



Permanent Mission of the Republic of South Africa to the United Nations

No. 054/2020 (1540)

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and wishes to refer to the Chair's letter dated 30 April 2020 (SCA/5/20(05)).

South Africa has the honour to transmit herewith an updated matrix, as requested regarding the implementation of UNSC resolution 1540.

The Permanent Mission of the Republic of South Africa to the United Nations avails itself of this opportunity to renew to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) the assurances of its highest consideration.

NEW YORK

30 June 2020

**Chair of the Security Council Committee  
Established Pursuant to Resolution 1540 (2004)**

## **DRAFT 1540 COMMITTEE MATRIX**

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008), 1977 (2011), 2055 (2012) and 2325 (2016). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions. Thus:

An "X" in any data field signifies only that the 1540 Committee considers that a State has taken the steps required, and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An "X" against any data field does not necessarily signify that a State has met in full its 1540 obligations for that data field.

A "?" in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

A "NA" (Not Applicable) in any data field signifies that the data field is not applicable to that State where through legally binding instruments States specified that they do not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an "X" or "?" against a particular data field.

**State:** **Republic of South Africa**

**Date of Report:** **31 January 2005**

**Dates of Additional Reports:** **3 January 2006**

**14 December 2007**

**Last Revised:** **[Date of publication of final approved Matrix on the Committee website]**

**I. OP 1 and related matters from OP 5, OP 8 (a), (b), (c) and OP10**

| Adherence to legally binding instruments, membership of organisations, participation in arrangements and statements made. | Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc) | Remarks (information refers to the page of the English version of the national report or an official web site) |  |
|---|--|--|--|
| 1   | Nuclear Non-Proliferation Treaty (NPT)   | Deposit 10 July 1991   |  |
| 2   | Nuclear Weapons Free Zone/ Protocol(s)   | Treaty of Pelindaba: Deposit 27 March 1998   |  |
| 3   | International Convention for the Suppression of Acts of Nuclear Terrorism                  | Deposit 9 May 2007   |  |
| 4   | Convention on Physical Protection of Nuclear Material (CPPNM)                              | Deposit 17 September 2007  |  |
| 5   | 2005 Amendment to the CPPNM  |  |  |
| 6   | Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)                                | Deposit 30 March 1999  |  |
| 7   | Chemical Weapons Convention (CWC)  | Deposit 13 September 1995  |  |
| 8   | Biological Weapons Convention (BWC)  | Deposit 3 November 1975  |  |
| 9   | Geneva Protocol of 1925  | Deposit 24 May 1930  |  |
| 10  | 1997 International Convention for the Suppression of Terrorist Bombings                    | Deposit 1 May 2003   |  |
| 11  | 1999 International Convention for the Suppression of the Financing of Terrorism            | Deposit 1 May 2003   |  |

|    |   |   |  |
|----|---|---|--|
| 12 | 2005 Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation                            |   |  |
| 13 | 2005 Protocol to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf |   |  |
| 14 | 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation  | Signed 26 September 2013  |  |
| 15 | Other relevant regional legally binding instruments   | OAU Convention on the Prevention and Combating of Terrorism, deposit: 18 November 2002<br>Protocol to the OAU Convention on the Prevention and Combating of Terrorism, deposit 24 May 2007  |  |
| 16 | International Atomic Energy Agency (IAEA)   | Since 1957  |  |
| 17 | Directly relevant Arrangements  | Zangger Committee<br>Missile Technology Control Regime (MTCR)<br>Nuclear Suppliers Group (NSG)<br>Wassenaar Arrangement (WA)<br>The Hague Code of Conduct (HCOC)  |  |
| 18 | Statement on non-provision of WMD and related materials to non-State actors   | State reports that it is committed to a policy of non-proliferation, disarmament and arms control which covers all WMD and to prohibiting the manufacture, acquisition, transport or use of WMD and their means of delivery including by non-State actors.  |  |
| 19 | Membership in relevant international, regional or sub-regional organisations  | African Union (AU)<br><a href="#">African Commission on Nuclear Energy (AFCONe)</a><br>Southern African Development Community (SADC)<br>Southern African Customs Union (SACU)<br>Eastern and Southern Africa 'Anti-Money' Laundering Group (ESAAMLG)<br>Financial Action Task Force (FATF)<br>Egmont Group of Financial Intelligence Units<br>International Maritime Organisation (IMO)<br>World Health Organisation (WHO)<br>World Customs Organisation (WCO) and Signed WCO Declaration on implementation of Framework of Standards to secure and facilitate global trade (SAFE Framework of Standards)<br>World Organisation for Animal Health (OIE) |  |

Formatted Table

|     |  |   |  |
|-----|--|---|--|
|     |  | International Criminal Police Organization (INTERPOL)<br>State party to the 2005 Revised Cotonou Agreement, as revised (ACP member) |  |
| 20. | <a href="#"><u>Treaty on the Prohibition of Nuclear Weapons (TPNW)</u></a> | <a href="#"><u>Deposited 25 February 2019</u></a>   |  |

