

Republic of South Africa

CONVENTIONAL ARMS CONTROL

Legislation

The South African Government's legal basis for control over conventional arms is the National Conventional Arms Control Act 2002 (No 41 of 2002). The Act came into effect in May 2003.

In terms of the Act the President appoints a committee consisting of twelve Ministers and Deputy Ministers to a statutory body called the National Conventional Arms Control Committee. The Committee is mandated to regulate and control all aspects of trade in conventional arms.

The Act defines trade in conventional arms as including any activity relating to the manufacturing, marketing, contracting, exportation, re-exportation, importation or conveyance of conventional arms, the rendering of brokering services and other services relating to conventional arms.

Regulations (secondary legislation) pertaining to arms control have been published in a *Government Gazette* (No 26372 of 28 May 2004) and incorporate the Wassenaar List of Dual-Use Goods, Technologies and Munitions that are subject to control.

Authorisations

The following permits are applicable in the regulatory control process:

- Armaments Development and Manufacturing Permit: This permit authorises persons whose activities fall within the definition of trade in conventional arms in terms of the Act to trade as specified in the permit. All services providers related to conventional arms also require this permit.
- Marketing Permit: The owner of a conventional arm or service regulated in terms of the Act requires a marketing permit for such conventional arm or service. The holder of a marketing permit may market the conventional arm or service internationally.
- Contracting Permit : The contracting permit grants authorisation to the permit holder to enter into an agreement(s) with a foreign client to supply specified conventional arms and services. The contractual permit conveys political approval for such negotiations to take place.
- Export Permit :
The export permit regulates the transfer of conventional arms from South Africa to a person resident in a foreign country whether such export is permanent or temporary.
An export permit is required for each consignment from the munitions list while multiple exports of dual-use goods can be authorised.
Munitions transferred for repair purposes are also regulated.
End User Certificate criteria is applicable to all permanent munition transfers.
- Import Permit : The import permit regulates the transfer of conventional arms from a person resident outside South Africa to a person inside South Africa.
- Conveyance Permit : The conveyance permit regulates the conveyance of foreign owned conventional arms through or over South African territory to a foreign destination

Conventional Arms Categories

Conventional arms are grouped into the following categories when making reports on transfers to the public.

Category A: SENSITIVE MAJOR SIGNIFICANT EQUIPMENT

This category comprises conventional implements of war such as explosives, large calibre arms and automatic weapons, guns and missiles, bombs and grenades, tanks, fighter aircraft, attack helicopters and naval vessels that could cause severe casualties and/or major damage and destruction.

Category B: SENSITIVE SIGNIFICANT EQUIPMENT

This category comprises all types of infantry hand held and portable assault weapons of a calibre 12,7 mm and below.

Category C: NON-SENSITIVE EQUIPMENT

This is a general category and comprises all support equipment usually employed in the direct support of combat systems or operations, but that have no inherent capability to kill or to destruct. Included are all forms of electronic equipment, radio and communication equipment; systems such as flight control, tactical observation, propulsion, missile tracking and guidance, weapon-firing sights; transport equipment for logistical support and various other miscellaneous equipment.

Category D: NON-LETHAL EQUIPMENT

This category is limited to purposely designed demining, mine clearing and mine detecting equipment, and all non-lethal pyrotechnical and riot control products.

Category G: GENERAL SERVICES

General services include all purposely built manufacturing equipment, plants, facilities and test ranges and all services of whatever nature or form to any institution of a foreign country that has a relevance to rendering aid, advice, or assistance or training in relation to conventional arms.