

A BACKGROUND INFORMATION DOCUMENT ON COMPLIANCE BY STATES PARTIES WITH ALL THEIR OBLIGATIONS UNDER THE CONVENTION

ARTICLE IV

1. South Africa attaches importance to the implementation of the Biological and Toxin Weapons Convention and has promulgated legislation that allows for monitoring and control of biological agents and toxins.
2. The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993) is the national implementing legislation that governs all aspects related to the non-proliferation of weapons of mass destruction, including the Biological and Toxin Weapons Convention. The Act prohibits the import, export, re-export, transit (including transshipment), possession, development, manufacture, production, acquisition in any manner, use, operation, stockpiling, maintenance, transport, disposal, sale, and retention of biological weapons. South Africa's National Authority, the South African Council for the Non-Proliferation of Weapon of Mass Destruction (the Council) is established in terms of the above-mentioned Act to control, manage and fulfil the obligations of the Republic regarding non-proliferation, which includes the implementation of the Biological and Toxin Weapons Convention.
3. This Act is supplemented by secondary legislation, which includes the Regulation declaring certain biological agents, toxins and equipment as controlled. These regulations further stipulate the export control requirements.
4. The export control system allows for better monitoring of the possession and transfers of controlled biological goods and technologies. Any person in possession or control of controlled goods have to be registered with the Council and the transfer of controlled biological agents is subject to a licence and notification requirements.
5. The Act covers the control of human, animal, plant pathogens and equipment from a Non-Proliferation perspective. There is other domestic legislation related to the control of biological material, which includes *inter alia* the National Health Act, 2003 (Act No. 61 of 2003), Animal Health Act, 2002 (Act No. 7 of 2002), and the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
6. Stakeholder engagement is an important aspect of providing a holistic approach to the control of such agents and South Africa has established a Coordinating Committee where all the stakeholders that control biological agents and toxins meet on a regular basis.
7. South Africa has other measures that it has put in place to deter the illicit and unauthorised movement of controlled biological agents and toxins. One of those measures includes a relationship between the Council and the customs and border control authority, the South African Revenue Service, which is enforced through a Memorandum of Understanding, to assist in the implementation of the Non-Proliferation of Weapons of Mass Destruction legislation at South Africa's ports and borders. This allows for the detection and deterrence of the illicit and unauthorised movement of controlled biological agents and toxins. A commodity identification training is also conducted for Customs Officials, on a regular basis, to increase awareness about the legislation and ensure that customs officials are familiar with the controlled items.

CONFIDENCE BUILDING MEASURES

South Africa regards the submission of the annual CBM declaration as a political commitment and as a result has consistently participated in the submission of the forms.