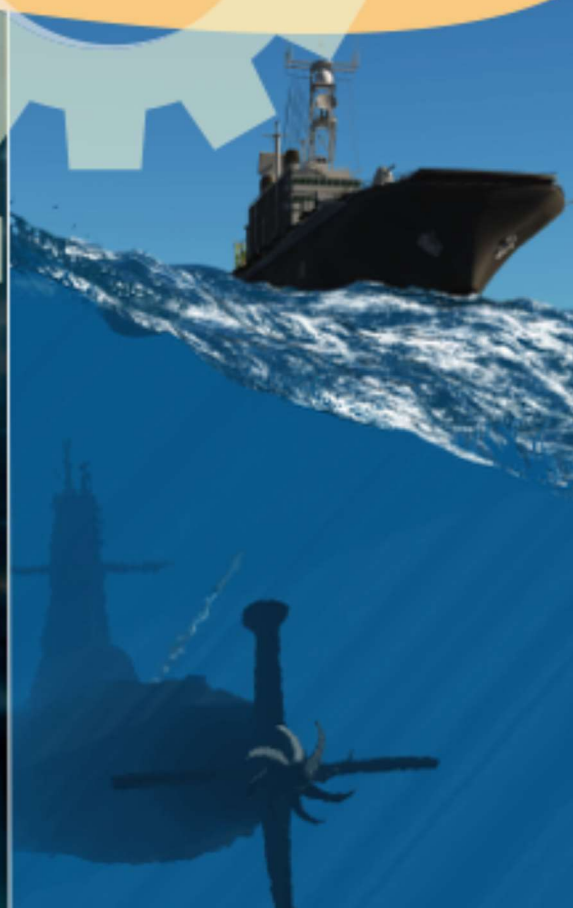
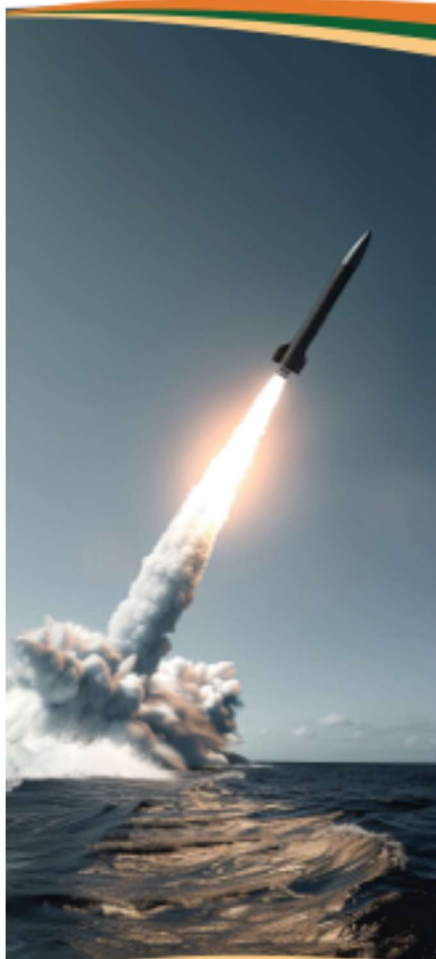


THE 30TH ANNUAL REPORT OF THE SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION



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REPUBLIC OF SOUTH AFRICA

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FOREWORD BY THE COUNCIL CHAIRPERSON

This year marks a significant milestone for South Africa as the nation celebrates 30 years of democracy and freedom. Since 1994, the country has prioritised advancing and upholding the Bill of Rights as a cornerstone of its democratic order. In his address at the National Conference on 30 Years of Human Rights, the State President, Mr Cyril Ramaphosa, acknowledged the challenges and shortcomings faced over the past 30 years. While recognising that we have a long way to go to fully realising the promises of the Constitution, President Ramaphosa emphasised that we must also celebrate the immense progress we have made.

The same can be said for the implementation of disarmament, non-proliferation, and arms control, particularly given the everchanging trade and security landscape. Throughout its 30 years of democracy, South Africa has been at the forefront of advocating for disarmament, non-proliferation, and arms control. This is evidenced by the country's 1994 Cabinet policy, which advocated for the immediate accession to various non-proliferation regimes, treaties, conventions, and multilateral export control regimes. The country has also supported the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, the adoption of the Comprehensive Nuclear-Test-Ban Treaty text in 1995, and more recently, the 2019 support for the entry into force of the Treaty on the Prohibition of Nuclear Weapons.

Domestically, South Africa has developed a robust regulatory system across disarmament, non-proliferation, and arms control, backed by strong legislation and thorough implementation. Although various legislative measures bestow different government institutions with specific mandates for non-proliferation, export, and arms control, the cooperative and interconnected system ensures that all institutions work towards the same objective, in line with the country's obligations and policies. However, there remains a need to further align the legislation and regulatory systems with evolving international developments.

Despite the advanced legislation and robust system in place, several challenges still need to be addressed. Regarding the non-proliferation legislation, there is a need to domesticate certain international legislation to ensure their full effect in the Republic through official proclamations. The Chemical Weapons Convention has recently been amended by the State Parties to cover additional scheduled chemicals; the Comprehensive Nuclear-Test-Ban Treaty (CTBT) requires the declaration of the National Authority to the Preparatory Commission to the CTBT and the signing of the Privileges and Immunities Agreement; and the Treaty on the Prohibition of Nuclear Weapons requires the country to commit resources to nuclear weapons' victims. Those responsibilities cannot be fulfilled without the proclamation of these international instruments as schedules to the Non-Proliferation of Weapons of Mass Destruction Act No. 87 of 1993 (Non-Proliferation Act).

Furthermore, the Non-Proliferation Act has been under consideration for amendment for a period of time. Due to international developments, the maturation of systems, and the implementation of legislation, numerous shortcomings have been identified that need to be addressed. The South African Council for the Non-Proliferation of Weapons of Mass Destruction (Council) has regularly engaged with **the dtic** Legal for assistance and has been advised that the initial step would be to review the existing policy. Currently, the Non-Proliferation Review Committee is overseeing this process. Once the new policy is adopted, the Council, in collaboration with **the dtic** Legal, will embark on the amendment of the Non-Proliferation Act.

While the country celebrated 30 years of democracy in 2024, it was also an election year, marking the end of term for the country's 6th administration. Similarly, the Council completed its term at the end of June 2024. Consequently, the Minister initiated the process of appointing a new Council by advertising on relevant platforms.

It has been a productive reporting period for the Council. Previously, it approved a document compiled by its CTBT Coordinating Committee, outlining the benefits of hosting a National Data Centre (NDC) under the CTBT. Although

hosting an NDC is mentioned in the CTBT text, it is not mandatory, and countries that choose to establish one must finance it themselves. As such, the Executive Secretariat of the CTBTO, Dr Robert Floyd, instituted the NDC4All programme, allowing state signatories to request donations of NDC equipment from the CTBTO, along with installation and training support.

The Council requested a donation and received a positive response in February 2024. The donation, which includes equipment and installed software, is part of the Preparatory Commission's ongoing technical assistance to CTBT signatory states. This assistance also encompasses group trainings and access to the commission's resources. This donation will be provided to the Council for Geoscience, the designated NDC. It aims to enhance the NDC's capacity to receive and process International Monitoring System data, reproduce products from the International Data Centre, and generate its own products. This will further establish the active involvement of the Republic of South Africa in the commission's verification regime.

