



THE PERMANENT MISSION OF
SOUTH AFRICA
TO THE UNITED NATIONS

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14 December 2007

Excellency,

Your letter regarding the updating of the 1540 matrices of 17 October 2007, reference S/AC.44/2007/ODA/OC.57, refers.

I have the honour to submit information regarding the matrix of the Republic of South Africa as requested in the above-mentioned letter, on behalf of the Government of South Africa.

The 1540 national contact point in Pretoria is:

Mr Xolisa Mabhongo (Chief Director: UN Political)
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I wish to avail myself of this opportunity to renew to you the assurances of our highest consideration and to express our appreciation for your able leadership of the 1540 Committee over the last year.


Ambassador Baso Sangqu
Charge d'Affaires a.i.

Ambassador Peter Burian
Chairman
Security Council Committee established
Pursuant to Resolution 1540 (2004)

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	Since 1994, democratic South Africa has consistently promoted the view that the continued existence of all WMD poses a threat to international peace and security. Statement by President Mbeki on 19 November 2004: "The situation should not be allowed to continue that the Nuclear Weapon States oblige everybody merely to focus on the issue of non-proliferation, while completely ignoring the demand of the overwhelming majority of humanity for the complete abolition of WMDs, an objective which our country has already achieved."	19 November 2004 Article by President Mbeki in ANC Weekly Newsletter entitled "Give Peace a Chance".
2	General statement on commitment to disarmament and non-proliferation	X	Committed to a policy of non-proliferation, disarmament and arms control which covers all WMD	page 2 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Committed to prohibiting the manufacture, acquisition, transport or use of WMD and their means of delivery including by non-State actors	page 3 of the report
4	Biological Weapons Convention (BWC)	X	Ratified 3 November 1975	page 3 of the report
5	Chemical Weapons Convention (CWC)	X	Ratified 13 September 1995	page 3 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Acceded 10 July 1991	page 3 of the report

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 and 1673. 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

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified 30 March 1999	page 3 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Ratified on 17 September 2007	http://www.iaea.org/Publications/Documents/Conventions/cppn.html
9	Hague Code of Conduct (HCOC)	X	Assented on 25 November 2002	page 4 of the report
10	Geneva Protocol of 1925	X	Acceded 24 May 1930	page 3 of the report
11	International Atomic Energy Agency (IAEA)	X	Since 1957	http://www.iaea.org/About/Policy/MemberStates/index.html
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Pelindaba ratified 27 March 1998	page 3 of the report
13	Other Conventions/Treaties	X	<ol style="list-style-type: none"> 1. Convention on Nuclear Safety - ratified 24 December 1996 2. Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space and Under Water - acceded 10 October 1963 3. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof - ratified 14 November 1973 4. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency - ratified 10 August 1987 5. Convention on Early Notification of a Nuclear Accident - ratified 10 August 1987 	page 3 of the report
14	Other Arrangements	X	<ol style="list-style-type: none"> 1. Zangger Committee 2. MTCR 3. Nuclear Suppliers Group 	page 4 of the report
15	Other	X	The South African Government underlines its conviction that in the implementation of Resolution 1540 (2004), structures, such as the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW), which have already been established in accordance with international disarmament, non-proliferation and arms control agreements, should not be duplicated and that these organisations be utilised as the primary institutions in the international community's endeavours to combat the proliferation of weapons of mass destruction, including to non-State actors. The Government of South Africa, like other Governments, would also be concerned if the Security Council were to assume legislative and treaty-making powers on behalf of the international community that are binding on all States and that are not envisaged by the Charter of the United Nations.	page 1 of the report

OP 2 - Biological Weapons (BW)