## II. OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

| National legislation which prohibits persons or entities to engage in one of the following activities and its enforcement |             | National legal framework |        |        |  | Enforcement and civil/criminal penalties |        |        |   | Remarks |
|---|-------------|--------------------------|--------|--------|--|--|--------|--------|---|---------|
|   |             | X/?                      |        |        | Source document of national implementation law   | X/?                                      |        |        | Source document   |         |
|   |             | N<br>W                   | C<br>W | B<br>W |  | N<br>W                                   | C<br>W | B<br>W |   |         |
| 1   | manufacture | X                        | X      | X      | <p><b>NW/CW/BW:</b><br/>Non-Proliferation of Weapons of Mass Destruction (Non-Proliferation Act) no. 87/1993, as amended, sec 2, 27<br/>The Protection of Constitutional Democracy against Terrorists and Related Activities Act (POCDATARA) Act no. 33/2004, Chapter 2</p> <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 34<br/>Notice No. 207 of 27 February 2009<br/>Notice No. 493 of 29 March 2019</p> <p><b>CW:</b><br/>Notice No R.17 of 3 February 2010<br/>Notice No. 495 of 29 March 2019<br/>Notice No. 754 of 2 May 1997 (CWC Part of South African Legislation)</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019<br/>Proclamation 16 of 26 February 2002 (BWC Part of South African Legislation)</p> | X  | X      | X      | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26 - offences and penalties<br/>South African Police Service Amendment Act no. 57/2008<br/>POCDATARA Act no. 33/2004, Chapter 3</p> <p><b>NW:</b><br/>Nuclear Energy Act, sec 56</p> |         |
| 2   | acquire     | X                        | X      | X      | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 2, 27<br/>POCDATARA Act no. 33/2004, Chapter 2</p> <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 34<br/>Notice No. 207 of 27 February 2009<br/>Notice No. 493 of 29 March 2019</p>  | X  | X      | X      | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008</p> <p><b>NW:</b><br/>Nuclear Energy Act, sec 56</p>                          |         |



|   |           |   |   |   |  |   |   |   |   |
|---|-----------|---|---|---|--|---|---|---|---|
| 5 | transport | X | X | X | <p><b>NW:</b><br/>POCDATARA Act no. 33/2004, Chapter 2<br/>Nuclear Energy Act no. 46/1999<br/><a href="#">Notice No. 207 of 27 February 2009</a></p> <p><b>CW:</b><br/>Non-Proliferation Act no. 87/1993, sec 13<br/>Notice 495 of 29 March 2019 (services include freight forwarding, transporting)<br/>Road Transport Act 74 of 1977<br/>Hazardous Substances Act 15 of 1973<br/>POCDATARA Act no. 33/2004, Chapter 2</p> <p><b>BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 27<br/>POCDATARA Act no. 33/2004, Chapter 2<br/>Notice No. 494 of 29 March 2019</p> | X | X | X | <p><b>NW:</b><br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008.</p> <p><b>CW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>Road Transport Act 74 of 1977<br/>Hazardous Substances Act 15 of 1973<br/>POCDATARA Act no. 33/2004, Chapter 3</p> <p><b>BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008</p> |
| 6 | transfer  | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 27<br/>POCDATARA Act no. 33/2004, Chapter 2</p> <p><b>NW:</b><br/>Notice No. 207 of 27 February 2009</p> <p><b>CW:</b><br/>Notice No R. 17 of 3 February 2010<br/>Notice No. 495 of 29 March 2019<br/>Notice No. 754 of 2 May 1997</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019<br/>Proclamation 16 of 26 February 2002</p>  | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008</p>   |
| 7 | use       | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 27<br/>POCDATARA Act no. 33/2004, Chapter 2</p>   | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>(offences related to the use or threat of use)<br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008</p>  |



