
**Meeting of the States Parties to the Convention
on the Prohibition of the Development,
Production and Stockpiling of Bacteriological
(Biological) and Toxin Weapons and on Their
Destruction**

7 August 2013

English only

2013 Meeting

Geneva, 9–13 December 2013

Meeting of Experts

Geneva, 12–16 August 2013

Item 7 of the provisional agenda

**Standing agenda item: strengthening
national implementation**

Implementation of the BTWC in South Africa

Submitted by South Africa

I. Introduction

1. It is generally accepted that States Parties should implement the BTWC in a comprehensive manner. However in discussions and negotiations on the Convention the broad picture tends to get distorted at times.
2. The purpose of this paper is to place South African views on CBMs and Article X in perspective through a description of the implementation of the Convention in South Africa.

II. Governance

3. The implementation of all conventions, treaties and other arrangements related to Weapons of Mass Destruction that South Africa is a State Party to (including the BTWC) is governed by one act, the Non-Proliferation of Weapons of Mass Destruction Act (Act no 87 of 1993). This act is implemented through a number of Regulations that govern general aspects affecting all types of WMD, as well as specific regulations addressing aspects of individual types of WMD, such as lists of controlled items.
4. In terms of the BTWC, regulations require that all facilities that have listed agents, toxins or equipment on their premises must register with the SA Council for the Non-Proliferation of Weapons of Mass Destruction (see below). Furthermore, these regulations also govern export control of all listed agents, toxins and equipment.
5. The Act, as well as the relevant regulations, have been declared in the South African CBM declarations and have been submitted to the ISU as required.

III. Structures

6. The Act (Act no 87 of 1993) prescribes the establishment of a statutory body, the South African Council for the Non-Proliferation of Weapons of Mass Destruction (NPC) which is appointed by the Minister of Trade and Industry. The NPC is responsible for all aspects related to the implementation of all conventions, treaties and other international agreements pertaining to the non-proliferation of weapons of mass destruction. The NPC is also the nodal point for communication with the ISU.

7. The NPC utilises technical committees to provide it with technical advice on relevant issues. The committee on BTWC consists of representatives from all the relevant government departments (Health, Agriculture, International Relations and Cooperation, Defence); industry and civil society. This committee provides input on policy matters, legislation and the preparation of national positions. It also plays a role in the gathering of information and preparation of the annual CBM declarations.

8. The NPC is supported by a Secretariat (NPS), which provides administrative and other support functions for the NPC, which includes the management of all registrations, applications for import and export permits, provision of technical support to South African delegations to all meetings and conferences and provision of secretarial and other administrative support to the committees of the Council. The section of the NPS responsible for the BTWC and the CWC consists of 2 individuals.

IV. Specific issues

A. Confidence-Building Measures

9. South Africa has submitted its CBM declaration every year since 1994. The annual CBM is prepared by the two persons responsible for the BTWC and CWC in the Non-Proliferation Secretariat together with an additional person who is involved on a part time basis. The gathering of information is coordinated in the Biological Committee of the NPC because all the sources from which information must be obtained are represented in the committee. This system has been utilised for the last 15 years and functions well.

10. The same three people would be responsible to obtain and study the CBMs from other States Parties if such analysis is required.

11. In the past 15 years, South Africa has never requested or studied the CBM of any other State Party, has never consulted another State Party on any issue in its CBM and has not been consulted by another State Party due to the following reasons:

(a) There has never been a need for such consultations. CBMs were never utilised with regard to any issues that might have arisen.

(b) The two full time and one part time official do not have sufficient time available to study the CBMs of all other States Parties.

(c) Translation of all CBMs not in the English language would have to be contracted out at great cost because there is no translation capability in the Secretariat.

12. It is therefore clear that the CBM system has limited, if any, utility for South Africa. South Africa therefore complies with submission of its CBM annually due to it being an obligation.

B. Article X

13. South African institutes are involved in many cooperation programmes with other States in Africa as well as developed States Parties. These programmes include research activities, disease surveillance and diagnostics and other aspects of infectious disease management. In some programmes funding is provided by a developed State and South Africa provides the service, training and other inputs into the programme. The programmes cover human, animal and plant health.

14. These programmes were not established in terms of Article X of the Convention, but fall within the broader context of the Convention.

15. Some examples of such programmes by the National Institute for Communicable Diseases (NICD) are the following:

(a) Regional reference laboratory for Influenza research and surveillance on behalf of the WHO. The NICD work closely with WHO-AFRO to support Southern African countries with Influenza confirmatory testing and training upon request. These activities are funded by the CDC as part of a regional budget for Influenza pandemic preparedness.

(b) Regional reference laboratory to Southern Africa for WHO-AFRO for invasive bacterial disease surveillance of vaccine-preventable diseases including bacterial causes of meningitis. The NICD provide services such as laboratory training, laboratory assessments, reference laboratory testing, and accreditation support...?

(c) Participation in the African Rotavirus Network coordinated by the WHO.

(d) South Africa is a member of the WHO network for emerging and dangerous pathogens, concerning BSL-3 and BSL-4 bacterial and viral pathogens. The NICD provide services such as laboratory training, laboratory assessments, reference laboratory testing, external quality assurance proficiency runs and accreditation support.

(e) Assisting the Ministries of Health of neighbouring countries with sexually transmitted diseases (STI) surveys and training of lab technologists on STI diagnostics.

V. Conclusions

16. South Africa has a well established and functioning system for the implementation of the BTWC based on comprehensive domestic legislation which is regularly reviewed.

17. South Africa regards the submission of an annual CBM declaration as an obligation although it has limited utility nationally and in terms of the building of confidence among States Parties. Therefore, the participation by States Parties in the system is likely to remain low. The purpose and use of the whole system needs to be analysed and revised for States Parties to consider fulfilment of the obligation.

18. South Africa believes that Article X of the BTWC can play an important role in improving human, animal and plant health in the world and further improving health capabilities to combat infectious disease in all countries. This, however, can only be achieved if Article X is implemented by all States Parties in a manner that allows for practical and effective programmes that are aimed at the improvement of these health capabilities. In this regard the Cooperation Database can play a major role and therefore, it should be developed and expanded in order to fulfil this important role.