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 712 of 8 June 2004 3. The Protection of Constitutional Democracy against Terrorists and Related Activities Act (Act No. 33 of 2004)	X	1. Act No. 87/1993, Section 26 - offences and penalties 2. Act No. 33 of 2004 (POCDATARA), Chapter 2	pages 3 and 5 of the report, information in CD-ROM page 3 of Addendum 1
2 acquire	X		X		
3 possess	X		X		
4 stockpile/store	X		X		
5 develop	X		X		
6 transport	X		X		
7 transfer	X		X		
8 use	X	1. Government Notice No. 712 of 8 June 2004 2. Act No. 33 of 2004, Chapter 2	X	1. Amendments to Act no. 87/1993 offences related to the use or threat of use 2. Act No. 33 of 2004, Chapter 3	page 6 of the report, information in CD-ROM
9 participate as an accomplice in a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 3 of Addendum 1
10 assist in a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	Information in CD-ROM
11 finance a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 5 of the report page 4 of Addendum 1
12 a.m. activities related to means of delivery	X	1. Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act. No. 87/1993), Section 27 2. Government Notice No. 712 of 8 June 2004 3. Notice 311 of 11 April 2007	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM

13	involvement of non-State actors in a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 4 of Addendum 1
14	Other	X	BWC has been published as part of South African legislation	X	Act 87 of 1993, Section 26	page 4 of the report

OP 2 - Chemical Weapons (CW)

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

	Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Act no. 87/1993, Section 27 2. Notice No. 754 of 2 May 1997 3. Notice 152 of 20 January 2003 4. Regulation 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM page 5 of Addendum 1
2	acquire	X		X		
3	possess	X	Act 33 of 2004, Chapter 2 Act 87 of 1993, Section 13 and 27	X	Act 33 of 2004, Chapter 3 Act No. 87/1993, Section 26 - offences and penalties	Information in CD-ROM
4	stockpile/store	X	1. Act no. 87/1993, Section 27 2. Notice No. 754 of 2 May 1997 3.	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM
5	develop	X	Notice 152 of 20 January 2003 4. Regulation 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004	X		
6	transport	X	Road Transport Act 74 of 1977 Hazardous Substances Act 15 of 1973	X	Road Transport Act 74 of 1977 Hazardous Substances Act 15 of 1973	Information in CD-ROM
7	transfer	X	1. Act no. 87/1993, Section 27 2. Notice No. 754 of 2 May 1997 3. Act no. 33 of 2004, Chapter 2 4.	X	1. Act No. 87/1993, Section 26 - offences and penalties 2. Act No. 33 of 2004, Chapter 3	pages 3, 5 and 6 of the report, information in CD-ROM page 5 of Addendum 1
8	use	X	Notice 152 of 20 January 2003 5. Regulation 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004	X		
9	participate as an accomplice in a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 5 of Addendum 1

10	assist in a.m. activities	X	1. Act no. 87/1993, Section 27 2. Notice No. 754 of 2 May 1997 3. Act No. 33 of 2004, Chapter 2 4. Notice 152 of 20 January 2003 5. Regulation 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004	X	1. Act No. 87/1993, Section 26 - offences and penalties 2. Act No. 33 of 2004, Chapter 3	pages 3 and 5 of the report, information in CD-ROM page 5 of Addendum 1 <u>Act No. 33 of 2004</u>
11	finance a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	<u>Act No. 33 of 2004</u>
12	a.m. activities related to means of delivery	X	1. Act no. 87/1993, Section 27 2. Notice No. 754 of 2 May 1997 3. Notice 152 of 20 January 2003 4. Regulation 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004 5. Notice 311 of 11 April 2007	X	Act No. 87/1993, section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM page 5 of Addendum 1
13	involvement of non-State actors in a.m. activities	X	Act No. 33 of 2004, Chapter 2 Act No. 87 of 1993	X	Act No. 33 of 2004, Chapter 3 Act No. 87 of 1993, Section 26	page 6 of Addendum 1
14	Other	X	CWC has been published as part of South African legislation - Notice No. 754 of 2 May 1997 Non-proliferation related chemicals as published in Annex D of Notice 152 of 29 January 2003	X	Act 87 of 1993, Section 26	page 4 of the report page 6 of Addendum 1

OP 2 - Nuclear Weapons (NW)