|    |   |   |   |   |  |   |   |   |   |
|----|---|---|---|---|--|---|---|---|---|
|    |   |   |   | <p><b>NW:</b><br/>Notice No. 207 of 27 February 2009</p> <p><b>CW:</b><br/>Notice No R. 17 of 3 February 2010<br/>Notice No.495 of 29 March 2019<br/>Notice No. 754 of 2 May 1997</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019</p> |  |   |   |   |   |
| 8  | attempt to engage in abovementioned activities            | X | X | X   | <p><b>NW/CW/BW:</b><br/>POCDATARA Act no. 33/2004, Chapter 2, sec 14</p>   | X | X | X | <p><b>NW/CW/BW:</b><br/>POCDATARA Act no. 33/2004, Chapter 3</p>  |
| 9  | participate as an accomplice in abovementioned activities | X | X | X   | <p><b>NW/CW/BW:</b><br/>POCDATARA Act no. 33/2004, Chapter 2</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019</p>   | X | X | X | <p><b>NW/CW/BW:</b><br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008</p>   |
| 10 | assist in abovementioned activities                       | X | X | X   | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 27<br/>POCDATARA Act no. 33/2004, Chapter 2</p> <p><b>CW:</b><br/>Notice No. 495 of 29 March 2019<br/>Notice No. 754 of 2 May 1997</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019: assist, encourage or induce<br/>Proclamation 16 of 26 February 2002</p> | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008</p>   |
| 11 | finance abovementioned activities                         | X | X | X   | <p><b>NW/CW/BW:</b><br/>POCDATARA Act no. 33/2004, Chapter 2<br/>Financial Intelligence Centre Act 38 of 2001, as amended, Chapters 1-3<br/>Prevention of Organised Crime Act 121 of 1998, as amended, Chapter 3</p>   | X | X | X | <p><b>NW/CW/BW:</b><br/>POCDATARA Act no. 33/2004, Chapter 3<br/>South African Police Service Amendment Act no. 57/2008<br/>Financial Intelligence Centre Act 38 of 2001, as amended, Chapter 4<br/>Prevention of Organised Crime Act 121 of 1998, as amended, Chapter 3, section 8</p> |

|    |   |   |   |   |  |   |   |   |  |  |
|----|---|---|---|---|--|---|---|---|--|--|
| 12 | abovementioned activities related to means of delivery <sup>1</sup> | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, secs 13, 27</p> <p><b>NW:</b><br/>Notice No. 491 of 29 March 2019<br/>Space Affairs Act no. 84/1993</p> <p><b>CW:</b><br/>Notice No. 754 of 2 May 1997<br/>Notice No. 495 of 29 March 2019<br/>Space Affairs Act no. 84/1993<br/>Notice No. 22 of 3 February 2010</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019<br/>Space Affairs Act no. 84/1993<br/>Proclamation 16 of 26 February 2002</p> | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>Space Affairs Act no. 84/1993, secs 22-23<br/>South African Police Service Amendment Act no. 57/2008</p> |  |
|----|---|---|---|---|--|---|---|---|--|--|

1. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

III. OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials <sup>2</sup>

| Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials | National legal and/or regulatory framework |        |             |  |        | Enforcement and civil/criminal penalties |        |  |   |  | Remarks |
|--|--|--------|-------------|--|--------|--|--------|--|---|--|---------|
|  | X / ?                                      |        |             | Source document  | X / ?  |  |        | Source document  |   |  |         |
|  | N<br>W                                     | C<br>W | B<br>W<br>* |  | N<br>W | C<br>W                                   | B<br>W |  |   |  |         |
| 1<br>Measures to account for production  | X  | X      | X           | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, Chapter III<br/><a href="#">Notice No. 207 of 27 February 2009</a><br/>Non-proliferation Act no. 87/1993 (dual-use)<br/>Notice No. 492 of 29 March 2019<br/>Notice No. 493 of 29 March 2019 (manufacturing)<br/>Notice No. R. 16 of 3 February 2010 (registration with Non-Proliferation Council)<br/>National Nuclear Regulator Act no. 47/1999<br/>INFCIRC/394 and Additional Protocol</p> <p><b>CW:</b><br/>Non-Proliferation Act no. 87/1993, sec 13<br/>Notice No. R 17 of 3 February 2010, sec 3(2)<br/>Notice No. R. 16 of 3 February 2010 (registration with Non-Proliferation Council)<br/>Hazardous Substances Act no. 15/1973, as amended<br/>Occupational Health and Safety Act no. 85/1993</p> <p><b>BW:</b><br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Non-Proliferation Act no. 87/1993, sec 13<br/>Notice No. 494 of 29 March 2019<br/>Agricultural Pests Act no. 36/1983<br/>Notice No. R. 16 of 3 February 2010 (registration with Non-Proliferation Council)</p> | X      | X  | X      | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 56<br/>Non-Proliferation Act no. 87/1993<br/>National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/>Hazardous Substances Act no. 15/1973, sec 18 and 19, as amended<br/>Non-Proliferation Act no. 87/1993, sec 26</p> <p><b>BW:</b><br/>Animal Health Act no. 7/2002<br/>Genetically Modified Organisms Act no. 15/1997<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983</p> | - |  |         |
| 2<br>Measures to account for use   | X  | X      | X           | <p><b>NW:</b><br/>Nuclear energy Act no. 46/1999, Chapter III</p>  | X      | X  | X      | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 56</p>   | - |  |         |