Furthermore, the Online Registration and Permit System, commissioned in 2020, is undergoing further development to integrate with the South African Revenue Service's (SARS) risk engine system. The Council also facilitated the inclusion of South African experts and laboratories in the United Nations Secretary General's Mechanism on Chemical and Biological incidents, among other key accomplishments.

I am deeply 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 and Arms Control Policy and the Non-Proliferation Act.

Ms Ditebogo Kgomo

Council Chairperson

OVERVIEW BY THE HEAD OF THE NON-PROLIFERATION SECRETARIAT

As the implementation of the African Continental Free Trade Area (AfCFTA) gathers momentum, it has been noted that African countries have increased their focus on the control of items that can be used to develop weapons of mass destruction. This is due to States Parties to the AfCFTA being obliged to cooperate on customs and all trade-related matters, and to enhance the efficiency of customs procedures, trade facilitation, and transit. However, as members of the United Nations, the United Nations Security Council Resolution (UNSCR) 1540 (2004), *inter alia*, requires that they institute, implement and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons, and their means of delivery. This involves developing and maintaining appropriate and effective border controls, law enforcement, and national regulatory measures. These include controls on the export, transit, trans-shipment, and re-export and controls of sensitive goods and technologies, as well as providing funds and services related to such. This complementarity between the UNSCR 1540 (2004) and AfCFTA, as strengthened by the synergy between operating paragraph 3 of UNSCR 1540 (2004) and the Protocol on Trade in Goods of AfCFTA, shows the relationship between strategic trade control and trade facilitation.

As such, the commercial benefits of the work of the Council has been highlighted by **the dtic** in the period under review. As part of the Annual Performance Plan of the department, financial values of all exports facilitated under permits issued by the Council were noted. The values reported on were based on weekly declarations by the companies. However, since most dual-use items regulated by the Council lack dedicated tariff numbers and company declarations were inconsistent, reporting processes will need to be enhanced. Additionally, other possible options should be explored to improve and verify reporting. The Council and its secretariat will continue to work with companies and SARS to improve on the declarations.

The Non-Proliferation Secretariat, together with the service provider, advanced the modernisation of the non-proliferation regulatory processes by initiating the development of the second phase for the online permit system. This phase was expected to be completed by September 2024. Once implemented, the system will enable the direct transfer of import, export, transit and transshipment permits issued by the Council to SARS through the SARS Electronic Data Interchange system. This integration will enhance customs clearance processes, allowing SARS to be aware of council-approved transactions in advance, thereby helping to minimise instances of transactions conducted without the necessary permits.

The Council, together with its secretariat, continued to expose different South African organisations and individuals to opportunities presented by international organisations. During the report period, South Africa participated in the Organisation for the Prohibition of Chemical Weapons (OPCW) Associate Programme. This capacity-building programme aims to promote the peaceful use of chemistry, with an emphasis on chemical safety and security management in the industry setting. A requirement of the programme is the placement of two participants at a chemical plant for a period of three weeks to gain hands-on exposure to modern practices in the chemical industry. A South African chemical facility recently hosted two experts designated by the OPCW. Additionally, a local chemistry professor, endorsed to participate in the Associate Programme, visited chemical plants and academic institutions in various countries over the course of three months, engaging in a range of activities related to the programme.

The experience of the Council Secretariat in implementing obligations of the Biological Toxins and Weapons Convention (BTWC) continues to be leveraged for capacity building across the continent. Throughout the reporting period, the United Nations Office of Disarmament (UNODA) has invited officials from the Secretariat to engage in outreach activities related to the BTWC. Key discussion areas included the implementation of the BTWC, with a specific focus on the consistent and timely submission of the confidence building measures.

The Council Secretariat, established as the Chief Directorate: Non-Proliferation within **the dtic** under the non-proliferation legislation, continues to assist the Council in fulfilling its administrative and technical responsibilities. Although the Council is autonomous in terms of work and mandate, as per the governing legislation, it is not categorised as an agency or Council of Trade and Industry Institutions within the department. It therefore relies on **the dtic's** administration support, i.e. human resource development, effective information and communication technology (ICT) support, integrated finance systems and management coordination to achieve its mandate. Although certain support subprogrammes have been progressing well, the Council Secretariat human resources complement has been declining at an alarming rate. When the Chief Directorate: Non-Proliferation structure was approved in 2009, it was envisioned to be made up of a Chief Director, and two Directorates (Scientific Support; and Compliance, Liason and Enforcement) with a total staff complement of 16. The staff complement never reached its optimum through the years, due to limitations on recruitment and movement of staff, and has recently been depleted to six officials without replacements due to austerity measures. During the report period, the Director: Compliance, Liason and Enforcement post became vacant and the official was not replaced, rendering outreach with companies and general stakeholder engagement nearly impossible, as this Directorate did not have other filled posts. Furthermore, the nuclear dual-use and delivery system subdirectorates lost knowledgeable technical officials. Although there is one reassigned official in the unit, the situation remains dire as there are international obligations in the nuclear, chemical, biological and missile delivery fields, as well as national obligations that have to be fulfilled regardless of staff complement. It is, therefore, vital that this situation be remedied.

My heartfelt gratitude and appreciation is extended to the team at the Non-Proliferation Secretariat for their perseverance, dedication and hard work despite limited human resource capacity, and their willingness to assume additional responsibilities to ensure that the Council's mandate is achieved. Their support has eased the burden of leadership during challenging times, and it has been a pleasure to see their continuous growth and development as individuals as well as a coordinated team. I am also sincerely appreciative of the Trade Branch and the Council and its committees for their continued advice and guidance in the work of the secretariat.

Ms Melanie Reddiar

Chief Director: Non-Proliferation Secretariat

TERMINOLOGY

"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 30th 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 2023 to 31 March 2024.

the dtic highlighted the work of the Council through the inclusion of the commercial values generated from the export permits issued, as part of the reports on the Annual Performance Plan. The data reflected is based on the declarations provided weekly by the companies.

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, conventions and agreements to which South Africa is a signatory.

The Council continued with its thorough implementation of the non-proliferation legislation. Among mechanisms used is the permit system for the import, transit and export of controlled items, which was implemented through a comprehensive risk assessment and evaluation process of applications received.

Assessment of these applications is done in conjunction with the other government entities and departments whose expertise and mandates are required for a thorough risk assessment. The regulation of nuclear direct use and nuclear dual-use items is divided between the Department of Mineral Resources and Energy and the Council, respectively. However, assessment of potential transfers of these items is conducted in collaboration, by both institutions, and other government stakeholders.

As such, in line with Section 34 and 35 of the Nuclear Energy Act, 1999 (Act No. 46 of 1999), the Council also liaised with the Minister of Minerals Resources and Energy regarding applications for authorisations relating to the import, export and transport of source material, special nuclear material, restricted material and nuclear-related equipment and material, as per the consultation process stipulated in the Act.

The officials of the Non-Proliferation Secretariat participated in international meetings to fulfil the state's obligations, thereby increasing 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.

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 weapons of mass destruction with the goal of promoting international peace and security;
- use its position as a member of the suppliers' regimes, the Africa Group and Non-Aligned Movement to promote the importance of non-proliferation and to ensure that these controls do not deny developing countries access to advanced technologies required for peaceful purposes and their developmental needs.

Legislation

South African Legislation on the Non-Proliferation of Weapons of Mass Destruction

The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) (Non-Proliferation Act), as amended in 1995 and 1996, was promulgated to provide for control over WMD, establish a council to control and manage matters relating to the proliferation of such weapons in South Africa, determine its objectives and functions, prescribe the manner in which it is to be managed and controlled, and provide for matters connected therewith.

