

DENEL RESPONSE TO PROHIBITION OR RESTRICTION OF CERTAIN CONVENTIONAL WEAPONS BILL

Denel (Pty) Ltd was invited to review the above Bill and to provide comments thereon.

The Bill was distributed to all the Chief Executive Officers of Denel Subsidiaries and General Managers of Denel divisions for their comments, as well as to the relevant Denel legal advisors.

We accordingly provide the following comments received:

COMMENTS

1. Clause 5(b) prohibits possession, procuring, manufacturing, stockpiling, transfer, dealing in, importing or exporting a component part of a weapon contemplated in paragraph (a); and,


the definition for "component part" means any identifiable component designed or adapted to form an essential and integral part of any weapon prohibited by this Act.

 - 1.1 **Response to the Clause:** It is a concern to Denel that generic components (such as for example, detonators) which may be used in a variety of devices, including devices prohibited by this Bill, although not specifically designed or adapted or provided, exported or supplied as a component for a prohibited weapon, may potentially be used in such prohibited weapons without the knowledge of the manufacturer.
 - 1.2 In order to provide greater clarity in clause 5(b) we suggest that the definition under clause 1 of '**component part**' be amended as follows:

"component part" means any identifiable component designed or adapted specifically for the purpose to manufacture weapons described in 5(a) or to form an essential and integral part of any weapon prohibited by this Act"
2. Under Clause 1, the definition for "**military objective**" reads: "*means any object which by its nature....*"
 - 2.1 **Response to the Clause:** Our submission is that the word "*object*" in this clause should either be replaced by "*objective*", or the words "*or objective*" should be added to this clause after "*object*".
3. Also under clause 1, the definition for "**procure**", includes the words "or discovery".
 - 3.1 **Response to the Clause:** It is our submission that to include the words "or discovery" in this definition may have the unintended consequence of making a person who innocently discovers such prohibited weapon guilty of an offence as contemplated by the Bill.
 - 3.2 We propose that the words "or discovery" be deleted from this definition.
4. Also under Clause 1, the definition for "**transfer**" includes the "*transit of prohibited or restricted weapons through the territory of the Republic by any means*".

- 4.1 **Response to the Clause:** One of the Denel Subsidiaries, Mechem (Pty) Ltd is involved in de-mining activities, the destruction of mines, unexploded munitions and ordnance, etcetera, in terms of their main business. It is conceivable that they may have to transport prohibited and/or restricted weapons under this Bill, for legitimate and lawful purposes in performing their duties.
- 4.2 **Question:** How will legitimate and lawful possession (as described in Par 4.1 and read with Clause 5 of the Bill) or transfer of prohibited weapons be regulated?

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