|   |                                 |   |   |  |  |   |   |   |   |
|---|---------------------------------|---|---|--|--|---|---|---|---|
|   |                                 |   |   | <p>Non-proliferation Act no. 87/1993 (dual-use)<br/> <a href="#">Notice No. 207 of 27 February 2009</a><br/> National Nuclear Regulator Act no. 47/1999<br/> Notice No. 492 of 29 March 2019<br/> Notice No. 493 of 29 March 2019<br/> INFCIRC/394 and Additional Protocol</p> <p><b>CW:</b><br/> Non-Proliferation Act no. 87/1993, sec 13<br/> Hazardous Substances Act no. 15/1973<br/> Notice No. R 17 of 3 February 2010<br/> Occupational Health and Safety Act no. 85/1993</p> <p><b>BW:</b><br/> Animal Health Act no. 7/2002<br/> Health Act no. 61/2003<br/> Notice No. 494 of 29 March 2019<br/> Agricultural Pests Act no. 36/1983<br/> Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), (Human and zoonotic pathogens)<br/> Regulation on Bio-safety / Standards for Microbiological laboratories (Section 8)</p> |  |   |   | <p>Non-Proliferation Act no. 87/1993<br/> National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/> Hazardous Substances Act no. 15/1973, sec 18 and 19<br/> Non-proliferation Act no. 87/1993, sec 26</p> <p><b>BW:</b><br/> Animal Health Act no. 7/2002<br/> Genetically Modified Organisms Act no. 15/1997<br/> Health Act no. 61/2003<br/> Agricultural Pests Act no. 36/1983</p> |   |
| 3 | Measures to account for storage | X | X | X  | <p><b>NW:</b><br/> Nuclear energy Act no. 46/1999, Chapter III<br/> <a href="#">Notice No. 207 of 27 February 2009</a><br/> Non-proliferation Act no. 87/1993 (dual-use)<br/> National Nuclear Regulator Act no. 47/1999<br/> Notice No. 492 of 29 March 2019<br/> Notice No. 493 of 29 March 2019<br/> INFCIRC/394 and Additional Protocol<br/> National Radioactive Waste Disposal Institute Act no. 53/2008, Chapter 3</p> <p><b>CW:</b><br/> Non-Proliferation Act no. 87/1993, sec 13<br/> Hazardous Substances Act no. 15/1973<br/> Notice No. R 17 of 3 February 2010<br/> Occupational Health and Safety Act no. 85/1993</p> | X | X | X   | <p><b>NW:</b><br/> Nuclear Energy Act no. 46/1999, sec 56<br/> Non-Proliferation Act no. 87/1993<br/> National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/> Hazardous Substances Act no. 15/1973, sec 18 and 19<br/> Non-proliferation Act no. 87/1993, sec 26</p> |

|   |                                   |   |   |  |   |   |   |   |   |
|---|-----------------------------------|---|---|--|---|---|---|---|---|
|   |                                   |   |   | <p><b>BW:</b><br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Notice No. 494 of 29 March 2019<br/>Agricultural Pests Act no. 36/1983</p> |   |   | <p><b>BW:</b><br/>Animal Health Act no. 7/2002<br/>Genetically Modified Organisms Act no. 15/1997<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983</p> |   |   |
| 4 | Measures to account for transport | X | X | X  | <p><b>NW:</b><br/>Nuclear energy Act no. 46/1999, Chapter III<br/><a href="#">Notice No. 207 of 27 February 2009</a><br/>Non-proliferation Act no. 87/1993 (dual-use)<br/>National Nuclear Regulator Act no. 47/1999<br/>Notice No. 492 of 29 March 2019<br/>Notice No. 493 of 29 March 2019</p> <p><b>CW:</b><br/>Non-Proliferation Act no. 87/1993, sec 13<br/>Hazardous Substances Act no. 15/1973, as amended<br/>Notice No. R 17 of 3 February 2010<br/>Occupational Health and Safety Act no. 85/1993</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019<br/>Hazardous substances Act no.15/1973, as amended</p> | X | X   | X | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 56<br/>Non-Proliferation Act no. 87/1993<br/>National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/>Hazardous Substances Act no. 15/1973, as amended</p> <p><b>BW:</b><br/>Hazardous Substances Act no. 15/1973, as amended</p>  |
| 5 | Measures to secure production     | X | X | X  | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, Chapter III<br/>Non-proliferation Act no. 87/1993 (dual-use)<br/>National Nuclear Regulator Act no. 47/1999</p> <p><b>CW:</b><br/>Non-Proliferation Act no.87, 1993, sec 13<br/>Hazardous Substance Act no. 15/1973<br/>Explosives Act no.15/2003</p> <p><b>BW:</b><br/>Non-proliferation Act no. 87/1993<br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983 (Plant Pathogens)</p>  | X | X   | X | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 56<br/>Non-Proliferation Act no. 87/1993<br/>National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/>Hazardous Substance Act no. 15/1973, sec 18 and 19<br/>Non-Proliferation Act no. 87/1993, sec 26<br/>Explosives Act no. 15/2003, secs 28-29</p> <p><b>BW:</b><br/>Non-proliferation Act no. 87/1993<br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983</p> |