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Act no. 87/1993, Section 27 2. Act 46 of 1999 3.	X	Act No. 87/1993, Section 26 - offences and penalties	pages 3 and 5 of the report, information in CD-ROM page 6 of Addendum 1
2 acquire	X	Notice No. 740 of 16 April 1994	X		
3 possess	X	1. Act No. 33 of 2004, Chapter 2 2. Act 46 of 1999	X	Act No. 33 of 2004, Chapter 3	page 5 of Addendum 1
4 stockpile/store	X	Act No. 33 of 2004, Chapter 2	X		
5 develop	X	1. Act No. 33 of 2004, Chapter 2 2. Act 46 of 1999	X		
6 transport	X	1. Act No. 33 of 2004, Chapter 2 2. Act 46 of 1999	X		
7 transfer	X	1. Act no. 87/1993, Section 27 2. Notice No. 740 of 16 April 1994	X	1. Act No. 87/1993, Section 26 2. Act No. 33 of 2004, Chapter 3	pages 3 and 5 of the report, information in CD-ROM page 6 of Addendum 1
8 use	X	1. Act no. 87/1993, Section 27 2. Notice No. 740 of 16 April 1994 3. Act No. 33 of 2004, Chapter 2	X	1. Amendments to Act. 87/1993- offenses related to the use or threat of use 2. Act No. 33 of 2004, Chapter 3	page 6 of the report page 6 of Addendum 1
9 participate as an accomplice in a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	<u>Act No. 33 of 2004</u>
10 assist in a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	<u>Act No. 33 of 2004</u>
11 finance a.m. activities	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 5 of the report page 7 of Addendum 1
12 a.m. activities related to means of delivery	X	Act 87 of 1993, Section 13 Regulation 311 of 11 April 2007	X	Act No. 87/1993, Section 26 - offences and penalties	www.thedti.gov.za
13 involvement of non-State actors in a.m. activities	X	Act No. 33 of 2004, Sections 2 and 3	X	Act No. 33 of 2004, Chapter 3	page 7 of Addendum 1

14	Other	X	Notice 310 of 11 April 2007 regarding uranium isotope seperation	Act No. 87/1993, Section 26 - offences and penalties	www.thedti.gov.za
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OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Agricultural Pests Act (Act no. 36/1983)	X	1. Agricultural Pests Act (Act no. 36/1983)	page 7 of the report information in CD-ROM
2	Measures to account for use	X	2. Animal Health Act (Act no. 7/2002) 3. Health Act (Act no. 61/2003)	X	2. Animal Health Act (Act no. 7/2002) Organisms Act (Act no. 15/1997)	
3	Measures to account for storage	X	4. Notice No. 712 of 8 June 2004	X	3. Health Act (Act no. 61/2003)	
4	Measures to account for transport	X	Hazardous substances Act (Act 15 of 1973)	X	Act No 15 of 1973	Information in CD-ROM
5	Other measures for accounting		Not applicable			South Africa fully compliant with resolution
6	Measures to secure production	X	1. Non-proliferation Act (Act no. 87/1993)	X	1. Non-proliferation Act (Act no. 87/1993)	page 7 of the report, information in CD-ROM
7	Measures to secure use	X	2. Agricultural Pests Act (Act no. 36/1983)	X	2. Agricultural Pests Act (Act no. 36/1983)	
8	Measures to secure storage	X	3. Animal Health Act (Act no. 7/2002) 4. Health Act (Act no. 61/2003)	X	3. Animal Health Act (Act no. 7/2002) 5. Health Act (Act no. 61/2003)	
9	Measures to secure transport	X	Road Transportation Act (Act no. 74 of 1977)	X	Road Transportation Act (Act no. 74 of 1977)	page 6 of the report
10	Other measures for securing			X	Monitoring systems to secure facilities in the event of fire or against theft; security personnel in motor vehicles	page 7 of the report
11	Regulations for physical protection of facilities/materials/ transports	X	National Key Points Act (Act no. 102/1980)			page 7 of the report
12	Licensing/registration of facilities/persons handling biological materials	X	1. Agricultural Pests Act (Act no. 36/1983) 2. Animal Health Act (Act no. 7/2002)			page 7 of the report, information in CD-ROM