The Non-Proliferation Act is supported by Government Notices and Regulations. Details of controlled goods and activities have been promulgated in Government Notices based on applicable international legally binding instruments and commitments made in terms of the various export control regimes and conventions.

Controlled Goods

The Minister of Trade, Industry and Competition, through publication of Government Notices and Regulations in Government Gazettes, has enabled the specific obligations of South Africa regarding non-proliferation to be addressed by imposing controls on certain technologies, goods and activities. Through these measures, South Africa complies with the requirements of the various international non-proliferation treaties, conventions, and multilateral export 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 (CSIR), 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 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. The legal opinion guided that the Council review 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 acknowledged the commencement of the new On-Site Inspection Next Generation Linear Training Programme in 2023. South Africa has nominated three officials to participate in this program. Upon completion of the three-and-a-half-year training, the official number of surrogate inspectors will increase to four.

Protechnik Laboratories Programme Management Committee (PL PMC)

The PL PMC was formed in terms of the SLA between **the dtic**, on behalf of the Council, 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 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**, on behalf of the Council, 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 IS47.

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 the 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. Infrasound (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 Council. 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 the lack of a 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 AS35 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.

The Council requested and received a donation for equipment, installation, and training for the National Data Centre (NDC) as part of the Preparatory Commission's ongoing technical assistance to the Signatory States of the CTBT. This donation has been allocated to the CGS, designated as the NDC. It is intended to increase the NDC's capacity to receive and process data from the International Monitoring System. Additionally, it aims to enable the NDC to reproduce products from the International Data Centre and create its own outputs, further establishing the Republic of South Africa's active involvement in the Commission's verification regime

The CGS, serving as a NDC for waveform technologies, has expanded its data analysis capabilities from primarily seismic analysis to include infrasound data. This follows the training provided to technical experts at CGS in accordance with the SLA between **the dtic** and CGS.

NECSA, as the station operator for radionuclides, has made significant progress in establishing a station in Cape Town. Negotiations between Necsa and the Procurement Section of the Provisional Technical Secretariat of the CTBTO have reached a stage where both parties have agreed on the costing for the station. Civil works on the site are anticipated to commence toward the end of 2024.

The Council has continued its efforts to develop South African professionals across various fields related to the activities of the CTBTO. During the reporting period, three officials were recommended for On-Site Inspection training, which will enable them to join the surrogate inspector roster upon completion of their training. Another official was recommended to participate in reviewing the training materials and conducting Build-Up Exercises in preparation for the Integrated Field Exercise scheduled for 2025. Most notably, the Council endorsed the nomination of Ms Tebogo Matlou from CGS as Vice Chairperson of Working Group B.

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

The NPS/SARS CC was formed in terms of the MoU signed between **the dtic** and SARS. The Committee dealt with implementation of 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 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 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 Secretariat participated in the following NSG meeting during the report period:

- The NSG plenary, held in Buenos Aires, Argentina from 10 to 14 July 2023

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 meetings of the CTBT during the report period:

- The Science and Technology Conference of the CTBT, held from 19 to 23 June 2023 in Vienna, Austria.
- The 61st Session of the Working Group B (WGB) meeting of the CTBT, held from 19 August to 3 September 2023 in Vienna, Austria.
- The On-Site Inspection Next Generation Linear Training Programme: Introductory and Health, Safety and Security Courses (IC-LTP and HSS-LTP), held from 30 October to 11 November 2023 in Seibersdorf, Austria.
- The 62nd Session of the Working Group B (WGB) meeting of the CTBT, held from 19 February to 1 March 2024 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 meetings during the report period:

- The Fifth Special Session of the Conference of States Parties (Fifth Review Conference) of the CWC, held from 15 to 19 May 2023 in The Hague, The Netherlands.
- The Regional Conference on Enforcing Effective Customs Control over the Trade in Toxic Chemicals in Africa, held from 22 to 25 May 2023 in Brazzaville, Republic of Congo.
- The Twenty-First CWC Regional Meeting of National Authorities of States Parties in Africa, held from 24 to 28 July 2023 in Harare, Zimbabwe.
- The CWC Peer-to-Peer Training of Customs Institutions, held from 9 to 13 October 2023 in Nairobi, Kenya.
- The Tenth Annual Meeting of Representatives of the Chemical Industry and National Authorities of States Parties to the CWC, held from 24 to 26 October 2023 in Doha, Qatar.
- The OPCW Annual Meeting of the National Authorities of States Parties to the CWC, held from 22 to 24 November 2023 in The Hague, The Netherlands.

Biological and Toxin Weapons Convention (BTWC)

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

The Secretariat participated in the following BTWC-related meetings during the report period:

- The Working Group Meeting on Strengthening the BTWC, held from 5 to 20 August 2023 in Geneva, Switzerland.
- The Workshop on Implementation of the BTWC, held from 28 to 31 August 2023 in Windhoek, Namibia.
- The National Stakeholder Awareness Raising Workshop for BTWC, held from 29 to 30 August 2023 in Banjul, the Gambia.
- The National Awareness Raising Workshop on the BTWC, held from 28 to 31 January 2024 in Lusaka, Zambia.
- The Regional Workshop on Universalisation and Effective Implementation of the BTWC in Southern Africa, held from 11 to 15 March 2024 in Gaborone, Botswana.

Other non-proliferation activities-related meetings and courses

- Biorisks, Biosecurity and Biological Disarmament Conference hosted by the United Nations Institute for Disarmament Research (UNIDIR), United Nations Office for Disarmament Affairs (UNODA) and the World Health Organisation (WHO), held from 4 to 5 July 2023 in Geneva, Switzerland.
- Wilton Park dialogue on *Strengthening Global Mechanisms for Investigation of and Response to Deliberate Biological Events*, held from 19 to 21 June 2023 in West Sussex, United Kingdom.

- Academia engagement in multilateral export controls: Dialogue for effective approaches to implementing UNSCR 1540 (2004), held from 8 to 9 November 2023 in Nuremberg, Germany.
- Wilton Park conference on *The Future for Verification and Compliance of the Biological Weapons Convention*, held from 15 to 17 November 2023 in West Sussex, United Kingdom.

Non-proliferation capacity-building activities held in South Africa

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

- The Fourteenth Analytical Skills Development Course under the programme to strengthen cooperation in Africa was held from 29 May 2023 to 9 June 2023 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 taken through their training by Protechnik experts.

- The second UNSGM basic course on the alleged use of chemical, biological and toxin weapons was held from 26 June 2023 to 7 July 2023 at the NICD in Johannesburg, South Africa. The objective was to provide experts nominated by UN Member States to the UNSGM roster with a better understanding of their role in carrying out investigations of alleged use of biological weapons should they be deployed as part of a UNSGM mission. This includes key information about the UNSGM, including the background, mandate, guidelines and procedures, and other components of the mechanism. As a UNSGM investigation would likely be carried out by a multidisciplinary team, basic training courses aim to give an overview of the capabilities (and limitations) of other disciplines that may be involved, so that experts can understand what is needed to support their colleagues, and what can realistically be expected from the different fields. Another crucial objective for the basic training courses is to introduce the experts to the support expected from different offices and departments of the UN, as well as the relevant UN processes in which the investigation would take place.