|   |                            |   |   |   |   |   |   |   |   |
|---|----------------------------|---|---|---|---|---|---|---|---|
|   |                            |   |   |   |   |   |   |   |   |
| 6 | Measures to secure use     | X | X | X | <p><b>NW:</b><br/>Nuclear energy Act no. 46/1999, Chapter III<br/>Non-proliferation Act no. 87/1993 (dual-use)<br/>National Nuclear Regulator Act no. 47/1999</p> <p><b>CW:</b><br/>Non-Proliferation Act no.87, 1993, sec 13<br/>Hazardous Substance Act no. 15/1973<br/>Explosives Act no.15/2003<br/>Occupational Health and Safety Act, 1993 (Act No. 85 of 1993 (Chemicals))</p> <p><b>BW:</b><br/>Non-proliferation Act no. 87/1993<br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983(Plant Pathogens)<br/>Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), (Human and zoonotic pathogens)<br/>Regulation on Bio-safety / Standards for Microbiological laboratories (Section 8)</p> | X | X | X | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 56<br/>Non-Proliferation Act no. 87/1993<br/>National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/>Hazardous Substance Act no. 15/1973, sec 18 and 19<br/>Non-Proliferation Act no. 87/1993, sec 26<br/>Explosives Act no. 15/2003, secs 28-29</p> <p><b>BW:</b><br/>Non-proliferation Act no. 87/1993<br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983</p> |
| 7 | Measures to secure storage | X | X | X | <p><b>NW:</b><br/>Nuclear energy Act no. 46/1999, Chapter III<br/>Non-Proliferation Act no. 87/1993 (dual-use)<br/>National Nuclear Regulator Act no. 47/1999<br/>National Radioactive Waste Disposal Institute Act no. 53/2008, Chapter 4</p> <p><b>CW:</b><br/>Non-Proliferation Act no.87, 1993, sec 13<br/>Hazardous Substance Act no. 15/1973<br/>Explosives Act no.15/2003</p> <p><b>BW:</b><br/>Non-proliferation Act no. 87/1993<br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983</p>   | X | X | X | <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999, sec 56<br/>Non-Proliferation Act no. 87/1993<br/>National Nuclear Regulator Act no.47/1999</p> <p><b>CW:</b><br/>Hazardous Substance Act no. 15/1973, sec 18 and 19<br/>Non-Proliferation Act no. 87/1993, sec 26<br/>Explosives Act no. 15/2003, secs 28-29</p> <p><b>BW:</b><br/>Non-proliferation Act no. 87/1993<br/>Animal Health Act no. 7/2002<br/>Health Act no. 61/2003<br/>Agricultural Pests Act no. 36/1983</p> |

|    |                              |   |   |   |  |   |   |   |  |
|----|------------------------------|---|---|---|--|---|---|---|--|
| 8  | Measures to secure transport | X | X | X | <b>NW:</b><br>Nuclear energy Act no. 46/1999, Chapter III<br>Non-proliferation Act no. 87/1993 (dual-use)<br>National Nuclear Regulator Act no. 47/1999<br><br><b>CW/BW:</b><br>Road Transportation Act no. 74/1997                | X | X | X | <b>NW:</b><br>Nuclear Energy Act no. 46/1999, sec 56<br>Non-Proliferation Act no. 87/1993<br>National Nuclear Regulator Act no.47/1999<br><br><b>CW/BW:</b><br>Road Transportation Act no. 74/1997 |
| 9  | Physical protection measures | X | X | X | <b>NW/ CW/BW:</b><br><del>Nuclear Energy Act no 46/1999, Section 33 (3g)Ne</del><br>National Key Points Act no. 102 of 1980, as amended, section 11<br><br><b>NW:</b><br><del>Nuclear Energy Act no 46/1999, Section 33 (3g)</del> | X | X | X | <b>NW/ CW/BW:</b><br>National Key Points Act no. 102 of 1980, as amended, Section 10   |
| 10 | Personnel Reliability        | X | X | X | <b>NW/ CW/BW:</b><br>National Strategic Intelligence (NSI) Act no. 30/2004   | X | X | X | <b>NW/ CW/BW:</b><br>NSI Act no. 30/2004   |

Formatted: Font color: Auto

2. Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

\* Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument) )