13	Reliability check of personnel	X	NSI Act No. 30 of 2004	X	NSI Act No. 30 of 2004	page 8 of Addendum 1
14	Measures to account for/secure/ physically protect means of delivery	X	1. Act No. 87/1993 2. Notice No. 429 of 10 April 2002	X	Act No. 87/1993, Section 26	page 8 of Addendum 1
15	Regulations for genetic engineering work	X	Genetically Modified Organisms Act (Act no. 15/1997)	X	Genetically Modified Organisms Act (Act no. 15/1997), Section 21	page 7 of the report
16	Other legislation/ regulations related to safety and security of biological materials		Not applicable			South Africa fully compliant with resolution
17	Other		Not applicable			South Africa fully compliant with resolution

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

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Act no. 87/1993, Section 13 2. Hazardous Substances Act (Act no. 15/1973) 3. Regulation No. R. 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004 4. Occupational Health and Safety Act (Act No. 85/1993)	X	1. Hazardous Substances Act (Act no. 15/1973), Section 18 and 19 2. Act No. 87/1993, Section 26	page 7 of the report, information in CD-ROM page 8 of Addendum 1
2	Measures to account for use	X				
3	Measures to account for storage	X				
4	Measures to account for transport	X				
5	Other measures for accounting		Not applicable			South Africa fully compliant with resolution
6	Measures to secure production	X	1. Act no. 87/1993, Section 13 2. Hazardous Substances Act (Act no. 15/1973) 3. Explosives Act (Act no. 26/1956)	X	Hazardous Substances Act (Act no. 15/1973), Section 18 and 19	page 7 of the report, information in CD-ROM
7	Measures to secure use	X				
8	Measures to secure storage	X				
9	Measures to secure transport	X	4. Road Transportation Act (Act no. 74 of 1977)	X	4. Road Transportation Act (Act no. 74 of 1977)	page 6 of the report, information in CD-ROM
10	Other measures for securing	X	Act no. 15/1973 - modification, dumping and other disposal	X	Monitoring systems to secure facilities in the event of fire or against theft; security personnel in motor vehicles	page 7 of the report
11	Regulations for physical protection of facilities/materials/ transports	X	Act no. 102/1980			page 7 of the report
12	Licensing of chemical installations/entities/use of materials	X	1. Act No. 87/1993, Section 13 2. Regulation No. R. 705 of 23 May 1997 as amended by Regulation 77 of 29 January 2004	X	1. Act No. 87/1993, Section 26 2. Regulation No. R. 705 of 23 May 1997, as amended by Regulation 77 of 29 January 2004	page 9 of Addendum 1

13	Reliability check of personnel	X	NSI Act No. 39 of 1994	X	NSI Act No. 39 of 1994	South Africa fully compliant with resolution
14	Measures to account for/secure/physically protect means of delivery	X	1. Act No. 87/1993 2. Notice 311 of 11 April 2007	X	Act No. 87/1993, Section 26	page 9 of Addendum 1 www.thedti.gov.za
15	National CWC authority	X	Non-Proliferation Council Regulation No. R. 705/1997, Section 2 amended by Regulation 77 of 29 January 2004			page 9 of Addendum 1
16	Reporting Schedule I, II and III chemicals to OPCW	X	Non-proliferation Council Regulation No. R. 705/1997, Section 4 amended by Regulation 77 of 29 January 2004			page 9 of Addendum 1
17	Account for, secure or physically protect old chemical weapons	X	Not applicable			South Africa fully compliant with resolution
18	Other legislation/ regulations controlling chemical materials	X	Complies with the requirements of the Basel Convention, the Montreal Protocol and the Stockholm and Rotterdam Conventions. Explosives are controlled under the Explosives Act No 26 of 1956 and Wassenaar Chemicals are covered by Act No 41 of 2002			page 9 of Addendum 1
19	Other		Not applicable			South Africa fully compliant with resolution

