

Arms Trade Treaty: Baseline Assessment Questionnaire

State Name:	South Africa	
Completed by:	C. C. CROWLEY	
Position / Date:	DEPUTY DIRECTOR, CONVENTIONAL ARMS, DEPARTMENT OF INTERNATIONAL RELATIONS & COOPERATION, SOUTH AFRICA / 12/16/2015	
The results of this survey may be included in the ATT-BAP database and made publicly available.	X	
The results of this survey may be included in the ATT-BAP database, but not made publicly available.		

Once completed, please return this form to:
att@stimson.org
 or by post to
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 United States

Arms Trade Treaty-Baseline Assessment Project (ATT-BAP)

The Arms Trade Treaty-Baseline Assessment Project (ATT-BAP) is an initiative developed by Rachel Stohl, Stimson and Paul Holtom, SIPRI. With your input, the ATT-BAP will help to ensure the future success of the ATT in the following ways:

- Give clear guidance on the obligations contained in the ATT for States Parties;
- Increase understanding of measures that can be taken to ensure that states are in a position to ratify the ATT and ensure effective implementation of the Treaty;
- Contribute towards targeted and coordinated international assistance, by providing information to help avoid duplication and ensure that scarce resources are utilized most effectively;
- Deliver a baseline assessment of UN Member States' ability to effectively implement the ATT; and
- Provide indicators for future measurement of the Treaty's impact.

ATT-BAP has developed an ATT Baseline Assessment Survey for States to assist them in understanding the obligations contained in the ATT. It is expected that by completing the Survey States will be able to clearly identify:

- What a State already does to implement the Treaty;
- What a State needs to do to implement the Treaty; and
- What type of assistance a State requires to implement the Treaty.

The ATT-BAP will provide the information contained in every completed ATT Baseline Survey in an online database that will be accessible on the ATT-BAP website (<http://www.armstrade.info/>) in June 2014. This information will assist States, the United Nations, regional organizations, and civil society organizations as they develop implementation projects and programs for capacity-building, legal and legislative assistance, and other measures to effectively implement the ATT.

ATT-BAP website: <http://www.armstrade.info/>

Arms Trade Treaty: Baseline Assessment Questionnaire

1 NATIONAL CONTROL SYSTEM AND LIST

A. Does your State maintain a national system for controlling or regulating:
[Articles 3, 4, 5.2, 8, 9, 10]

	<u>Yes</u>	<u>No</u>
i) Export	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Import	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Transit / Transshipment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) By land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) By sea	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) By air	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Brokering	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. For which activities does your State maintain a national control list of conventional arms:
[Article 2.2 and Article 5.2]

	<u>Yes</u>	<u>No</u>
i) Export	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Import	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Transit / Transshipment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Brokering	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C. Does your national control list cover the following:
[Articles 2.1, 3, 4, and 5.2]

	<u>Yes</u>	<u>No</u>
i) Battle tanks [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Armored combat vehicles [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Large-caliber artillery systems [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Combat aircraft [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Attack helicopters [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi) Warships [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vii) Missiles and missile launchers [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
viii) Small arms and light weapons [Article 2.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ix) Ammunition / Munitions for the above items [Article 3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
x) Parts and components requiring control for the above items [Article 4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>

D. Is/are your national control list(s) publicly available? [Article 5.3]

	<u>Yes</u>	<u>No</u>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ii) If yes, please provide a copy or link to where your control list is made publicly available.

Through a list that is presented to the South African Parliament.

ii) If no, please provide a copy of your control list or provide information on the additional items that are covered.

No

Arms Trade Treaty: Baseline Assessment Questionnaire

E. Are the controlled items defined? [Article 5.3] Yes

i) If yes, which definition(s) do you use? (e.g. Wassenaar, United Nations Register of Conventional Arms, National definitions, etc.)

Wassenaar Arrangement

2 EXPORTS

	Yes	No	Details / reference / Web link /additional comments	Do not know
A) Is the control of arms exports established in national legislation? [Article 5.5]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The National Conventional Arms Control (NCAC), Act 2002 (Act No 42 of 2002) as amended by the National Conventional Arms Control Amendment Act 2008 (Act No 73 of 2008).</p> <p>The National Conventional Arms Control Regulation, Notice No R 637 of 28 May 2004.</p> <p>The Firearms Control Act, No 60 OF 2000 as amended and its supporting notices and regulations.</p>	<input type="checkbox"/>
B) Which Ministry/ies or government agency/ies is/are responsible for implementing controls on arms exports? [Article 5.5]			<p>The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry.</p> <p>The SC provides their recommendations to the NCACC, for consideration and approval.</p>	<input type="checkbox"/>
i) Which Ministry or agency leads this process? [Article 5.5]			<p>The NCACC leads the process. The Directorate for Conventional Arms Control (DCAC) serves as a Secretariat of the NCACC and performs the work incidental to and as directed by the NCACC or its sub-committees. The DCAC is currently based within the Department of Defence and Military Veterans. The DCAC amongst others, registers and processes and issues all permits that are authorised by the</p>	<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

