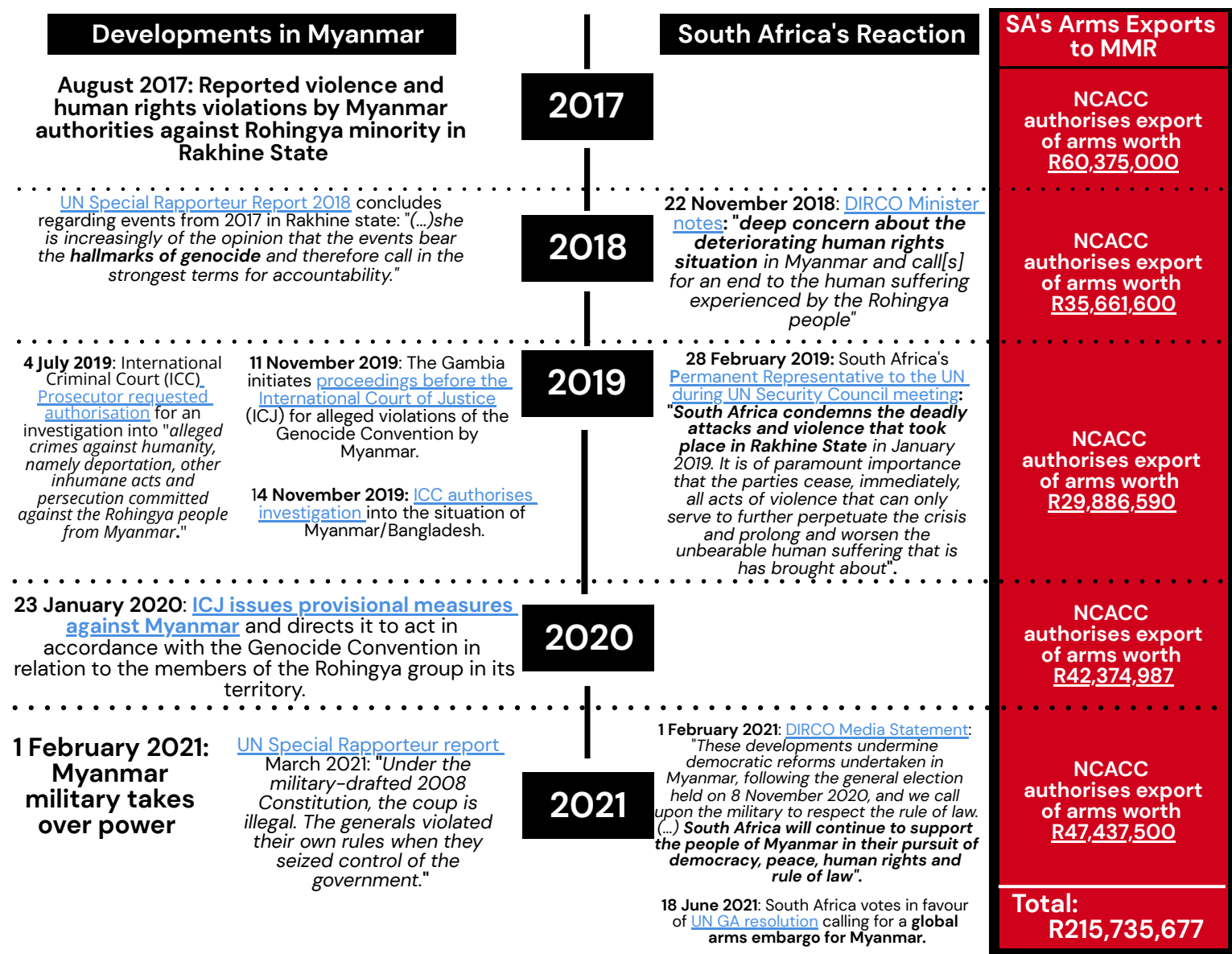




# SOUTH AFRICAN ARMS TRANSFERS TO MYANMAR DECLARED UNLAWFUL

On 22 October 2022, the Southern Africa Litigation Centre (SALC) filed an application in the North Gauteng High Court of South Africa (Pretoria) seeking a declarator that the National Conventional Arms Control Committee (NCACC) must suspend any existing contract and/or export permit(s) pertaining to the transfer of arms to a country that has experienced an unconstitutional change of government; and/or a country reasonably suspected, by a special rapporteur, independent expert, or other person working in term of a United Nations mandate, of having committed any crime against humanity, war crime, or genocide. SALC further sought the review and setting aside of permits that facilitated the transfer of arms to Myanmar (MMR).



## Legislation

Under section 15 of the National Conventional Arms Control Act (NCAC Act), the NCACC must:

- avoid transfers of arms to governments that systematically violate or suppress human rights and fundamental freedoms
- avoid transfers of arms that are likely to contribute to the escalation of regional military conflicts;
- adhere to international law, norms and practices and the international obligations and commitments of the Republic

## SALC's arguments

SALC argues that South Africa exported arms from 2017 until 2021 to Myanmar despite having knowledge of the grave human rights violations, potential violations of the Genocide Conventions and a military coup. SALC argued that such exports violate provisions of the NCAC Act and international law such as the Genocide Convention. The Genocide Convention imposes on all states a obligation to prevent acts of genocide.

**On 19 July 2024, the High Court of South Africa (Pretoria) granted the sought relief by SALC.**