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

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. Nuclear Energy Act (Act no. 46/1999), Chapter III 2. Act No. 87/1993 (dual-use) 3. National Nuclear Regulator Act No. 47 of 1999	X	1. Nuclear Energy Act (Act no. 46/1999), Section 56 2. Act No. 87/1993 (dual-use) 3. National Nuclear Regulator Act No. 47 of 1999	page 3 of the report, information in CD-ROM page 10 of Addendum 1
2 Measures to account for use	X				
3 Measures to account for storage	X				
4 Measures to account for transport	X				
5 Other measures for accounting	X	IAEA Additional Protocol			South Africa fully compliant with resolution
6 Measures to secure production	X	1. Nuclear Energy Act (Act no. 46/1999), Chapter III 2. Act No. 87/1993 (dual-use) 3. National Nuclear Regulator Act No. 47 of 1999	X	1. Nuclear Energy Act (Act no. 46/1999), Section 56 2. Act No. 87/1993 (dual-use) 3. National Nuclear Regulator Act No. 47 of 1999	page 3 of the report, information in CD-ROM
7 Measures to secure use	X				
8 Measures to secure storage	X				
9 Measures to secure transport	X				
10 Other measures for securing			X	Monitoring systems to secure facilities in the event of fire or against theft; security personnel in motor vehicles	page 7 of the report
11 Regulations for physical protection of facilities/materials/ transports	X	National Key Points Act (Act no. 102/1980)		Act No 102 of 1980, Section 10	page 7 of the report
12 Licensing of nuclear installations/entities/use of materials	X	National Nuclear Regulator (Act 47 of 1999), Chapter III	X	National Nuclear Regulator (Act 47 of 1999), Chapter III	page 6 of the report, information in CD-ROM
13 Reliability check of personnel	X	NSI Act No. 39 of 2004	X	NSI Act No. 39 of 2004	
14 Measures to account for/secure/physically protect means of delivery	X	1. Act No. 87/1993, Section 27 2. Notice No. 430 of 10 April 2002	X	Act No. 87/1993, Section 26	page 10 of Addendum 1

15	National regulatory authority	X	South African Nuclear Energy Corporation under authority of the Minister of Minerals and Energy (Act no. 46/1999)	X	Act 46 of 1999, Section 56	page 3 of the report page 9 of the Addendum 1
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 16 September 1991 2. Additional Protocol in force 13 September 2002		Not applicable	page 3 of the report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Voluntary instrument used as guidance	X	Act 47 of 1999 (National Nuclear Regulator)	Voluntary instrument
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme			http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA		Not applicable			South Africa fully compliant with resolution
20	Additional national legislation/regulations related to nuclear materials including CPPNM					South Africa ratified the CPPNM on 17 September 2007
21	Other					

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Act 57/1951 2. Act 2/1981 3. Act 15/1994 4. Act 102/1980 5. Act 127/1992 6. Act 74/1977 7. Act 4/1998 8. Act 87/1993 9. Notice 712 of 8 June 2004	X	1. South African Revenue Service (Customs and Excise) 2. Department of Home Affairs 3. South African Police Service (SAPS)	pages 6 and 8 of the report
2	Technical support of border control measures			X	Non-Proliferation Council technical support	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	National Conventional Arms Control Act (Act no. 41 of 2002) Act 33 of 2004 Act 87 of 1993	X	National Conventional Arms Control Act (Act no. 41 of 2002), Chapter III Act 33 of 2004 Act 87 of 1993	page 3 of the report, information in CD-ROM
4	Enforcement agencies/authorities			X	1. South African Council for the Non-Proliferation of WMDs (NPC) 2. National Conventional Arms Control Committee (NCACC)	page 8 of the report
5	Export control legislation in place	X	1. Act no. 87/1993, section 13 2. National Conventional Arms Control Act (Act no. 41/2002)	X	1. Act no. 87/1993, Section 26 2. National Conventional Arms Control Act (Act no. 41/2002), Chapters II and III	pages 3 and 8 of the report, information in CD-ROM
6	Licensing provisions	X		X		
7	Individual licensing	X	1. Act No. 87/1993, Section 13 2. Notice No. 712 of 8 June 2004	X	Act No. 87/1993, Section 26	page 12 of Addendum 1
8	General licensing		Not applicable			South Africa fully compliant with resolution

9	Exceptions from licensing		Not applicable			South Africa fully compliant with resolution
10	Licensing of deemed export/visa		Not applicable			South Africa fully compliant with resolution