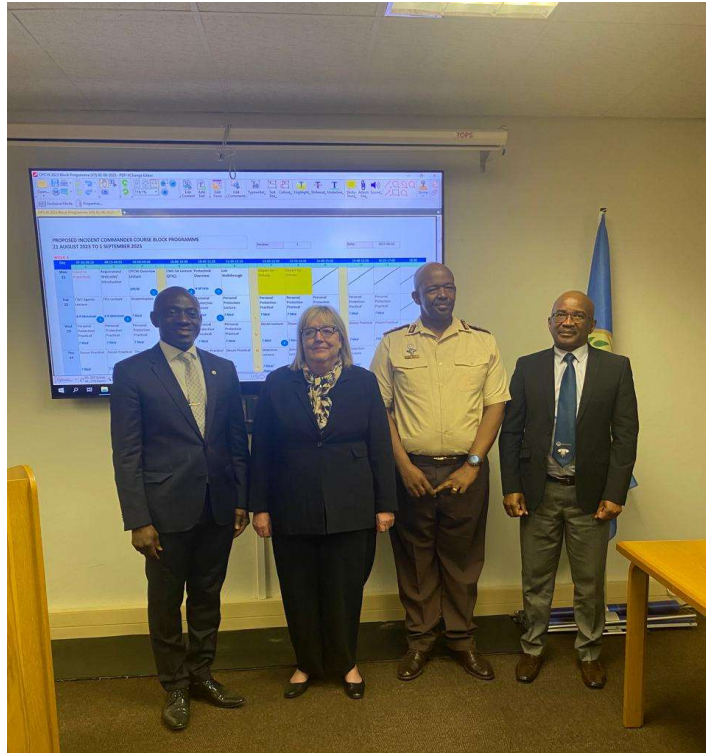


UNSGM experts collecting samples from a dead animal.



UNSGM experts analysing samples collected in the field.

- The Eighteenth Incident Commanders' Course for African States Parties was held from 21 August to 1 September 2023 at the Ditholo Airforce Base in Tshwane, South Africa. This course was provided for selected specialists from participating countries in the region. Only participants dealing with the emergency response and protection against chemical weapons and toxic industrial chemicals attended. The course covered theoretical and practical training on the usage of individual and collective protective clothing, monitoring, detection and decontamination techniques, as well as the handling of casualties after a chemical incident.



Mr O. Babatunde, OPCW; Ms D. Penfold, Council member; Maj. Gen. (Dr) M. Simelane, SAMHS; and Dr M. Shumane, Armscor, at the opening of the Incident Commanders' Course.



Participants dressed in protective clothing undergoing training during the Incident Commanders' Course.

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

Section 5 of the Non-Proliferation Act requires that the Council cooperate and consult with the NCACC and the Minister of 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 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, nuclear related material, equipment and technology

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.

The Government Notice No. 207 of 27 February 2009 categorises controlled items into four schedules (scheduled items): Restricted Material (Schedule 1), Source Material (Schedule 2), Special Nuclear Material (Schedule 3), and Nuclear Related Material and Equipment (Schedule 4).

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 37 import and 38 export authorisation applications.
- Made positive recommendations on 34 import and 34 export authorisations to the Minister of Mineral Resources and Energy. One export application was declared as not controlled. At the end of the reporting period, three import and three export authorisation applications were still to be considered.

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. All companies have been moved to the online system, and some were deregistered as they were no longer involved with controlled goods. As such, during the period of the report, there were 474 registered companies, of which 430 were existing registrations, and 44 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 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 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 in a particular country.

The Council can only issue permits in line with the prescripts of the Non-Proliferation Act. However, there are mechanisms that Council uses to ensure the proliferation risk of a particular item and transaction are minimised even further. This is through requests for end-use requirements, such as an End Use Statement, End Use Certificate, Government-to-Government Assurance, and Inter-Governmental Agreement, in addition to a permit. These end-use requirements may include conditions not explicitly stated in the primary legislation but aligned with its intent. Consequently, the Council may need to consider requests, such as consent for re-transfer of goods from foreign consignees, for which a permit cannot be issued. as it is not stipulated under Section 13(2) of the Non-Proliferation Act.

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 transshipment 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, non-proliferation and arms control 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

	FY2021/22	FY2022/23	FY2023/24	Total
Imports	72	78	79	229
Exports	116	129	163	408
Transit	0	0	0	0
Not controlled/cancelled/ below transfer or control threshold	11	5	3	19
Sub-total	199	212	245	

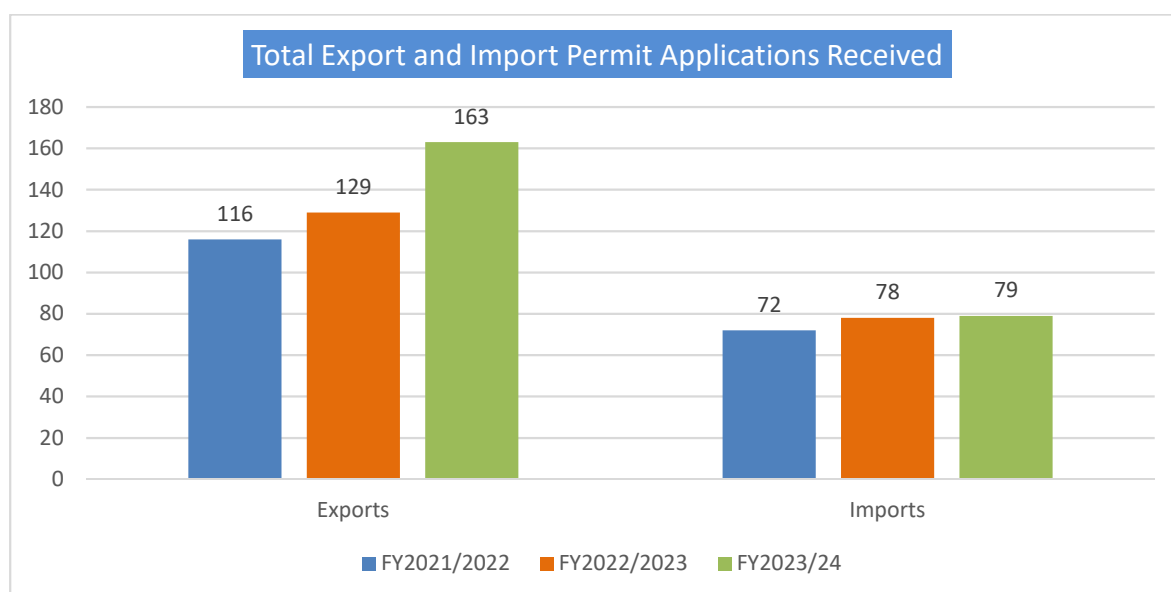
	FY2021/22	FY2022/23	FY2023/24	Total
Provisional Export Guidance	2	1	1	4
Manufacturing and Services	3	2	3	8
Sub-Total	5	3	4	
Total	204	215	249	

Exports have shown a positive trajectory, with financial year (FY) 2023/24 experiencing a 26.36% year-on-year growth compared to FY 2022/23. There was a marginal increase in imports. No transit or transshipment of controlled items occurred across the three financial year. It is, however, possible that certain products required by other Southern African Customs Union (SACU) members for their processes are initially imported by South African companies, and exported to the region thereafter. As these markets develop further, transit or transshipment transactions might arise, as they directly import items from other suppliers outside the continent but through South African ports.

There was also a PEG request that was still to be finalised by end of the report period. However, the request was for consent to re-transfer an item that originates from South Africa, but had already been exported to another country when it was required in the third country. As the definition of re-export, as reflected in the Non-Proliferation Act, refers to items that were originally imported into South Africa, a re-export permit for this re-transfer could not be considered. However, as the condition for seeking South African consent for re-transfer was included in the End Use Certificate accompanying the original export, the Council proposed that the client request guidance on the re-transfer via the PEG.