	NCACC			
C) Does your State take measures to ensure that all authorizations are detailed and issued prior to export? [Article 7.5]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>See above re the DCAC's areas of responsibility.</i>	<input type="checkbox"/>
i) If yes, what measures does your State take to ensure that all authorizations are detailed and issued prior to export?	In terms of the NCAC Act, any person intending to trade in controlled items or activities related thereto, must first successfully register with the NCAC Secretariat, i.e. by completing and submitting the prescribed registration application form, which is obtainable from the Secretariat. The registration process is only complete once the Secretariat confirms the registration and issues a Registration Certificate (RC) with a unique reference number. Once an RC is issued, the holder may thereafter apply for further permits.			<input type="checkbox"/>
D) Can your State reassess an authorization if your State becomes aware of new and relevant information? [Article 7.7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In the process of approval, before a permit for export is issued. The permit is sent for assessment to the review departments prior to being released. This ensures that should there be new, relevant information presented to the DCAC through this review process, the Export permit will then not be released, until all remedies have been exhausted.	<input type="checkbox"/>
E) Does your State maintain records of arms export authorizations? [Article 12.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According to the NCAC Act, a record of controlled items processed must be kept for a minimum of 5 years. Furthermore, the National Archives of South Africa Act, 1996 stresses that all government records must be kept for a minimum period of 20 years.	<input type="checkbox"/>
i) For how many years are records maintained? [Articles 12.1, 12.4]	20			<input type="checkbox"/>
ii) What information do the records contain? [Article 12.3]				<input type="checkbox"/>
a) Quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
b) Value	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
c) Model/type	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
d) Importing State	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
e) End-User	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
f) Other (please specify)	See above			
	Yes	No	Details / reference / Web link /additional comments	Do not Know
F) Does your State maintain records of actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

arms exports? [Article 12.1]			
i) For how many years are records maintained? [Articles 12.1, 12.4]	20		<input type="checkbox"/>
ii) What information do the records contain?			<input type="checkbox"/>
a) Quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Value	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Model/Type	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Importing State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) End-User	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Transit /transshipment State(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Other (please specify)	See above		
G) Please provide any other information on export practices you would like to share.	See above		

3 IMPORTS

	Yes	No	Details / reference / Web link /additional comments	Do not Know
A) Is the regulation of arms imports established in national legislation? [Article 8.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The National Conventional Arms Control Act, (NCACA), Act 2002 (Act No 42 of 2002) as amended by the National Arms Control Amendment Act 2008 (Act No 73 of 2008). As well as the National Conventional Arms Control Regulation, Notice No R 637 of 28 May 2004.	<input type="checkbox"/>
B) Which Ministry/ies or government agency/ies is/are responsible for regulating arms imports? [Article 5.5]			The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry. The SC provides their recommendations to the NCACC, for consideration and approval.	<input type="checkbox"/>
i) Which Ministry or agency leads this process? [Article 5.5]			The NCACC leads the process. The Directorate for	<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

	Conventional Arms Control (DCAC) serves as a Secretariat of the NCACC and performs the work incidental to and as directed by the NCACC or its sub-committees. The DCAC is currently based within the Department of Defence and Military Veterans. The DCAC amongst others, registers and processes and issues all permits that are authorised by the NCACC		
C) What measures does your State take to regulate imports? [Article 8.1]	In terms of the NCAC Act, any person intending to trade in controlled items or activities related thereto, must first successfully register with the NCAC Secretariat, i.e. by completing and submitting the prescribed registration application form, which is obtainable from the Secretariat. The registration process is only complete once the Secretariat confirms the registration and issues a Registration Certificate (RC) with a unique reference number. Once an RC is issued, the holder may thereafter apply for further permits.		<input type="checkbox"/>
D) Does your State have measures in place to ensure that appropriate and relevant information is available to exporting States as part of their export assessment process? [Article 8.1 and 11.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If requested through official channels the information will be provided. <input type="checkbox"/>
E) Does your State maintain records of arms imports? [Article 12.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	According the NCAC Act record must be kept for a minimum of 5 years. Furthermore, the National Archives of South Africa Act, 1996 stresses that all government records must be kept for a minimum period of 20 years <input type="checkbox"/>
i) For how many years are records maintained? [Articles 12.2 and 12.4]	20		<input type="checkbox"/>
	Yes	No	Details / reference / Web link /additional comments
ii) What information do the records contain? [Article 12.3]			<input type="checkbox"/>
a) Quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Value	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Model / type	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Exporting State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Transit /transshipment State(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other (please specify)	As above		
F) Please provide any other information on import practices you would like to share.	As above		