11	National licensing authority	X	1. Non-proliferation Council (NPC) 2. International Trade Administration Commission 3. Department of Health 4.			pages 3 and 8 of the report
12	Interagency review for licenses	X	Department of Agriculture 5. National Conventional Arms Control Committee (NCACC)			
13	Control lists	X	Government Notice no. 712 of 8 June 2004 under Act no. 87/1993	X	Act 87 of 1993, Section 26	information in CD-ROM - core legislation
14	Updating of lists	X	1. Act No. 87/1993 2. Notice No. 712 of 8 June 2004			page 12 of Addendum 1
15	Inclusion of technologies	X	Act no. 87/1993 no. 41/2002	Act X	Act 87 of 1993, Section 26	page 3 of the report, information in CD-ROM
16	Inclusion of means of delivery	X	Act no. 87/1993 no. 41/2002 311 of 11 April 2007	Act Notice X	Act 87 of 1993, Section 26	
17	End-user controls	X	Act no. 87/1993 no. 41/2002	Act X	National Conventional Arms Control Act (Act no. 41/2002), Chapter III	
18	Catch all clause	X	1. Act No. 87/1993 2. Notice No. R. 75 of 29 January 2004	X	Act 87 of 1993, Section 26	page 12 of Addendum 1
19	Intangible transfers	X	Notice No. 712 of 8 June 2004	X	Act 87 of 1993, Section 26	page 12 of Addendum 1
20	Transit control	X	Act no. 87/1993 - Government Notice No. 712 of 8 June 2004	X	Act No. 87/1993, Section 26	information in CD-ROM - core legislation page 12 of Addendum 1
21	Trans-shipment control	X	Act no. 87/1993 - Government Notice No. 712 of 8 June 2004	X	Act 87 of 1993, Section 26	Trans-shipment included under transit controls
22	Re-export control	X	Act No. 87/1993 Export and re-export of biological controlled goods require an export permit from NPC under the Act No. 87/1993	X	Act No. 87/1993, Section 26	page 8 of the report page 13 of Addendum 1
23	Control of providing funds	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 13 of Addendum 1
24	Control of providing transport services	X	Road Transport Act 74 of 1977 Hazardous Substances Act 15 of 1973	X	Act 74 of 1977 Act 15 of 1973	Information in CD-ROM

25	Control of importation	X	Act 87 of 1993 Health Act 61 of 2003 Agriculture Pests Act 36 of 1983	X	Act No. 87/1993, Section 26 Health Act 61 of 2003 Agriculture Pests Act 36 of 1983	page 8 of the report page 13 of Addendum 1
26	Extraterritorial applicability	X	Act No 87 of 1993 National Conventional Arms Control Act (Act no. 41/2002), Section 26	X	Act No 87 of 1993, Section 26 National Conventional Arms Control Act (Act no. 41/2002), Chapter III	page 3 of the report, information in CD-ROM
27	Other					

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State:
Date of Report:
Date of Addendum 1:

South Africa
31 January 2005
03 January 2006

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Act 57/1951 2. Act 2/1981 3. Act 15/1994 4. Act 102/1980 5. Act 127/1992 6. Act 74/1977 7. Act 4/1998 8. Act 87/1993 9. Regulation 705 amended by Regulation 77 of 29 January 2004	X	1. South African Revenue Service (Customs and Excise) 2. Department of Home Affairs 3. South African Police Service (SAPS)	pages 6 and 8 of the report
2 Technical support of border control measures			X	Non-Proliferation Council technical support	
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Act 33 of 2004 Act 87 of 1993 Notice 152 of 29 January 2003 National Conventional Arms Control Act (Act no. 41 of 2002)	X	Act 33 of 2004 Act 87 of 1993 National Conventional Arms Control Act (Act no. 41 of 2002), Chapter III	page 3 of the report, information in CD-ROM
4 Enforcement agencies/authorities	X	Act 87 of 1993 Act 41 of 2002 Regulation 705 amended by Regulation 77 of 29 January 2004	X	1. South African Council for the Non-Proliferation of WMDs (NPC) 2. National Conventional Arms Control Committee (NCACC)	page 8 of the report
5 Export control legislation in place	X	1. Act no. 87/1993, section 13 2. National Conventional Arms Control Act (Act no. 41/2002)	X	1. Act no. 87/1993, Section 26 2. National Conventional Arms Control Act (Act no. 41/2002), Chapters II and III	pages 3 and 8 of the report, information in CD-ROM
6 Licensing provisions	X	Regulation 705 amended by Regulation 77 of 29 January 2004	X		