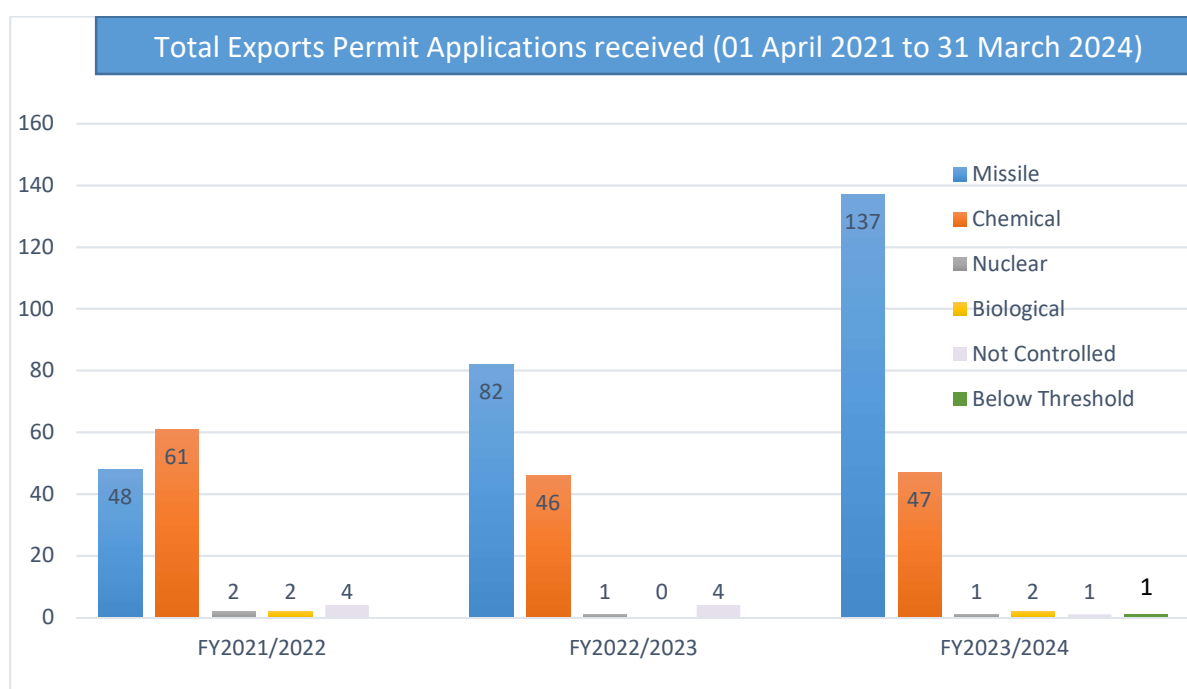
In the report period, applications were received for items that were not controlled, as well as for controlled goods but for quantities below the transfer threshold. Permits were, therefore, not issued for these applications. One application was cancelled by the applicant.

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



During the reporting period, the Council received 163 export and 79 import permit applications, and issued 155 export and 68 import permits. The consideration of 28 export permit applications and 17 import permit applications was outstanding.

Figure 2a: Total export permit applications received per control area for FY 2021/22, FY 2022/23 and FY 2023/24 (1 April 2021 to 31 March 2024)



There was one missile-related application for an item that is not controlled, and another application for a chemical that was exempted as its quantities were below the control threshold.

Figure 2b: Total export permits issued per control area for FY 2021/22, FY 2022/23 and FY 2023/24 (1 April 2021 to 31 March 2024)

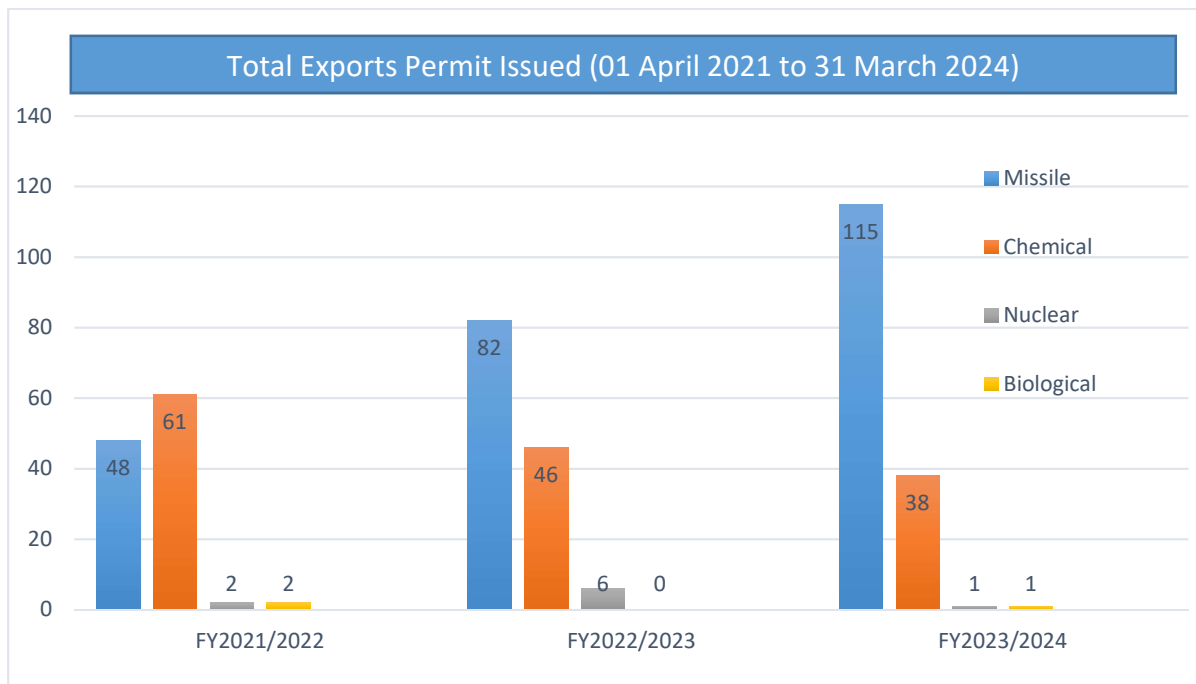


Figure 3a: Total import permit applications received per control area for FY 2021/22, FY 2022/23 and FY 2023/24 (1 April 2021 to 31 March 2024)