Arms Trade Treaty: Baseline Assessment Questionnaire

4 TRANSIT/TRANSHIPMENT

	Yes	No	Details / reference / Web link / additional comments	Do not Know
A) Is the regulation of transit and/or transshipment established in national legislation? [Article 9]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In South Africa, Transit/Transshipment is referred to as a Conveyance and this is highlighted in the NCAC Act	<input type="checkbox"/>
i) If yes, please provide the definition of transit and/or transshipment in your national legislation.			A conveyance permit is required to enable the holder of a Registration Certificate (RC) to convey controlled items owned by a person residing in a foreign country through or over the territory of the Republic of South Africa, (RSA). Such an application must include a Diplomatic Note from the government of the country that owns the controlled items that are intended to be conveyed through the RSA.	<input type="checkbox"/>
B) Which Ministry/ies or government agency/ies is/are responsible for regulating arms transit and/or transshipment? [Article 5.5]			The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry. The SC provides their recommendations to the NCACC, for consideration and approval.	<input type="checkbox"/>
i) Which Ministry or agency leads this process? [Article 5.5]			The NCACC leads the process. The Directorate for Conventional Arms Control (DCAC) serves as a Secretariat of the NCACC and performs the work incidental to and as directed by the NCACC or its sub-committees. The DCAC is currently based within the Department of Defence and Military Veterans. The DCAC amongst others, registers and processes and issues all permits that are authorised by the NCACC	<input type="checkbox"/>
C) What measures does your State take to regulate transit and/or transshipment under its jurisdiction? [Article 9]			Please see A2 above.	<input type="checkbox"/>
D) Does your State maintain records of arms that are authorized to transit and/or transship territory under	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

its jurisdiction? [Article 12.2 and 12.4]				
i) For how many years are records maintained? [Article 12.4]	20			<input type="checkbox"/>
	Yes	No	Details / reference / Web link /additional comments	Do not Know
ii) What information do the records contain? [Article 12.3]				<input type="checkbox"/>
a) Quantity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
b) Value	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
c) Model/Type	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
d) Exporting State	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
e) Importing State	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
f) Transit / transshipment State(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
g) End-User	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
h) Other (please specify)				
E) Please provide any other information on transit and/or transshipment practices you would like to share.				

5 ARMS BROKERING

	Yes	No	Details / reference / Web link /additional comments	Do not Know
A) Is the regulation of arms brokering established in national legislation? [Article 10]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The National Conventional Arms Control Act, (NCACA), Act 2002 (Act No 42 of 2002) as amended by the National Arms Control Amendment Act 2008 (Act No 73 of 2008). As well as the National Conventional Arms Control Regulation, Notice No R 637 of 28 May 2004.	<input type="checkbox"/>
i) If yes, please provide the definition of brokering used in your national legislation?			South Africa's approach is to manage the trade in controlled items (arms) in all the various aspects, through a legitimate, transparent process. This allows for legitimate trade but implement measures that would prevent the diversion of controlled items to non-authorized persons and entities. South Africa's controls, depending on the sensitivity of the controlled items aim to include the following controls: Provision of (brokering) services, i.e. - acting as an agent in negotiating or arranging of a contract, purchase, sale or transfer of controlled items for a commission, advantage or cause, whether financially or	<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