7	Individual licensing	X	1. Act No. 87/1993 2. Act No. 41 of 2002 Regulation 705 amended by Regulation 77 of 29 January 2004	3. X	Act No. 87/1993, Section 26 Act No. 41 of 2002, Chapters II & III	page 14 of Addendum 1
8	General licensing	X	1. Act No. 87/1993 2. Regulation 705 amended by Regulation 77 of 29 January 2004	X	Act No. 87/1993, Section 26	information in CD-ROM
9	Exceptions from licensing		Not applicable			None
10	Licensing of deemed export/visa		Not applicable			South Africa fully compliant with resolution
11	National licensing authority	X	1. National Conventional Arms Control Committee (NCACC) 2. Non-proliferation Council (NPC) : International Trade Administration Commission, Department of Health and Department of Agriculture			pages 3 and 8 of the report
12	Interagency review for licenses	X				
13	Control lists	X	CWC and Australia Group items are included in national control lists			page 4 of the report
14	Updating of lists	X	See remarks			Updated when necessary
15	Inclusion of technologies	X	Act no. 41/2002	X	1. National Conventional Arms Control Act (Act no. 41/2002), Chapter III, Section 24 2. Act No. 87/1993, Section 26	page 3 of the report, information in CD-ROM page 14 of Addendum 1
16	Inclusion of means of delivery	X		X		
17	End-user controls	X		X		
18	Catch all clause	X	1. Act No. 87/1993 2. Notice No. 712 of 8 June 2004			page 14 of Addendum 1
19	Intangible transfers	X	3. Notice No. R. 75 of 29 January 2004			page 14 of Addendum 1
20	Transit control	X	Act no. 87/1993	X	Act No. 87/1993, Section 26	information in CD-ROM - core legislation
21	Trans-shipment control	X	1. Act No. 87/1993 2. Notice No. 712 of 8 June 2004	X	Act No. 87/1993, Section 26	Trans-shipment included under transit controls
22	Re-export control	X	Re-export permits are required by the NPC	X	Act No. 87/1993, Section 26	page 8 of the report page 15 of Addendum 1
23	Control of providing funds	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 15 of Addendum 1

24	Control of providing transport services	X	Road Transport Act 74 of 1977 Hazardous Substances Act 15 of 1973	X	Act 74 of 1977 Act 15 of 1973	Information in CD-ROM
25	Control of importation	X	Import permits required by the NPC	X	Act No. 87/1993, Section 26	page 8 of the report page 15 of Addendum 1
26	Extraterritorial applicability	X	Act 87 of 1993 National Conventional Arms Control Act (Act no. 41/2002), Section 26	X	Act No 87 of 1993, Section 26 Act No. 41 of 2002, Section 24	page 3 of the report, information in CD-ROM page 15 of Addendum 1
27	Other		Not applicable			South Africa fully compliant with resolution

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State:
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03 January 2006

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Act 57/1951 2. Act 2/1981 3. Act 15/1994 4. Act 102/1980 5. Act 127/1992 6. Act 74/1977 7. Act 4/1998 8. Act 87/1993 9. Act 46/1999	X	1. South African Revenue Service (Customs and Excise) 2. Department of Home Affairs 3. South African Police Service (SAPS)	pages 6 and 8 of the report
2	Technical support of border control measures			X	Non-Proliferation Council Department of Minerals and Energy	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Act 33 of 2004	X	Act 33 of 2004	page 3 of the report, information in CD-ROM
4	Enforcement agencies/authorities	X	Act 87 of 1993 Act 46 of 1999	X	1. South African Council for the Non-Proliferation of WMDs (NPC) 2. Department of Minerals and Energy	page 8 of the report
5	Export control legislation in place	X	1. Act no. 87/1993, section 13 2. Nuclear Energy Act No. 46 of 1999, section 34 and 35	X	1. Act no. 87/1993, Section 26 2. Nuclear Energy Act No. 46 of 1999, section 56(d)	pages 3 and 8 of the report, information in CD-ROM
6	Licensing provisions	X		X		