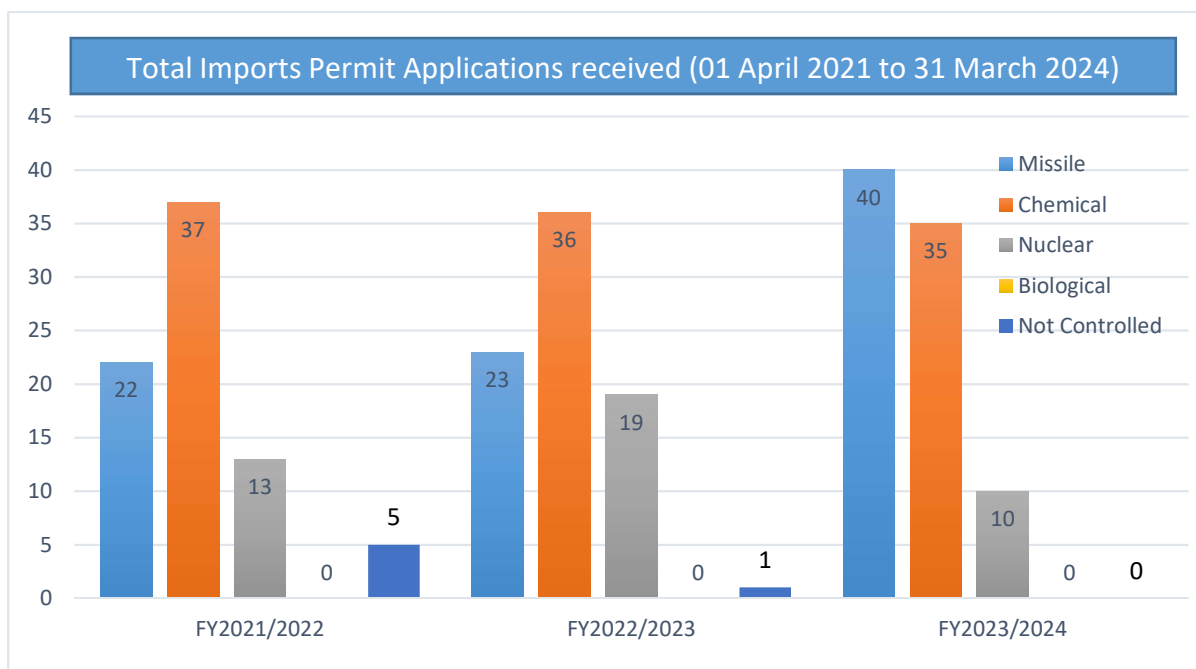
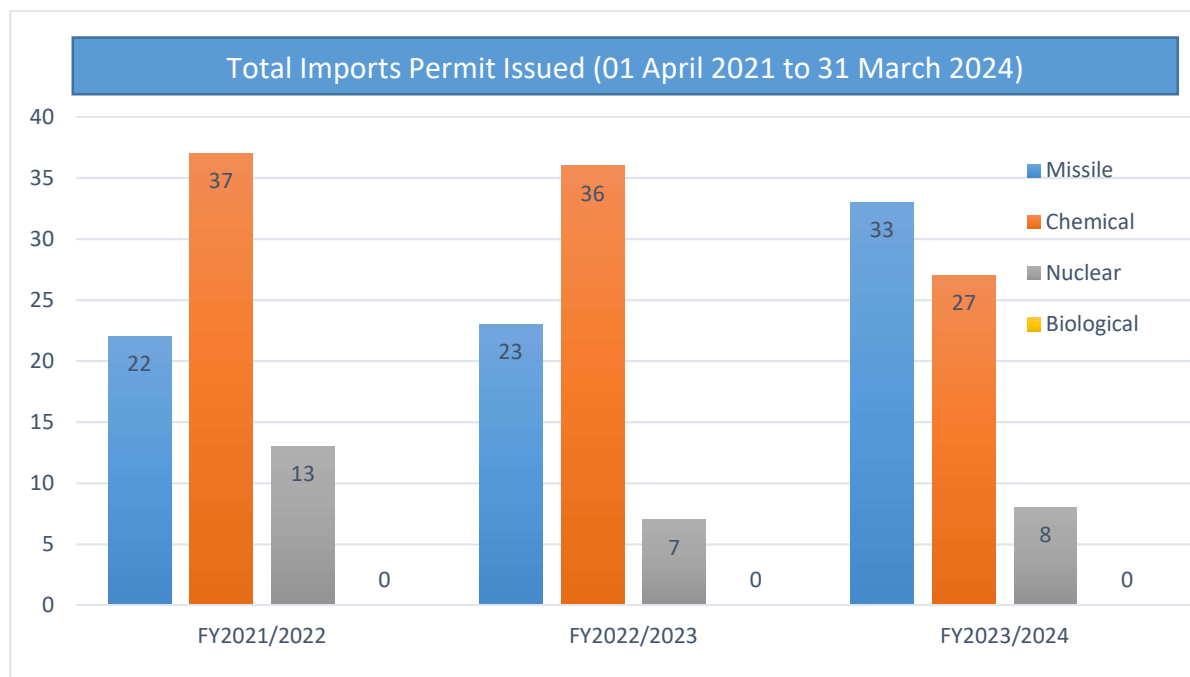
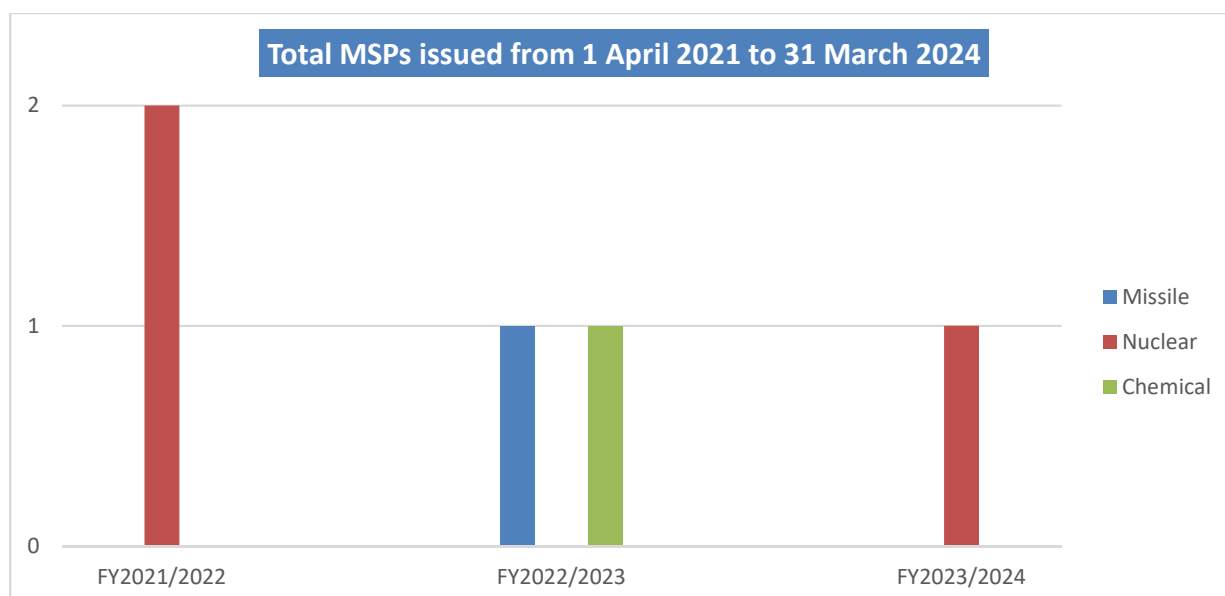


Figure 3b: Total import permit issued per control area for FY 2021/22, FY 2022/23 and FY 2023/24 (1 April 2021 to 31 March 2024)



There has been a global surge in the launch of smaller satellites, with numerous countries acquiring them for agricultural purposes, communication, and climate change monitoring. As such, two South African companies that specialising in satellite components acquired numerous exports permits to supply the components. As a result, missile components have surpassed chemicals as the most traded products during the reporting period.

Figure 4: Total MSPs issued per control area from 1 April 2021 to 31 March 2024



Although no PEG requests were received in the previous two financial years, a request was received for the current reporting period and was still under consideration by the end of the period.

Border control and law enforcement

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. These training interventions have become frequent due to the number of new cadets the SARS Academy is taking through customs-related training. Two virtual training interventions were provided. The Secretariat has a training kit containing samples of controlled goods that must be demonstrated during training, prompting considerations for conducting in-person training sessions in future.

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 has developed further based on the information exchanges between **the dtic** and SARS. The updating of the tariff codes within the prohibited and restricted list is ongoing, as the process of promulgation of the new Government Notices is still with the Ministry.

