferation Act by the Minister of Trade, Industry and Competition for a period of five years. The following table indicates persons who served as members of the Council from 1 July 2019.

COUNCIL MEMBER	
MS D KGOMO	Chairperson
Vacant	Vice-Chairperson
MR M VAN SCHALKWYK	Department of International Relations and Cooperation (appointed 01 April 2021)
MR J BOHLOLO	South African Nuclear Energy Corporation (appointed 19 March 2021)
MS L REINECKE	Department of Trade, Industry and Competition
MR L S HAMILTON	Aerospace Industry
DR T TYOBEKA	Additional member
MR P THEMA (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

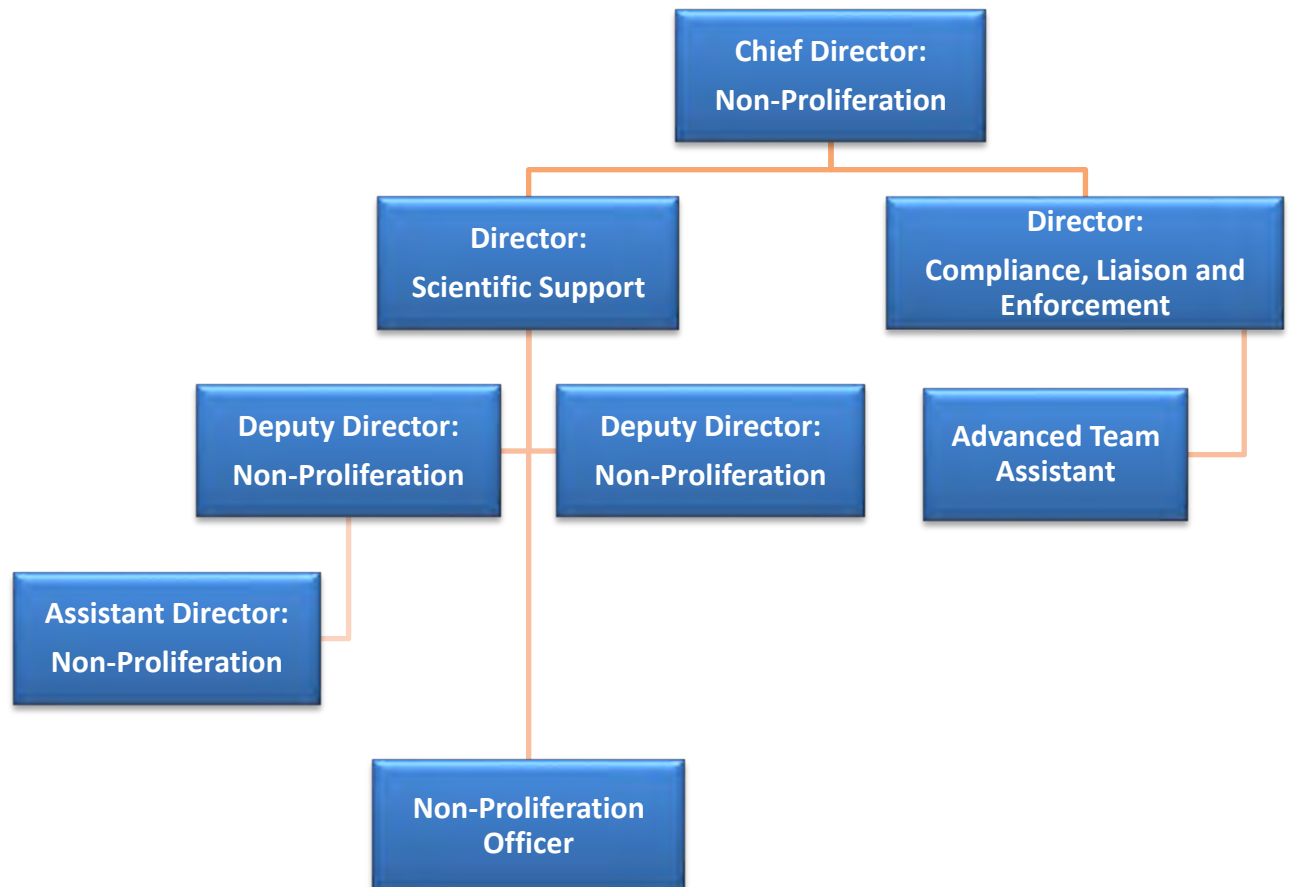
ANNEXURE 3: LIST OF ABBREVIATIONS

BGR	German Federal Institute for Geosciences and Natural Resources
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
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
RL	Radionuclide Laboratory
RN	Radionuclide
SACU	Southern African Customs Union
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
TPNW	Treaty on the Prohibition of Nuclear Weapons
WMD	Weapons of Mass Destruction

ANNEXURE 4: NON-PROLIFERATION CONTROL STRUCTURE



ANNEXURE 5: NON-PROLIFERATION SECRETARIAT STRUCTURE



South African Council for the Non-Proliferation of Weapons of Mass Destruction

Private Bag X84, Pretoria, 0001, South Africa

Telephone: +27 12 394 3030

Email: Nonproliferation@thedtic.gov.za

Website: <http://non-proliferation.thedtic.gov.za>



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

the dtic - together, growing the economy

the dtic Customer Contact Centre: 0861 843 384
the dtic Website: www.thedti.gov.za