	otherwise -acting as an agent in negotiating or arranging a contract for the provision of services for a commission, advantage or cause, whether financially or otherwise.	
B) Which Ministry/ies or government agency/ies is /are responsible for implementing controls on arms brokering? [Article 5.5]	The Chairperson of the NCACC in conjunction with the Minister of Defence and Military Veterans is responsible for the administration of the various Acts related to the NCAC Act. The NCAC Act stresses the need for an evaluation process that is transparent, consistent and which is based on set criteria. The Scrutiny Committee (SC) is set to achieve the objectives as set above and meets once a month to consider applications pertaining to controlled items (Import, Exports, etc.) The SC is made up of representatives from Government Departments, as follows: Defence and Military Veterans; International Relations and Cooperation; Science and Technology; South African Police Service; the State Security Agency and Trade and Industry.	<input type="checkbox"/>
i) Which Ministry or agency leads this process? [Article 5.5]	The NCACC leads the process. The Directorate for Conventional Arms Control (DCAC) serves as a Secretariat of the NCACC and performs the work incidental to and as directed by the NCACC or its sub-committees. The DCAC is currently based within the Department of Defence and Military Veterans. The DCAC amongst others, registers and processes and issues all permits that are authorised by the NCACC	<input type="checkbox"/>
C) Does your State take measures to regulate brokering taking place under your jurisdiction? [Article 10]	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
i) If yes, what measures does your State take to regulate brokering taking place under your jurisdiction? [Article 10]	<i>As mentioned above</i>	<input type="checkbox"/>
D) Please provide any other information on brokering practices you would like to share.	As mentioned above	

6 PROHIBITIONS

	Yes	No	Details / reference / Web link / additional comments	Do not know
A) Does your State prohibit transfers of conventional arms:				
i) If the transfer would violate obligations under measures adopted by the United Nations Security Council acting under Chapter VII, in particular arms embargoes. [Article 6.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The first criteria in Section 15 of the NCACA, is to assess whether the envisaged transfer involves a country which is under the United Nations Security Council Resolution (UNSCR) which includes an arms embargo. Should this be the case the NCACC will not authorize the transaction	<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

			during the subsistence of such an arms embargo.	
ii) If the transfer would violate relevant international obligations under international agreements to which you are a party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms. [Article 6.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
a) Please provide a list of the relevant international agreements to which you are a party. [Article 6.2]	<p>Note: only concentrating on the Conventional Arms Control milieu:</p> <ul style="list-style-type: none"> -The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects and its annexed Protocols (CCW). -The Convention on Cluster Munitions -Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. -Montreal Convention on the Marking of Plastic Explosives for the Purpose of Identification. -The Arms Trade Treaty -The Wassenaar Arrangement 		<input type="checkbox"/>	
iii) If you have knowledge at the time of authorization that the arms or items covered by your State's legislation would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which you are a Party. [Article 6.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
a) Please provide a list of the relevant international agreements to which you are a party. [Article 6.3]	<p>Note: only concentrating on the Conventional Arms milieu:</p> <ul style="list-style-type: none"> -The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects and its annexed Protocols (CCW). -The Convention on Cluster Munitions -Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Montreal Convention on the Marking of Plastic Explosives for the Purpose of Identification. -The Arms Trade Treaty The Wassenaar Arrangement 		<input type="checkbox"/>	
B) Please provide any other information on prohibitions you would like to share.				
7 RISK ASSESSMENT	Yes	No	Details / reference / Web link /additional comments	Do not know

Arms Trade Treaty: Baseline Assessment Questionnaire

A) Does your State always conduct a risk assessment prior to authorization of an arms export? [Article 7.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Scrutiny Committee (SC) representing key government departments meets once a month to review all applications (import/export), in accordance with set criteria as prescribed by the Act and its attendant Regulations. This meeting is Chaired by the Secretary for Defence, supported by the National Conventional Arms Control Committee Secretariat, (DCAC). The recommendations of the SC are presented to the NCACC, for its consideration and approval. The NCACC also meet once a month, after the SC has met.	<input type="checkbox"/>
i) If no, please specify under which conditions a risk assessment is not required. [Article 7.1]				<input type="checkbox"/>
B) Does your State require that the following criteria are included in your national assessment prior to granting an export authorization: [Article 7.1]				<input type="checkbox"/>
i) Whether the arms would contribute to or undermine peace and security?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
ii) Whether the arms could be used to commit or facilitate a serious violation of international humanitarian law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iii) Whether the arms could be used to commit or facilitate a serious violation of international human rights law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iv) Whether the arms could be used to commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which your State is a party?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
v) Whether the arms could be used to commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which your State is a party?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As above.	<input type="checkbox"/>
C) Are additional criteria considered in addition to the above prior to authorizing a transfer:				
i) Risk of diversion [Article 11.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
ii) Acts of gender based violence? [Article 7.4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iii) Other (please specify)				

