



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

**SECDIV INTERNATIONAL SEMINAR ON STRATEGIC  
EXPORT CONTROLS**

**ISLAMABAD, PAKISTAN: 9-10 MAY 2018**

**“Identification of End Use/End User of Concern”  
by  
Florah Mamashela**





**1** INTERNATIONAL OBLIGATIONS

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# INTERNATIONAL OBLIGATIONS

## NON-PROLIFERATION:

- Chemical Weapons Convention (CWC)
- Biological & Toxin Weapons Convention (BTWC)
- Nuclear Suppliers Group (NSG)
- Missile Technology Control Regime (MTCR)
- Comprehensive Nuclear Test Ban Treaty (CTBT)
- Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

MR18

## OTHER:

- Zangger Committee
- Wassenaar Arrangement



### Slide 3

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#### MR18

This is a non-proliferation treaty. Don't categorise as other. Rather write one list instead of differentiating between non-proliferation and other.

Melanie Reddiar, 4/20/2018

# LEGISLATIVE FRAMEWORK

<p><b>Nuclear Energy Act, 1999 (Act No. 46 of 1999)</b></p>	<p>Administered by the Minister of Energy</p>	<p>Allows for the control of transfers of nuclear items listed in Part 1 of the NSG</p>	<p>Imports and exports of NSG Part 1 nuclear items are controlled</p> <p>IAEA Safeguards delegated by DoE to NECSA</p>
<p><b>National Conventional Arms Control Act, 2002 (Act No. 41 of 2002)</b></p>	<p>Administered by the National Conventional Arms Control Committee</p>	<p>Allows for the control of transfers of items listed in the Wassenaar Arrangement</p>	<p>Control transfers, contracting and marketing of items listed in the Wassenaar Arrangement</p>
<p><b>The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No.87 of 1993)</b></p>	<p>Administered by the South African Council for the Non-Proliferation of Weapons of Mass Destruction</p>	<p>Allows for control over weapons of mass destruction (chemical, nuclear, biological and their delivery systems (missile))</p>	<p>Imports and exports of dual-use items (NSG Part 2, MTCR, CWC and BTWC) are controlled</p>



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## IDENTIFICATION OF END USE/ END USER OF CONCERN

### Government Notice No. R.16 of 03 February 2010

- Any persons in control of any activity with regard to controlled goods or in possession or custody or control of controlled goods should register with the Council
- Only registered companies are issued with permits

### Government Notice No. R.17 of 03 February 2010

- Implementing provisions of the CWC wrt Article VI Declarations
- Declaration data is collected from producers, processors, consumers, importers & exporters of scheduled chemicals

### Inter-departmental licensing evaluation committee

- Includes DIRCO, DI and SSA
- DoE also presents NSG Part 1 export, import and transport authorisations



# IDENTIFICATION OF END USE/ END USER OF CONCERN

## Industry Awareness

- Through regular visits, information session to industry
- Internal Compliance for industry
- Inspections to visit entities that are involved in controlled activities

## Inter-departmental working committees

- Includes, DoH, DAFF, SAMHS, ARC, NICD, research institutions and industry associations

## Liaison with border control authorities

- NPC signed a MoU with the South African Revenue Services (Customs)
- Electronic Data Interchange (EDI) system allows for a clearance to be stopped for physical examination, detained/queried for additional information, etc through the submission of electronic import and export permit data



## IDENTIFICATION OF END USE/ END USER OF CONCERN

### UNSC Sanctions List

- South Africa has no “red” list

### MTCR and NSG Guidelines

- Denials and complimentary information used as a guide

### Evaluation of company profile not matching the end-use

- Not matching the end-use or type of civilian use different

### Action, if there's a concern

- No denial necessarily but guarantees are put in place such as EUCs, GTGA, IGA and verification inspections
- Therefore, the responsibility for the item is paced on the recipient end-user and/or country





**QUESTIONS?**

**THANK YOU**

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