7	Individual licensing	X	1. Act No. 87/1993 2. Act No. 46/1999 3. Notice No. 430 of 10 April 2002 4. Notice 310 of 11 April 2007	X	Act No. 87/1993, Section 26 Act No. 46/1999, Section 56	page 16 of Addendum 1
8	General licensing		Not applicable			None
9	Exceptions from licensing		Not applicable			None
10	Licensing of deemed export/visa		Not applicable			None
11	National licensing authority	X	Act 87 of 1993 Act 46 of 1999	X	1. Minister of Minerals and Energy through the Department of Minerals and Energy: nuclear materials 2. Non-Proliferation Council: dual-use items	pages 3 and 8 of the report
12	Interagency review for licenses	X	Act 87 of 1993 Act 46 of 1999	X	1. Minister of Minerals and Energy through the Department of Minerals and Energy: nuclear materials 2. Non-Proliferation Council: dual-use items	page 3 of the report
13	Control lists	X	NSG lists are included in the lists of controlled items: Government Notice No. 430 of 10 April 2002; Notice 310 of 11 April 2007; Regulation 740 of 16 April 1994			page 4 of the report, information in CD-ROM
14	Updating of lists	X	See comments			Updated as required
15	Inclusion of technologies	X				
16	Inclusion of means of delivery	X	Act 87 of 1993 Act 46 of 1999	X	Act 87 of 1993 Act 46 of 1999	page 3 of the report, information in CD-ROM
17	End-user controls	X				
18	Catch all clause	X	1. Act No. 87/1993 2. Notice No. R. 75 of 29 January 2004	X	Act 87 of 1993, Section 26	page 17 of Addendum 1
19	Intangible transfers	X	See comments			Intangible transfers deemed controlled under technology controls

20	Transit control	X	Act no. 87/1993, section 13	X	Act No. 87/1993, Section 26	page 17 of Addendum 1
21	Trans-shipment control	X	Act No. 87/1993	X	Act No. 87/1993, Section 27	page 17 of Addendum 1
22	Re-export control	X	Act 87 of 1993, Section 13 Regulation 430 of 10 April 2002 Regulation 311 of 11 April 2007	X	Act No. 87/1993, Section 26	page 8 of the report page 17 of Addendum 1
23	Control of providing funds	X	Act No. 33 of 2004, Chapter 2	X	Act No. 33 of 2004, Chapter 3	page 17 of Addendum 1
24	Control of providing transport services	X	Road Transport Act 74 of 1977 Hazardous Substances Act 15 of 1973	X	Act 74 of 1977 Act 15 of 1973	Information in CD-ROM
25	Control of importation	X	Act 87 of 1993, Section 13 Act 46 of 1999 Regulation 740 of 16 April 1994	X	Act No. 87/1993, Section 26	page 8 of the report page 17 of Addendum 1
26	Extraterritorial applicability	X	Act 87 of 1993	X	Act 87 of 1993	page 3 of the report, information in CD-ROM
27	Other		Not applicable			

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:
Date of Report:
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South Africa
31 January 2005
03 January 2006

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)	X	Has included all MTCR, NSG, CWC, AG and WA items in national lists	page 4 of the report
2	Control lists - other		Not applicable	
3	Assistance offered	X	Supports assistance and provision of adequate resources to developing countries in the implementation of non-proliferation and disarmament measures	page 9 of the report page 18 of Addendum 1
4	Assistance requested		None	
5	Assistance in place (bilateral/plurilateral/multilateral)		Hosted SADC workshop on Chemical Weapons Convention and annual chemical protection course for African countries to strengthen regional non-proliferation controls	
6	Information for industry	X	Industry is kept informed and updated on an on-going basis, including through the Internal Compliance Programme for Industry (ICP)	page 11 of the report www.thedti.gov.za
7	Information for the public	X	Pamphlet published for industry providing guidance on activities related to the control of activities including activities that can contribute to WMD programmes Non-Proliferation website maintained by the dti (www.thedti.gov.za)	page 18 of Addendum 1