Arms Trade Treaty: Baseline Assessment Questionnaire

D) Does your State consider risk mitigation measures as part of its authorization process? [Article 7.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Details / reference / Web link / additional comments			Do not know
i) If yes, what risk mitigation measures does your State consider / practice? [Article 7.2] (i.e confidence building measures or jointly developed and agreed programs.)	Review Departments which are part of the SC, assess each application on its merits as per criteria set in the Act. Each review departments, has a mandate according to its strategic objectives. The assessments are disparate, but are used to compile the risk. A comprehensive profile of risk is appreciated and conclusion arrived at. Should this not be the case the application is kept in abeyance in order to conduct further investigations.			<input type="checkbox"/>
E) Please provide any other information on risk assessment and / or mitigation practices you would like to share.				

8 DIVERSION

	Yes	No	Details / reference / Web link / additional comments	Do not know
A) Does your State take preventative measures to mitigate the risk of diversion? [Article 11.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
i) If yes, what preventative measures does your State take to mitigate the risk of diversion?				<input type="checkbox"/>
B) Does your State cooperate and exchange information with States to mitigate the risk of diversion? [Article 11.3].	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Upon official request action will be undertaken.	<input type="checkbox"/>
C) Does your State take appropriate measures when it detects a diversion of transferred conventional arms?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
i) If yes, what appropriate measures does your State take when it detects a diversion of transferred conventional arms?				<input type="checkbox"/>
D) Is your State willing to share information on effective measures to address diversion?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	On official request	<input type="checkbox"/>
i) If yes, what information is your State willing to share?	On official request			<input type="checkbox"/>

9 ENFORCEMENT

	Details / reference / Web link / additional comments	Do not know
A) Which agency/ies is/are responsible for enforcing arms transfer controls? [Article 5.5]	The NCACA, provides for the establishment of an Inspectorate and Audit Unit. The Inspectorate conducts inspections and investigations on Entities that are registered with the NCACC. Violations that are discovered are then reported to the South African Police Services (SAPS), to conduct further investigations in line with its national jurisdiction and founding legislation. Should these investigations conducted by the SAPS conclude, the dossier is referred to the National Prosecution Authority (NPA).	<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

<p>i) Which Ministry or agency leads this process? [Article 5.5]</p>	<p>Depending on various challenges. However, as a rule the SAPS will be notified to investigate further, after the Inspectorate has conducted its initial report, with an eye on securing a prosecution. This is done in accordance with the Criminal Procedures Act. The NCAC Inspectorate's responsibility is to ensure that the trade in and possession of controlled items is conducted in compliance with the NCAC Act and that the internal regulatory procession of the NCACC are complied with. It should be noted that the Inspectorate is accountable to the NCACC only.</p>		<input type="checkbox"/>	
<p>B) What measures does your State take to enforce national laws and regulations that implement the provisions of the Treaty? [Article 14]</p>	<p>As above</p>		<input type="checkbox"/>	
<p>C) Please provide any other information on enforcement practices you would like to share.</p>				
<h2>10 TRANSPARENCY</h2>	<p>Yes</p>	<p>No</p>	<p>Details / reference / Web link /additional comments</p>	<p>Do not know</p>
<p>A) Will your State provide an initial report within one year of entry into force on measures undertaken in order to implement that ATT? [Article 13.1]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<p>B) Does your State produce an annual report on: [Article 13.3]</p>				
<p>i) Authorized arms exports</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<p>ii) Authorized arms imports</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<p>iii) Actual arms exports</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<p>iv) Actual arms imports</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The NCACC Secretariat provides an annual report which is presented to the South African Parliament. Further to this South Africa provides consistent information to the Wassenaar Arrangement as well as an annual report to the UN Register on Conventional Arms.</p>	<input type="checkbox"/>
<p>C) Are there legal impediments to the reporting requirements under the ATT? [Article 13.3]</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<p>D) Can your State report on measures taken to address the diversion of transferred conventional arms? [Article 13.2]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<p>E) Has your State designated a national contact point for the ATT? [Article 5.6]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<p>i) If yes, please provide contact information.</p>	<p>Directorate: Disarmament and Non-Proliferation The Department of International Relations and Cooperation Pretoria, South Africa. Mr C.C. Crowley Tel: 0027-12-351-8528 crowleyc@dirco.gov.za</p>		<input type="checkbox"/>	

Arms Trade Treaty: Baseline Assessment Questionnaire

F) Please provide any other information on transparency practices you would like to share.