**IV. OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials (NW specific)**

| Measures to establish domestic controls to prevent the proliferation of NW, and their means of delivery; controls over related materials          | Source document   | Remarks |
|---|---|---------|
| 1 National regulatory authority   | National Nuclear Regulator Act (No.47 of 1999): National Nuclear Regulator Nuclear Energy Act no. 46/1999, sec 56: <a href="#">Department of Energy and the</a> South African Nuclear Energy Corporation <a href="#">as per the delegation from</a> the Minister of Minerals and Energy |         |
| 2 Licensing of nuclear installations/entities/ use of materials   | National Nuclear Regulator Act no. 47/1999, Chapter III <a href="#">Nuclear Energy Act no 46/1999 section 34 (use of materials in facilities/entities/installations)</a> Non-Proliferation Act no. 87/1993 sec 13(3), sec 26 Government Notice No. R.16 of 03 February 2010             |         |
| 3 IAEA Safeguards Agreements  | INFCIRC/394 in force 16 September 1991 Additional Protocol in force 13 September 2002   |         |
| 4 IAEA Code of Conduct on Safety and Security of Radioactive Sources  | Notified IAEA of support National Nuclear Regulator Act no. 47/1999   |         |
| 5 Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources | Notified IAEA of support National Nuclear Regulator Act no. 47/1999   |         |
| 6 IAEA Incident and Trafficking Database  | Participates  |         |
| 7 Integrated Nuclear Security Support Plan (INSSP) / International Physical Protection Advisory Service (IPPAS)                                   | INSSP in <a href="#">place and implemented</a>  |         |
| 8 Applying the physical protection  |   |         |



|    |  |   |  |
|----|--|---|--|
|    | recommendations in INFCIRC/225/Rev.5   |   |  |
| 9  | Other Agreements related to IAEA   | <p>Country Programme Framework (CPF)</p> <p>African Regional Cooperative Agreement for Research Development and Training related to Nuclear Science and Technology (AFRA)</p> <p>Forum of Nuclear Regulatory Bodies in Africa</p> <p>Convention on Nuclear Safety, deposit 24 December 1996</p> <p>Convention on Early Notification of a Nuclear Accident, deposit 10 August 1987</p> <p>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, deposit 10 August 1987</p> |  |
| 10 | National legislation and regulations related to nuclear material including CPPNM | <u>Regulations currently under development</u>  |  |

**V. OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials (CW specific)**

| Measures to establish domestic controls to prevent the proliferation of CW, and their means of delivery; controls over related materials |   | Source document  | Remarks |
|--|---|--|---------|
| 1  | National CWC authority  | South African Council for the Non-proliferation of Weapons of Mass Destruction (NPC), Department of Trade and Industry Notice No.R.17 of 3 February 2010, sec. 2 |         |
| 2  | Licensing/registration of installations/facilities/ persons/entities/use/ handling of related materials | Non-Proliferation Act no. 87/1999, sec 13, sec 13(3), sec 26<br>Government Notice No. R.16 of 03 February 2010<br>Regulation No. R. 17 of 3 February 2010        |         |
| 3  | Old or abandoned chemical weapons   |  |         |

**VI. OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials (BW specific)**

|   | Measures to establish domestic controls to prevent the proliferation of BW, their means of delivery; controls over related materials | Source document   | Remarks |
|---|--|---|---------|
| 1 | Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials                                      | Animal Health Act no. 7/2002<br>Agricultural Pests Act no. 36/1983<br>Non-Proliferation Act no. 87/1993 sec 13(3), sec 26<br>Government Notice No. R.16 of 03 February 2010 |         |

**VII. OP 3 (c) and (d) and related matters from OP 6 - Controls of NW, CW and BW, including Related Materials**

|   | Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery including related materials | National legal framework |        |        | Enforcement and civil/criminal penalties  |        |        | Remarks |  |                 |
|---|---|--------------------------|--------|--------|---|--------|--------|---------|--|-----------------|
|   |   | X /?                     |        |        | X /?  |        |        |         |  |                 |
|   |   | N<br>W                   | C<br>W | B<br>W | Source document   | N<br>W | C<br>W |         | B<br>W   | Source document |
| 1 | Border control to detect, deter, prevent and combat illicit trafficking   | X                        | X      | X      | <p><b>NW/ CW/BW:</b><br/>Customs and Excises Act no. 91/1964, as amended, especially secs. 6 and 113<br/>Acts. 57/1951, 74/1977 102/1980, 2/1981, 27/1992, 87/1993, 15/1994, 4/1998</p> <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999<br/><a href="#">Notice No. 207 of 27 February 2009</a></p> <p><b>CW:</b><br/>Notice no. 17 of 3 February 2010</p> <p><b>BW:</b><br/>Notice no. 19 of 3 February 2010</p> | X      | X      | X       | <p><b>NW/ CW/BW:</b><br/>Customs and Excises Act no. 91/1964, as amended, secs. 78-96<br/>Border Control Operational Coordinating Committee (Departments of Home Affairs, Intelligence, Transport, Public Works, Agriculture, Health and Defence, as well as the South African Police Service (SAPS) and the South African Revenue Service (SARS))</p>         |                 |
| 2 | Law enforcement to detect, deter, prevent and combat illicit trafficking  | X                        | X      | X      | <p><b>NW/CW/BW:</b><br/>Customs and Excises Act no. 91/1964, as amended of 2009, especially secs. 6 and 113<br/>Non-Proliferation Act no. 87/1993<br/>Nuclear Energy Act no. 46/1999<br/><a href="#">Notice No. 207 of 27 February 2009</a><br/>South African Police Service Amendment Act 2008 no. 57/2008</p> <p><b>CW:</b><br/>Notice R.17 of 3 February 2010</p>  | X      | X      | X       | <p><b>NW/ CW/BW:</b><br/>Customs and Excises Act no. 91/1964, as amended of 2009, secs. 78-96<br/>Border Control Operational Coordinating Committee (Departments of Home Affairs, Intelligence, Transport, Public Works, Agriculture, Health and Defence, as well as the South African Police Service (SAPS) and the South African Revenue Service (SARS))</p> |                 |