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

The Border Management Authority (BMA) has started being active at the country's ports of entry and exit. As such, the Non-Proliferation Secretariat and the DMRE organised Commodity Identification Training for their cadets. Approximately 400 cadets were taken through an in-person training on non-proliferation legislation and controlled items. The training featured tangible models of controlled items to provide participants with an understanding of how the live items might appear. Given the large number of attendees, some participants requested that a refresher course at a later stage, after gaining experience in a live environment. They proposed that this refresher session be conducted in smaller groups.

As the BMA continues to develop, it will impact operations at the ports, including the relationship between the Council and SARS (Customs) in handling Council-controlled cargo. In light of this, the Non-Proliferation Secretariat/SARS Coordinating Committee (NPS/SARS CC) is engaged in discussions about these developments, which may lead to the BMA's involvement in the committee.

A similar training was undertaken for the benefit of the State Security Agency members stationed at the country's ports of entry and exit. The ideal number of participants for the interactive training allowed members to ask questions and provide suggestions for further improvements. Some participants were attending as part of a refresher course, and shared valuable feedback with the instructors on how the course could be improved based on their real-world experiences in the field.

Declarations

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

The BTWC Confidence Building Measures declarations highlighting the country's capabilities, legislation and activities in the biological area, for the report period, were submitted to the Implementation Support Unit, UNODA by April 2024.

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 2023, annual declarations of anticipated activities for South Africa's SSSF (Schedule 1) and Schedule 3 facilities were submitted

to the OPCW in terms of the requirements of the CWC. In March 2024, 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 normally implements the awareness and outreach programme through the Compliance, Liaison and Enforcement Unit of the Non-Proliferation Secretariat. However, the outreach programme was impacted by the post of Director: Compliance, Liaison and Enforcement becoming vacant in July 2024.

During the review period, there were eight physical industry visits and two virtual outreach sessions. The virtual sessions were tailored to the specific needs of companies, such as requests for assistance with using the Online Registration and Permit System.

Council Outputs Related to its Role as part of Programme 2 in the dtic

Council activities related to Output 3

As an institution of **the dtic**, the Council is part of **Programme 2; Trade Policy Division**. During the report under review, **the dtic** Annual Performance Plan placed a target value of R249 billion to be generated from manufacturing exports facilitated under rebates, non-proliferation export permits, and the Automotive Production and Development Programme (APDP). The output would be measured based on SARS or trade partner data (where appropriate), based on the Narrative Classification System.

Output indicators, targets and actual achievements

The Council's activities are focused not on promoting trade but on facilitating proliferation risk-averse trade in controlled goods and technology, regardless of potential revenue generation. However, the regulations do permit commercial activities to take place, thereby generating revenue. This revenue may come directly from the controlled items or as part of a larger, unregulated system. The latter is often the case, thereby negating the need for a permit.

As the output indicators are solely based on manufactured exports data, it should be noted that in most instances, those exports, which are mostly bigger/finished uncontrolled systems made of controlled component(s) whose import(s) were regulated and guaranteed for peaceful application by the Council, would not contribute to the data. Furthermore, the Council regulates both tangible items and the technology related to the development and use of those controlled goods. As technology is intangible, it is not exported via conventional methods where it can be intercepted by Customs and hence cannot be captured as part of export data. As such, it is not ideal to use the data from SARS or trade partner data to assess the output generated from non-proliferation export permits. Additionally, most controlled items do not have exclusive tariff numbers, which Customs use to generate trade data of a particular product.

Measurement method in support of the data generated from Council activities

Due to the insufficient alignment between tariff numbers and controlled goods, the Council relied on declarations received from companies regarding the values generated from the export permits it issued. Companies submitted this data weekly, declaring the values per permit, which was then consolidated and transmitted to **the dtic**. However, since Council did not have an exclusive value target but contributed to a divisional target, the data presented below reflects only the values declared by companies issued with Council export permits.

Table 3: Outputs, output indicators, targets and actual achievements for FY23/24

Output number	Output indicator	Programme contribution target	Sub-programme actual contribution
3	Value of exports in manufacturing sectors	Value of (R249 billion) manufacturing exports facilitated under rebates, non-proliferation export permits and APDP	Non-Proliferation Council issued 155 export permits, which generated ZAR 174 445 607*

* Data is not audited and based on declarations received from companies. Data is not conclusive as some companies were not consistent in their declarations whereas others did not declare anything. Data also does not include exports facilitated under rebates and the APDP.

PART D: HUMAN RESOURCE MANAGEMENT

The Non-Proliferation Secretariat

According to Section 4 (7) of the 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 the committees of the Council 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. The Non-Proliferation Secretariat and the Council, therefore, do not prepare separate Audited Financial Statements.

The following is a brief summary of the budget and expenditure of the Non-Proliferation Secretariat and the Council for the FY 2023/24 ending 31 March 2024.

Table 4: Budget and Expenditure for 2023/24

Description	Budget	Expenditure	
		Amount	Percentage
Compensation of Employees	R9 621 000,00	R6 940 342,55	72,14
Goods and Services	R1 862 000,00	R1 781 537,03	95,68
Remuneration of Council members not in full time employment of the State	R173 000,00	R168 673,31	97,50
Operational Expenditure including Travel and Subsistence	R1 490 000,00	R1 419 171,55	95,25
Operating leases including Buildings and Transport Equipment	R199 000,00	R193 692,17	97,33
Sub Fees: OPCW	R4 349 000,00	R3 735 606,55	85,90
Sub Fees: TPNW	R0,00	R0,00	0,00
Protechnik Laboratories Current	R3 739 000,40	R3 739 000,40	100,00
Protechnik Laboratories Capital	R1 672 000,00	R1 667 370,87	99,72
Council for Geoscience Current	R1 407 000,00	R1 407 000,00	100,00
Total	R24 512 000,40	R21 052 394,43	85,89

* South Africa's contribution to the First TPNW Meeting of States Parties preparatory costs 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 related to the second meeting. As this is an international obligation through a transfer payment, it would have to be made available again in the next financial year. Payments thereof would be based on actual invoicing by the UN, and would also be affected by fluctuating foreign exchange rates.

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:

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.

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:

Nuclear materials

- Nuclear Energy Act, 1999 (Act No. 46 of 1999): The DMRE regulates acquisition, possession, use, disposal, transportation, importation and exportation of nuclear material and Especially Designed and Prepared (EDP) items; production of nuclear energy; process, enrich, reprocess, manufacture or otherwise produce nuclear material 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, in terms of section 2 of the Nuclear Energy Act and aligned with the Zangger Committee list and the Nuclear Suppliers Group's INFCIRC/254/Part 1 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.

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.