11 INTERNATIONAL COOPERATION

	Yes	No	Details / reference / Web link /additional comments	Do not know
A) Is your State involved in cooperative measures that will help to implement the ATT? [Article 15.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
B) Is your State currently involved in:				
i) Exchange of information on conventional arms transfers [Articles 15.2 and 15.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
ii) Cooperative measures to prevent diversion [Article 15.4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iii) Widest measure of assistance in investigations, prosecutions and judicial proceedings [Article 15.5]	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iv) Measures to prevent corruption [Article 15.6]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
v) Development of best practices and lessons learned [Article 15.7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
C) Does your State intend to pursue cooperation in:				
i) Exchange of information on conventional arms transfers [Articles 15.1, 15.2 and 15.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
ii) Cooperative measures to prevent diversion [Article 15.4]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iii) Widest measure of assistance in investigations, prosecutions and judicial proceedings [Article 15.5]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
iv) Measures to prevent corruption [Article 15.6]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
v) Development of best practices and lessons learned [Article 15.7]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

12 INTERNATIONAL ASSISTANCE

	Yes	No	Details / reference / Web link /additional comments	Do not know
A) Does your State require assistance to implement the provisions of the Arms Trade Treaty? [Article 16.1] If yes, please answer B. If no go straight to C. [Article 16.2]	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
B) Does your State require: [[Article 16.1]				

Arms Trade Treaty: Baseline Assessment Questionnaire

i) Legal assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
ii) Legislative assistance, including model legislation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
iii) Assistance for institution building	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
iv) Technical assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
v) Financial assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
vi) Material assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
vii) Stockpile management assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
viii) Disarmament, demobilization, or reintegration assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
ix) Assistance with effective practices for implementation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
x) Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
<p>C) Is your State in a position to provide assistance to other States to enable implementation of the provisions of the Arms Trade Treaty? [Articles 16.1, 16.2 and 16.3] If yes, please answer D. If no, please go straight to E.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>South Africa has some active NGOs and Non-Profit Companies that have indicated their willingness to assist other African countries re legislation development and Disarmament training/education with emphasis on the ATT.</p> <p>It should be noted that South Africa has a great deal of practical experience re Arms Control and is able to impart knowledge bearing in mind financial and capacity constraints.</p>	<input type="checkbox"/>
	Yes	No	Details / reference / Web link /additional comments	Do not know
D) Is your State in a position to provide:[Article 16.1]				
i) Legal assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
ii) Legislative assistance, including model legislation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
iii) Assistance for institution building	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
iv) Technical assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
v) Financial assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
vi) Material assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
vii) Stockpile management assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
viii) Disarmament, demobilization, or reintegration assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
ix) Assistance with effective practices for implementation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
x) Other (please specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Please note, South Africa has the practical experience but capital is limited. However, there are some NGO's in the country that can</p>	<input type="checkbox"/>

Arms Trade Treaty: Baseline Assessment Questionnaire

			assist from an African perspective.
E) Please provide information on any additional needs required to implement the ATT, particularly with regards to legal, licensing, customs, awareness raising and enforcement of sanctions, reporting, and transparency. [Articles 16.1 and 16.2]	<p>In South Africa, the legislative implementation of the ATT legislatively will lie with State Organs. However, there is an active NGOs and Non-Profit Companies culture. This would accordingly be used to strengthen implementation as some of these NGOs have indicated their willingness to assist other African countries re: legislation development and Disarmament training/education with emphasis on the ATT.</p> <p>It should be noted that South Africa has a great deal of practical experience re Arms Control and is able to impart knowledge bearing in mind financial and capacity constraints</p>		
F) Please provide information on any specific assistance programs that your State has provided that may help others implement the ATT, particularly with regards to legal, licensing, customs, awareness raising and enforcement of sanctions, reporting, and transparency. [Articles 16.1 and 16.2]			
G) Please provide information on specific assistance your State has received through the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis that could be considered relevant for ATT implementation. [Article 16.2]			

13 THE ARMS TRADE TREATY

	Yes	No	Details / reference / Web link /additional comments
A) Has Your State already signed the Arms Trade Treaty?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B) Has your State already ratified the Arms Trade Treaty?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Treaty has been ratified by the South African Parliament in 2014. .
C) Is your State preparing to sign the Arms Trade Treaty in the next two years?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
D) Is your State preparing to ratify the Arms Trade Treaty in the next two years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E) Will/Has your State formulate/d one or more reservations upon ratification? [Article 25.1]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
i) If yes, please provide a description of your reservation (s).			