|   |                                     |   |   |   |  |   |   |   |   |
|---|-------------------------------------|---|---|---|--|---|---|---|---|
|   |                                     |   |   |   |  |   |   |   |   |
| 3 | Border control detection measures   | X | X | X | <b>NW/CW/BW:</b><br>Customs and Excises Act no. 91/1964, as amended of 2009, sec. 4<br>Digital Customs Monitoring System / Electronic Data Interchange (EDI)   | X | X | X | <b>NW/CW/BW:</b><br>Cargo and Container Security Initiative (CCSI) initiated in 2003<br>Non-Proliferation Council (NPC) provides technical support<br>Digital Customs Monitoring System / Electronic Data Interchange (EDI)             |
| 4 | Control of brokering                | X | X | X | <b>NW/CW/BW:</b><br>POCDATARA Act no. 33/2004<br>Non-Proliferation Act no. 87/1993<br><br><b>CW:</b><br>Notice No. 495 of 29 March 2019  | X | X | X | <b>NW/CW/BW:</b><br>POCDATARA Act no.33/2004<br>Non-Proliferation Act no. 87/1993<br>South African Police Service Amendment Act 2008 no. 57/2008  |
| 5 | Export control legislation in place | X | X | X | <b>NW/CW/BW:</b><br>International Trade Administration Act no. 71/2003, sec 6<br>Non-Proliferation Act no. 87/1993, sec 13<br><br><b>NW:</b><br>Notice No 492 of 29 March 2019<br>Notice No 493 of 29 March 2019<br>Nuclear Energy Act no. 46/1999, sec 34 and 35<br>Notice No. 207 of 27 February 2009<br><br><b>CW:</b><br>Notice R. 17 of 3 February 2010<br>Notice No 495 of 29 March 2019<br><br><b>BW:</b><br>Notice No 494 of 29 March 2019 | X | X | X | <b>NW/CW/BW:</b><br>International Trade Administration Act no. 71/2003, Part E<br>Non-Proliferation Act no. 87/1993, sec 26<br>Nuclear Energy Act no. 46/1999, sec 56(d)<br>South African Police Service Amendment Act 2008 no. 57/2008 |
| 6 | Licensing provisions and Authority  | X | X | X | <b>NW/CW/BW:</b><br>International Trade Administration Act no. 71/2003, sec 6<br>Non-Proliferation Act no. 87/1993, sec 13   | X | X | X | <b>NW/CW/BW:</b><br>Non-Proliferation Act no. 87/1993, sec 26<br>International Trade Administration Act no. 71/2003, Part E   |

|   |  |   |   |   |  |  |   |   |  |  |
|---|--|---|---|---|--|--|---|---|--|--|
|   |  |   |   |   |  |  |   |   | <p>South African Police Service Amendment Act 2008 no. 57/2008</p> <p><b>NW:</b><br/>Minister of Minerals and Energy through the Department of Energy: nuclear materials<br/>NPC: dual-use items<br/>Nuclear Energy Act no. 46/1999, sec 56(d)</p> <p><b>CW/BW:</b><br/><a href="#">NPC</a><br/><a href="#">International Trade Administration Commission</a><br/>Department of Health<br/>Department of Agriculture</p> |  |
| 7 | Control lists of materials, equipment and technology | X | X | X |  |  | X | X | X  | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993</p> <p><b>NW:</b><br/>Notice No. R. 740 of 16 April 1994<br/><a href="#">Notice No. 207 of 27 February 2009</a><br/>Notice No 492 of 29 March 2019<br/>Notice No 493 of 29 March 2019<br/>Nuclear Energy Act no. 46/1999</p> <p><b>CW:</b><br/>Notice R. 17 of 3 February 2010<br/>Notice No 495 of 29 March 2019</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019</p> <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>South African Police Service Amendment Act no. 57/2008</p> <p><b>NW:</b><br/>Notices nos. 21-22 of 3 February 2010</p> <p><b>CW:</b><br/>Notice No. 18 of 3 February 2010</p> <p><b>BW:</b><br/>Notice No. 19 of 3 February 2010</p> |
| 8 | Intangible technology transfers                      | X | X | X |  |  | X | X | X  | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993</p> <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999<br/>Notice No 492 of 29 March 2019<br/>Notice No 493 of 29 March 2019</p> <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>South African Police Service Amendment Act 2008 no. 57/2008</p>   |