Missile-related goods and technology

- National Conventional Arms Control Act, 2002 (Act No. 41 of 2002), as amended by Act No. 73 of 2008

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

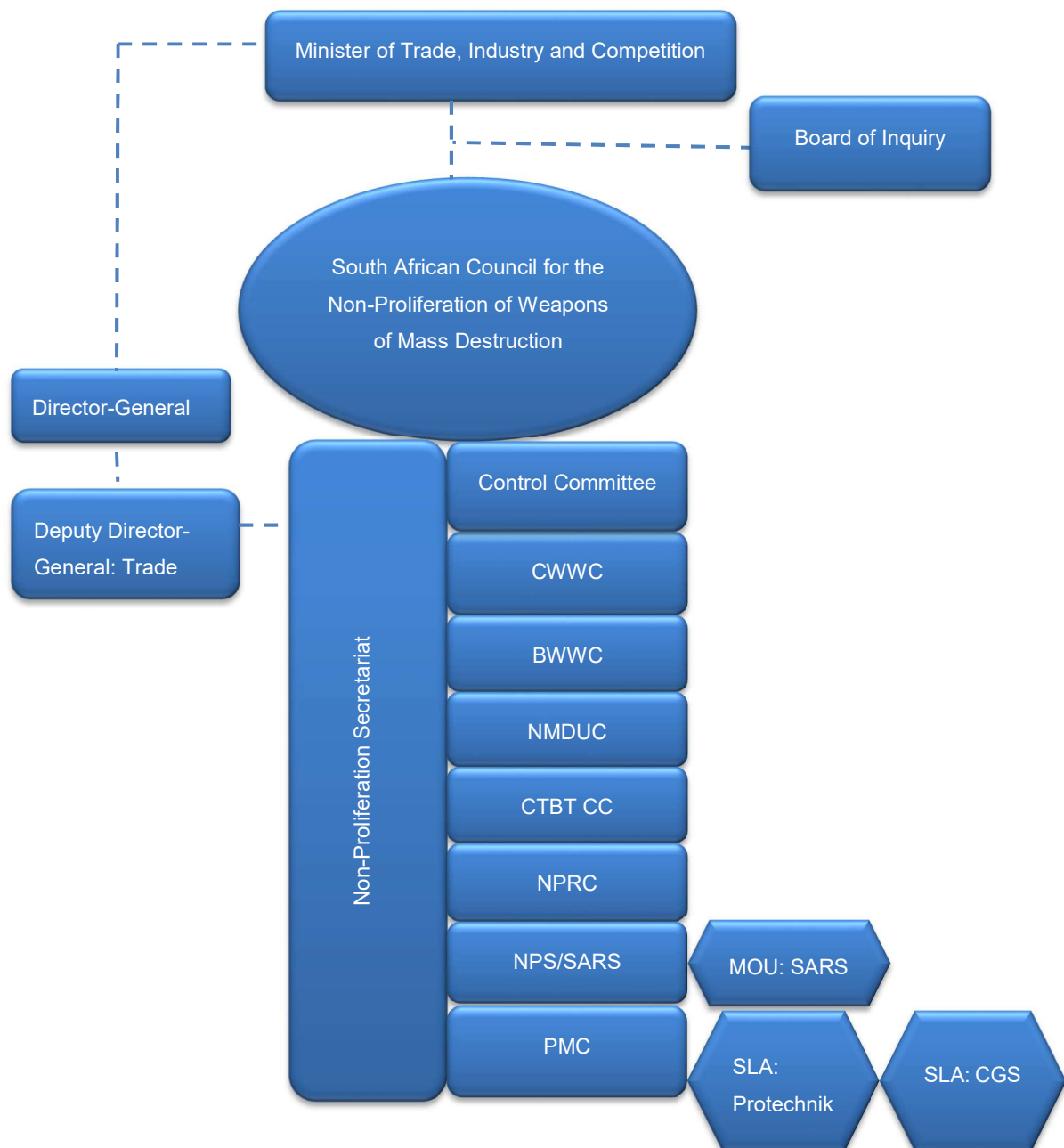
The members of the Council were appointed in terms of Section 4(2) of the Non-Proliferation Act by the Minister of Trade, Industry and Competition for a period of five years. The following table indicates persons who served as members of the Council from 1 July 2019.

COUNCIL MEMBER	
Ms D Kgomo	Chairperson
Vacant	Vice-Chairperson
Mr M Van Schalkwyk	Department of International Relations and Cooperation (until 20 August 2023)
Mr M Combrink	Department of International Relations and Cooperation (appointed 2 October 2023)
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
Prof 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

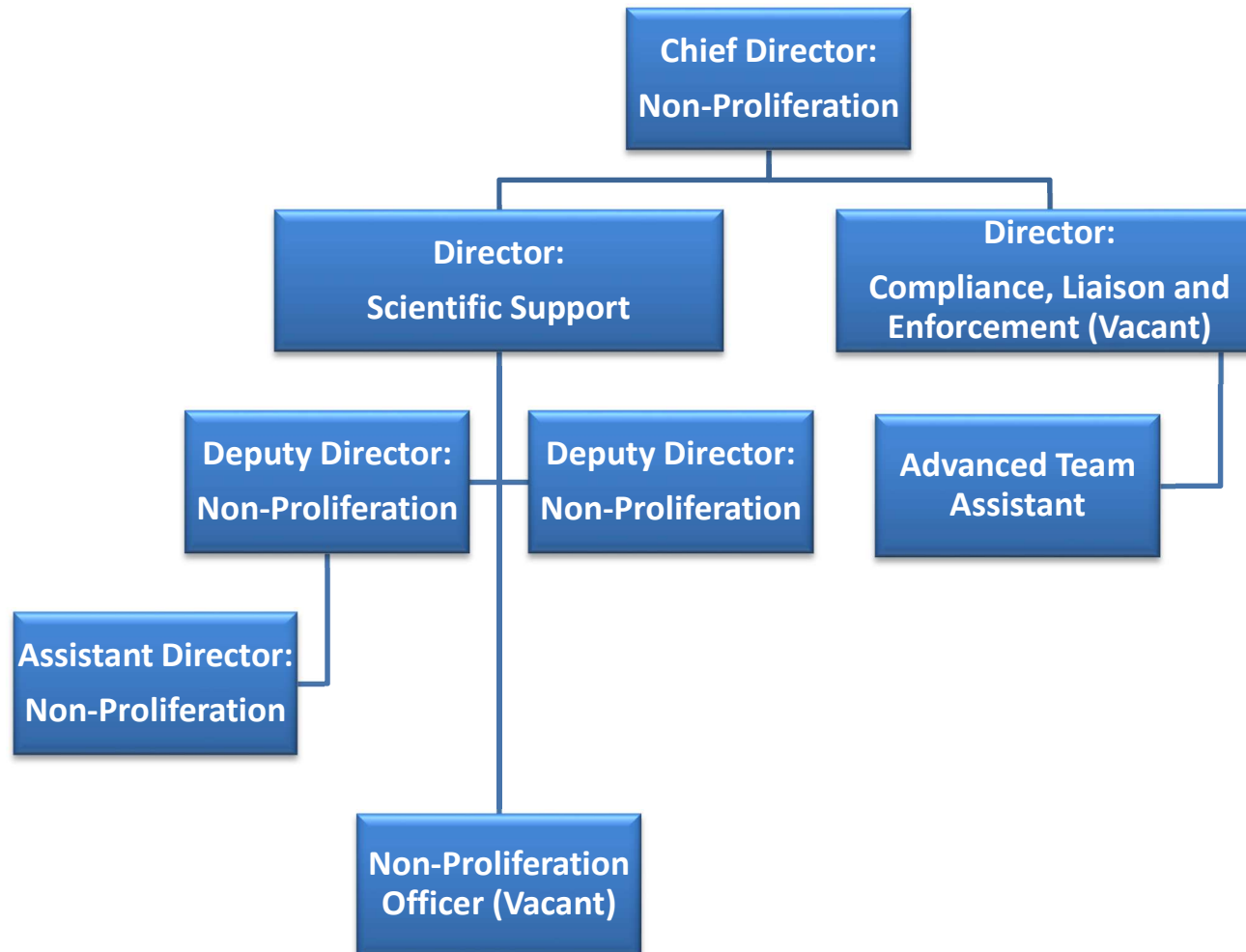
ANNEXURE 3: LIST OF ABBREVIATIONS


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





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