|    |                                |   |   |  |  |   |   |   |   |
|----|--------------------------------|---|---|--|--|---|---|---|---|
|    |                                |   |   | <p><b>CW:</b><br/>Notice R. 17 of 3 February 2010<br/>Notice No 495 of 29 March 2019</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019</p> |  |   |   |   |   |
| 9  | Inclusion of means of delivery | X | X | X  | <p><b>NW/ CW/BW:</b><br/>Notice No. 491 of 29 March 2019</p>   | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, Sec 26</p>   |
| 10 | End-user controls              | X | X | X  | <p><b>NW/ CW/BW:</b><br/>Non-Proliferation Act no. 87/1993</p> <p><b>NW:</b><br/>Nuclear Energy Act no. 46/1999<br/>Notice No 492 of 29 March 2019<br/>Notice No 493 of 29 March 2019</p> <p><b>CW:</b><br/>Notice No 495 of 29 March 2019</p> <p><b>BW:</b><br/>Notice No. 494 of 29 March 2019</p> | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec. 26<br/>Nuclear Energy Act no. 46/1999<br/>South African Police Service Amendment Act 2008 no. 57/2008</p> |
| 11 | Catch all clause               | X | X | X  | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993<br/>Notice No. R. 75 of 29 January 2004<br/><a href="#">Nuclear Energy Act no. 46/1999</a></p>   | X | X | X | <p><b>NW/ CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>South African Police Service Amendment Act no. 57 of 2008</p>                                      |
| 12 | Transit control                | X | X | X  | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 13</p> <p><b>NW:</b><br/>Notice No 492 of 29 March 2019<br/>Notice No 493 of 29 March 2019</p> <p><b>CW:</b><br/>Notice R. 17 of 3 February 2010<br/>Notice No 495 of 29 March 2019</p>   | X | X | X | <p><b>NW/CW/BW:</b><br/>Non-Proliferation Act no. 87/1993, sec 26<br/>South African Police Service Amendment Act no. 57/2008</p>  |





|    |  |   |   |   |  |   |   |   |  |  |
|----|--|---|---|---|--|---|---|---|--|--|
| 16 | Control over services related to exports/transhipments that would contribute to proliferation including transportation | X | X | X | <p><b>NW/ CW/ BW:</b><br/> Non-Proliferation Act no. 87/1993, sec 13<br/> Road Transport Act no. 74/1977<br/> Hazardous Substances Act no. 15/1973</p> <p><b>NW:</b><br/> Notice No 492 of 29 March 2019<br/> Notice No 493 of 29 March 2019<br/> <a href="#">Notice 207 of 27 February 2009</a></p> <p><b>CW:</b><br/> Notice R. 17 of 3 February 2010<br/> Notice No 495 of 29 March 2019</p> <p><b>BW:</b><br/> Notice No. 494 of 29 March 2019</p> | X | X | X | <p><b>NW/CW/BW:</b><br/> Road Transport Act no. 74/1977<br/> Hazardous Substances Act no. 15/1973<br/> Non-Proliferation Act no. 87/1993, sec 26<br/> South African Police Service Amendment Act no. 57/2008</p> |  |
|----|--|---|---|---|--|---|---|---|--|--|

**VIII. OP 7 and 8 (d) - Assistance, Work with and inform Industry and Public, and other Information**

| 1 | Assistance offered  | Supports assistance and provision of adequate resources to developing countries in the implementation of non-proliferation and disarmament measures, <u>including through the hosting of workshops.</u>   |
|---|---|---|
| 2 | Assistance Point of Contact (for assistance providers only) | Chief Director: <u>United Nations (Political, Peace and Security)</u> , Department of International Relations and Cooperation (DIRCO)   |
| 3 | Assistance requested  |   |
| 4 | Action taken to work with and inform industry               | <u>The South African Council for the Non-Proliferation of Weapons of Mass Destruction and its Secretariat keep industry</u> <del>Industry is kept</del> informed and updated on an on-going basis, including through the Internal Compliance Programme for Industry (ICP) Through electronic and print media providing guidance to industry on activities related to the control of activities including activities that can contribute to WMD programmes. Non-Proliferation website maintained by the dti ( <a href="http://www.thedti.gov.za">www.thedti.gov.za</a> ) |
| 5 | Action taken to work with and inform the public             | Through electronic and print media providing guidance to public on activities related to the control of activities including activities that can contribute to WMD programmes. Non-Proliferation website maintained by the dti ( <a href="http://www.thedti.gov.za">www.thedti.gov.za</a> )   |
| 6 | Point of Contact  | Chief Director: <u>United Nations (Political, Peace and Security)</u> , Department of International Relations and Cooperation (DIRCO)   |
| 7 | Voluntary National Implementation Action Plan (NAP)         |   |
| 8 | 1540 Committee visits to States                             |   |